

Committee Application


Development Management Report	
Application ID: LA04/2018/2835/F	Date of Committee: Tuesday 12 November 2018
Proposal: Four restaurant units with associated parking, access, servicing, site and landscaping works	Location: Lands between McDonalds and Railway Line, Rear of 233-263 Shore Road, Belfast
Referral Route: Proposal is for retailing above 500 square metres gross floor space outside the city centre.	
Recommendation:	APPROVAL
Applicant Name and Address: Seville Ltd 6 Hope Street Castletown Isle Of Man	Agent Name and Address: One2One Planning 1 Larkfield Avenue Upper Lisburn Road Belfast
<p>Executive Summary:</p> <p>The proposed development is for 'Four restaurant units with associated parking, access, servicing, site and landscaping works'. The proposal comprises 682 sq metres total gross floorspace and will utilise the existing access to McDonalds.</p> <p>The key issues in the assessment of this proposed development include:</p> <ul style="list-style-type: none"> • Principle of development • Impact on residential amenity • Impact on flooding • Access to the site <p>3 representations have been received in respect of this development, 2 of which object for reasons including the following:</p> <ul style="list-style-type: none"> • Anti-social behaviour and impact on residential amenity has increased in the area since McDonalds has opened (Litter, noise) and Request that opening times for the new restaurants are limited • Potential overlooking issues; inadequate boundary treatments; • concerns regarding structural damage to the existing wall to rear of dwellings at Oakmount Drive from construction <p>The site is undesignated 'white land' in the BUAP. The site was designated as a 'Major Area of existing Employment / Industry' (ref. BT 011/06) in dBMAP 2004, however in the 2015 version of dBMAP, the site was re-zoned for housing (ref. NB 04/16).</p> <p>The proposed use of the units is for the sale of food and drink for consumption on the premises. This use is not specified in the Planning (Use Classes) Order (NI) 2015 and is therefore considered 'sui generis'.</p> <p>Rivers Agency have advised that the proposal is contrary to Policy FLD 1 of PPS 15, however it is considered that the proposal constitutes an exception to the policy and the developer has identified</p>	

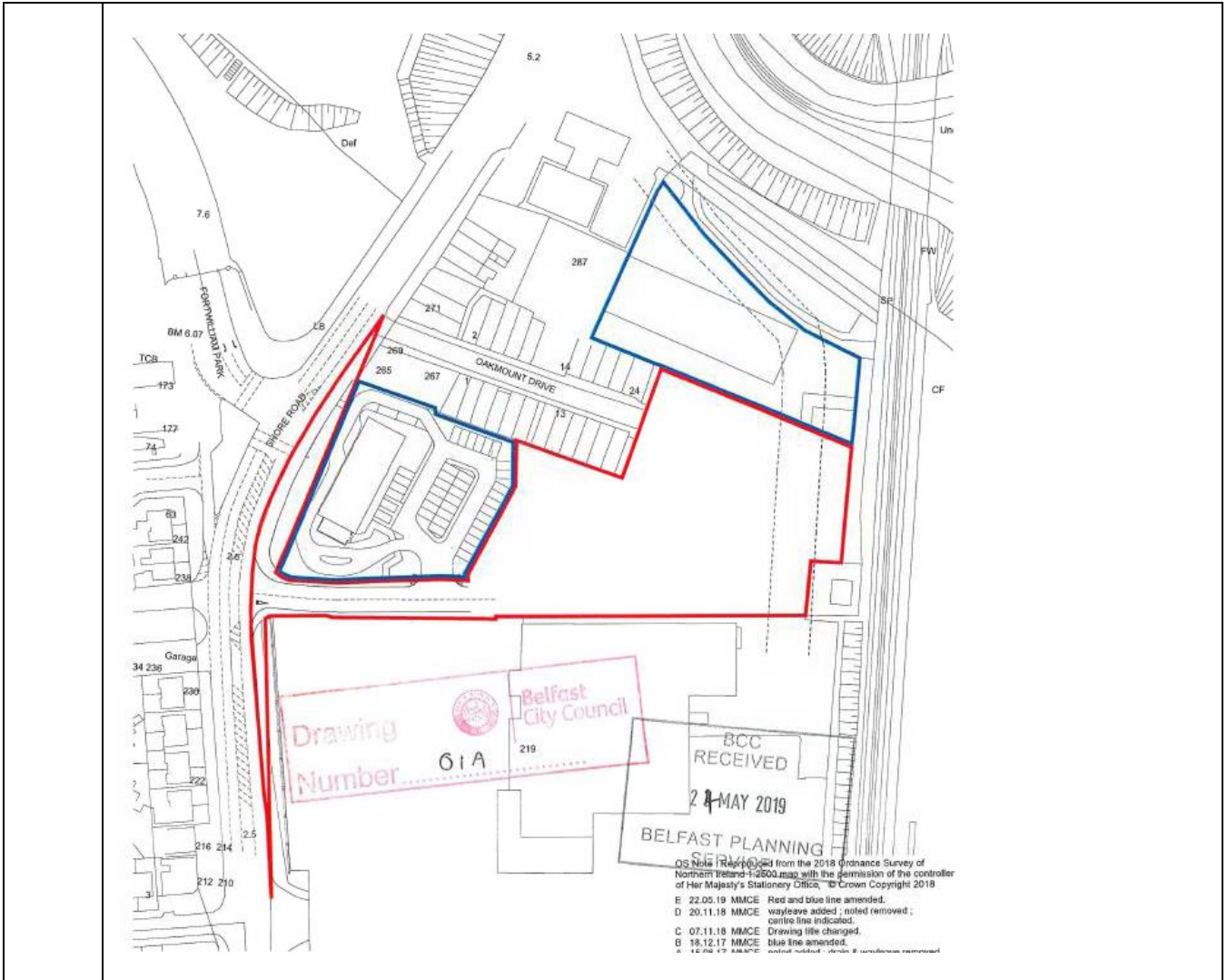
the sources of flood risk and proposed adequate measures to manage and mitigate any increase in flood risk arising from this development.

It is considered that the proposal will effectively mitigate potential detrimental impacts on residential amenity. Additional information has been submitted in relation to odour impact, noise impact, air quality impact and this information can be appropriately conditioned to ensure no detrimental impacts to neighbouring properties.

The proposed development will utilise the existing access at McDonalds. Amended drawings have been submitted in relation to the proposed site access. DFI Roads has been consulted, and has indicated no objection to the proposal in principle, however, a final response is outstanding.

On balance, it is considered that the proposed development accords with the policies of the development plan and prevailing regional planning policy and therefore **approval** is recommended, subject to conditions. It is requested that final wording of conditions is delegated to the Director of Planning and Building Control.

Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	The proposed development is for 'Four restaurant units with associated parking, access, servicing, site and landscaping works'.
1.2	The proposal comprises 682 sq metres gross floorspace. Three of the units are 158 sq metres with the largest unit (Unit No. 3) at 208 sq metres. The restaurants will utilise the existing access for the McDonalds Restaurant. Two units (No. 1 and 2) will be located in the western portion of the site, to the east of McDonalds and to the south of the existing residential development at No. 13-23 Oakmount Drive. Units No. 3 and 4 will be located in the eastern portion of the site, closer to the railway line at the rear.
1.3	The units are of a contemporary design, with a mix of Insulated composite wall panel cladding (Oyster colour), blue engineering brick plinth and PPC aluminium medium rise curtain walling. Units 3 and 4 utilise a timber cladding underneath the soffit.
2.0	Description of Site
2.1	The site falls within the development limits of Belfast. The site is relatively flat with an area of approximately 0.7 Ha. The site is currently vacant and has been cleared of any previous buildings / structures. The site is secured by a timber fence along the western boundary, a mix of a 2 metre post and wire fence and a brick wall along the southern boundary and a mix of metal palisade fencing and a brick wall along the remaining boundaries. There is also a secured metal gate providing access to the site from Oakmount Drive.
2.2	The surrounding area is characterised by a mix of land uses, with commercial uses (A1 use class and sui generis) and residential use prevalent. The site lies directly to the north of an existing Asda Supermarket, to the east of a McDonald's Restaurant, to the west of an existing railway line and the M2 motorway and to the south of an existing row of terraced housing in Oakmount Drive.
	



Planning Assessment of Policy and other Material Considerations

3.0 Site History

- 3.1 LA04/2015/0529/F - Construction of a drive-thru restaurant along with car parking, access and general site works - 233-263 Shore Road, Belfast, BT15 3PW - Permission Granted 23/03/17
- 3.2 Z/2009/0015/F - Erection of 5no. dwellings - 233-263 Shore Road, Belfast (Former concrete works) – Permission Granted 9/11/09
- 3.3 Z/2006/1249/F - 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 - 233-263 Shore Road, Belfast – Application Withdrawn 13/03/07
- 3.4 Z/2003/2855/F - Private housing development of 53 No. dwellings (amended scheme) - 233-263 Shore Road, Belfast (former concrete product works) – Permission Granted 6/9/05
- 3.5 Z/1995/2880 - Erection of replacement warehouse - 233-263 SHORE ROAD BELFAST BT15 – Permission Granted.
- 3.6 Z/1991/2583 - Alterations and extension to builders manufacturing and

3.7	suppliers complex - AEROCRETE WORKS 233-263 SHORE ROAD, BELFAST BT15 – Permission Granted. Z/1973/0276 – 233 Shore Road – Erection of Two stores – Permission Granted.
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2015 (dBMAP)
	4.1.1 White land - BUAP 4.1.2 Major Area of existing Employment / Industry (ref. BT 011/06) – dBMAP 4.1.3 Zoned for Housing (ref. NB 04/16) – Adopted BMAP (since declared unlawful)
4.2	Strategic Planning Policy Statement (SPPS) Planning Policy Statement 2: Natural Heritage Planning Policy Statement 3: Access, Movement and Parking Planning Policy Statement 15: Planning and Flood Risk DCAN 4: Restaurants, Cafes and Fast Food Restaurants
5.0	Statutory Consultees Responses
5.1	NIEA - No objection, subject to conditions
5.2	DFI Roads – Consultation response outstanding.
5.3	Historic Environment Division – No objection
5.4	NI Water - No objection
6.0	Non Statutory Consultees Responses
6.1	BCC Environmental Health – No objection, subject to conditions
6.2	Rivers Agency – Proposal contrary to FLD 1 of PPS 15.
6.3	Shared Environmental Services – No objection, subject to conditions.
7.0	Representations
7.1	3 representations have been received pertaining to this development, 2 of which have been treated as objections. The matters raised are dealt with in the report below.
7.2	The issues raised include: <ul style="list-style-type: none"> • Anti-social behaviour has increased in the area since McDonalds has opened (Litter, noise). Construction of the proposed development will add to these issues. • Residential amenity issues associated with the construction of McDonalds. • Potential overlooking issues from proposed site to existing dwellings at Oakmount Drive. • Proposed boundary treatments are inadequate. • Previous building works at McDonalds have caused structural damage to the existing wall to rear of dwellings at Oakmount Drive. • Request that opening times for the new restaurants are limited.

	<ul style="list-style-type: none"> Issues with the proposed boundary treatment at the end of Oakmount Drive and existence of parking spaces on other side of this wall.
8.0	Assessment
8.1	<p>The key issues in the assessment of this proposed development include:</p> <ul style="list-style-type: none"> Principle of development Impact on residential amenity Impact on flooding Access to the site
8.2	<p><u>Development plan context</u> Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The site is located within the urban area of Belfast. The draft Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18th May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area with draft BMAP remaining a material consideration.</p>
8.3	<p>The site is undesignated 'white land' in the BUAP. The site was designated as a 'Major Area of existing Employment / Industry' (ref. BT 011/06) in dBMAP 2004, however in the 2015 version of dBMAP, the site was re-zoned for housing (ref. NB 04/16).</p>
8.4	<p>Subsequent to the publication of dBMAP, planning permission was granted for residential development on the site. At the BMAP Inquiry, the Department confirmed they no longer supported the designation as an area of employment and industry. The Inquiry process gave consideration to submissions for the subject site to be rezoned from existing employment / industry to a residential zoning, as a development opportunity site (retail/residential) or as part of a wider District Centre in the final 2015 draft BMAP. The PAC took account of the nature of uses in the area and concluded that they did not constitute a level of retailing and associated non-retailing service use appropriate for a District Centre designation. They also argued that no justification had been put forward for retail use on the site and, having a permission for residential development, there appeared to be no constraints to its development. The PAC therefore, concluded that the site should be zoned for housing.</p>
8.5	<p><u>Principle of Development</u> The proposed use of the units is for the sale of food and drink for consumption on the premises. This use is not specified in the Planning (Use Classes) Order (NI) 2015 and is therefore a 'sui generis' use. There is no specific policy relating to sale of hot food and beverages in the SPPS, however it does aim to secure a town centre first approach for the location of future retailing and other main town centre uses. DCAN 4 also provides guidance for planning authorities in assessing proposals such as this.</p>
8.6	<p>Para 6.280 states that a sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date LDP. The agent has argued that the up-to-date LDP is the BUAP and therefore the proposal conforms to Para 6.280 and as such, a sequential test is not required. However, the Council also has to consider the context of dBMAP and the PAC Inquiry. As already discussed, the site was zoned at that stage and the proposal would therefore require a sequential test if</p>

	that plan had not been declared unlawful. However, without prejudice to the agent's position, a sequential test has been prepared in support of the proposal.
8.7	The SPSS states that 'where it is established that an alternative sequentially preferable site(s) exists within a proposal's whole catchment, an application which proposes development on a less sequentially preferred site should be refused'. The agent has identified several potentially available sites within the catchment area. All of the sites put forward have been discounted by the developer for a number of reasons, including size, limited ground floor frontage or they have planning permission for other uses that makes purchase price unachievable in terms of providing four restaurant units.
8.8	The context for the zonings in BMAP should be considered further. The site was previously used as a builders merchants and a plumber business. The agent advises that this closed in 2010 approximately. This provides a rational explanation for the zoning as 'Major area of existing employment / industry' in dBMAP. Subsequent to the publication of dBMAP, planning permission was granted on the site for residential development, under application reference Z/2003/2855/F. At the BMAP Inquiry, the PAC recommended that the site was zoned for housing due to the planning approval and there did not appear to be any constraints to its development such as would warrant designation as a Development opportunity site. The time condition of the approved planning application has now subsequently expired, therefore there is no extant approval for residential development on the site.
8.9	A further consideration to be taken into account is the previous approval for the McDonalds Restaurant, located directly to the west of the site. This planning application was approved on 23 rd March 2017 under ref LA04/2015/0529/F. This restaurant has been constructed and is currently operational. The site for this application was also on the zoned land under BMAP. This application was approved by the Council at a committee meeting on 14 th March 2017. The application had been presented with a case officer recommendation of refusal. The Committee meeting minutes of the 14 th March 2017 show that the developer presented a case that material considerations outweigh the Housing zoning, including lack of developer and NIHE interest in developing the site, the proposal would bring investment and job creation to the area and the site had historically been used for commercial land uses. The Planning Committee voted to approve the proposed development. It is noted that the adopted BMAP was the extant plan at this stage, as it had not yet been declared unlawful.
8.10	The site is constrained by existing development that may deem it unsuitable for housing, such as the McDonalds, ASDA supermarket, electricity substation and railway line in close proximity. Consequently, there may be significant detriment to residential amenity of potential residents. Furthermore, a potential housing site would have to share the existing access with McDonalds. There are also flooding issues associated with the site, which are discussed in detail at paras 8.11-8.14.
8.11	<u>Flooding</u> The site is located partially within a floodplain therefore the proposal should comply with the tests of Policy FLD 1 of PPS 15. It is considered that the proposal can be considered an exception to the policy as it involves the replacement of buildings previously located on the site. Access roads and car parking are necessary and ancillary to the proposed development, therefore they are considered within this exception. Furthermore, the previous arrangement of the site included larger building footprints with the remainder of the site concrete hardstanding.
8.12	A Flood Risk Assessment (FRA) and an Addendum to the FRA were submitted in support of the proposal. The addendum produced a remodelling of the current flood plain extents to take account of the recent construction of the McDonald's restaurant and the current proposal. It concludes that the proposed provision for floodplain storage compensation measures (provision of 3 storm cells) is sufficient for the loss of floodplain as a result of the current

	<p>proposals only, and not including the McDonald's Restaurant. Planning approval for the McDonald's has already been granted and is not the subject of this planning application. As each proposal is dealt with on its own merits, adequate floodplain storage has been provided for this proposed development.</p> <p>8.13 However, Rivers Agency refer to Flood Protection / Management Measures within FLD 1 and advise that flood plain storage compensation in order to facilitate development within floodplains is not acceptable. Para 6.28 of PPS 15 provides further guidance: <i>'Due to the cumulative effect and unknown implications associated with infilling and excavation, flood compensatory storage in itself is not considered as justification for development in a floodplain. However, in exceptional circumstances where infilling may be permitted to facilitate the provision of key infrastructure, such as a road embankment, flood compensatory storage may be acceptable as a flood mitigation measure'</i>. This paragraph indicates that in certain scenarios, the provision of flood compensatory storage is acceptable in accordance with policy FLD 1. It is considered that this paragraph means that a compensatory floodplain will only be considered as mitigation if an exception to Policy FLD 1 has been identified.</p> <p>8.14 A Drainage Assessment was also provided in support of the proposal. Rivers Agency have advised that the proposal is in accordance with Policy FLD 3, in addition to FLD 2 and FLD 5. Rivers Agency further advise that the responsibility for justifying the Flood Risk and Drainage Assessments (and FRA Addendum) and implementation of the proposed flood risk measures rests with the developer and professional advisors.</p> <p>8.15 <u>Residential Amenity</u> Unit 2 is the closest of the proposed restaurant units to the adjacent residential development, with a separation distance of approximately 7 metres from the proposed unit to the site boundary. The restaurant units are ground floor only, therefore there are no overlooking issues. Furthermore, the boundaries with Oakmount Drive will vary between a 1.8 metre acoustic closed boarded fence at the rear of No. 9 – 23 Oakmount Drive and retention of the existing 1.8 m high block wall and creation of a new 1.8 m high block wall at the bottom of Oakmount Drive, adjacent to No's 23 and 24. It is considered that this will also mitigate against potential overlooking.</p> <p>8.16 Proposed Units 1 and 2 are located within the same building. The building has an inverted pitched roof, therefore the eaves are the highest point of the building. The eaves of Unit 2 measure approximately 7.1 metres. There are no concerns regarding loss of light or overshadowing at nearby properties.</p> <p>8.17 An Odour Impact Assessment was submitted in support of the proposal, concluding that a high level of odour control would be required. The elevation drawings have been amended to show extraction ducts extending 1 m from the buildings. No further detail relating to the specific kitchen extraction and odour abatement system at each unit has been provided, however end users have not yet been identified. BCC Environmental Health (EHO) have advised that a number of conditions in relation to odour abatement should be placed on any potential approval.</p> <p>8.18 An Air Quality Impact Assessment has been submitted in support of the proposal. The Assessment has demonstrated that existing local residents will not be exposed to air quality concentrations exceeding AQ objectives and European Limit Values. Moreover, there will be only negligible increases in nitrogen dioxide and particulate matter concentrations in the local area as result of the development. The assessment has also demonstrated that there will be no significant impact from dust from the proposed development during the construction phase when mitigation measures suggested by the consultant are implemented. This can be controlled by imposition of a condition in the event of approval.</p>
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8.19	<p>A Noise Impact Assessment has been carried out to examine noise impact from operational (traffic, deliveries etc) and construction noise associated with the development. It is noted that the units will not be operational between the hours of 23.00-07.00hrs and the assessment is based on these operational times. An existing solid wall is located to the rear of Oakmount Drive with a new 1800mm high rendered block wall proposed to complete this boundary.</p>
8.20	<p>In relation to plant/equipment associated with the development, the report refers to uncertainty regarding the specification, type and location of equipment for each unit and how it is not possible to accurately determine noise impact at this stage. The report refers to a detailed acoustic appraisal being undertaken at the detailed design stage once the specific plant/equipment has been determined. This can be controlled by a condition requiring submission and approval of a verification report demonstrating that the noise generated is of an acceptable level. In total, EHO have recommended 4 noise conditions in the event of approval.</p>
8.21	<p><u>Contaminated Land</u> A Contaminated Land Risk Assessment (Phase II GQRA) has been submitted in support of the proposal. The Risk Assessment has identified various contaminants and provided remediation measures to ensure the site is fit for end use. Conditions have been provided from EHO, NIEA and SES in the event of a planning approval.</p>
8.22	<p><u>Access & car parking</u> The proposed development will utilise the existing access at McDonalds. 95 parking spaces are proposed. DFI Roads provided comment previously advising that the proposed access was unacceptable, as visibility splays were not marked correctly on the drawing and the red line of the application boundary was incorrect as it did not include the full extent of the visibility splay. Necessary amendments were submitted, DFI Roads were re-consulted and the application was re-advertised as a result of the increased red line. As yet, no final response has been received from DFI Roads.</p>
8.23	<p><u>Boundary treatments</u> 2 of the representations specifically mentioned the proposed boundary treatments at the end of Oakmount Drive. The proposal includes a new 1.8 m high render wall along this boundary. It is considered that this is an appropriate solution, in terms of visual amenity and protecting amenity of residents. Furthermore, the proposal includes the planting of a tree on the other side of the boundary wall, thereby enhancing screening and visual character. The construction of a 2.5 metre wall may appear dominant along this boundary. It is considered that the other proposed boundary treatments are acceptable.</p>
8.24	<p><u>Landscaping</u> The site layout includes proposals for tree planting within the development. Trees are proposed along the boundary at the rear of No. 9 – 23 Oakmount Drive and at the end of Oakmount Drive behind the proposed render wall, which will improve screening and mitigate against potential detrimental impact on residential amenity. In the event of approval, full details of a landscaping plan and maintenance plan will be conditioned.</p>
8.25	<p><u>Anti-social behaviour / Service Management</u> Objections raised the issue of anti-social behaviour associated with the proposal and the existing McDonalds Restaurant. McDonalds has already received planning permission under ref. LA04/2015/0529/F. It is considered that potential issues of anti-social behaviour can be addressed with the submission of a site-specific Management and Crime Prevention Plan. In the event of approval, submission and implementation of such a plan will be conditioned.</p>

8.26	<p><u>Natural Heritage and Archaeology</u></p> <p>The application site is located on reclaimed land. HED Historic Monuments advised that the proposal is in accordance with the tests of PPS 6. NIEA NED have no concerns with the proposal.</p>
8.27	<p><u>Habitats Regulation / EIA</u></p> <p>Shared Environmental Services (SES) have considered the proposal in accordance with Regulation 43(1) of the Conservation (Natural Habitats, etc) Regulations (NI) 1995 (as amended) and have advised that the proposal will not have an adverse effect on site integrity of any European site, provided mitigation is included through condition. Furthermore, the proposed development was screened in accordance with the Planning (Environmental Impact Assessment) Regulations (NI) 2017. It is considered that the proposal does not have the potential for significant environmental impacts by reason of size, nature and location.</p>
9.0	<p>Summary of Recommendation: Approval</p>
9.1	<p>The BUAP is now the statutory development plan for the area with draft BMAP remaining a material consideration. The application site has a complex history in the context of the Development Plan, with the site undesignated white land in the BUAP, an area of existing employment and industry in dBMAP 2004 and zoned for housing in the draft BMAP 2015.</p>
9.2	<p>A previous approval for residential development on the site has since expired and planning permission has been granted for a McDonald's Restaurant at the front of the site, adjacent to the Shore Road. In deciding that application, the Council accepted that there was no demand to develop the site for housing. Given the constraints of the site, it is considered that there would be difficulty in providing a quality residential environment. The agent has provided information indicating that there are no sequentially preferable locations for the proposal. This proposed development will bring back to use an existing derelict brownfield site located within the city. In this context, and on balance, it is considered that the proposed development is acceptable.</p>
9.3	<p>Rivers Agency have advised that the proposal is contrary to Policy FLD 1 of PPS 15, however it is considered that the proposal constitutes an exception to the above policy and the developer has identified the sources of flood risk and proposed adequate measures to manage and mitigate any increase in flood risk arising from this development.</p>
9.4	<p>It is considered that potential impacts on residential amenity and contaminated land can be appropriately mitigated through condition. Furthermore, it is considered that the proposed design and landscaping proposals are acceptable.</p>
9.5	<p>DFI Roads have not yet responded to consultation request, following amendments. However this is not expected to be a major issue as the requested amendments have been made by the agent.</p>
9.6	<p>On balance, it is considered that the proposed development accords with the policies of the development plan and prevailing regional planning policy therefore approval is recommended, subject to conditions. It is requested that final wording of conditions is delegated to the Director of Planning and Building Control.</p>
10.0	<p>Conditions</p>
10.1	<p>The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p>

10.2	<p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>Prior to the commencement of the construction of each restaurant unit a detailed specification for the extraction and abatement of cooking odour has been submitted to and approved in writing by the Council. Supporting information shall be submitted which demonstrates that the proposed specification to be installed is capable of providing a high level of odour control.</p>
10.3	<p>Reason: Protection of residential amenity.</p> <p>The extraction duct to each of the restaurant units, hereby permitted, shall be so located to terminate at a height of no less than 1m above eaves in accordance with Ostick and Williams drawing numbers (PL)005 and (PL)006 project number F3383 revision 1 date stamped received by Belfast City Council 3rd May 2019.</p>
10.4	<p>Reason: Protection of residential amenity.</p> <p>The approved odour abatement scheme at each proposed restaurant unit shall be installed in accordance with the approved details prior to the use hereby approved commencing and shall be operated at all times thereafter while the restaurant units are in use.</p>
10.5	<p>Reason: Protection of residential amenity.</p> <p>During the construction phase of the development, dust emissions shall be controlled in accordance with Section 1.6 – <i>Mitigation Measures</i> of the RPS report: <i>Air Quality Impact Assessment Report, Shore Road, Belfast</i>, Report No NI1855, dated 23rd January 2018.</p>
10.6	<p>Reason: The protection of human health</p> <p>Prior to the operation of the proposed development, the applicant shall provide to the planning authority, for approval in writing, a Verification Report. This report must demonstrate that the remediation measures outlined in Section 8.0 of the MCL Consulting – Project No P1604 – <i>Contaminated Land Risk Assessment, Phase II GQRA and Outline Remediation Strategy – Proposed Restaurants Development, Former Aerocrete Site, Shore Road Belfast</i> (Belfast City Council date stamp 21/11/2018) are implemented.</p> <p>The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (commercial). It must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report should be in accordance with current best practice and guidance as outlined by the Environment Agency. In particular, this Verification Report must demonstrate:</p> <ul style="list-style-type: none"> - gas protection measures in accordance with CIRIA C665 Characteristic Situation 2/BS8485: 2015 have been installed throughout all buildings of the proposed development. The gas protection membrane shall also act as VOC-resistant gas protection membrane. - the emplacement of a clean cover system to a depth of 600mm demonstrably suitable for end use within all grassed/landscaped areas. - the site layout is in accordance with Ostick+Williams drawing number (PL) 002 - <i>Proposed Site Layout</i>, Belfast City Council drawing number 02, date stamp 21/11/2018. <p>Reason: The protection of human health</p>

10.7	<p>If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
10.8	<p>After completing any remediation works under Condition 7 and prior to occupation of the development, a Verification Report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The Verification Report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
10.9	<p>During the construction phase of the development, the noise mitigation measures specified in Section 5.1 of the RPS Report <i>Noise Impact Assessment - Proposed Restaurant Development, Shore Road, Belfast</i>, Document No NI1855/N/01/01, dated 8/11/2018 shall be implemented.</p> <p>Reason: In the interest of residential amenity</p>
10.10	<p>Prior to the commencement of the development, a Verification Report shall be submitted to Belfast City Council for review and approval in writing. The report shall demonstrate that the Rating Level (dB L_{Ar}) of sound from all combined plant and equipment associated with the development does not exceed the typical background sound level (for both daytime and night time) at sound sensitive residential premises as determined through calculation in accordance with the assessment methodology outlined in BS4142:2014 - <i>Methods for rating sound and assessing industrial and commercial sound</i>, as specified in Section 5.2 <i>Plant and Equipment</i> of the RPS Report <i>Noise Impact Assessment - Proposed Restaurant Development. Shore Road, Belfast</i>, Document No NI1855/N/01/01, dated 8/11/2018.</p> <p>The approved Rating Level (dB L_{Ar}) from all combined plant and equipment shall be maintained at that level (or lower) thereafter.</p> <p>Reason: In the interest of residential amenity</p>
10.11	<p>Prior to the operation of the development, close boarded acoustic fencing to a height of 1800mm is to be erected at A- A1; the rendered block wall to a height of 1800mm is to be retained at A1 - A2 and a new rendered block wall to a height of 1800mm is to be erected at A2 - A3 as illustrated on Drawing No. 02B and No. 09A date stamped received by Belfast City Council 16th August 2019 and shall be retained thereafter.</p> <p>Reason: In the interest of residential amenity</p>
10.12	<p>None of the units hereby approved shall operate between the hours of 23.00 - 07.00hrs on any day and not before 10:00hrs on Sundays or public holidays.</p> <p>Reason: In the interest of residential amenity</p>

	<p>All infill material used in the construction, must be strictly inert .</p>
10.13	<p>Reason: To prevent adverse impacts on Belfast Lough SPA/Ramsar Belfast lough Open Water SPA and East Coast Marine proposed SPA from polluting discharges from potentially contaminated land</p>
10.14	<p>Storm drainage must pass through a hydrocarbon interceptor prior to discharge to the culverted watercourse.</p>
	<p>Reason: To prevent adverse impacts on Belfast Lough SPA/Ramsar Belfast lough Open Water SPA and East Coast Marine proposed SPA from polluting discharges from potentially contaminated land.</p>
10.15	<p>During construction phase, a clearly defined buffer of at least 10m must be maintained between the location of all refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and the culverted watercourse (during culvert works) or any open surface water drain.</p>
	<p>Reason: To prevent polluting discharges entering adjacent watercourses and impacting on the site integrity of Belfast Lough SPA/Ramsar, Belfast lough Open Water SPA and East Coast Marine proposed SPA.</p>
10.16	<p>Storm drainage of the site, during the construction phase, must be designed to the principles of Sustainable Drainage Systems (SuDS) in order to prevent the polluting effects of storm water on Belfast Lough. Construction of SuDS should comply with the design and construction standards as set out in The SuDS Manual - Construction Industry Research and Information Association (CIRIA) Report C753.</p>
	<p>Reason: To prevent polluting discharges entering and impacting on the site integrity of Belfast Lough SPA/Ramsar, Belfast lough Open Water SPA and East Coast Marine proposed SPA.</p>
10.17	<p>Prior to operation of the hereby approved restaurant units, the applicant must submit to the Council, for review and approval in writing, a site-specific Management and Crime Prevention Plan which must include, but not be limited to the following:</p> <ul style="list-style-type: none"> - Staff training arrangements for dealing with noise and anti-social behaviour; - A list of physical and operational measures to reduce noise and anti-social behaviour associated with the restaurant, drive thru and associated car park; - Arrangements for managing litter around the site; - A framework for liaising with nearby businesses, neighbouring residential premises and the PSNI on a regular basis; - A means of recording incidents noted by staff and for recording complaints made by neighbouring residential premises. <p>The approved Management and Crime prevention Plan must be implemented and reviewed every 6 months.</p> <p>Reason: Protection of residential amenity.</p>
10.18	<p>The development hereby permitted shall at all times operate fully in accordance with the approved Management and Crime Prevention Management Plan referred to under Condition No. 17 of this planning permission, unless otherwise agreed in writing by the Local Planning Authority.</p>

<p>10.19</p> <p>10.20</p>	<p>Reason: In the interests of residential amenity.</p> <p>No development shall take place until full details of all proposed tree and shrub planting, a programme of works and a management plan, have been approved by the Council. All approved tree and shrub planting shall be carried out in accordance with those details prior to the occupation of the development.</p> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>Prior to the occupation of the first unit of the hereby approved development, the proposed boundary treatments on stamped approved Drawing No. 02B and 09A date stamped 16th August 2019 shall be carried out in full.</p> <p>Reason: In the interest of visual amenity.</p>
<p>Notification to Department (if relevant)</p>	
<p>Representations from Elected members:</p> <p>Cllr Fred Cobain has objected to the proposal.</p>	