

## Committee Application

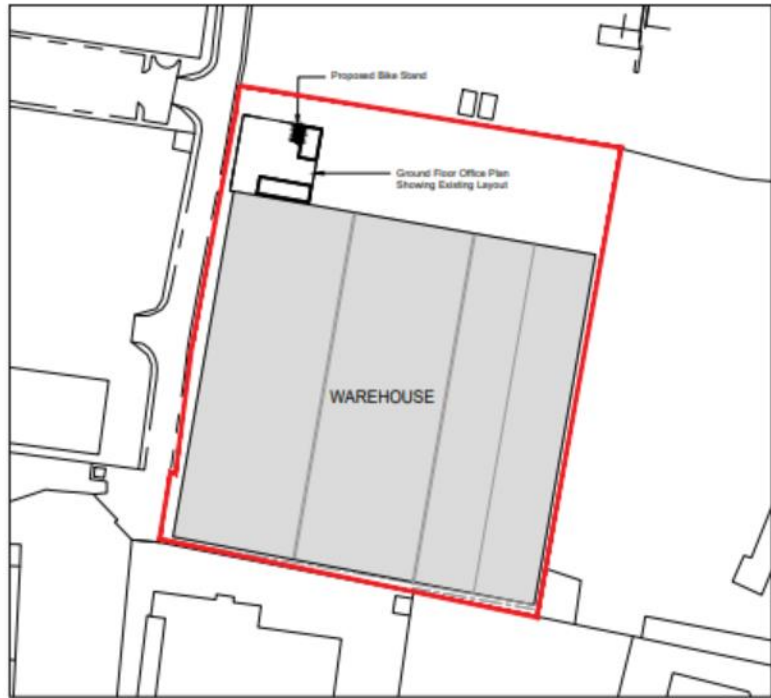
<b>Development Management Officer Report</b>	
<b>Application ID:</b> LA04/2022/2060/F	<b>Committee Meeting Date:</b> 17 <sup>th</sup> October 2023
<b>Proposal:</b> Replacement of fire damaged storage and distribution warehouse on same building footprint (Retrospective).	<b>Location:</b> 122-126 Duncrue Street, Belfast BT3 9AR
<b>Referral Route:</b> Major Application	
<b>Recommendation:</b>	Approval subject to conditions
<b>Applicant Name and Address:</b> GBB Partnership Limited 7 Duncrue Place Belfast	<b>Agent Name and Address:</b> Braniff Associates 5 Windsor Ave North Belfast
<p><b>Executive Summary:</b> This application seeks retrospective full permission for the replacement of fire damaged storage and distribution warehouse on the same building footprint at 122-126 Duncrue Street, Belfast.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Demolition</li> <li>• Design</li> <li>• Climate change</li> <li>• Access and parking</li> <li>• Drainage and Waste-Water Infrastructure</li> <li>• Noise, odour and other environmental impacts</li> <li>• Trees and landscaping</li> </ul> <p>Statutory Consultees offered no objections subject to conditions and no representations have been received.</p> <p><b>Recommendation</b></p> <p>Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.</p>	

# 1.0 Drawings

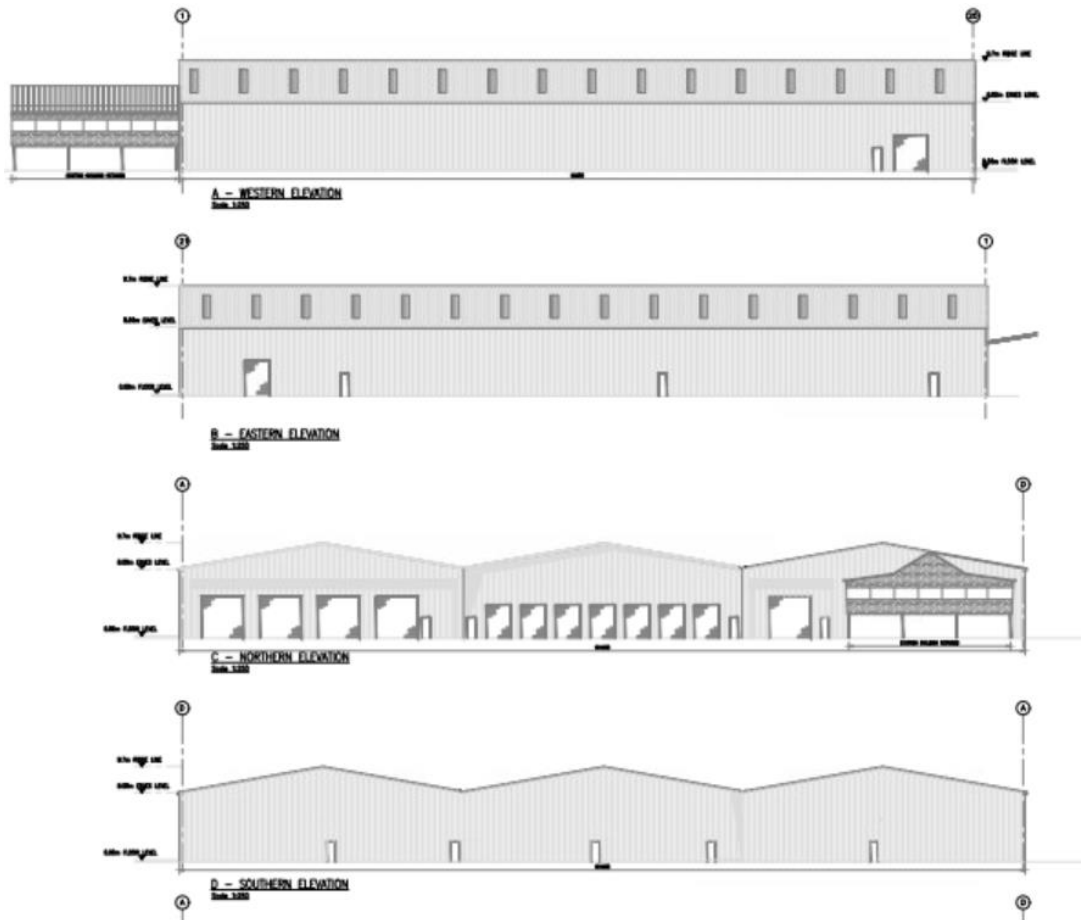
## Site Location Plan



## Proposed Block Plan



## Proposed Elevations



## Aerial image



2.0	<p><b>Characteristics of the Site and Area</b></p>
2.1	<p>The application site measures approximately 1.4ha and is located within Duncrue Industrial Estate, Belfast. The previous building on the site was destroyed in a fire in November 2019, and replaced on the same footprint with the building to which this application refers.</p>
2.2	<p>The site is within the development limits of Belfast in BUAP, and both versions of Draft BMAP. The site is unzoned whiteland within BUAP, whereas it is within an area of existing employment within the Belfast Harbour Area in Draft Belfast Metropolitan Area Plan 2015 (BMAP).</p>
3.0	<p><b>Description of Proposed Development</b></p>
3.1	<p>Full planning permission is sought retrospectively for the replacement of a fire damaged storage and distribution warehouse on the same building footprint at 122-126 Duncrue Street, Belfast.</p>
3.2	<p>The footprint and floorspace (9482 gross external sqm and 459 sqm mezzanine) remains the same as that approved previously in the original planning permission Z/2006/1619/F. The design and materials remain largely the same as previous also, with the exception of a different roof type, reducing the ridge height from that previously.</p>
4.0	<p><b>Planning Assessment of Policy and Other Material Considerations</b></p>
4.1	<p><b>Development Plan – operational policies</b> Belfast Local Development Plan, Plan Strategy 2035</p>
4.2	<p><b>Development Plan – zoning, designations and proposals maps</b> Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)</p>
4.3	<p><b>Regional Planning Policy</b> Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)</p>
4.4	<p><b>Other Policies</b> Belfast Agenda</p>
4.5	<p><b>Relevant planning history</b> There is no recent relevant planning history on the site. Since this proposal falls under the category of Major Development, Pre Application Community Consultation was carried out under the planning reference LA04/2022/1486/PAN. The PACC report states that no one attended the public event.</p>
4.6	<p>The original building was approved under Z/2006/1619/F, Construction of transit shed, offices, handling yard &amp; car parking, granted on 22<sup>nd</sup> June 2007.</p>
5.0	<p><b>Consultations and Representations</b></p>
5.1	<p><b>Statutory Consultees</b> DFI Roads Service – No objection NI Water – No objection DfI Rivers Agency – No objection</p>

	<p>DAERA Water Management Unit – No objection  DAERA Regulation Unit – No objection  DAERA Marine and Fisheries – No objection</p>
<b>5.2</b>	<p><b>Non Statutory Consultees</b>  BCC LDP Environment and Community – No objection  BCC Environmental Health – No objection subject to conditions</p>
<b>5.3</b>	<p>Whilst consultees may have referred to the no longer extant Planning Policy Statements in their consultation responses, the substance of those policies remains sufficiently similar in the Plan Strategy so as not to require the consultees to re-evaluate the proposal in the context of the Plan Strategy. Additional consultation has been carried out with Plans and Policy Team following adoption of the Plan Strategy and receipt of the Plan Strategy Statement.</p>
<b>5.4</b>	<p><b>Representations</b>  The application has been neighbour notified and advertised in the local press. No written representations have been received.</p>
<b>6.0</b>	<p><b>Planning Assessment</b></p>
<b>6.1</b>	<p><b>Development Plan Context</b></p>
<b>6.2</b>	<p>Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p>
<b>6.3</b>	<p>Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.</p>
<b>6.4</b>	<p>The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.</p>
<b>6.5</b>	<p><b>Operational policies</b> – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.</p>
<b>6.6</b>	<p><b>Proposals Maps</b> – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious. The relevant zonings/designations are set out below.</p>
<b>6.7</b>	<p><b>dBMAP (v2004) BHA 08</b>  In dBMAP (v2004) the site is within the Belfast Metropolitan/Settlement Development Limit.</p>

	The site falls within the Belfast Harbour Area (BHA 08) and zoned as a major area of existing Employment/Industry.
<b>6.8</b>	<b>dBMAP2015 (v2014)</b> In dBMAP (v2014) the site is within the Belfast Metropolitan/Settlement Development Limit. The site falls within the 'Belfast Harbour Area and Major Employment Location' (BHA 06) and land zoned as existing Employment.
<b>6.9</b>	<b>BUAP</b> Within the BUAP the site is unzoned whiteland.
<b>7.0</b>	<b>Relevant Planning Policies</b> Policy SP2 – Sustainable development Policy SP3 – Improving health and wellbeing Policy SP5 – Positive placemaking Policy SP6 – Environmental resilience Policy SP7 – Connectivity Policy SP8 – Green and blue infrastructure network  Policy SD1 – Settlement hierarchy Policy SD2 – Settlement Areas  Policy EC2- Employment land supply Policy EC3 – Major employment and strategic employment locations  Policy DES2 - Masterplanning approach for major development Policy HC1 – Promoting Healthy Communities  Policy ENV1 – Environmental Quality Policy ENV2 - Mitigating environmental change Policy ENV3 – Adapting to environmental change Policy ENV4 – Flood Risk Policy ENV5 – Sustainable drainage systems (SuDS)  Policy TRAN8 – Car parking and servicing arrangements
<b>8.0</b>	<b>Key issues</b>
<b>8.1</b>	The key issues to be considered in the assessment of this application are: <ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Demolition</li> <li>• Design</li> <li>• Climate change</li> <li>• Access and parking</li> <li>• Drainage and Waste-Water Infrastructure</li> <li>• Other environmental impacts</li> </ul>
<b>8.2</b>	<b>Additional Information</b>
<b>8.3</b>	Officers have requested that the applicant provides a “Plan Strategy Statement” that sets out how the proposal complies with the relevant policies in the Plan Strategy. Where the proposal does not meet the policy requirements, the applicant was asked to either modify the proposal or justify why they are not proposing to change the proposal.

8.4	The applicant has subsequently provided a Plan Strategy Statement, which assesses the proposal against the relevant Plan Strategy policies and concludes that the proposed scheme accords with the plan strategy.
9.0	<b>Principle of development</b>
9.1	The principle of development of this use in this location has already been established through its previous use, the zoning, as well a large number of industrial and business uses existing in this area. The proposal is in line with Policies EC2 and 3 of the Plan Strategy.
9.2	<b>Demolition</b>
9.3	The Planning Strategy Statement provided by the Agent states the property was fire damaged and was demolished due to healthy and safety risk. The demolition contractor transported most of the steel to recycle scrap metal yards and all other waste went to licensed landfill. Where possible, built features that escaped the fire, and which were salvageable were reincorporated into the rebuild, for example canopies on the north elevation. Given the nature of the proposal, no demolition justification is required. Therefore the proposal is in line with Policy ENV2 (Mitigating Environmental Change). insofar as possible in the particular circumstances of this case, through the reuse and recycling of some existing building materials and improvements to roof insulation.
9.4	<b>Design</b>
9.5	Within the Planning Strategy Statement the Agent states “it must be underlined at the outset that the rebuild of this warehouse was premised on the applicant’s misunderstanding that the re-erection of a similar building could take place without the need to obtain planning permission. Accordingly, emphasis was placed on replacing what existed before as opposed to developing a new layout and design.”
9.6	The existing building is sited on the same building footprint as the previous, and as stated previously incorporates the same previously approved floorspace also. The height, scale and massing are typical of the type of development proposed. External materials remain the same as previous also, namely goosewing grey metal cladding. The roof structure however differs from that of the previous, reducing the ridge height from 12.93m to 9.7m. Planters are proposed to the front of the building, which should Approval be granted should be Conditioned.
9.7	The proposed scale, massing and design of this functional building, given its reuse of some building fabric and established use are considered acceptable for the site and the surrounding area. DES 2 of the Plan Strategy requests a master plan for all major development as part of a wider site development. Given the industrial location of the proposal and the extensive site coverage of the distribution warehouse the scope to adopt a masterplan approach is highly constrained and on balance considering the site surroundings a Masterplan is not considered to be required.
9.8	<b>Climate change</b>
9.9	Policy ENV2, (Mitigating Environmental Change) states that planning permission will be granted for development that incorporate measures to mitigate environmental change and reduce greenhouse gas by promoting sustainable patterns of development. The Agent states the fire damaged roof possessed no heat insulation. In contrast, the replacement roof contains 40mm of Kingspan Insulation for reducing heat energy, which is provided by electric via the air con system. BCC LDP Environment and Community team recognised that through the reuse and recycling of some existing building materials and improvements to roof insulation the proposal complies with ENV2.
9.10	Policy ENV3, (Adapting to environmental change) states that planning permission will be granted for development that incorporates measures to adapt to environmental change, in

	<p>order to support sustainable and enduring development. BCC LDP Environment and Community's initial response recognised that this is a retrospective proposal for a replacement warehouse destroyed in a fire and improvements were noted in terms of insulation, reuse of material and recycling provision. However, there was no evidence of any consideration of SuDS measures submitted to fully address Policy ENV5 (and ENV3). An amended plan was submitted showing planters proposed to the front of the building which will link to drainpipes in order to attenuate rainfall discharge into the drainage network. Therefore, on balance the proposal complies with Policy ENV3 in terms of climate change.</p> <p><b>9.11</b> Whilst Policy HC1 generally applies to all development, it is noted that the proposal is for a major industrial development and an HIA would be required. In recognition of this, the planning statement refers to the nature of the replacement industrial use of the proposal. The statement refers to local public transport services. In addition, the new development proposes to address health issues further through the provision of eight cycle spaces to the front of the premises. Therefore, in this particular case, this is considered a reasonable and proportionate policy response.</p> <p><b>9.12 Access and Parking</b></p> <p><b>9.13</b> There are no proposed changes to carparking or movement around the site which is accessed from the existing vehicular access. Whilst the site address is 122-126 Duncrue Street, the vehicular access is via Duncrue Place. DfI Roads Service has considered the proposed development and raise no objection under the now defunct PPS 3. The policies contained within the new LDP Strategy are sufficiently similar to not require them to re-evaluate the proposal in the context of the Plan Strategy. The proposal complies with Policy TRAN8.</p> <p><b>9.14 Drainage and Waste-Water Infrastructure</b></p> <p>Policy ENV5, Sustainable drainage systems (SuDS), seeks that all built development should, where appropriate, include SuDS measures to manage surface water effectively. As stated previously BCC LDP Environment and Community raised concerns at the lack of SuDS proposed, and an amended plan showing planters proposed to the front of the building which will link to drainpipes in order to attenuate rainfall discharge into the drainage network. It is accepted that due to the high site building coverage and need for hard circulation space, other measures could not be adopted. Therefore, on balance the proposal complies with Policy ENV5.</p> <p><b>9.15</b> DAERA Water Management Unit cited concern over the potential impact on sewage loading to Belfast waste water treatment works (WWTW). However, NI Water have confirmed that there is available capacity within the WWTW and as such no objection is raised.</p> <p><b>9.16</b> DfI Rivers has considered the proposed development and raise no objection under the now defunct PPS 15. The policies contained within the new LDP Strategy are sufficiently similar to not require DfI Rivers Agency to re-evaluate the proposal in the context of the Plan Strategy. The proposal complies with Policies ENV3, ENV4 and ENV5.</p> <p><b>9.17 Noise, odour and other environmental impacts</b></p> <p>Comments were invited from both BCC EHO and DEARA's Regulation Unit with regards to the risk of land contamination. DAERA Regulation Unit responded with no objection to the proposal, however records held by BCC EHO indicate that the site is located on land use types that have the potential to contaminate land and pose a risk to human health. Also the previous building on site was subject to fire damage which can also result in potential contamination. Following the submission of a Preliminary Risk Assessment relating to the risk of contaminated land on the site, BCC EHO responded with no objections, suggesting</p>
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<p><b>9.18</b></p> <p><b>9.19</b></p>	<p>conditions to be included should approval be granted.</p> <p>DAERA Marine and Fisheries stated on the basis of the information supplied they were content there should be no adverse impacts on marine conservation, provided standing advice for development that may have an effect on the water environment (including groundwater and fisheries) is adhered to. The application site is located within the Belfast Harbour Regional Seascape Character Area. As the proposal is a replacement, it is not anticipated to adversely impact the Regional Seascape Character Area.</p> <p>The replacement development is separated from the marine environment by ~0.4km of existing infrastructure including Duncrue Street, the Northern Road and buildings. They recommended that the Planning Authority consider the impacts of climate change and flooding on the site through its assessment of the proposal. This has previously been assessed by policies ENV2, 3, 4 and 5.</p>
<p><b>10.0</b></p>	<p><b>Recommendation:</b></p> <p>Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.</p>
<p><b>11.0</b></p>	<p><b>Draft Conditions:</b></p> <p>1. This planning permission has effect from the date which the development hereby approved was carried out.</p> <p>Reason: As required by Section 55 of the Planning Act (Northern Ireland) 2011.</p> <p>2. Prior to the occupation and operation of the proposed development, a Verification Report shall be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the Mc Cloy Consulting report entitled Preliminary Risk Assessment Duncrue Street, Belfast M03386-01_ENV01. Dated August 2023 and the Pentland Mcdonald entitled - Gas Assessment M2 Business Park, Belfast for Quinn Design Associates. Referenced Report No. PM07-1126. Dated July 2009 have been implemented. The Verification Report shall be completed by competent persons and demonstrate the successful completion of the remediation works and that the site is now fit for end-use. It must demonstrate that the identified human health contaminant linkage is effectively broken. The Verification Report shall be in accordance with current Environment Agency and CIRIA guidance and British Standards. In particular, the Verification Report must demonstrate that:</p> <ul style="list-style-type: none"> <li>- The Sub Floor Gas Vents as per BS 8485:2015+A1:2019 Ventilation protection have been reinstalled.</li> </ul> <p>Reason: To demonstrate that the required remedial measures have been incorporated into the development, in the interests of human health.</p> <p>3. The development hereby permitted shall not be occupied until details of the cycle parking facilities have been submitted and agreed in writing with Belfast City Council.</p> <p>Reason: To ensure that adequate provision has been made for cyclists.</p>

	<p>4. The development hereby permitted shall not be occupied until the planters in accordance with approved plan No. 6, published on the public planning portal on 9<sup>th</sup> August 2023 have been installed.</p> <p>Reason: In the interests of drainage.</p>
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<b>ANNEX</b>	
<b>Date Valid</b>	15/11/22
<b>Date First Advertised</b>	17/03/23
<b>Date Last Advertised</b>	(as above)
<b>Details of Neighbour Notification</b> (all addresses)	
120 Duncrue St, Belfast 140 Duncrue St, Belfast 142 Duncrue St, Belfast 144 Duncrue St, Belfast 76-88 Duncrue St, Belfast 128 Duncrue St, Belfast 130 Duncrue St, Belfast	
<b>Date of Last Neighbour Notification</b>	12/06/23
<b>Date of EIA Determination</b>	09/10/23