

Planning Committee Report LA01/2018/0993/F	27 January 2021
PLANNING COMMITTEE	

Linkage to Council Strategy (2015-19)	
Strategic Theme	Protecting and Enhancing our Environment and Assets
Outcome	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
Lead Officer	Development Management & Enforcement Manager
Cost: (If applicable)	N/a

<u>App No:</u>	LA01/2018/0993/F	<u>Ward:</u>	BALLYMONEY EAST
<u>App Type:</u>	Full Planning		
<u>Address:</u>	9 Victoria Street, Ballymoney.		
<u>Proposal:</u>	Alteration of Existing Ground Floor Retail Unit, Including Demolition of Existing Warehouse and Rear Ancillary Accommodation, Change of Use of Ground Floor Domestic Accommodation to Retail Unit, Reconfiguration of Upper Floors to Provide 4 No. Apartment Units. Construction of 10.New Build Apartments with Associated Car Parking and Landscaping		
<u>Con Area:</u>	Yes	<u>Valid Date:</u>	25.07.2018
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	28.11.2018
Applicant:	Mr James Murray		
Agent:	Studiorogers Architects Ltd		
Objections:	0	Petitions of Objection:	0

Drawings and additional information are available to view on the Planning Portal- www.planningni.gov.uk

EXECUTIVE SUMMARY

- The creation of two retail units within the designated town centre is considered acceptable in principle.
- The creation of residential units within an identified committed site for residential use is acceptable in principle subject to all other planning and environmental criteria.
- 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.
- The application proposes retention of No 9 Victoria Street and demolition of the stone warehouse building 1-3 John Street.
- Additional submitted reports indicate that the warehouse building is capable of retention, refurbishment and conversion, albeit at a cost.
- The 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.
- The proposed alterations are contrary to policy and the Conservation Area Designation and Design Guide.
- The proposed new build residential element is contrary to Policy and does not create a quality and sustainable residential environment.
- Former activities on-site and in the surrounding area (including the recent commercial use as a dry cleaners) may have caused the site /land to be affected by contamination that could impact on environmentally sensitive receptors including groundwater and surface water. Additional information is necessary to assess the extent of contamination and risks. To date this information has not been submitted and the issue of contamination remains unresolved.

- The proposal is contrary to Policy as it has not been demonstrated that adequate and appropriate provision is proposed for access and parking.
- A Drainage Assessment is required and has not been carried out. The proposal is contrary to policy as it has not been demonstrated that the proposal will not result in a potential flood risk.
- The existing buildings may provide roosting opportunities for bats given the surrounding habitat features. DAERA has requested the submission of a biodiversity checklist to assist with the consideration of the potential impacts on natural heritage interests. This has not been submitted and insufficient information has been provided to demonstrate that the proposed development will not have an adverse impact on a European protected species.
- The principle of the proposal is considered unacceptable. Demolition of the existing warehouse building within the Conservation Area is contrary to policy in that the existing building makes a material contribution to the character of the area. A number of outstanding planning and environmental issues remain to be resolved and the proposal is considered to provide an unacceptable quality of residential environment.

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 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 linear 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 Conservation Area as defined within the Northern Area Plan 2016. It is also identified within the NAP 2016 as a committed site for housing (BYH 13). The site is within a defined area of archaeological potential and also within the consultation zones of two specific archaeological sites relating to the old church tower and historic settlement. The site is also within the context of a listed building (St Patrick's Church). Additionally the site is affected by some areas of pluvial ponding. 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 Alteration of existing ground floor retail unit, including demolition of existing warehouse and rear ancillary accommodation. Change of use of ground floor domestic accommodation to retail unit, reconfiguration of upper floors to provide 4 No. apartment units. Construction of 10 new build apartments with associated car parking and landscaping.
- 4.2 Vehicular access is taken from a newly formed access on to John Street. The application proposes to utilise mains sewerage and surface water sewer.

5.0 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: There are 0 No. objections or petitions of objection to the proposal.

5.2 Internal

DFI Roads: Proposal unacceptable. Require amendments to access and parking arrangements.

NI Water: Advises that there is available capacity and has as no objection to the proposal.

Environmental Health: Possible contamination issues. Conditions proposed. No objection to the proposal.

Rivers Agency: Surface water flooding. Drainage Assessment required.

DFC Historic Environment Division (HBU & HMU): Both Historic Buildings and Historic Monuments advise that the proposal satisfies the policy requirements of the SPPS and Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

DAERA:

Water Management Unit: No objection.

Regulation Unit: Former activities on-site and in the surrounding area may have caused the land to be affected by contamination. Preliminary Risk Assessment required.

NED: Require biodiversity checklist.

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.

RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

A Planning Strategy for Rural Northern Ireland.

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 6: Planning Archaeology and the Built Heritage

Planning Policy Statement 7: Quality Residential Environments

PPS 7 Addendum: Safeguarding the Character of Established Residential Areas

DCAN 8 - Housing in Existing Urban Areas

PPS12 - Housing in Settlements.

Planning Policy Statement 15: Planning and Flood Risk

DCAN 15 - Vehicular Access Standards

Parking Standards

Creating Places – Achieving Quality in Residential Environments

7.0 CONSIDERATIONS & ASSESSMENT

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

- Principle of development;
- Design and Layout and Impact on Character of the Area and Impact on Residential Amenity
- Contamination,
- Archaeology / Built Environment,
- Traffic and road safety;
- Impact from flooding / drainage.
- Natural Heritage.

Principle of Development

7.2 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.

7.3 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.

- 7.4 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.
- 7.5 The application proposes alteration of the existing ground floor to create two retail units while retaining 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.
- 7.6 To facilitate the rear extension the application proposes demolition of the warehouse building fronting onto John Street as well as remaining outbuildings. The remainder of the warehouse is replaced by a two storey new-build terrace which fronts onto John Street and Church Lane. The proposed new build incorporates 10 apartments with vehicular access from John Street and internal courtyard car parking.
- 7.7 In terms of the principle of development for the proposed retail units, the SPPS promotes a 'town centre first' approach for the location of future retailing and other main town centre uses.

The regional strategic objectives for town centres and retailing are to:

- Secure a town centres first approach for the location of future retailing and other main town uses.
- Adopt a sequential approach to the identification of retail and main town centre uses in LDP's and when decision taking.
- Ensure LDP's and decisions are informed by robust and up-to-date evidence in relation to need and capacity.
- Protect and enhance diversity in the range of town centre uses appropriate to their role and function, such as leisure, cultural and community facilities.

- 7.8 The creation of two retail units within the designated town centre is in compliance with the local development plan and the SPPS and is considered acceptable in principle.
- 7.9 The RDS 2035 seeks to promote more sustainable housing development within existing urban areas through encouraging compact urban forms as well as promoting more housing within existing urban areas by recycling land and buildings and by making use of other suitable sites. The creation of residential

units within an identified committed site for residential use is acceptable in principle subject to all other planning and environmental criteria.

- 7.10 The application proposes alterations and an extension to No 9 Victoria Street as well as demolition of the existing stone warehouse building and outbuildings to facilitate 10 new-build apartments.
- 7.11 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.'

Demolition In a Conservation Area.

- 7.12 The proposal also seeks a significant level of demolition of the existing built form on site, including the entire John Street Warehouse Building (over 35m of the north west Frontage), along with the rear returns of No.9 Victoria street and two sheds/outbuildings to the rear of the site along Church Lane.
- 7.13 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. 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.

- 7.14 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).
- 7.15 The 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.
- 7.16 The existing building is therefore 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.
- 7.17 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.
- 7.18 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

7.19 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).

7.20 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

7.21 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.

7.22 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.

7.23 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 – The report asserts that 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 report asserts that 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.

7.24 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 Planning Authority) 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.

7.25 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.

7.26 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.

- 7.27 The 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.
- 7.28 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.

The proposal is contrary to paragraphs 6.18 and 6.19 of the SPPS and Policy BH 14 of PPS 16.

Design and Layout and Impact on Character of the Area and Impact on Residential Amenity

- 7.29 The general policy objectives Paragraphs 6.18 & 6.19 of the SPPS and Policy BH12 of Planning Policy Statement 6 (PPS6) requires proposals to be sensitive to the surrounding built heritage and characteristics, prevent erosion of character from inappropriate development with any proposals to be designed to respect the sites context in terms of massing, height, scale, elevational appearance, materials and quality.

Conversion and Extension to No 9 Victoria Street.

- 7.30 In relation to No 9 Victoria Street the Ballymoney Conservation Area Design Guide references the merits of the existing Victorian terrace as well as the “confusion of inappropriate shop fronts” at ground floor level. This is evidenced on the subject building in the form of a deep fascia which wraps around the ground floor of the building defining the existing commercial premises and detracts from elevations onto Victoria Street and John Street.

7.31 The application proposes fairly minimal external alterations to the existing building at No 9 Victoria Street but does include:

- Removal of the existing fascia panel on both elevations.
- This also opens views of the existing residential access onto Victoria Street which comprises a traditional single doorway with side lights and transom light over.
- The creation of two separate retail shopfronts designed to reflect the conservation area utilising traditional risers, pilasters and fascia signage.
- The introduction of a full height, ground floor window on the existing gable elevation on to John Street as part of the Retail Unit.
- The erection of a three storey extension to the rear of the building with hipped roof and two additional windows to match the existing building and the introduction of a vehicular access / archway with roller shutter door to serve the internal parking courtyard.

7.32 The proposed alterations and extension are generally appropriate and in accordance with Conservation Area requirements. The form of the massing and height of the extension is considered to be subordinate to the main building and involves the use of sensitive and appropriate materials including natural slate roofing, cast iron rain water goods and fixings and sliding sash windows repaired or replicated.

7.33 The proposed archway onto John Street is not consistent with those in the locality or as detailed in the design guide. The roller shutter door is also inappropriate at this location within the conservation area.

7.34 Additional information in the form of a detailed drawing is required relating to the doorways and shopfronts including materials, details and dimensions to ensure that they are appropriate to the Conservation Area setting.

7.35 Policy QD1 of PPS7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. Policy LC2 of the Addendum to PPS7 relates to the conversion or change of use of existing buildings to flats or apartments and requires that such proposals meet all the criteria set out in Policy QD1 of PPS7 as well as additional criteria a-e.

- 7.36 The proposed alterations and extension to 9 Victoria Street comprises the creation of two ground floor retail units and four apartments. The ground-floor retail units are 50sqm and 28sqm respectively and front directly onto Victoria Street with no rear access. A ground floor internal retail bin store and separate bin store serving the first and second floor apartments is located to the rear of the building with separate access onto the courtyard parking area. The retail bin store provides two 600l commercial bins which appear to serve both retail units. Any waste associated with the proposed retail units is required to be taken through the front of the building and carries to the rear bin store which is particularly inconvenient for the smaller of the two retail units.
- 7.37 A single access between the two retail units serves the four apartments with stairwell access to units 11 and 12 on the first floor and units 13 and 14 on the second floor.
- 7.38 All four apartments comprise two bedroom (3 person) apartments with combined kitchen/ dining/living areas, bathroom and small storage / cloakrooms. All apartments meet the required internal space standards as outlined in Annex A of the Addendum to PPS7 -Safeguarding the Character of Residential Areas although an exception is permitted to these space standards for town centre locations such as the subject site.
- 7.39 Units 12 and 14 incorporate the kitchen and living area within the proposed rear return and include a window overlooking John Street as well as an additional window overlooking the communal car parking area. Due to the positioning of this window and the limited separation of just 8m there may be some degree of direct overlooking between these communal kitchen / living areas and the smaller bedroom in each of apartments 11 and 13. However, this is offset to a considerable degree by the very oblique angle of direct overlooking between the two.
- 7.40 The windows serving units 12 and 14 may also potentially overlook neighbouring properties to some degree but is off-set by existing outbuildings and high boundary walls which provide privacy.
- 7.41 First floor apartments exist opposite the gable of No 9 Victoria Street, however the current proposal does not significantly increase the potential for direct overlooking between opposing first floor apartments.

- 7.42 None of these apartments include outside areas of amenity space or even a communal bicycle store and internal storage space is limited which creates difficulties in terms of the storage of residential paraphernalia such as bicycles, ironing boards etc.
- 7.43 Two refuse receptacles are provided for each of units 11-14, access to which is located to the rear of the building. Waste must be removed via the communal front entrance to the property and in the case of apartments 13 and 14 must be carried down two flights of stairs.
- 7.44 The proposed alterations are contrary to the SPPS and Policy BH12 of PPS6 insofar as it relates to the Conservation Area Designation and Design Guide as some elements of the proposed design are unacceptable within the Conservation Area. The proposed alterations are also contrary to Policy QD1 of PPS7 and Policy LC2 of the Addendum to PPS7 (criteria a & b).

Proposed 10 New Build apartments

- 7.45 Setting aside the issue of demolition which is deemed unacceptable (as above), it is necessary to consider the merits of the scheme in terms of a quality residential environment.
- 7.46 The proposed additional 10 apartments are located within the footprint of the existing warehouse and along the rear site boundary on to Church Lane. The apartments are two storey in height and linear in form with a narrow width, reflective of the existing building on site as well as a number of residential properties within the site context. The proposed apartments are subordinate to the terrace along Victoria Street and are orientated to the public road. The existing warehouse building comprises a fairly uniform elevation consisting of small window openings. Although this is reflected to some degree in the proposal it does include a much greater variety of fenestration detail which is neither reflective of the character of the existing building or surrounding context of the Conservation Area.
- 7.47 The proposal incorporates a number of inappropriate features and materials including large, first floor oriel windows, concrete non-profiled roof tiles, the use of UPVC windows and UPVC guttering and downpipes. Additional detail is also necessary on sill detailing, proposed black engineering brick corbel detailing at

eaves, coped gable ends/divides, the materials for doors and pine green feature panelling.

- 7.48 Both the John Street and Church Lane elevations incorporate mock garage / shed entrances which are reflective of the character of Church Lane which has a back-land character and incorporates some small commercial premises opposite the site. These are much less appropriate on John Street which is characterised by simpler terraced buildings and form.
- 7.49 The 10 apartments are within the proposed two storey new-build which forms the two remaining public boundaries onto John Street and Church Lane. The scale of the proposal is acceptable onto John Street and although it is higher than opposing properties on Church Lane they are not of a scale of a number of adjacent properties and are not incompatible with the surrounding context. Apartments 2, 3 and 5 are ground floor and front directly onto John Street and are served by individual entrances. A low metal railing and narrow planting strip is proposed to the public footpath. Apartments 1 and 4 are first floor apartments incorporating windows (including oriel windows) overlooking John Street. Apartments 1-4 consist of one bedroom (2 person) apartments while unit 5 comprises a two bedroom (3 person) apartment.
- 7.50 These units do not have access to any areas of private or communal amenity space and back onto the communal car park with only a narrow landscaping strip (approximately 1m) providing the extent of defensible space between the properties (including bedroom and bathroom windows) and the communal parking area.
- 7.51 Units 6-8 front onto Church Lane which comprises a narrow publicly adopted access road which serves the rear of the properties fronting onto Victoria Street. Units 6-8 are 2 bedroom (3 person) apartments with 6-8 providing the minimum internal floor-space required while apartment 8 appears to fall below this minimum threshold. Again these apartments do not have access to amenity areas although internal storage areas are provided. A public footpath is proposed onto Church Lane in order to provide pedestrian safety while a narrow planting strip is proposed to provide some degree of defensible space.

- 7.52 Apartments 9 and 10 are accessed from the courtyard car park and comprise two first floor apartments (2 bed, 3 person) with individual access. The levels of internal floor-space meet the necessary space standards but are again towards the lower limit.
- 7.53 A bin storage area is provided to the rear of unit 8 which serves 14 bins. The storage area is just over 1m away from the main bedroom window of unit 8 and has significant potential to impact on amenity as a result of odour and flies etc. The proposed bin storage area is not allocated to specific units and is below the number of receptacles required for the proposed number of apartments. The area is remote from most of the proposed units and access is difficult and potentially a considerable distance due to the lack of rear access to most properties. This may also raise issues of safety as residents are required to access through the communal parking area. No other bin storage areas are provided and therefore it is likely that a number of units may have to store bins on the public footpath on a permanent basis which is unacceptable.
- 7.54 In terms of overlooking a number of windows are perpendicular to each other, some of which are also in very close proximity to those serving adjacent properties such as bathroom and bedroom windows at units 3 and 7 as well as 4 and 10. A number of other properties have the potential for direct looking even taking into consideration the relative angle of view. The rear windows first floor windows of units 1 and 4 face internally within the site overlooking the car parking area but also have the potential to overlook the rear amenity areas of properties which front onto Victoria Street. The separation distance combined with existing ancillary building and boundary walls significantly limits the potential for overlooking.
- 7.55 Those first floor apartments fronting onto Church Lane may introduce an unacceptable degree of overlooking to the rear of No 5 John Street and adjacent properties.
- 7.56 The Design Guide "Creating Places" states that in terms of the provision of open space apartment or flat developments can be served by communal open space in the form of landscaped areas, courtyards etc and should range from 30sqm per unit to 10sqm with development in inner urban locations towards the lower figure. The proposed site is located within a town centre

location of what is a small market town and therefore it would be expected that access to appropriate levels of amenity space area provided. The lack of any meaningful open space and lack of communal facilities including bicycle racks, storage areas, outdoor drying facilities etc means that the residential environment would function poorly. Combined with the potential issues from accessibility, privacy issues / overlooking between properties, the sterile outlook over the parking area, the lack of refuse facilities and the proximity of those provided to residential properties means that the proposal will result in an unacceptable residential environment.

7.57 The proposal is contrary to the SPPS, Policy BH12 (due to the impact on the conservation area, Policy BH 14 of PPS 6 due to the loss of the existing building, Policy QD1 of PPS7(a), (b), (c), (e), (f), (g) and (h) as it does not create a quality and sustainable residential environment and additional criteria (a) and (b) within Policy LC2 of the Addendum to PPS7.

8.0 Additional Issues

Contamination

8.1 Consultation with DAERA (Regulation Unit) and the local Environmental Health Department indicates that former activities on-site and in the surrounding area (including the recent commercial use as a dry cleaners) may have caused the site /land to be affected by contamination that could impact on environmentally sensitive receptors including groundwater and surface water. Additional information is necessary to assess the extent of contamination at the site, the nature and extent of unacceptable risks and whether they can be managed through a remediation strategy to support the proposed development. To date this information has not been submitted and the issue of contamination remains unresolved.

Features of the Archaeological and Built Heritage

8.2 Setting aside the issues in relation to the Conservation Area designation, the site also lies within an identified area of archaeological potential and is also in proximity to a listed

building. Historic Environment Division has been consulted on the proposal and does not raise any issues of concern in terms of historic monuments or buildings subject to proposed conditions.

Access, Parking and Movement Pattern.

- 8.3 The site is located within the town centre and has access to good public transport links. Access is taken from John Street and provides 10 communal parking spaces (including one disabled). DFI Roads has been consulted and raise issues in relation to a shortfall in car parking, visibility and details of proposed footpath. The proposal is town centre and within walking distance of services. Bicycle facilities are not provided. The proposal is currently considered contrary to the SPPS and Planning Policy Statement 3, Access, Movement and Parking, as it has not been demonstrated that adequate and appropriate provision is made for access and parking.

Flooding / Drainage.

- 8.4 Surface water is to be disposed of to the existing public storm sewage network. Due to the nature of the development FLD3 of PPS15 applies and DFI Rivers has recommend that a Drainage Assessment is carried out which should include evidence that the proposed storm water run-off from the site can be safely discharged. To date the Drainage Assessment has not been completed. The proposal is contrary to the Strategic Planning Policy for Northern Ireland and Policy FLD 3 of Planning Policy Statement 15: Planning and Flood Risk as it has not been demonstrated that the proposal will not result in a potential flood risk.

Natural Heritage

- 8.5 Due to the existing buildings on site and their proposed demolition DAERA (NED) has pointed out that the existing buildings may provide roosting opportunities for bats given the surrounding habitat features. DAERA has requested the submission of a biodiversity checklist to assist with the consideration of the potential impacts on natural heritage interests. To date this has not been submitted. Contrary to the SPPS and PPS2, insufficient information has been provided to demonstrate that the proposed development will not have an adverse impact on a European protected species.

9.0 CONCLUSION

- 9.1 The 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 building makes a material contribution to the character of the area. A number of outstanding planning and environmental issues remain to be resolved and the proposal is also considered to provide an unacceptable quality of residential environment. Recommend refusal.

10 Refusal Reasons:

- 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.
- 10.2 The proposal is contrary to paragraph 6.19 of the SPPS and Policy BH12 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the site lies within Ballymoney Town Conservation Area and the development would, if permitted, detract from its character as it is not in sympathetic to the characteristic built form of the area and does not conform with the guidance set out in the Ballymoney Conservation Area document.
- 10.3 The proposal is contrary to paragraph 4.26 of the SPPS and criteria (a), (b), (c), (e), (f), (g) and (h) of Policy QD1 of Planning Policy Statement 7, Quality Residential Environments, Policy LC2 of Addendum to Planning Policy Statement 7, the Design Guide “Creating Places” and Development Control Advice Note 8, Housing in Existing Urban Areas in that the development as proposed fails to take account of the local character, environmental quality and amenity and does not provide a quality residential environment.
- 10.4 The proposal is contrary to Paragraph 6.297 of the SPPS and Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2 and Policy AMP7, in that it has not been demonstrated that adequate and appropriate provision is made for access and parking.
- 10.5 The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy NH2 of Planning Policy Statement 2 in that insufficient information has been provided to demonstrate the proposed development will not have an adverse impact a European protected species.

- 10.6 The proposal is contrary to paragraph 4.12 of the SPPS in that the development as proposed has the potential to result in a significant adverse impact on the water environment and insufficient information has been submitted to demonstrate otherwise.
- 10.7 The proposal is contrary to paragraphs 6.104 and 6.114 of the Strategic Planning Policy for Northern Ireland and Policy FLD 3 of Planning Policy Statement 15: Planning and Flood Risk, in that it has not been demonstrated that the proposal will not result in a potential flood risk.

