Derry City and Strabane District Council Planning Committee Report

Committee Date: 8th March 2017

Application No: LA11/2015/0061/F

Application Type: Full

Proposal: Proposal to erect garage building to provide exhaust and MOT premises

Location: Adjacent 61 Dock Street, Strabane, Co Tyrone

Applicant: Mr Kevin Devine

Agent: Dr V.R Eakin

Advertisement/Statutory Expiry: 06.05.2015-28.05.2015

Recommendation: Refuse

Reason for Presentation to Committee: Recommendation to refuse.

All planning application forms, drawings, letters etc. relating to this planning application are available to view on www.planningni.gov.uk

1. Description of Proposed Development

The proposal is to erect garage building to provide exhaust and MOT premises

2. Site and Surrounding Area

The proposed site is a small rectangular parcel of land located on Dock Street. The site is set within the Strabane settlement limit and within lands zoned for housing under SE 45.3.1. as set within the Strabane area plan 2001. The Strabane Canal Basin, a scheduled monument is located in close proximity to the site. The site is sandwiched between residential properties to the north and west (Canal side) and a number of business units to the south. The access road is to the east of the site. The dwellings to the north are single storey and two storey to the west of the site. The units to the south are single storey and include a lawnmower repairs and a small art printing studio. Further to the south is a garden centre. To the east of the site is a large car parking area and large unused warehouse.

3. EIA Determination

The proposal is not EIA development.
4. Site Location Plan

Overhead view of site
Photo 1: View of site with bungalows on its northern boundary

Photo 2: View of site with two storey dwellings on the western boundary
Access point on Dock Street

5. Site Constraints

Site zoned for Housing under SE 45.3.1

Archaeological site – Strabane Canal Basin; a scheduled monument.

6. Neighbour Notification Report

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7. Relevant Site History

No site history

8. Policy Framework

Strategic Planning Policy Statement
Strabane Area Plan 2001
PPS3 Access, Movement and Parking
PPS4 Planning and Economic Development

9. Consultee Responses, Internal/External

Transport Ni- advises that several parking spaces within the site cannot be physically accessed by vehicles. Refusal on grounds of parking and manoeuvring of vehicles within the site is recommended (see refusal reason 3).

NI Water- No Objection

Loughs Agency- No objection

NIEA- Archaeology and Built Heritage - No objection subject to conditions requiring archaeology report prior to commencement of works.

NIEA Water Management Unit – no objection

EHD- the applicant had submitted a noise impact assessment. In the view of the information submitted EHD were content and attached conditions restricting hours of operation, sound power level of equipment associated with the business and construction of a 2.3m noise barrier along the northern, southern and western site boundaries.

EHD had concerns with regards to potential contamination in their response dated 15th September 2015. A Preliminary Risk Assessment and preliminary Conceptual Site Model was
requested. Information to address these issues was submitted on 7th March 2016. EHD were of the opinion that this information was insufficient to address concerns. Further information was requested on two occasions to address EHD concerns with regards to contamination, however this has not been submitted to date.

10. Representations

No letters of representation have been received.

11. Planning Assessment and Other Material Considerations

Section 6 (4) of The Planning Act (Northern Ireland) 2011 requires the Council to make planning decisions in accordance with the local development plan, unless material considerations indicate otherwise.

Strabane Area plan 2001

The proposed site is identified within the Strabane Area plan 2001 as being sited within land zoned from housing under SE 45.3.1. The objective of the residential zoning is to provide a range of housing choice within the town centre and to safeguard the amenities of the town centre residential areas and to minimise the loss of town centre housing stock. This zoning is to encourage new residential development within the town centre.

Strabane Area Plan 2001
To date the majority of this zoning has been developed, however the area plan identifies that the zoning can be accessed from both Park Road and Dock Street.

Within all housing policy areas, residential development should remain the predominant land use. The introduction of non-residential uses which would adversely affect amenity will be resisted. It is considered that the proposed use is not compatible with the Development Plan zoning, as there is no existing development on the site or extant approval that could be afforded determining weight.

PPS4 Policy PED1 Economic Development in Settlements

The use proposed is industrial in nature and falls within Use Class B2 or B3 light /general industrial use. Consideration under policy PED1 is required. Within cities and towns a B2/B3 industrial use will be permitted in an area specifically allocated for such purposes in a development plan or in an existing industrial / employment area provided it is of a scale, nature and form appropriate to the location. As stated above, the site is on zoned housing lands in the Strabane Area Plan. The proposal is therefore contrary to policy PED1.
Strategic Planning Policy Statement

Paragraph 2.3 of the SPPS highlights that the planning system operates in the public interest of local communities and a region as a whole. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect the amenities and the existing use of land and buildings that ought to be protected in the public interest.

Para 4.11 & 4.12 further elaborates on the need for Planning Authorities to take account of a wide range of environment and amenity considerations when proposing policy or managing development.

EHD has concerns with regards to potential contamination on site as set out in their response dated 15th September 2015. A Preliminary Risk Assessment and preliminary Conceptual Site Model was requested. Information to address these issues was submitted on 7th March 2016. EHD were of the opinion that this information was insufficient to address concerns. Further information was requested on two occasions to address EHD concerns with regards to contamination, however this has not been submitted to date.

PPS4 Planning and Economic Development

Planning Policy Statement 4 Planning and Economic Development Policy PED9 General Criteria for Economic Development requires the proposal to meet a number of criteria including parts (a) it is compatible with surrounding land uses and part (h) adequate access arrangements, parking and manoeuvring are provided.
As previously stated, the site is zoned under the Strabane Area Plan 2001 for housing. The site itself has residential properties bounding two of its boundaries. EHD has no concerns in respect of operational noise emanating from the garage and there have been no objections to the proposal. However given the close proximity to residential properties located on the northern and western boundaries (see photos 1 & 2 above) nuisance and general disturbance are likely to result in adverse impact on the amenities of these adjacent residential properties. Nuisance and general disturbance include running and manoeuvring of vehicles and deliveries.

Furthermore, the contaminated land issue has not been resolved to date. Until such times as the nature and extent of potential contamination on the site has been properly investigated any development which may impact on human health and / or environmental receptors would not be considered compatible with adjacent land uses.

On balance a garage at this location would not be considered compatible with adjacent land uses. Criterion a of PED 9 is therefore not complied with.
With regards to criterion (h) of PED9 and policy AMP7 of PPS3, Transport Ni has requested additional information with regards to access arrangements, servicing and parking. The parking layout illustrates a number of spaces that are impractical especially No’s 1 & 2.

Proposed Parking Layout

To date the agent has failed to demonstrate adequate parking, movement within the site. This is imperative due to the nature of the proposed business and the potential for significant amount and frequency of trips to the site and the potential for stockpiling vehicles that require servicing. As such the proposal fails to demonstrate compliance with criteria (h) of PED 9.
12. Conclusion

Having considered all material considerations, including the development plan, relevant planning policies, and consultation responses it is considered that the proposal fails to meet policies set out in the Strategic Planning Policy Statement, Strabane Area Plan 2001 and Planning Policy Statement 4 Policy PED 9.

Therefore the Planning Authority recommend refusal of this proposed development at this particular location for the following reasons in Section 13;

13. Reasons for Refusal

1. The proposal is contrary to Planning Policy Statement 4, Planning and Economic Development Policy PED1 and Strabane Area Plan 2001 in that the development would, if permitted, prejudice the implementation of the Strabane Area Plan as the site is currently zoned for housing.

2. The proposal is contrary to the Strategic Planning Policy Statement and Planning Policy Statement 4, Planning and Economic Development policies PED1 and PED 9 in that it has not been demonstrated that the development is compatible with surrounding land uses and would not result in detrimental impact on residential amenity by reason of nuisance and general disturbance.

3. The proposal is contrary to the Strategic Planning Policy Statement and Planning Policy Statement 4, Planning and Economic Development policies PED1 and PED 9 in that it has not been demonstrated that the development is compatible with surrounding land uses and would not result in detrimental impact on human health and environmental receptors due to land contamination.

4. The proposal is contrary to Planning Policy Statement 3 Access, Movement and Parking, Policy AMP7, & Planning Policy Statement 4 Policy PED9 in that it would, if permitted, prejudice the safety and convenience or road users since adequate provision cannot be made clear of the highway for the parking, turning, loading and unloading of vehicles which would be attracted to the site.