

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> 14 <sup>th</sup> August 2018	
<b>Application ID:</b> LA04/2017/0456/F	
<b>Proposal:</b> Partial demolition of existing building and extension to provide new tyre depot with associated parking, site works and new access to 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> Gray Design Limited 5 Edward Street Newry BT35 6AN
<p><b>Executive Summary:</b> The application seeks full planning permission for the 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</p> <p>The key issues are:</p> <ul style="list-style-type: none"> <li>- Principle of change of use and extension</li> <li>- Design and landscaping</li> <li>- Access, Movement, Parking and Transportation</li> <li>- Contaminated Land</li> </ul> <p>The site is located on Dargan Crescent off Duncrue Road. The application relates to an existing warehouse/factory which is currently vacant.</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 Belfast Metropolitan Area Plan 2015 (dBMAP), Planning Policy Statement 3 (PPS3), and Planning Policy Statement (PPS4) and has been found acceptable. The site is located within an area of existing employment in dBMAP and the proposal is in keeping with this zoning.</p> <p>DFI Roads Service, BCC Environmental Health and DARD Regulation Unit have offered no objections to the proposal and have suggested conditions to be attached should approval be granted.</p> <p>No third party objections to proposal.</p> <p>Accordingly, it is recommended that the proposal is approved subject to the conditions set out in the report and it is requested that committee delegate authority to finalise wording of conditions.</p>	

## Case Officer Report

### Site Location Plan



### Characteristics of the Site and Area

#### 1.0 Description of Proposed Development

Partial demolition of existing building and extension to provide new tyre depot with associated parking, site works and new access to Duncrue Road. There is no increase in height from that of the existing building. A footprint of 720 sqm is to be demolished (approximately half of the existing footprint) and the proposed extension measures 392 sqm.

#### 2.0 Description of Site

The site is located at 2 Dargan Crescent, Belfast. There is a large warehouse style building on the site at present surrounded by hard standing. The building is currently vacant. The vehicular entrance is taken from a small side road. The site is defined by metal fencing on all boundaries and 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 (dBMAP). The site is unzoned in the Belfast Urban Area Plan (BUAP).

## **Planning Assessment of Policy and Other Material Considerations**

### 3.0 Site History

Z/2008/0567/F – Demolition of existing building and erection of proposed tyre depot with required parking and associated site works – Permission granted – 03/11/09

### 4.0 Policy Framework

4.1 (Draft) Belfast Metropolitan Area Plan (BMAP) 2015 and Belfast Urban Area Plan 2001 (BUAP)

4.1.1 Land zoned by existing employment – BHA 06

4.2 Strategic Planning Policy Statement (SPPS)

4.2.1 Good Design paras 4.24 – 4.27

4.3 Planning Policy Statement (PPS) 3: Access, Movement and Parking

4.3.1 Policy AMP 1 - Creating an Accessible Environment

4.3.2 Policy AMP 2 – Access to Public Roads

4.3.3 Policy AMP 7 - Car Parking and Servicing Arrangements

4.4 Planning Policy Statement 4: Planning and Economic Development

4.4.1 Policy PED 7 – Retention of zoned land and economic development uses

### 5.0 Statutory Consultees Responses

5.1 DFI Roads Service – No objection subject to conditions

5.2 NI Water – No objection

5.3 DARD Regulation Unit – No objection subject to conditions

### 6.0 Non Statutory Consultees Responses

6.1 BCC Environmental Health – No objection subject to conditions

### 7.0 Representations

7.1 None

### 8.0 Other Material Considerations

8.1 Parking Standards

### 9.0 Assessment

9.1 Following the recent Court of Appeal decision relating to BMAP, the extant development plan is now the Belfast Urban Area Plan 2001. 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. 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 in the BUAP.

9.2 The proposal is for the 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 building is not listed nor within a conservation area, or area of townscape character, and therefore permission is not required for its partial demolition.

9.3 The key issues are:

- Principle of change of use and extension
- Design and landscaping
- Access, Movement, Parking and Transportation
- Contaminated Land

### **Principle of change of use and extension**

9.4 The last known use on the site is a workshop with ancillary office and store (B2 (The Planning (Use Classes) Order (Northern Ireland 2015)) (as per Land and Property Service rating records) and since the land is zoned and within the settlement limits of Belfast Policy PED7 of PPS 4 applies. The proposal is for the 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, which is a B4 use. The proposal will not result in the loss of land zoned for economic development use and is in keeping with the zoning and Policy PED 7.

### **Design and landscaping**

9.5 The existing building has two floors and measures 30.8m by 48.2m approximately. The proposed development will demolish approximately half of the existing building at the front. The proposed building measures 48.2m by 15m, with a rear return of 16m by 25m and therefore not a dissimilar footprint to that of the existing (overall approximately 328 sqm less than that of the existing). The proposed development will be double height but only one floor. The floor plan shows 5 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. There is no proposed increase in height from that of the existing building. The overall scale and massing of the extension is acceptable for the site and for the area. The exterior is composite cladding panels in goosewing grey and blue, with a grey cladding on the roof. These finishes are acceptable for the site and area.

9.6 There are areas of existing landscaping to the north, west and south of the site. Any existing trees to be removed as a result of the new access are not protected. They are however visually significant, and therefore a condition should be attached for the submission of a landscaping plan to be agreed in writing with the Planning Authority prior to commencement of development as detailed at Condition 8 below.

### **Access, Movement, Parking and Transportation**

9.6 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. 10 lorry spaces and 22 car parking spaces are proposed. The existing access will remain unchanged. DFI Roads has offered no objection subject to as detailed below in Conditions 2 and 3. The proposal will not prejudice road safety or inconvenience the flow of traffic in their opinion.

### **Contaminated Land**

9.7 A number of reports considering the risk of contamination were submitted, in particular looking at gas monitoring. The detailed design of the substructures/gas protection measures over the entire building as well as the type of venting was requested by BCC Environmental Health. BCC Environmental Health have stated that the overall design concept is acceptable and requested conditions are attached to ensure compliance with the requirements of CIRIA Characteristic Situation 4 and British Standards 8485:2015. A Remediation Strategy and Verification Report are also required

to be submitted and agreed in writing with the Planning Authority prior to the commencement of development and occupation of the building, respectively, as detailed below at Conditions 4, 5, 6 and 7.

9.9 No third party objections were received.

9.10 Having regard to the policy context above, the proposal is considered acceptable and planning permission is recommended subject to conditions.

10.0 Summary of Recommendation: to grant planning permission with conditions to be delegated to the Director of Planning and Building Control.

**Neighbour Notification Checked: Yes**

**Summary of Recommendation: Approval subject to conditions**

**Conditions**

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. The vehicular accesses shall be constructed in accordance with Drawing No.02A bearing the date stamp 2nd October 2017, prior to the operation of any other works or other development hereby permitted (other than those required to fulfil this condition).

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

3. The development hereby permitted shall not become operational until hard surfaced areas have been constructed and permanently marked in accordance with Drawing No.02A bearing the date stamp 2nd October 2017 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.

Reason: To ensure adequate provision has been made for parking and traffic circulation within the site.

4. Prior to commencement of the development, the applicant shall submit a detailed Remediation Strategy outlining the measures to be undertaken to ensure that on-site ground gas contamination as identified in the submitted WYG Environment and Planning (Northern Ireland) Ltd. report entitled, 'Modern Tyres, Dargan Crescent-GQRA Update, Belfast A047672-1', report no A047672-1 and dated June 2017 and WYG letter dated 11/8/17 ref: LA04/2015/0301/F does not pose a risk to human health and that all identified pollution linkages will be demonstrably broken. The Remediation Strategy shall demonstrate that the proposed remedial measures meet the requirements of Ciria C665 Characteristic Situation 4 and BS8485:2015.

The detailed Remediation Strategy must be submitted to the Belfast Planning Service and agreed in writing by the Planning Authority prior to the commencement of

development on site. The Remediation Strategy must include as a minimum:

- Detailed design of the gas protection measures to be incorporated into the proposed development, including the presentation of relevant venting calculations and the locations and heights of any discharge venting pipes.
- A Verification Plan, including, as a minimum, proposals for the supervision and integrity testing of the remediation works and relevant record keeping in accordance with the requirements of Ciria C735.

Reason: Protection of Human Health

5. Prior to the occupation of the proposed development, the applicant shall provide to Planning Service a Verification Report in relation to the management of ground gas contamination. The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for its end-use. It must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report shall be in accordance with current best practice and guidance as outlined by the Environment Agency and Ciria C735. It shall demonstrate that:

- The remediation measures outlined in the agreed Remediation Strategy meet the requirements of Ciria C665 Characteristic Situation 4 and BS8485:2015 and be implemented and incorporated into the proposed development.

The verification report must be approved in writing by the Belfast Planning Service prior to occupation of the development.

Reason: Protection of Human Health

6. If during the development works, new contamination and risks are encountered which has 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 to its satisfaction.

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

7. After completing any remediation works required under Condition 6, 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.

8. No development (other than site clearance, site preparation, demolition and the formation of foundations and trenches) shall commence on site unless a hard and soft

landscaping scheme has been submitted to and approved in writing by the City Council. The scheme shall include details of all walls, fences, trees, hedgerows and other planting which are to be retained; details of all new walls, fences, other boundary treatment and finished ground levels; details of the hard surface treatment of open parts of the site which shall be permeable or drained to a permeable area; a planting specification to include [species, size, position and method of planting of all new trees and shrubs]; and a programme of implementation.

All hard and/or soft landscaping works shall be carried out in accordance with the approved details. 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

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.

<b>ANNEX</b>	
<b>Date Valid</b>	2nd March 2017
<b>Date First Advertised</b>	17th March 2017
<b>Date Last Advertised</b>	17th March 2017
<b>Details of Neighbour Notification (all addresses)</b> 28-30,Duncrue Road,Low-Wood Intake,Belfast,Antrim,BT3 9BP, 32-34 Unit 1,Duncrue Road,Low-Wood Intake,Belfast,Antrim,BT3 9BP, Baird House,Dargan Crescent,Low-Wood Intake,Belfast,Antrim,BT3 9JP, Musgrave Cash & Carry,1 - 15 Dargan Crescent,Low-Wood Intake,Belfast,Antrim,BT3 9JP, Quayside Office Park, 14 Dargan Crescent, Belfast, BT3 9JP Unit 1 - 4, Quayside Office Park, 14 Dargan Crescent, Belfast, BT3 9JP Unit 1-2,2-14 Quayside Office Park,Dargan Crescent,Low-Wood Intake,Belfast,Antrim,BT3 9JP, Unit 11-12,1-3,Duncrue Crescent,Low-Wood Intake,Belfast,Antrim,BT3 9BW,	
<b>Date of Last Neighbour Notification</b>	14th December 2017
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Response of Department:	