

Development Management Officer Report Committee Application

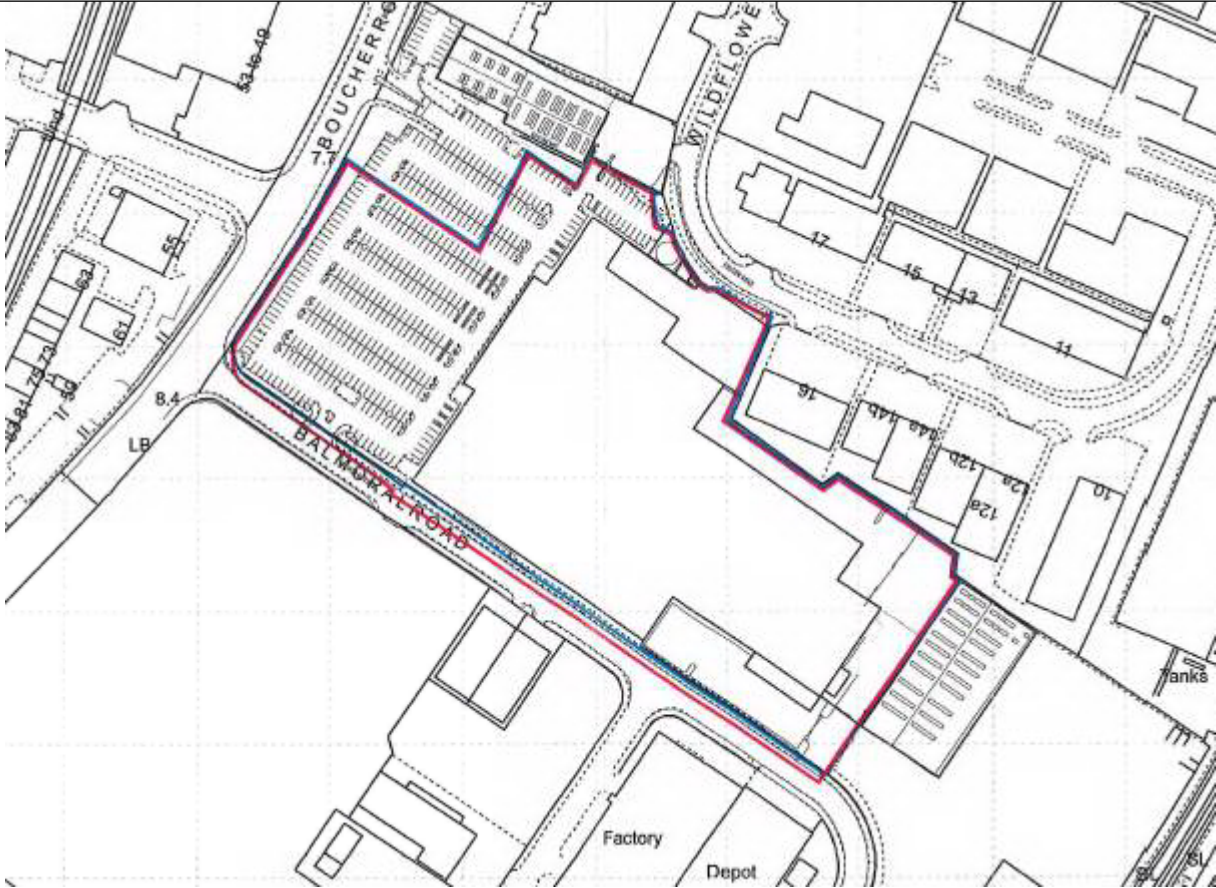
Summary	
Committee Meeting Date: 19 Feb 2019	
Application ID: LA04/2018/1940/F	
<p>Proposal: Re Location of garden centre from northern to southern side of building including demolition of existing garden centre buildings, amendments to elevations on southern(Balmoral Road) side of building, service yard alterations and fencing, amendments to footways on Balmoral Road to create service vehicle temporary parking and alterations to car park.</p>	<p>Location: 38 Boucher Road, Belfast BT12 6HR.</p>
Referral Route: Major Application	
Recommendation: Approval	
<p>Applicant Name and Address: Easton Securities Ltd 43 Waring Street Belfast BT1 2DY</p>	<p>Agent Name and Address: Pragma Scottish Provident Building 7 Donegall Square West Belfast BT1 6JH</p>
<p>Executive Summary:</p> <p>This application seeks full permission for the re location of a garden centre (presently vacant) from the northern to southern side of the vacant, former B&Q building including demolition of existing garden centre buildings, amendments to elevations on southern (Balmoral Road) side of building, service yard alterations and fencing, amendments to footways on Balmoral Road to create service vehicle temporary parking and alterations to car park.</p> <p>The key issues in the assessment of the proposal are as follows:</p> <ul style="list-style-type: none"> - principle of demolition and relocation on the site - design - access, movement, parking and transportation, including road safety - impact on built heritage - flood risk - other environmental matters <p>The majority of the site displays an existing vacant retail warehouse building, whereas the remainder of the site is currently in use as a car park. The site is unzoned as designated within (Draft) Belfast Metropolitan Area Plan (BMAP) 2015 and Belfast Urban Area Plan 2001 (BUAP).</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 (BMAP), Planning Policy Statement (PPS3), Planning Policy Statement (PPS6), Planning Policy Statement (PPS15), and Parking Standards.</p>	

BCC Environmental Health, Northern Ireland Water Ltd, DFI HED Historic Monuments, DFI Rivers Agency, DAERA Water Management Unit, and DAERA Regulation Unit have raised no issues of concern and the proposal is considered acceptable. At the time of writing a response from DFI Roads Service is outstanding.

Accordingly, it is recommended that the proposal is approved subject to the conditions as set out in the report and it is requested that committee delegate authority to the Director of Planning and Building Control to finalise wording of conditions.

Case Officer Report

Site Location Plan



Representations:

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

Characteristics of the Site and Area

1.0 Description of Proposed Development

Relocation of garden centre from northern to southern side of building including demolition of existing garden centre buildings, amendments to elevations on southern (Balmoral Road) side of building, service yard alterations and fencing, amendments to footways on Balmoral Road to create service vehicle temporary parking and alterations to car park.

2.0 Description of Site

The site is located at 38 Boucher Road, Belfast which is the former B&Q store. Boucher Road runs along the north west of the site, with Balmoral Road running along the south west. The site boundaries are defined by a mix of metal fencing and low level fencing. The majority of the site displays an existing large retail warehouse building with single storey garden centre extending from the north eastern side of the building. The remainder of the site is currently in use as a car park to the front. There is a large car park to the front which is shared with adjacent units (Harry Corry and Bensons for Beds). The red line of the site does not extend to the access at Boucher Road which is currently in use for the adjacent units. There is also an access from the site directly to Balmoral Road which is currently not in use. B&Q ceased trading here in 2016. The

site is unzoned as designated within (Draft) Belfast Metropolitan Area Plan (BMAP) 2015 and Belfast Urban Area Plan 2001 (BUAP).

Planning Assessment of Policy and Other Material Considerations

3.0 Site History

3.1 There is relevant planning history on the site under application reference LA04/2018/1727/F for “Demolition of entrance and exit canopies and replacement of facades on the western elevation (fronting Boucher Road) and part of the southern elevation (side of building onto Balmoral Road)” which was granted permission on 17/09/18. A Lawful Development Certificate was issued on 08/05/18 under the reference LA04/2017/2769/LDP for “Subdivision to create 3 separate units with mezzanine floor in unit 1”. There is also relevant planning history under reference Z/1998/0671 for “Alterations and extension to existing retail warehouse” which was granted permission.

3.2 Since this proposal falls under the category of Major Development, Pre Application Community Consultation was carried out under the planning reference LA04/2017/1906/PAN. Feedback given was positive from the public and nearby businesses relating to the amended car parking and also retail as a result of this exercise. Although positive feedback was given in relation to the proposed ‘community hub’ element this has been omitted from the proposal whereas the rest remains largely similar to what was proposed.

3.3 Previous planning history adjacent to the site includes LA04/2016/0981/F for “Alteration to existing roads access” at the existing road access off Boucher Road for No. 36-38 Boucher Road which was granted permission on 27/03/17.

4.0 Policy Framework

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

4.2 Strategic Planning Policy Statement (SPPS)

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

4.4 Planning Policy Statement (PPS) 6: Planning, Archaeology and the Built Heritage

4.5 Planning Policy Statement (PPS) 15: Planning and Flood Risk

5.0 Statutory Consultees

5.1 DFI Roads Service– response outstanding

5.2 Northern Ireland Water Ltd - No objection

5.3 DFI HED Historic Monuments – No objection

5.4 DFI Rivers Agency – No objection

5.5 DAERA Water Management Unit – No objection

5.6 DAERA Regulation Unit – No objection subject to conditions

6.0 Non Statutory Consultees

6.1 BCC Environmental Health – No objection subject to conditions

7.0 Representations

The application has been neighbour notified and advertised in the local press. No representations were received.

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 development limits of Belfast as shown in the draft Belfast Metropolitan Area Plan 2015.

9.2 The site is unzoned as designated within (Draft) Belfast Metropolitan Area Plan (BMAP) 2015 and Belfast Urban Area Plan 2001 (BUAP). The proposed development is for the relocation of the existing garden centre from the northern to southern side of the existing building. This is including the demolition of the existing garden centre buildings, amendments to the elevations on the southern (Balmoral Road) side of building, service yard alterations and fencing, amendments to footways on Balmoral Road to create service vehicle temporary parking and alterations to car park.

9.3 The key issues are:

- principle of demolition and relocation on the site
- design
- access, movement, parking and transportation, including road safety
- impact on built heritage
- flood risk
- other environmental matters

9.4 Principle of demolition and relocation on the site

The site is within the development limits of Belfast in BUAP, Draft BMAP and the version of BMAP purported to be adopted. The site's current approved use is bulky goods retail and this will remain unchanged and the proposal will result in no additional floorspace. On this basis, the proposal is considered acceptable and complies with the sequential test for town centres uses as set out in the SPPS (i.e. the reuse of an existing retail warehouse). It is proposed to include a condition to restrict the sale of goods in line with its use as a retail warehouse and to prevent unrestricted retailing.

The building is not listed and within a conservation area or Area Of Townscape Character, therefore permission is not required for its partial demolition. The overall floorspace will remain unchanged as a result of the proposal and there will be no intensification of use on the site. It is considered that the redevelopment of the site will represent a more productive use of the site, bringing a vacant building back into use, subject to the consideration and resolution of planning and environmental matters.

9.5 Design

The garden centre, which measures 372sqm, is currently located on the northern side of the building following the approval of the extension under Z/1998/0671. It is proposed to relocate this 372sqm to the southern side of the building. The overall gross and net floorspace will remain the same as existing. The existing garden centre building will be demolished, the site cleared and fenced off becoming part of the servicing area for the building.

9.6 The demolition of entrance and exit canopies and replacement of facades on the western elevation (fronting Boucher Road) and part of the southern elevation (side of building onto Balmoral Road) was approved under reference LA04/2018/1727/F on 17/09/18. This allows for a more contemporary aesthetic for the existing building and orientated towards Balmoral Road (SW elevation) instead of Boucher Road.

9.7 The greatest change will take place on the NW and SW elevations. The existing front entrance will be removed as well as the existing garden centre. The existing canopy on the SW elevation will be removed, as well as the roller shutter doors. These will be infilled to match the surrounding wall and there will be a new door. The garden centre element will be erected here also. All existing orange metal flashing will be replaced with grey. The proposed changes are

considered acceptable for the area which is characterised by a variety of building types and elevation treatment.

9.8 A landscaping plan has also been proposed which will visually soften the site. This includes new metal fencing and extra heavy standard trees on both the Boucher Road and Balmoral Road boundaries. This will be accompanied by some hedging ornamental shrubs.

9.9 Access, Movement, Parking and Transportation

DFI Roads final response is outstanding but they had raised an issue in relation to access to the site specifically planning permission LA04/2016/0981/F for the "Alteration to existing roads access" at the existing road access off Boucher Road for No. 36-38 Boucher Road. This granted permission to remove the left in/left out island to allow unrestricted access for customer traffic since the shared access at Balmoral Road was closed.

9.10 This included the following condition "The proposed amended access onto Boucher Road as detailed on Drawing No. 05A bearing the Planning Service date stamp 05 December 2016 shall serve the existing non – food retail units at 36 and 38 Boucher Road only. Prior to the use of any part of the adjacent building (former B & Q store) or use of its associated car park, or any works to facilitate said use of the building and car park, the access shall revert back to its existing limited movement arrangement (left in / left out) as detailed on Drawing No. 04B bearing the date stamp Planning Service Received 05 December 2016." This requires the Boucher Road access to revert back to its previous configuration once the Balmoral access is reopened and works commence to facilitate the use of the B&Q unit.

9.11 The applicant is in control of the Balmoral Road access which is currently closed, but not in control of the Boucher Road access. A portion of the car park also belongs to a third party. Following internal discussions with Roads Service, the Agent confirmed the Boucher Road access will not be used for construction purposes through the submission of a construction access plan. A shared car parking plan was also submitted showing the red line of the site within the overall boundary of the Z/1998/0671 approval which saw the car park as a single entity. The Balmoral Road access once open shall remain open for customers accessing the adjacent units.

9.12 The relocation of the garden centre will result in amendments to the car park. It is proposed to retain the car parking approved under Z/1998/0671. A total of 578 spaces are existing at present, 393 of these are within the front and side car parks within the red line of the site and the remaining 183 are within the adjacent car park and service areas. 14 car parking spaces are proposed within the space previously occupied by the garden centre itself, and the rest used as a service yard. This will be conditioned to be retained as such. Additional spaces will be created through the removal of the entrance and exit pods from the existing store and realignment of kerbing at the Boucher Road frontage of the site. A total of 579 spaces are proposed.

9.13 DfI Roads Service are the authoritative body on road safety and transport issues and at the time of writing this report their response is outstanding.

9.14 Impact on Built Heritage

The application site is located within the vicinity of an archaeological site (ANT 061: 008). HED Historic Monuments were consulted and they have responded stating no objection to the proposal.

9.15 Flood Risk

DfI Rivers Agency considered a submitted Drainage Assessment and advised that they had no reason to disagree with its conclusions and suggested informatives to be attached should approval be granted. The proposal therefore complies with PPS15.

9.16 Other environmental matters

The site is adjacent to lands previously used for domestic landfilling and in an area subject to numerous other commercial/industrial land uses, and hence BCC Environmental Health were concerned the development could introduce a pathway for exposure to ground contamination. A Preliminary Risk Assessment and Generic Quantitative Risk Assessment were submitted relating to the risk of contaminated land on the site.

9.17 Results from the groundwater laboratory analysis showed no exceedances of the relevant human health generic assessment criteria for a commercial end use. Asbestos was found to be present however it was concluded that any potential direct contact pathway between future users and on site asbestos will be broken given that hardstanding is proposed across the site apart from a proposed border of landscaping around the perimeter of the site. Ground gas monitoring showed that no protection measures will be required. BCC Environmental Health and DEARA both responded suggesting conditions to be included should approval be granted relating to the submission of a piling risk assessment and verification report relating to any remediation carried out.

9.18 A noise impact assessment was submitted which examines the potential noise impact during construction, and noise impacts once the development becomes operational. Although BCC Environmental Health, the authoritative body on noise pollution, had no objection to its findings they noted the technical details of the proposed compactor had not been included. The Agent advised that at this early stage its specification is unknown and therefore Environmental Health suggested a condition to be included should approval be granted requiring the submission of the specification details presented in a noise impact assessment.

9.19 Conclusion

The proposal is considered to be in compliance with the development plan.

9.20 Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended for approval subject to conditions. The approved development will bring a vacant unit into use which will in turn create jobs and investment. Should members agree with the recommendation to approve, delegated authority is requested for the Director of Planning and Building Control to finalize the wording of conditions.

10.0 Summary of Recommendation: Approval with conditions

Neighbour Notification Checked: Yes

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. No piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Planning Authority. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention", available at: <http://webarchive.nationalarchives.gov.uk/20140328084622/http://cdn.environmentagency.gov.uk/scho0202bisw-e-e.pdf> 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.

3. If during the development works, new contamination and risks to the water environment 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.

4. After completing any remediation works required under Conditions 2 and 3, 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.

5. Prior to the occupation of the proposed development, the applicant shall provide to Planning Service, for approval, a Verification Report. This report must demonstrate the following:
- That the site is covered in hardstanding in all areas except those illustrated in the landscape proposals drawing by LK design space, drawing reference: 17-074 L101 dated 19-06-2018.

Reason: Protection of human health.

6. Prior to operation of the hereby approved development the applicant must provide, to the Planning Service for review, specification details of the proposed compactor presented in a noise impact assessment which demonstrates that the operation of the proposed compactor will be such that no adverse impact will be created at nearby sensitive premises in accordance with BS4142:2014. The compactor must not be installed for use until written approval is received from the Council.

Reason: prevention of adverse noise impact at nearby premises

7. The floorspace comprised in the retail warehousing shall be used only for the retail sale and ancillary storage of the items listed hereunder and for no other purpose, including any other purpose in Class 1 of the Schedule to the Planning (Use Classes) Order (NI) 2015:-
(a) DIY materials, products and equipment;
(b) Garden materials, plants and equipment;
(c) Furniture and soft furnishings, carpets and floor coverings and electrical goods;
(d) Such other items as may be determined in writing by the Planning Authority as generally falling within the category of "bulky goods".

Reason: (a) To control the nature, range and scale of the commercial activity to be carried on at this location and to secure a satisfactory mix of land uses; and

(b) To ensure that the proposed development does not result in over-intensive development of the site having regard to the need for adequate parking provision, traffic circulation and landscaping.

8. On first use or occupation of the relocated garden centre hereby approved, the site of the existing garden centre (as hatched X colour on Drawing Number X received on X) shall not be used or occupied other than as a service yard ancillary to the use of the former B&Q building, as indicated on the approved plans. The access shall be permanently retained and shall remain open and available to traffic during the hours of operation of the retail uses contained within the building.

Reason: In the interests of road safety.

9. The relocated garden centre hereby approved shall not be used or occupied until the replacement parking has been provided and made available for the parking of vehicles as shown on Drawing Number X received on X.

Reason: In the interests of road safety.

10. Prior to any construction or implementation of the planning permission hereby approved (other than works required to fulfil this condition), the access onto Balmoral Avenue shall be implemented and made available to traffic in accordance with Drawing Number X received on X.

Reason: In the interests of road safety.

ANNEX

Date Valid	11th July 2018
Date First Advertised	10th August 2018
Date Last Advertised	

Details of Neighbour Notification (all addresses)

The Owner/Occupier,
Amari Plastics, 12a ,Falcon Road,Belfast,Antrim,BT12 6RD,
The Owner/Occupier,
Balmoral Market, Boucher Road,Belfast,Antrim,BT12 6QA,
The Owner/Occupier,
Belfast Tile Company Office, 17 Falcon Road,Belfast,Antrim,BT12 6RD,
The Owner/Occupier,
Bensons For Beds, 36/38 Boucher Road, Belfast
The Owner/Occupier,
Boucher Road,Belfast,Antrim,BT12 6HR,
The Owner/Occupier,
First Floor & Mezzanine, 19 Falcon Road,Belfast,Antrim,BT12 6RD,
The Owner/Occupier,
Grosvenor Kitchens, 16 Falcon Road, Adelaide Industrial Estate,Belfast,Antrim,BT12 6RD,
The Owner/Occupier,
Grosvenor Kitchens, 16 Falcon Road, Adelaide Industrial Estate,Belfast,Antrim,BT12 6RD,
The Owner/Occupier,
Ground Floor, 19 Falcon Road,Belfast,Antrim,BT12 6RD,
The Owner/Occupier,
Harry Corry, Unit 2,36-38 ,Boucher Road,Belfast,Antrim,BT12 6HR,
The Owner/Occupier,
House & Stock Self-Storage, 19-21 ,Balmoral Road,Belfast,Antrim,BT12 6QA,
The Owner/Occupier,
Interclean Ltd,Unit 7, 14b ,Falcon Road,Adelaide Industrial Estate,Belfast,Antrim,BT12 6RD,
The Owner/Occupier,
Macnaughton Blair Ltd,4 Balmoral Road,Belfast,Antrim,BT12 6QA,
The Owner/Occupier,
Maplin Electronics,55 Boucher Road,Belfast,Antrim,BT12 6HR,
The Owner/Occupier,
Mb Architectural Ironmongery, 14a ,Falcon Road,Belfast,Antrim,BT12 6RD,
The Owner/Occupier,
Mc Coey Hair & Beauty Supplies,2 Balmoral Road,Belfast,Antrim,BT12 6QA,
The Owner/Occupier,
Motoglass Carparts Ltd,Unit 1, 17 Balmoral Road,Belfast,Antrim,BT12 6QA,
The Owner/Occupier,
N.I. Protective Clothing Co,2 Balmoral Road,Belfast,Antrim,BT12 6QA,
The Owner/Occupier,
Northern Bank Ltd.,55 Boucher Road,Belfast,Antrim,BT12 6HR,
The Owner/Occupier,
Patterson Electronics, 12b ,Falcon Road,Belfast,Antrim,BT12 6RD,
The Owner/Occupier,
Simply Grand,61 Boucher Road,Belfast,Antrim,BT12 6HR,
The Owner/Occupier,
Sleepmasters,Unit 1,36-38 ,Boucher Road,Belfast,Antrim,BT12 6HR,

The Owner/Occupier, The Door Store,53 Boucher Road,Belfast,Antrim,BT12 6HR, The Owner/Occupier, Unit 2,17 Balmoral Road,Belfast,Antrim,BT12 6QA, The Owner/Occupier, Unit 3,17 Balmoral Road,Belfast,Antrim,BT12 6QA,	
Date of Last Neighbour Notification	7th February 2019
Date of EIA Determination	
ES Requested	No
Notification to Department (if relevant) Date of Notification to Department: N/A Response of Department: N/A	