

Development Management Officer Report Committee Application

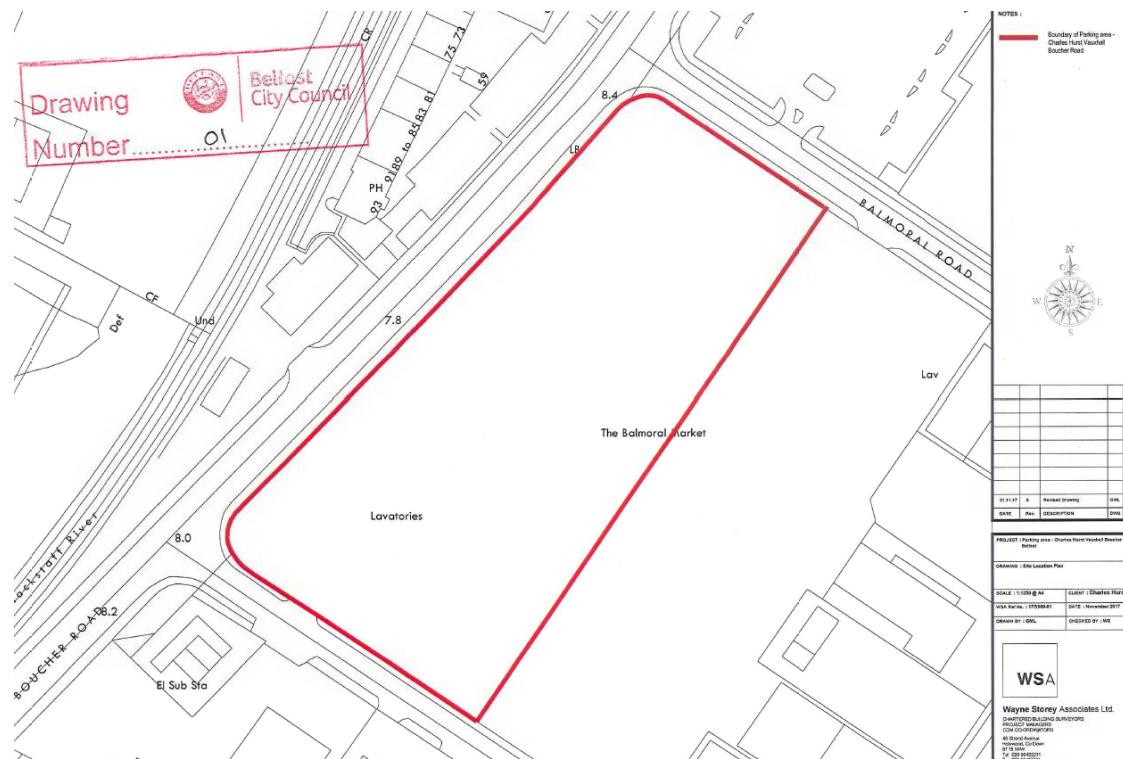
Summary	
Committee Meeting Date: 11 th September 2018	
Application ID: LA04/2018/0755/F	
Proposal: Retention of existing car storage area and associated access (temporary 3 years)	Location: Lands at the former Balmoral Fruit Market adjacent to Boucher Road and Balmoral Road Belfast BT12 6QA
Referral Route: Major application	
Recommendation:	Approval
Applicant Name and Address: Charles Hurst Group 62 Boucher Road Belfast BT12 6LR	Agent Name and Address: TSA Planning 20 May Street Belfast, BT1 4NL
Executive Summary: The application seeks temporary (3 years) planning permission for the retention of existing car storage area and associated access. The proposal is retrospective as the site currently operates as a car storage area.	
The main issues to be considered in this case are:	
<ul style="list-style-type: none"> • Acceptability of proposed use • Impact on existing roads infrastructure/ acceptability of access arrangements • Impact on the character and appearance of the area • Impact on amenity • Contamination • Infrastructure Capacity • Flooding • Pre-Application Community Consultation 	
The site is located within the settlement limits of Belfast as designated in the BUAP and BMAP. The site is zoned as existing employment/industry BT 011/22 Balmoral Road in draft BMAP. The proposed use is linked directly to the existing Charles Hurst business in the immediate area. The principle of the car storage area use is acceptable given the location and proximity to the existing retail car sales use.	
It is considered that the existing site makes no material contribution to the character and appearance of the area and as such there is no objection to the retention of this particular use for 3 years.	
The proposal will see the site being continued to be used for the storage of vehicles awaiting transport to and from the main Charles Hurst dealership showrooms as and when required approximately 150 metres to the north. The temporary permission is sought for a period of 3 years in order to maintain an active use on this site.	
No objections have been received from members of the public or consultees.	
DFI Roads, NI Water, Rivers, the Council's Environmental Health Unit were consulted and have offered no objections to the proposal subject to conditions.	

On balance, and having regard to the development plan, relevant planning policies and other material considerations, the proposal would constitute an acceptable temporary use on the site making a valuable contribution to the local economy by supporting an existing established business.

Recommendation

Delegated authority is sought to approve the application subject to finalisation of conditions.

Site location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Rivers Agency	No objection
Statutory	DFI Roads - Hydebank	No objection
Non Statutory	Env Health Belfast City Council	No objection
Statutory	NI Water - Strategic Applications	Advice

Representations:

Letters of Support	0
Letters of Objection	0
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

1.0	Description of Proposed Development Retention of existing car storage area and associated access
2.0	Description of Site The site measures approximately 1.62 hectares and is situated at the former Balmoral Fruit market which fronts directly onto Boucher Road at its junction with Balmoral Road, north

	<p>east and opposite of the Boucher Road playing fields in South Belfast. The Boucher Road area is characterised by a mix of employment/industrial uses and bulky goods retailers, including various car showrooms/dealerships. The former fruit market on the site was closed for several years prior to demolition of the buildings in c.2011. Since demolition the lands have largely lain vacant. The car storage area to be retained is located approximately 150 metres north of the main Charles Hurst Boucher Road site. The site has no specific zoning within the BUAP or BMAP 2015 and is white land. However, it is zoned as existing employment/industry BT 011/22 Balmoral Road in draft BMAP. The proposal is retrospective as the site currently operates as a car storage area.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	Planning History
3.1	No relevant planning histories on site.
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 Draft Belfast Metropolitan Area Plan Belfast Metropolitan Area Plan 2015
4.2	Strategic Planning Policy Statement for N. Ireland Planning Policy Statement 3: Access Movement and Parking Planning Policy Statement 4: Economic Development Planning Policy Statement 15: Planning and Flood Risk
5.0	Statutory Consultee Responses
	DFI Roads NI- No objections NI Water- No objections; Rivers Agency-No objection
6.0	Non Statutory Consultee Responses
	Belfast City Council EHO- No objection
7.0	Representations The application has been neighbour notified and advertised in the local press. No representations have been made.
8.0	Other Material Considerations
8.1	N/A
9.0	Assessment
9.1	<p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> • Acceptability of proposed use • Impact on existing roads infrastructure/ acceptability of access arrangements • Impact on amenity • Contamination • Infrastructure Capacity • Flooding • Pre-Application Community Consultation
9.2	<p>The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area. Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. As the decision to adopt BMAP has been quashed in its entirety, it is as though the draft BMAP has never been adopted, however, the version of draft BMAP which was purported to be adopted remains a material consideration.</p> <p>The Strategic Planning Policy Statement (SPPS) sets out five core planning principles of the planning system, including improving health and wellbeing, supporting sustainable</p>

9.3	<p>economic growth, creating and enhancing shared space, and supporting good design and place making. Paragraphs 4.12 require the safeguarding the protection of amenity. Paragraph 4.23-7 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported.</p>
9.4	<p>Acceptability of use The site is currently utilised by Charles Hurst Group as a car storage area with the application seeking retention of such for a temporary period of 3 years. The site presently operates as a storage facility for vehicles awaiting transport to and from the main dealerships as and when required at the Charles Hurst showroom and sales area on Boucher Road, approximately 150 metres to the north. The temporary permission is sought for a period of 3 years in order to maintain an active use on this site. The wider area is characterised by employment/retail/industrial uses and the Boucher Road vicinity has a high concentration of car dealerships. The proposed use would complement the existing car dealership business to the north.</p>
9.5	<p>Whilst the site is not zoned in BUAP or BMAP it is zoned as existing employment/industry BT 011/22 Balmoral Road in draft BMAP. As the proposed use falls under Class B4: Storage or distribution as per Planning (Use Classes) Order (NI) 2015 the proposal is assessed against PPS4 "Planning and Economic Development" which states that economic development uses comprise industrial, business and storage and distribution uses. PPS 4 Policy PED 1 Economic Development in Settlements and Policy PED General Criteria for Economic Development apply.</p>
9.6	<p>This highlights that a Class B4 (Storage) development will be permitted in an existing industrial/employment area where it can be demonstrated that the proposal is compatible with the predominant industrial/employment use; it is of a scale, nature and form appropriate to the location; and provided approval will not lead to a significant diminution in the industrial/employment resource both in the locality and the plan area generally.</p>
9.7	<p>As previously discussed the proposal is located within an area which has a high concentration of car dealerships and storage uses and there is no major conflict between neighbouring uses. The proposal is not located in a residential area and is not located in an area at flood risk. As a result, it is considered that the proposal complies with Policy PED 1 and Policy PED 9.</p>
9.8	<p>Impact on existing roads/infrastructure/ access arrangements The planning application is supported by a Transport Assessment form. DFI Roads were consulted on the application and offered no objections. The access to the site will remain as it. The site is bounded by existing fencing and a brick wall. The proposal will not have any impact on road safety or on the flow of traffic or pedestrians. As a result, the proposal is therefore considered to be acceptable in terms of highway safety, capacity and would comply with Draft BMAP, PPS3 and the SPPS.</p>
9.9	<p>Impact on the character and appearance of the area The site is located in an area surrounded by commercial and industrial uses. The site is flat in nature and doesn't involve any new buildings. A number of existing car storage areas are located around the Boucher Road vicinity. These operate alongside established car dealership showrooms. Whilst not especially attractive, and not an ideal long-term solution from a visual impact perspective, the proposed use will not significantly detract from the character and appearance of the area. On balance, it is broadly acceptable within the wider commercial/industrial context on a temporary basis.</p>
	<p>Impact on amenity</p>

9.10	<p>The character of the area is predominantly commercial in nature consisting of commercial developments and car showrooms which are not afforded the same degree of amenity as residential buildings given the nature of the way they are occupied and utilised. It is considered that the car storage use will not impact on the amenity of neighbouring developments. Environmental Health offered no objections to the proposal nor did they flag up any concerns with the impact the proposal would have on any neighbouring developments. The proposed use does not conflict with neighbouring land uses. In light of the above, it is considered that the proposal is in accordance with the SPPS.</p>
	<p><u>Contamination</u> The application is supported by a Contaminated land preliminary risk assessment. IBR1081/March 2018. The report concluded that “no potential pollution linkages are considered to be present on the site. No further intrusive investigations or assessment are required” EHO have no objection to the proposal.</p>
9.11	<p><u>Infrastructure Capacity</u> NI Water have confirmed that there is available capacity within the WWTW and as such no objection is raised.</p>
9.12	<p><u>Flooding</u> A watercourse which is undesignated under the Drainage (NI) Order 1973, and is known to DFI Rivers as the ‘Blackstaff River’ flows beyond the eastern side of the site. There are no watercourses which are designated under the terms of the Drainage (NI) Order 1973 within the site. Policy FLD 3 Development and Surface Water applies to the proposal. DFI Rivers have commented that the site proposals do not increase the hardstand area or drainage profile of the site as such DFI Rivers offer no objections to the proposal.</p>
9.13	<p><u>Pre-application community consultation</u> For applications that fall within the major category a prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on the applicant for planning permission to consult the community in advance of submitting an application.</p>
9.14	<p>Section 27 also requires that a prospective applicant, prior to submitting a major application must give notice, known as a ‘Proposal of Application Notice’ (PAN) that an application for planning permission for the development is to be submitted. A PAN (LA04/2017/2615/PAN) was submitted to the Council on 22nd November 2017.</p>
9.15	<p>Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a pre-application community consultation report to accompany the planning application. A Pre Community Consultation Report has been submitted in support of this application. The Report has confirmed the following:</p>
9.16	<p>A Public Information Event was held at the Charles Hurst Premium Direct showroom on the Boucher road, Belfast on the 10th and 15th January 2018. This event was publicly advertised in the local press. The advert was also advertised through a mail drop/ invites to local business, residents and Councillors.</p>
	<p>The event took the form of a staffed exhibition where annotated plans of the proposed development were displayed. Feedback forms were provided for comments to be made. The event was attended by members of the public though no details were provided by how many. Overall the feedback from the public consultation event was positive to neutral. It is considered that the Pre-Community Consultation Report submitted has demonstrated that</p>

9.17	the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.
9.18	
10.0	Summary of Recommendation: Approval Having regard to the development plan, relevant planning policies, and other material considerations, it is considered that the development is acceptable. Approval is therefore recommended subject to conditions. Delegated authority is requested for the Director of Planning and Building Control to approve the application with conditions.
11.0	Conditions 1: The permission hereby granted shall be for a limited period of 3 years only and shall expire on 12 th September 2021. At or before the end of the 3 years the land shall be restored to its former condition. Reason: To enable the Council to consider the development in the light of circumstances then prevailing.
12.0	Notification to Department (if relevant) N/A
13.0	Representations from Elected Members - N/A

ANNEX	
Date Valid	20-3-18
Date First Advertised	14-6-18
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 91 Boucher Road,Belfast,Antrim,BT12 6HR, The Owner/Occupier, 93 Boucher Road,Belfast,Antrim,BT12 6HR, The Owner/Occupier, 93a ,Boucher Road,Belfast,Antrim,BT12 6HR, The Owner/Occupier, 93b ,Boucher Road,Belfast,Antrim,BT12 6HR, The Owner/Occupier, Balmoral Market,Boucher Road,Belfast,Antrim,BT12 6QA, The Owner/Occupier, Balmoral Road,Belfast,Antrim,BT12 6QA, The Owner/Occupier, Blinds Direct,69 Boucher Road,Belfast,Antrim,BT12 6HR, The Owner/Occupier,	

Blinds Direct,71 Boucher Road,Belfast,Antrim,BT12 6HR,
The Owner/Occupier,
Browns Bar,93 Boucher Road,Belfast,Antrim,BT12 6HR,
The Owner/Occupier,
Donaldson Perry & Co Ltd,18 Balmoral Road,Belfast,Antrim,BT12 6QA,
The Owner/Occupier,
Euro Flowers,95-97 ,Boucher Road,Belfast,Antrim,BT12 6HR,
The Owner/Occupier,
Hood McGowan & Kirk,73-75 Boucher Centre,Boucher Road,Belfast,Antrim,BT12 6HR,
The Owner/Occupier,
Oasis,59 Boucher Road,Belfast,Antrim,BT12 6HR,
The Owner/Occupier,
Sally Hair & Beauty Supplies,81-83 ,Boucher Road,Belfast,Antrim,BT12 6HR,
The Owner/Occupier,
Sally Ogees,81-83 ,Boucher Road,Belfast,Antrim,BT12 6HR,
The Owner/Occupier,
Sally'S Hair And Beauty Supplies,81-83 ,Boucher Road,Belfast,Antrim,BT12 6HR,
The Owner/Occupier,
Simply Grand,61 Boucher Road,Belfast,Antrim,BT12 6HR,
The Owner/Occupier,
Subway,83 Boucher Road,Belfast,Antrim,BT12 6HR,
The Owner/Occupier,
Subway,85 Boucher Road,Belfast,Antrim,BT12 6HR,
The Owner/Occupier,
Uno,52 Boucher Road,Belfast,Antrim,BT12 6HR,
The Owner/Occupier,
William Hill Bookmakers,89 Boucher Road,Belfast,Antrim,BT12 6HR,
The Owner/Occupier,
William Hill Bookmakers,Boucher Centre,87 Boucher Road,Belfast,Antrim,BT12 6HR,

Date of Last Neighbour Notification	8-5-18
Date of EIA Determination	
ES Requested	No
Drawing No's: 01, 02, 03, 04	
Notification to Department (if relevant)	
Date of Notification to Department: N/A Response of Department:	