

<b>Planning Committee Report LA01/2017/1207/F</b>	<b>28<sup>th</sup> November 2018</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>	Development Management & Enforcement Manager
<b>Cost: (If applicable)</b>	N/a

<b><u>No:</u></b>	<b>LA01/2017/1207/F</b>	<b><u>Ward:</u></b>	<b>Garvagh</b>
<b><u>App Type:</u></b>	<b>Full Planning</b>		
<b><u>Address:</u></b>	<b>25 Mettican Road, Garvagh.</b>		
<b><u>Proposal:</u></b>	<b>Proposed extension to existing wholesale butcher supply business and construction of purpose built butchery facility with associated offices.</b>		
<b><u>Con Area:</u></b>	<b>No</b>	<b><u>Valid Date:</u></b>	<b>20.09.2017</b>
<b><u>Listed Building Grade:</u></b>	<b>N/A</b>		
<b>Agent:</b>	<b>D M Kearney Design</b>		
<b>Applicant:</b>	<b>McAtamney's Butchers 29-35 Main Street Garvagh</b>		
<b>Objections: 0</b>	<b>Petitions of Objection:</b>	<b>0</b>	
<b>Support: 0</b>	<b>Petitions of Support:</b>	<b>0</b>	

## 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 **REFUSE** planning permission subject to the refusal reasons set out in section 10.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site consists of an industrial building within a plot of land secured with a high concrete post and steel mesh perimeter fencing. The land is flat and positioned on sharp bend on the Mettican Road. It has surrounding fencing and some rough vegetation along the north and eastern boundaries. There is an embankment between the houses on a higher level to the east. The building on site is purpose built with lower block walls plastered and upper cladding with a low pitch roof and sheets of roof material. There are roller shutter doors for vehicle access into the building. It is currently used for a butcher wholesale business. There is a large stoned yard area for vehicle turning, large entrance gates and an area of grass to the side.
- 2.2 The character of the surrounding area is residential with an existing long established housing development with a mixture of 2 storey semi-detached and terrace housing to the north and east. The site itself is zoned on the Northern Area Plan as an existing area of economic development.

## 3 RELEVANT HISTORY

No associated planning history.

## 4 THE APPLICATION

- 4.1 Proposed extension to existing wholesale butcher supply business and construction of purpose built butchery facility with associated offices.

## 5 PUBLICITY & CONSULTATIONS

### 5.1 External:

None received

## 5.2 Internal:

DFI Roads: Require further information.

Environmental Health: Require further information.

NIEA Water Management Unit: No objections

NI Water: No objections.

Department for Communities HED: No objections

## 6 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 (NAP)

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

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 4: Planning and Economic Development

Planning Policy Statement 6: Planning, Archaeology and Built Heritage

## **8.0 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to: principle of development; residential amenity; natural environment; and, access.

### **Principle of Development**

8.2 The proposal is for a proposed extension to existing wholesale butcher supply business and construction of purpose built butchery facility with associated offices. There will be an extension to the existing building of 234 sq. metres. There will also be a new building measuring 1218 sq. metres. Therefore a total of 1452 sq. metres of new floor space.

8.3 The extension proposes ground floor additional fridge and freezer storage and first floor storage attached to existing building. Kingspan cladding is proposed. The existing building will stay the same height as the extension approx. 6 metres high.

8.4 The new building will incorporate a ground floor which will include a large prep area, packaging area, labelling and chill rooms. There will be a small first floor office space with the remainder being a void. The height will be 9.5 metres above ground level and the building will be finished with part low block walls and kingspan cladding to the remaining elevations with kingspan sheets on the part flat roof and part lean-to roof.

8.5 Policy PED 1 of Planning Policy Statement (PPS 4) applies: Economic development in settlements.

Class B2 Light Industrial Use and Class B3 General Industrial Use-

A development proposal for a Class B2 light industrial use or Class B3 general 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. Elsewhere in cities and towns such proposals will be determined on their individual merits.

- 8.6 The site is designated as an existing area of economic development. However as the application proposes to more than double the size of the existing industrial development, any impact on the adjacent residential area must be taken into account, particularly given the closest private garden is only 8 metres away on the eastern side. As part of the assessment Environmental Health has been consulted and require further information regarding any lighting scheme, hours of operation and a noise impact assessment. Though requested no information has been received to date. Therefore there is insufficient information to adequately assess the full impact on neighbouring dwellings.
- 8.7 Policy PED 1 also advises that a development proposal to extend an existing economic development use or premises within settlements will be determined on its individual merits having regard to Policy PED9.
- 8.8 Policy PED 9 is the general criteria for economic development and all development will be required to meet all the following criteria, which is set out below in order of heading:

**Residential amenity**

*(a) it is compatible with surrounding land uses;*

The closest house to the eastern boundary is 17 metres away from the new building. The closest rear garden on the eastern side is 8 metres away from the new building. Although the proposal is within a zoned area of economic development, the site is adjacent to existing housing and no further information has been received to determine if there will be any detrimental impact on neighbouring residential properties in terms of noise and overshadowing. A noise assessment has been requested but has not been submitted. Details on lighting and operational hours have also been requested for assessment but have never been submitted. Therefore as there is insufficient information to adequately assess this part of policy, the proposal fails this part of policy.

*(b) it does not harm the amenities of nearby residents;*

As set out in the paragraph above there are properties in close proximity to the development. Insufficient information has been submitted in relation to noise and light pollution. Ground levels

required to show the relationship of the building with the adjacent houses was requested. The proposed building is two storey 9.5m from ground level. Located to the western boundary of the residential units and in such close proximity the building may overshadow the rear private amenity spaces. It has not been demonstrated that the proposal would not harm the amenities of the nearby residents.

*(e) it does not create a noise nuisance;*

Environmental Health have requested a noise assessment. No information has been received.

*(f) it is capable of dealing satisfactorily with any emission or effluent;*

NIEA Drainage and water have been consulted as the competent authority and have no objections.

### **Natural Environment**

*(c) it does not adversely affect features of the natural or built heritage;*

The site has a long established business operating on site. There are no significant natural or heritage features on site which would be affected.

*(d) it is not located in an area at flood risk and will not cause or exacerbate flooding;*

There is an existing business on site and there is no record of flooding on site. A drainage assessment was not requested due to the level of existing hardstanding.

*(j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;*

There is an existing building and existing infrastructure on site. The landscaping proposed includes new planting to boundaries with the neighbouring houses there is no detail on how the difference in levels is to be treated to the eastern boundary.

*(k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;*

There is existing secure boundary fencing. The block plan details proposed landscaping on these boundaries also.

## **Access and movement**

*(g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;*

DFI roads have been consulted and have no objection but require further detailing on the block plan in terms of visibility splays, auto tracking and access drainage. This has not been received.

*(h) adequate access arrangements, parking and manoeuvring areas are provided;*

DFI Roads have been consulted and have no objection in principle. However, they require further detailing on the block plan in terms of visibility splays, autotracking and access drainage. No further information has been received to assess this part of policy.

*(i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;*

There is an existing access to the existing business. The submitted block plan shows pedestrian level access beside the vehicle access at the entrance. The site is within the town settlement limits and is therefore accessible by public transport.

*(l) is designed to deter crime and promote personal safety; and*

The proposal is acceptable in this aspect as there is an existing secure boundary fence in place.

*(m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.*

The site is within the town.

8.9 The proposal fails to meet with Policy PED 9 as the information requested by the Consulttees and Planning to enable assessment has failed to be submitted.

## **9.0 CONCLUSION**

9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal fails to meet with Policy PED 9 in that a

noise assessment and cross section of the site have not been provided to demonstrate that there would be no impact on surrounding residential properties. Plans to address DFI Roads concerns have not been submitted. Refusal is recommended.

## 10 Refusal reasons

1. The proposal contrary to paragraph 6.86 of the Strategic Planning Policy Statement for Northern Ireland and Policies PED 1 and 9 of Planning Policy Statement 4 Planning and Economic Development, in that there is insufficient information to assess the impact on the existing amenity of neighbouring residents.
2. The proposal is contrary to criteria (h) of PPS 4 Planning and Economic Development and Policies AMP2 and AMP7 of PPS 3 Access, Movement and Parking in that it has not been demonstrated that a safe access can be provided and that adequate car parking and movement within the site is achievable.

