

## Development Management Officer Report

<b>Summary</b>	
<b>Committee Meeting Date:</b> 21 <sup>st</sup> April 2026	
<b>Application ID:</b> LA04/2024/1646/F	
<b>Proposal:</b>  Demolition of existing dwelling (no. 50 Gilnahirk Road) to facilitate proposed extension and alterations to existing petrol filling station including extension of retail floor space, extension and realignment of carpark to provide 9 no. additional car parking spaces and pedestrian access, cycle parking, construction of retaining wall and associated landscaping	<b>Location:</b>  46-50 Gilnahirk Road, Belfast BT5 7DG
<b>Referral Route:</b> Request from Cllr C Bower and Cllr Long	
<b>Recommendation:</b>	Approval subject to conditions
<b>Applicant Name and Address:</b>  Maxol Oil Ltd 48 Trench Road Mallusk Newtownabbey	<b>Agent Name and Address:</b>  Clarman Partnership Ltd Unit 1, 33 Dungannon Road, Coalisland Dungannon
<b>Executive Summary:</b>  This application seeks full permission for the demolition of an existing dwelling (No. 50 Gilnahirk Road) to facilitate proposed extension and alterations to existing petrol filling station including extension of retail floor space, extension and realignment of carpark to provide 9 no. additional car parking spaces and pedestrian access, cycle parking, construction of retaining wall and associated landscaping  The application site is located at Nos. 46 – 50 Gilnahirk Road. The site comprises of an existing petrol filling station with forecourt and parking to the front and detached retail shop to the rear at Nos 46-48 Gilnahirk Road. The site also includes a detached single storey dwelling immediately adjacent to the filling station at No. 50 Gilnahirk Road. There is parking to the northern side of the forecourt and directly along the front of the retail shop. The site is undefined to the front of Nos. 46-48 where the PFS is accessed, with wooden fencing defining the remainder of the boundary. No. 50 to the front displays a wall, with mature hedging along all other boundaries.  The key issues to be considered in the assessment of this application are: <ul style="list-style-type: none"> <li>- Principle of the proposed use</li> <li>- Proposed demolition of dwelling</li> <li>- Design</li> <li>- Impact on amenity</li> <li>- Impact on Built Heritage</li> <li>- Climate change</li> </ul>	

- Health Impacts
- Access and transportation
- Natural heritage
- Environmental protection
- Wastewater infrastructure
- Trees and landscaping

Statutory consultees have raised no objection, subject to conditions. The application has been neighbour notified and advertised in the local press. 22 representations were received in total which are considered in the assessment below. This includes a petition signed by 38 people, a number of whom also made representations.

Having regard to the development plan and other material considerations, the proposal is acceptable. It is recommended that planning permission is approved. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions, and deal with any other issues that arise, provided that they are not substantive.

## Case Officer Report

### 1.0 Drawings

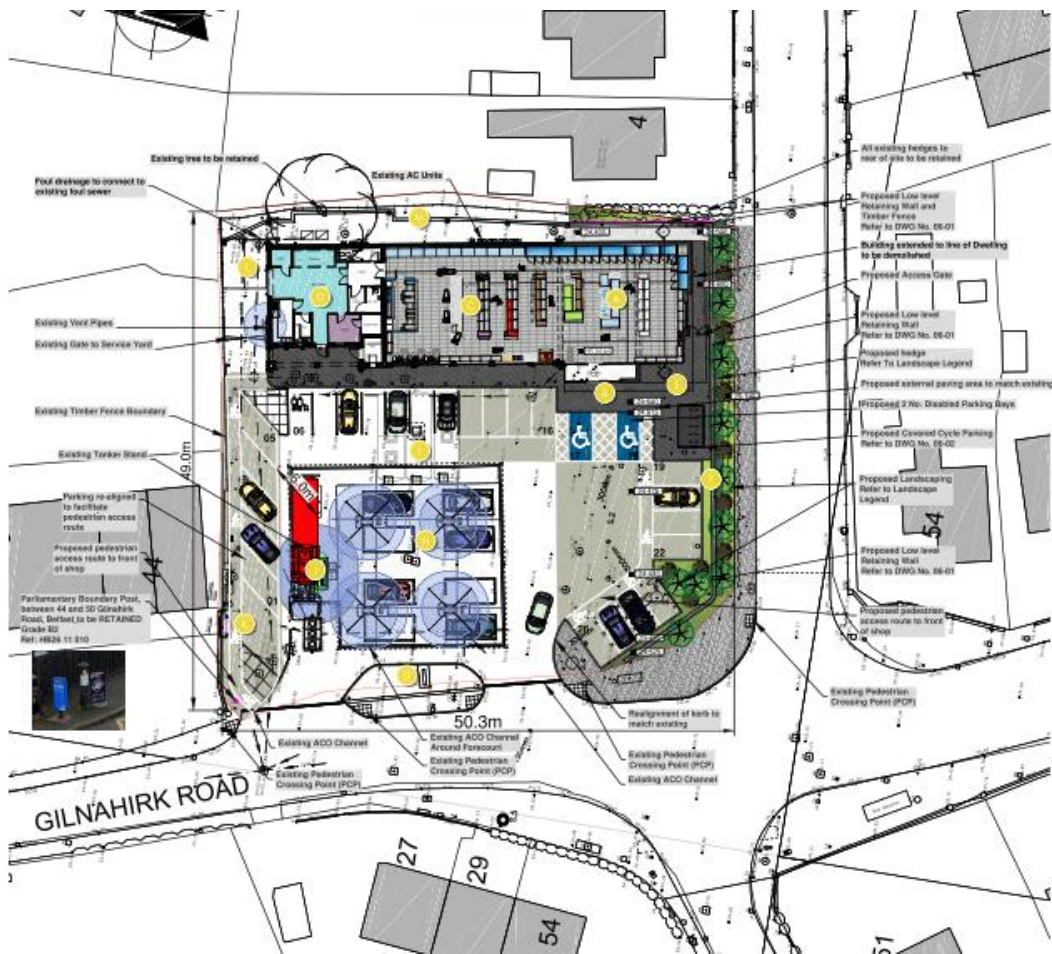
#### Site Location Plan



Aerial image with site boundary



## Proposed site plan



## Proposed Plans and Elevations



CGI image



**2.0 Characteristics of the Site and Area**

2.1 The application site is located at Nos. 46 – 50 Gilnahirk Road. The site comprises of an existing petrol filling station with forecourt and parking to the front and detached retail shop to the rear at Nos 46-48 Gilnahirk Road. The site also includes a detached single storey dwelling immediately adjacent to the filling station at No. 50 Gilnahirk Road. There is parking to the northern side of the forecourt and directly along the front of the retail shop. The site is undefined to the front of Nos. 46-48 where the PFS is accessed, with wooden fencing defining the rest. No 50 to the front displays a wall, with mature hedging along all other boundaries.

2.2 The site lies within a mixed-use area comprising commercial and residential uses. The area is characterised by a mix of semi-detached and detached dwellings mainly and a row of shops and commercial premises immediately adjacent and to the north of Nos 46-48.

2.3 The site is in the vicinity of a listed Parliamentary Boundary Post (HB 26/11/010), a cast-iron administrative marker post of 1918 marking the outer extent of the administrative jurisdiction of Belfast Corporation (Belfast City Council).

2.4 Under the Belfast Urban Area Plan (BUAP) the site is unzoned within the settlement development limit. In Draft Belfast Metropolitan Area 2015 (dBMAP) the site is included in Castlereagh and is also unzoned land within the settlement development limits.

**3.0 Description of Proposed Development**

3.1 Demolition of existing dwelling (no. 50 Gilnahirk Road) to facilitate proposed extension and alterations to existing petrol filling station including extension of retail floor space, extension and realignment of carpark to provide 9 no. additional car parking spaces and

3.2	<p>pedestrian access, cycle parking, construction of retaining wall and associated landscaping</p> <p>The proposal seeks to extend the existing Spar shop and Petrol Filling Station forecourt and site to include the lands currently occupied by No. 50 Gilnahirk Road. The canopy and fuel pumps will remain in the same location and the access is unchanged. The shop is to be extended by 163sqm to the south of the site. It is also proposed to provide additional car parking and circulation space on the forecourt. A new pedestrian access from Kingsway Avenue was originally proposed but removed following community feedback. 26 car parking spaces will be provided.</p>
4.0	<p><b>Planning Policy</b></p>
4.1	<p><b>Development Plan – local development plan</b></p>
4.2	<p><u>Belfast Local Development Plan, Plan Strategy 2035</u></p> <p>Policy SP1A – managing growth and supporting infrastructure delivery  Policy SP2 – Sustainable development  Policy SP3 – Improving health and wellbeing</p> <p>Policy DES1 – Principles of urban design</p> <p>Policy BH1 – Listed Buildings</p> <p>Policy ENV1 – Environmental quality  Policy ENV2 – Mitigating environmental change  Policy ENV3 – Adopting to environmental change  Policy ENV4 – Flood risk  Policy ENV5 – Sustainable drainage systems (SuDS)</p> <p>Policy HC1 – Promoting healthy communities  Policy GB1 – Green and blue infrastructure network  Policy TRE1 – Trees  Policy NH1 – Protection of natural heritage resources</p> <p>Policy TRAN1 – Active Travel – Walking and Cycling  Policy TRAN2 – Creating an accessible environment  Policy TRAN3 – Transport Assessment  Policy TRAN6 – Access to public roads  Policy TRAN8 – Car parking and servicing arrangements</p>
4.3	<p><u>Supplementary Planning Guidance</u></p>
	<p>Retail and Main Town Centre Uses  Sustainable Urban Drainage Systems  Transportation</p>
5.0	<p><b>Planning Assessment of Policy and Other Material Considerations</b></p>
5.1	<p><b>Development Plan – operational policies</b></p>
	<p>Belfast Local Development Plan, Plan Strategy 2035</p>
5.2	<p><b>Development Plan – zoning, designations and proposals maps</b></p>
	<p>Belfast Urban Area Plan (2001) BUAP  Draft Belfast Metropolitan Area Plan 2015 (v2004)</p>

	Draft Belfast Metropolitan Area Plan 2015 (v2014)
5.3	<p><b>Regional Planning Policy</b> Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)</p>
5.4	<p><b>Relevant planning history</b> The most relevant planning history relates to No. 48 and is summarised below.</p> <ul style="list-style-type: none"> <li>- Y/2006/0132/F – 46 - 48 Gilnahirk Road – Demolition of existing filling station and shop and rebuild to provide new filling station and supermarket/retail outlet – Permission granted 3rd April 2007.</li> </ul> <p>The proposal does not fall under the category of Major development, and therefore Pre-Application Community Consultation (PACC) was not a statutory requirement, however a Proposal of Application Notice (LA04/2022/1940/PAN) was submitted to set out the applicant’s proposals for the consultation. A voluntary consultation exercise was carried out and a Pre-Application Community Consultation (PACC) report was submitted with the planning application. The report advised that 18 people provided written feedback. These included 16 objections, 2 supporters and 1 non-committal response. A number of amendments were made to the proposal as a result of feedback.</p>
5.4	<p><b>Consultations and Representations</b></p> <p><b>Statutory Consultees</b> DAERA Natural Environment Division – No objection DAERA Regulation Unit – No objection subject to conditions DAERA Water Management Unit – No objection NI Water – No objection DfI Roads Service – No objection subject to conditions DfC HED – No objection subject to conditions DfI Rivers Agency – No objection</p> <p><b>Non Statutory Consultees</b> BCC Environmental Health – No objection subject to conditions</p>
6.0	<p><b>Representations</b> The application has been neighbour notified and advertised in the local press. 22 representations were received in total which are considered in the assessment below. This includes a petition signed by 38 people, a number of whom also made representations.</p>
6.1	<p>The issues raised are as follows:</p> <ul style="list-style-type: none"> <li>- Parking</li> <li>- Increased traffic</li> <li>- Road safety including amending current speed limits</li> <li>- Noise pollution</li> <li>- Light pollution</li> <li>- Impact on air quality from delivery lorries and traffic</li> <li>- Loss of privacy</li> <li>- Erosion of local character of the area</li> <li>- Retail units nearby, no requirement for expansion</li> <li>- Too much competition for existing retail units</li> <li>- Neon signage</li> <li>- Loss of mature hedge on Kingsway Ave</li> <li>- Will lower house prices</li> </ul>

	<ul style="list-style-type: none"> <li>- Public safety</li> <li>- Risk of contamination</li> <li>- Impact on natural heritage such as bats and badgers</li> <li>- Info submitted inaccurate and misleading</li> <li>- Demolition of residential dwelling</li> <li>- Extension out of keeping with Spar 'core values'</li> <li>- Loss of view</li> </ul> <p>6.2 The relevant planning issues are considered within the main assessment below. However, a number of the issues raised are not planning considerations and outside the remit of planning legislation and guidance such as current speed limits, residential property prices for the area, or the “values” of the business operating on the site. Officers are satisfied that the submitted technical information has been compiled professionally and accurately.</p> <p>6.3 <b>PLANNING ASSESSMENT</b></p> <p><b>Development Plan Context</b></p> <p>6.4 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> <p>6.5 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> <p>6.6 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> <p><b>Operational policies</b> – the Plan Strategy contains a range of operational policies relevant to consideration of the application. The main policies for consideration in this case are Policies</p> <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> <p><b>Belfast Urban Area Plan 2001</b> - The site is unzoned land located within the settlement development limit in the BUAP.</p>
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	<p><b>Belfast Metropolitan Area Plan 2015 (2004 and 2014) - In both versions of DBMAP</b> the site, located with the former Castlereagh Council Area is unzoned land within the settlement development limits.</p>
7.0	<p><b>Key issues</b></p>
7.1	<p>The key issues to be considered in the assessment of this application are:</p> <ul style="list-style-type: none"> <li>- Principle of the proposed use</li> <li>- Proposed demolition of dwelling</li> <li>- Design</li> <li>- Impact on amenity</li> <li>- Impact on Built Heritage</li> <li>- Climate change</li> <li>- Health Impacts</li> <li>- Access and transportation</li> <li>- Natural heritage</li> <li>- Environmental protection</li> <li>- Wastewater infrastructure</li> <li>- Trees and landscaping</li> </ul>
8.0	<p><b>Principle of development/ Proposed demolition of dwelling</b></p>
8.1	<p>The application site is on unzoned land within the development limits as designated in the BUAP and Draft BMAP. The proposal is not located within any designated centre/area. The immediate context is a mix of residential and commercial uses. The use has clearly been established on the existing PFS site and the proposal seeks to provide a small extension to the retail shop with reconfiguration of parking and circulation areas extending into the adjacent site at No. 50 Gilnahirk Road. The existing retail shop is limited to a local convenience and service role for the immediate area.</p>
8.2	<p>The proposal involves the demolition of the existing dwelling at No. 50 to facilitate the development. The existing building is not listed, nor within a Conservation Area or Area of Townscape Character and therefore not afforded protection. Whilst the proposal will result in the loss of a dwelling, it is considered to comply with Policy HOU3 in that its redevelopment is considered complementary to surrounding residential uses and will not result in any adverse effects on existing residential amenity as set out in the assessment below. Notwithstanding, demolition of the existing dwelling at No. 50 Gilnahirk Road is permitted development and would not require consent. In support of the demolition a detailed Demolition Justification Report was submitted and stated that as much of the fabric of the existing PFS would be kept however the demolition of No. 50 was unavoidable for the proposed scheme to allow for the:</p> <ul style="list-style-type: none"> <li>• Provision of extra retail space to be able to provide consumers with a greater range of products</li> <li>• Provision of cycle stand with 10. no cycle parking spaces, to facilitate and encourage locally, more sustainable means of travel.</li> <li>• Provision of additional disabled parking bay to meet inclusivity standards</li> <li>• Provision of 2.3m clear access route for pedestrians to access and exit shop safely</li> <li>• Provision of designated pedestrian walkways for pedestrians accessing the shop from pavement.</li> <li>• Provision of 9 no. additional car parking spaces for customers</li> </ul>
8.3	<p>The applicant has advised that it is intended that the blockwork from the dwelling will be crushed and used as fill for the extension for the site. The demolition of the existing dwelling is considered acceptable, having regard to Policy ENV2.</p>

8.4	The canopy and fuel pumps will remain in the same location and the access is unchanged. The retail store will extend to a net area of 336 sqm (495 sqm gross), which equates to an extension of 163 sqm (entrance lobby of 12 sqm and 151 sqm of retail floorspace). It is also proposed to provide additional car parking and circulation space on the forecourt.
8.5	Policy RET 1 sets out the established centre hierarchy, focused on Belfast City Centre Primary Retail Core and the wider City Centre, district and local centres. Policy RET 2 requires proposals for main town centre uses outside existing centres to demonstrate that there is not a sequentially preferable site in, or on the edge of the centre and a retail impact assessment is required for proposals over 1,000 sqm. This proposal is not over 1000 sqm. The Petrol filling station is a suis generis use in the Planning (Use Classes) Order (Northern Ireland) 2015 and, in policy terms, is a main town centre use.
8.6	The Applicant has undertaken a sequential test assessment, appended to a supporting Retail and Planning Statement. A 5-minute catchment area set out in the sequential test included one designated centre i.e. King's Square District Centre (as designated in draft BMAP) and indicates that no sites are available within King's Square to accommodate the development largely due to insufficient vacancy/occupancy and site size. Notwithstanding this, the Sequential Assessment indicates that <i>'There is no prospect of a 151 sq m retail extension at the proposal site having any adverse impact on the vitality and viability of Kings Square'</i> and <i>'the proposal will continue to provide a complementary offer to the shops in the immediate area. The role and function of these shops will not change, they will still meet local everyday needs of the Cherryvalley residents'</i> . It is also argued that the catchment is constrained by other Petrol Stations to the west / southwest, and there are no protected centres even within a larger 8 drivetime catchment area. The catchment does not extend to Connswater. Dundonald is just outside the catchment but has also been reviewed and no suitable sites were identified.
8.7	The assessment also states that the modest scale and nature of the additional floor space means that it could only serve a local need, and so, will not have an adverse impact on the city, or any other designated centres. The creation of additional employment for local people will ensure further support for the economy and communities. There will also be a number of construction jobs created, further boosting the economy.
8.8	Officers have assessed the supporting information and undertaken a review of available sites and, taking account of the existing established use on site, which is material to this assessment, are satisfied that there are no sequentially preferable sites in, or in the edge of centres within the catchment area having regard to criteria of suitability, availability and viability. On balance, it is considered that the majority of trade will be drawn from unprotected locations and as such the scale of impact on protected centres is not likely to be significant. It is also considered that the proposal, when assessed individually and cumulatively with other extant retail permissions within the catchment, would not adversely affect the vitality and viability of protected centres within its catchment area. The proposed extension of the existing retail shop is considered acceptable at this location and complies with RET2 of the Plan Strategy.
8.9	The area as stated previously is a mix of residential and commercial uses, with education facilities nearby also. The use is existing at present and the proposed extension is considered an acceptable use at this location.

8.10	<b>Design</b>
8.11	The existing site accesses are off Gilnahirk Road with an access and egress to the site that will remain in the same location, however realigned to allow for a new pedestrian crossing point increasing accessibility to the site. Parking provisions have been created within the site with a total of 26 spaces including 23 standard spaces, 2 disabled spaces, and one parent and child space. The petrol forecourt, canopy and totem sign are to remain as existing as well as all existing site infrastructure such as drainage, Air, Vacuum and water facilities etc.
8.12	The applicant has advised that the existing retail store was built approximately 17 years ago and requires modernisation to bring it in line with modern standards, providing greater circulation space in store. The proposed extension is to the south of the site and the redesign of the existing building proposes a double height entrance, two parapet roofs and a pitched roof which the Design and Access Statement describes will unify with the existing dwellings in the area.
8.13	The external materials proposed are Kingspan roofing to the extension and grey tiles to the pitched roof; with a white render finish to the walls and features of cedar timber cladding and granite stone. The entrance foyer is proposed as dark grey cladding. These are considered to be in keeping with and acceptable for the site and surrounding area and will not have an adverse impact on the character and appearance of the area. Any new signage shall be applied for under a separate application to display advertisements.
8.14	<b>Impact on neighbouring amenity</b>
8.15	Representations were received from nearby residents which detailed noise from the resultant development, increase in traffic and lack of parking, proposed lighting including neon signage, loss of privacy and erosion of local character of the area as points of concern, amongst others.
8.16	The proposed elevations show no fenestration that would lead to overlooking on to neighbouring private amenity or habitable rooms.
8.17	A Noise Impact Assessment (NIA) as well as External Lighting reports were submitted in support of the application and forwarded to BCC Environmental Health for comments. The NIA submitted indicates that operating hours are to remain as existing however BCC EHO suggested a Condition be attached should Approval be granted to restrict those to the times in place already and also restricting times for deliveries. BCC EHO described how the proposed development is situated adjacent to a residential area, potentially exposing residents to commercial noise arising from the development. However, the noise sources which potentially may have given concern, i.e. plant, equipment and deliveries will not change as part of the development. An increase in parking provision is proposed, however EHO is content that no adverse noise impact will be expected as a result.
8.18	Details of external lighting were submitted for consideration also and BCC EHO responded with no objection subject to the inclusion of a condition stating that the design and installation of the lighting scheme shall not exceed the vertical illuminance (Lux) limits as stipulated in the Institute of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light GN01/20:2021, at the windows of the nearest residential habitable rooms. BCC Environmental Health therefore are content that no adverse impact should arise from the proposed development. The proposal is therefore

	acceptable in terms of Policy ENV1, in that it protects communities from materially harmful development.
8.19	<b>Impact on Built Heritage</b>
8.20	The site is in the vicinity of a listed boundary post. HED Historic Buildings are content with the proposed works but note that no reference to the listed asset is made in the documents submitted. Given this they have suggested the inclusion of a condition should approval be granted ensuring a method statement shall be submitted and agreed in writing prior to the commencement of any works, thus ensuring the protection of the listed boundary post for the duration of the works. The proposal therefore complies with Policy BH1 of the Plan Strategy in that the nature of the development respects the setting of the listed post.
8.21	<b>Climate change</b>
8.22	Policy ENV2 states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development. Policy ENV3 states that planning permission will be granted for development that incorporates measures to adapt to environmental change.
8.23	Various measures are proposed to comply with ENV2 and ENV3 however, for example solar energy will be captured by new PV panels; a heat recovery system will be installed; and old equipment will be replaced such as the existing refrigeration units, with new low energy chillers. Most notably the existing main structure is to be reused, not demolished and redeveloped. As detailed within the Demolition Justification Statement the age and condition of No 50 means that the materials will be unlikely suitable to be reused, however where possible they will be recycled with blockwork reused as the fill for the base of the extension. The proposal is considered to comply with policies ENV2 and 3.
8.24	Policy ENV5 states that all built development shall include, where appropriate, SuDs measures to manage surface water effectively on site. It is proposed to reduce surface water run-off and to ensure flooding is not increased elsewhere. by providing a geo-cellular storage tank providing 7.56m <sup>3</sup> of water storage capacity, to achieve a 1 in 100-year storm event capacity. In providing an attenuation tank, the proposal reduces storm discharge, by holding excess water and slowly discharging it back into the sewage system. Additionally, the proposal makes use of permeable paving for the proposed raised paving areas, at the front of the shop. In doing so, permeable paving allows water to infiltrate from the surface, through the gaps and joints in the paving, and into the soil. The proposal meets the requirements of policy ENV5 of the Plan Strategy.
8.25	<b>Health impacts</b>
8.26	Policy HC1 seeks to ensure that all new developments maximise opportunities to promote healthy and active lifestyles. New developments should be designed, constructed and managed in ways that improve health and promote healthy lifestyles. This will include supporting active travel options, improving accessibility to local service centres, reducing the use of private car travel, adequate provision of public open space, leisure and recreation facilities, high quality design and promoting balanced communities and sustainable neighbourhoods. The site is highly accessible and will provide local services supporting community infrastructure that will help contribute to the health and wellbeing of the community over a long-term basis. The proposal is considered to satisfy the requirements of Policy HC1.

8.27	<b>Access and transportation</b>
8.28	The main concern raised within representations is with regards to increase in traffic and existing parking issues. A Transport Assessment Form was submitted as part of the application. The two existing vehicular entrances from Gilnahirk Road are to be used for access and egress. Car parking for 26 cars is proposed within the site as well as a cycle stand for 10 bicycles, encouraging sustainable modes of transport. DfI Roads Service has considered the proposed development and raise no objection subject to conditions. The scale of development and transport implications of the proposal were assessed by DFI Roads and considered to be acceptable.
8.29	The proposal is considered acceptable having regard to Policies TRAN1, TRAN2, TRAN6, and TRAN 8. Transportation considerations in the SPPS are set out at pages 106-110 and Policy requirements essentially repeat the provisions of the Plan Strategy and accordingly no conflict arises.
8.30	<b>Natural Heritage</b>
8.31	Policy NH1 relates to the protection of natural heritage resources. A Bat Roost Potential Survey Report and Preliminary Ecological Assessment were submitted as part of the application. DAERA NED are content the proposed development is unlikely to significantly impact protected or priority species or habitats. The Bat Roost Potential Survey has indicated that no bat roost features were located during the survey, therefore NED is content that the building is unlikely to currently support roosting bats. They have advised however if roosting bats are found during works, all works must stop and advice sought from DAERA Wildlife Team.
8.32	<b>Environmental Protection</b>
8.33	Supporting information has been presented with regard to the potential for contaminated land. Following clarification on a number of points raised by BCC EHO relating to borehole sample locations and historical data, BCC EHO have recommended a condition to be included should unforeseen contamination be discovered as part of the development works, development will cease and the Council notified. DAERA Regulation Unit responded with similar comments adding a condition should be included relating to the submission of a Verification Report should remediation works be required. BCC EHO raised no concern with respect to the potential for Air pollution.
8.34	<b>Wastewater infrastructure</b>
8.35	Policy SP1A requires that necessary infrastructure is in place to support new development. NI Water responded stating there is available capacity at the Wastewater Treatment Works (WWTW) and raise no objection to the proposed development.
8.36	DAERA: Water Management Unit (WMU) raised no objection to the proposal but did highlight details within the Updated Drainage Assessment uploaded to the Planning Portal on 31st Oct 2024 which states that clean surface water from the extension will be disposed of to a watercourse. DAERA WMU highlighted a surface water system discharging to a waterway can result in a flush of suspended solids and pollutants into the receiving waterway. The Applicant therefore must gain Discharge consent, issued under the Water (Northern Ireland) Order 1999.
8.37	A copy of the Schedule 6 Consent to Discharge was submitted and reviewed alongside the Updated Drainage Assessment by DfI Rivers Agency as part of the assessment and

<p>8.38</p> <p>8.39</p>	<p>they offered no concerns relating to flood risk. The proposal complies with Policy ENV4 of the Plan Strategy</p> <p><b>Trees and landscaping</b></p> <p>The proposal shows the construction of a retaining wall and safety railing, to the southern boundary, as a means of addressing the rising site levels along Kingsway Avenue. This will only be visible when on the site itself and behind proposed replacement hedging adjacent to Kingsway Avenue. Whilst there are limited opportunities for landscaping within the site, a landscaping plan has been submitted, which sets out the landscape approach to show how existing and proposed landscaping features will be monitored to promote landscaping within the site which offers amenity value. The proposed landscape proposal are considered acceptable.</p>
<p><b>9.0</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. 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>Draft Conditions:</b></p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. Prior to commencement of development, a Method Statement for the protection of the adjacent listed Parliamentary boundary post for the duration of the works shall be submitted and approved in writing by the Council. The works shall be carried out in accordance with the approved details.</p> <p>Reason: To ensure that special regard is paid to protecting the special architectural and historic interest and integrity of the building under Section 80 of The Planning Act (NI) 2011.</p> <p>3. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed within the site in accordance with the approved plan. This area shall not be used at any time for any purpose other than for parking and movement of vehicles in connection with the approved development.</p> <p>Reason: To ensure that adequate provision has been made for parking and traffic circulation within the site.</p> <p>4. The development hereby approved shall not be occupied until secure and covered cycle parking facilities have been provided on the site. These facilities shall be permanently retained on the site.</p> <p>Reason: To ensure acceptable cycle parking on the site and to encourage alternative modes of transport to the private car.</p>

5. All redundant accesses from the site to the public road shall be permanently closed off and the footpath reinstated to the satisfaction of the Council.

Reason: In order to minimise the number of access points on to the public road in the interests of road safety and the convenience of road users.

6. The development hereby permitted shall not be commenced until any retaining wall requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with CG 300 Technical Approval of Highways Structures : Volume 1: Design Manual for Roads and Bridges.

Reason: To ensure that the structure is designed and constructed in accordance with CG 300 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

7. If during the carrying out of the development, new contamination is encountered that has not previously been identified, all related development works shall cease, and the Council shall be notified immediately in writing. No further related development works shall proceed until this new contamination has been fully investigated in accordance with current Environment Agency and CIRIA guidance and British Standards. 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 agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health and protection of environmental receptors to ensure the site is suitable for use.

8. After completing the remediation works under Condition 7; and prior to occupation of the development, a verification report shall be submitted in writing and agreed with 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: in the interests of human health and protection of environmental receptors to ensure the site is suitable for use.

9. The design and installation of the artificial lighting scheme associated with the hereby permitted development shall not exceed the vertical illuminance (Lux) limits for Environmental Zone E3 as stipulated in the Institute of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light GN01/20:2021, at the windows of the nearest residential habitable rooms.

Reason: In the interest of residential amenity.

10. Opening hours for the petrol station and associated retail unit shall be restricted to between 08:00 and 23:00 Hours.

Reason: In the interest of residential amenity.

11. Site deliveries shall be restricted to between 08:00 and 20:00 Hours.

Reason: In the interest of residential amenity.

12. All hard and/or 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. All hard surface treatment of open parts of the site shall be permeable or drained to a permeable area. All hard landscape works shall be permanently retained in accordance with the approved details.

Reason: In the interests of the character and appearance of the area.

13. The gross retail floor space of the retail store hereby approved shall not exceed 495 square metres.

Reason: To safeguard the vitality and viability of the City Centre and other Centres within the catchment.

14. The net retail floor space of the retail store hereby approved shall not exceed 336 square metres.

Reason: To safeguard the vitality and viability of the City Centre and other Centres within the catchment.

15. There shall be no sub-division of the retail store hereby approved into separate retail units.

Reason: To safeguard the vitality and viability of the City Centre and other Centres within the catchment.

16. Notwithstanding the Planning (Use Classes) Order (Northern Ireland) 2015 or Planning (General Permitted Development) Order (Northern Ireland) 2015, of the net retail floor space of the retail unit hereby approved, no less than [**X square metres**] shall be used for the sale and display of the items listed below and for no other purpose, including any other purpose in Class A1:

- (a) food, non-alcoholic beverages, alcoholic drink;
- (b) tobacco, newspapers, magazines, confectionery;
- (c) stationery and paper goods;
- (d) toilet requisites and cosmetics;
- (e) household cleaning materials; and
- (f) other retail goods as may be first determined in writing by the Council as generally falling within the category of 'convenience goods'.

Reason: To limit the range of goods to be sold, in the interests of safeguarding the vitality and viability of the City Centre and other Centres within the catchment.