

<b>Planning Committee Report LA01/2016/0623/RM</b>	<b>26<sup>th</sup> April 2017</b>
<b>PLANNING COMMITTEE</b>	

<b>Linkage to Council Strategy (2015-19)</b>	
<b>Strategic Theme</b>	Protecting and Enhancing our Environment and Assets
<b>Outcome</b>	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
<b>Lead Officer</b>	Principal Planning Officer
<b>Cost: (If applicable)</b>	N/A

**Land immediately north and west  
of Logan's Fashions, 233 Frosses  
Road, Cloughmills.**

**LA01/2016/0623/RM**

**26<sup>th</sup> April 2017**

<b><u>No:</u></b>	<b>LA01/2016/0623/RM</b>	<b><u>Ward:</u></b>	<b>Cloughmills</b>
<b><u>App Type:</u></b>	<b>Reserved Matters</b>		
<b><u>Address:</u></b>	<b>Land immediately north and west of Logan's fashions, 233 Frosses Road, Cloughmills.</b>		
<b><u>Proposal:</u></b>	<b>Service area comprising fast food restaurant , petrol filling station and associated shop, and relocation of existing access.</b>		
<b><u>Con Area:</u></b>	<b>N/A</b>	<b><u>Valid Date:</u></b>	<b>23/5/2016</b>
<b>Agent:</b>	<b>MBA Planning, Citylink Business Park, Belfast</b>		
<b>Applicant:</b>	<b>Mr and Mrs Don Logan, 40 Kilraughts Road, Ballymoney.</b>		
<b>Objections: 0</b>	<b>Petitions of Objection: 0</b>		
<b>Support: 0</b>	<b>Petitions of Support: 0</b>		

**Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://www.planningni.gov.uk)**

## **1 RECOMMENDATION**

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **Approve** Reserved Matters Consent subject to the conditions set out in section 10.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The site is to the immediate west and north of the existing Logans commercial complex. The site is located partly along the Frosses Road, a protected route, and partly along the Killagan Road. The proposed site incorporates a detached dwelling, No 231 and related curtilage, a further disused portion of land as well as the existing rear access to the overall site and a further portion of the existing commercial site which is generally used for car parking.

- 2.2 The character of the area is generally rural although the immediate context is dominated by the existing commercial uses incorporated within a fairly large site. The site comprises a large commercial building and a number of smaller buildings. A large area of car parking also exists as part of the Logans complex which is restricted on two sides by the public road network (Frosses Road and Killagan Road). The adjacent site includes access from both the Frosses Road and Killagan Road and consists of a number of commercial uses including retail, a garden centre and a kitchen design and fitting business etc.
- 2.3 The site is within the rural remainder as designated by the Northern Area Plan 2016.

### **3 RELEVANT HISTORY**

There is relevant planning history which consists of the following:

D/2013/0014/O – Service Area including fast food restaurant, Picnic Area, Petrol Filling Station and associated shop and relocation of existing access.  
Approval 24.09.2013.

#### **4.0 The Application**

- 4.1 Reserved Matters application for the provision of a service area and the erection of a fast food restaurant, petrol filling station with canopy and associated shop and relocation of existing access.

### **5.0 PUBLICITY & CONSULTATIONS**

#### **5.1 External**

No objection letters received.

#### **5.2 Internal**

**Transport NI:** No objections subject to conditions.

**Rivers Agency:** No objections subject to informatives.

**Environmental Health Department:** No objection subject to conditions.

**NI-Water:** No objections subject to informatives.

## **6.0 MATERIAL CONSIDERATIONS**

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 The development plan is:
- Northern Area Plan 2016
- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7.0 RELEVANT POLICIES & GUIDANCE**

Regional Development Strategy 2035.

The Northern Area Plan 2016

Strategic Planning Policy Statement for NI (SPPS)

A Planning Strategy for Rural Northern Ireland

PPS3 - Access, Movement & Parking.

PPS4 – Planning & Economic Development.

DCAN 4 Restaurants, Cafes and Fast Food Outlets.

PPS15 - Planning and Flood Risks.

PPS 21 – Sustainable Development in the Countryside.

## **8.0 CONSIDERATIONS & ASSESSMENT**

- 8.1** The principle of development has been established under the outline permission the main considerations in the determination of this application relate to: design; integration and rural character; Access; Traffic and Parking; Residential Amenity; and, Drainage and Flooding.

### **Design, Integration and Rural Character**

- 8.2** The existing commercial use dominates the immediate character of the area. The proposed expansion of the premises is significant and will further confirm the commercial presence at this location. The proposed site currently incorporates a number of existing uses and buildings including a large detached domestic property and curtilage, a disused portion of land to the rear of the commercial premises and an existing part of the commercial premises currently used for parking.
- 8.3** A large portion of the proposed site falls within the existing commercial site while the remainder has a clear visual relationship with the commercial use due to the existing buildings and confined nature of the site, as a result of the public road network. The extent of works as part of the ongoing dualling of the A26 has also had a significant effect on the character of the site and wider area.
- 8.4** The application proposes a large petrol filling station and shop with forecourt (including canopy) at the northern corner of the site adjacent the Frosses Road, Killagan Road junction. The shop consists of a fairly standard, modular type flat roof building

approximately 23.5 x 13.2m with a roof height of 3.9m and is sited to the northern end of the existing large Logan's shop with gable to the Frosses Road.

- 8.5** The shop incorporates approximately 241 square metres of net retail floorspace with an additional 57 square metres of ancillary storage and office space. It comprises a steel framework and blockwork construction with smooth render and metal cladding finish. The proposed canopy extends over approximately 21.5 metres with 6 fuel pump islands with the capacity to serve fuel to 12 vehicles at a time.
- 8.6** The application includes a second building to serve as a sit-in and drive-through fast food restaurant located to the western boundary of the site adjacent the Killagan Road. This "L" shaped building is single storey with hipped roof and metal cladding finish and incorporates approximately 82 square metres of net floorspace serving the restaurant with a further 155 square metres of ancillary food preparation / storage and office areas.
- 8.7** Both buildings are accessed from Killagan Road via a new access roadway which links the proposed development with the remainder already existing within the Logan's complex. All traffic from the existing and proposed development will be accessed via this new access point with secondary accesses into the fast food restaurant and filling station. Both the fast food restaurant and filling station have fairly well defined car parking areas while the remainder of the site comprises additional car parking to serve the overall site including existing uses.
- 8.8** While, the original domestic premises did act to soften the visual impact of the commercial site to some degree when viewed from the Frosses and Killagan Roads this has generally been lost due to the ongoing roadworks which have served to reinforce the commercial nature of the site particularly when combined with the nature and scale of the existing adjacent commercial premises.

- 8.9** The scale of development is consistent with the outline approval, the uses proposed and is not unacceptable within the overall site area and context.
- 8.10** The petrol filling station will undoubtedly have the greatest visual impact due to its prominent location on the northern corner of the site adjacent a main road junction. This is exacerbated by the ancillary forecourt and canopy which will have a significant visual presence and will undoubtedly incorporate signage. Such visual impact is typical of petrol filling stations which serves to indicate their location to motorists. However, the siting of the filling station shop to the northern boundary of the Logan's Fashions building does provide a backdrop when viewed from the north which lessens the visual impact when viewed against the scale of the adjacent building and also screens it when travelling from south of the site.
- 8.11** The proposed fast food restaurant will have limited visual impact from the Frosses Road due to its siting to the western boundary. Again the proposed use and general siting / footprint has been agreed as part of the outline permission and the current proposal is in general conformity with that permission. The size scale and design of the proposed restaurant is appropriate for the proposed use and although the proposal will result in open and sustained views from the Killagan Road it will read as a more minor part of the overall commercial uses on site and as such is acceptable.
- 8.12** The application proposes extensive hardstanding in order to provide car parking with small numbers of individual planting within the site and a fence along much of the external boundary. The extent of hardstanding and car parking will also result in a significant visual impact on site with only limited planting proposed in order to soften the effect. Much of the car parking relates to a part of the site already developed. Therefore, the remainder represents an extension of a site which is already fairly dominated by hard surfacing (particularly taking into consideration the adjacent roadworks). The character of the proposed site is already fairly urbanised in terms of the visual effect of existing commercial uses and while the current proposal will exacerbate this, it is not physically capable of extending beyond the current site due to the constraints of the public road network. As the overall site layout is in general conformity with



that agreed at Outline stage the current proposal is acceptable in terms of design and impact on rural character.

### **Impact on residential and public amenity**

- 8.13** Such proposals can give rise to a number of significant issues such as noise disturbance, smells, fumes, refuse and litter and traffic and parking.
- 8.14** The closest residential property which could potentially be affected by noise, odour, refuse etc as a direct result from the proposed filling station and fast food restaurant is No 9 Killagan Road which is approximately 60m from the site. Beyond this the nearest property is approximately 140m away. No objections have been received. A noise report was submitted as part of the outline application and a condition attached in relation to the time of movement of delivery and waste collection vehicles. A further noise and odour impact assessment has been submitted as part of the current application which indicates that the proposed equipment will not exceed the noise levels specified at outline stage and the proposed odour abatement system will also ensure compliance with the relevant conditions imposed at outline stage.
- 8.15** The Environmental Services Department has been consulted and raise no issues of concern in relation to the proposal regarding these matters subject to the addition of a number of proposed conditions.
- 8.16** The number of vehicular movements from Killagan Road into the site will increase due to the amended access arrangements and has the potential to cause some disruption to this property. However, Killagan Road forms part of the A26 widening scheme and as such there is a likely increase in traffic movement as a direct result. No 9 is set approximately 20m back from the public road with a small area of intervening agricultural land and as such the potential impact on residential amenity from traffic movements from the site is limited.

### **Access / Traffic / Parking**

- 8.17** The application site is accessed via the Killagan Road which is affected by the A26 dualling scheme with no access directly on

to the A26 itself. The proposal also incorporates the closing up of the existing access which serves No 231 and reinstating the grass verge. Transport NI has raised no objections to the proposal either in terms of access or parking arrangements / provision.

### **Drainage / Flooding**

**8.18** The agent submitted a drainage assessment which has been accepted by Rivers Agency as accurate. The Drainage Assessment indicates that the site is not affected by fluvial flooding or pluvial ponding and that the proposed development drainage will not increase flood risk elsewhere provided adequate measures outlined in the assessment are in place.

## **9.0 CONCLUSION**

9.1 The proposal is considered acceptable in this location having regard to the Area Plan and other material planning considerations. The principle of development has been established under the outline planning permission and the design and scale of the proposed buildings are appropriate for this location. It is considered that the proposal should not have any adverse impact on the surrounding residential amenity due to the distance from the nearest property, the intervening land / vegetation and conditions of use. The proposal is considered acceptable having regard to the policy guidance set out above. Approval is recommended.

## **10.0 CONDITIONS**

10.1 Regulatory Conditions:

1. As required by Section 62 of the Planning Act (Northern Ireland) 2011 the development to which this approval relates must be begun by whichever is the later of the following dates:-

- i. The expiration of a period of 5 years from the grant of outline planning permission; or
- ii. The expiration of a period of 2 years from the date hereof.

Reason: Time limit.

2. No development shall commence until the vehicular access, including visibility splays and any forward sight distance is provided in accordance with Drawing 02B bearing the date stamp 13-FEB-2017. 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.

3. The access gradient to the development hereby permitted shall not exceed 4% (1 in 25) over the first 10 m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

4. No retailing or other operation in or from any buildings hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No. 02B bearing the date stamp 13 February 2017 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.

5. No other development hereby permitted shall become operational until the existing accesses indicated on Drawing No 02B bearing the date stamp 13-FEB-2017 have been permanently closed and the (carriageway / footway /verge) properly reinstated to TransportNI satisfaction.

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. Any access to this site shall be from the access hereby approved onto Killagan Road and no other access either

vehicular or pedestrian shall be permitted onto Frosses Road and Killagan Road.

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

7. All chiller units and kitchen extracts shall be housed internally and shall not exceed a noise level of 35dB at 3 metres from the duct extract.

Reason: To protect public health and residential amenity.

8. Odour shall be controlled via the installation of an Electrostatic ESP Unit and ozone system.

Reason: To protect public health and residential amenity.

9. Deliveries and waste collection by commercial vehicles shall not be permitted to and from the site prior to 07:00 hrs or after 23:00 hours any day of the week.

Reason: To safeguard the living conditions of residents in nearby properties.

10. All planting comprised in the approved details of drawing No 02B date stamped 13-FEB-2017 shall be carried out during the first planting season following the commencement of the development and any shrubs which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

Site Location Plan

