

# Public Document Pack

**Democratic Services Section  
Legal and Civic Services Department  
Belfast City Council  
City Hall  
Belfast  
BT1 5GS**

7<sup>th</sup> April, 2022

## **MEETING OF PLANNING COMMITTEE**

Dear Alderman/Councillor,

In addition to those matters previously notified to you, the following item will also be considered at the meeting to be held at 5.00 pm on Tuesday, 12th April, 2022.

Yours faithfully,

JOHN WALSH

Chief Executive

### **AGENDA:**

- 5 (f) LA04/2020/0235/F - Tyre depot with associated parking, site works and new entrance onto Duncrue Road at 2 Dargan Crescent (Pages 1 - 8)

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## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA04/2020/0235/F	<b>Target Date:</b>
<b>Proposal:</b> Erection of new tyre depot with associated parking, site works and new entrance onto Duncrue Road.	<b>Location:</b> 2 Dargan Crescent, Duncrue Road, Belfast BT3 9HJ
<b>Referral Route:</b> Council owned land.	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Rory Byrne Modern Tyres Carnbane Industrial Estate Newry BT35 6QJ	<b>Agent Name and Address:</b> Gary Design Limited 5 Edward Street Newry BT35 6AN
<b>Executive Summary:</b>	
<p>The application seeks full planning permission for the erection of new tyre depot with associated parking, site works and new entrance onto Duncrue Road.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> <li>• Principle of a new depot at this location</li> <li>• Design</li> <li>• Access, Movement and Parking</li> </ul> <p>The site is located on Dargan Crescent off Duncrue Road. The application relates to a building site previously occupied by a vacant warehouse/ factory with historical permissions for a change of use to a tyre depot.</p> <p>The proposal has been assessed against and is considered to comply with the Strategic Planning Policy Statement for Northern Ireland (SPPS), Belfast Urban Area Plan 2001 (BUAP), Draft Metropolitan Area Plan 2015 (BMAP), Planning Policy Statement 3 (PPS3) and Planning Policy Statement 4 (PPS4).</p> <p>DFI Roads and BCC Environmental Health were consulted in relation to the proposal and have offered no objection subject to conditions.</p> <p>No third party representations have been received.</p> <p>Recommendation: Approval subject to conditions</p> <p>It is recommended that the application is approved and it is requested that delegated authority be given to the Director of Planning and Building Control to finalise the wording of conditions.</p>	

**Case Officer Report**

**Site Location Plan**



**Characteristics of the Site and Area**

<p>1.0</p>	<p><b>Description of Proposed Development</b>                  Erection of new tyre depot with associated parking, site works and new entrance onto Duncrue Road.</p>
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	The proposal relates to a servicing facility for vehicles and will not be used as a distribution facility. Tyres (old and new) are stored internally at the storage locations identified on the floor plans.
2.0	<p><b>Description of Site</b></p> <p>The site is located at 2 Dargan Crescent, Belfast. The site was occupied by a vacant warehouse and is currently a building site. The site is defined by metal fencing at the boundary with vegetation to the front and side. The front elevation faces Duncrue Road. The site is located inside the Belfast Harbour area of existing employment as shown in the draft Belfast Metropolitan Area Plan 2015. The site is unzoned white land on the BUAP.</p>
<b>Planning Assessment of Policy and other Material Considerations</b>	
3.0	<b>Relevant Site History</b>
3.1	Z/2008/0567/F - Demolition of existing building and erection of proposed tyre depot with required parking and associated site works. Permission granted 03.11.2009
3.2	LA04/2017/0456/F - Partial demolition of existing building and extension to provide new tyre depot with associated parking, site works and new access to Duncrue Road. Permission granted 20.08.2018
4.0	<b>Policy Framework</b>
4.1	Strategic Planning Policy Statement
4.2	Belfast Urban Area Plan 2001
4.3	Draft Belfast Metropolitan Area Plan 2015 (Following the recent Court of Appeal decision on BMAP, 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)
4.4	Belfast Local Development Plan Draft Plan Strategy 2035 The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered adopted. Paragraph 1.10 states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS.
4.5	Planning Policy Statement 3: Access, Movement and Parking
4.5.1	Policy AMP 1 - Creating an Accessible Environment
4.5.2	Policy AMP 2 - Access to Public Roads
4.5.3	Policy AMP 7 - Car Parking and Servicing Arrangements

5.0	<b>Consultations:</b>
5.1	<b>Statutory Consultee Responses</b>
5.1.1	DFI Roads – no objection subject to conditions
5.1.2	NIEA – no objection subject to conditions
5.1.3	NI Water – no objection
5.2	<b>Non-Statutory Consultee Responses</b>
5.2.1	Environmental Health – No objections
6.0	<b>Representations</b>
6.1	The application was neighbour notified and advertised in the local press and no objections have been received.
7.0	<b>Assessment</b>
7.1	The key issues in the assessment of the proposal are as follows: <ul style="list-style-type: none"> <li>• Principle of a new depot at this location</li> <li>• Design</li> <li>• Access, Movement and Parking</li> <li>• Environmental Matters</li> </ul>
7.2	<b>The principle of the proposal at this location</b> The principle of the proposed development (tyre depot) has already been established under previous planning application Z/2008/0567/F and subsequent application LA04/2017/0456/F which were both granted planning permission. The former for demolition of existing building and erection of proposed tyre depot, the latter for partial demolition of existing building and extension to provide new tyre depot with associated parking, site works and new access to Duncrue Road
7.3	<b>Design and Landscaping</b> The proposed development will be double height but have only one floor. The floor plan shows 6 lorry bays to the front as well as staff room and reception area, and 4 car bays to the rear with the majority of space as storage. The proposed building is similar to that approved under application LA04/2017/0456/F. The overall bulk, scale and massing of the proposal is acceptable for the site and for the area. The exterior is composite cladding panels in goosewing grey and blue, with a grey composite cladding on the roof and are acceptable for the site and area.
7.4	<b>Access, Movement and Parking</b> A new entrance is proposed to the site on the western boundary accessing Duncrue Road. Parking is proposed to the north west of the site and along the southern boundary. The main difference between this application and the 2017 application is a reduction from 22 car spaces to 17. There are still 10 HGV spaces available, 4 of which are within the car park and 6 within the building. Some existing trees are to be removed to create the new access on Duncrue Road. DFI Roads Service stated no objections subject to conditions, as detailed below. The proposal will not prejudice road safety or inconvenience the flow of traffic in their opinion.
7.5	<b>Environmental Matters</b> The environmental health service was consulted in relation to the proposal and have examined the proposal in terms of noise, air pollution, general amenity, ambient air quality and contaminated land.

7.6	The Service had previously reviewed all the submitted information under a previous application on this site (LA04/2017/0456/F) and subsequent discharge of condition applications (LA04/2018/2469/DC and LA04/2019/2713/DC).
7.7	<p>At the time of consultation response (10.02.2020) the service was aware that the development on the site was at an advanced stage. Environmental Health have received and considered the following reports:</p> <ol style="list-style-type: none"> <li>1. A WYG Environment and Planning (Northern Ireland) Ltd report entitled 'Modern Tyres, Dargan Crescent – GQRA Update, Belfast' (dated June 2017 and referenced A047672-1).</li> <li>2. A Gray Design report entitled 'Compiled Gas Protection Measures Report, 2 Dargan Crescent, Duncrue Road, Belfast'.</li> </ol>
7.8	Made ground was identified on site to a maximum depth of 6.4m below ground level (bgl), noted to contain red brick fragments, rope, plastic, glass and general rubbish in places. Various rounds of ground gas monitoring were completed, with an ultimate classification of the site as Characteristic Situation (CS) 4. No other potential pollutant linkages were identified with regard to soils or groundwater.
7.9	The updated GQRA provides different options that could be implemented to provide gas protection commensurate, however a final gas protection design is provided within the Gray Design report 'Compiled Gas Protection Measures Report, 2 Dargan Crescent, Duncrue Road, Belfast'. This report contains relevant information on the gas protection measures to be installed in the proposed development.
7.10	This assessment resulted in no objections to the proposal and the recommendation of conditions relating to the submission of a verification report. Given the nature of the proposed use any noise and/ or disturbance are expected to be minimal.
8.0	<p><b>Conclusion</b></p> <p>Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended subject to conditions. It is requested that delegated authority is given to the Director of Place and Economy to finalise the planning conditions.</p>
9.0	<p><b>Conditions:</b></p>
9.1	<p>The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>
9.2	<p>Prior to the occupation or operation of the proposed development, the applicant shall provide to and have agreed in writing by the Planning Authority, a Verification Report. This report must demonstrate that the remediation measures outlined in the Gray Design report entitled 'Compiled Gas Protection Measures Report, 2 Dargan Crescent, Duncrue Road, Belfast' and the WYG Environment and Planning (Northern Ireland) Ltd report entitled 'Modern Tyres, Dargan Crescent – GQRA Update, Belfast' (dated June 2017 and referenced A047672-1) have been 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 shall be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. In particular, this Verification Report must demonstrate that:</p>

	<ul style="list-style-type: none"> <li>– Gas protection measures commensurate with a Characteristic Situation 4 classification (in line with BS 8485:2015+A1:2019) have been incorporated within the development. As per the Gray Design report entitled 'Compiled Gas Protection Measures Report, 2 Dargan Crescent, Duncrue Road, Belfast', these measures must consist of: <ul style="list-style-type: none"> <li>○ A 250mm thick ground floor slab with minimal penetrations and a gas resistant membrane in all Type D parts of the building.</li> <li>○ A 250mm thick ground floor slab with minimal penetrations, a gas resistant membrane and a positive pressurisation unit operating with a clean air blanket in all Type C parts of the building. <ul style="list-style-type: none"> <li>– The gas resistant membrane meets all requirements of Table 7 of BS 8485:2015+A1:2019.</li> <li>– An appropriate alarm and response system is in place within the building.</li> <li>– Gas protection measures have been verified in line with the requirements of Ciria C735.</li> </ul> </li> </ul> </li> </ul> <p>Reason: Protection of human health.</p>
<p>9.3</p>	<p>If during the development works, new contamination or risks are encountered, which have not previously been identified, works shall cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with best practice. In the event of unacceptable risks being identified, a Remediation Strategy and subsequent Verification Report shall be agreed with the Planning Authority in writing, prior to the development being occupied. If required, the Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.</p> <p>Reason: Protection of human health.</p>
<p>9.4</p>	<p>All hard and/or soft landscaping works shall be carried out in accordance with the approved details shown on drawing 09B. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the City 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 City Council. All hard and soft landscape areas and works shall be permanently retained in accordance with the approved details.</p> <p>Reason: In the interests of the character and appearance of the area, and to promote sustainable drainage. Approval is required upfront because the landscaping is critical to the acceptability of the proposal.</p>
<p>9.5</p>	<p>The vehicular accesses, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No.09B uploaded to the Planning Portal 22<sup>nd</sup> February 2022, prior to the operation of any other works or other development hereby permitted.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p>

9.6	<p>The development hereby permitted shall not become operational until hard surfaced areas have been constructed and permanently marked in accordance with Drawing No.09B uploaded to the Planning Portal 22<sup>nd</sup> February 2022, 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.</p> <p>Reason: To ensure adequate provision has been made for parking and traffic circulation within the site.</p>
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<b>ANNEX</b>	
<b>Date Valid</b>	20th January 2020
<b>Date First Advertised</b>	7th February 2020
<b>Date Last Advertised</b>	7th February 2020
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1-15 Musgrave Cash & Carry, Dargan Crescent, Belfast, Antrim, BT3 9HJ The Owner/Occupier, 32-34 Unit 1, Duncrue Road, Belfast, Antrim, BT3 9BP The Owner/Occupier, Unit 1-2, 2-14 Quayside Office Park, Dargan Crescent, Belfast, Antrim, BT3 9JP The Owner/Occupier, Unit 11-12, 1-3, Duncrue Crescent, Duncrue Industrial Estate, Belfast, Antrim, BT3 9BW The Owner/Occupier, Unit 3, 2-14 Quayside Office Park, Dargan Crescent, Belfast, Antrim, BT3 9JP The Owner/Occupier, Unit 3-4, Quayside Office Park, 14 Dargan Crescent, Belfast, Antrim, BT3 9JP	
<b>Date of Last Neighbour Notification</b>	3rd February 2020
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Drawing Numbers and Title</b>	
01B – Location Map & proposed site plan 02 – Proposed Ground Floor Plan 03 – Proposed elevations & typical section 04 – proposed hard & soft landscape scheme 05 – Tracking of yard new entrance IN 06 – Tracking of yard new entrance OUT 07 – Tracking of yard existing entrance IN 08 – Tracking of yard existing entrance OUT 09B – Entrance Area Details 1 10A – Entrance Details 2	
<b>Notification to Department (if relevant) N/A</b>	
Date of Notification to Department: Response of Department:	