

Development Management Committee Report

Summary	
Application ID: LA04/2024/0574/F	Committee Date: 27 th June 2024
Proposal: Proposed temporary nursery and primary school, soft play area, access, parking, landscaping, and ancillary site works	Location: Lands adjacent and east of No.44 Montgomery Road, Belfast BT6 9HL
Referral Route: At the discretion of the Director of Planning and Building Control under paragraph 3.8.7 of the scheme of delegation.	
Recommendation: Approval subject to conditions	
Applicant Name and Address: Bunscoil na Seolta 84 Glenmachan Road Belfast	Agent Name and Address: Lauren Coulter (Rolston/Bell) 181 Templepatrick Road Ballyclare
<p>Executive Summary:</p> <p>This application relates a site located on land adjacent and east of No.44 Montgomery Road. The area is of a mixed use comprising of different uses ranging from a leisure centre, police station, retail, commercial and industrial uses and housing to the south adjacent to the Montgomery Road.</p> <p>Full planning permission is sought for a temporary nursery and primary school, soft play area, access, parking, landscaping and ancillary site works.</p> <p>The key issues for consideration of the application are set out below.</p> <ul style="list-style-type: none"> • Principle of a school/nursery at this location • Loss of employment land • Provision of community infrastructure • Design and placemaking • Impact on amenity • Climate change • Open space • Access and transport • Environmental protection • Natural Heritage • Flood risk and drainage • Waste-water infrastructure <p>In the planning balance, it is considered that the benefits of the proposal in terms of providing a community and educational use outweigh the conflict with the Development Plan, namely the temporary loss of employment land. A three-year temporary approval is proposed to allow employment land requirements to be reviewed at that time. On balance, these benefits outweigh the relatively small loss of zoned employment land for a temporary period.</p> <p>No objections have been received from statutory consultees. The Council's Environmental Health service and DfI Roads raise no objections.</p>	

Two objections have been received and 9 letters of support has also been received which are detailed in the main report.

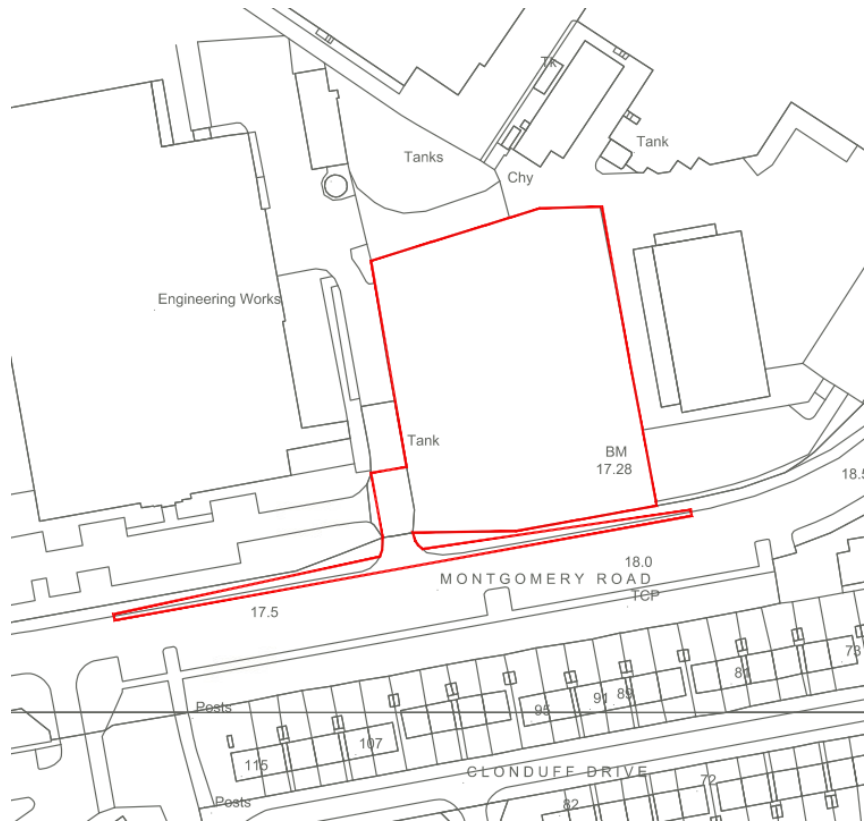
Recommendation

Having regard to the Development Plan and material considerations, and in the planning balance, it is recommended that planning permission is granted subject to conditions.

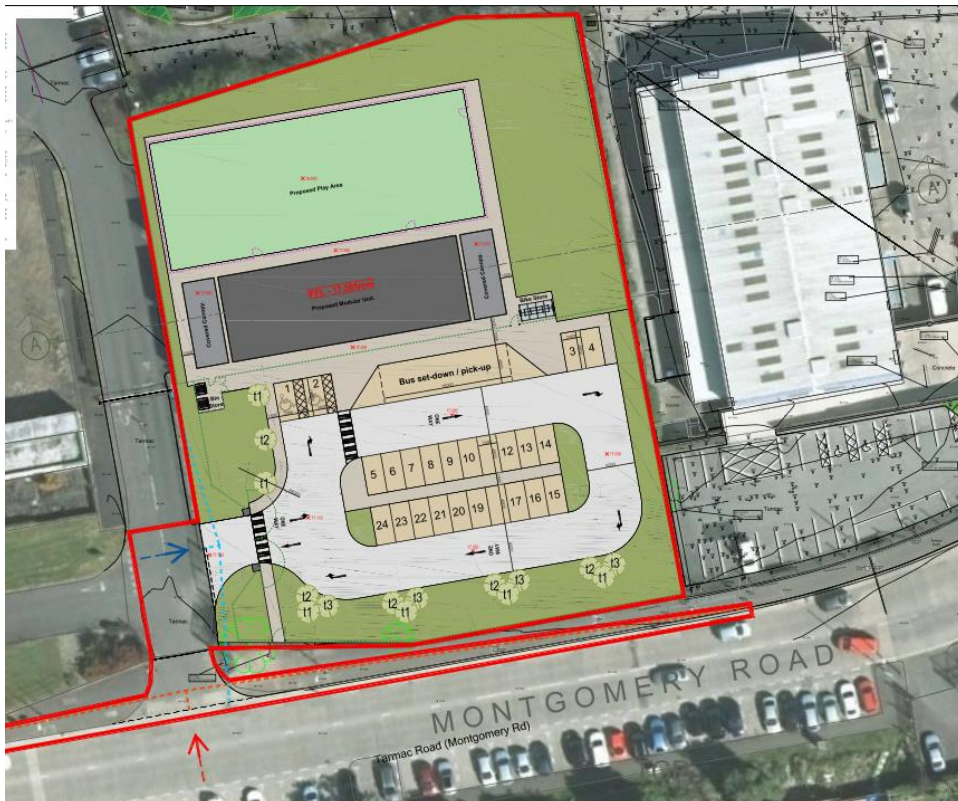
Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions deal with any other issues that arise, including those raised in the further consultation responses.

DRAWINGS AND IMAGERY

Site Location Plan:



Site Layout / Block Plan



3D Images



1.0

Characteristics of the Site and Area

The site is located on land adjacent and east of No.44 Montgomery Road. The area is of mixed use comprising of different uses ranging from a leisure centre, police station, commercial and industrial uses and housing to the south adjacent to the Montgomery Road. Adjacent to the site are industrial and commercial uses to the north, east and west of the site and residential to the south.

The site has been cleared and consists of a hard flat surface with no buildings.

1.1	<p>Description of Proposed Development</p> <p>The proposed development is for a temporary nursery and primary school, soft play area, access, parking, landscaping, and ancillary site works.</p> <p>There is an extant planning permission on the site, LA04/2020/1211/F which was granted on 7 March for a mixed-use regeneration scheme involving: demolition of vacant buildings Hughes Christensen site; erection of 8No Class B2 (light industrial) and Class B4 (storage/distribution) unit; extension to, and subdivision of existing supermarket building to form 4no. Class B4 units (existing retail to be discontinued); erection of replacement supermarket; provision of new accesses from Montgomery Road and Castlereagh Road; road improvements; car parking, landscaping and associated site works. (Lynas Food Outlet building to be retained).</p> <p>Several discharge of condition application have been submitted for this permission with the permission being implemented. A Section 76 planning agreement exists as part of the planning permission, it does not restrict permissions for temporary proposals.</p> <p>The proposed school/nursery will result in a portion of the above approval not being built out for a temporary period but does not restrict the remainder of the site will be built out as per LA04/2020/1211/F.</p>
2.0	<p>RELEVANT PLANNING HISTORY</p> <p>LA04/2020/1211/F</p> <p>2.1 Mixed-use regeneration scheme involving: demolition of vacant buildings Hughes Christensen site; erection of 8No Class B2 (light industrial) and Class B4 (storage/distribution) unit; extension to, and subdivision of existing supermarket building to form 4no. Class B4 units (existing retail to be discontinued); erection of replacement supermarket; provision of new accesses from Montgomery Road and Castlereagh Road; road improvements; car parking, landscaping and associated site works. (Lynas Food Outlet building to be retained). Decision: Permission Granted Date: 07.03.2022</p> <p>2.2 Y/2014/0227/F Proposed change of use to Class B4 storage or distribution with associated trade counter/cash and carry sales, minor alterations/extension, realigned car parking, landscaping and all other associated works (Amended Plans) Address: Former Hughes Christensen Site, Montgomery Road, Castlereagh, Belfast, BT6 Decision: Permission Granted Decision Date: 01.12.2014</p>
3.0	<p>PLANNING POLICY</p> <p>3.1 Development Plan – operational policies</p> <p><u>Belfast Local Development Plan, Plan Strategy 2035</u></p> <p>Policy SP1A – managing growth and supporting infrastructure delivery Policy SP2 – sustainable development Policy SP3 – improving health and wellbeing Policy SP5 – positive placemaking Policy SP6 – environmental resilience Policy SP7 – connectivity</p> <p>Policy SD2 – Settlement Areas</p>

	<p>Policy DES1 – Principles of urban design Policy CI1 – Community infrastructure</p> <p>Policy EC1 – Delivering inclusive economic growth Policy EC4 – Loss of employment land</p> <p>Policy TRAN2 – Creating an accessible environment Policy TRAN6 – Access to public roads Policy TRAN8 – Car parking and servicing arrangements Policy TRAN 10- Design of car parking</p> <p>Policy ENV1 – Environmental quality Policy ENV2 – Mitigating environmental change Policy ENV3 – Adapting to environmental change Policy ENV4 – Flood Risk Policy ENV5 – Sustainable drainage systems (SuDS)</p> <p>Policy HC1 – Promoting healthy communities Policy GB1 – Green and blue infrastructure network Policy OS3 - Ancillary open space Policy TRE1 – Trees Policy NH1 – Protection of natural heritage resources</p> <p>3.2 <u>Supplementary Planning Guidance</u> Placemaking and Urban Design Sustainable Urban Drainage Systems Transportation Loss of zoned employment land</p> <p>3.3 Development Plan – zoning, designations and proposals maps Belfast Urban Area Plan (2001) Belfast Urban Area Plan 2001 Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)</p> <p>3.4 Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)</p> <p>3.5 Other Material Considerations Developer Contribution Framework (2020) <i>Belfast Agenda</i> (Community Plan)</p>
<p>4.0</p> <p>4.1</p>	<p>CONSULTATIONS AND REPRESENTATIONS</p> <p><u>Statutory Consultees</u></p> <p>DfI Roads – No objections, subject to conditions.</p> <p>DfI Rivers – No objection, content that the development is an exception to policy.</p> <p>DAERA – No objections.</p> <p>NI Water – No objections.</p>

4.2	<p><u>Non-Statutory Consultees</u></p> <p>Environmental Health – No objections, subject to conditions.</p> <p>Planning Service Plans & Policy team – advises that the proposal is contrary to policy.</p> <p><u>Representations</u></p>
4.3	<p>The application has been advertised in the newspaper and neighbours notified.</p>
4.4	<p>Nine letters of support have been received including support from Queen’s University Belfast which includes four signatures from the Centre for Language Education Research. Support has also been received from the Council for Integrated Education and elected representatives and members of the public. The letters of support make the following points:</p> <ul style="list-style-type: none"> • Meets the need for an Irish Medium School in this area and it is the first of its kind, being an integrated school delivered through the medium of Irish; • The changing nature of land use in the area means that there is a need for more community infrastructure, there is oversubscription of the surrounding integrated schools; • It will create an inclusive and collaborative environment across communities; • Aligns with the broader goals of community development and social integration, creating a space where children from diverse background can learn together, develop mutual respect, and build lasting friendships; • Expressions of interest collected by the school clearly demonstrate demand within the area for integrated Irish-medium provision, and so this proposal will meet this demand • QUB have stated that there is a large body of empirical research that finds numerous cognitive and social-emotional benefits associated with child bilingualism; • The work of Tura and Scoil na Seolta committee in their development of Scoil na Seolta will enable greater access to bilingualism and its benefits, alongside the continued development of cross-community relations; • Strengthen community relations; • Creates employment.
4.5	<p>Two objections have been received from a local resident and from an elected representative, raising the following concerns.</p> <ul style="list-style-type: none"> • Loss of employment land; • Incompatible land use; • Insufficient transport infrastructure; • Parking concerns; • Lack of demonstrated need; • Alternative Site considerations; • Sustainability considerations; • Ecological Impact Assessment requirement.
4.6	<p>Matters relating to the above concerns are addressed within the main assessment in the report. There is no evidence that the proposal would adversely affect the amenity of local people in land-use planning terms.</p>

4.7	DfI Roads have offered no objections with regards to the transport infrastructure taking account of concerns about parking concerns and traffic generation within the area that would result of the development.
4.8	There has been a consultation with DAERA who offers no objection to the development; therefore all ecological requirements have been met.
5.0	<p>PLANNING ASSESSMENT</p> <p>Main Issues</p> <p>5.1 The main issues relevant to consideration of the application are set out below.</p> <ul style="list-style-type: none"> • Principle of a school/nursery at this location • Loss of employment land • Provision of community infrastructure • Design and placemaking • Impact on amenity • Climate change • Access and transport • Environmental protection • Natural Heritage • Flood risk and drainage • Waste-water infrastructure <p>5.2 Development Plan Context</p> <p>5.3 Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p> <p>5.4 Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.</p> <p>5.5 The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 (“Departmental Development Plan”) remain part of the statutory local development plan until the Local Policies Plan is adopted.</p> <p><u>Operational Polices</u></p> <p>5.6 The Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed above.</p> <p><u>Proposals Maps</u></p> <p>5.7 Until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001,</p>

both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.

5.8 **Belfast Urban Area Plan 2001** – the application site is located within a simplified planning zone.

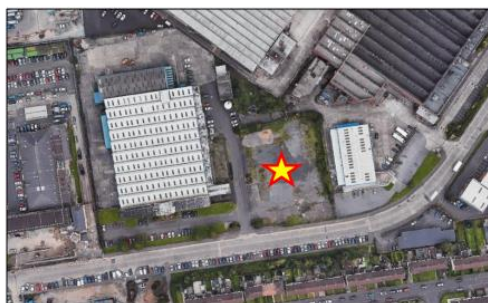
5.9 **Belfast Metropolitan Area Plan 2015 (2004)** – the application site is zoned as an area of Existing Employment/Industry under designation MCH 13.

5.10 **Belfast Metropolitan Area Plan 2015 (v2014)** – the site is zoned as an area of Existing Employment under designation MCH 10.

Principle of the proposed uses

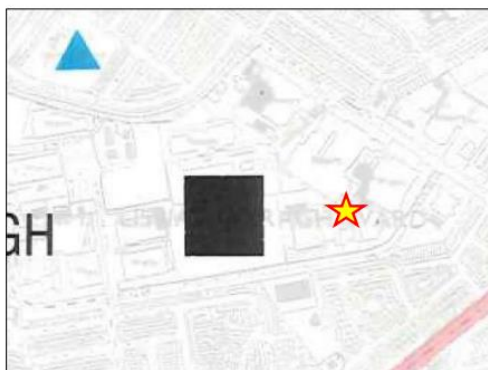
5.11 In the BUAP 2001, the site is located on un-zoned “white land”. There is a simplified planning zone (black square) to the west. In the 2014 version of dBMAP the site is located on land zoned as existing employment (see **Figure 1** below, pink shading) with an arterial route to the northeast and protected route to the southeast of this application site. Acceptable uses on existing employment areas, except where otherwise specified in individual zonings, include Class B1: Business (a) Office (b) as a call centre (c) for research and development, Class B2: Light Industrial Class B3: General Industrial Class B4: Storage and distribution.

5.12 The principle of a proposed nursery and school is contrary to the zonings in both versions of draft BMAP 2015.

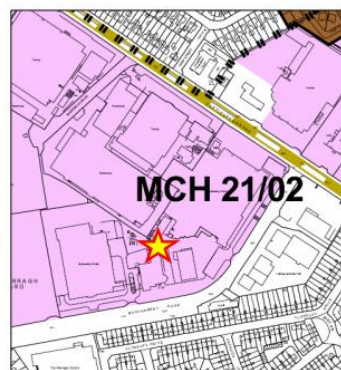


Site Location

★ Application Site



BUAP 2001



Draft BMAP – 2014

Figure 1: BUAP 2001 and dBMAP 2015 (v2004) proposals maps

	<u>Loss of zoned Employment Land</u>
5.13	<p>The application is zoned for employment land within both versions of draft BMAP.</p> <p><i>Policy EC4 - Loss of Zoned employment land</i></p>
5.14	<p>This policy states that zoned employment areas will be retained in employment use and will be the focus of economic regeneration and development opportunities likely to come forward during the plan period. Only in exceptional circumstances will the loss of zoned employment land be considered acceptable.</p> <p>The Strategic Planning Policy Statement for Northern Ireland was published in September 2015. Paragraph 6.89 states:</p> <p><i>'It is important that economic development land and buildings which are well located and suited to such purposes are retained so as to ensure a sufficient ongoing supply. Accordingly, planning permission should not normally be granted for proposals that would result in the loss of land zoned for economic development use. Any decision to reallocate such zoned land to other uses ought to be made through the LDP process. While the same principle should also apply generally to unzoned land in settlements in current economic development use (or land last used for these purposes); councils may wish to retain flexibility to consider alternative proposals that offer community, environmental or other benefits, that are considered to outweigh the loss of land for economic development use.'</i></p>
5.15	<p>The proposal is in conflict with paragraph 6.89 of the SPPS.</p>
5.16	<p>Part a) of EC4 states that the <i>"the proposed use is complementary to the primary employment use of the area, providing a small scale-ancillary service to meet the day-to-day needs of local employees, subject to compliance with other plan policies"</i>. The proposal is contrary to this part of the policy.</p>
5.17	<p>Regarding the above, the Supplementary Planning Guidance document titled "Loss of zoned employment land" states at para 3.1.1 that <i>there are a limited number of non-B uses which could be considered acceptable on employment sites as they would provide a service to employees and their clients and contribute to the efficiency of the employment site. Examples of these include open space, public realm, leisure such as a gym, food, drunk uses and childcare facilities. The absence of such facilities in an employment area can increase travel demand and make the areas less attractive to employers and employees.</i></p>
5.18	<p>Whilst this is not an exhaustive list, it does not make reference to uses such as childcare and therefore the consideration of this use can be considered to support an area of zoned employment land. The proposal is approximately 150m from an existing community use at Lisnasharragh Leisure Centre and Clonduff Community Centre. This demonstrates that although the proposal is to be located on existing employment land, that the immediate area is complemented by existing community uses, demonstrating that a temporary approval for a nursery and school would to a degree compliment the surrounding area.</p>
5.19	<p>Part b) of Policy EC4 states that "the proposal would not prejudice the long-term development of the wider employment area primarily for industrial and business development. In such cases alternative uses should:</p> <ol style="list-style-type: none"> <li data-bbox="491 1973 1503 2038">1. <i>Not adversely affect the city's overall capacity to meet future demand for employment land;</i>

	<ol style="list-style-type: none"> 2. <i>Be compatible with existing retained employment uses within their vicinity; and</i> 3. <i>Demonstrate that there is no likely future demand for employment use on the site. This would require that it had been actively marketed for B1(b), B2(c), B3 and b4 uses for a minimum of 18 months.</i>
5.20	It is considered that part b) does not apply as the proposal is for a temporary use and would not prejudice the long-term development of the wider employment area primarily for industrial and business development. Consistent with the extant permission, future demand for employment uses on the site exists, this short-term use does not prejudice this policy objective.
5.21	There was an alternative site search taken by the DE and EA that has taken place over the last two years utilising Land and Property Services (LPS). This is outlined within the supporting statement submitted by the applicant. The proposed site at Montgomery Road represented the optimum location due to it being within a viable catchment area, an area appropriate for the scale of the development, off an arterial route, a brownfield site, does not require the purchase of land or the demolition of any buildings on site.
5.22	The proposal is temporary, and the intention of the applicant remains to find a longer-term sustainable solution in east Belfast while at this site, so relocation is inevitable and can happen in parallel to any temporary approval. Given the size of the site, the proposal will not adversely affect the city's overall capacity to meet future demand for employment land. The landowner can develop the wider mixed use site as envisaged with the recent planning permission LA04/2020/1211/F and complete the development following the removal of the proposed school/nursery after the temporary period.
5.23	Whilst the proposal is contrary to Policy EC4 and paragraph 6.89 of the SPPS, having regard to the factors listed above, it is considered that the benefits of the proposal in terms of providing a community use outweigh the conflict with the Development Plan, employment zonings in dBMAP and the SPPS. In the planning balance, these benefits outweigh the relatively small loss of zoned employment land for a temporary period. It is recommended that the approval is temporary for 3 years rather than the proposed 5 years. This would allow a review of the prevailing employment conditions and if any impacts have arisen.
5.24	<p><u>Provision of Community Infrastructure</u></p> <p>Policy CI1 seeks to protect and provide development opportunities for community, health, leisure, nurseries and educational facilities based on local need in line with the projected population growth over the plan period. Planning permission will be granted for the provision of new and improved community infrastructure at appropriate and accessible locations within the urban area, subject to consideration of the nature and location of any proposals.</p>
5.25	<p>Further to this, Policy CI1 states that where proposals affect lands specifically zoned for development for particular uses, such proposals will only be considered where they do not prejudice the proper planning and sustainable development of the zoned lands. As this application seeks temporary approval, and for the reasons stated previously, it is considered that the use of a nursery/school will not prejudice the long the proper develop and sustainable development of the area zoned for employment.</p> <p>Nine letters of support have been received to further enhance the need for an Irish speaking nursery and school within this area of East Belfast.</p>

5.26	<p><u>Design and placemaking</u></p> <p>The proposal has been assessed against the SPPS, Creating Places and Policies SP5, DES1 of the Plan Strategy. The building is a modular temporary two storey building clad in coloured composite wall cladding bringing activation to this element of the Montgomery Road. It is in keeping with the design on the surrounding area. Policies SP5 and DES1 promote good placemaking, high quality design and the importance of proposals responding positively to local context addressing matters such as scale height, massing, proportions, rhythm, and materials avoiding any negative impact at street level.</p>
5.27	<p><u>Impact on amenity</u></p> <p>It is considered that the proposed building would not result in harmful impact on adjacent land-uses by way of overlooking, loss of outlook, daylight or sunlight, shadowing or other impacts. In these regards, the proposal is considered compliant with Policy DES1.</p>
5.28	<p><u>Climate change</u></p> <p>Policy ENV2 states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development. Policy ENV3 states that planning permission will be granted for development that incorporates measures to adapt to environmental change. Despite being a temporary modular building, the thermal elements, i.e., walls, roof, floor, doors and windows are all designed to meet current building regulation standards for a permanent building. The front elevation of the building is south facing with glazing to maximise sunlight and natural light to reduce reliance on artificial lighting. The walls, roof and floor of the modular unit will be fully insulated, this along with double glazed windows and doors will help to reduce the amount of CO2 generated by the school.</p>
5.29	<p>Policy ENV5 states that all built development shall include, where appropriate, SuDs measures to manage surface water effectively on site, to reduce surface water run-off and to ensure flooding is not increased elsewhere. The method of surface run-off will be proposed through dedicated storm water drainage system. There are several native species trees to be planted as part of the application. Furthermore, a large portion of the site will turn from hardstanding to grass. Considering the proposed trees and grass, this proposal will result in a biodiversity net gain on the site.</p> <p>These measures will be required to be implemented by condition.</p>
5.30	<p><u>Access and transport</u></p> <p>The proposal has been assessed against the following policies, TRAN 6, TRAN 8, TRAN 10.</p>
5.31	<p>DfI Roads offers no objection to the proposal, which is considered acceptable in terms of accessibility, parking and highway safety. DfI Roads advises conditions, which are recommended as appropriate. The means of access to the development would be safe.</p>
5.32	<p>There is sufficient parking available having regard to the location and sustainability of the site. The proposed car parking and servicing arrangements are considered acceptable.</p>
5.33	<p>The proposal is considered acceptable having regard to Policies TRAN6, TRAN 8 and TRAN 10, and relevant provisions of the SPPS.</p>

5.34	<p><u>Environmental protection</u></p> <p>Policy ENV1 states that planning permission will be granted for development that will maintain and, where possible, enhance environmental quality, and protects communities from materially harmful development. The proposed development has been assessed by Environmental Health in terms of contaminated land, air quality, noise and odour impacts.</p>
5.35	<p><u>Contaminated land</u></p> <p>Environmental Health note the requirements of Condition 3 of LA04/2023/437/F that prior to any development within Phase 4 (of the development originally permitted under LA04/2020/1211/F) a Verification Report shall be submitted to and approved in writing by the Council. Whilst it does not impact upon the current application, this report must be provided prior to commencement (within phase 4) of the development granted permission under LA04/202/1211/F. EH have requested conditions, which the planning service deems acceptable. The proposal is considered to accord with Policy ENV1.</p>
5.36	<p><u>Noise and vibration</u></p> <p>In relation to noise, Environmental Health notes that responsibility lies with the applicant/developer to incorporate the mitigation measures within the noise impact assessment. To ensure compliance with BB93 in achieving internal noise levels in classrooms, the school design team should continue to liaise with the acoustic consultant. Liaison will be important prior to construction of the modular building and prior installation of any windows and alternative means of ventilation to ensure that the noise mitigation information in the NIA is fully understood and the correct specification of building element is selected and incorporated into the development. With appropriate installation of the noise mitigation measures recommend from the noise assessment, complaints from the school about noise disturbance from external sources would not be expected.</p> <p>Environmental Health has not suggested a condition regarding installation of noise mitigation measures as building regulations apply to the acoustic design and performance of schools.</p> <p>It is considered that the proposal accords with Policy ENV1.</p>
5.37	<p><u>Odour</u></p> <p>Environmental Health have assessed the information and from a desktop review of the development location and understood the nature of the adjacent neighbouring commercial premises, and do not have concerns regarding potential adverse odour impact on the proposed school development subject to recommended conditions.</p> <p>It is considered the proposal complies with Policy ENV1.</p>
5.38	<p><u>Flood risk and drainage</u></p> <p>Dfl Rivers is satisfied by the logic of the submitted Flood Risk assessment and has no reason to disagree with its conclusions. However, because this is a standalone planning application, a specific Schedule 6 Consent to discharge surface water. Dfl Rivers are content subject to a condition. Therefore, the proposal is considered to satisfy Policy ENV5.</p> <p><u>Waste-water infrastructure</u></p>

<p>5.39</p> <p>5.40</p> <p>5.41</p>	<p>Policy SP1a requires that necessary infrastructure is in place to support new development. NI Water has no objection to development. The proposal is considered acceptable having regard to Policy SP1A of the Plan Strategy.</p> <p><u>Natural heritage</u></p> <p>Policy NH1 relates to the protection of natural heritage resources. DAERA have no concerns in relation to natural heritage.</p> <p>The proposal is considered compliant with Policy NH1, Policy ENV1 and the relevant provisions of the SPPS.</p> <p><u>Conclusion</u></p> <p>The proposal is contrary to Policy EC4 Loss of Employment Land and paragraph 6.89 of the SPPS. However, in view of the social and community benefits of the proposal, it is considered on balance to be acceptable.</p>
<p>6.0</p> <p>6.1</p> <p>6.2</p>	<p>Recommendation</p> <p>Having regard to the Development Plan and material considerations, and in the planning balance, it is recommended that planning permission is granted subject to conditions.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions deal with any other issues that arise, including those raised in the further consultation responses.</p>
<p>7.0</p>	<p>DRAFT CONDITIONS</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall cease and the land restored to its former condition on or before [INSERT DATE (to be 3 years from date of permission)] Reason: The development has only been granted temporary permission to allow for a review of employment land requirements. 2. The development hereby permitted shall not become operational until weather protected cycle parking has been fully provided in accordance with the approved plans. Reason: To ensure acceptable cycle parking facilities on the site and to encourage alternative modes of transport to the private car. 3. The development hereby permitted shall not become operational until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing, to provide for parking and traffic circulation within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles in connection with the approved development. Reason: To ensure adequate provision has been made for parking and traffic circulation within the site. 4. The vehicular accesses, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 03A uploaded to the

Public Portal on 13/5/24, prior to the operation of any other works or other development hereby permitted.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

5. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway before the development hereby permitted (is commenced/occupied/becomes operational) and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is satisfactory means of access in the interest of road safety and the convenience of road users.

6. If during the carrying out of the development, new contamination is encountered that has not previously been identified, all related development works shall cease and the Council shall be notified immediately in writing. No further related development works shall proceed until this new contamination has been fully investigated in accordance with current Environment Agency and CIRIA guidance and British Standards.

In the event of unacceptable human health risks being identified, a Remediation Strategy shall be submitted to and agreed in writing by the Council. The Remediation Strategy shall be implemented and subsequently a Verification Report shall be submitted to and agreed in writing by the Council prior to the development being occupied or operated. The Verification Report shall be completed by competent persons and demonstrate the successful completion of the remediation works and that the site is now fit for end-use. The Verification Report shall be in accordance with current Environment Agency and CIRIA guidance and British standards.

Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health.

7. Prior to the commencement of operation of the hereby permitted development, a fit-for-purpose kitchen extraction and odour abatement system shall be installed to suppress and disperse odours created from operations on the premises. The specification of the system shall be determined in line with the current EMAQ+ 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' (updated in May 2022). The outlet from any extract ventilation ducting shall terminate at a height not less than 1m above the main eaves.

Reason: Protection of nearby amenity

8. The installed kitchen extraction and odour abatement system must be retained thereafter and be cleaned and maintained in accordance with manufacturer's instructions.

Reason: Protection of nearby amenity

9. All hard and/or soft landscaping works] shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Council. Any existing or proposed trees or plants indicated on the approved plans which,

within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council. All hard surface treatment of open parts of the site shall be permeable or drained to a permeable area. All hard landscape works shall be permanently retained in accordance with the approved details **[delete if not appropriate]**.

Reason: In the interests of the character and appearance of the area.

DRAFT INFORMATIVES

NOT02 Compliance with planning permission

Please make sure that you carry out the development in accordance with the approved plans and any planning conditions listed above. Failure to do so will mean that the proposal is unauthorised and liable for investigation by the Council's Planning Enforcement team. If you would like advice about how to comply with the planning permission, you are advised to contact the Planning Service at Belfast City Council at planning@belfastcity.gov.uk.

NOT03 Discharge of condition(s)

This planning permission includes condition(s) which require further details to be submitted to and approved by the Council. Please read the condition(s) carefully so that you know when this information needs to be provided and approved. It could take a minimum of 8 weeks for the Council to approve the details, assuming that they are satisfactory, and sometimes longer depending on the complexity of the condition. You should allow for this when planning the timeline of your project.

NOT05 Non-planning requirements

The grant of planning permission does not dispense with the need to obtain licenses, authorisations may have been identified by consultees in their response to the application and can be accessed on the Northern Ireland Planning Portal website. The responses from consultees may also include other general advice for the benefit of the applicant or developer, consents or permissions under other legislation or protocols.