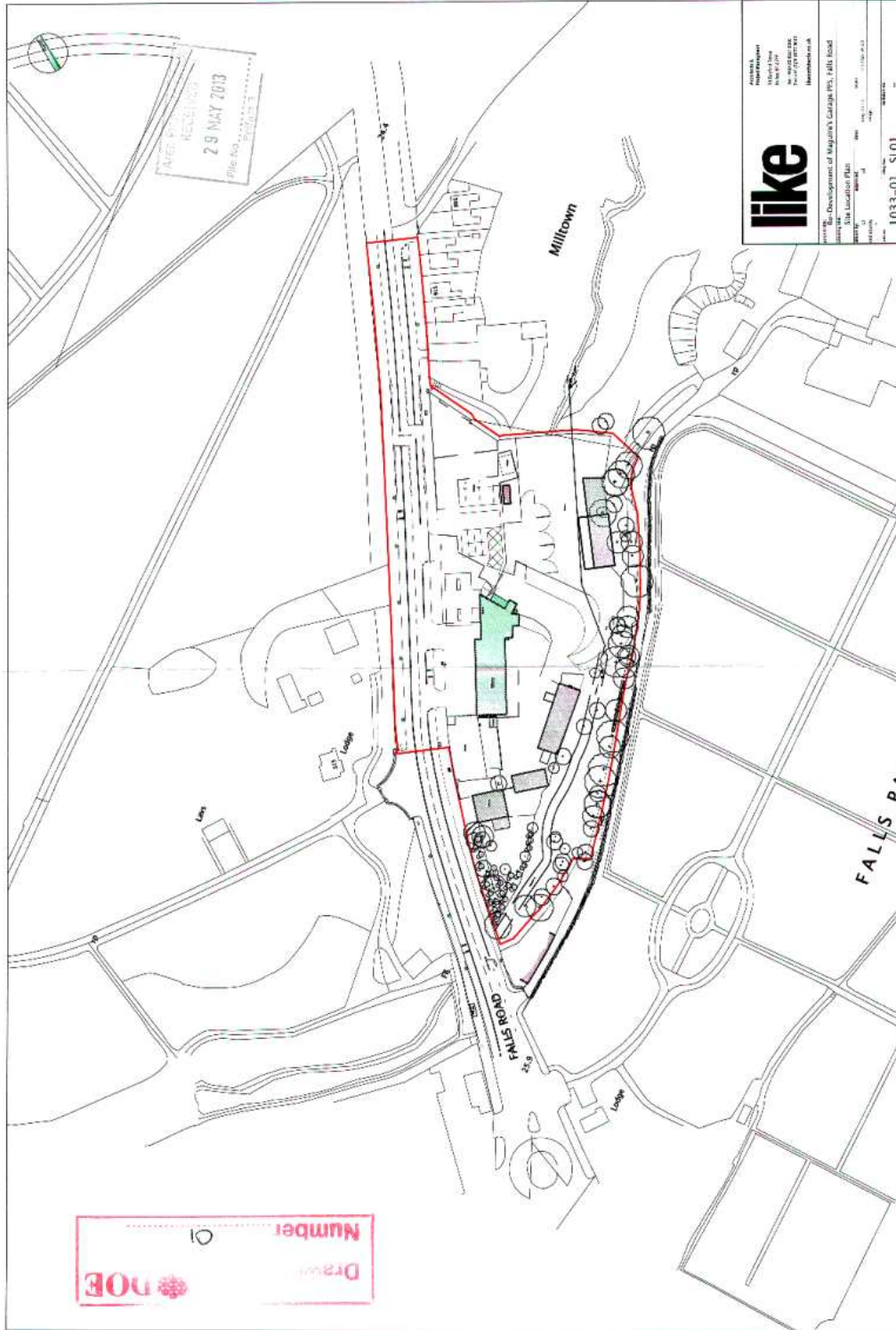


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 30 July 2015	Item Number: 18
Application ID: Z/2013/0603/F	
Proposal: Proposed refurbishment of existing petrol filling station, comprising reconfigured forecourt, new canopy and erection of new retail unit and associated site and access works, including car parking and relocation of existing pelican crossing.	Location: Maguire's Garage 534-538 Falls Road Belfast BT12 6EQ
Referral Route: Major Application	
Recommendation:	Approval
Applicant Name and Address: Jim Maguire c/o agent	Agent Name and Address: Like Architects 34 Bedford Street Belfast BT2 7FF
<p>Executive Summary:</p> <p>The application seeks full planning permission for a proposed refurbishment of existing petrol filling station, comprising reconfigured forecourt, new canopy and erection of new retail unit and associated site and access works, including car parking and relocation of existing pelican crossing.</p> <p>The Development Plan identifies the site as white land within a Local Landscape Policy Area (Milltown/Bog Meadows - BT 120) and an Urban Landscape Wedge (Milltown - BT 081). The site is located on an Arterial Route (AR 03/02) and Rapid Transit Route. There is a TPO to the rear of the site.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> • effect on natural heritage • road safety • flooding • assessment of increased retailing floorspace. <p>The proposal was assessed against Planning Policy Statement 1: General Principles; Planning Policy Statement 2: Natural Heritage; Planning Policy Statement 3: Access, Movement and Parking; Planning Policy Statement 5: Retailing and Town Centres and Planning Policy Statement 15: Planning and Flood Risk. The proposal complies with these policies.</p> <p>Environmental Protection Unit had no objections to the proposal following the submission of a number of reports relating to potential pollutant linkages on the site. They suggested conditions should approval be granted. NIEA also reviewed said reports and responded suggesting conditions for approval. Transport NI also responded to consultation with conditions for approval following the submission of amended plans.</p> <p>There were no representations received.</p> <p>An approval with conditions is recommended.</p>	

Case Officer Report

Site Location Plan



Characteristics of the Site and Area

1.0 Description of Proposed Development

Proposed refurbishment of existing petrol filling station, comprising reconfigured forecourt, new canopy and erection of new retail unit and associated site and access works, including car parking and relocation of existing pelican crossing.

2.0 Description of Site

The site is located at Maguire's Garage, 534 - 538 Falls Road, Belfast. It is a road side site measuring approximately 1.072ha. There is a jet wash, Texaco filling station and forecourt with associated spar retail store and car sales showroom (split level) situated adjacent to the road. Additionally there is a two storey detached red brick funeral home on the road side to the south west of the site. To the rear of the site there is a single storey tyre sales and mechanics and additional storage buildings. The red line of the site includes a portion of the Falls Road adjacent to the site which includes a pelican crossing. There is a large area to the rear of the garage which is fenced, presumably for security purposes. The site is partially defined by metal fencing to the west (roadside) with all other boundaries defined by a mix of metal fencing, wooden fencing and large mature trees. The site levels fall towards the rear of the site. The Development Plan identifies the site as white land within a Local Landscape Policy Area (Milltown/Bog Meadows - BT 120) and an Urban Landscape Wedge (Milltown - BT 081). The site is located on an Arterial Route (AR 03/02) and Rapid Transit Route. There is a TPO to the rear of the site.

Planning Assessment of Policy and Other Material Considerations

3.0 Site History

Z/2010/0320/CA - Culvert of stream to rear of petrol station - Closed due to permission granted
 Z/2005/2003/F - Proposed culverting of part of existing stream to rear of site to connect to existing culvert - Approval - 16/03/07
 Z/1993/2373 - Realignment of river and installation of concrete culvert to form parking area (ancillary to existing motor trade use) - Approval - 05/07/94

4.0 Policy Framework

- 4.1 Belfast Metropolitan Area Plan 2015
 - 4.1.1 Milltown Urban Landscape Wedge BT 081
 - 4.1.2 Milltown/Bog Meadows Local Landscape Policy Area (LLPA) BT 120
 - 4.1.3 Arterial Route AR 03/02
- 4.2 Planning Policy Statement (PPS) 1: General Principles
 - 4.2.1 Good Design paras. 15-19
- 4.3 Planning Policy Statement (PPS) 2: Natural Heritage
 - 4.3.1 Policy NH 4 - Sites of Nature Conservation Importance - Local
- 4.4 Planning Policy Statement (PPS) 3: Access, Movement and Parking
 - 4.4.1 Policy AMP 2 - Access to Public Roads
 - 4.4.2 Policy AMP 6 - Transport Assessment
- 4.5 Planning Policy Statement (PPS) 5: Retailing and Town Centres
 - 4.5.1 Para 56. Petrol Filling Stations
- 4.6 Planning Policy Statement (PPS) 15: Planning and Flood Risk
 - 4.6.1 Policy FLD 3 - Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains

5.0 Statutory Consultee Responses

- 5.1 DARD - Rivers Agency - No objection
- 5.2 DRD - Transport NI - No objection subject to conditions
- 5.3 DoE - NIEA - Waste Management Unit (WMU) - No objection subject to conditions

6.0 Non - Statutory Consultee Responses

- 6.1 BCC Environmental Health Protection Unit (EPU) - No objection subject to conditions

7.0 Representations

- 7.1 The application has been neighbour notified and advertised in the local press. No representations were received.

8.0 Other Material Considerations

- 8.1 Development Control Advice Note (DCAN) 15 - Vehicular Access Standards
 - 8.1.1 Paras 4.1 and 4.2
- 8.2 Parking Standards

9.0 Assessment

- 9.1 The Development Plan identifies the site as un-zoned land within Milltown Urban Landscape Wedge BT 081 and Milltown/Bog Meadows Local Landscape Policy Area (LLPA) BT 120. The site is also located on an Arterial Route (AR 03/02). The proposed development will reconfigure the forecourt repositioning it north east of the existing forecourt. The application includes a new canopy as well as erection of a new double height retail unit to the east of the existing car sales outlet. There are associated works to the site access as well as changes to car parking and relocation of the existing pelican crossing on the Falls Roads adjacent to the site. The use is already clearly established on the site and the proposal complies with the Development Plan.
- 9.2 The key issues are:
 - effect on natural heritage
 - road safety
 - flooding
- 9.3. PPS 2 - NH 4

The site falls within Milltown Urban Landscape Wedge. Two Local Landscape Policy Areas (LLPAs) are designated within the wedge, one of which is Milltown/Bog Meadows, a significant open space feature on the primary route into the city centre from the west. As stated in the Development Plan this LLPA contains mature trees, some of which are protected by a Tree Preservation Order. There are trees present within the red line of the site which benefit from such however the proposed development will not impact upon these, a condition will be suggested to ensure satisfactory protection of the trees during construction and after. The proposal will not have a significant adverse impact on a Local Nature Reserve nor a Wildlife Reserve and therefore has been considered against Policy NH4 of PPS 2 and is acceptable.
- 9.4 PPS 3 - AMP 2

The existing entrance and exit accesses are to be improved in line with DCAN 15 and para 5.18 of PPS 3. This was requested by Transport NI following consultation. Other amendments were requested also including the relocation of the pelican crossing. Transport NI stated no objections subject to conditions in their consultation response dated 28/03/14. The proposal will not prejudice road safety or inconvenience the flow of traffic in their opinion. The proposal is therefore acceptable when assessed against Policy AMP 3, Parking Standards and DCAN 15.
- 9.5 PPS 3 - AMP 6

A Transport Assessment Form was submitted in November 2013 following a request from Transport NI. The scale of development and transport implications of the proposal were assessed by Transport NI through this and they consider them to be acceptable. Therefore the proposal complies with Policy AMP 6 of PPS 3.
- 9.6 PPS 5 - Para 56

This proposal falls for consideration under Paragraph 56 (Petrol Filling Stations) within Planning Policy Statement 5: Retailing and Town Centres. Paragraph 56 requires proposals with a net retail floorspace in excess of 250sqm to be assessed with regard to the potential impact that the application (if approved) might have upon existing shopping facilities in the area. In addition, the acceptability of the proposed location for retail use should also be considered. The site is partially in use currently as a petrol filling station with a retail unit attached to the car sales showroom. The proposal relates to the

creation of a larger retail unit with a net retail space of approximately 335 sqm and there are 16 pumps in total. The approval of the application could result in a degree of trade diversion from existing convenience provision, however, this is unlikely to have a detrimental impact upon existing shopping facilities. The site is already in retail use. The floorspace can be restricted through the use of conditions. Therefore the proposal is acceptable in terms of paragraph 56 of PPS 5.

9.7. PPS 15 - FLD 3

Rivers Agency was consulted as the site is within an area which has the potential for surface water flooding. They responded on 4th July 2013 stating no objections and indicated that the developer should seek advice from a suitably qualified, competent person in respect of internal drainage requirements, site levels, finished floor levels etc. PPS 15 was published in September 2014 and in this case FLD 3 would apply. Rivers Agency has advised a drainage assessment is not required.

10.0 Conclusion

10.1 Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended for approval subject to conditions.

Neighbour Notification Checked: Yes

Summary of Recommendation: Approval with conditions and informatives

Conditions

1. As required by Article 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. On completion of the development, the applicant shall provide to Planning Service, for approval, a Verification Report. This report must demonstrate that all underground storage tank systems have been fully decommissioned and removed in line with current Pollution Prevention Guidance PPG27 and the quality of surrounding soils and groundwater has been verified.

Reason: Protection of human health

3. In the event that contamination not previously considered is encountered during the approved development of this site, the development shall cease and a written report detailing the nature of this contamination and its management must be submitted to the Council for approval. This investigation and risk assessment must be undertaken in accordance with current best practice.

Reason: Protection of human health

4. No development shall commence until the Council has received in writing and agreed that suitable supporting site data have been provided which identify all unacceptable risks to health and the water environment. The investigations should include but not be restricted to:
 - Groundwater level monitoring data reported in metres above ordnance datum to confirm groundwater flow direction and hydraulic gradient in all available on-site boreholes,
 - An additional borehole into the bedrock in the vicinity of borehole BH1,
 - Additional groundwater quality monitoring data from the new borehole and all existing

boreholes.

- In-situ permeability tests of boreholes.
- All site works shall be designed and implemented in accordance with British Standard BS 10175:2011 Code of practice for investigation of potentially contaminated land sites. These works are required ensure the land will be in a condition suitable for the proposed development.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

5. No development shall commence until the Council has received in writing and agreed that suitable detailed quantitative risk assessment(s) have been provided in accordance with the guidance on Model Procedures for the Management of Land Contamination (CLR11) which identify all unacceptable risks to the water environment. The risk assessment should:
- Utilise all relevant site specific data including hydraulic conductivity testing of boreholes, hydraulic gradients and,
 - Be undertaken in accordance with the Environment Agency's Remedial Target Worksheet v3.1 User Manual, Hydrogeological Risk Assessment for Land Contamination, October 2006, and
 - Provide site specific assessment criteria for contaminated soils and groundwater to be met through remedial works, should unacceptable risks be identified.
- These works are required ensure the land will be in a condition suitable for the proposed development.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

6. The development hereby permitted shall not commence until a site waste management plan (SWMP) has been provided. This plan must be submitted in writing and agreed with the Council and should identify all waste types likely to be generated, the intended management options, licensed contractors for the wastes and procedures for the identification, recording and of waste types and volumes generated and disposed of during the development.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

7. The development hereby permitted shall not commence until a detailed remediation strategy to address all unacceptable risks to environmental receptors identified from Condition 4 has been provided. This strategy must be submitted in writing and agreed with the Council and should identify all unacceptable risks on the site, the remedial objectives/criteria and the measures which are proposed to mitigate them (including maps/plans showing the remediation design, implementation plan detailing timetable of works, remedial criteria, monitoring program, etc).

Reason: Protection of environmental receptors to ensure the site is suitable for use.

8. The development hereby permitted shall not be occupied until the remediation measures as described in the remediation strategy submitted under Condition 7 have been implemented to the satisfaction of the Council. The Council must be given 2 weeks written notification prior to the commencement of remediation work.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

9. 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. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Department in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

10. After completing the remediation works under conditions 8 and 9; and prior to occupation of the development, a Verification Report needs to be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11).

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

Reason: Protection of environmental receptors to ensure the site is suitable for use.

11. Evidence must be presented in the Verification Report that all fuel storage tanks (and associated infra-structure) have been fully decommissioned and removed in line with current Pollution Prevention Guidance (PPG2, PPG27) and the quality of surrounding soils and groundwater has been verified. Should unforeseen contamination be identified during this process, Condition 9 will apply.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

12. No development or piling work should commence on this site until a piling risk assessment has been submitted in writing and agreed with the Council. This condition only applies if a piling foundation is being used at the site. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention" available at <http://publications.environment-agency.gov.uk/PDF/SCHO0501BITT-E-E.pdf>.

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

13. The vehicular accesses, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 05b bearing the date stamp 27 Feb 2014, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

14. No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 05b bearing date stamp 27 Feb 2014 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

15. The parking facilities detailed in the Condition above shall be open for use during all hours of business.

Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

16. The development hereby permitted shall not become operational until cycle parking has been provided and permanently retained in accordance with approved drawing no 05b bearing date stamp 27 Feb 2014.

Reason: To ensure that adequate provision has been made for cycle parking and to encourage and promote alternatives modes of transport.

17. All existing trees shown on Drawing Number 11, date stamped 29 May 2013 by the Council, as being retained shall be protected by appropriate fencing in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval of the Council.

Reason: To protect existing trees within a Tree Protection Order.

18. The net retail floorspace of the development hereby approved shall not exceed 335 square metres when measured internally.

Reason: To control the nature, range and scale of retailing activity to be carried out at this location to ensure compliance with Belfast City Council's objectives and policies for retailing and town centres.

Informatives

1. The applicant is advised that the proposed commencement of Part III of the Waste and Contaminated Land (NI) Order 1997 may introduce retrospective environmental liabilities to the applicant following the development of this site. The comments provided by Belfast City Council are without prejudice to any future statutory control which may be required under Part III or any other future environmental legislation. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks. Failure to provide a satisfactory Verification Report may lead to the assumption that the site still poses a risk to human health and it may be subject to further action under forthcoming legislation.
2. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks. Failure to provide a satisfactory Verification Report may lead to the assumption that the site still poses a risk to human health and it may be subject to further action under forthcoming legislation.
3. The purpose of the conditions 4 – 12 is to ensure that any site risk assessment and remediation work is undertaken to a standard that enables safe development and end-use of the site such that it would not be determined as contaminated land under the forthcoming Contaminated Land legislation i.e. Part 3 of the Waste and Contaminated Land Order (NI) 1997. It remains the responsibility of the developer to undertake and demonstrate that the works have been effective in managing all risks
4. The applicant should ensure that the management of all materials onto and off this site are suitably authorized through the Waste Management Regulations (NI) 2006 and/or the Water Order (NI) 1999.
5. LRM recommend that the applicant consult with the Water Management Unit within the NIEA regarding any potential dewatering that may be required during the redevelopment works including the need for discharge consent. Discharged waters should meet appropriate discharge consent conditions.
6. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc.

deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

7. Notwithstanding the terms and conditions of the Department of Environment's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Regional Development's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Roads Service Section Engineer whose address is Belfast North Section Office, 148-158 Corporation Street, Belfast BT1 4DH. A monetary deposit will be required to cover works on the public road.
8. All construction plant and materials shall be stored within the curtilage of the site.
9. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.
10. The Developer should agree the revised position of the accesses from Falls Park with Belfast City Council prior to carrying out this work.
11. The Developer should consult Roads Service Traffic Information and Control Centre regarding all aspects of the work associated with the crossing facility. The Developer should also note that the existing crossing has 2 primary and 2 secondary signals on each approach which will need to be replicated at the revised position.
12. The applicant is advised to ensure that any plant and equipment used in connection with the development is so situated, operated and maintained as to prevent the transmission of noise, dust or odours to nearby residential premises.
13. The applicant is advised to ensure that, under the above legislation, an application for a permit to include a stage 2 vapour recovery system must be made to Belfast City Council.
14. The Developer is advised to obtain advice from a suitably qualified, competent person in respect of internal drainage requirements, site levels, finished floor levels etc.
15. Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.
16. Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.
17. Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.
18. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any

necessary measures required to deal with the watercourse.

19. Where a Designated watercourse flows through or adjacent to a development site, it is considered essential that a working strip of minimum width 5m is left along the bank in order to facilitate future maintenance of the watercourse by the Rivers Agency. Actual requirement should be determined in consultation with the Agency.