

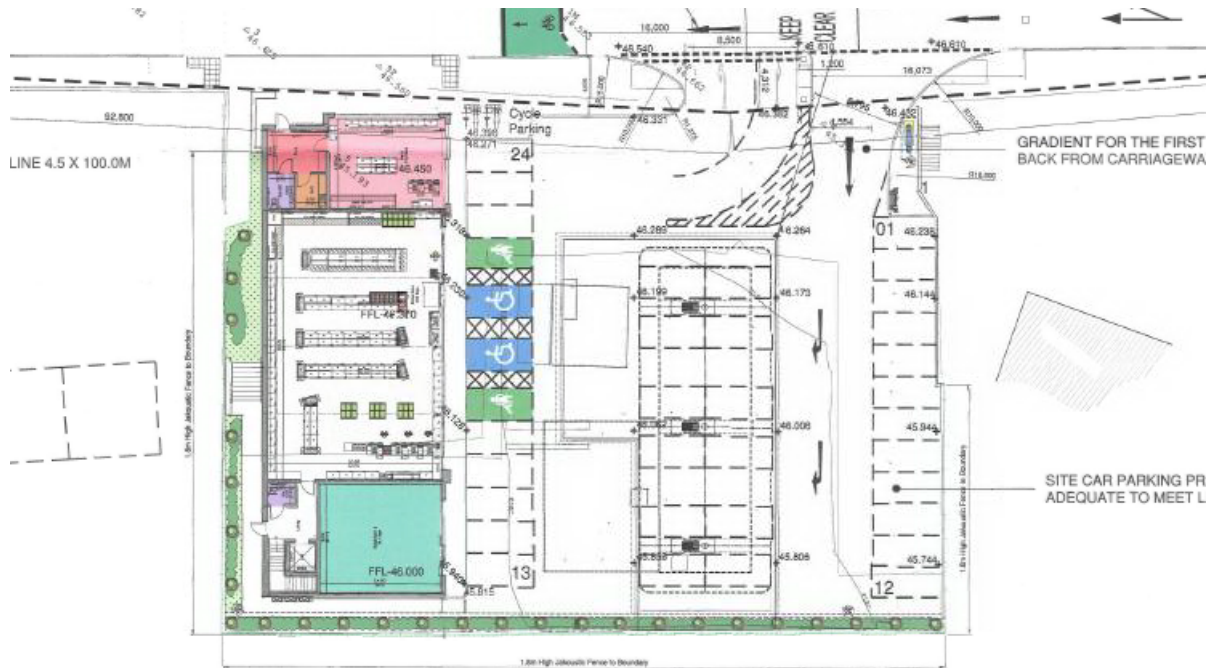
Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 13 February 2017	
Application ID: LA04/2016/1360/F	
Proposal: Proposed filling station, shop, 2no.retail units, forecourt canopy and associated petroleum installation.	Location: Lands opposite junction of Stewartstown Road and Suffolk Road Belfast BT11 9NB
Referral Route: Retailing over 500 square metres with representations	
Recommendation: Approve subject to conditions	
Applicant Name and Address: Cedeareast Investments Ltd 43 Lockview Road Belfast BT9 5JF	Agent Name and Address: Clarman and Co Unit 1 33 Dungannon Road Coalisland BT71 4HP
<p>Executive Summary:</p> <p>The application seeks full planning permission for a petrol station with shop, 2 no. retail units, forecourt canopy and associated petroleum installation.</p> <p>The main issues to be considered in this case are</p> <ul style="list-style-type: none"> a) Road Safety b) Retail impact c) Design and layout d) Impact on residential amenity <p>The site is located within the City's development limits as designated in the Belfast Urban Area Plan and draft Belfast Metropolitan Plan. The application has been assessed against relevant planning policy, draft BMAP, SPPS, PPS3 & PPS15</p> <p>A detailed retail statement of need has been submitted and assessed.</p> <p>All relevant neighbours were notified and the proposal was advertised in the local press. 11 representations were made, one of which is a petition signed by 8 local traders.</p> <p>All consultees offer no objection in principle to the proposal.</p> <p>The architectural approach of the design is modern and typical of this form of development. It is considered that on balance, the design and layout are appropriate and will assist in the overall regeneration of the area.</p> <p>The planning history of the site for retail use is a material consideration. With the Co-op in situ for more than 30 years, and 4 retail units granted permission in 2010, it is accepted that retail has been the predominant established use at this location.</p> <p>The proposal will introduce a modern attractive PFS and retail location to a site in need of regeneration, providing an economic boost, new retail jobs and supporting the needs of the immediate local community.</p>	

On, balance it is considered that the proposal is in keeping with retail policy set out in the SPPS.
It is recommended that the application is approved subject to conditions set out in the report.

Case Officer Report

Site Location Plan



Characteristics of Site and Area

1.0 Description of Proposed Development

Full planning permission is sought for a petrol filling station with associated shop, 2 No retail units, forecourt canopy and associated petroleum installation.

2.0 Description of Site and Surroundings

The site is located at 142 Stewartstown Road approximately 4 miles south west of the city centre and in close proximity to the M1 motorway. The site is located beside the junction of the Stewartstown Road and Suffolk Road and opposite Woodbourne PSNI Station.

The site sits below the level of the road and is enclosed on 3 sides by 3m high palisade fencing.

There are residential properties on three sides to the east, west and south of the site.

The site is generally flat and rectangular shaped. Vehicular access is via one access from the north of the site. Steps on both the eastern and western boundaries of the site give access to residents of Cranmore Park and Donegore Gardens.

There are a mix of land uses in the surrounding area. A police station and church are located directly opposite the site. Beyond this on the Suffolk Road at a distance of approximately 130m from the site is a Costcutter, post office, coffee shop, pharmacy and day nursery.

3.0 Site History

Records show that as far back as 1975 a Co-op supermarket was located at this site. This use continued until 2008. In 2009 a planning application was received to use the site as a car wash facility:

1. Z/2009/0240/F Manual car wash facility with associated container (variation of condition (time limit))
2. Z/2010/0306/F Erection of 4 no. retail units (including demolition of the existing shop units) Permission granted 01.06.2010
3. Z/2011/0572/O Construction of healthcare village comprising of a doctors surgery, pharmacy, opticians, physiotherapy and crèche with associated car parking. Permission granted 03.01.2012
4. Z/2011/1089/F Manual Carwash Facility with associated container. Permission granted 23.11.2011

4.0 Policy Framework

Draft Belfast Metropolitan Area Plan 2015
Belfast Urban Area Plan 2001

Strategic Planning Policy Statement for Northern Ireland (SPPS)

1. Good Design para's 4.23-4.30
2. Town Centres and Retailing paras 6.272 – 6.283

Planning Policy Statement (PPS) 3 Access, Movement and Parking

1. Policy AMP1: Creating an Accessible environment
2. Policy AMP2: Access to public Roads
3. Policy AMP7: Car parking and Service Arrangements

PPS 15 Planning and Flood Risk

1. Policy FLD3 – Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains

5.0 Statutory Consultees Responses

DFI – Roads – No objection
NI Water – No Objection
DFI Rivers Agency – No Objection

6.0 Non Statutory Consultees Responses

BCC Environmental Health – No objection subject to conditions

7.0 Representations

The application has been neighbour notified and advertised in the local press. 10 letters have been received from concerned neighbours and 1 petition of objection from Woodburn Trading

Association signed by 8 traders. Issues raised are as follows:

1. Drawings indicate inaccurate road layout
Amended drawings have been received and DfI Roads are satisfied that the layout is accurate.
2. Not sufficient number of parking spaces provided
DfI satisfied with the scheme
3. Road Safety and congestion issues
DfI satisfied with the scheme
4. Retail Statement only partially fulfils requirements of SPPS (para 6.282) in that an 'assessment of need' has not been submitted. The retail statement fails to mention
 - 4 filling stations within 1 mile radius
 - surrounded by housing on 3 sides
 - undue proliferation of mixed use development/ no need for retail units
 An assessment of need has been submitted which is considered to comply with relevant parts of the SPPS.
5. Harmful effect on residential amenity in terms of loss of privacy, noise, smell and light
The design and layout of the proposal is considered to be acceptable – adequate separation distances are proposed and boundary fencing will help to mitigate against any potential impact on surrounding residential amenity.
6. Site has potential to be a focal point anti-social behaviour
Controlling the potential for anti-social behaviour is not a material planning consideration. The redevelopment of this site is considered to be a positive benefit for the wider area. It would be the responsibility of the end use of the development to manage and control any potential for anti-social behaviour.
7. There is a potential for leakage of hazardous substances into the Glen River; proposal will exacerbate local flooding.
Rivers Agency raised no objection – a drainage assessment was submitted in support of the application.
8. PSNI views should be sought.
PSNI have been contacted by Planning no formal response has been received.
9. Concerns raised regarding lifting the site by 8 feet as it currently sits above properties in Donegore Gardens by 6 feet.
An increase in levels is proposed given the current varying levels of the site. An increase of approximately 0.6- 0.8m on the boundary of some properties on Donegore Gardens (nos 5-19), to a maximum increase of 1.5m in the centre of the site.
The existing paladin fences in place are to be retained. A jakoustic fence which is 1.8m is to put in place on the boundaries with residential properties with a landscape buffer to mitigate any potential detrimental impact.
10. Inconsistencies & Inaccuracies in plans
Road drawings have been updated to incorporate current road markings in line with the Belfast Rapid Transit Scheme (BRT)

9.0 Assessment

9.1 Principle of Development

The site is located on unzoned land in dBMAP within the City's development limit. Given the planning history on the site it is considered that the principle of a petrol filling station (PFS) is generally acceptable in principle subject to the satisfaction of other planning and environmental matters.

9.2 Design and Layout

The site is rectangular in shape with the proposed PFS shop and retail units located to the west of the site. 12No car parking spaces are also proposed to the front of the petrol station shop and retail units. The petrol forecourt occupies the centre of the site and a further 12No parking spaces are proposed along the eastern boundary of the site. A single access from Stewartstown Road is proposed.

The proposed building is two storey. At ground floor level the building unit is 42metres in width with a depth of 14metres. The first floor is set back from the front of the ground floor by 5metres. The first floor has a width of 24metres. The total floor space to be created is 804sqm.

The ground floor accommodates 2 retail units, one to the north of the building and one to the south. A shop is associated with the PFS. The upper floor is for storage, staff room and toilets; and ancillary office space associated with the petrol station.

The external finishes of the proposed building include white render with timber cladding on the upper floors.

The architectural approach of the design is modern and it is considered that on balance, the design and layout are appropriate and will assist in the overall regeneration of the area.

9.3 Impact on Residential Amenity

The neighbouring residential properties on Cranamore Park and Donegore Gardens sit at a lower level than the application site.

The proposed building sits 2.8metres from the southern boundary with the rear garden of Nos 19 & 17 Donegore Gardens; and 3metres from the western boundary adjacent to no.2 Donegore Gardens.

Within this context, a Shadow Analysis was submitted in support of the application. A 1.8 metre boundary fence is also proposed which will prevent any potential for overlooking in addition to proposed separation distances.

In terms of noise, Environmental Health are satisfied that the 'acoustic fence' will ensure the amenity of neighbours is not compromised. Environmental Health are also satisfied smells/odours and light pollution will not be harmful to neighbouring residents.

9.4 Retail Impact

The planning history of the site for retail use is a material consideration. With the Co-op in situ for more than 30 years, and 4 retail units granted permission in 2010, it is accepted that retail has been the predominant established use at this location.

The proposal will introduce a modern attractive PFS and retail location to a site in need of regeneration, providing an economic boost, new retail jobs and supporting the needs of the

immediate local community.

On, balance it is considered that the proposal is in keeping with retail policy set out in the SPPS.

9.5 Access, Parking and Road Safety

It is proposed to access the site from Stewartstown Road. 24 car parking spaces are also proposed. DFI Roads verbally offered no objection in principle. The proposed is considered to comply with relevant policies within PPS3. At the time of finalising this report a formal response has not been issued by Roads. If Committee are minded to approval it is recommended that the final wording of the conditions from Transport NI are delegated to the Head of Planning.

9.6 Flood Risk

A drainage assessment has been submitted and Rivers Agency and the applicant has received Schedule 6 consent to carry out drainage works, discharging storm water to the Glen River. The proposal is considered acceptable by Rivers Agency in terms of flood risk. The proposals complies with relevant policies within PPS15.

10.0 Conclusion

Having regard to the policy context and the planning history the proposal is considered to be acceptable and planning permission is recommended for approval subject to conditions

11.0 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.

DFI Roads conditions to be included.

2. Prior to operation of the development all plant and equipment associated with development shall be designed and installed to meet the noise limits set in the KRM Report: Amended Noise Assessment Proposed filling station, shop, 2 no. retail units, forecourt canopy and associated petroleum installation. Lands opposite junction of Stewartstown Road and Suffolk Road, Belfast, BT119NB. Reference: LA04/2016/1360/F Dated 9 January 2017.

3. Prior to operation of the development all the acoustic fence as detailed in Plan Drawing No.3B Site Plan by Clarman Architects Dated 02 March 2017 and Plan Drawing Jakoustic Fence Details Project No. 3175 Dated 02 March 2017 shall be installed.

4. Deliveries to the premises between 23.00 and 0.7.00 hrs Sunday to Saturday shall only be made via the main door of the Petrol Filling Station.

12.0 Informatives

Clean Neighbourhoods and Environment Act (Northern Ireland) 2011

Lighting

The applicant is advised that provisions contained in Part 7 of the Clean Neighbourhoods and Environment Act (NI) 2011 (Statutory nuisances from artificial light) apply to this development. All flood lighting should be optically controlled and directed in such a manner as to minimise light pollution from glare and spill. Guidance notes for the reduction of light pollution can be obtained from the institution of Lighting Engineers, Lennox House, 9 Lawford Road, Rugby, Warwickshire, CV21 2DZ, available at <https://www.theilp.org.uk./documents/obtrusive-light/>

Land Contamination

Should any unforeseen ground contamination be encountered during the development, and in order to protect human health, all works on the site should immediately cease. The Health and Environmental Services of Belfast City Council should be informed and a full written risk assessment in line with current government guidance (Model Procedures for the Management of Land Contamination - CLR11) that details the nature of the risks and any necessary mitigation measures should be prepared and submitted for appraisal.

Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013.

The applicant is advised to ensure that, under the above legislation, an application for a permit should be made to Belfast City Council.

Drainage (NI) Order 1973

Under the terms of Schedule 6 of the Drainage (NI) Order 1973, any proposals either temporary or permanent, in connection with the development which involves interference with any watercourses such as culverting, bridging, diversion, building adjacent to or discharging storm water etc. requires the written consent of Rivers Agency. This should be obtained from the Eastern Regional Office at Ravarnet House, Altona Road, Largymore, Lisburn BT27 5QB.

ANNEX	
Date Valid	17th June 2016
Date First Advertised	15th July 2016
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 1 Blacks Road,Ballycullo Tom Of The Tae-End,Belfast,Antrim,BT11 9LS, The Owner/Occupier, 11 Donegore Gardens,Ballycullo Tom Of The Tae-End,Belfast,Antrim,BT11 9NA, Samuel Sproule 12, Carnanmore Park, Belfast, Antrim, Northern Ireland, BT11 9LX John Hoey 124 Stewartstown Road Ballymoney Dunmurry Dunmurry The Owner/Occupier, 13 Donegore Gardens,Ballycullo Tom Of The Tae-End,Belfast,Antrim,BT11 9NA, The Owner/Occupier, 139 Stewartstown Road,Ballycullo Tom Of The Tae-End,Dunmurry,Dunmurry,Antrim,BT11 9NB, The Owner/Occupier, 15 Donegore Gardens,Ballycullo Tom Of The Tae-End,Belfast,Antrim,BT11 9NA, The Owner/Occupier, 17 Donegore Gardens,Ballycullo Tom Of The Tae-End,Belfast,Antrim,BT11 9NA, Jean Brown 17, Donegore Gardens, Belfast, Antrim, Northern Ireland, BT11 9NA The Owner/Occupier, 19 Donegore Gardens,Ballycullo Tom Of The Tae-End,Belfast,Antrim,BT11 9NA, The Owner/Occupier, 2 Carnanmore Park,Ballycullo Tom Of The Tae-End,Belfast,Antrim,BT11 9LX, Andy Stephens 29, Old Belfast Road, Newtownards, Down, Northern Ireland, BT23 4SG Angela Atkins 3, Donegore Gardens, Belfast, Antrim, Northern Ireland, BT11 9NA A B Frazer 3, Steeple Road, Kells, Antrim, Northern Ireland, BT41 1AF The Owner/Occupier, 5 Donegore Gardens,Ballycullo Tom Of The Tae-End,Belfast,Antrim,BT11 9NA, Gavyn Smyth 5, Oxford Street, Belfast, Antrim, Northern Ireland, BT1 3LA The Owner/Occupier, 7 Donegore Gardens,Ballycullo Tom Of The Tae-End,Belfast,Antrim,BT11 9NA, James Noel Steele 86, Tildarg Avenue, Belfast, Antrim, Northern Ireland, BT11 9LW The Owner/Occupier, 9 Donegore Gardens,Ballycullo Tom Of The Tae-End,Belfast,Antrim,BT11 9NA, The Owner/Occupier,</p>	

Church Of St John The Baptist (c Of I), Stewartstown Road, Ballycullo Tom Of The Tae-End, Dunmurry, Dunmurry, Antrim, BT11 9NB,
 The Owner/Occupier,
 Stewartstown Road, Ballycullo Tom Of The Tae-End, Dunmurry, Dunmurry, Antrim, BT11 9NB,
 McMillan
 Woodbourne Police Station, 139 Stewartstown Road, Belfast BT11 9NB
 Declan McCreesh

Date of Last Neighbour Notification	15.07.16
Date of EIA Determination	
ES Requested	Yes /No
Drawing Numbers and Title	
Notification to Department (if relevant)	
Date of Notification to Department: N/A Response of Department:	