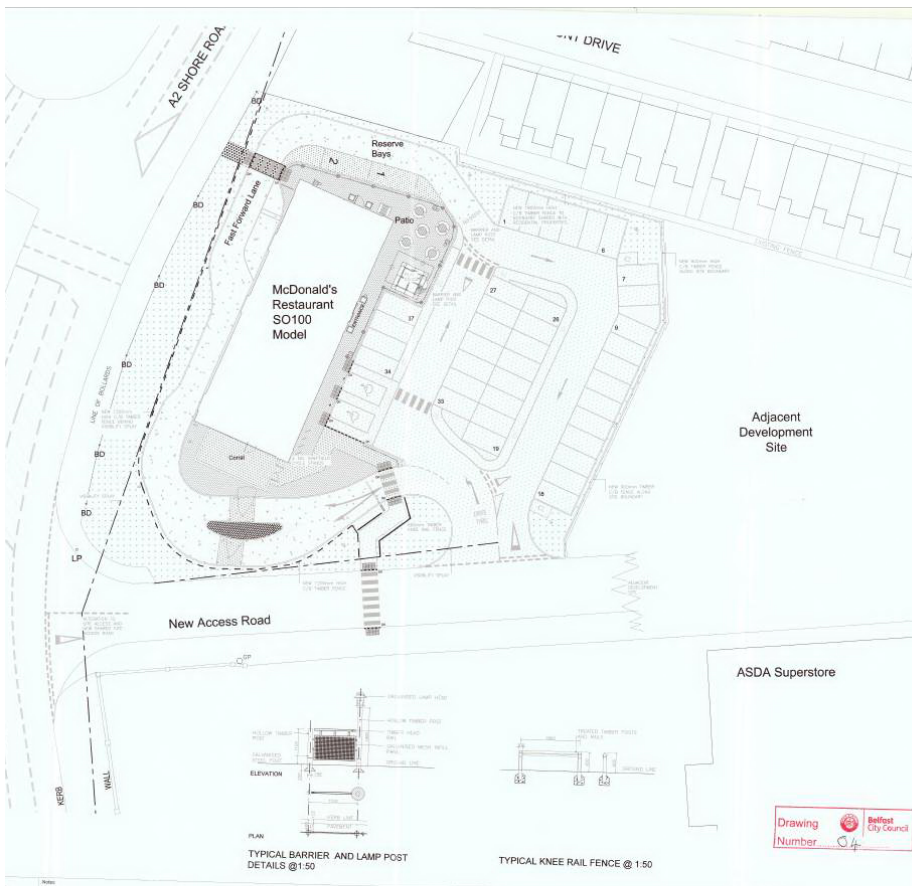


## Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: <b>18 October 2016</b>	
Application ID: LA04/2015/0529/F	
Proposal: Construction of a drive thru restaurant along with car parking, access and general site works	Location: 233 – 263 Shore Road, Belfast BT15 3PW
Referral Route: Hot Food Take Away.	
Recommendation:	<b>Refusal</b>
Applicant Name and Address: Seville Limited 6 Hope Street Castletown Isle of Man IM9 1AS	Agent Name and Address: Ostick and Williams 14 Edgewater Road Belfast BT3 9JQ
<p><b>Executive Summary:</b> Full planning permission is sought for a McDonalds Drive thru restaurant including access, parking and associated site works.</p> <p>The site is on the Shore Road at its junction with Fortwilliam Park. It is zoned as an 'Uncommitted Housing Site' (NB04/16) in BMAP 2015. The site is situated between the existing dwellings at OakMount Drive and the Asda supermarket.</p> <p>The main issues in this case are:</p> <ul style="list-style-type: none"> <li>• The principle of a restaurant/hot food takeaway at this location</li> <li>• Impact on residential amenity</li> <li>• Traffic and parking</li> </ul> <p>The principle of a drive-through restaurant is unacceptable at this location. The site is zoned for housing in BMAP 2015 and the case in support of the application does not justify setting aside the housing zoning.</p> <p>Transport NI has no objections in relation to traffic and parking. Environmental Health has no objections subject to conditions and informatives.</p> <p>3 letters of objection have been received, raising the following issues:</p> <ul style="list-style-type: none"> <li>• Traffic</li> <li>• Late night noise</li> <li>• Rats</li> </ul> <p>1 letter of support was received</p> <p><b>Recommendation:</b> It is considered that the proposal is contrary to the development plan as the land is zoned for housing. It is recommended that planning permission be refused.</p>	

# Case Officer Report



Representations: 4 letters received	
Letters of Support	1 letter
Letters of Objection	2 letters
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	1 Petition Received
<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<p><b>Description of Proposed Development</b></p> <p>The proposal seeks full planning permission for the construction of a drive through restaurant (floor space 407m<sup>2</sup>) with 41 car parking spaces, access and general site works. The area of the site is 0.36ha. A new access road is proposed along the southern boundary of the site. The proposed restaurant/hot food take away will sit within the western portion of the housing zoning fronting onto the Shore Road. It is expected the new development will provide 35 new members of staff.</p>
<b>2.0</b>	<p><b>Description of Site</b></p> <p>The site (0.36ha) is part of a larger derelict brown field site (1.24ha) previously occupied by a concrete works (Aerocrete). The site is adjacent to an ASDA store to the south and a row of terrace houses to the north. It fronts onto the Shore Road which is an arterial route.</p>
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<p><b>Site History</b></p> <p>The site operated as a concrete works in the 1990's. In 2005 planning permission was granted for 53 dwellings on the site, these were not been built (Z/2003/2855/F) and in 2009 planning permission was granted for 5 dwellings (Z/2009/0015/F). These houses were not built either. The site is now derelict. The current application is associated with a further three applications for consent to display advertisements (Refs: LA04/2015/0751/A, LA04/2015/0753/A, LA04/2015/0754/A) which are still under consideration.</p>
<b>4.0</b>	<p><b>Policy Framework</b></p> <p><b>Belfast Metropolitan Area Plan 2015</b></p> <p>The site forms part of a larger site that is zoned as an 'Uncommitted Housing Site (NB 04/16)' in BMAP 2015. There is no key site requirements (KSRs) specified in BMAP 2015 for this site. The total zoned area of the site is 1.24ha</p> <p>Policy SETT 2 - Development within the Metropolitan Development Limit and Settlement Development Limits</p> <p>Allocation HOU 1 - Housing</p> <p>Strategic Planning Policy Statement for Northern Ireland SPSS -</p> <p>Planning Policy Statement 3 (PPS3) - Access, Movement and Parking</p> <p>DCAN4 – Restaurants, Cafes and Fast Food Outlets</p>
<b>5.0</b>	<p><b>Statutory Consultees</b></p> <p>Transport NI – No objection subject to conditions</p> <p>Northern Ireland Water Ltd - No objection</p>
<b>6.0</b>	<p><b>Non Statutory Consultees</b></p> <p>BCC Environmental Health – No objection subject to conditions</p>

<p><b>7.0</b></p>	<p><b>Representations</b> 3 objections were received regarding this proposal including from Nigel Dodds MP.</p> <p>The following issues of concern were raised in the objections:</p> <ul style="list-style-type: none"> <li>• traffic issues - concerns raised regarding traffic ingressing and egressing the site, and the potential for creating an accident black spot. Transport NI is satisfied with the access arrangements therefore the issues raised in the objection relating to traffic cannot be sustained.</li> <li>• Hours of Use – concern that 24hr use would result in noise issues. Environmental Health raised no issues with regard to the proposed 24 hour opening and advised that plant and equipment be so situated, operated and maintained as to prevent the transmission of noise to nearby residential accommodation. In addition they also advised that patron noise should be suitably managed to ensure that nearby residential premises are not disturbed by noise.</li> <li>• Concern that the proposal would result in an increase in rodent problems in the area. No substantive evidence was provided that the proposal would result in an increase in rats in the area. Environmental Health raised no issues regarding this matter.</li> </ul> <p>A letter of support from Nigel Doss MP was received indicating that the area would benefit from further investment and jobs.</p>
<p><b>8.0</b></p>	<p><b>Other Material Considerations</b> 8.1 DCAN4 – Restaurants, Cafes and Fast Food Outlets</p>
<p><b>9.0</b></p> <p>9.1</p> <p>9.2</p> <p>9.3</p> <p>9.4</p> <p>9.5</p>	<p><b>Assessment</b></p> <p><b>Principle of Development</b> Policy SETT2 - Development within the Metropolitan Development Limit and Settlement Development Limits</p> <p>This policy states that ‘on Zoned Sites planning permission will be granted for development proposals that accord with the specific use or range of uses, and the key site requirements, where specified.’ As stated earlier, this site is zoned for housing, so the proposed use is contrary to Policy Sett2 and the Development Plan zoning.</p> <p>The second half of policy SETT2 sets out the criteria for alternative uses that may be acceptable on Land Use Policy Areas. This is not relevant as the site is on zoned land and is not a ‘land use policy area’.</p> <p>Allocation HOU1 Allocation HOU 1 identifies the total housing allocation for the Plan period. The zoning of land provides a basis for rational and consistent decisions on planning applications and provides a measure of certainty concerning the types of development that will and will not be permitted. The proposal is contrary to this housing allocation.</p> <p>SPPS SPPS - The SPPS sets out core planning principle: •Improving Health and Well-being •Creating and Enhancing Shared Space •Supporting Sustainable Economic Growth •Supporting Good Design and Positive Place making; and</p>

	<p>•Preserving and Improving the Built and Natural Environment</p>
9.6	<p>The proposal complies with the core planning principles set out in the SPPS. From inspection of the plans and through consultation with Environmental Health, it is considered that there would be no adverse impact on residential amenity.</p>
9.7	<p>With regard to the significance of the Local Development Plan (LDP) in dealing with planning application, paragraphs 5.13 – 5.16 of the SPPS are important. Paragraph 5.13 of the SPPS states that LDP's guide the future use of land in respective areas and inform developers, members of the general public, communities, government, public bodies, representative organisations and other interests of the policy framework that is used to determine development proposals.</p>
9.8	<p>Paragraph 5.14 states that LDPs allocate appropriate land for different types of land use and set out the main planning requirements to be met in respect of particular zoned sites. Paragraph 5.15 states that LDPs are a fundamental tool in implementation of central government policies and strategic objectives set out in the RDS 2035.</p>
9.9	<p>The applicant submitted a Planning Statement in support of the proposal on zoned housing land. The report acknowledges that all consultees are content, and that the principle of the proposed development in this location is the only remaining matter to be considered by the Council.</p>
9.10	<p>The applicant refers to Policy SETT2 of BMAP and states that this policy permits alternative uses on zoned land where the following criteria are met. This statement is in fact incorrect. Policy SETT2 states:-</p> <p><i>'On Zoned Sites planning permission will be granted for development proposals that accord with the specified use or range of uses, and key site requirements where specified.</i></p> <p><i>On Land Use Policy Areas planning permission will be granted for alternative uses to the specified use or uses where the development proposal meets all the following criteria...'</i></p>
9.11	<p>Zoning NB 04/16 is zoned as an uncommitted housing site in BMAP 2015. The land is 'Zoned', it is not a 'Land Use Policy Area', therefore alternative uses are considered unacceptable.</p>
9.12	<p>The conclusion of the Planning Statement the agent states that the site is a barren and unattractive plot of land that should be redeveloped. The agent states it is unlikely to come forward as housing land in the foreseeable future due to issues of viability. This is not a significant, over-riding reason to set aside a housing zoning.</p>
9.13	<p>The proposed restaurant will involve only a small area of zoned land. However, it is considered that this would prejudice the remainder of the zoning in that the proposal would create an unattractive living environment for potential occupiers of dwellings to the immediate east of the proposal</p>
9.14	<p>The planning statement submitted provides no over-riding reasons or justification why the development plan should be set aside. The proposal is contrary to BMAP 2015.</p>
9.15	<p><b>PPS3 Access, Movement and Parking</b>  Transport NI is satisfied that subject to conditions the access arrangements, parking provision and service management plan are acceptable. Therefore the proposal is considered to comply with PPS 3.</p>

<p>9.16</p> <p>9.17</p> <p>9.18</p> <p>9.19</p>	<p><b>DCAN 4</b> requires consideration of a number of factors including:</p> <ul style="list-style-type: none"> <li>• Noise</li> <li>• Smells and fumes</li> <li>• Refuse and litter</li> <li>• Traffic considerations and car parking</li> <li>• Provision for people with disabilities.</li> </ul> <p>The above matters have been considered by Environmental Health and from a planning perspective and the proposal would be considered is considered to comply with DCAN4.</p> <p><b>Consultation Responses</b></p> <p>Environmental Health After considering prior contamination issues at the site, light impact, noise impact, odour issues, air quality and anti social behaviour issues, Environmental health are satisfied and offer no objection to the proposal subject to conditions and informatives.</p> <p>Transport NI Transport NI offer no objections to the proposal subject to conditions and informatives</p>
<p>10. 0 Summary of Recommendation: The proposal is contrary to the development plan and it is recommended that planning permission is refused.</p>	
<p>11.0 Refusal Reason</p> <p>1. The proposal is contrary to the Belfast Metropolitan Area Plan 2015 as the site is zoned for housing and if permitted, would prejudice the delivery of housing in an area of current housing stress</p>	
<p>12.0</p>	<p><b>Notification to Department (if relevant)</b> N/A</p>
<p>13.0</p>	<p><b>Representations from Elected members:</b> Representations received from Nigel Dodds MP(see above)</p>

<b>ANNEX</b>	
<b>Date Valid</b>	16 <sup>th</sup> June 2015
<b>Date First Advertised</b>	10 <sup>th</sup> July 2015
<b>Date Last Advertised</b>	22 <sup>nd</sup> July 2016
<p><b>Details of Neighbour Notification</b> (all addresses)</p> <p>The Owner/Occupier, 1, 3,5, 7, 9, 11, 13, 15, 17, 23 Oakmount Drive Skegoneill Belfast  The Owner/Occupier, 173, 175, 177 Fortwilliam Park Skegoneill Belfast  The Owner/Occupier 5, 7,19, 21 Oakmount Drive Skegoneill Belfast  The Owner/Occupier, 219, 228, 230, 232, 234-236 , 238, 240, 242, 265-269 Shore Road Skegoneill Belfast  Nigel Dodds 39 Shore Road,Belfast,BT15 3PG  The Owner/Occupier, 5 Oakmount Drive Skegoneill Belfast  The Owner/Occupier, 63, 74 Fortwilliam Crescent Skegoneill Belfast</p>	
<b>Date of Last Neighbour Notification</b>	8th July 2016
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<p><b>Planning History</b></p> <p>Ref ID: Z/2006/1249/F  Proposal: Private housing development to include 116 no. apartments in 5 no. blocks with underground car parking in 4 no. of the blocks and associated landscaping.  Address: 233-263 Shore Road, Belfast  Decision:  Decision Date: 13.03.2007</p> <p>Ref ID: Z/2003/2855/F  Proposal: Private housing development of 53 No. dwellings (amended scheme).  Address: 233-263 Shore Road, Belfast (former concrete product works)  Decision:  Decision Date: 06.09.2005</p> <p>Ref ID: LA04/2015/0754/A  Proposal: Installation of 1 illuminated freestanding 12m totem sign  Address: 233-263 Shore Road, Belfast, BT15 3PR,  Decision:  Decision Date:</p>	

Ref ID: LA04/2015/0753/A

Proposal: Installation of 6 No. illuminated fascias signs

Address: 233-263 Shore Road, Belfast, BT15 3PR,

Decision:

Decision Date:

Ref ID: LA04/2015/0751/A

Proposal: 1 No. Height Restrictor, 9 No. Freestanding Signs, 2 No. Banners, 1 No. Side-by-Side Directional and 14 No. DOT Signs

Address: 233-263 Shore Road, Belfast, BT15 3PR,

Decision:

Decision Date:

**Drawing Numbers and Title**

**Notification to Department (if relevant)**

Date of Notification to Department: N/A