



Planning Committee Report LA01/2018/0989/DCA	27 January 2021
PLANNING COMMITTEE	

<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>App No:</b> LA01/2018/0989/DCA	<b>Ward:</b> BALLYMONEY
<b>App Type:</b> Conservation Area Consent	
<b>Address:</b> 9 Victoria Street, Ballymoney.	
<b>Proposal:</b> Demolition of warehousing and stores along John Street and Church Lane. Demolition of stores and ancillary accommodation associated with existing retail unit along Victoria Street.	
<b>Con Area:</b> Yes	<b>Valid Date:</b> 25.07.2018
<b>Listed Building Grade:</b> N/A	<b>Target Date:</b> 28.11.2018
<b>Applicant:</b> Mr James Murray	
<b>Agent:</b> Studiorogers Architects Ltd	
<b>Objections:</b> 0	<b>Petitions of Objection:</b> 0
<b>Support:</b> 0	<b>Petitions of Support:</b> 0

Drawings and additional information are available to view on the Planning Portal-<http://epicpublic.planningni.gov.uk/publicaccess/>

## **EXECUTIVE SUMMARY**

- **Consent is sought for demolition of warehousing and stores along John Street and Church Lane. Demolition of stores and ancillary accommodation associated with existing retail unit along Victoria Street.**
- **The building fronting John Street is capable of being retained and there are no economic reasons which dictate that demolition of the building is the only option available.**
- **Demolition of this historic warehouse is contrary to policy and the proposal would result in the loss of a building which currently contributes to the existing character and historic built form of the Conservation Area.**
- **There is no justification to set aside the normal requirements of policy, nor are there exceptional reasons why the building cannot be retained or incorporated into any new scheme.**
- **The principle of demolition is considered unacceptable considered unacceptable having regard to the Northern Area Plan 2016, and other material considerations, including the SPPS. Demolition of the existing warehouse building within the Conservation Area is contrary to policy in that the existing warehouse building makes a material contribution to the character of the area. .**
- **The application is recommended for Refusal.**

## **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** Consent subject to the reasons set out in section 10.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The site comprises an irregular shaped corner site extending to approximately 0.09ha in area. The site incorporates a number of elements. Firstly, a large three storey, red brick Victorian building (approx 14m high), which front onto Victoria Street and is end terrace (onto John Street). The building incorporates a ground floor commercial premises (dry cleaning business) which includes previous external alterations to the original building including a glazed shop front and fascia signage. The first and second floors remain fairly original and comprise residential accommodation with a single access doorway onto Victoria Street. The building is finished in red brick with buff brick detailing around front elevation window heads and reveals. It incorporates a hipped roof with slate tiles and includes timber sliding sash windows.
- 2.2 The site includes an additional three storey stone building attached to the rear of the terrace building which is more modest in scale, stepping down to approximately 10m in height and forms the northern site boundary. This building is linear in form with a narrow gable of approximately 6m comprising stone rubble construction with a slate roof. The northern elevation incorporates numerous original small window openings mainly at first and second floor level with an additional doorway and small number of window openings at ground level. The end gable is angled, comprises a first floor doorway and fronts directly onto a small public access road to the rear of the property known as Church Lane. This roadway serves the rear of a number of properties which front onto Victoria Street. This building appears to be currently unused and historically comprised a commercial / industrial use.

- 2.3 The remainder of the site comprises a yard and a number of stone outbuildings which are in a very poor state of repair and form the southern party boundary to the rear of No 7 Victoria Street. The remainder of the eastern boundary onto Church Lane is defined by a high wall and gate.
- 2.4 The surrounding character is dominated by the terrace along Victoria Street and comprises a variety of ground floor commercial properties with residential accommodation above. Properties on the opposite side of Victoria Street include a more eclectic variety of two and three storey properties which is more reflective of an historic Irish market town. These properties also include a variety of ground floor commercial uses with residential accommodation above. A number of modern apartments also exist within close proximity of the site along John Street and Café Lane while a number of properties along Victoria Street also include more recent conversions / extensions to incorporate residential accommodation to the rear. The remainder of residential properties along John Street comprises a terrace of modest two storey dwellings.
- 2.5 The site is located within the Ballymoney Town Settlement Development Limit. It falls within the identified Town Centre as well as the Ballymoney Town Conservation Area as defined within the Northern Area Plan 2016. The area consists of a combination of commercial and residential uses including two to three storey buildings with ground floor retail and first and second floor residential accommodation.

### **3 RELEVANT HISTORY**

D/2014/0101/F - Alterations to Existing Shop Unit, New Office, Alterations to Existing First and Second Floor to provide 2 no. Apartments and Conversion of Existing Warehouse to 4 no. Apartments, Car Parking and Landscaping. Granted 27.10.2016

D/2014/0093/DCA - Alterations to existing shop unit, new office, alterations to existing first and second floor to provide 2 no apartments and conversion of existing warehouse to 4 no apartments, carparking and landscaping. Demolition of existing outbuildings and re-build existing wall. Consent Granted 27.10.2016.

D/2006/0484/F - Three storey apartment block and refurbishment of ground floor retail unit and first and second floor apartments. (14 in total comprising 6no one bed apartments and 8no two bed apartments. Granted 10.04.2008

D/2006/0505/DCA - Total demolition of 2no derelict outbuildings to the rear of 9 Victoria Street. Consent Granted 10.04.2008.

## **4 THE APPLICATION**

- 4.1 Demolition of warehousing and stores along John Street and Church Lane. Demolition of stores and ancillary accommodation associated with existing retail unit along Victoria Street.

## **5.0 PUBLICITY & CONSULTATIONS**

### **5.1 External**

None

### **5.2 Internal**

#### **Conservation Section:**

Demolition of this Historic Warehouse is considered contrary to the presumption in favour of retaining buildings and the proposal would result in the loss of a building which currently contributes to the existing character and historic built form of the Conservation Area.

## **6.0 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 AND GUIDANCE**

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

A Planning Strategy for Rural Northern Ireland.

Planning Policy Statement 6: Planning Archaeology and the Built Heritage

## **8.0 CONSIDERATIONS AND ASSESSMENT**

8.1 The main considerations in the determination of this application relate to:

- Principle of Demolition and Impact on the Character of the Conservation Area.

## 8.2 Previous planning history exists in relation to the current site:

D/2014/0101/F - Alterations to Existing Shop Unit, New Office, Alterations to Existing First and Second Floor to provide 2 no. Apartments and Conversion of Existing Warehouse to 4 no. Apartments, Car Parking and Landscaping. Granted 27.10.2016

D/2014/0093/DCA - Alterations to existing shop unit, new office, alterations to existing first and second floor to provide 2 no apartments and conversion of existing warehouse to 4 no apartments, carparking and landscaping. Demolition of existing outbuildings and re-build existing wall. Consent Granted 27.10.2016.

D/2006/0484/F - Three storey apartment block and refurbishment of ground floor retail unit and first and second floor apartments. (14 in total comprising 6no one bed apartments and 8no two bed apartments. Granted 10.04.2008

D/2006/0505/DCA - Total demolition of 2no derelict outbuildings to the rear of 9 Victoria Street. Consent Granted 10.04.2008.

### Demolition in the Conservation Area

- 8.3 In the Northern Area Plan 2016, the site is located within Ballymoney Town settlement development limits and is zoned for housing (Committed site BYH 13). The site also falls within the defined Ballymoney Town Conservation Area.
- 8.4 The existing built form comprises a number of uses. The three storey terraced building fronting Victoria Street currently comprises a ground floor commercial use (dry cleaners) as well as an existing residential property which extends over the entire first and second floors as well as a small part of the ground floor area.
- 8.5 The existing stone building to the rear comprises a warehouse which was previously used for an industrial use. The remainder of the buildings and rear yard are in a poor state of repair and are generally used as ancillary storage.

- 8.6 The related planning application (LA01/2018/0993/F) proposes alteration of the existing ground floor to create two retail units with stairwell access to the first and second floors which are proposed to be converted to four apartments. Two of these apartments incorporate first and second floor accommodation within the three storey new-build extension proposed to the rear of 9 Victoria Street.
- 8.7 To facilitate the rear extension and 10 new-build apartments as well as vehicular access arrangements the application proposes demolition of the warehouse building fronting onto John Street as well as the remaining outbuildings within the rear yard area of the site.
- 8.8 No 9 Victoria Street along with the warehouse building of 1-3 John Street are considered to be key, prominent buildings which contribute to the character and setting of the Conservation Area. In terms of the history of the built form on site, the terrace of 1-9 Victoria Street, including the linear rubble-constructed warehouse outbuilding to the rear, (nos.1-3 John Street) appear to have been built in 1879-80 on the boundary of the grounds surrounding St. Patrick's Parish Church. The buildings are evident on site as detailed on the 3rd O.S. Map dated 1900-1907. The Ballymoney Conservation Area Design Guide also makes reference to this key terrace building stating: 'Victoria Street was eventually endowed with a particularly handsome late Victorian 3 storey, red brick terrace at numbers 1 to 9, whose strong form still dominates the street although unfortunately mutilated at ground floor level by a confusion of inappropriate shop Fronts.'
- 8.9 Paragraphs 6.18 & 6.19 of the Strategic Planning Policy Statement (SPPS) and Policy BH14 of PPS6 relate to demolition in a Conservation Area. A guiding principle of paragraph 6.18 is to consider the desirability of enhancing the character or appearance of a Conservation Area where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise.
- 8.10 Para 6.18 includes a general presumption against the grant of planning permission for development or conservation area consent, for demolition of unlisted buildings where proposals would conflict with this principle.



- 8.11 Both the SPPS and PPS6 advise that demolition of an unlisted building in a Conservation Area will only normally be permitted where the building makes no material contribution to the character or appearance of the area. In addition Policy BH14 of PPS6 states that in assessing such proposals, the Planning Authority will have regard to the same broad criteria outlined in Policy BH10 for the demolition of listed buildings (paragraph 6.25 of policy BH10).
- 8.12 The warehouse building is physically and historically associated with Victoria Terrace and the physical presence of this distinctive warehouse architecture is evident on site through the historic evolution of Ballymoney dating from 1880. Whilst the warehouse building appears to be in need of maintenance and refurbishment, it still exhibits attractive architectural features, materials and form which has a strong unity, rhythm and presence to the existing streetscape along John Street, defining the north eastern edge of the conservation area boundary and strongly contributing to the sense of place of the Conservation Area.
- 8.13 The existing building is considered to make a positive contribution to the character of the Ballymoney Conservation Area and thought should be given to its retention and sensitive refurbishment.
- 8.14 Previous planning approvals have recognised this contribution and value and have worked towards the successful retention and refurbishment of this building to the benefit of the Conservation Area.
- 8.15 These applications involved the identification of the warehouse (1-3 John Street) and No.9 Victoria Street as priority buildings through the Ballymoney Townscape Heritage Initiative, with their potential refurbishment considered to make a significant and positive contribution to the historic townscape character of the Conservation Area.

## Structural Reports and Cost Comparison

8.16 Additional information has been provided in support of the application including:

A structural Condition Report by Thompson Barr Consulting (04-OCT-2019).

A Cost Comparison Report by BCA Surveyors LTD (04-OCT-2019).

A Conversion Viability Report by Studiorogers (04-OCT-2019).

8.17 The Structural Condition Report is based on a visual inspection with the specific warehouse building of 1-3 John Street referred to as “Building A” and makes the following observations regarding the building;

- Solid Stone construction.
- Pitched roof consists of uninsulated asbestos corrugated sheeting
- Structure shows signs of historic movement
- Underpinning of walls to a firm bearing stratum is necessary (to be considered for buildings warranty insurance)
- Structure requires new roof and floors
- Stone walls not best suited to facilitate new window openings

8.18 The Cost Comparison Report examines two design proposals and costings for redevelopment of the site:

Proposal 1 – Demolition of the single storey outbuildings (Buildings B), the retention and refurbishment of the warehouse Building of 1-3 John St (Building A) with alterations to provide 4 No three storey townhouses (2 x two bedroom and 2 x three bedroom) and refurbishment of 9 Victoria Street to provide 2 Retail ground floor Units and 2 No Three bedroom apartments. (This relates to the approved scheme on site)

Proposal 2 – Application as proposed including the demolition of single storey outbuildings and warehouse building (Buildings A & B) Construction of 10 Apartments and extension, refurbishment and alterations to 9 Victoria Street to provide 2 retail ground floor Units and 4 No two bedroom apartments.

The cost comparison report advises that for Proposal 1, a significant proportion of building costs relates to works associated with the warehouse including:

- Removal of ground floor, first floor and roof from existing structure
- Underpinning all walls,
- breaking out or altering 28 No opening in natural stone walling openings (of which there are 21 existing).
- Structural stabilising works, Damp-proofing, Insulation works.
- Natural slates, Cast iron rainwater goods, timber sliding sash windows (all quality and expected Materials for Conservation Area Setting).

The Report indicates that only proposal 2 represents a financially viable option that will ensure the vacant and derelict site is developed. The Report states that Proposal 1 represents an additional £104,300.00 (excluding VAT) to the development cost and is not considered viable.

8.19 The Conversion Viability Report states that the following issues affect the viability of conversion of the existing warehouse:

- Density – Proposal 1 (Approved scheme on site) would only provide 4 units and prove to be uneconomical.
- Comfort and Desirability - Existing small window openings do not align with proposed internal floor levels. Additional openings would be necessary which requires larger sections of wall to be removed
- Floor to ceiling and window heights – levels require altering.
- Integrity of the existing structure. There is evidence of historical movement within building including the use of pattress plates on the John Street elevation. Underpinning would be required
- Building Control Compliance – as the existing building is not listed it is less likely to benefit from relaxation of regulations.

A new insulated floor build up is required along with underpinning, replacement of existing roof and timbers and raising of cill heights.

- In summary the existing warehouse building does not lend itself to a successful conversion. Low unit numbers would render the conversion uneconomical, and residential accommodation would be required to fit into existing restrictive external masonry stone walls through which additional openings are difficult and costly.

8.20 The submitted information indicates that the warehouse building is capable of retention, refurbishment and conversion, albeit at a cost. The information also provides evidence to demonstrate the potential limited viability of retaining the warehouse building. In terms of the policy context both the SPPS (6.18 and 6.19) and Policy BH14 of PPS 6 – Demolition in a Conservation Area, has relevance in respect of the demolition of any building in a conservation area. Both broadly state that “ the Department will normally only permit the demolition of an unlisted building in a Conservation Area where the building makes no material contribution to the character or appearance of the area”. Paragraph 7.17 of Policy BH14 states that in assessing such proposals regard should be made to the same broad criteria outlined for the demolition of listed buildings and is cross referenced to paragraph 6.5 (General Criteria) and policy BH 10.

8.21 In respect of policy BH10, paragraph 6.24 of PPS6 indicates that consent will not be given (for demolition) simply because the redevelopment is economically more attractive to the developer than repair and re-use of the building, or because the developer acquired the building at a price that reflected the potential for redevelopment rather than the condition and constraints of the existing historic building.

8.22 Based on the evidence provided, it is apparent that the building is capable of being retained and there are no economic reasons which dictate that demolition of the building is the only option available. There is no justification to set aside the normal requirements of policy, nor are there exceptional reasons why the building cannot be retained or incorporated into any new scheme.

8.23 Demolition of this historic warehouse is contrary to policy and the proposal would result in the loss of a building which currently contributes to the existing character and historic built form of the Conservation Area.

8.24 In terms of remaining buildings proposed to be demolished, the rear returns extending from the main frontage and shed/outbuildings to the rear have minimal architectural or historical value and are set within a less prominent back-land environment. They are considered to provide a minimal contribution to the character of the Conservation Area and there is no objection to the demolition of these sheds/outbuildings and rear return on site.

8.25 The proposal is contrary to paragraphs 6.18 and 6.19 of the SPPS and Policy BH 14 of PPS 6.

## **9.0 CONCLUSION**

9.1 This principle of the proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016, and other material considerations, including the SPPS. Demolition of the existing warehouse building within the Conservation Area is contrary to policy in that the existing warehouse building makes a material contribution to the character of the area. Recommend refusal.

## **10 Refusal Reason:**

- 10.1 The proposal is contrary to paragraphs 6.18 & 6.19 of the SPPS, Policy BH14 of PPS6 and the Ballymoney Conservation Area Design Guide in that the proposal would result in the loss of a building which currently contributes to the existing character and historic built form of the Conservation Area.

