

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date: 31st August 2022</b>	
<b>Application ID:</b> LA04/2022/0063/F	<b>Target Date:</b>
<b>Proposal:</b> Construction of warehouse distribution facility, associated ancillary office, yards, car parking and access from Westbank Road.	<b>Location:</b> Lands to the north east of 3 Westbank Road and immediately south west of the existing Stena Line Terminal Belfast Harbour Estate Belfast BT3 9JL
<b>Referral Route: Major development</b>	
<b>Recommendation:</b>	<b>Approve subject to conditions</b>
<b>Applicant Name and Address:</b> Belfast Harbour Commissioners Harbour Office Corporation Square Belfast BT1 3AL	<b>Agent Name and Address:</b> Turley Hamilton House 3 Joy Street Belfast BT2 8LE
<p><b>Executive Summary:</b> This application seeks full planning permission for the construction of a warehouse distribution facility, associated ancillary office, yards, car parking and access from Westbank Road. The site is located in Belfast Harbour Area and is situated on reclaimed land adjacent to the Stena Line terminal.</p> <p>The main issues to be considered in the determination of this application are:-</p> <ul style="list-style-type: none"> <li>• The acceptability of the proposed use at this location;</li> <li>• The acceptability of the design;</li> <li>• Impact on surrounding context;</li> <li>• Access, parking and traffic management; and</li> <li>• Environmental Considerations - Drainage, Contamination, Noise, Impact on Designated Sites</li> </ul> <p>The site is reclaimed land and is located with Belfast Harbour Area in dBMAP (v2014). A small part of the site is zoned as Employment/Industry whilst the majority of the site is not zoned. Part of the site is identified as land for 'port related uses after infilling' in the Belfast Harbour Local Plan. The site is within Belfast Lough in the BUAP and dBMAP (v2004). The proposed use is considered acceptable and is compatible with the surrounding uses and is compliant with PPS 4, PPS 2 and relevant provisions of the SPPS.</p> <p>DFI Roads has requested a further drawing to demonstrate adequate space for disabled parking. A revised plan has been submitted to address this minor technical issue, which DFI Roads is currently considering. All other consultees have no objection to the proposed development subject to conditions.</p> <p>No third party representations have been received.</p>	

The applicant (Belfast Harbour Commissioners) has advised that they are committed to bringing this development forward but that timing is critical as a tenant has been secured for the proposed development and consider the August Committee is crucial to keep with the tenant's programme.

**Recommendation**

Having regard to the development plan, relevant policy context and other material considerations the proposed development is considered acceptable and it is recommended that planning permission is granted.

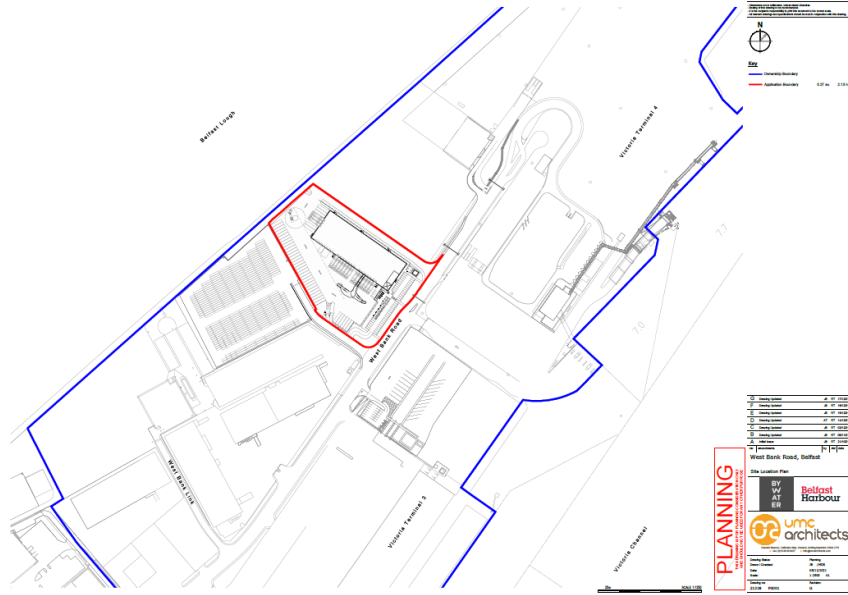
Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and to deal with any DFI Roads comments and other issues which might arise.

**Signature(s):**

# Case Officer Report

## 1.0 Drawings

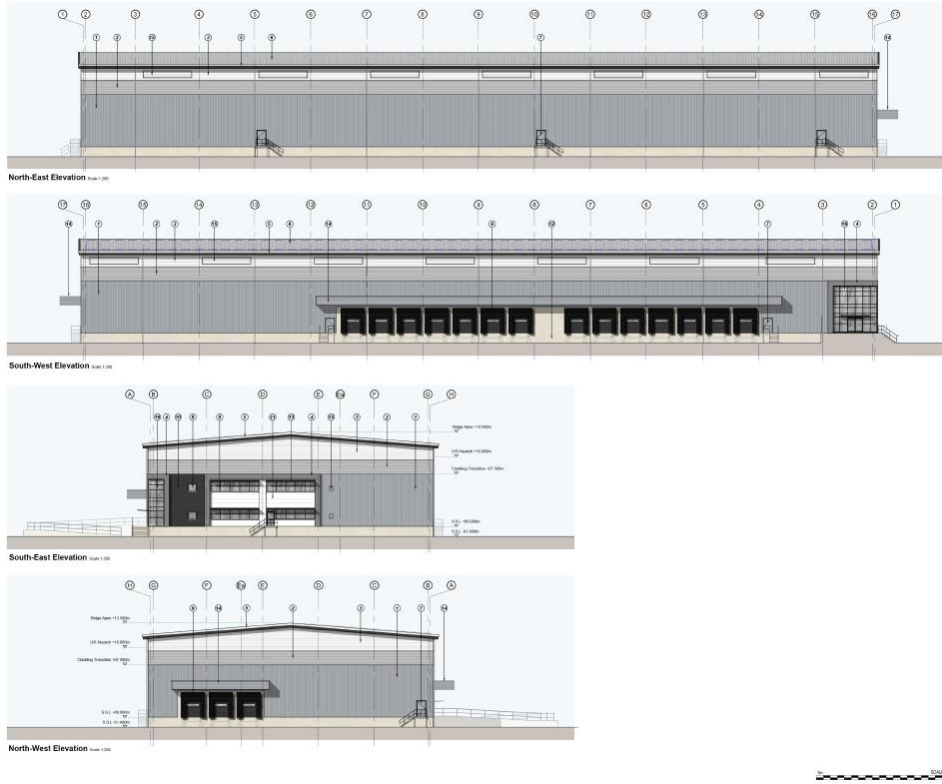
### Site Location Plan



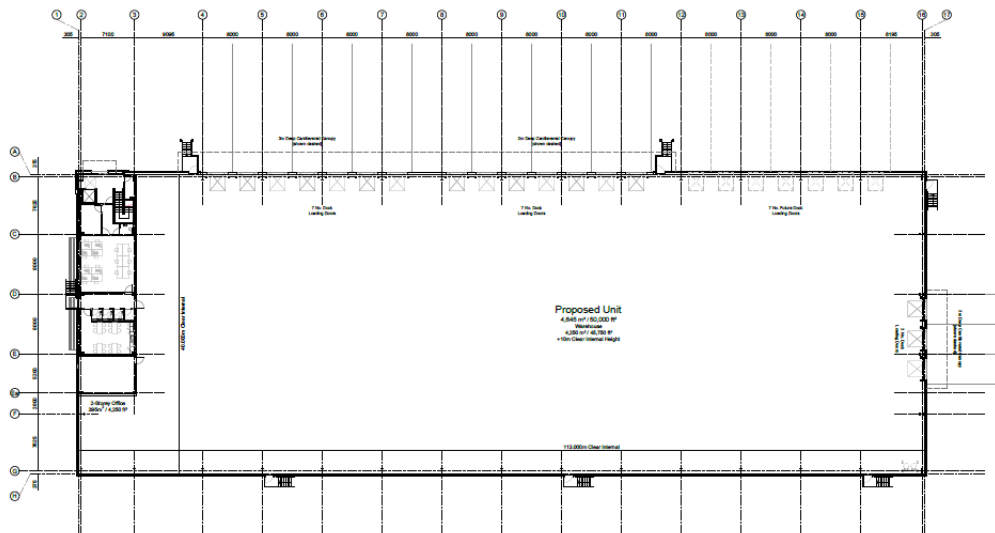
### Site Plan



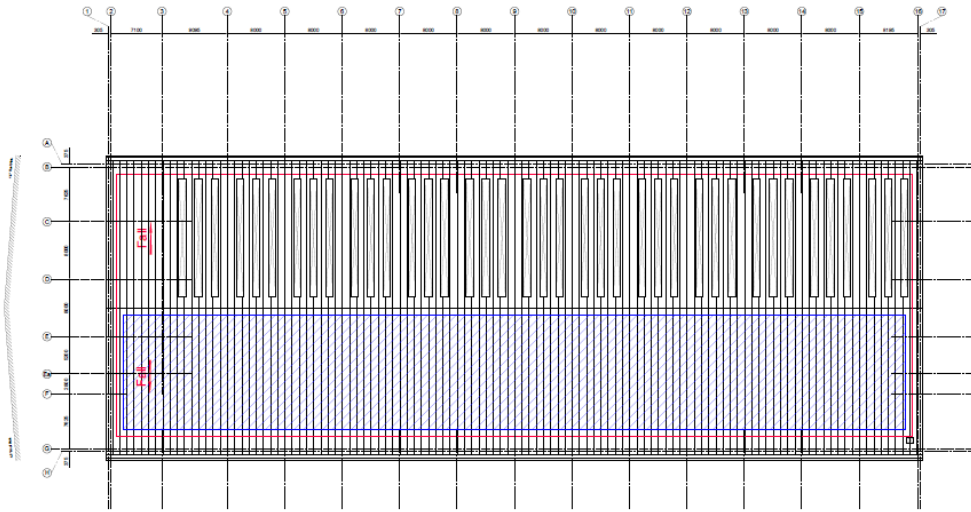
### Elevations



### Proposed Floor Plans Ground Floor Plan



### Roof Plan



### Office Floor Plans (Ground & First Floors)



**2.0 Characteristics of the Site and Area**

**2.1** The site is located in Belfast Harbour area adjacent to the Stena Line Terminal. Surrounding land comprise warehouses, container storage areas and ferry terminal. The site is flat and bounded to the north-west by Belfast Lough. The site is reclaimed land and is currently used for container storage.

<p><b>3.0</b></p> <p><b>3.1</b></p> <p><b>3.2</b></p>	<p><b>Description of Proposal</b></p> <p>The application seeks full planning permission for construction of a warehouse distribution facility, associated ancillary office, yards, car parking and access from Westbank Road.</p> <p>The applicant (Belfast Harbour Commissioners) has secured a tenant to occupy the proposed development which has been designed to meet their operational needs. The applicant is committed to bringing this development forward but has indicated that timing is critical.</p>
<p><b>4.0</b></p> <p><b>4.1</b></p> <p><b>4.2</b></p>	<p><b>Planning Assessment of Policy and Other Material Considerations</b></p> <p><b>Policy Context</b></p> <p><b>Regional Planning Policy</b></p> <ul style="list-style-type: none"> <li>• Regional Development Strategy 2035 (RDS)</li> <li>• Strategic Planning Policy Statement for Northern Ireland (SPPS)</li> <li>• Planning Policy Statement 2 (PPS 2) – Natural Heritage</li> <li>• Planning Policy Statement 3 (PPS 3) - Access, Parking and Movement</li> <li>• Planning Policy Statement 15 (PPS 15) - Flood Risk</li> </ul> <p><b>Local Planning Policy Context</b></p> <ul style="list-style-type: none"> <li>• Belfast Urban Area Plan (2001) BUAP</li> <li>• Belfast Harbour Local Plan (2005) BHLP</li> <li>• Draft Belfast Metropolitan Area Plan 2015 (v2004)</li> <li>• Draft Belfast Metropolitan Area Plan 2015 (v2014)</li> <li>• Belfast Local Development Plan Draft Plan Strategy 2035</li> </ul> <p><b>Other Material Considerations</b></p> <ul style="list-style-type: none"> <li>• Developer Contribution Framework</li> </ul> <p><b>Planning History</b></p> <p><b>LA04/2021/2567/PAN</b> – Construction of warehouse distribution facility, associated ancillary office, yards, car parking and access, Lands to the north east of 3 Westbank Road and immediately south west of the existing Stena Line Terminal, Belfast Harbour Estate, Belfast, BT3 9JL. PAN Acceptable 25.11.21</p> <p><b>LA04/2018/1607/DETEIA</b> – Construction of a warehouse distribution facility, Lands to the North East of 3 Westbank Road and immediately South West of the Existing Stena Line Terminal, Belfast Harbour Estate, Belfast, BT3 9JL. Environmental Statement not required.</p> <p><b>LA04/2018/0986/PAD</b> – Construction of warehouse distribution facility, associated ancillary office, yards, car parking and access, Lands to the North East of 3 Westbank Road and immediately South West of Stena Line Terminal, Belfast Harbour Estate, Belfast, BT3 9JL.</p> <p><b>LA04/2018/0769/PAN</b> – Construction of warehouse distribution facility, Lands to the North East of 3 Westbank Road, Belfast Harbour Estate, Belfast, BT3 9JL. PAN acceptable 16.04.2018</p> <p><b>Z/1991/2077</b> – Land formation, including infilling and levelling, for use</p>

	as operational land for port purposes as defined in the Planning (General Development) Order (N.I.) 1973, Westbank Road, Belfast Harbour Estate, BT3. Permission granted 22.05.91
4.3	<b>Consultations</b>
4.3.1	<b>Statutory Consultations</b>  <b>DFI Roads</b> – Final Comments/Draft Conditions to follow. <b>DFI Rivers Agency</b> – No objection. <b>NI Water</b> – No objection. <b>NIEA</b> – <i>Water Management Unit</i> – No objections subject to condition, <i>Regulation Unit</i> – No objections subject to conditions, <i>NED</i> – No objections subject to conditions, <i>Marine Division</i> – No objections subject to condition.
4.3.2	<b>Non-Statutory Consultations</b>  <b>Environmental Health</b> – No objection subject to condition. <b>Shared Environmental Services</b> – No objection. SES advises that the proposal would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects subject to conditions. <b>Economic Development Unit</b> - No objection. Employability and skills related Developer Contributions Section 76 clauses will not be required for the construction phase of the development. <b>BCC Waste Management Team</b> – No objections subject to condition. <b>NIE</b> – No objection. <b>Belfast Harbour Commissioners</b> – No objection.
4.4.	<b>Representations</b>
4.4.1	The application has been advertised and neighbours notified. No comments have been received which raised the following issues.
5.0	<b>Planning Assessment</b>  <b>Key Issues</b>
5.1	The key issues to be considered in the assessment of this application are: <ul style="list-style-type: none"> <li>• The acceptability of the proposed use at this location</li> <li>• The acceptability of the design</li> <li>• Impact on surrounding context</li> <li>• Access, parking and traffic management</li> <li>• Environmental Considerations - Drainage, Contamination, Noise, Impact on Designated Sites</li> </ul>
5.2	<b>Development Plan Context</b>
5.2.1	Section 6(4) of the Planning Act (Northern Ireland) 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.

5.2.2	The adoption of the Belfast Metropolitan Area Plan (BMAP) in 2014 was declared unlawful as a result of a judgement in the court of appeal delivered on 18 May 2017. This means that the Belfast Urban Area Plan 2001 (BUAP) provides the statutory plan context for the area.
5.2.3	Draft BMAP 2015 (dBMAP 2014), in its most recent, post-examination form remains a significant material consideration when making planning decisions. It was at the most advanced stage possible prior to adoption. However, in assessing this application regard is also had to the provisions of draft BMAP which was published in 2004 (dBMAP 2004).
5.2.4	In the BUAP the site is within Belfast Lough (i.e. the land had not been reclaimed at that time). In dBMAP (v2014) the site is located with Belfast Harbour Area and is not zoned. In dBMAP (v2004) the site is also within Belfast Lough. In the Belfast Harbour Local Plan 1990-2005 the site is partly within an area identified for 'Port related uses after infilling' and partly within Belfast Lough.
5.2.5	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 the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (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 this transitional period existing policies will be applied including the SPPS and relevant PPSs.
5.3	<b>Background</b>
5.3.1	This proposed development was the subject of PAD discussions with the agent/applicant prior to submission of the planning application. Advice was provided from DFI Roads and Rivers Agency, Shared Environmental Services, NIEA, Environmental Health and Planning Service during the PAD process.
5.4	<b>Principle of Development/Acceptability of the Proposed Use</b>
5.4.1	PPS 4 and PPS 11 apply to the consideration of the acceptability of the proposed use. The site is located within Belfast Harbour Estate which is predominantly an existing economic/industrial area. The proposal requires to be considered under Policy PED 1 - Economic Development in Settlements and Policy PED 9 - General Criteria for Economic Development. Economic Development is defined in PPS 4 as comprising industrial, business and storage and distribution uses. The proposed use is storage and distribution which falls within Class 4 of the Planning (Use Classes) Order (Northern Ireland) 2015.
5.4.2	The site is reclaimed land and the site is not zoned in dBMAP (v 2015). Part of the site is identified as land for 'port related uses after infilling' in the Belfast Harbour Local Plan. The site is within Belfast Lough in the BUAP which was issued before the land was reclaimed. The site is also within Belfast Lough in dBMAP (v2004).
5.4.3.	Policy PED 1 of PPS 4 states that in respect of Class B4 Storage or Distribution Uses development will be permitted <i>'in an existing or proposed 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;</i>



	<i>and provided approval will not lead to a significant diminution in the industrial/employment resource both in the locality and the plan area generally.'</i>
5.4.4	Whilst the site is not zoned for an industrial use it is located within Belfast Harbour Estate and the proposed storage and distribution use is dominant in the immediate area given its location at the Port of Belfast. The proposed use is considered compatible with the immediate surrounding area which comprises storage and distribution uses and a ferry terminal. The scale of the development assessed in detail below is considered appropriate to site context and in keeping with similar developments in the surrounding area within Belfast Harbour Estate.
5.4.5	The Technical supplement (Employment and Industry) for the Draft LDP states that 550,000sqm of employment space for B use classes will be required in Belfast between 2020 and 2035. The urban capacity study undertaken as part of the LDP process identified approximately 1.16 million sqm of employment floorspace to be available from committed employment sites and new sites. This demonstrates there is a substantial oversupply of employment space within the Council area. In addition, in the immediate area there is sufficient supply of land for economic development uses given its location within the Harbour Area. Therefore, it is considered that the proposed development will not lead to a proposed diminution of industrial/employment land in the area or the plan area generally.
5.4.6	The site is located within Belfast Harbour Estate. The proposed development is considered to comply with Policy PED 1 and meet the core principles of the Strategic Planning policy statement for Northern Ireland (SPPS) and objectives of the Belfast Agenda. The proposal would support economic activity and job creation. The proposed uses are considered acceptable in principle and compatible with surrounding uses. Policy PED 9 – General Criteria for Economic Development also applies to the proposed development and further assessment of the proposed development is set out below.
5.4.7	Policy PED 9 states that a 'proposal for economic development use, in addition to the other policy provisions of this Statement, will be required to meet all the following criteria:  (a) it is compatible with surrounding land uses; <i>It is considered that the proposal is compatible with the surrounding uses for reasons set out above.</i> (b) it does not harm the amenities of nearby residents; <i>No residential properties are located in close proximity to the site.</i> (c) it does not adversely affect features of the natural or built heritage; <i>further consideration of the impact of the proposed development on natural heritage assets is set out below. There are no built heritage assets in close proximity to the site. In summary the proposed development is not considered to adversely affect features of the natural heritage.</i> (d) it is not located in an area at flood risk and will not cause or exacerbate flooding; <i>The site is bounded immediately on the west by Belfast Lough. Rivers Agency has advised that a small part of the site part of the site at the proposed south west entrance is affected by the present day 1 in 200 year Tidal coastal plain and that the majority of the site is affected by the climate change 1 in 200 year Tidal coastal plain. The proposed development is considered to meet the exceptions test in Policy FLD 1 in that the development proposal will facilitate further economic growth in the Harbour and is located next to the existing Stena Line terminal for operational reasons and is therefore considered to be of regional importance. Rivers Agency is satisfied that the building is to be constructed above the Tidal Climate Change flood level and offer no objections to the proposed development. NIEA Marine Division has recommended a condition requiring</i>

<p>5.4.8</p> <p>5.5</p>	<p><i>the submission of a 'Flood Evacuation Plan' prior to operation of the facility however this is an operational matter for the operator.</i></p> <p><i>(e) it does not create a noise nuisance; Environmental Health has considered the impact of the proposed development and has no concerns relating to noise.</i></p> <p><i>(f) it is capable of dealing satisfactorily with any emission or effluent; Environmental Health has considered the impact of the proposed development and has no concerns relating to air quality/emissions. NI Water has no objections to the proposed development with regard to waste water infrastructure.</i></p> <p><i>(g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified; DFI Roads final response is awaited subject to satisfying technical matters. Notwithstanding, DFI Roads has not raised any objections during the processing of this application regarding the ability of the existing road network to accommodate additional traffic generated by the development.</i></p> <p><i>(h) adequate access arrangements, parking and manoeuvring areas are provided; DFI Roads final response is awaited subject to satisfying technical matters. Notwithstanding, DFI Roads has not raised any objections during the processing of this application regarding the access arrangements and manoeuvring areas and subject to agreement on the most recent access arrangements plan submitted parking requirements are considered acceptable.</i></p> <p><i>(i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport; The access arrangements proposed include segregated access for HGV, car and pedestrians. Cycle facilities are proposed within the development and the site is 1.4 miles from National Cycle Network (NCN). Existing footways are available on both sides of Westbank Road and a bus service which operates to and from the City Centre every 30 minutes during AM and PM peak periods is available in close proximity to the site. The development supports a range of modes of transport and is considered to meet the needs of those with impaired mobility and is convenient to public transport route.</i></p> <p><i>(j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity; The site layout and building design are considered to be of an appropriate design quality. Photovoltaic (solar) panels are proposed on the roof which will promote sustainability. Landscaping proposals are proposed which will promote biodiversity in the area and serve to improve the appearance of the area.</i></p> <p><i>(k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view; Security fencing (2.4m high) around the perimeter of the site is proposed and will provide an appropriate means of enclosure. The bin storage area for the office is setback from the Westbank Road and enclosed by timber fencing and adequately screened from public view. A substation is proposed to be located to the front (Westbank Road) side of the building and will be adequately enclosed and screened.</i></p> <p><i>(l) is designed to deter crime and promote personal safety; Perimeter fencing and gates at the HGV entrance and exit to the site will secure the site and act as deterrent against crime. Car parking and access to the building/office is segregated from HGV lorry loading/parking bays which will serve to promote personal safety for users.</i></p> <p><i>(m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape. Not applicable.</i></p> <p>The proposal is considered to satisfy the criteria set out in Policy PED 9.</p> <p><b>Scale, Height, Massing, Design and Layout</b></p>
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5.5.1	The proposed warehouse measures 113m long x 41m wide and will create 4,633sqm of floorspace including ancillary office floorspace. The height of warehouse measures 12.5m to the eaves and 14.9m to the ridge. PV panels are proposed on the southern side of the roof. The height and scale of the proposed building is akin to similar existing developments in the immediate and surrounding area.
5.5.2	Ancillary offices are proposed on the ground and first floor of a small part of the overall warehouse floorspace. Fourteen loading doors are proposed along the south eastern elevation with potential for an additional 7 loading doors in the future and 3 are proposed along the eastern elevation. Associated development including refuse enclosures, substation and plant is proposed to the east and south-east of the warehouse.
5.5.3	An existing access along part of the south-western boundary of the site will facilitate HGV traffic entering the site into a service yard with turning and parking facilities. A new access is proposed along the north-eastern boundary of the site which will facilitate HGV traffic exiting the site thereby operating a one-way system through the site for HGV traffic. A separate access and segregated car park are proposed along the eastern portion of the site. In addition, pedestrian access routes linked to the existing footpath are proposed from Westbank Road.
5.5.4	Proposed external finishes include powder coated white, light grey and mid grey wall cladding, light grey roof cladding, anthracite grey aluminium windows and doors, anthracite grey loading doors, white and anthracite grey composite cladding panels and precast concrete retaining wall. Aluminium louvres, canopies to match the proposed cladding on walls.
5.5.5	The proposed height, scale, massing, design, layout and materials of the proposed warehouse and associated development reflect the typical warehouse layout/elevation found in the area and is considered acceptable and compliant with design policy contained in the SPPS.
5.6	<b>Access, Parking and Traffic Management</b>
5.6.1	Parking spaces for 43 HGV lorries (not including loading bays) and 60 cars (including 3 disabled spaces and 8 electric charging vehicle spaces) along with 20 bicycles is provided within the development.
5.6.2	Separate access for lorries (HGVs) and cars is proposed and will ensure no conflict arises between vehicular traffic. The HGV access and entrance points are also separate facilitating the operation of a one-way system.
5.6.3	DFI Roads has raised no objections to the access and parking arrangements. The applicant has submitted a revised plan to address a minor technical issue and final comments/draft conditions are awaited from DFI Roads. Officers are satisfied that the proposal complies with PPS 3.
5.7	<b>Environmental Considerations</b>
5.7.1	<b>Drainage</b>
	The application is supported by a Drainage Assessment. The proposal has been considered against policies FLD 1-5 of Revised PPS15. DFI Rivers have raised no objections under Policies FLD 1, 2, 3, 4 and 5.
5.7.2	NI Water has no objection to the proposed development and advises that there is available capacity at the Waste Water Treatment Works to serve the development; that

	<p>there is a foul sewer, public surface water sewer and public water main within 20m of the proposed development boundary which can adequately service these proposals.</p>
5.7.3	<p>SES recommends a condition (see below) requiring details of the method of sewage disposal to be agreed in advance of commencement of the development.</p>
	<p><b>Contamination</b></p>
5.7.4	<p>The application is supported by a Preliminary Risk Assessment which has been considered by both DAERA: NIEA and Environmental Health. Neither has raised objections and both have provided conditions/informatives if permission is granted.</p>
	<p><b>Noise</b></p>
5.7.5	<p>The application is supported by a Noise Impact Assessment which has been considered by Environmental Health who have no objections based on noise.</p>
	<p><b>Air Quality</b></p>
5.7.6	<p>Environmental Health has reviewed the proposal and has advised that they have no concerns regarding air quality.</p>
	<p><b>Waste Management</b></p>
5.7.7	<p>A Waste Management Plan has accompanied the application and has been reviewed by BCC Waste Management Unit who consider that further information is required but do not foresee any issue in dealing with waste at this site. Further to a request for additional information the applicant's team advised that an operator for the facility was still to be confirmed and as such, request a condition is included on any decision notice requiring the submission of an updated Waste Management Plan prior to occupation of the development. More recent correspondence indicates that a tenant has now been secured and that the proposed development has been designed to meet the operational needs of the tenant. Notwithstanding, officers consider that final Waste Management arrangements can be conditioned which will ensure that appropriate arrangements are agreed prior to the operation of the development. A condition is therefore set out below seeking a final Waste Management Plan to be submitted and agreed prior to operation of the development.</p>
5.8	<p><b>Impact on Designated Sites/Natural Heritage Assets</b></p>
5.8.1	<p>The proposed development being located immediately adjacent to Belfast Lough is in close proximity to a number of designated sites of National, European and International importance including Inner Belfast Lough ASSI, Belfast Lough SPA, Belfast Lough Open Water SPA and East Coast Marine proposed SPA and Belfast Lough Ramsar Site, North Channel SAC and the Maidens SAC.</p>
5.8.2	<p>In accordance with Regulation 43(1) of the Conservation (Natural Habitats, etc.) (Northern Ireland) 1995 (as amended) Shared Environmental Services (SES) on behalf of the Council has carried out an appropriate assessment and having considered the nature, scale, timing, duration and location of the project, SES advises that the development would not have an adverse effect on the integrity of any European site, either alone or in combination with other plans or projects. In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including mitigation measures. This conclusion is subject to mitigation measures being conditioned in any approval which relate to submission of the final Construction Environmental Management Plan prior to commencement of development and an agreed sewage disposal arrangement. Both conditions are set out in full below.</p>

5.8.3	Belfast City Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 18/05/2022. This found that the project would not have an adverse effect on the integrity of any European site. SES advise that adherence to the recommended mitigation measures will negate any potential for adverse impacts at construction or operational phase. The proposal is compliant with PPS 2.
5.9	<b>Pre-Application Community Consultation</b>
5.9.1	In accordance with the requirements of Section 27 of the Planning Act (NI) 2011, the applicant served a Proposal of Application Notice (PAN) on Belfast City Council on 29 March 2018 (LA04/2018/0769/PAN). Belfast City Council responded confirming that the PAN and associated approach met the requirements of Section 27 of the Planning Act and was acceptable subject to additional consultation with Loughview Community Action Partnership and Greencastle Community Surgery.
5.9.2	Subsequently, the applicant also submitted a further PAN (LA04/2021/2567/PAN) on 08 November 2021 due to the passage of time between the initial public consultation events (May 2018) and submission of the planning application (December 2021). The applicant undertook an updated public consultation exercise in November 2021 to inform members of the public of the reduction in the development's size and to provide an opportunity for further feedback. Furthermore, during the period between the initial community consultation exercise and the updated consultation exercise the Planning (Development Management) (Temporary Modifications) (Coronavirus) Regulations (Northern Ireland) 2020 was enacted in response to COVID19 restrictions. This Regulation temporarily suspended the requirement for a public event and facilitated alternative consultation measures including web-based engagement, use of social media, community surveys, use of information sheets and newsletters in place of public events. The additional consultation undertaken by the applicant in 2021 was carried out under the temporary modifications regulations i.e. an online consultation website exercise was held in place of a public event. The Council confirmed the second PAN was also acceptable subject to further consultation with Sailortown Regeneration Group, Maritime Belfast Trust, East Belfast Community Development Association and Eastside Partnership.
5.9.3	A Pre-Application Community Consultation Report has been produced to comply with the statutory requirement laid out in Section 28 of the Planning Act (Northern Ireland) 2011. The purpose of a PACC report is to confirm that pre-application community consultation has taken place in line with statutory minimum requirements. The report has confirmed advertising for the public event (2018) and the online consultation event/methods (2021) took place in accordance with section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015. The report also confirmed that a leaflet drop to properties in the surrounding area took place in 2018 and 2021.
5.9.4	The reports states that no feedback was received to the 2018 public event and four feedback forms were returned during the follow up public consultation exercise in November 2021. Comments received raised concerns about the level of traffic and how this would impact access to the site. The applicant's response set out in the PACC Report states that ' <i>A transport assessment form has been submitted as part of the application submission which demonstrates there will be no significant impact from this form of development in this location.</i> ' Further comments queried the cycling provisions including parking and cycling facilities and how cycling would be promoted. The applicant's response states that ' <i>Cycle parking has been included as part of the</i>

<p>5.9.5</p> <p>5.9.6</p>	<p><i>development proposals.</i> One respondent indicated that they were keen to see the unused land developed. The applicant responded advising that the <i>'proposal will support the use of brownfield and under utilised land within the existing settlement limit.'</i></p> <p>The planning application was submitted in advance of the expiration of 12 weeks following receipt of the second PAN by the Council. The applicant's representatives advised that the planning application relates to the initial PAN submitted in 2018 (LA04/2018/0769/PAN) and the second PAN was submitted only for the purpose of identifying additional consultation to be undertaken. There is no legislative requirement to submit a further PAN or undertake additional public consultation events in such circumstances however, officers consider this good practice given the passage of time. The site boundary of the planning application was marginally different compared with that of the submitted 2018 PAN upon which the applicant is relying upon. In this case, officers considered whether the issue of prejudice would have arisen and considered that as the description and broad location of the development is the same it is therefore unlikely that any prejudice would have arisen and on balance are satisfied that the legislative requirements of Section 27 of the Planning Act have been fulfilled.</p> <p>The Pre-Community Consultation Report submitted satisfactorily demonstrates that the applicant has complied with the requirements of Sections 27 and 28 of the Planning Act (NI) 2011 and Section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015 and has adhered to Council recommendations during the PAN process. The PACC report is considered acceptable.</p>
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<p><b>Neighbour Notification Checked</b></p>	<p><b>Yes</b></p>
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**Summary of Recommendation:**  
 Having regard to the development plan, relevant policy context and other material considerations the proposed development is considered acceptable. It is recommended that planning permission is granted subject to conditions.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and to deal with any DFI Roads comments and other issues which might arise.

**DRAFT 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. Prior to occupation, a hard and soft landscaping scheme shall be submitted to and approved in writing by the Council. The scheme shall include details of all trees, hedgerows and other planting 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 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 and retained thereafter unless otherwise agreed in writing by the Council. Any proposed trees or plants indicated on the approved plans which, 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. 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.

3. Prior to operation a Final Waste Management Plan shall be submitted to and agreed in writing by the Council. The development shall be carried out in accordance with the approved details.

Reason: To ensure adequate Waste Management arrangements are in place to serve the development.

4. Prior to commencement a final Construction Environmental Management Plan (CEMP) shall be submitted and agreed in writing by the Council. The final CEMP shall contain all the mitigation as described in the Outline CEMP by Doran Consulting, dated 03 December 2021 and the additional advice of NIEA WMU and NED in their responses dated 06/05/2022. The development shall be carried out in accordance with the approved details.

Reason: To protect the features of marine connected European Sites from potential construction generated polluting discharges and piling noise and to ensure effective avoidance and mitigation measures have been planned for the protection of the water environment prior to works beginning on site.

5. Prior to occupation details of the method of sewage disposal shall be submitted to and agreed in writing by the Council. The development shall be carried out in accordance with the approved details.

Reason: To ensure a practical solution to sewage disposal is possible at the site that will protect features of Marine connected European Sites from adverse effects.

6. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be submitted to and approved in writing by the Council and the development shall not proceed unless in accordance with the approved remediation strategy.

Reason: Protection of environmental receptors to ensure the site is suitable for use and protection of human health.

7. After completing the remediation works under Condition 6; and prior to occupation of the development, a verification report shall be submitted to and approved in writing by the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>.

The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use and protection of human health

8. There shall be no direct discharge of untreated surface water run-off during the construction and operational phases into Belfast Lough (Belfast Lough SPA, Belfast Lough Water SPA, Inner Belfast Lough ASSI, Outer Belfast Lough ASSI).

Reason: To protect Designated Sites and site selection features.

9. A suitable buffer of at least 10m must be maintained and kept clear between the location of all construction works including concrete mixing and washing areas, storage of machinery/material/spoil etc. and any drains on site.

Reason: To protect Designated Sites and site selection features.

**DFI Roads conditions to follow.**

**Notification to Department (if relevant) – Not Required**

Date of Notification to Department: N/A

Response of Department: N/A

**Representations from Elected Members: None**



<b>ANNEX</b>	
<b>Date Valid</b>	12th January 2022
<b>Date First Advertised</b>	28th January 2022
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification (all addresses)</b> The Owner/Occupier, 19 West Bank Rd, Belfast BT3 9JL The Owner/Occupier, Ground Floor,Transit 3, 32 West Bank Road,Belfast,Antrim,BT3 9JN The Owner/Occupier, Stena Line Belfast, Victoria Terminal, 4 West Bank Rd, Belfast BT3 9JL The Owner/Occupier, Transit 2,West Bank Road,Belfast,Antrim,BT3 9JL The Owner/Occupier, Transit Shed 3, West Bank Rd, Belfast BT3 9JL The Owner/Occupier, Unit 5,Transit 3,32 West Bank Road,Belfast,Antrim,BT3 9JL	
<b>Date of Last Neighbour Notification</b>	14th February 2022
<b>Date of EIA Determination</b>	10th February 2022
<b>ES Requested</b>	No
<b>Drawing Numbers and Title</b>	
01 – Site Location Plan – Published 08.02.22 02 – Site Plan – Published 08.02.22 03 – Fence Plan – Published 08.02.22 04 – Indicative Warehouse Section – Published 08.02.22 05 – Office Layout – Published 08.02.22 06 – Proposed Building Layout – Base Build - Published 08.02.22 08 – Proposed Elevations - Published 08.02.22 09 – Proposed Refuse Store Details - Published 08.02.22 10 – Proposed Roof Plan - Published 08.02.22 11 – Proposed External Surfaces - Published 08.02.22 12b – Access Arrangements – Published 23.08.22 13 - Proposed Access Arrangements-Swept Path Analysis – Published 15.04.22 15A Proposed Cycle Shelter – Published 07.06.22	