

<b>Planning Committee Report – Agenda Item 5.10 LA01/2016/1204/O – 10 Bendooragh Road, Ballymoney</b>	<b>28<sup>th</sup> February 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>	Principal Planning Officer
<b>Cost: (If applicable)</b>	N/a

**10 Bendooragh Road  
Ballymoney**

**LA01/2016/1204/O**

**28<sup>th</sup> February 2018**

<b>No:</b>	<b>LA01/2016/1204/O</b>	<b>Ward:</b>	<b>RASHARKIN</b>
<b>App Type:</b>	<b>Outline Planning</b>		
<b>Address:</b>	<b>10 Bendooragh Road, Bendooragh, Ballymoney.</b>		
<b>Proposal:</b>	<b>Redevelopment of existing light industrial site to residential use.</b>		
<b>Con Area:</b>	<b>No</b>	<b>Valid Date:</b>	<b>06.10.2016</b>
<b>Listed Building Grade:</b>	<b>N/a</b>		
<b>Agent:</b>	<b>Kevin Cartin Architects</b>		
<b>Applicant:</b>	<b>James Pollock &amp; Son, 5 Ballybrakes Road, Ballymoney</b>		
<b>Objections:</b>	<b>1</b>	<b>Petitions of Objection:</b>	<b>0</b>
<b>Support:</b>	<b>0</b>	<b>Petitions of Support:</b>	<b>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 **REFUSE** planning permission subject to the refusal reason set out in section 10.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The proposed site is hard surfaced with a number of small buildings and a large derelict shed. The previous uses appear to have been for scaffolding storage / light industrial / engineering. The site is bounded by housing to the northwest and west. An agricultural field is located to the south. The development limit is defined to the rear east of the site. A wall defines the boundary with Cabra Court with fencing and hedging to the east and southern boundaries. The existing access to the site is between Nos 8 and 10 Bendooragh Road.

2.2 The site is within the settlement limits of Bendooragh as designated in the Northern Area Plan 2016.

### **3 RELEVANT HISTORY**

D/2007/0446/F

10 & 12 Bendooragh Road and adjacent land to rear Bendooragh  
Proposed development of lands to include 13 detached dwellings 16 semi-detached dwellings and 11 terraced dwellings (40 total)

Withdrawn 15.08.2011

### **4 THE APPLICATION**

4.1 Redevelopment of existing light industrial site to residential use.

### **5 PUBLICITY & CONSULTATIONS**

#### **5.1 External**

Representations: One **(1)** objection received raising the following:

- The proposed entrance is between two existing properties and not suitable for traffic to a housing development.
- The proposed entrance to the housing is onto the Bendooragh Road which has fast moving traffic.

#### **5.2 Internal**

DAERA Drainage and Water: No objection.

DAERA Land Soil and Air: Further information required.

Northern Ireland Housing Executive: Social housing required

Environmental Health Department: No objections.

DFI Rivers Agency: Further Information required.

NI Water: No objections

DFI Roads: Further information required.

## **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 7: Quality Residential Environments

Planning Policy Statement 15: Planning and Flood Risk

## 8.0 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relates to: the principle of development; design; integration and character, and access.

### Principle of Development

8.2 The principle of development must be considered having regard to the SPPS and PPS policy documents before mentioned.

8.3 The application is located within the defined settlement limits of Bendooragh, a small settlement located 2 miles south west of Ballymoney Town.

8.4 As set out in the Strategic Plan Framework of NAP 2016, land has not been zoned in small settlements for specific purposes to ensure flexibility. Para 6.86 of the SPPS states that the LDP will not normally zone land for economic purposes, as this could inhibit flexibility. The current use of the land is vacant / underused industrial. Therefore, the previous use is material to this consideration and the SPPS and PPS 4 apply.

8.5 Paragraph 6.89 of the SPPS seeks the retention of economic development land to ensure a sufficient and ongoing supply. Accordingly planning permission should not normally be granted for purposes that would result in the loss for the land zoned for economic development use. Furthermore it discusses that in settlements where land is not zoned, councils may wish to retain flexibility to consider alternative proposals that offer community, environmental or other benefits that are considered to outweigh the loss of land for economic development use.

8.6 Policy PED 7 of PPS 4 requires the retention of zoned and economic development uses subject to 7 exceptions. The Agent has argued that it meets with exception (d) *the present use has a significant adverse impact on the character or amenities of the surrounding area* and exception (e) *the site is unsuitable for modern industrial, storage or distribution purposes*.

8.7 The agent highlights the dwellings nearby, in Cabra Court and Bendooragh Road and the proximity of the neighbours gardens and dwellings to the existing industrial land. The agent states that use of the land for industry would impact on their residential amenity and

would due to their proximity restrict flexibility in terms of operating hours and methods. Furthermore, that the existing access has an adverse impact on the existing dwellings Nos 8 and 10 Bendooragh Road and is unsuitable for use.

- 8.8 Though the site has been under used or vacant for a period of time, housing has appeared to co-exist around the site. The previous uses fall into *Use Class B2: Light Industrial* 'Use for any industrial process which can be carried out without detriment to amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit,'. Such uses would be suitable for a site within close proximity to housing.
- 8.9 Nos 8 and 10 Bendooragh Road are well established and would have also co-existed with the industrial use. One of the dwellings has also objected to the use of the access for housing and that it would have a detrimental impact on their amenity through increased traffic.
- 8.10 It has not been demonstrated that the industrial use had a significant adverse impact on the character or of the amenities of the surrounding area to outweigh the loss of the economic employment land in this instance.
- 8.11 The Agent has also advised that the site is no longer suitable as it is poorly located in relation to major transport corridors; it is too close to residential properties to allow flexibility in terms of operating hours and methods, and; clearance of fire damaged buildings and erection of new buildings on a site such as this would not be an economic proposition. They have also provided a letter from OKT Letting Agents, including several areas of Ballymoney that are currently vacant and closer to the main transportation network.
- 8.12 There are currently a number of vacant industrial sites in the main town of Ballymoney. However, the application site provides choice for any local business in the settlement of Bendooragh, which currently has little employment opportunities. The retention of such land also takes the pressure of the wider rural hinterland from unsuitable economic development pressures by providing choice. The site is located SW of Ballymoney Town, it is around 3 miles from the A26 and 2 miles from the Centre of Ballymoney Town. Therefore, it is considered to be well located to provide employment

use for the wider rural hinterland and the settlement itself, with close links to the main transport links.

8.13 The cost of any future redevelopment of the site is not prohibitive and is not sufficient to outweigh the loss of economic development land.

8.15 Planning policy seeks to retain land previously used for economic uses to support diversity of the local economy and to provide employment opportunities, helping to reduce the demand on greenfield sites and the rural hinterland. Policy encourages the reallocation of such land only through the development plan process. In the cases of the land in the small settlements it permits the change of use under a number of criteria and cites, such as, for a mixed use scheme as a specific regeneration initiative to meet the needs of a particular locality and providing a significant element of employment or community uses. It has not been demonstrated that the proposed housing development meets with any of these exceptions or would outweigh the loss of the economic land.

### **Housing layout**

8.16 The application has provided a concept showing a proposed mix of bungalows, semi-detached 2 storey dwellings and detached dwellings. The proposal is for 18 no dwellings in total. The separation distances between the dwellings on site meet with the required 20m separation distances. However, the chalet bungalow to the north corner is only 5m from the common boundary, though 20m from dwelling to dwelling it may be considered acceptable if the proposed house type is appropriately designed at any subsequent reserved matters stage with no upper floor rear windows.

8.17 The density is appropriate to the site and in relation to the surrounding area.

8.18 Adequate private amenity would be required as set out in Creating Places and appears achievable from the concept. There is adequate separation from No 10 Bendooragh Road to maintain privacy to the rear garden and dwelling.

8.19 The corner properties will be required to be double fronted to adequately address and provide points of interest. Walls will also be required to screen private amenity from public views.



8.20 The proposed development is below the requirement for the provision of public open space. However, the proposed public space to the eastern boundary is welcomed and provides for a quality residential environment.

8.21 The proposed orientation and separation distances and dwelling types should reduce the impact on the amenity of the dwellings in Cabra Court. This will require further consideration at any reserved matters stage when further design details are provided.

8.22 From the details provided, the proposal is considered to be acceptable in terms of PPS 7 and Creating Places subject to a satisfactory road layout and access being provided.

### **Access and Movement**

8.23 DFI Roads, require a revised P1 Form serving notice on the adjoining landowners, it was not considered expedient to hold this application for these matters to be resolved as the principle is unacceptable on the site.

### **Other Matters**

8.24 NIEA Land Air Soil require further information in relation to any potential contamination due to the previous uses on the site. These have not been requested due to the principle of the proposed development being unacceptable.

8.25 Due to the size of the site and the number of dwellings Rivers Agency have requested a Drainage assessment in accordance with Policy FLD 3 of PPS 15: this has not been requested due to the principle not being considered acceptable.

## **9.0 Conclusion**

9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations. It has not been demonstrated that there would be significant community, environmental or other benefits to outweigh the loss of land for economic development use. The redevelopment of economic land to housing would in this case be contrary to the SPPS and Policy PED 7. It has also not been demonstrated that a

safe access and movement of traffic is achievable; that the site would not suffer from or cause flooding elsewhere, or; that during the development of the site any possible contaminants from the site would not enter the watercourses. Refusal is recommended.

## **10.0 Refusal reasons**

10.1 The proposal is contrary to paragraph 6.89 of the Strategic Planning Policy Statement for Northern Ireland and Policy PED 7 of Planning Policy Statement 4 'Planning and Economic Development' in that if approved, the development would result in the loss of land for economic development uses and no alternative proposal that offer community, environmental or other benefits to outweigh the loss have been demonstrated.

10.2 The proposal is contrary to paragraph 6.114 of the Strategic Planning Policy Statement for Northern Ireland and Policy FLD 3 of Planning Policy Statement 15 'Planning and Flood Risk' in that it has not been demonstrated through a Drainage assessment that the proposed development would not cause flood risk.

10.3 The proposal is contrary to Planning Policy Statement 3 in that it has not been demonstrated that the development can provide a safe and adequate access.

10.4 The proposal is contrary to paragraph 4.12 of the Strategic Planning Policy Statement for Northern Ireland in that it has not been demonstrated that the proposed development of the site due to its previous use would not cause significant adverse impacts on the water environment.

