

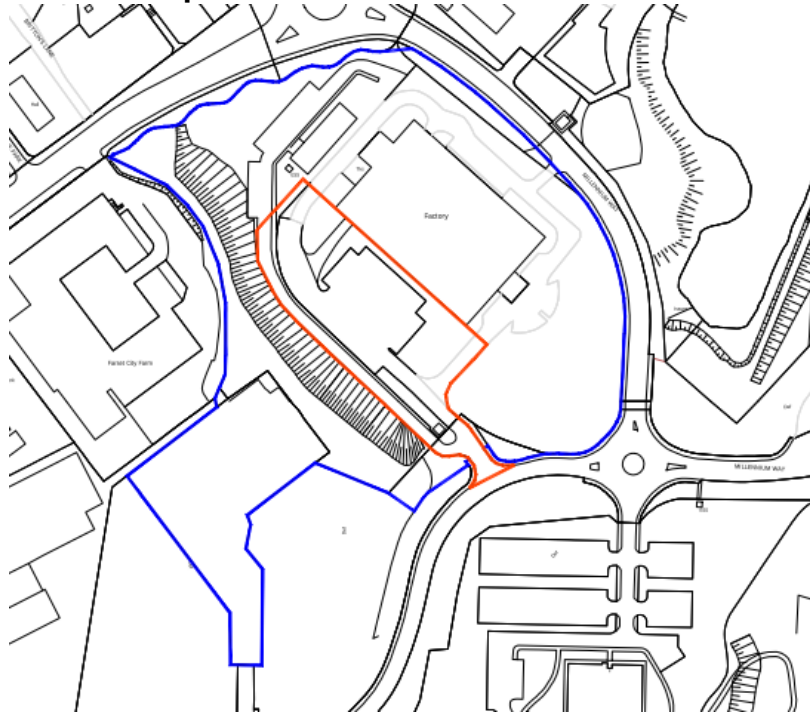
## Committee Report

<b>Development Management Report</b>	
<b>Application ID:</b> LA04/2023/2861/F	<b>Date of Committee:</b> 15 <sup>th</sup> October 2024
<b>Proposal:</b> Extension to Class B2 factory for storage/loading purposes and associated works	<b>Location:</b> 1 Millennium Way Ballymagarry Belfast Antrim Bt12 7al
<b>Referral Route:</b> Referral to the Planning Committee under section 3.8.2 (a) (iv) of the Scheme of Delegation, development exceeds 2500sqm of industrial floorspace.	
<b>Recommendation:</b> Approval	
<b>Applicant Name and Address:</b> Biopax 1 Millennium Way Belfast BT12 7AL	<b>Agent Name and Address:</b> CMI Planners 38b Airfield Road Toomebridge BT41 3SG
<b>Date Valid:</b> 9 <sup>th</sup> March 2023	
<b>Target Date:</b> 22 <sup>nd</sup> June 2023	
<b>Contact Officer:</b> Ciara Reville, Principal Planning Officer.	
<b>Executive Summary:</b>	
<p>The application seeks planning permission for an extension to an existing Class B2 (Light industrial) factory which manufactures biodegradable, recyclable and sustainable packaging and labels for distribution across both the UK and Ireland and European markets. The extension will be used for storage and loading purposes which are ancillary to the existing Class B2 use on site. The extension measures 2595m<sup>2</sup> of floorspace which was reduced from the original submission which measured 3094m<sup>2</sup>.</p> <p>The site is unzoned within the Belfast Urban Area Plan 2001 and zoned as existing Employment/ Industry in both versions of the draft Belfast Metropolitan Area Plan 2015(v2004 and 2014).</p> <p>The key issues relevant to consideration of the application is:</p> <ul style="list-style-type: none"> <li>• Industry and Storage</li> <li>• Access, Car parking and servicing arrangements</li> <li>• Planning and Flood Risk</li> <li>• Contaminated Land</li> <li>• Noise</li> <li>• Open space</li> <li>• Trees</li> <li>• Climate change</li> </ul>	
<b>Recommendation</b>	
Having had regard to the development plan, relevant planning policies, and consultation responses it is considered that the variation of condition should be approved.	
Delegated authority is sought for the Director of Planning and Building Control to finalise conditions and deal with any other matters which may arise, including dealing with the outstanding EHO response, so long as they are not substantive.	

# Case Officer Report

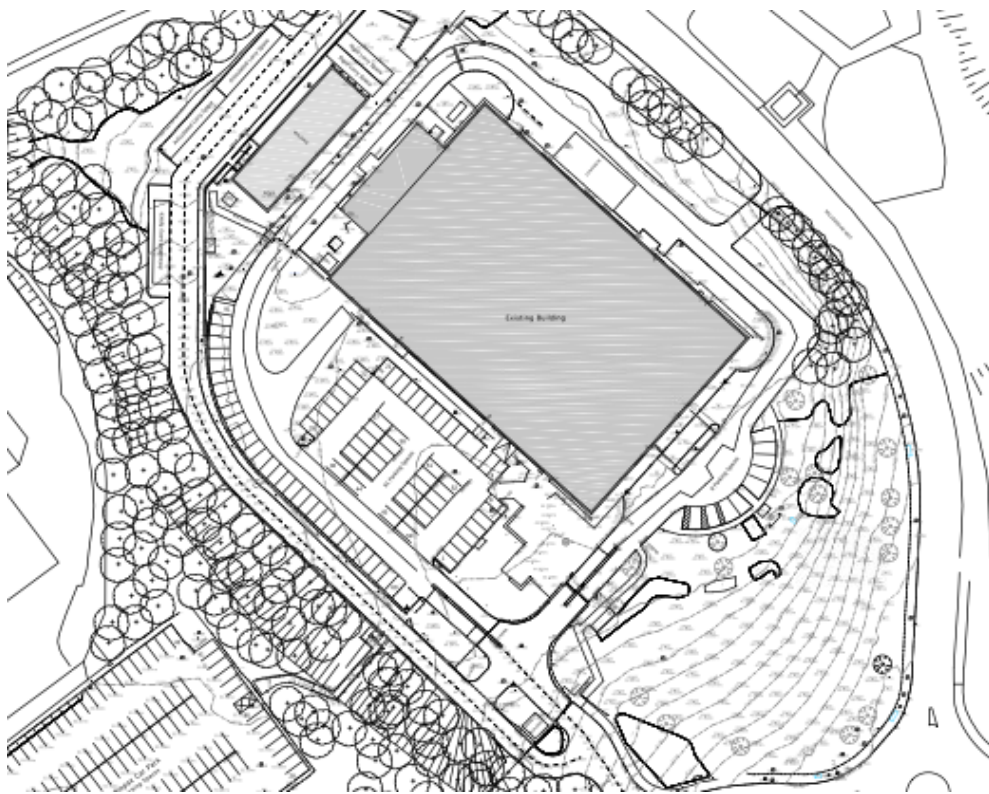
## Site Location Plan and Site Layout

### Site Location Map

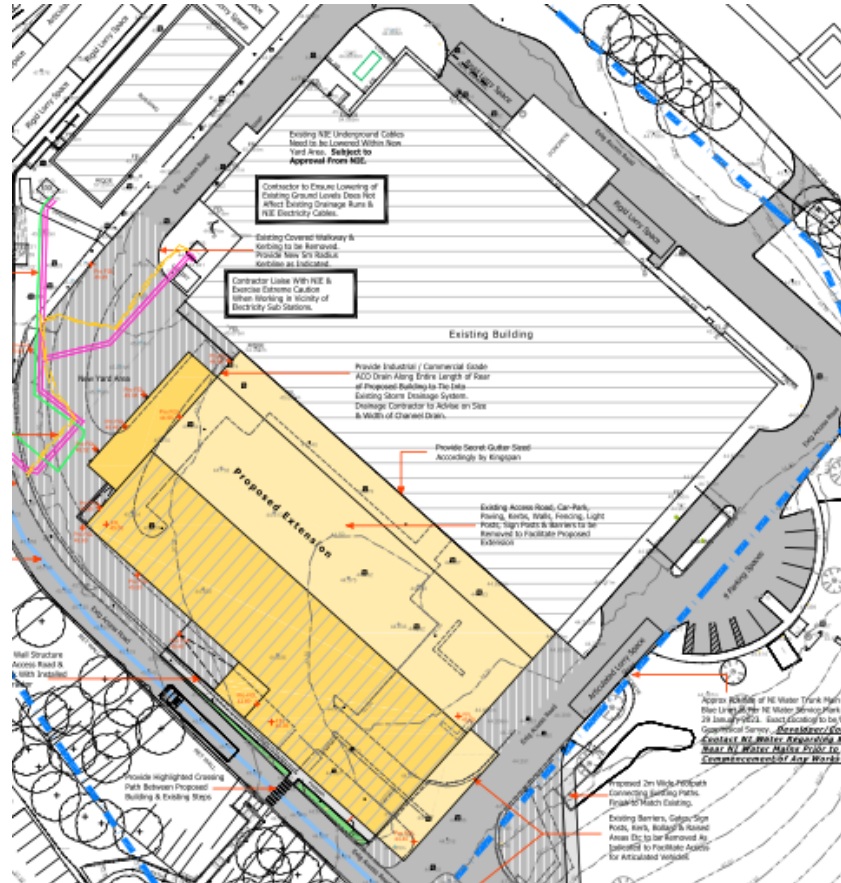


### Aerial View






**Existing Site Plan**



**Proposed Site Plan**

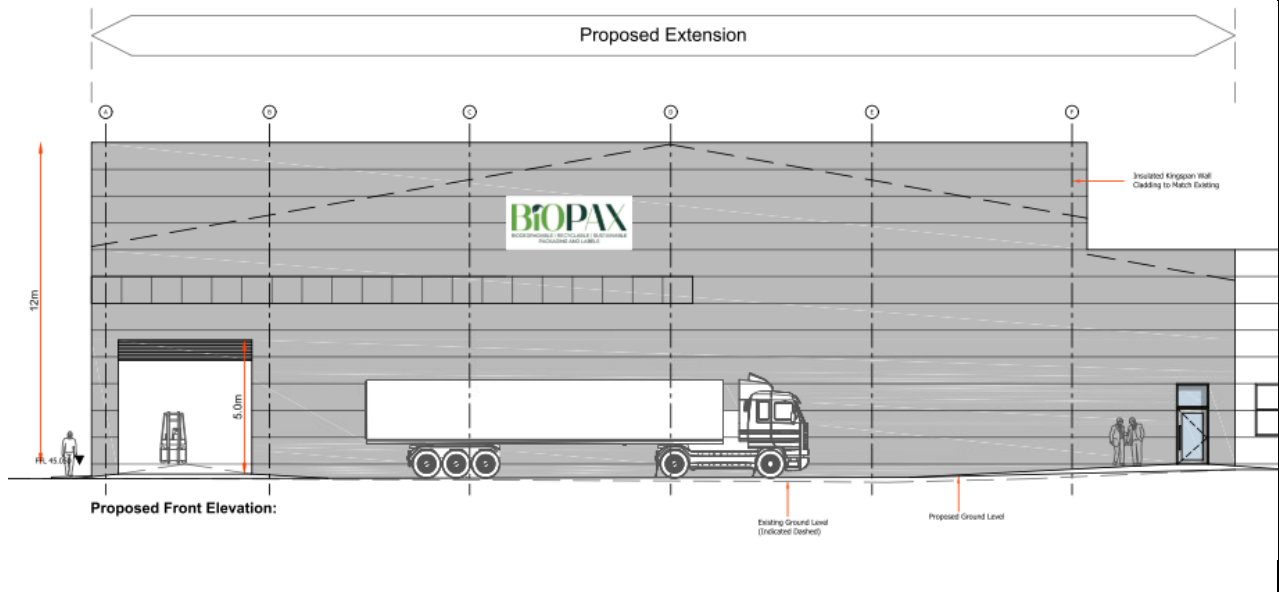


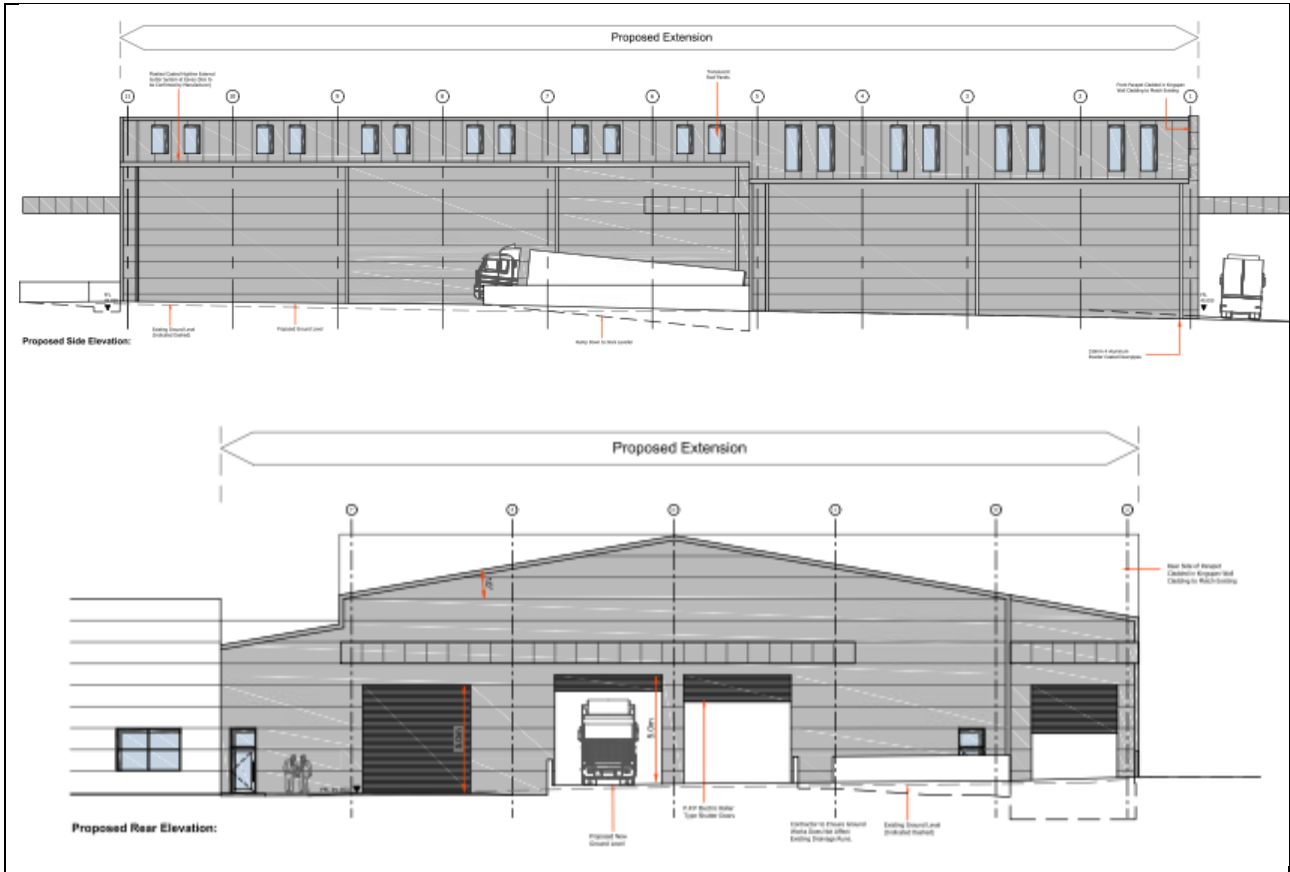
# Proposed Ground Floor Plan


**Internal Extended Floor Area:**  
 - 2595 sq. m. (27,932 sq. ft.)



# Proposed Elevations





## Characteristics of the Site and Area

### 1.0 Description of Proposed Development

1.1 The application seeks planning permission for an extension to a Class B2 factory for storage/ loading and associated works.

### 2.0 Description of Site

2.1 The application site is currently in use as an existing area of carparking which is used only by the factory located at 1 Millennium Way. The site is within an area zoned for existing employment and industry. The factory which is subject to this extension is Biopax (Class B2 Light Industrial) which manufactures biodegradable, recyclable and sustainable packaging and labels for distribution. The immediate surrounding area is industrial in nature with the nearest residential properties located 103m to the north of the site on the Springfield Road. There is a primary school and residential estate located >200m to the south of the site.

## Planning Assessment of Policy and other Material Considerations

### 3.0 Site History

3.1 LA04/2021/2714/F - Proposed Change of Use from Office to Packaging Manufacturing Plant (B2) with minor external works to building. Provision of new service yard and retaining walls to facilitate lowered ramped access and loading bay. Permission granted 21/02/2023

### 4.0 Policy Framework

4.1 Belfast Urban Area Plan 2001

4.2 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. DBMAP (both v2004 and v2014 versions) is a material consideration. The weight to be afforded to dBMAP is a matter of judgement for the decision maker. Given its advanced stage in the Development Plan process, it is considered that dBMAP (v2014) carries significant weight.
4.3	<b>Belfast Local Development Plan Draft Plan Strategy</b> 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 of the SPPS 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.
4.4	<b>Strategic Planning Policy Statement for Northern Ireland (SPPS)</b>
4.5	Policy EC5 – Industry and Storage and distribution uses Policy TRAN8 – Car parking and Servicing arrangements Policy ENV1 – Environmental quality Policy ENV 2 – Mitigating environmental change Policy ENV3 – Adapting to environmental change Policy ENV4 – Flood Risk Policy ENV5 – Sustainable drainage systems (SuDS) Policy OS1 – Loss of open space Policy OS3 – Ancillary Open Space Policy TRE1 - Trees
<b>5.0</b>	<b>Statutory Consultees Responses</b> DFI Roads – no objection subject to conditions DFI Rivers – no objection to proposal
<b>6.0</b>	<b>Non Statutory Consultees Responses</b> Environmental Health - Outstanding
<b>7.0</b>	<b>Representations</b>
7.1	The application was advertised on the 24 <sup>th</sup> March 2023 and neighbour notified on the 21 <sup>st</sup> March 2023.
7.2	No objections were received.
<b>8.0</b>	<b>Assessment</b>
8.1	It is considered that the proposal is in compliance with the SPPS in that the proposed development will not cause demonstrable harm to interests of acknowledged importance which are considered below.
	<b>Principle of development</b>
8.2	The principle of this use type (class B2) at this location has already been established through the previously approved application LA04/2021/2714/F.
8.3	<b>Industry and storage</b> Policy EC5 states that planning permission will be granted for development proposals in Class B2 Light industrial use in a zoned employment area, subject to normal planning

considerations. The proposed extension for storage and loading is ancillary to the existing class B2 use on site and is considered acceptable as it is a) subordinate in scale and size to the existing building; and b) complies with normal planning considerations. The proposed extension measures a total floorspace of 2595m<sup>2</sup>. The original factory measured a floor space of 4883.6m<sup>2</sup>. The proposed extension does not exceed the height of the existing factory and is in keeping with the existing building in terms of its materials and detailing. The extension will be finished in insulated Kingspan wall cladding to match the existing factory. The proposed extension is therefore in compliance with Policy EC5.

8.4 **Traffic and parking**

The site is currently used as an existing car park which will be removed to facilitate the proposed extension. With the addition of the extension, parking standards would require a total of 164 parking spaces for a Class B2 development of this size. The parking report submitted by the applicant shows that there is still sufficient parking remaining at other locations within the curtilage of the factory to meet the relevant parking standards. Access to car parking will be from Millenium Way and is owned and used only by the company. There are currently 284 standard parking spaces located within the overall grounds of the site with 2 disabled spaces and 5 delivery and servicing spaces. The proposal seeks to reduce the spaces provided to include 193 standard parking spaces, retention of 2 disabled spaces and 11 delivery and servicing spaces.

8.5 DFI Roads responded to their initial consultation on 8<sup>th</sup> June 2023 requesting the submission of a car parking statement including a car parking schedule in relation to "Parking Standards." Following submission of the 'Parking Report', uploaded to the planning portal on 14 June 2023, DFI roads confirmed in their final response dated 2<sup>nd</sup> August 2023 that they had no objection to the development proposal.

**Planning and Flood Risk**

8.6 The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year climate change fluvial or 1 in 200 year climate change coastal flood plain and that portions of the site are not within an area of predicted pluvial flooding.

8.7 DFI Rivers Agency has reviewed the drainage assessment by OSM Environmental Consulting Ltd dated 26<sup>th</sup> June 2024, uploaded to the portal on 22<sup>nd</sup> July 2024, and concluded that the proposal would satisfy Policy ENV4 and be acceptable. Rivers agency stated that evidence was provided to show that the drainage will be installed to meet the standards of the NI Water Sewers for Adaption 1<sup>st</sup> Edition for a 30 year storm event including an allowance for climate change. For storm events greater than this exceedance flow paths have been identified showing that no properties will flood.

**Environmental protection**

8.8 Policy ENV1 states that planning permission will be granted for development that will maintain and, where possible, enhance environmental quality, and protects communities from materially harmful development. The proposed development has been assessed by Environmental Health in terms of contaminated land, air quality, noise and odour impacts.

Contaminated Land

9.9 The former commercial and industrial land use type includes metal coating process on site (Caterpillar), timber processing nearby and historical beetling works and as well as historical engineering and brickworks in the surrounding area. In their original consultation response dated 1<sup>st</sup> August 2023 Environmental Health requested a development specific Contaminated Land Risk Assessment which would contain a Preliminary Risk Assessment to examine the potential for the works associated with the proposal to create any preferential pathways for identified sources of contamination identified as potentially present on site or nearby.

9.10	<p>Following the submission of a Preliminary Risk Assessment and Generic Quantitative Risk Assessment dated December 2023, uploaded to the planning portal on 22 January 2024, and a Preliminary Risk Assessment dated May 2022, uploaded to the planning portal on 16<sup>th</sup> March 2023, Environmental Health confirmed in their response of 9<sup>th</sup> May 2024 that they had no objection to the proposal in terms of contamination subject to the inclusion of a condition.</p>
9.11	<p><u>Noise</u> An updated noise impact assessment was also requested in the EHO response dated 1<sup>st</sup> August 2023 which would take account of all noise sources within the entire site and further amendment where again requested by EHO in their response dated 9<sup>th</sup> May 2024. The updated noise assessment is now with Environmental Health. Their final response is outstanding, and delegated authority is requested to resolve any issues which may arise, although EHO have not indicated any objection in principle to the proposal.</p>
9.12	<p><b>Climate Change</b> Details of climate change measures in relation to policies ENV 2,3 and 5 were not submitted as part of this planning application; however they have been conditioned. Opportunities to provide SuDS measures are limited within the footprint of the site. The proposed extension is for the storage of goods produced by the existing factory on site and there will be no additional emissions from manufacturing as a result of this proposal.</p>
9.13	<p><b>Open space</b> The existing site is in use as an ancillary car park to the Class B2 factory, with some shrubs and hedging, therefore there will be no loss of open space as a result of the proposed extension.</p>
9.14	<p>The proposal is compliant with Policy OS3 in that at least 10% of the total site area is used as ancillary open space. There is approximately 4.188sq.m of existing landscaped open space within the grounds of the factory, located within the blue line of the location map, which will be retained and will not be impacted as part of this proposal.</p>
9.15	<p><b>Trees</b> Policy TRE1 states that the council will seek to protect existing trees from new development, particularly those that are of visual, biodiversity or amenity quality and significance. There is a presumption in favour of retaining and safeguarding trees that make a valuable contribution to the environment and amenity. Although the proposal does not result in the loss of existing trees on site, additional trees/ planting have not been proposed and therefore there would be no net gain in tree numbers as a result of this built development. A condition has been attached to ensure that there will be an enhancement to the landscaping on site which is to be agreed and implemented prior to the.</p>
9.14	<p>Having regard for the policy context and the considerations above, the proposal is deemed acceptable.</p>
10.0	<p><b>Summary of Recommendation:</b></p>
10.1	<p>Approval. Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions and deal with any issues arising from Environmental Health's outstanding consultation response, so long as they are not substantive.</p>
11.0	<p><b>DRAFT Conditions:</b></p>
	<p>1. The development hereby permitted must be begun within five years from the date of this permission.</p>



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

2. No development shall be operational until hard surfaced parking areas have been provided and permanently marked in accordance with the approved plans. These facilities shall be permanently retained.

Reason: To ensure acceptable parking facilities on the site.

3. If during the carrying out of the development, new contamination is encountered that has not previously been identified, all related works shall cease immediately, and the Council shall be notified immediately in writing. No further development shall proceed until this new contamination has been fully investigated in accordance with current industry recognised best practice. In the event of unacceptable human health risks being identified, a Remediation Strategy and subsequent Verification Report shall be submitted to and agreed in writing by the Council, prior to the development being occupied or operated. 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.

Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health.

4. All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any existing or new trees or planting 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 (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.

Reason: In the interests of visual amenity.

5. No development (other than site clearance, site preparation, demolition and the formation of foundations and trenches) shall commence on site unless a soft landscaping scheme has been submitted to and approved in writing by the Council. The scheme shall include details of all proposed trees, hedgerows or other planting; a planting specification to include species, size, position and method of planting of all new trees and shrubs; and a programme of implementation.

All 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 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 Council.

Reason: In the interests of the character and appearance of the area to ensure the enhancement of landscaping as a result of the development.

6. Notwithstanding the submitted details, no development shall commence unless details of climate change measures to mitigate and/or adapt to climate change have been submitted to and approved in writing by the Council. The development shall not be occupied unless the climate change measures have been

	implemented in accordance with the approved details. The climate change measures shall be retained in accordance with the approved details at all times. Reason: To mitigate and/or adapt to climate change.
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<b>ANNEX</b>	
<b>Date Valid</b>	09/03/2023
<b>Date First Advertised</b>	24/03/2023
<b>Date Last Advertised</b>	24/03/2023
<b>Date of Last Neighbour Notification</b>	21/03/2023
<b>Date of EIA Determination</b>	06/04/2023
<b>ES Requested</b>	No
<b>Drawing Numbers and Title</b> 01 – Location Map 03B – Proposed Site Plan 06B – Proposed ground floor plan 07B – proposed front elevation 08A – proposed side and rear elevation	