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



**Belfast
City Council**

10th November, 2022

PLANNING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in hybrid format, both in the Lavery Room and remotely, via Microsoft Teams on Tuesday, 15th November, 2022 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

AGENDA:

6. (c) LA04/2022/0235/F: 2 Dargan Crescent, Duncrue Road, Belfast - Retrospective Erection of new tyre depot with associated parking, site works and new entrance onto Duncrue Road (Pages 1 - 8)

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Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 15 November 2022	
Application ID: LA04/2020/0235/F	
Proposal: Retrospective erection of new tyre depot with associated parking, site works and new entrance onto Duncrue Road.	Location: 2 Dargan Crescent, Duncrue Road Belfast BT3 9HJ
Referral Route: Council owned land.	
Recommendation:	Approval
Applicant Name and Address: Rory Byrne Modern Tyres Carnbane Industrial Estate Newry BT35 6QJ	Agent Name and Address: Gary Design Limited 5 Edward Street Newry BT35 6AN
<p>Executive Summary:</p> <p>The application seeks retrospective planning permission for the erection of a 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"> • Principle of a new depot at this location • Impact on the character and appearance of the area • Access, Movement and Parking • Environmental Matters <p>The site is located on Dargan Crescent off Duncrue Road. The application site was previously occupied by a vacant warehouse/ factory with previous permissions granted for a change of use to a tyre depot.</p> <p>The proposal has been assessed against and is considered acceptable having regard to to 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, BCC Environmental Health, DAERA NIEA and NI Water have been consulted 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 is 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	
1.0	Description of Proposed Development
1.1	The application seeks full planning permission for the erection of a tyre depot with associated parking, site works and new entrance onto Duncrue Road. This is a retrospective application.
1.2	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	Description of Site
2.1	The site is located at 2 Dargan Crescent, Belfast. According to the P1 application form, its former use was a "building site" although it is understood it was previously a warehouse/factory. The site is defined by metal fencing at the boundary with vegetation to the front and side. The front elevation faces Duncrue Road.
Planning Assessment of Policy and other Material Considerations	
3.0	Relevant Site History
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. The current application seeks planning permission for a new building rather than extension.
4.0	Policy Framework
4.1	Strategic Planning Policy Statement 2015
4.2	Belfast Urban Area Plan 2001
4.3	Draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014) 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. Given the advanced stage in the adoption process, the latest version of dBMAP (v2014) is considered to hold significant weight.
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
4.6	Planning Policy Statement 4: Planning & Economic Development
4.7	DCAN 15: Vehicular Access Standards

<p>5.0</p> <p>5.1</p> <p>5.1.1</p> <p>5.1.2</p> <p>5.1.3</p> <p>5.2</p> <p>5.2.1</p>	<p>Consultations:</p> <p>Statutory Consultee Responses</p> <p>DFI Roads – No objection subject to conditions</p> <p>DAERA NIEA – No objection.</p> <p>NI Water – Available capacity</p> <p>Non-Statutory Consultee Responses</p> <p>Environmental Health – No objections</p>
<p>6.0</p> <p>6.1</p>	<p>Representations</p> <p>The application was neighbour notified and advertised in the local press and no objections have been received.</p>
<p>7.0</p> <p>7.1</p> <p>7.2</p> <p>7.3</p> <p>7.4</p>	<p>Assessment</p> <p>The key issues in the assessment of the proposal are as follows:</p> <ul style="list-style-type: none"> • Principle of a new depot at this location • Impact on the character and appearance of the area • Access, Movement and Parking • Environmental Matters <p><u>Principle of the proposal at this location</u></p> <p>The site is un-zoned white land on the BUAP. It is located inside the Belfast Harbour Area of existing employment in both versions of draft Belfast Metropolitan Area Plan 2015. The principle of the proposed development (tyre depot) has already been established under a previous planning application Z/2008/0567/F and a subsequent application LA04/2017/0456/F which were both granted planning permission. The former for the demolition of the existing building and erection of a proposed tyre depot, the latter for partial demolition of the existing building and extension to provide a new tyre depot with associated parking, site works and new access to Duncrue Road. The current application seeks planning permission for a new tyre depot building. The proposed use is compatible with the employment zoning in dBMAP and surrounding area and is considered acceptable in principle.</p> <p><u>Impact on the character and appearance of the area</u></p> <p>The proposed building will be double height but have only one floor. The floor plan shows 6 lorry bays to the front as well as a staff room, 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. The proposed building and use would be in keeping with the industrial character and appearance of the area. The proposal is considered to satisfy design policy in the SPPS.</p> <p><u>Access, Movement and Parking</u></p> <p>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 have been removed to create the new access on Duncrue Road. DFI Roads offer no objections subject to conditions, as recommended below. The proposal will not prejudice road safety or inconvenience the</p>

	<p>flow of traffic in their opinion. The proposal is considered to comply with relevant provisions of PPS 3 and DCAN 15.</p> <p><u>Environmental Matters</u></p>
7.5	<p>BCC Environmental Health 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.</p>
7.6	<p>Under its initial consultation (response dated 10th February 2020 and referenced ST/LAM/507929), Environmental Health considered:</p> <ul style="list-style-type: none"> • A WYG Environment and Planning (Northern Ireland) Ltd report entitled 'Modern Tyres, Dargan Crescent – GQRA Update, Belfast' (dated June 2017 and referenced A047672-1). • A Gray Design report entitled 'Compiled Gas Protection Measures Report, 2 Dargan Crescent, Duncrue Road, Belfast'.
7.7	<p>Based on the information contained in this documentation, Environmental Health suggested conditions requiring submission of a Verification Report prior to operation of the proposed building. This Verification Report was to 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) had been implemented.</p>
7.8	<p>In particular, the Verification Report was to provide evidence that gas protection measures commensurate with a Characteristic Situation 4 classification (in line with BS 8485:2015+A1:2019) had been incorporated within the development, consisting of:</p> <ul style="list-style-type: none"> • A 250mm thick ground bearing floor slab with minimal penetrations and a gas resistant membrane in all Type D parts of the building. • A 250mm thick ground bearing 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.
7.9	<p>The Environmental Health Officer also noted that the gas resistant membrane must meet all requirements of Table 7 of BS 8485:2015+A1:2019, an appropriate alarm and response system must be installed within the building and the gas protection measures must be verified in line with the requirements of CIRIA C735.</p>
7.10	<p>Environmental Health would have anticipated submission of a Verification Report prior to operation of the development however the application is retrospective in d and the development is operational. During the application process, it became apparent the development had been completed and was operational. Following this, the proposal description was amended to refer to retrospective development and Environmental Health and DAERA were re-notified.</p>
7.11	<p>Under its most recent consultation (response dated 16th June 2022 and referenced ST/STM/583016), Environmental Health considered:</p> <ul style="list-style-type: none"> • A GQA Environmental Report entitled 'Gas Membrane Validation Report, Modern Tyre Depot, Dargan Crescent, Belfast, Report: GQA.PAT.MTD'. • A Prestige Air Technology Ltd report entitled 'Low energy clean air blanket, O&M manual documentation at Modern Tyre Depot, Dargan Crescent, Belfast, for Killowen Contracts Ltd' (Ref: 3184, Date: 17th June 2020).

<p>7.12</p> <p>7.13</p> <p>7.14</p> <p>7.15</p>	<ul style="list-style-type: none"> • A Prestige Air Technology drawing entitled ‘Ground floor plan ‘preliminary’ sub-floor probe & manifold layout ‘as built’ (Drawing No: 8178 AL(57) 001 P1 and Date: June 20). <p>Based on this documentation, additional information was requested to address a number of outstanding queries concerning the installation of the required gas protection measures.</p> <p>Based on this additional information submitted from Prestige Air Technology, Gray Design, GQA Environmental, and the affirmative statements contained within this documentation regarding the ground gas protection measures installed in the building, Environmental Health advised they have no further comment to make with regards to contaminated land and offer no objections.</p> <p>Additionally, DAERA NIEA Regulation Unit and Groundwater Team (DAERA) were also consulted following submission of the additional information. Originally, DAERA advised of no objections subject to conditions, however, they revised their response following submission of additional information. DAERA re-confirmed that they had no objections, however, noted the retrospective nature of the proposed development and advised that the previously suggested conditions may not be applicable.</p> <p>Given the nature of the proposed use, any noise and / or disturbance are expected to be minimal. The proposed use is considered compatible with its commercial surroundings. It is considered acceptable with regard to the relevant provisions of the SPPS.</p>
<p>8.0</p> <p>8.1</p>	<p>Conclusion</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>
<p>9.0</p> <p>9.1</p> <p>9.2</p>	<p>Conditions:</p> <p>This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.</p> <p>Reason: This is a retrospective application.</p> <p>Within three months of the date of the decision, a soft landscaping scheme shall be submitted to the Council. The scheme shall include all trees, hedgerows and other planting which are to be retained; a planting specification to include species, size, position and method of planting of all new trees and shrubs and a programme of implementation.</p> <p>All soft landscaping works shall be carried out in accordance with the approved details, including programme for implementation. 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 Council.</p> <p>Reason: In the interests of the character and appearance of the area and to compensate for removal of existing trees.</p>

9.3	<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 22nd February 2022, prior to the operation of any other works or other development hereby permitted and shall be retained thereafter at all times.</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>
9.4	<p>The development hereby approved shall not be occupied or operated until the parking, turning and loading areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking, turning and loading of vehicles and such areas shall remain free of obstruction for such use at all times.</p> <p>Reason: To ensure adequate car parking within the site</p>

ANNEX	
Date Valid	20th January 2020
Date First Advertised	7th February 2020
Date Last Advertised	7th February 2020
Details of Neighbour Notification (all addresses)	
<p>The Owner/Occupier, 1-15 Musgrave Cash & Carry,Dargan Crescent,Belfast,Antrim,BT3 9HJ</p> <p>The Owner/Occupier, 32-34 Unit 1,Duncrue Road,Belfast,Antrim,BT3 9BP</p> <p>The Owner/Occupier, Unit 1-2,2-14 Quayside Office Park,Dargan Crescent,Belfast,Antrim,BT3 9JP</p> <p>The Owner/Occupier, Unit 11-12,1-3 ,Duncrue Crescent,Duncrue Industrial Estate,Belfast,Antrim,BT3 9BW</p> <p>The Owner/Occupier, Unit 3,2-14 Quayside Office Park,Dargan Crescent,Belfast,Antrim,BT3 9JP</p> <p>The Owner/Occupier, Unit 3-4,Quayside Office Park,14 Dargan Crescent,Belfast,Antrim,BT3 9JP</p>	
Date of Last Neighbour Notification	3rd February 2020
Date of EIA Determination	
ES Requested	No
Drawing Numbers and Title	

- 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

Notification to Department (if relevant) N/A

Date of Notification to Department:

Response of Department: