

Title of Report:	Planning Committee Report – LA01/2022/0135/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	22nd March 2023
For Decision or For Information	For Decision

Linkage to Council Strategy (2021-25)	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Senior Planning Officer

Budgetary Considerations	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Screening Requirements	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:

Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

<u>No:</u>	LA01/2022/0135/F	<u>Ward:</u> Ballymoney East
<u>App Type:</u>	Full	
<u>Address:</u>	19 Church Street Ballymoney	
<u>Proposal:</u>	Extension to existing car sales compound.	
<u>Con Area:</u>	Ballymoney Town	<u>Valid Date:</u> 22.01.2021
<u>Listed Building Grade:</u>	N/A	
Agent:	Bell Architects Ltd 65 Main Street, Ballymoney. BT53 6AN	
Applicant:	Mr James Murray, 21 Church Street, Ballymoney.	
Objections: 0	Petitions of Objection: 0	
Support: 0	Petitions of Support: 0	

EXECUTIVE SUMMARY

- The site is located within Ballymoney Town Settlement Development limit and is also within the identified Town Centre as defined by the Northern Area Plan 2016. The site is within the defined Conservation Area, is within a designated area of archaeological potential, is within the consultation zone of an archaeological site and is also within proximity of listed buildings.
- There have been no objections received in relation to this application and no statutory consultees have raised any concerns.
- The application proposes a change of use and renovation of the existing building to provide a mixed-use scheme comprising retail, office space and four apartments.
- The proposed uses fall within Class A1, Class A2 and Class C1 of The Planning (Use Classes) Order (Northern Ireland) 2015 and all are considered town centre uses compatible with the 'town centre first' approach laid out in the SPSS.
- Refuse storage is internal on the first floor adjacent the access to the office providing a communal area serving all four apartments and office employees.
- The proposed scheme does not incorporate outdoor space to provide refuse storage facilities to serve proposed apartments or office accommodation.
- The proposal relies on lands outside the applicant's ownership or control for storage of waste for collection. The proposal also relies

on future management measures to be provided by Council and which require agreement / approval by Council.

- The proposal does not provide a suitable residential environment, doesn't provide appropriate facilities for proposed office accommodation and does not represent a scheme of appropriate quality.
- The proposal is contrary to paragraphs 4.12 and 4.26 of the Strategic Planning Policy Statement for Northern Ireland, Creating Places, DCAN 8, Policy HS1 of PPS12 Housing in Settlements and Policy QD1 (criterion (c) and (h) of Planning Policy Statement 7, in that the development as proposed fails to provide a quality residential environment due to inadequate provision of storage for waste and adverse impact on amenity.
- The proposal is not considered acceptable at this location having regard to the Northern Area Plan 2016 and other material considerations.
- Refusal is recommended.

Drawings and additional information are available to view on the Planning Portal- <https://planningregister.planningsystemni.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 **REFUSE** full planning permission subject to the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site comprises a narrow, three storey terraced building which extends over the entirety of the subject site. The existing building forms part of a traditional Irish market town streetscape incorporating a variety of two and three storey buildings mostly narrow fronted with a combination of ground floor commercial uses with first and second floor storage or residential. A number of existing properties comprise traditional architectural styles, detailing and ground floor shopfronts incorporating traditional pilaster and fascia signage. This is reflected in the fact that Church Street forms a central part of the designated Ballymoney Conservation Area although a number of properties have been modified. The Ballymoney Conservation Area Design Guide describes Church Street as having maintained the atmosphere of an Irish market town with its historical roots still legible in the buildings and their configuration.
- 2.2 The subject building appears to be disused but does retain much of its traditional ground floor retail frontage, architectural style and proportions including a smooth render finish, red brick chimneys and slate roof. To the rear, the original property has been the subject of extensive alterations over a period of some time, and currently comprises a large 4 storey hipped roof rear return (due to a drop in ground levels to the rear and the fact that upper floor is within the roof-space / eaves). This rear projection encompasses the entire rear footprint of the site and dominates the back-land character of the site context when viewed from the adjacent public car park. The rear return fronts directly onto the adjacent public footpath. A number of

adjacent properties also include two and three storey rear returns which are more modest in footprint and scale and unlike the subject site, retain yard areas to the rear.

- 2.3 The wider character is dominated by the traditional streetscape along Church Street with a significantly different character to the rear, dominated by much more recent varied alterations and extensions to the rear of the main buildings. The site is located within Ballymoney Town Settlement Development limit and is also within the identified Town Centre as defined by the Northern Area Plan 2016. The site is within the defined Conservation Area, is within a designated area of archaeological potential, is within the consultation zone of an archaeological site and is also within proximity of listed buildings.

3 RELEVANT HISTORY

D/1998/0376 - 21 Church Street Ballymoney. Conversion of bar and adjacent property to provide Guest-house accommodation and facilities, kitchen stores and function room.

D/1997/0304 - 19 Church Street Ballymoney. Replacement office front. Permission Granted.

D/2000/0042/F – 19, 21 Church Street, Ballymoney. Conversion of Kelly's Bar and adjacent property to provide wine bar, function room toilet facilities and kitchen stores. Permission Granted 10.04.2000.

LA01/2016/1436/F - 17 Church Street, Ballymoney. Conversion from Bank premises to 2 No. retail units (ground floor), new shop front to replicate traditional shop front as detailed. The creation of 3 No. living units above and provision of new stairway (external) to service single unit - new extension to create 1 No. new bedroom at first floor level. Permission Granted 20.09.2017.

4 THE APPLICATION

- 4.1 This is a full application for a Proposed Change of Use and Renovation of Existing Building to Mixed Use Scheme of Office Space, Retail & 4 No. Apartments and all associated site works.

5 PUBLICITY & CONSULTATIONS

5.1 External

No representations have been received in relation to this application.

5.2 Internal

DFI Roads: No objections

NI Water (Strategic): No objections

Environmental Health: No objections

Historic Environment Division (Historic Buildings Unit): No Objections

Historic Environment Division (Historic Monuments Unit): No Objections

Statutory. NIE Standing Advice

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:

- The 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 RELEVANT POLICIES & GUIDANCE

Regional Development Strategy (RDS) 2035

Northern Area Plan 2016

Strategic Planning Policy Statement for NI (SPPS)

Planning Policy Statement 2 – Natural Heritage

Planning Policy Statement 3 - Access, Movement and Parking
Policy AMP 2: Access to Public Roads
DCAN 15 - Vehicular Access Standards
Parking Standards

PPS6 – Planning and Archaeology

PPS7 – Quality Residential Environments
Policy QD1 – Quality in New Residential Development.

Addendum to PPS7 – Safeguarding the Character of Established Residential Areas.

Planning Policy Statement 12 - Housing in Settlements

A Planning Strategy for Rural Northern Ireland
SP18 – Design In Towns and Villages– To promote high standards of siting and design within towns and villages.

DES2- Townscape - To require development proposals in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area.

DCAN 8 – Housing In Existing Urban Areas

Ballymoney Conservation Area Design Guide.

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The proposal must be considered having regard to the NAP 2016, SPPS, and PPS policy documents specified above. The main considerations in the determination of this application relate to the principle of development; Design / Built Heritage; Archaeology; Amenity / Impact on surrounding properties; Access / Parking; Drainage / Flooding and Contamination.
- 8.2 Some confusion exists in relation to the subject site address which was originally noted as No 21. The property may have been used in conjunction with the neighbouring property which is clearly identified as No. 21 but remains a separate identifiable address / frontage which appears to have originally been No 19 (application D/2000/0042/F relates to 19, 21 Church Street, Ballymoney). As such the application site address as noted appears to be sufficiently accurate.
- 8.3 The Strategic Planning Policy Statement for N. Ireland (SPPS) promotes sustainable development throughout the planning system. The guiding principle for planning authorities is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.
- 8.4 The SPPS was introduced in September 2015 and is a material consideration in determining planning applications and appeals. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During this transitional period existing policy contained within identified policy documents will be applied together with the SPPS.

Principle of Development

- 8.5 The application proposes a change of use and renovation of the existing building to provide a mixed-use scheme comprising retail on the ground floor (from Church Street) with office space also on the ground floor and the creation of four apartments (in total) over the first

and second floors. Access to the office space and apartments is via a stairwell to the rear of the building taken from what is described as the lower ground floor which appears to be linked to the adjacent bar / restaurant and accesses directly onto the adjacent public footpath.

- 8.6 The Northern Area Plan 2016 identifies the site as being located within the Ballymoney Town Centre and forms part of the Ballymoney Conservation area. The existing building appears to be unused but retains a ground floor shopfront which is traditional in appearance. The building was the subject of planning approval under D/2000/0042/F which granted a change of use to be used in conjunction with the adjacent bar and restaurant. The existing plans submitted with the current application identify the ground floor as a reception, foyer and function room, the first floor as incorporating toilet facilities and a mezzanine floor / balcony area while the second floor is identified as vacant. On this basis the previous permission / use would appear to have been implemented and the current lawful use remains a bar / restaurant which is sui generis in use class terms (The Planning (Use Classes) Order (Northern Ireland) 2015). The adjacent property at No 17 has been converted to two retail units and residential use at first and second floor.
- 8.7 The RDS 2035 supports both urban and rural renaissance and recognises that regeneration is necessary to create more accessible, vibrant town centres which offer people a choice for shopping, social activity and recreation. The RDS advises that innovative ways should be developed to bring forward under-utilised land and buildings, particularly for mixed use development with a focus on integrating new schemes within the existing townscape.
- 8.8 The Northern Area Plan 2016 aims to consolidate and strengthen the commercial roles of towns. The Plan focuses on the promotion of the identified town centre as the main retail and commercial centre within Ballymoney Borough. The Plan seeks significant town centre development and to maintain a vibrant shopping location with complementary commercial, leisure and housing uses.
- 8.9 The application proposes the creation of a retail unit and office space accommodation on the ground floor and residential accommodation on the first and second floor. Regional strategic objectives are to secure a town centre first approach for the location of future retailing and other main town uses (which are defined within the SPSS as including cultural and community facilities, retail, leisure,

entertainment and businesses). Policy also encourages residential use above shops and other business premises.

- 8.10 Paragraph 81 of PPS12 states that the outlined planning control principles should be taken into account in the preparation of development plans and are also material to decisions on individual planning applications and appeals for housing developments in settlements. Planning Control Principle 3 relates to sustainable forms of development and encourages more urban housing through the recycling of land and buildings. Planning policy for PCP3 is identified as being set out in PPS7 and PPS13 and supplemented by Policy HS1 (of PPS12). Policy HS1 -'Living Over the Shop' states that this form of development brings many social and economic benefits, is a cost-effective means of accommodating additional housing and can provide a useful source of affordable rented housing as well as contribute to the vitality and viability of town centres.
- 8.11 The proposed uses fall within Class A1, Class A2 and Class C1 of The Planning (Use Classes) Order (Northern Ireland) 2015 and all are considered town centre uses compatible with the 'town centre first' approach laid out in the SPPS. On this basis the principle of development is considered compatible with surrounding uses and acceptable subject to all other planning and environmental considerations.

Design / Built Heritage

- 8.12 Policy DES2 Townscape of the Planning Strategy for Rural Northern Ireland requires development proposals in towns and villages to make a positive contribution to townscape. It also states that the main concern is to ensure that development proposals neither conflict with, nor detract from the character, amenity, and design of an area.
- 8.13 The SPPS states that design is an important material consideration in the assessment of all proposals and good design must be encouraged across the region. Particular weight should be given to the impact of development on existing buildings, especially listed buildings, monuments in state care and scheduled monuments, and on the character of areas recognised for their landscape or townscape value, such as Areas of Outstanding Natural Beauty, Conservation Areas etc.

- 8.14 The site forms part of the designated Conservation area and the architectural character of Church Street is described within the relevant Conservation Area Guide. The application proposes conversion of the existing building to incorporate the proposed uses within the existing building and modifications to the building envelope are limited. The original front section /elevation forms an important part of the overall Church Street character as well as that of the Conservation area. No alterations are proposed to the front elevation and the traditional retail frontage is retained including the fascia signage, stallrisers and pilasters as well as the windows at first and second floor.
- 8.15 The rear / southern elevation also remains unchanged utilising existing access doors, windows and the louvres on the second floor. The only external alterations relate to:
- Formation of a narrow mid-section over the first and second floor along the western elevation to create a narrow lightwell to serve the proposed residential units.
 - The creation / introduction of two first floor windows on the western elevation serving a proposed kitchen and living area.
 - The creation / introduction of three first floor windows on the eastern elevation serving a shared corridor accessing Apartments 1 and 2.
 - Proposed rooflights along the western roof plane.
- 8.16 Some additional internal alterations are also proposed including closing up existing accesses to the adjoining property at No 21 (the subject building is currently used in conjunction with this property).
- 8.17 The local Conservation Section have been consulted in relation to the proposed impact on the designated conservation Area. The proposed uses are deemed appropriate and the re-use of a vacant building within the Conservation Designation is encouraged subject to design. Conservation Section has referenced the fairly minor nature of external design changes with the front and rear elevations remaining unchanged. Given the surrounding context of the site and the positioning of the minor works, the proposed changes are deemed to have limited visual impact on the overall appearance of the building with the essential characteristics largely retained.
- 8.18 Conservation Section has no objection to the proposal in terms of the impact on the character, setting or appearance of the Conservation

Area in keeping with the policy context of Paragraphs 6.18 and 6.19 of the SPPS, Policy BH12 of PPS6 and the Ballymoney Conservation Area Design Guide.

- 8.19 The site is located within close proximity of a number of listed buildings including No 9 Church St - The Old Bankhouse Restaurant which is a Grade B1 listed building of special architectural or historic interest and protected under the Planning Act (NI) 2011.
- 8.20 HED (Historic Buildings Unit) has considered the effects of the proposal on the listed building and considers that the application poses no greater demonstrable harm to the setting of the listed buildings. The proposal therefore satisfies 6.12 (Development proposals impacting on Setting of Listed Buildings) of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and policy BH11 of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

Archaeology

- 8.21 Church Street forms part of the historic core of Ballymoney Town and incorporates a designated area of archaeological potential. The site is also within the consultation zone of an archaeological site. HED (Historic Monuments Unit) has assessed the application and on the basis of the information provided as well as the nature and scale of the proposal, is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Amenity / Impact on surrounding properties.

- 8.22 The application proposes the introduction of retail, office space and residential use within the subject building, and while all three are considered appropriate uses in principle, they have the potential to unacceptably impact surrounding properties as well as future residents in terms of amenity.
- 8.23 The surrounding character is primarily commercial although residential properties do exist within the immediate locality. The adjacent property at No 21 comprises a public bar and restaurant to the immediate east of the subject site while No 17 to the immediate north comprises a former bank which has been converted to ground floor retail with residential accommodation on the first and second floor which are accessed from the rear (Nos 17B and 17C).

- 8.24 The current application proposes a small ground floor retail unit encompassing the entire, narrow frontage of the building with separate office accommodation to the rear accessed via a stairwell leading to the lower ground floor. This area also incorporates toilet facilities serving the office accommodation and a communal bin store serving both office occupants as well as residents of the proposed first and second floor apartments. The shop is accessed from Church Street and incorporates a small shop bin store facilitating the storage of waste internally with removal / collection from Church Street. The shop also includes a storage area and a small staff tea-room but no staff toilet facilities.
- 8.25 The office area extends to approximately 6.8 x 11.5m and is accessed from the stairwell to the rear. The only natural light is provided through the creation of a lightwell which extends over the first and second floor and is unlikely to provide significant levels of light. Communal bin stores (annotated as incorporating 5 x 240l bins utilised for dry waste only) are provided, serving the office space and apartments over, with communal access from the stairwell. Such facilities are unlikely to satisfactorily serve office workers within the development as additional waste other than dry waste would invariably be generated.
- 8.26 The proximity of refuse facilities to this work environment is likely to cause issues as a result of odour and fail to function satisfactorily due to the shared access with residents and the fact that waste is required to be removed through the rear of the property to the adjacent public footpath. No external yard / storage area is provided to facilitate the storage of waste materials outside of the building and within the site or control of the applicant. Therefore, any external waste storage or collection facilities could only be provided on street, raising issues of accessibility and potential conflict with public areas.
- 8.27 Four apartments are proposed within the scheme, all of which fall below the minimum space standards outlined in Annex A of the Addendum to PPS7 Safeguarding the Character of Established Residential Areas. Annex E of this document advises that in recognition of the desirability of promoting increased density housing in appropriate locations, Policy LC 1 will not apply to a number of areas including designated city centres, and designated town centres within large towns. The current site falls within this exception and therefore the identified space standards are not engaged. However, it

remains a requirement of all proposals to create a quality residential environment.

- 8.28 All apartments are accessed via a proposed internal stairwell to the rear of the building which is shared with the proposed office accommodation. Access is taken from the lower ground floor directly from the adjacent public footpath to the rear, with a shared corridor from the stairwell serving two properties on each of the first and second floors. As noted above, a communal refuse storage area serving all four apartments and office employees is provided on the first floor adjacent the access to the office accommodation.
- 8.29 All four apartments are 2 bedroom (maximum 4 people), with combined kitchen/ living area, bathroom, cloakroom / utility, and a small storage area. Apartments 2 and 4 are located to the front of the building with main accommodation overlooking Church Street.
- 8.30 Apartments 1 and 3 are separated from the rear of the building by the proposed stairwell and therefore natural light entering these properties is limited. As a result, two first floor windows are proposed on the western elevation to serve the kitchen / living area of apartment 1 with additional eastern elevation windows serving the shared corridor accessing the first-floor apartments. Apartment 3 on the second floor incorporates proposed rooflights to serve the kitchen / living area while the shared corridor is served by existing rooflights.
- 8.31 An additional lightwell extending to approximately 2.8 x 1.1m is proposed along the western elevation extending over the first and second floor and creating a lantern type rooflight over the office accommodation. Paragraph 7.21 of guidance document "Creating Places" states that layouts and dwellings should be planned to provide acceptable levels of daylight into interiors. The lightwell is proposed to introduce natural light to the proposed bedrooms in all apartments. Due to the very close proximity between adjacent apartments, there is the potential for direct overlooking and as a result, rather than windows, opaque glass blockwork openings are proposed which are staggered, relative to each other.
- 8.32 Additional, small opaque windows are proposed for some of the bedrooms in apartments 3 and 4. The use of opaque glazing blocks goes some way to addressing potential direct overlooking, and although the use of opaque glazing as mitigation is generally considered unacceptable, in this instance the permanency of the

opaque blocks in conjunction with the very small window openings positioned perpendicular significantly limits any potential privacy issues.

- 8.33 The surrounding development comprises an array of various extensions, roof planes and uses. The existing property at No 21 incorporates a public house and restaurant with rear stores and buildings and appears to retain a small yard area. In terms of the application, the proposed windows at first floor level on the eastern elevation serve a shared corridor which would not be considered main living accommodation and appear to overlook a single storey roof projection adjacent. While some degree of overlooking to the small yard area may result, the potential impact would be considered very low considering the existing use.
- 8.34 On the opposing elevation two further windows are proposed to serve the kitchen / living areas of Apartment 1. Paragraph 7.17 of “Creating Places” states that great care will be needed in designs where new residential schemes, such as apartments, include living rooms or balconies on upper floors as this can cause a significant loss of amenity, to adjoining dwellings.
- 8.35 The adjacent properties at No 17 comprise rear accessed apartments (units 17b and 17c) which are accessed from the rear, via an external stairwell extending to a platform at first floor level. The existing apartments currently include first floor windows and doorway directly facing the western (blank) elevation of the subject building as well as additional windows positioned perpendicular. The proposed windows would not appear to create direct overlooking between existing and proposed windows due to positioning and any views which result are likely to be oblique.
- 8.36 The same is relatively true of the external stairwell and first floor platform serving apartment 17B. The proposed windows will overlook the small communal private area to the rear of these properties. However, this area is small and enclosed and appears to function primarily as storage area for bins and other residential paraphernalia serving the apartments. It does not appear to function as an area likely to be utilised for leisure / recreation and therefore the resulting impact from the proposed development is not considered to be so detrimental as to be unacceptable.

8.37 As noted above, the building footprint extends over the site entirety and therefore all facilities / amenities must be provided within the proposed units. Policy HS1 of PPS12 (Living Over the Shop) states that planning permission will be granted for residential use above shops and other business premises subject to the provision of

- a suitable living environment; and
- adequate refuse storage space (large enough to allow for the separation of recyclable waste).

8.38 PPS7 (para 4.31 states that developers should make adequate provision for private open space in the form of gardens, patios, balconies or terraces depending on the characteristics of the development proposed and the surrounding context. For apartment developments, private open space may be provided in the form of communal gardens. The Guidance within paragraph 5.20 of Creating Places determines that “in the case of apartment or flat developments.....private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens. These should range from a minimum of 10 sq metres per unit to around 30 sq metres per unit.

8.39 As the site is located within the town centre and represents a scheme which is acceptable in principle, flexibility is appropriate, and the lower threshold would be acceptable to facilitate the re-use of this building. However, in terms of the provision of amenity serving the proposed apartments, none is provided. Therefore, the most basic requirements within relevant guidance are not met and in conjunction with the limited residential floorspace of each unit.

8.40 In terms of usable amenity space for leisure / recreation the site is located within a town centre location and the agent has submitted additional information highlighting the site's proximity to existing facilities (Drawing No 11) including public open space within a reasonable walking distance. As the application proposes the re-use of a redundant building located within Ballymoney Conservation Area and the identified Town Centre, some degree of latitude is appropriate due to potential planning gain. The proximity to public open space provides access to facilities which to some degree mitigate the lack of usable private amenity space. However, amenity space serves many functions and provides residents with storage areas including for

refuse receptacles. A complete lack of any such provision outside the building fabric will create the potential for significant amenity and functionality issues for future residents and would require a bespoke design and management solution to satisfactorily address.

- 8.41 The scheme incorporates five 240l bins located on what is effectively the first floor (from the rear) to provide refuse facilities for dry waste only and are accessible via the stairwell raising significant issues around the practicality of their removal / emptying. For food waste /wet waste, the scheme relies on the use of small kitchen waste caddies to serve the apartments and office accommodation. As no on-site communal storage or refuse facilities are proposed, the agent suggests this issue could be addressed through the introduction of new Council delivered measures providing town centre recycling bins for town centre occupants at a number of locations. A bin and waste management plan has been submitted indicating the location of facilities within the public footpath to the south-west of the site and accessed from the public car park
- 8.42 As per correspondence received 14/3/23, the agent has approached the Council (Ballymoney Town Forum through the Leisure and Development Directorate) regarding the delivery of the proposed measures and has received support from a number of elected members.
- 8.43 The necessary measures to serve the proposed development are subject to Council agreement and would require the provision, implementation, and management of a Council delivered scheme to overcome the lack of waste provision and resulting amenity issues within the scheme.
- 8.44 In terms of the collection of dry waste the agent has suggested as part of the submitted bin and waste management plan that dry waste will also be transferred to the external bin storage facilities positioned on the public footpath as described above.
- 8.45 The external bin storage indicated (drawing 10) is located outside the proposed red line of the site and outside the applicants ownership. This would require permission / agreement with both DFI Roads and Council and raises issues regarding public accessibility and

ownership. The reliance on future, bespoke, refuse collection measures delivered by the Council demonstrates the shortfalls in the proposal due to overdevelopment and its failure to provide suitable waste facilities or a quality residential environment.

- 8.46 Policy and guidance are clear regarding the provision of a suitable degree of amenity in order to provide basic residential requirements. The limited provision of internal, shared, dry-waste storage facilities in combination with access difficulties and the lack of any existing additional outside waste storage renders the proposal unworkable. Residents will produce waste which would be considered inappropriate to be disposed of to a shared dry waste facility and no other options currently exist (beyond kitchen caddies) to appropriately store / deal with such waste within the site or ownership of the applicant. On this basis, the proposed refuse facilities appear to be impractical, unachievable and would create significant amenity issues for both residents and office workers.
- 8.47 In terms of any additional impact on proposed residential properties, the use of ground floor office and retail is unlikely to raise significant issues. The site adjoins a public bar and restaurant (No 21) which does create the potential for significant disruption from noise and odour. No 21 comprises a low two storey building and therefore the most significant impact is likely to affect the proposed first floor apartments.
- 8.48 The local Environmental Health Department has been consulted and confirm that the proposed development end users may be affected by inward noise emissions due to surrounding extraneous sources including road/vehicle traffic, adjoining commercial/ business operations, music and patron noise from the licensed premises and noise/vibration transmission from retail/office space.
- 8.49 Environmental Health do not indicate specific objections to the proposal and the issue does not appear to be fatal to the current application as most sources are either long established or part of the development scheme, therefore prejudice to prospective residents is unlikely to result. Environmental Health do advise that amenity impacts may potentially result and recommend that a high level of acoustic design be integrated and implemented into the construction of the apartment units in order to isolate potential noise and vibration sources. Environmental Health also recommend that the applicant carry out a survey prior to the commencement of any development of

the existing noise climate (day and night) to derive "typical" background noise levels as well as carry out any additional reports as necessary.

- 8.50 Environmental Health has not requested the submission of such information as part of the planning process or a pre-requisite of any subsequent approval. Such issues could be dealt with by way of appropriate conditions although these would appear to be a requirement of Building Regulations as referenced by the Environmental Health Department.

Access / Parking

- 8.51 Proposals are expected to have greater regard for sustainable movement patterns and should seek to reduce reliance on the private car and foster movement by pedestrians and cyclists. Paragraph 4.36 of PPS7 states that the amount of car parking required in any development will be negotiated with developers according to specific characteristics of the development. PPS12 (HS1) states that in relation to development comprising living over the shop, a flexible approach will be applied to car parking provision having regard to the circumstances of each case.
- 8.52 The site currently does not incorporate any in-curtilage parking arrangements and parking is not permitted along the southern side of Church Street. Restricted parking exists on the opposite side with an existing paid public car park to the rear of the site. The subject site is located within a town centre location well served by public transport and incorporates most facilities within reasonable walking distance. Limited car parking is required to facilitate the development, although it is clear that the lack of private space does otherwise hinder the potential encouragement of cycling due to the lack of storage facilities and accessibility. DFI Roads has been consulted regarding parking and access and raise no objections.

Drainage / Flooding

- 8.53 No additional hardstanding is proposed, and the site is not affected by surface flooding. The application incorporates toilet facilities serving the office accommodation as well as four residential units. Both surface water and foul sewage are to be disposed of utilising mains connections. NIW has been consulted and raise no objections.

Contamination

- 8.54 No existing or previous uses evident by planning history indicates the potential for contamination to exist on site and the application does not propose excavation works. Asbestos containing materials may be present within the extant building and any removal works would be subject to relevant safety regulations.

Habitats Regulation Assessment

- 8.55 The potential impact this proposal on Special Areas of Conservation, Special Protection Areas 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). The proposal would not be likely to have a significant effect on the Features, conservation objectives or status of any of these sites.

9 CONCLUSION

- 9.1 The application proposes the re-use of an existing unused building within the Ballymoney Town Centre and Conservation area. Alterations to the built fabric are limited and the principle of development is both compatible with town centre policy and to be encouraged.
- 9.2 However, the acceptability of the proposal in principle does not negate the need to provide a quality scheme in terms of all planning and environmental considerations. The proposed scheme does not accommodate necessary refuse / waste facilities. The proposal relies on future Council delivered measures which currently do not exist, requires Council approval and relies on lands outside the applicant's ownership or control.
- 9.3 The proposal does not provide a suitable residential environment for proposed residents, raises potential amenity issues for proposed office workers and overall does not represent a scheme of appropriate quality.

9.4 The principal of development is considered contrary to policy and the proposal is unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations including the SPPS, PPS7 and PPS12. Refusal is recommended.

10 Refusal Reasons

1. The proposal is contrary to paragraphs 4.12 and 4.26 of the Strategic Planning Policy Statement for Northern Ireland, Creating Places, DCAN 8, Policy HS1 of PPS12 - Housing in Settlements and Policy QD1, criterion (c) of Planning Policy Statement 7 – Quality Residential Environments, in that the development as proposed fails to provide a quality residential environment due to inadequate provision of storage for waste and adverse impact on amenity.

Site Location Map



Site Location Map
Scale 1:1250

Site Layout

Proposed Site Layout

Bin & Waste Management Plan:

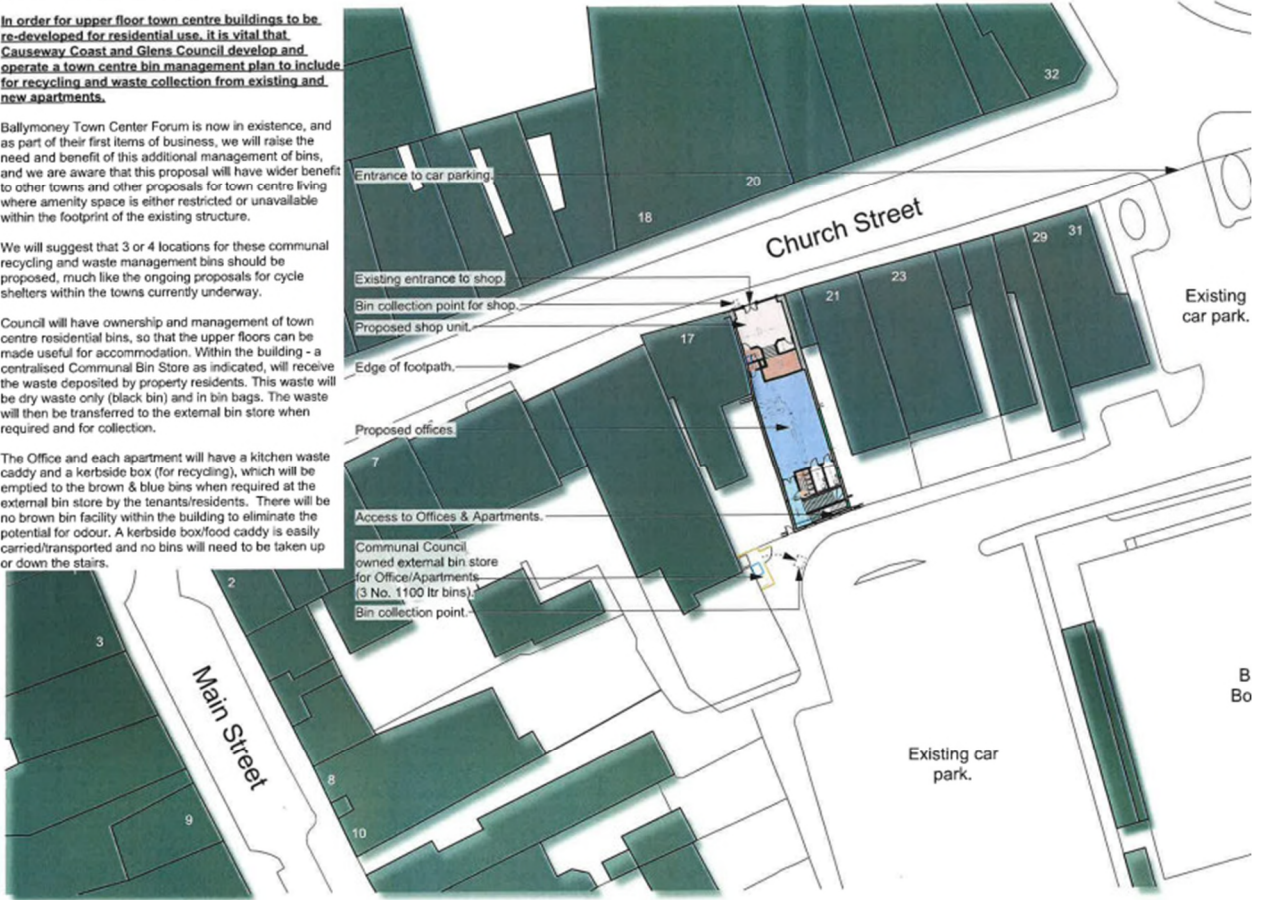
In order for upper floor town centre buildings to be re-developed for residential use, it is vital that Causeway Coast and Glens Council develop and operate a town centre bin management plan to include for recycling and waste collection from existing and new apartments.

Ballymoney Town Center Forum is now in existence, and as part of their first items of business, we will raise the need and benefit of this additional management of bins, and we are aware that this proposal will have wider benefit to other towns and other proposals for town centre living where amenity space is either restricted or unavailable within the footprint of the existing structure.

We will suggest that 3 or 4 locations for these communal recycling and waste management bins should be proposed, much like the ongoing proposals for cycle shelters within the towns currently underway.

Council will have ownership and management of town centre residential bins, so that the upper floors can be made useful for accommodation. Within the building - a centralised Communal Bin Store as indicated, will receive the waste deposited by property residents. This waste will be dry waste only (black bin) and in bin bags. The waste will then be transferred to the external bin store when required and for collection.

The Office and each apartment will have a kitchen waste caddy and a kerbside box (for recycling), which will be emptied to the brown & blue bins when required at the external bin store by the tenants/residents. There will be no brown bin facility within the building to eliminate the potential for odour. A kerbside box/food caddy is easily carried/transported and no bins will need to be taken up or down the stairs.



Proposed Site Layout
Scale 1:500

**RENOVATION TO OFFICE, RETAIL
& APARTMENTS**
12
M21 Murray Cheers

for h
at 1

From: Ciaran McQuillan <>
Sent: 14 December 2022 17:11
To: Denise Dickson <Denise.Dickson@causewaycoastandglens.gov.uk>
Subject: For Planning Committee

Denise a chara,
This is Cllr McQuillan. I'm requesting the application of 19 Church St is referred to the planning committee as the major refusal is in relation to refuse which requires further discussion and consideration by the planning committee. I have attached the email from the architect and his responses to what the planning commented as negative.

Le meas,
Ciarán

Good Morning

Please find details below in relation to call in for planning application - LA01/2022/0135/F 19 Church St, Ballymoney.

Planners have noted the following as positive:-

The proposal **maintains** the character and atmosphere of Church Street and does not threaten the town centre or Ballymoney Conservation area.

The proposal is deemed **appropriate** by Conservation officers, and the re-use of a vacant building within the conservation area **should be encouraged subject to design**.

The proposal **creates NO** threat to the zone of archaeology as an existing building.

The general thrust of planning policy is to encourage town centre living above the shop and is **compatible** with the 'town centre first' approach laid out in the SPPS. As such the proposal is 'acceptable subject to all other planning and env considerations'.

The design proposals will have **limited visual impact** on the overall appearance.

The proposals will have **no impact** or threaten any adjacent listed buildings.

Parking is acceptable and DFI have raised no objections.

Environmental Health have no significant concerns and mention broadly issues relating to noise and asbestos, but critically **raise no issues about waste management or bins.**

Planning have commented the following as a negative:

1. That the building in general does not have adequate space for storage and management of bins.
2. That the development does not create a quality residential environment and conflicts with 'Creating Places'.
3. That minor issues of overlooking **may** be created by the proposal.

Response

The proposal is a **vital inner town proposal** to provide **urgently needed accommodation** in 'living above the shop', and every effort should be made to achieve approvals in these cases. It is a matter of fact that redeveloping these spaces can be difficult, and compromise is required, and that each has to be considered on its own merits.

It is **unsustainable** to refuse this application on a worry that the bins might not be managed well enough.

The development accords with all good design, and achieves an extremely efficient arrangement and provisions of 4 No good sized accommodation within Ballymoney town centre.

Overlooking issues have been addressed in the revised proposals submitted previously.

An example precedent ref LA01/2021/1014 – Main Street, Limavady is submitted as relevant planning history and this application was in fact overturned by planning committee in Oct 2022.

Policy DCAN8 – has a specific reference to ‘Living over the shops’ on page 31, and the following is stated:-

5.19 Living Over The Shop can make a small but valuable contribution to the promotion of high-density development. However, such forms of mixed use do not suit all tenants (e.g. families and special needs groups).

From this it is clearly implied that apartment spaces over shops are suitable for some peoples and groups and not suitable for others – people will **choose** where they wish to live and whether it is appropriate for them.

DCAN 8 clearly states:-

5.2 In general, the Department will look more favourably at proposals for the sympathetic re-use of existing buildings as compared to proposals involving demolition and redevelopment.’

PPS7 – QD1 relates to NEW housing and is not relevant to redevelopment proposals as these have their own assessments via LOTS. Criterion (C) and (h) are therefore irrelevant and this was sustained in above case which was overturned recently at CCG Council.

The development proposal is thoroughly thought-through and well designed proposal offering town centre living to a pressurised accommodation market and the proposal should be encouraged.

I would therefore request that the application be brought to planning committee for full consideration.

Regards

John McAuley

Causeway Coast & Glens Borough Council

Mob.

Email:

