Development Management Officer Report Committee Application

| Summary | | | | | |
|--|---|--|--|--|--|
| Committee Meeting Date: 14 June 2016 | | | | | |
| Application ID: LA04/2016/0089/F | | | | | |
| Proposal: Car centre for the sale and service of Porsche motor vehicles including associated workshop, parts storage and office accommodation. | Location: Site at Sydenham Road Bounded by Cuming Road and Hamilton Road Belfast BT3 9DU | | | | |
| Referral Route: >200 sq m | | | | | |
| Recommendation: | | | | | |
| Applicant Name and Address: Isaac Agnew Holdings C/O Mercedes Benz of Belfast 6 Boucher Crescent Belfast BT12 6HU | Agent Name and Address: Axis 3 Design Unit 10 Athena Court Tachbrook Drive Warwick CV34 6GD | | | | |

Executive Summary:

The proposal is for the sale and service of Porsche motor vehicles including associated workshop, parts storage and office accommodation. The proposal is 2101 sqm in total. The key issues in the assessment of the proposal are as follows:

- The principle of the proposal at this location;
- The economic impact of the proposal;
- Impact on amenity / character of the area;
- Impact on transport and other infrastructure.

The proposed site is located at Sydenham Road within the harbour area and comprises vacant land. The site is located within the Harbour Area in the Belfast Metropolitan Area Plan, and falls within lands zoned for existing employment under designation BHA 06.

There is relevant planning history on the site, Z/2007/2019/F Proposed car showroom and workshop with valet and wash bay facilities, to include new road layout adjoining existing road with associated site access points, was granted in July 2008. Although this permission expired in 2013, it remains a material consideration. Lands immediately adjacent to the application site also have approvals for car related uses, one of which appears to have been implemented. These applications were also made by the same applicant as the current application.

The proposal involves the sale, display, and servicing of motor vehicles. The Use Classes Order identifies car sales as a sui – generis land use and does not therefore fall within Class A1. Notwithstanding this, the proposal involves the sale of goods and accordingly the updated retail policy within the SPPS, in addition to retail policies within BMAP, is relevant to the proposal. Neither policy document includes specific policies

relating to car sales. This accords with previous approaches adopted by the Planning Appeals Commission.

The site in not within the city centre designation within BMAP, or within the boundary of any designated district or local centre. It is therefore sited in an 'out of centre' location.

Cars sales have not traditionally located within city centre locations, indeed none are present within any protected centres within Belfast. It is considered that such locations have not been chosen for operational reasons. The purchase of motor vehicles is not considered an every day purchase. It is also apparent from the history of the site and its' immediate environs that it has been the applicants' intention to relocate to this site and the immediate area. The applicant has implemented a previous approval and is currently trading from a site immediately adjacent. Approvals relating to this site and immediate area pre-date the introduction of the SPPS. Accordingly, on balance, it is considered that all city, district, and local centre sites can be discounted on suitability and viability grounds.

The site is located close to public transport – it is served by bus route 26 and 600, and is close proximity to the public train station at Titanic Quarter. The proposal therefore accords with the accessibility requirement of a choice of transport modes.

Due the car sales nature of the proposal, it is not considered that an adverse retail impact on any protected centre. Within the Belfast City Council Area, all car sales activities occur within out of centre locations. Accordingly, no protected centre could be adversely impacted upon by the proposal. The proposal is compliant with BMAP retail policies including policy R2.

The site is located within an existing employment zoning in BMAP, BHA06 within the Harbour estate complex. BHA06 states acceptable uses include Class B1 Business [a], [b], and [c], subject to [a] being within Sydenham business park and an overall restriction to 5000sqm of type [a] offices.

BHA06 therefore does not preclude other uses as *acceptable uses include Class B1*. Proposals other than B1 therefore require assessment based on their individual merits. Given the history of the site, it is considered that the proposal constitutes an acceptable use in this case. In addition, in broad terms, the proposal constitutes an employment use and would not therefore be at odds with, or prejudice the plan zoning.

In relation to the layout of the proposal, the building is located back off the public footpath. The layout includes large areas of hard-surfacing, with some areas of landscaping. On balance this is acceptable given the character of the area. Landscaping conditions are necessary to secure implementation and management. Fencing, walls and bollards are proposed as means of enclosure. The design and siting of these structures are acceptable as similar treatments are evident in the locality.

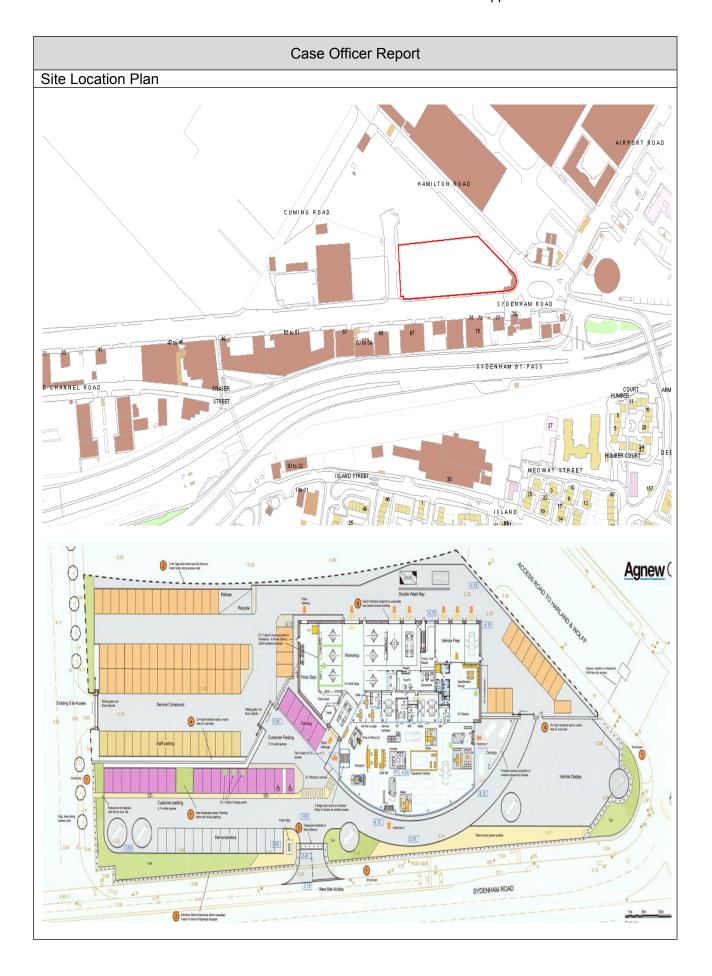
In relation to traffic, access, and parking issues, Transport NI was consulted and is satisfied with the traffic, parking and access arrangements. Accordingly the proposal is considered compliant with requirements in PPS3 and associated guidance.

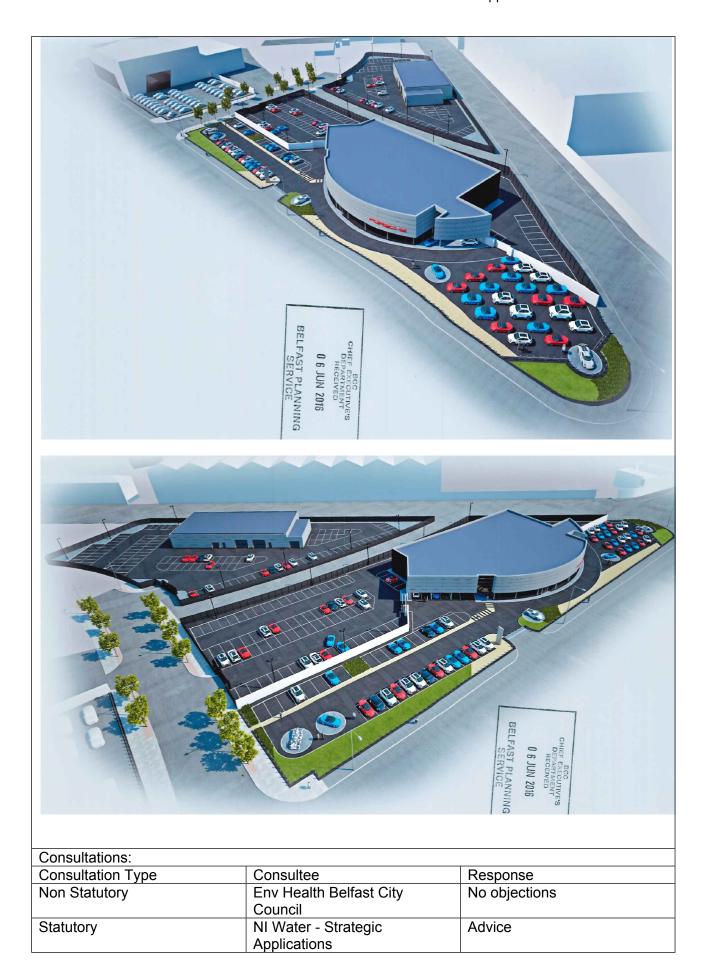
Environmental Health has no objection subject to conditions and/or informatives, and the

proposal will not result in an unacceptable impact in terms of noise, air quality, or related issues. NIEA have no objections in terms of contamination. NI Water has no objection in relation to sewerage or flooding.

No representations have been received.

Approval of the application is recommended. Delegation of conditions and their final wording to the Director of Planning and Place is requested.





| Statuto | ry | NI Tran | sport - Hydebank | Advice | |
|---------|--|----------------------------------|------------------------|--|--|
| Statuto | ry | NIEA | | Content | |
| Statuto | ry | Belfast Harbour Commissioners | | No Objections | |
| Non Sta | atutory | Health NI | & Safety Executive for | No comment | |
| Repres | entations: | | | | |
| Letters | of Support | | None Received | | |
| | of Objection | | None Received | | |
| | r of Support Petitions and | d | No Petitions Received | | |
| signatu | | | | | |
| signatu | | | No Petitions Received | | |
| 1.0 | Description of Proposed | d Develo | pment | | |
| | | e and offi ng: | | nicles including associated e proposal is 2101 sqm in total | |
| 2.0 | Description of Site | | | | |
| 2.1 | The proposed site is located at Sydenham Road within the harbour area and comprises vacant land. Fencing approximately 2 metres in height is erected around the majority of the site save for a brick wall around the site boundary adjacent to the roundabout to the southeast. | | | | |
| | The site is located within the Harbour Area in the Belfast Metropolitan Area Plan, and falls within lands zoned for existing employment under designation BHA 06. | | | | |
| | There is relevant planning history on the site, Z/2007/2019/F Proposed car showroom and workshop with valet and wash bay facilities, to include new road layout adjoining existing road with associated site access points, was granted 09.07.2008. Although this permission expired in 2013, it remains a material consideration. | | | | |
| 3.0 | Site History | | | | |
| | Ref ID: Z/2007/2019/F Proposal: Proposed car showroom and workshop with valet and wash bay facilities, to include new road layout adjoining existing road with associated site access points. Address: Site at Sydenham Road, bounded by Cuming Road and Hamilton Road, Belfast, BT03 9DU Decision: Approval Decision Date: 09.07.2008 | | | | |
| | Ref ID: Z/2007/2018/F Proposal: Erection of ca | ar showr | oom and workshop with | valet and wash bay facilities to | |

| | include new road layout adjoining existing road with associated site access points. Address: Site at Sydenham Road, bounded by Cuming Road and Hamilton Road, Belfast, BT03 9DU Decision: Approval Decision Date: 09.07.2008 Ref ID: Z/2007/2017/F Proposal: Proposed car showroom and workshop with valet and wash bay facilities, including new road layout adjoining existing road with associated site access points. Address: Site at Sydenham Road, bounded by Cuming Road and Hamilton Road, Belfast, BT03 9DU Decision: Approval Decision Date: 09.07.2008 |
|-----|--|
| 4.0 | Policy Framework |
| 4.1 | Belfast Metropolitan Area Plan 2015 |
| 4.2 | Regional Development Strategy (RDS); Strategic Planning Policy Statement (SPPS) PPS3: Roads Considerations; Supplementary Planning Guidance including Development Control Advice Note 15 Vehicular Access Standards |
| 5.0 | Statutory Consultee Responses |
| | Transport NI – no objections NIEA – no objections subject to condition and/or informatives; NI Water – no objections; |
| 6.0 | Non Statutory Consultee Responses |
| | Health & Safety Executive – no comment; Belfast Harbour Commissioners – no objections; Environmental Health - no objections subject to conditions and/or informatives. |
| 7.0 | Representations |
| | The application has been neighbour notified and advertised in the local press. |
| | No representations received. |
| 8.0 | Other Material Considerations |
| | The agent indicates that the existing Porsche business employs 20 staff and would relocate to the proposal site. They also indicate that 'an immediate increase in staff of circa 10 is expected'. |
| 9.0 | Assessment |
| 9.1 | The key issues in the assessment of the proposal are as follows: |
| | The principle of the proposal at this location; The economic impact of the proposal; Impact on amenity / character of the area; Impact on transport and other infrastructure. |

Policy Considerations:

- 9.2 Policy SFG3 of the RDS seeks to enhance the role of Belfast City Centre as the regional capital and focus of administration, commerce, specialised services and cultural amenities. This policy states 'Belfast City Centre has developed its regional shopping offer. A precautionary approach needs to be continued in relation to future major retail development proposals based on the likely risk of out of centre shopping developments having an adverse impact on the city centre shopping area'.
- 9.3 The SPPS sets out five core planning principles of the planning system, including improving health and well being, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making. The SPPS states at paragraph 1.13 (page 7) that a number of policy statements, including PPS3, remain applicable under 'transitional arrangements'.
- 9.4 Paragraphs 4.11 and 4.12 require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraph 4.23-7 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported.
- 9.5 The proposal includes the sale of vehicles and accordingly constitutes a retail use. The SPPS introduces new retail policy under 'town centres and retailing' at pages 101-105, replacing previous considerations within Planning Policy Statement 5. Paragraph 6.270 states that 'the aim of the SPPS is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions, consistent with the RDS.'
- 9.6 BMAP is the current development plan for the area as stipulated in Part 9 regulation 32 and associated Schedule of The Planning (Local Development Plan) Regulations (Northern Ireland) 2015. Policies R1 and R2 are relevant to the proposal.

Planning History:

9.7 There is an extensive history of similar proposals granted in the area over a number of vears.

The site is subject to a previous approval in July 2008 for a similar proposal. Lands immediately adjacent to the application site also have approvals for car related uses, one of which appears to have been implemented. These applications were also made by the same applicant as the current application.

Consideration

- 9.8 The proposal involves the sale, display, and servicing of motor vehicles. The Use Classes Order identifies car sales as a sui generous land use, and does not therefore fall within Class A1. Notwithstanding this, the proposal involves the sale of goods and accordingly the updated retail policy within the SPPS, in addition to retail policies within BMAP, is relevant to the proposal. Neither policy document includes specific policies relating to car sales. This accords with previous approaches adopted by the Planning Appeal Commission.
- 9.9 The site in not within the city centre designation within BMAP, or within the boundary of any designated district or local centre. It is therefore sited in an 'out of centre' location.

Sequential Test / Available sites

The SPPS introduces a town centre first approach and a sequential assessment to town centre uses that are not in an existing centre, taking account of the catchment area of the proposal. Accordingly primary retail core and city centre vacant sites must be considered for suitability followed by those in other designated centres, designated by BMAP, before out of centre locations. Out of centre locations must also be accessible by a choice of good public transport modes.

- 9.10 In applying the sequential test, the nature of the developers proposal must be taken into account. Paragraph 6.289 of the SPPS states that 'flexibility may be adopted to accommodate developments onto sites with constrained footprints...applicants will be expected to identify and fully demonstrate why alternative sites are not suitable, available and viable.'
- 9.11 Cars sales have not traditionally located within city centre locations, indeed none are present within any protected centres within Belfast. It is conceivable that such locations have not been chosen for operational reasons. It is also apparent from the history of the site and its' immediate environs that it has been the applicants' intention to relocate to this site and the immediate area. The applicant has implemented a previous approval and is currently trading from a site immediately adjacent. Approvals relating to this site and immediate area pre-date the introduction of the SPPS. Accordingly, on balance, it is considered that all city, district, and local centre sites can be discounted on suitability and viability grounds.
- 9.12 The site is located close to public transport it is served by bus route 26 and 600, and it is in close proximity to the public train station at Titanic Quarter. The proposal therefore accords with the accessibility requirement of a choice of transport modes.

Retail Impact

9.13 Due to the nature of the proposal for car sales, it is not considered that an adverse retail impact on any protected centre. Within the Belfast City Council Area, all car sales activities occur within out of centre locations. Accordingly, no protected centre could be adversely impacted upon by the proposal.

BMAP

- 9.14 The site is located within an existing employment zoning in BMAP, BHA06 within the Harbour estate complex. BHA06 states acceptable uses include Class B1 Business [a], [b], and [c], subject to [a] being within Sydenham business park and an overall restriction to 5000sqm of type [a] offices.
- 9.15 BHA06 therefore does not preclude other uses as acceptable uses include Class B1. Proposals other than B1 therefore require assessment based on their individual merits. Given the history of the site, it is considered that the proposal constitutes an acceptable use in this case. In addition, in broad terms, the proposal constitutes an employment use and would not therefore be at odds with, or prejudice the plan zoning.
- 9.16 As discussed above, it is not considered that the proposal will not result in an adverse retail impact on any protected centres or the role of the city centre. Accordingly the proposal is compliant with BMAP retail policies including policy R2.

Design and Amenity

- 9.17 Given the site context which consists entirely of non-residential uses, in addition to the separation distances to nearby existing buildings it is not considered that the proposal will result in any detriment to the amenity of existing properties.
- 9.18 The proposal design consists of a two storey flat roof building with monopitch roof 8.1m in height at its highest section, located roughly centrally within the application site. The building is contemporary in style, and finished in curtain wall glazing and silver or grey cladding. The materials proposed are similar to those in the adjacent building and are therefore acceptable. There is a mix of building designs and finishes in the locality and the proposal would not be discordant in terms of the commercial/industrial character of the area.
- 9.19 In relation to the layout of the proposal, the building is located back off the public footpath. The layout includes large areas of hard-surfacing, with some areas of landscaping. On balance this is acceptable given the character of the area. Landscaping conditions are necessary to secure implementation and management. Fencing, walls and bollards are proposed as means of enclosure. The design and siting of these structures are acceptable as similar treatments are evident in the locality.
- 9.20 Access, Parking and Transport:

In relation to traffic, access, and parking issues, Transport NI was consulted and is satisfied with the traffic, parking and access arrangements. Accordingly the proposal is considered compliant with requirements in PPS3 and associated guidance.

9.21 Other Considerations:

Environmental Health has no objection subject to conditions and/or informatives, and the proposal will not result in an unacceptable impact in terms of noise, air quality, or related issues. NIEA have no objections in terms of contamination. NI Water has no objection in relation to sewerage or flooding.

9.22 Representations:

No representations have been received.

Having regard to the policy context and other material considerations above, the proposal is considered acceptable and compliant with relevant policies. Approval is recommended.

Neighbour Notification Checked

Yes

Conditions/Reasons for Refusal:

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit

2. No development shall take place until samples of all external finishes has been submitted to and been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved sample details.

Reason: In the interests of visual amenity and the character and appearance of the area.

3. All services (including those for water supply, drainage, heating, and gas supplies) shall be laid underground or housed internally within the building hereby approved.

Reason: In the interests of visual amenity.

4. The development hereby permitted shall not become operational until the vehicular accesses have been constructed in accordance with Drawing No.03A bearing the date stamp Planning Service Received 20 April 2016.

REASON: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

5. The development hereby permitted shall not become operational until the hard surfaced areas have been constructed in accordance with the approved Drawing No.03A bearing the date stamp Planning Service Received 20 April 2016 to provide for parking servicing and manoeuvring 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.

REASON: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

6. The development hereby permitted shall not be occupied until the remediation measures as described in RPS Remedial Strategy Report, Agnew Porsche, Sydenham Road, Belfast, Document No. IBR0811/Reports, dated 20/01/2016 have been implemented to the satisfaction of the Planning Authority. The Planning Authority must be given 2 weeks written notification prior to the commencement of remediation work.

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

7. 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.

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

8. After completing the remediation works under Conditions 1 and 2; 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.

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

9. The applicant, on completion of the works and prior to the occupation of the proposed development, shall provide to the Planning Service, for approval, a Verification Report. This report must demonstrate that the remedial measures outlined in the Remedial strategy report – Proposed Porsche showroom Sydenham Road, Belfast (RPS 1BR0811/REV/FINAL JANUARY 2016) have been implemented. Furthermore, gas protection measures installed in accordance to Architect Drawing no. IBL0370/1 (RPS Consulting Engineers).

The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (Residential without plant uptake). It must demonstrate that the identified significant pollutant linkages are effectively broken. The Verification Report should be in accordance with current best practice and guidance as outlined by the Environment Agency.

Reason: Protection of Human health.

10. No development including site clearance works, lopping, topping or felling of trees, shall take place until full details of both the hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority.

The details shall include a detailed layout together with existing and proposed levels, cross sections, hard surface materials and other hard details including street furniture.

The details shall also include detailed planting plans with written planting specification including site preparation and planting methods and detailed plant schedules including the species, the size at time of planting, presentation, location, spacings and numbers.

A landscape management plan covering a minimum of 20 years including long term design objectives, performance indicators over time, management responsibilities and establishment maintenance and maintenance schedules for all landscaped areas, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved and reviewed at years 5, 10 and 15 and any further changes agreed with the Local Planning Authority in writing prior to implementation.

Reason: To ensure the provision of amenity afforded by an appropriate landscape design.

11. All hard and soft landscape works shall be completed in accordance with these agreed details, the appropriate British Standard, the relevant sections of the National Building Specification NBS [Landscape] and plant material with the National Plant Specification NPS before the expiration of the first planting season following the commencement of trading from the development hereby permitted.

All plant stock supplied shall comply with the requirements of British Standard 3936, 'Specification for Nursery Stock'. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428 'Code of Practice for General Landscape Operations [excluding hard surfaces]'.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

12. Should any tree, shrub or hedge be removed, uprooted or destroyed or dies or becomes, in the opinion of the Local Planning Authority seriously damaged or defective, it shall be replaced within the next planting season by trees, shrubs or hedges of the same species, variety and size to those originally planted, unless the Local Planning Authority gives its written consent to any request for variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

| ANNEX | | |
|-----------------------|--------------------|--|
| Date Valid | 21st December 2015 | |
| Date First Advertised | 29th January 2016 | |
| Date Last Advertised | | |

Details of Neighbour Notification (all addresses)

The Owner/Occupier,

59-63, Sydenham Road, Ballymacarret Intake, Belfast, Down, BT3 9DJ,

The Owner/Occupier,

65 Sydenham Road, Ballymacarret Intake, Belfast, Down, BT3 9DJ,

The Owner/Occupier,

67 Sydenham Road, Ballymacarret Intake, Belfast, Down, BT3 9DJ,

The Owner/Occupier,

69 Sydenham Road, Ballymacarret Intake, Belfast, Down, BT3 9DJ,

The Owner/Occupier,

69A Sydenham Road, Ballymacarret Intake, Belfast, Down, BT3 9DJ,

The Owner/Occupier,

69A Sydenham Road, Ballymacarret Intake, Belfast, Down, BT3 9DS,

The Owner/Occupier,

71 Sydenham Road, Ballymacarret Intake, Belfast, Down, BT3 9DJ,

The Owner/Occupier,

73 Sydenham Road, Ballymacarret Intake, Belfast, Down, BT3 9DJ,

The Owner/Occupier,

73 Sydenham Road, Ballymacarret Intake, Belfast, Down, BT3 9DJ,

The Owner/Occupier.

75 Sydenham Road, Ballymacarret Intake, Belfast, Down, BT3 9DJ,

The Owner/Occupier,

75 Sydenham Road, Ballymacarret Intake, Belfast, Down, BT3 9DJ,

The Owner/Occupier,

75A Sydenham Road, Ballymacarret Intake, Belfast, Down, BT3 9DJ,

The Owner/Occupier,

75B Sydenham Road, Ballymacarret Intake, Belfast, Down, BT3 9DJ,

The Owner/Occupier.

77-79, Sydenham Road, Ballymacarret Intake, Belfast, Down, BT3 9DJ,

The Owner/Occupier,

77-79, Sydenham Road, Ballymacarret Intake, Belfast, Down, BT3 9DJ,

The Owner/Occupier,

77-79, Sydenham Road, Ballymacarret Intake, Belfast, Down, BT3 9DJ,

The Owner/Occupier,

81 Sydenham Road, Ballymacarret Intake, Belfast, Down, BT3 9DJ,

The Owner/Occupier,

83 Sydenham Road, Ballymacarret Intake, Belfast, Down, BT3 9DJ,

The Owner/Occupier,

85 Sydenham Road, Ballymacarret Intake, Belfast, Down, BT3 9DJ,

The Owner/Occupier,

Sydenham Road, Ballymacarret Intake, Belfast, Down, BT3 9DJ,

The Owner/Occupier,

Sydenham Road, Ballymacarret Intake, Belfast, Down, BT3 9DJ,

| Date of Last Neighbour Notification | 27th January 2016 |
|-------------------------------------|-------------------|
| | |
| Date of EIA Determination | |
| | |
| ES Requested | No |
| | |

Planning History

Ref ID: Z/2007/2019/F

Proposal: Proposed car showroom and workshop with valet and wash bay facilities, to include

new road layout adjoining existing road with associated site access points.

Address: Site at Sydenham Road, bounded by Cuming Road and Hamilton Road, Belfast, BT03

9DU

Decision: Approval

Decision Date: 09.07.2008

Ref ID: Z/2007/2018/F

Proposal: Erection of car showroom and workshop with valet and wash bay facilities to include

new road layout adjoining existing road with associated site access points.

Address: Site at Sydenham Road, bounded by Cuming Road and Hamilton Road, Belfast, BT03

9DU

Decision: Approval

Decision Date: 09.07.2008

Ref ID: Z/2007/2017/F

Proposal: Proposed car showroom and workshop with valet and wash bay facilities, including

new road layout adjoining existing road with associated site access points.

Address: Site at Sydenham Road, bounded by Cuming Road and Hamilton Road, Belfast, BT03

9DU

Decision: Approval

Decision Date: 09.07.2008

Ref ID: Z/2002/2807/O

Proposal: Development of technology park to include construction of industrial units and

warehousing

Address: Land at the junction of Sydenham Road and Cuming Road, Belfast, BT3

Decision: Approval

Decision Date: 09.09.2005

Ref ID: Z/2003/2015/O

Proposal: Showrooms and external hardstanding areas for the display and sale of motor vehicles

with associated internal access roads.

Address: Land at the junction of Sydenham Road and Cuming Road, Belfast, BT3 9DU

Decision: Approval

Decision Date: 10.07.2006

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:

| Representations from Elected Members: | |
|---------------------------------------|--|
| None | |
| | |