

Derry City and Strabane District Council Planning Committee Report

COMMITTEE DATE: 25th March 2019

APPLICATION No: A/2014/0086/F

DATE OF APPLICATION: 10th February 2014

APPLICATION TYPE: Full

PROPOSAL: Redevelopment of vacant lands for an unattended 24 hour operating filling station (incorporating new canopy, 4 fuel dispensers, new underground fuel tanks, upgraded associated site works & site boundaries plus a "fuel cash and carry" sales building and car wash.

LOCATION: Lands adjacent to Rosstown Road and Crescent Link Junction Londonderry

APPLICANT: Lissan Coal Company

AGENT: Taggart Design

ADVERTISEMENT/STATUTORY EXPIRY: 18.2.2014/12.3.2014 & 18.6.2015/8.7.2015

REASON FOR PRESENTATION TO COMMITTEE: Reconsideration. Previously presented to Planning Committee 2nd December 2015, as members requested to defer the application to further consider points raised on impact on traffic. The case was returned to Planning Committee on 3rd October 2018, however a site visit request was received and granted prior to the meeting, so the application was not heard on 3rd October 2018. The site visit was carried out on 8th October 2018. In attendance were: Cllr Logue, Cllr Kelly, Cllr Hastings, Cllr Jackson, Ald Kerrigan, Ald Breslin. **This report should be read in conjunction with previous planning committee reports in Appendix 1A and 1B.**

RECOMMENDATION: Refuse

Details of the planning application, including the plans, can be accessed at the Planning Portal weblink.

1. Description of Proposal

Redevelopment of vacant lands for an unattended 24 hour operating filling station (incorporating new canopy, 4 fuel dispensers, new underground fuel tanks, upgraded associated site works & site boundaries plus a "fuel cash and carry" sales building and car wash.

2. Position

Planning Committee carried out on a site visit on 8th October 2018. On the 16th October 2018, the applicant's agent and roads engineer provided further letter of clarification in response to DFI Roads comments. These have been reconsidered by DFI Roads, however their response remains unchanged. On 10th March 2019, DFI Roads have confirmed the impact of this development is considered unacceptable as the intensification will likely both significantly prejudice road safety and inconvenience the flow of traffic on the public road.

It is important to note the application was initially deferred by Committee on 2nd December 2015 to further consider the potential impact on the safety and convenience of road users. At that time, DFI Roads were re-consulted on this issues and a review of the file and the information provided also indicated that further consultation with environmental bodies NIEA and Shared Environmental Services (SES) was also required.

Several submissions and consultations have been made since the previous deferral. These are summarised in the table following:

| Document | Date submitted | Consultees (date responded) | Comment |
|----------------------|--------------------------------|-----------------------------|------------------------------|
| Transport Assessment | 24 th August 2016 | DFI Roads (06.12.2016) | Further information required |
| Drainage site plan | 22 nd December 2016 | NIEA WMU (13.02.2017) | Cleared with Conditions |
| Drainage Assessment | 21 st February 2017 | NIEA WMU | Cleared with Conditions |

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| Outline Construction Management Plan | 21 st February 2017 | Shared Environmental Services (28.2.2018) & NIEA (5.12.17) | Cleared with conditions |
| Addendum to Transport Assessment and amended Transport Assessment Form | 20 th April 2017 | DFI Roads (4.4.2018) | Refusal reasons provided |

Neighbours and objectors were re-notified of the additional information in respect of this proposal on the 21st August 2018. No further comments have been received in respect of this proposal from the general public. It was not necessary to notify neighbours on the points of clarification received by the agent on 16th October 2018.

3. Habitats Regulations Assessment

The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). Shared Environmental Services advised Council that, considering the nature, scale, timing, duration and location of the project it is concluded that further assessment is not required because it would not have a likely significant effect on the selection features, conservation objectives or status of any European site.

4. Drainage

There is a watercourse flowing through the site and there is the intention to culvert a large section of this. It should be noted that where culverting is proposed it should be considered if it complies with Planning Policy Statement 15: Planning and Flood Risk Policy FLD 4. A report was submitted in relation to this which has subsequently been cleared by NIEA Water Management Unit. Subject to the conditional mitigation proposed by the applicant, drainage is not a determining issue in this proposal.

5. Access, Movement and Parking

5.1 The impact of this proposal upon the safety and convenience of road users was the primary reason for a deferral at the Planning Committee meeting of 2nd September 2015. Further consultation with DFI Roads outlined that the submission of a formal Transport Assessment would be required to consider the potential impact upon the existing road network. This was submitted by the agent and duly assessed by DFI Roads.

Further clarification in respect of this document was also submitted and assessed by DFI Roads.

On the basis of the information received DFI Roads have recommended refusal of this application, below is an excerpt from their returned consultation on 30th March 2018:

The Department's primary concern in our assessment of this application is its impact on traffic safety as a result of the additional traffic that will access and exit Rosstowney Road to/from Crescent link to use the site to buy vehicle fuel, use the vehicle wash and/or purchase home heating fuel i.e. coal, turf, gas, wood, oil. etc.

The intensification of the right turn crossover is a serious road safety concern. Right turners crossing the dual carriageway will, at times, be manoeuvring across two lanes of queuing traffic to get to the site via Rosstowney Road.

There is likely to be an increased risk of collision associated with traffic crossover on this 50mph route. In the event that queuing traffic is not contained within the right turn lane, this will impact the northbound outside lane on Crescent Link creating a specific risk of rear shunt collisions. Traffic leaving the site and emerging from Rosstowney Road to turn right at Crescent Link roundabout will merge and cross queuing southbound traffic travelling to Crescent Link Roundabout to make the right/U-turn which is another safety concern.

As a self-service site without a convenience retail store, there is no attraction to this development for pedestrians, cyclists or public transport. The retail element for this site will be cash and carry home fuel sales which, by virtue of bulk and weight will require transport by vehicle. Consequently, virtually all the customer trips to and from this site will be by vehicle.

There is no benefit in continuing with the transport assessment as previously discussed in this response as the capacity impact is not disputed. The safety concern remains as there is a high likelihood of detrimental impact on traffic safety and progression.

Based on consideration of the information submitted, Transport NI would still recommend refusal of this application as it is contrary to PPS3 Access, Movement and Parking and specifically AMP 2 as follows:

AMP 2 – Access to Public Roads as this intensification will likely both significantly prejudice road safety and inconvenience the flow of traffic on the public road network.

Reason: Development will significantly increase the risk of collision and so will prejudice both road safety and traffic progression.

Therefore, on balance it is considered the proposal does not accord with AMP 2 of PPS 3 and refusal is recommended on road safety grounds.

5.2 The clarification letter submitted on 16th October 2018, does not alter DFI Roads position on the case. In the most recent consultation response on 10th March 2019 the recommendation to refuse remains unaltered.

6. Conclusion

The determining issue since the last deferral was the impact of the proposal on road safety. Given the nature of the public safety issue raised by DFI Roads, the level of consideration which DFI Roads have afforded to this proposal and the detailed analysis involved, the officer recommendation for refusal remains, as it represents a significant impact upon the safety and convenience of road users, contrary to AMP 2 of PPS 3, as the agent could not overcome the issues raised by DFI Roads.

7. Refusal reason

1. The proposal is contrary to Planning Policy Statement 3 Access, Movement and Parking and specifically AMP 2 - Access to Public Roads, as this intensification will likely both significantly prejudice road safety and inconvenience the flow of traffic on the public road network as it will significantly increase the risk of collision and so will prejudice both road safety and traffic progression.

8. Conditions without Prejudice – In the event Members vote contrary to the officer recommendation, Officers seek delegated authority from this Committee to agree conditions with DFI Roads prior to case being issued.