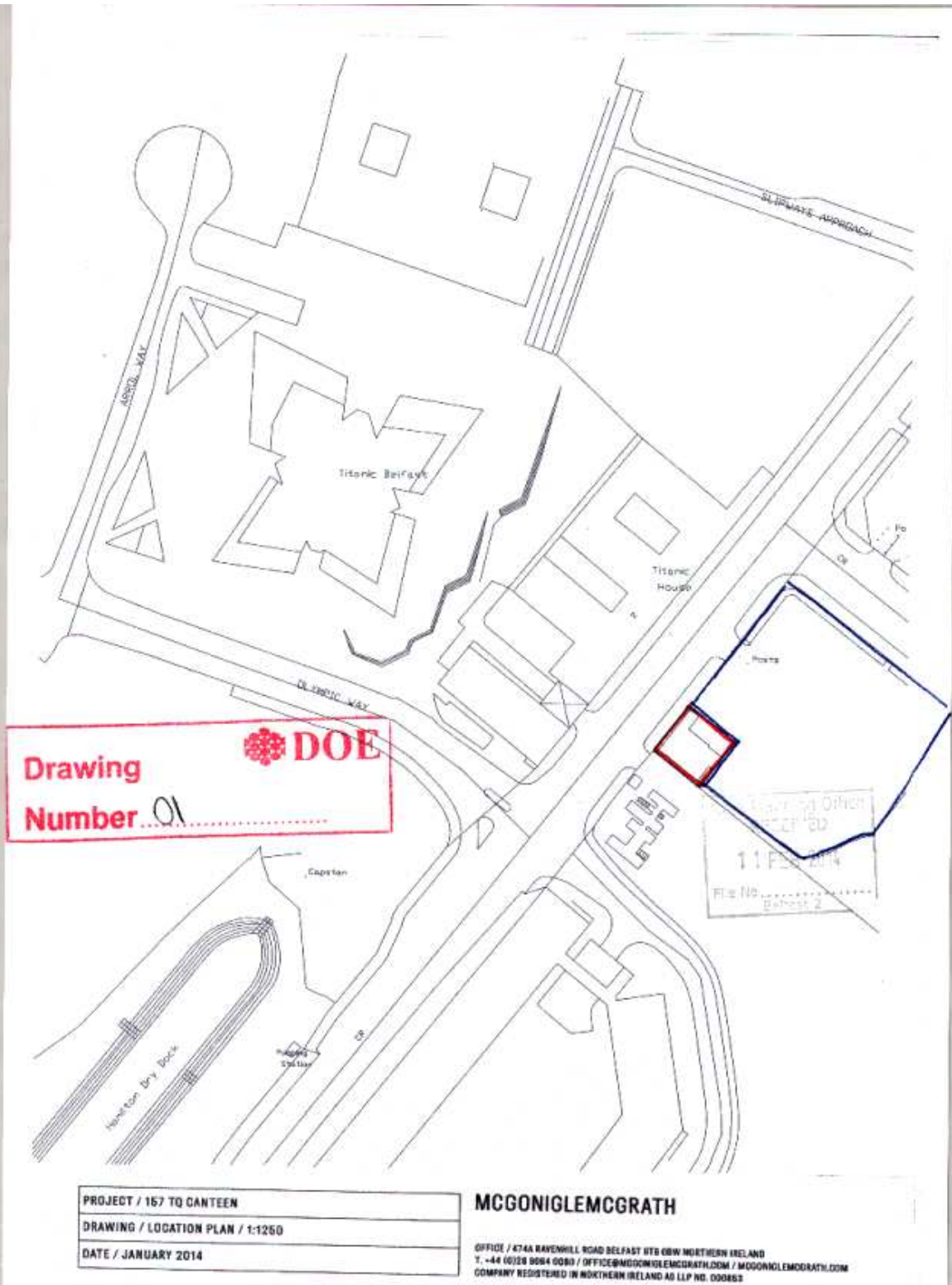




**Development Management Officer Report  
Committee Application**

<b>Summary</b>	
<b>Committee Meeting Date:</b> 23 April 2014	<b>Item Number:</b> 7 iii
<b>Application ID:</b> Z/2014/0173/F	<b>Target Date:</b>
<b>Proposal:</b> Change of use from bank to restaurant with take away facility	<b>Location:</b> Site adjacent to 7 Queens Road Belfast (opposite 2 Queen's Road Belfast) BT3 9DT
<b>Referral Route:</b> Falls outside delegated scheme	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Titanic Quarter Ltd Titanic House 2 Queens Road Belfast BT3 9DT	<b>Agent Name and Address:</b> McGonigle McGrath 474a Ravenhill Road Belfast BT6 0BW
<b>Executive Summary:</b> <p>This application seeks full planning permission for a change of use from bank to restaurant with takeaway facility. The main issues to be considered in this case are:</p> <ul style="list-style-type: none"><li>• The principle of restaurant/hot food takeaway use on the site</li><li>• Loss of amenity</li></ul> <p>The Development Plan zones the land for 'mixed use'. The proposal was assessed against Planning Policy Statement 1, General Principles and Development Control Advice Note 4, Restaurants, Cafes and Fast Food Outlets. The proposal complies with this policy and guidance.</p> <p>Consultees had no objections to the proposal subject to relevant conditions to be attached to the decision notice should approval be granted.</p> <p>No representations were received. It is recommended that the application is approved with conditions.</p>	
<b>Signature(s):</b>	

**Site Location Plan**



**Consultations:**

Consultation Type	Consultee	Response
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Non Statutory	Env Health Belfast City Council	Add Info Requested
Non Statutory	Env Health Belfast City Council	Add Info Requested
Non Statutory	Roads - Hydebank	No Objection
<b>Representations:</b>		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<b>Summary of Issues</b> N/A		
<b>Characteristics of the Site and Area</b>		
<p>The site is located along Queens Road, Belfast. It is occupied by a single storey building finished in red brick with a flat roof, including a projecting roof/canopy on the north elevation. It was used as the First Trust Bank. The existing building comprises a banking hall, tellers, toilet, store, office, vault and interview room. To the north west of the site is an existing car park and opposite is Titanic House and Titanic Belfast building. Adjacent to the building is the Belfast Metropolitan College building. The area is within Titanic Quarter area with a mixture of cultural/heritage, recreational, restaurants, educational residential all within this area.</p>		
<b>Planning Assessment of Policy and Other Material Considerations</b>		
<p>Belfast Metropolitan Area Plan 2015 (BMAP)          Planning Policy Statement 1 - General Principles          Development Control Advice Note 4 - Restaurants, Cafes and Fast Food outlets.</p> <p>Planning History          Z/2007/0298/F Land east of Queen's Road and Hamilton Graving Dock, Queen's Island, Belfast College campus and ancillary uses including beauty salon, hairdressing salon, bar &amp; restaurant together with access road, basement (&amp; perimeter) car parking of 329 spaces, provision of new junction, upgrading of Queen's Road &amp; associated site works. PERMISSION GRANTED 2/15/08          Z/2009/1061/LB Former Harland and Wolff Headquarters Building, Queen's Road, Queen's Island, Belfast, BT3 9DU Refurbishment, part-restoration, change of use and extension of Listed Former Harland and Wolff Headquarters building for use as 111- bedroom boutique hotel, spa facilities, swimming pool, gymnasium and other ancillary uses together with associated access and undertaking of site works PERMISSION GRANTED 2/3/11          Z/2011/0118/F site to north-east of existing 'Paint Hall' structure, Queen's Road, Titanic Quarter, Belfast, Erection of 2 no. film studios with associated ancillary accommodation and car-parking. PERMISSION GRANTED 11/21/11          Z/2011/0830/A New Belfast Metropolitan College Campus, 7 Queens Road, Belfast, BT3 9DT, Belfast Metropolitan College - college logo and signage displays PERMISSION GRANTED 8/5/11          Z/2011/0943/F Land 120m east of the former Harland and Wolff Drawing Offices, Queen's Road, Queen's Island, Belfast, Provision of coach parking and related access in association with the Titanic Signature Building to fulfil condition no. 21 of outline planning approval Z/2006/2864/O. PERMISSION GRANTED 3/13/12          Z/2012/0774/F Lands east of Victoria Channel and west of Queen's Road Queen's Island</p>		

Belfast, Application under Article 28 of the Planning (Northern Ireland) Order 1991 to vary planning condition 3 attached to planning permission Z/2011/0330/F (amended description).  
PERMISSION GRANTED 12/20/12

#### Belfast Metropolitan Area Plan 2015

The site lies within zoning BHA01 - Mixed Use Site at Titanic Quarter. The plan includes a key site requirement which states development of the site shall only be permitted in accordance with an overall development framework for the area. The plan states that cafes/restaurants will be an acceptable use within this area. The site is also shown within a rapid transit route. Given the proposal is for the change of use of an existing building, there will be little change to the external fabric of the building and the proposed use is considered acceptable in principle in this area, the proposal is considered to comply with BMAP.

PPS 1 states that the 'guiding principle in determining planning applications is that development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance'. It is considered that the proposal will not have a detrimental impact for the reasons set out below and as such the proposal complies with PPS 1.

#### DCAN 4: Restaurants, Cafes and Fast Food Outlets

Planning criteria to be applied when an application for a restaurant /cafe is being considered, in addition to food and hygiene (Environmental Health) regulations:

Pollution Control and Local Govt. (NI) Order 1978 confers considerable powers on District Councils regarding such matters as litter, disposal of waste, noise and atmospheric pollution. Loss of amenity is a valid planning consideration; Environmental Health views apposite. Control of Food Premises (NI) Order 1979 covers matters such as toilet and washing facilities for staff, ventilation discharges.

Restaurants are not generally acceptable within a wholly residential area due to noise, disturbance, odours and increased traffic generation associated with these forms of development. Acceptable locations are generally non residential and, on a case by case basis, mixed areas, although particular attention will be paid to amenity.

The proposal should not give rise to adverse traffic conditions. Effects of servicing traffic are also a factor.

Noise of deliveries/equipment is an important consideration, particularly at late night opening times, however given the non residential character of the area the impact is not likely to be detrimental.

Effect on amenity caused by odours is an important factor. It is considered that the proposal will not have a detrimental impact on neighbouring properties in terms of odour and noise.

Given that the proposal involves a change of use, there will be no detrimental impact in terms of visual impact. The design and layout will not be significantly different to what exists at present. There will be no loss in visual amenity should approval be granted. The proposal therefore should not be detrimental to the character and appearance of the streetscape and surrounding area.

The proposed site is located adjacent to the Titanic building and the area is considered to be acceptable for restaurant use as per BMAP 2015. There is likely to be minimal impact on existing premises. In general use terms, the proposal is acceptable taking account of the mixed use character of the immediate area. Taking account of the consultation response from Environmental Health and the character of the area, the proposal will not unduly impact on neighbouring amenity in terms of noise or smells. Environmental Health suggested two conditions relating to odour abatement in their consultation response dated 15th April 2014 to be

included in the Decision Notice should approval be granted. They also suggested two informatives relating to the potential impact of noise pollution.

In the same consultation response Environmental Health Department requested a Contaminated Land Risk Assessment and stated that the report also is sent to Northern Ireland Environment Agency's (NIEA) Land and Resource Management team for comment.

The Environmental Health Department stated "*McGonigle McGrath's letter of the 12th November 2014 provided additional clarity on the proposed works and confirmation that there will be no 'intrusive' works i.e. no works that will breach the existing floor slab. The letter infers, therefore, that there will be limited potential for the release of ground contamination and suggests that the requirement to complete a ground contamination survey in support of the development be removed.*

*It is therefore acknowledged that as the works will not include breaching the existing concrete subfloor, this would aid in limiting the potential exposure of future site users to any underlying ground contamination.*

*Despite the above, from this Unit's previous works in the vicinity of the site it is known that there is potential for the generation of significant levels of ground gas/vapour. The detail in the submitted letter gives no indication of the presence of gas protection measures within the existing subfloor and therefore, it was unclear if a significant human health risk could be posed from the ingress of ground gases/vapours at the site."*

Therefore, additional information in the form of a contaminated land risk assessment including a gas risk assessment, addressing the above concerns was forwarded to the relevant departments. Environmental Health through internal email discussion stated three likely conditions for approval relating to submissions required (if necessary) prior to the occupation of the development –

1. an updated gas risk assessment
2. a detailed remediation strategy outlining all identified risks to human health and how they will be managed
3. a verification report demonstrating that all pollutant linkages relating to human health have been appropriately managed.

NIEA Land and Resource Management through unofficial consultation stated they would have no objection to the proposal should they be officially consulted for comment subject to advised conditions to manage any new contamination and risks identified during development works.

Transport NI has no objection to the proposal in terms of parking or road safety. The proposal is deemed acceptable in terms of any potential increase in traffic generation.

Approval recommended.

**Neighbour Notification Checked**

Yes

**Summary of Recommendation:**

No representations were received in connection with the proposal. I have considered all material considerations including comments from consultees and an approval is recommended.

**Conditions/Reasons for Refusal:**

## Conditions

1. As required by Article 34 of the Planning (Northern Ireland) Order 1991, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. Prior to occupation of the development, the applicant must submit an updated gas risk assessment which includes an investigation and assessment of all pertinent ground gases identified in the PRA, including, as a minimum, methane (CH<sub>4</sub>), carbon dioxide (CO<sub>2</sub>) and VOCs. The gas risk assessment must be undertaken in accordance with relevant current industry guidance and submitted to Belfast City Council for approval.

Reason: Protection of human health

3. Pursuant to Condition 2 and prior to occupation of the development, if necessary, the applicant must submit a Detailed Remediation Strategy which outlines how all identified risks to human health will be managed. The Remediation Strategy must include a detailed Verification Plan, be prepared in accordance with all relevant current industry guidance and it must be submitted to Belfast City Council for approval.

Reason: Protection of human health

4. Pursuant to Conditions 2 and 3 and prior to occupation of the development, if necessary, the applicant must submit a Verification Report which clearly demonstrates that all pollutant linkages relating to human health have been appropriately managed. The Verification Report must be prepared in accordance with all relevant current industry guidance and submitted to Belfast City Council for approval.

Reason: Protection of human health

5. A proprietary odour abatement system shall be installed to suppress and disperse odours created from cooking operations on the premises. The outlet from any extract ventilation ducting shall terminate at a height not less than 1 metre above the eaves height of the main building and it should be directed away from nearby premises.

Reason: Protection of human health and amenity due to noise and odours.

6. The extraction and ventilation system must be cleaned and maintained in accordance with Manufacturer's instructions to ensure compliance.

Reason: Protection of human health and amenity due to noise and odours.

7. If during the development works, new contamination and risks are encountered which have not previously been identified, works should cease and the Department 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 Department in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

8. 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

Department. 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.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

### **Informatives**

1. In the event that unexpected contamination is encountered during the approved development of this site, the development shall cease and a written report detailing the nature of this contamination and its management must be submitted to Belfast City Council Planning Service for approval. This investigation and risk assessment must be undertaken in accordance with best practice.
2. In order to reduce the impact of odours and noise generated by the extraction and ventilation system, the applicant should consult relevant industry guidance, such as: 'Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems' published by DEFRA (Department of Environment Food and Rural Affairs) in January 2005.
3. The applicant is advised to ensure that all plant and equipment in connection with the development is so situated, operated and maintained as to prevent the transmission of noise, vibration or odours to nearby residential and commercial premises.
4. Where gas appliances are to be installed there must be a fixed source of ventilation provided to ensure sufficient make-up air is available for the safe combustion of gas.
5. In order to prevent nuisance arising from litter the applicant shall provide litter bins inside and outside the premises and ensure such receptacles are adequately serviced and maintained.
6. The purpose of the Conditions 7 & 8 is to ensure that any site risk assessment and remediation work is undertaken to a standard that enables safe development and ensure the site is made suitable for use such that it would not be determined as contaminated land under the forthcoming Contaminated Land legislation i.e. Part 3 of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks
7. The applicant should ensure that the management of all materials onto and off this site are suitably authorised through the Waste Management Regulations (NI) 2006 and/or the Water Order (NI) 1999. The management of all waste materials generated on site should be demonstrated through a Site Waste Management Plan (see <http://www.netregs.gov.uk>). Should you have any queries regarding this response please contact the Land and Groundwater Team.
8. The applicant's attention is drawn to:

i. the relevant provisions of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978; and

ii. the Code of Practice for Access for the Disabled to buildings.

9. The applicant is advised that the internal layout of the proposal should make adequate provision for the needs of people with disabilities. Further advice is set out in Development Control Advice Note ""Access for People with Disabilities"" available from Divisional Planning Offices.

10. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

**Signature(s)**

**Date:**