

Committee Application

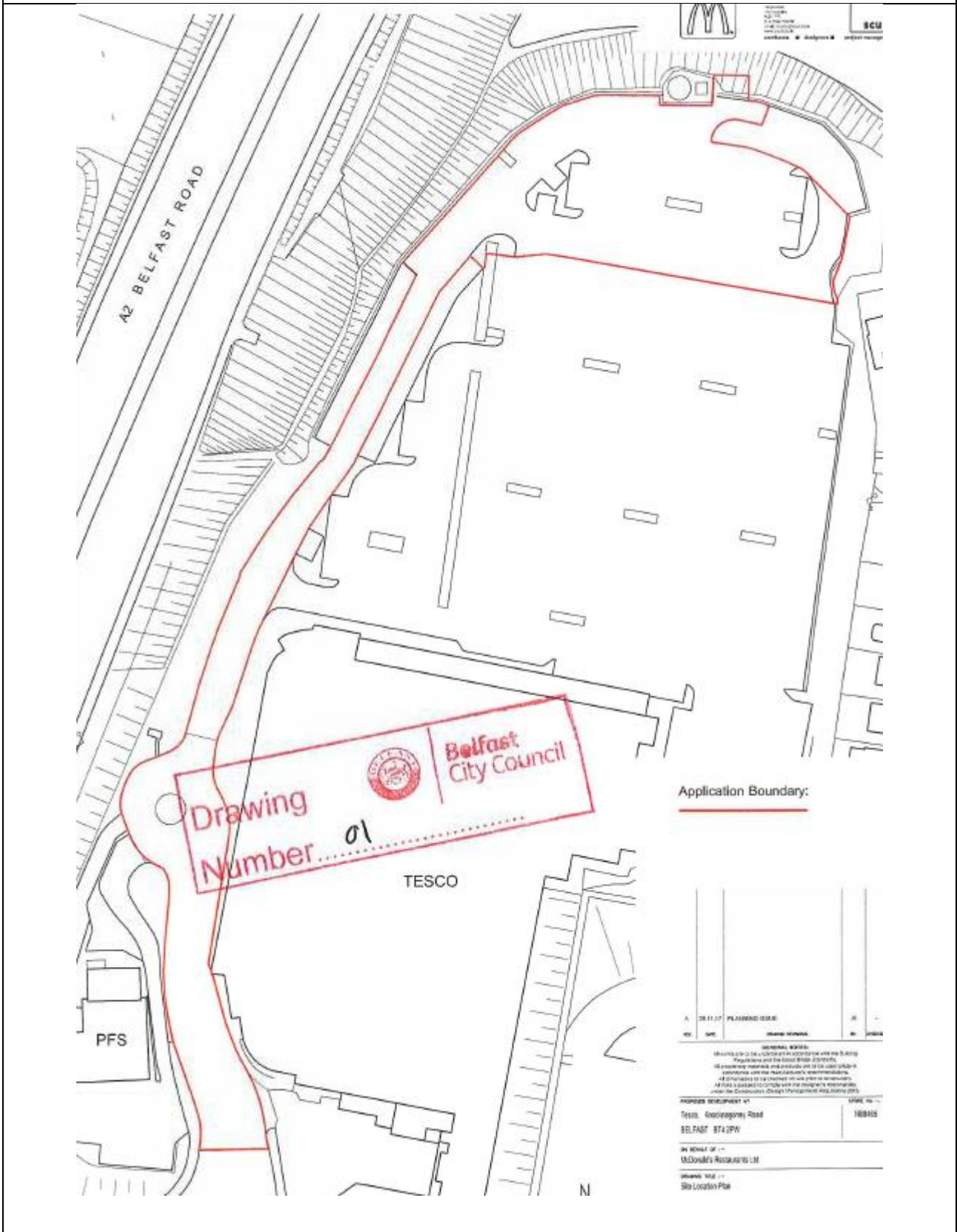
Development Management Report	
Application ID: LA04/2019/2113/F	Date of Committee: Tuesday 12 th November 2019
Proposal: Application to vary condition 7 LA04/2017/2776/F from a noise verification report must be submitted prior to the operation of the restaurant and drive thru to within one month of the occupation of the restaurant and drive thru a noise verification report must be submitted	Location: Lands to a section of existing Tesco car park Knocknagoney Road Belfast BT4 2PN.
Referral Route: Presented under paragraph 3.8.1 of the Council's scheme of delegation – Councillor call in by Cllr McReynolds	
Recommendation:	Approval
Applicant Name and Address: McDonalds Restaurants Limited 11-59 East Finchley London N2 8AW	Agent Name and Address: Sarah Carpenter Planware Limited 37 Walnut Tree Lane Sudbury Co10 1BD
<p>Executive Summary:</p> <p>The application seeks to vary condition 7 of previous approval LA04/2017/2776/F from a noise verification report submitted 'prior to the operation' of the restaurant and drive thru to submission 'within one month of the occupation' of the restaurant and drive thru to allow for an accurate representation of the plant and equipment noise measurements.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> • Impact on neighbouring residents <p>The scheme was granted approval under application LA04/2017/2776/F for the erection of a two storey McDonalds with car parking and drive thru.</p> <p>One objection was received. The main concerns raised include:</p> <ul style="list-style-type: none"> - Surveys carried out at times when the impact of the development would be minimal. - Noise and Anti-social Behaviour - Cracking of internal and external walls as a result of ongoing development. - No rationale to defer noise verification until after the restaurant has opened as opposed to pre-occupation as conditioned. <p>This objection is discussed in full in the main body of this report.</p> <p><u>Consultees</u></p> <ul style="list-style-type: none"> • Belfast City Council Environmental Health <p>Environmental Health have no objection to the proposal.</p>	

Recommendation:

Having regard to the information provided, the proposal is considered acceptable and planning permission is recommended for approval to vary condition 7 with delegated authority for the Director of Planning and Building Control to finalise the wording of conditions.

Case Officer Report

Site Location Plan



Characteristics of the Site and Area	
1.0	<p>Description of Proposed Development</p> <p>Application to vary condition 7 LA04/2017/2776/F from a noise verification report</p> <ul style="list-style-type: none"> - must be submitted prior to the operation of the restaurant and drive thru to - within one month of the occupation of the restaurant and drive thru a noise verification report must be submitted
2.0	<p>Description of Site</p> <p>The site is located at the northern section of Knocknagoney Tesco carpark. The application site has been granted approval for a two storey McDonalds with car parking and drive thru. The site is elevated about the A2 dual carriageway/ Belfast Road and graduates towards the site entrance at Knocknagoney Road. The surrounding area is characterised by mixed land uses including residential, retail and a PSNI Station. The boundary of the car park is lined by trees which screen the site from adjoining residential properties at Glendarragh Mews.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	<p>Site History</p> <ul style="list-style-type: none"> • LA04/2017/2776/F - Erection of 2 storey McDonalds Restaurant with car parking and drive thru. Erection of 2No. customer order displays with canopies and associated site works. Permission granted 31.01.2019.
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 (BUAP)
4.2	(Draft) Belfast Metropolitan Area Plan 2015
	The extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.
4.3	Strategic Planning Policy Statement for Northern Ireland (SPPS)
5.0	Statutory Consultees Responses
5.1	None
6.0	Non Statutory Consultees Responses
6.1	Belfast City Council Environmental Health
7.0	Representations
7.1	The application has been neighbour notified and advertised in the local press.
7.2	<p>One objection was received. The main concerns raised include:</p> <ul style="list-style-type: none"> - Surveys carried out at times when the impact of the development would be minimal. This sets the rationale behind amending the condition so as to provide accurate noise surveys to fully discharge the condition. - Anti-social Behaviour

	<p>This was considered as part of the main application (reference LA04/2017/2776/F) and is not relating to this existing application to vary condition 7.</p> <ul style="list-style-type: none"> - Site Noise Not in relation to the existing proposal but as a continued part of construction of the development approved under LA04/2017/2776/F. Environmental Health have been contacted by the neighbouring residents and the operational hours of the contractors have been cut back. - Cracking of internal and external walls as a result of ongoing development. This is not a consideration of the current application relating to the submission of a noise impact assessment. - No justification to defer noise verification until after the restaurant has opened as opposed to pre-occupation as conditioned. As stated in the Supporting Statement by Planware Ltd, delaying the submission of the noise impact assessment until the restaurant/ drive thru is tested under operational conditions will be most representative of noise measurements as a significant amount of the plant and equipment includes the extraction system which would not be operational before the restaurant commences trading.
8.0	Other Material Considerations
8.1	None
9.0	Assessment
9.1	The application was submitted under Section 54 of the Planning Act (Northern Ireland) 2011. This applies to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.
9.2	<p>The proposal seeks permission to vary condition 7 of planning approval reference LA04/2017/2776/F which currently reads:</p> <p><i>Prior to the operation of the restaurant and drive thru hereby approved the applicant must provide a Noise Verification Report to the Planning Service which demonstrates that the noise rating level from the operation of all combined plant and equipment does not exceed the existing background noise level at nearby noise sensitive premises assessed in line with BS 4142:2014. The Verification Report must be approved in writing by the Planning Service prior to any commencement of the use hereby approved.</i></p> <p><i>Reason: Protection of Residential Amenity.</i></p>
9.3	<p>The condition is proposed to vary to the following (changes have been underlined):</p> <p><i><u>Within one month of the occupation</u> of the restaurant and drive thru hereby approved the applicant must provide a Noise Verification Report to the Planning Service which demonstrates that the noise rating level from the operation of all combined plant and equipment does not exceed the existing background noise level at nearby noise sensitive premises assessed in line with BS4142:2014. The Verification Report must be approved in writing by the Planning Service prior to any commencement of the use hereby approved.</i></p> <p><i>Reason: Protection of Residential Amenity.</i></p>
9.4	Environmental Health were consulted in relation to the proposal and confirmed that the Supporting Statement by Planware Ltd which was submitted stated that it would not be

	pragmatic to conduct measurements and have the report submitted to discharge the condition before the restaurant commences trading.
9.5	A report conducted prior to operation would not fully represent the noise associated with a fully operational restaurant and drive thru. Given that a significant amount of the plant and equipment includes the extraction system, this needs to be tested under operational conditions for noise measurements to be most representative.
9.6	Having reviewed the supporting statement and discussing with the appointed acoustic consultant, Environmental Health are of the opinion that the request to vary condition 7 is reasonable and has no objection to the proposed wording.
10.0	Summary of Recommendation: Based on the information submitted and the consultation response from environmental health, the proposed variation of condition 7 is considered acceptable.
11.0	Conditions 1. Within one month of the occupation of the restaurant and drive thru hereby approved the applicant must provide a Noise Verification Report to the Planning Service which demonstrates that the noise rating level from the operation of all combined plant and equipment does not exceed the existing background noise level at nearby noise sensitive premises assessed in line with BS4142:2014. The Verification Report must be approved in writing by the Planning Service prior to any commencement of the use hereby approved. Reason: Protection of Residential Amenity. Informative 1. This decision relates to the variation of condition 7 only of planning approval LA04/2017/2776/F. All other conditions of LA04/2017/2776/F must be complied with.
Notification to Department (if relevant)	
Representations from Elected members: No representation has been received from elected members.	

ANNEX	
Date Valid	23rd September 2019
Date First Advertised	4th October 2019
Date Last Advertised	18th October 2019
Details of Neighbour Notification (all addresses)	
<p>The Owner/Occupier, 26 Glendarragh Mews,Belfast,Down,BT4 2WE</p> <p>The Owner/Occupier, 28 Glendarragh Mews,Belfast,Down,BT4 2WE</p> <p>The Owner/Occupier, Tesco 24hr Store,2 Knocknagoney Road,Belfast,Down,BT4 2PW</p> <p>The Owner/Occupier, Tesco Filling Station,Knocknagoney Road,Belfast,Down,BT4 2PW</p>	
Date of Last Neighbour Notification	15th October 2019
Date of EIA Determination	n/a
ES Requested	No
Drawing Numbers and Title	
<p>01- Site location Place</p> <p>02- HV AC Plant Layout on Roof</p>	
Notification to Department (if relevant)	
Date of Notification to Department:	n/a
Response of Department:	