

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: Tuesday 19 January 2021	
Application ID: LA04/2020/0426/F	
Proposal: Proposed re-construction of petrol station and ancillary retail unit including the replacement of fuel tanks, pumps and canopy alterations. Retention of hot food takeaway unit, ATM, Compactor and provision of an EV charging facility.	Location: 228-232 Stewartstown Road Belfast
Referral Route: Under section 3.8.2(a) ii of the Scheme of Delegation, retailing space greater than 500 square metres gross floor space outside the City Centre or District Centres where an objection to the proposal has been received should be heard at planning committee.	
Recommendation: Approve	
Applicant Name and Address: Hoey Family Pension Fund c/o 204 Concession Road Crossmaglen Co Armagh BT35 9JD	Agent Name and Address: McKeown & Shields Associates Ltd 1 Annagher Road Coalisland Co Tyrone BT71 4NE
Executive Summary: This application seeks full planning permission to reconstruct a fire damaged petrol station and associated shop. The main issues are: - <ul style="list-style-type: none"> - Road safety - Impact on residential amenity - Design and layout The site is located within the development limits as designated in Belfast Urban Area Plan and draft BMAP. The application has been assessed against relevant planning policy, dBMAP, SPPS and PPS3. One objection has been received from the adjacent business owners/tenants of the Bar/Restaurant. The concerns raised primarily relate to overdevelopment, intensification of the site, road safety, traffic flow, parking and circulation. Consultees offer no objection to the proposal The proposal will allow existing fire damaged facilities to be reinstated and upgraded to a modern petrol filling station with retail facility which will support the needs of the local community. The layout, design and appearance is typical of contemporary retail PFS Services. There will be no significant impact on the amenity of neighbouring dwellings and consultees have considered noise, nuisance and traffic and raise no objections. Upon completion of the works to reinstate the shop	

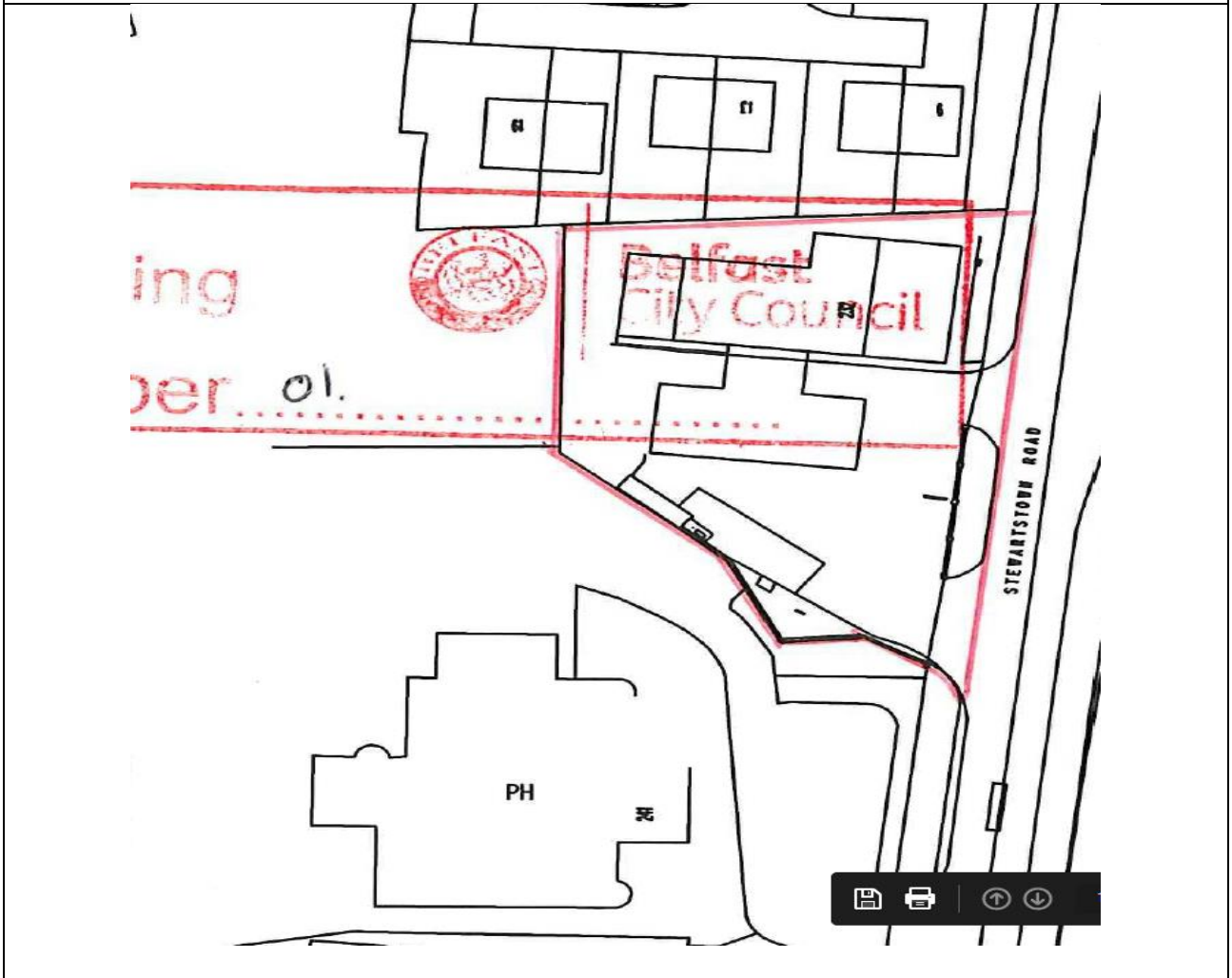
on its former footprint the temporary shop facility, which was built on an area of parking within the site, will be removed.

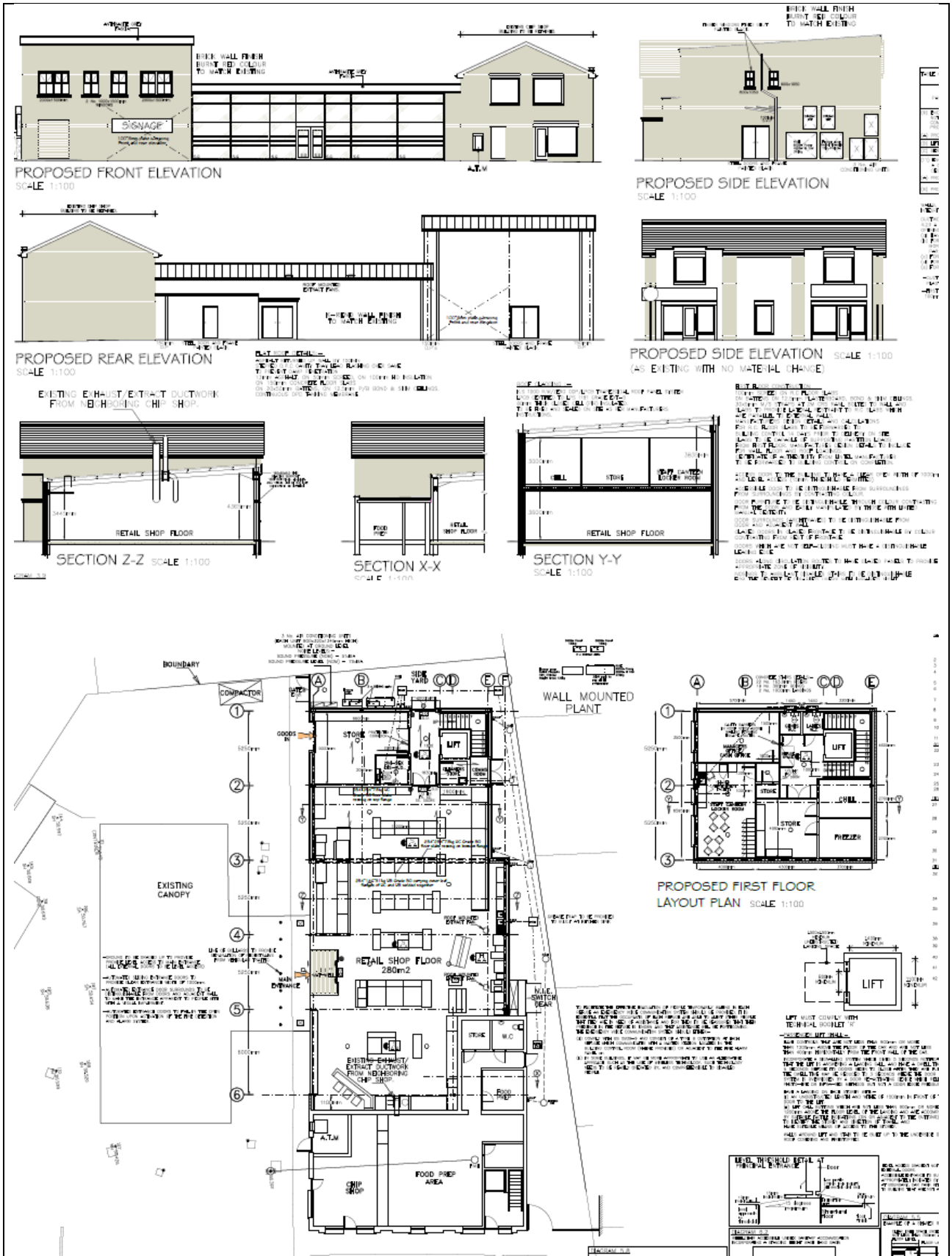
On balance it is considered that the proposal is in keeping with planning policy and is acceptable.

It is recommended for Approval with delegated authority sought for the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive planning issues being raised by third parties.

Case Officer Report

Site Location Plan





Characteristics of the Site and Area

1.0 Description of Proposed Development

	<p>Fire broke out at the petrol station in 2017 and since this time the service station has been operating from temporary premises on site which is built on area previously used for parking along the northern boundary. Planning permission is sought for the reconstruction of the petrol station and ancillary retail unit, including the replacement of fuel tanks, pumps and canopy alterations and retention of hot food take away unit, ATM, compactor and provision of an EV charging facility.</p> <p>The proposal sits on a similar footprint to what was in place before the fire, however the two storey element is to be extended closer to the western boundary of the site. There is no change to the retail units (chip shop and nail bar) which front onto the Stewartstown road. Behind the chip shop, a retail unit with ancillary office and storage is proposed.</p> <p>The proposed ground floor now has an area of 280sqm used for retail and storage. Upstairs will be further storage space, staff canteen and locker room and freezers (125sqm). The building will be partly glazed, with the 2 storey element clad in brick. A lift is to be incorporated in the scheme which allows the building to be disability compliant.</p> <p>Externally, the canopy in place will be retained but upgraded with new architectural red panelling, as will existing fuel pumps and canopy support posts. Fuel tanks underground are to be replaced.</p> <p>A new electrical car charger is included along the south boundary adjacent to existing car parking area and an ATM (cash machine) in situ in the wall of the chip shop is to be retained.</p> <p>A compactor is proposed to be located along the west boundary.</p>
<p>2.0</p>	<p>Description of Site</p> <p>The site with an area of 0.23ha is located on the right side of the Stewartstown Road travelling out of town. To the south of the petrol station is 'Becketts' a public house and restaurant. To the north semi-detached residential units and to the east on the opposite side of Stewartstown Road is a long established housing estate. To the west of the petrol station there is a significant change in levels, with a steep grassed retaining bank and high density housing beyond.</p> <p>The site itself is flat. It is currently marked out with 17 parking spaces, the canopy area covers 6no. pumps. The chip shop in situ to the front of the site appeared to be operating. It appeared the fire did not significantly damage units to the front. The retail element associated with the petrol station previously in place has gone completely and staff are operating from a temporary single storey structure which sits along the west boundary of the site. Prior to the fire, the area where the temporary shop is located was used for car parking.</p>
<p>Planning Assessment of Policy and other Material Considerations</p>	
<p>3.0</p>	<p>Relevant Site History</p> <p>LA04/2017/0336/F – 232 Stewartstown Road. Retrospective permission single storey temporary shop facility and plant (Electric Generator and Oil Tank) (Amended Address) Granted 09.11.17</p> <p>LA04/2017/1182/A – 232 Stewartstown Road -Shop signage and advertising boards Granted 31.10.2017</p>

	S/2005/1624/F - Extension to existing retail unit to provide 3 no. ground floor non-food retail units and 3 no. A2 office accommodation at first floor (amended plans and description) Granted 29.05.2007 S/1987/0800 - Service Station.
4.0	Policy Framework
4.1	Regional Development Strategy 2035
4.2	Belfast Urban Area Plan 2001
4.3	Draft Belfast Metropolitan Area Plan 2015
4.4	SPPS – Good design paragraphs 4.32-4.30 Town centres and retailing paragraphs 6.272- 6.283
4.5	Planning Policy Statements 3 – Access, Movement and Parking Policy AMP1 Creating accessible environment Policy AMP2 – Access to public Roads Policy AMP7 – Car parking and service arrangements
5.0	Statutory Consultees Responses
5.1	DFI Roads - Dfi Roads noted that this replacement application is similar to a significant extent, as what was previously in situ prior to the fire. DFI state that the site has functioned without significant traffic issues. The increase in office and retail capacity is likely to have a modest increase in parking demand. In terms of the amenity impact from traffic, whilst there will be an increase, it is modest and typical of local retail facilities and will be contained to the site and is therefore considered acceptable. The site access is not to the dimensions recommended in DCAN 15 however this is also the case with the current arrangement. The location and design offers excellent visibility in both directions onto the Stewartstown Road in both directions. The central hatching, and the gap therein, provides an adequate refuge for right turning traffic entering the site. DFI offered no conditions but recommended a number of Informatives to be included in the decision notice.
5.2	NIW advised that the premises was already connected to the sewage network and that there is available capacity for waste water. No objection to the proposal was made.
5.3	NIEA - Regulation Unit Land and Groundwater team were consulted as requested by Environmental health, they raised no objection to the reconstruction of the petrol station subject to conditions
5.4	DFI Rivers - the site does not lie in the flood plain and is not liable to flood.
6.0	Non Statutory Consultees Responses
6.1	BCC Environmental Health- Environmental health team assessed the proposal and requested an updated environmental site assessment and generic risk assessment as fuel tanks are to be replaced as part of this application. With regard to noise, a noise impact assessment was requested and submitted which indicated that the freezer room is the source of most noise and 2no. fans on the roof. Having considered all the supporting information EHO are content subject to conditions with respect to both Contamination and Noise.
7.0	Representations

7.1	<p>The application has been neighbour notified and advertised in the local press. 3no. letters of objection have been received on behalf of the owners and tenants of the neighbouring Public House –Becketts.</p> <p>Letter 1 received 27 May</p> <ul style="list-style-type: none"> •The objector queries floor space calculations, stating there is an increase in retail space from 200sqm to 504sqm. However, there is an acceptable modest increase in gross floor space from 500sqm to 545sqm of pre fire petrol filling station retail floor space <table border="1" data-bbox="263 533 1436 750"> <thead> <tr> <th rowspan="2">Site Element</th> <th colspan="3">Existing (m²)</th> <th colspan="3">Proposed (m²)</th> </tr> <tr> <th>Gross Floorspace</th> <th>Gross Retail Floorspace</th> <th>Net Retail Floorspace</th> <th>Gross Floorspace</th> <th>Gross Retail Floorspace</th> <th>Net Retail Floorspace</th> </tr> </thead> <tbody> <tr> <td>Store</td> <td>500</td> <td>450</td> <td>-</td> <td>545</td> <td>380</td> <td>-</td> </tr> <tr> <td>Hot Food Takeaway</td> <td>-</td> <td>-</td> <td>50</td> <td>-</td> <td>-</td> <td>50</td> </tr> <tr> <td>Tanning Studio/ Nail Bar</td> <td>90</td> <td>-</td> <td>-</td> <td>90</td> <td>-</td> <td>-</td> </tr> </tbody> </table>	Site Element	Existing (m ²)			Proposed (m ²)			Gross Floorspace	Gross Retail Floorspace	Net Retail Floorspace	Gross Floorspace	Gross Retail Floorspace	Net Retail Floorspace	Store	500	450	-	545	380	-	Hot Food Takeaway	-	-	50	-	-	50	Tanning Studio/ Nail Bar	90	-	-	90	-	-
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7.2	<p>Proposal is contrary to policies AMP2 & AMP7 of PPS3.</p> <ul style="list-style-type: none"> •Objector concerned capacity of car parking has not increased with intensification of the site. The objector has calculated that the proposal will require 37 spaces and only 17 spaced have been provided. <p>DFI Roads is satisfied that the arrangement in place prior to the fire is acceptable. The proposal reinstates the shop on its previous footprint with a modest extension; the temporary shop will be removed when complete allowing previous hardstanding to become available for parking again.</p>																																		
7.3	<ul style="list-style-type: none"> • no transport assessment has been submitted.- Transport Assessment Form was submitted and uploaded to the portal on 04.03.20. •Policy AMP2 requires location to be ‘highly accessible’ in order to reduce parking availability, objector doesn’t believe this location to be highly accessible. Planning is satisfied that the location is accessible on a classified B-road. •Access arrangement not in keeping with DCAN 8 – DFI Roads are satisfied, that whilst the access does not meet the standard it is operating and has not resulted in any significant issues and is therefore safe. <p>Letter 2</p> <ul style="list-style-type: none"> •Objector is not satisfied that DFI Roads refer to the proposal as a like-for-like replacement DFI state ‘Dfi Roads notes that this application is, to a significant extent, a ‘like for like’ replacement. <p>Letter 3</p> <ul style="list-style-type: none"> •Site has been intensified over 15 years and is overdeveloped There will be a degree of intensification of use on the site, this is not considered to be over development as the new building and use will not result in any significant negative impacts. •Under provision of parking Planning satisfied that with a modest increase in floorspace (45sqm) the current shared car parking arrangement is acceptable. 																																		

	<ul style="list-style-type: none"> •Traffic build up along the Stewartstown Road <p>DFI Roads satisfied that the proposal can be accommodated without traffic backing up on the main road.</p>
8.0	Other Material Considerations
8.1	None
9.0	Assessment
9.1	<p>Principle of Development.</p> <p>The site is located on white unzoned land in dBMAP and BUAP 2001. Planning permission was granted for the petrol station in 1987, the use has been established and the principle of reconstruction is acceptable. The proposal is considered to be in compliance with the development plan.</p>
9.2	<p>Design and Layout</p> <p>Prior to the fire the retail unit (to be replaced) and store associated with the retail unit were 2 separate buildings, storage is now to be incorporated in a single unit which will improve the appearance of the site.</p> <p>The proposed sits on a similar footprint to what was in place before the fire (45sqm larger), the two storey element that existed extends toward the western boundary. There is no change proposed to the retail units (chip shop and nail bar) which front onto the Stewartstown road.</p> <p>The building will be partly glazed, with the 2 storey element clad in brick to a maximum height of 8.5m. A lift is to be incorporated in the scheme which allows the building to be disabled- person friendly.</p> <p>Externally, the canopy in place will be retained but upgraded with new architectural red panelling, as will existing fuel pumps and canopy support posts. A new electrical car charger is included along the south boundary adjacent to existing car parking area. An ATM (cash machine) in situ is to be retained. A compactor is proposed to be located along the west boundary. The layout of the fore court has not changed from what was previously in place.</p> <p>The design and layout of the proposal is acceptable.</p>
9.3	<p>Impact on residential amenity</p> <p>The proposed will sit adjacent to rear gardens of semi-detached properties at Foxes Glen. There are no windows proposed along the rear elevation of the new unit. There will be no overlooking of these properties. The outlook for these residents will not be harmed, the proposed will have an improved appearance compared to what was previously in place. Residents on the opposite side of the Stewartstown Road will not be impacted, they benefit from a separation distance of 40m from the petrol station.</p> <p>A Compactor will sit along the west boundary, however, the change in level at this boundary helps mitigate potential noise nuisance. Environmental Health has assessed the noise impact and are satisfied residential amenity will not be harmed.</p> <p>It is considered that residential amenity will not be negatively impacted by the proposal.</p>
9.4	<p>Retail Impact</p> <p>There are no changes to be made to the two shop units which front onto the Stewartstown Road. With the new retail unit associated with the petrol station incorporating the 2 storey</p>

	<p>store, there will be an overall increase of 45 sqm in floorspace of the unit. This increase in floor space is not considered so significant that it will impact other retail provision in the wider area and given the long established nature of the site as a PFS with retail offer is considered acceptable at this location.</p>
9.5	<p>Access, Parking and Road safety Dfi Roads have raised no objection to this proposal.</p> <p>DFI Roads have stated that the increase in office and retail capacity is likely to have a modest increase in parking demand, which is at this location, primarily an amenity issue impacting adjacent businesses. Local business which could be impacted are the chip shop and nail bar which are within the remit of this application. Becketts Bar and restaurant has its own private car park. There are no other local business that would be affected.</p> <p>PPS3 - Policy AMP7 allows for the justification for the provision of a reduced level of parking standards. It states a reduction is acceptable where development is in a highly accessible location and well served by public transport, or where shared car parking is available.</p> <p>The site is well served by public transport, there had been no issues with parking at this site prior to the fire. As each of the businesses within the site have different peak hours of use they benefit from sharing the car park. Planning Service is satisfied that the amenity of local business will not be negatively impacted by the scheme.</p> <p>With regard to the site access there are no changes proposed to the existing arrangement for access and egress and the proposal is for reinstatement of the fire damaged shop and replacement of the existing canopy. DFI Roads clarify that the site access is not to the dimensions recommended in DCAN 15, however this is also the case with the current arrangement. DFI state further that the location and design of the access offers excellent visibility onto the Stewartstown Road in both directions. The central hatching, and the gap therein, provides an adequate refuge for right turning traffic entering the site. The proposal retains this arrangement as exists.</p> <p>The proposal is acceptable in terms of PPS3.</p>
9.6	<p>Summary of Recommendation: Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended subject to conditions.</p> <p>Approval</p>
10.0	<p>Conditions</p>
10.1	<p>The development hereby permitted shall be begun before the expiration of 5 years from the date of the permission. Reason: As required by Section 61 of the Planning Act (NI) 2011.</p>
10.2	<p>Hours of operation The shop will be open between the hours of 07:00 to 23:00 Monday to Saturday and between the hours of 08:00 to 23:00 on a Sunday. Deliveries and collections by commercial vehicles shall only be made to and from the site between the hours of 07:00 and 22:00 Monday to Saturday and at no time on a Sunday. Reason: In the interest of residential amenity.</p>
10.3	

10.4	<p>All plant and equipment associated with the development hereby permitted, shall be selected, designed and installed so as to achieve a combined rating level (LAr) no greater than the representative (daytime and night time background sound level (dBLA90) when measured or determined at the façade of nearby noise sensitive residential premises in accordance with BS4142:2014+A1:2019.</p> <p>Reason: In the interest of residential amenity.</p>
10.5	<p>The location of Plant and equipment at the hereby permitted development shall be in accordance with the McKeown and Shields Associates drawings referenced JA1273/104/A1(C) and JA1273/105/A1(C) and as referred to in figure 3 of the updated RSK Noise Impact Assessment, dated 23rd July 2020, ref: 602782.</p> <p>Reason: In the interest of residential amenity.</p>
10.6	<p>Prior to the operation of the proposed development, the applicant shall provide to and have agreed in writing by the Planning Authority, a Verification Report. This report must demonstrate that the remediation measures outlined in the RSK Ireland report entitled 'McKeown & Shields Associates Ltd, Updated Environmental Site Assessment and Generic Quantitative Risk Assessment & Remedial Strategy: 228 Stewartstown Road, Belfast, 602777-R1 (01), dated 22nd July 2020' have been implemented.</p> <p>The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (commercial). It must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report shall be in accordance with Environment Agency guidance. In particular, this Verification Report must demonstrate that:</p> <ul style="list-style-type: none"> o All fuel storage tanks and associated infrastructure have been fully decommissioned and removed from the site in line with Pollution Prevention Guidance (PPG27), and the quality of surrounding soils and, if necessary, groundwater has been verified by suitable sampling and assessment. <p>Reason: Protection of human health.</p>
10.7	<p>If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with best practice. In the event of unacceptable risks being identified, a Remediation Strategy and subsequent Verification Report shall be agreed with the Planning Authority in writing, prior to the development being occupied. If required, the Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.</p> <p>Reason: Protection of human health.</p>
10.8	<p>Within 1 month of the occupation of the new premises, the temporary shop facility and all associated plant and equipment will be removed and lands restored as per approved Layout Plan.</p> <p>Reason: To ensure orderly development of the site</p>
	<p>Prior to the development hereby approved becoming operational, parking spaces shall be reinstated as shown on site layout plan drawing no. 04 bearing Belfast City Council date stamp 13 Feb 2020.</p> <p>Reason: To ensure orderly development of the site.</p> <p>Informatives</p>

	<p>The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department for Infrastructure for which separate permissions and arrangements are required.</p> <p>. Notwithstanding the terms and conditions of the Department for Infrastructure’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 Infrastructure’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 DfI Roads Section Engineer whose address is Belfast South Section Office, 1a Airport Road, Belfast BT3 9DY (ph. 028 9025 4600 for advice or to arrange an appointment). A monetary deposit will be required to cover works on the public road.</p> <p>3. 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.</p> <p>4. All construction plant and materials shall be stored off the adopted road.</p> <p>5. 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.</p> <p>6. Pedestrian Crossing Points across the proposed entrances are to be provided in accordance with the DTER/Scottish Office publication ‘Guidance on the use of Tactile Paving’.</p>
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Notification to Department (if relevant)

Representations from Elected members