

Minutes of the Group Meeting held on 15th December 2021

Present:

Helen Fitzsimons (in the chair)
Andy Speirs
Mandy Jones
Carrie Mc Donagh
Jacqueline Mc Parland
Beverley Stevenson
Rosemary Daly (observing)
Laura Roddy (observing)

Appeal Considered

2019/E0054

Appeal by Mr Allan Trueman

Against an enforcement notice concerning the alleged Unauthorised Erection of an Extension to a Dwelling being used as a Commercial Catering Business at land at 12 Bellville Drive, Lenaderg Banbridge

Reported by: Commissioner Carrie Mc Donagh

Decision:

- The appeal on ground (c) fails.
 - The appeal on ground (d) fails.
 - The appeal on ground (a) succeeds and the deemed application is allowed subject to the following conditions
1. The floorspace of the commercial premises hereby approved shall not exceed 17sqm and shall only be used for food preparation and for no other use within Use Class B2 of the Use Classes Order NI 2015.
 2. The business operations shall only be carried out within the premises by Mr Allan Trueman.

3. No commercial deliveries from the appeal site shall take place outside of the hours of 07.00hrs to 19.00hrs Monday to Friday and 08.00hrs to 13.00hrs Saturday. No commercial deliveries from the site shall occur on a Sunday.
4. Commercial deliveries comprising of bulk food produce or packaging materials shall not take place to the premises at any time.
5. Business activity comprising of food preparation operations within the premises shall not take place outside of the hours of 12 noon to 19.00 Monday to Friday.
6. Within 2 months of the date of this decision, details of a proprietary 3-tier odour abatement system for the extraction and dispersal of cooking smells/fumes, including details of its method of construction, odour control measures, its appearance and finish shall be submitted to and approved in writing by the Council. The outlet of the abatement system shall terminate at a height no less than 1 metre above the eaves height of the building housing the commercial kitchen and shall be directed away from the nearest residential receptor. Noise levels shall be agreed with the Council at a level which would not cause harm to residential amenity. The 3-tier abatement system shall be installed within 2 months of the Council's approval and thereafter retained and maintained to the satisfaction of the planning authority. It shall operate during all commercial cooking operations.
7. The odour abatement system as required under condition 6 shall not be operational outside of the hours during which food preparation operations can be undertaken as set out within condition 5.
8. Within 28 days of the receipt of a written request from the Council following a complaint which it judges to be reasonable from an occupant of a dwelling relating to noise from the premises or from the odour abatement system, the operator shall, at his or her expense, employ a suitably qualified and competent person to undertake a noise test at the complainant's property to assess the level of noise emissions. The test results and the data on which it was based shall be submitted to the planning authority within 2 months of the date of the written request unless otherwise agreed in writing with the Council.

- o The notice is quashed.

Vote 4:3