



Title of Report:	Planning Committee Report – LA01/2020/0293/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	27th April 2022
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>App No:</u>	LA01/2020/0293/F	<u>Ward:</u>	Coolessan
<u>App Type:</u>	Full Planning		
<u>Address:</u>	10 Ballyquin Road, Limavady, BT49 9ET		
<u>Proposal:</u>	Change of use from existing community hall to Class A1 use for sale and display of carpets (including storage of carpet rolls), Plus the relocation of the existing access arrangements onto the Ballyquin Rd		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	12.03.2020
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	
Agent:	AQB Architectural Workshop Ltd, 12A Ebrington Terrace, Waterside, Derry, BT47 6JS		
Applicant:	Itell Properties, 16 Crossnadonnell Road, Limavady, BT49 0BD		
Objections: 3	Petitions of Objection: 0		
Support: 0	Petitions of Support: 0		

Executive Summary

- Full planning permission is sought for the Change of use from existing community hall to Class A1 use for sale and display of carpets (including storage) and relocation of access onto Ballyquin Rd
- The application site is not located within the defined Town Centre for Limavady Town.
- An assessment of alternative available sites within the catchment area has been submitted by the applicant.
- The scope and nature of the assessment is not considered to represent a reasonable assessment of available options. The assessment has not sought to identify suitable buildings for sale and has placed very specific selection criteria within the terms for site selection to which there is no evidence to support the criteria as required under 6.282 of the SPPS.
- It has not therefore been demonstrated that there are no suitable town centre or other sequentially preferable locations for the retailing outlet and therefore it has not be demonstrated that the site is sequentially the most appropriate location for the proposal.
- DFI Roads, Environmental Health and NI Water have no objections to the proposal
- The application is recommended for Refusal as it is contrary to Paragraphs 6.273, 6.279, 6.280 and 6.281 of the SPPS

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

1 RECOMMENDATION

- 1.0 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 conditions set out in section 10.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located at 10 Ballyquin Road, Limavady. The application site sits immediately adjacent to the Ballyquin Rd, and consists of a narrow linear plot which contains a Hall, previously used for community use/place of assembly. The hall is a single storey building constructed from red brick with a pitched roof finished in metal sheeting. To the rear of the building there has been an extension recently constructed which is constructed from timber and metal sheeting. The site is defined to the roadside boundary by a red brick dwarf wall with black metal railing on top approximately 2.4m in height. The northern and eastern boundaries, which abuts the adjacent school is defined by a 2m high palisade fence. The southern site boundary is defined by a close boarded timber fence approximately 2.4m high.
- 2.2 The application site is located within the settlement limit of Limavady Town as defined in the Northern Area Plan 2016. The application site is not within any designated sites, but is located immediately adjacent to the Ballyquin Rd which a Protected Route. The site is immediately adjacent Rossmar School and directly opposite Limavady Grammar School, with a large portion of both of these schools being located within the designated Greystone Local Landscape Policy Area (LYL08), designated for the wooded grounds which occupy both school grounds. To the south of the application site is an apartment development.

3.0 RELEVANT HISTORY

3.1 B/1991/0033 - VICTORIA HALL BALLYQUIN ROAD
LIMAVADY - Site for two storey extension to mission hall for
use as youth centre and including ancillary office
accommodation – Permission Granted 11.06.1991

B/1994/0238 - 4 BALLYQUIN ROAD COOLESSAN LIMAVADY
- Erection of extension to mission hall for use as youth centre –
Permission Granted 13.06.1995

4.0 THE APPLICATION

4.1 Full planning permission is sought for the Change of use from
existing community hall to Class A1 use for sale and display of
carpets (including storage of carpet rolls). The proposed building
will comprise approximately 120m² of retail floorspace and
approximately 80m² of storage and ancillary space. No physical
alterations are proposed to the building. The application also
proposes the relocation of the existing access arrangements
onto the Ballyquin Rd in order to provide a suitable safe access.

5.0 PUBLICITY & CONSULTATIONS

External: 3 objections from 3 separate addresses have been
received to this application.

The issues raised within the objection letters relate to

- the proposal would result in a loss of car parking which
serves the wider area.
- impact upon current access and parking arrangements at the
adjacent flats
- impact of deliveries on residential amenity

Internal:

DFI Roads: No objections.

Environmental Health: No objections.

NI Water: No objections.

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
- 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

A Planning Strategy for Rural Northern Ireland

8.0 CONSIDERATIONS & ASSESSMENT

Planning Policy

- 8.1 The proposed development must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the determination of this application relate to: principle of development, access and servicing arrangements and representations.

Principle of Development

- 8.2 As the Northern Area Plan is not an up to date plan with regards to retail policy, the regional policies contained within the SPPS are the primary policy consideration in this application. The aim of the SPPS is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions, consistent with the RDS.
- 8.3 Paragraph 6.273 of the SPPS outlines that Planning Authorities must adopt a town centre first approach for retail and main town centre uses. The application relates to the change of use of a building to provide a retail use with an element of storage and distribution. The site is located outside the defined Town Centre for Limavady Town as defined within the Northern Area Plan.
- 8.4 The agent provided information in support of the application as follows. Reference is made to a number of paragraphs within the SPPS which include paragraphs 6.82 and 6.279. Paragraph 6.82 relates to Economic Development Industry and Commerce, (Class B developments as per the Planning (Use Classes) Order), which provides a separate policy context to that of Town Centres and Retailing. The proposal relates to a retailing use with an ancillary aspect of storage and distribution, and therefore Paragraph 6.82 is not relevant to the consideration of this application.

- 8.5 Paragraph 6.279 reiterates the town centre first approach to retailing, but continues to state that certain retail facilities may be considered acceptable in the rural area as long as there is no unacceptable adverse impact on the vitality and viability of a town centre. Given that the proposed development is not located within the rural area no weight can be given to the exceptions permitted under this paragraph.
- 8.6 The supporting statement argues that the use is not a straightforward town centre type use given the space requirements for storing carpet rolls, and argues that the building subject of the application is fit for purpose in terms of providing for the storage of carpet rolls, access and parking and transfer of product to/from vans.
- 8.7 However, it is not uncommon for this type of retail use to be located within town centre locations and indeed there are examples of similar types of retail premises located within Limavady Town Centre. Limavady Town Centre is well serviced with on-street car parking and public car park provision and would readily cater for ease of access to and from a shop in a town centre location.
- 8.8 Paragraph 6.280 of the SPPS indicates a sequential test should be applied to applications for main town centre uses which are not within an existing town centre and not in accordance with an up-to-date local Development Plan. As the application site is outside of the existing town centre and as the Northern Area Plan is not up-to-date in respect of retail policy a sequential test is required to be carried out under this application.
- 8.9 A sequential site assessment was submitted by the applicant in January 2022. The assessment establishes the catchment area for the retail use as being the local Limavady area and has limited its assessment to Limavady Town. The assessment identified very specific selection criteria for suitable premises which included
- Existing building available to rent
 - Total floorspace of 200m² across a single level for showroom and storage
 - On site service yard to facilitate off-street loading/unloading
 - Accessible site location
 - Within Limavady catchment

- 8.10 The Assessment identified ten sites which were considered. All ten sites were located within Limavady Town Centre as defined in the Northern Area Plan. The assessment found that none of the identified properties provided sufficient floorspace for a showroom and storage and none provided for in-curtilage servicing. The report concluded that the subject site represents the most sequentially preferable option within the identified catchment.
- 8.11 Whilst the information provided within the assessment is not disputed, the scope and nature of the methodology is very limited and does not represent a reasonable assessment of available options. The site requirements which an appropriate site must exhibit reflect the characteristics of the acquired site only and it is unrealistic to expect a town centre site to share such a specific list of criteria.
- 8.12 The assessment only considers rental properties and there is no justification as to why properties for sale have been excluded. There may be available properties within the catchment area which have been overlooked as a result. In terms of rental properties a search has identified a property within the Town Centre which exhibits the essential selection set out within the sequential test. No justification for its exclusion from the assessment has been provided.
- 8.13 A further option to acquire an alternative and separate storage location, where the carpet rolls could be stored off-site is dismissed on the grounds that it would lead to a doubling of the rental expenditure. There is no evidence to demonstrate that the combined rental expenditure of this option would exceed that of an appropriate town centre site. Customers only require access to a show room space exhibiting samples of flooring as demonstrated on the business website. This would drastically reduce the overall need for floor space within the primary retail core. Storage of bulk flooring could be offsite in premises which would attract a significantly lower rental value.
- 8.14 It is noted that the applicant vacated their previous premises which was within the Town Centre at Connell Street, in order to relocate to an out-of-centre location. Vacating this premises has resulted in an increase in vacancy rates and a loss of expenditure within the town centre, which will further negatively impact on the vitality and viability of the town centre.

- 8.15 The agent has submitted justification for the relocation from their previous location within the Town Centre. The reasons for relocating were outlined as the business floorspace requirements had outgrown the existing building. The building at Connell Street offers 175m² of ground floor floorspace which the agent outlines only allowed for storage of material for specific jobs, which prevented bulk ordering/storage and made supply and price control difficult. The agent also cited a lack of customer and servicing parking at the previous property.
- 8.16 The Planning Department however consider that the reasons for vacating this site within the Town Centre, are not wholly justified. The building at Connell Street provides for a small shortfall (25m²) below the specified 200m² requirement. The space requirements highlighted within the selection criteria are extremely specific and would appear to be in line with the physical attributes of the current building. There is no evidence to support this criteria as required under 6.282 of the SPPS. Additionally, within the sequential site assessment paragraph 4.2.8 outlines that it is accepted that there is sufficient customer parking on-street in the town centre and that this criteria could be discounted from the selection criteria. In terms of the servicing arrangements, the applicant has not demonstrated why deliveries/pick-ups from the premises could not be managed to occur outside of peak hours, where parking demand is lower, which would allow use of the on-street parking adjacent to the building.
- 8.17 It has not therefore been demonstrated that there are no suitable town centre or other sequentially preferable locations for the retailing outlet and therefore it has not been demonstrated that the site is sequentially the most appropriate location for the proposal.
- 8.18 The Nexus Retail Capacity Update July 2020 provides an update on the Nexus Retail Report October 2017 (based on information at April 2017). The July 2020 Update indicated that, for comparison retail in Limavady, there was an oversupply to local need in the order of -400 sqm net minimum to -700 sqm net maximum at 2020. The report indicates this over-supply will increase to -600 sqm net minimum to -1000 sqm net maximum by 2025, with a further increase by 2030 to -700sqm net minimum and -1,100 net maximum. As such the report effectively outlines that there is more retail floorspace within the

town centre than the catchment expenditure can support. In this regard comparison retail uses should be directed to the town centre to uptake some of this deficit and direct expenditure to the town centre to maintain the vitality and viability of the town centre.

8.19 The applicant has outlined the economic benefits of approving the application which have been outlined as

- Payment of rates to council
- Creation of 3 direct jobs
- Contribute to the creation of related jobs
- Trickle down benefit to local economy through PAYE

8.20 The Council's Economic Development Strategy (Recovery and Renewal – an economic strategy for the Causeway Coast and Glens) seeks to sustain and grow its local economy. While supporting economic growth is a material consideration the Planning Department do not find the economic argument presented by the agent to be of significant weight in this instance. The business was previously located within the town centre, whereby there would have been rates to pay on the premises and the provision of jobs and expenditure. All of the above factors could be maintained within a town centre location and as no substantive evidence has been provided as to why the town centre location was vacated or as to why there are no suitable town centre sites or sequentially better sites available officials do not find that refusal of the application will have a detrimental impact on economic development.

8.21 The surrounding land use context has been highlighted of being of a mixed nature comprising a range of community, educational and other commercial premises interspersed with residential development. To the south of the site there is a shop and post office at Coolestan Walk, with a recently constructed petrol station with convenience shop close to the junction Ballyquin Rd and Roemill Rd, with permission recently granted for a new integrated primary school adjacent to this site. Two further schools are located to the immediate north and west of the site, with a civic amenity site located a short distance south west of the site. To the north of the site along Irish Green Street there are a number of commercial properties including a pharmacy

and hot food outlets. While the aforementioned uses are located outside of the town centre they are interspersed within a largely residential area, whereby their nature serves the day to day needs of the local community by providing convenience shopping and community facilities. The Planning Department does not find that the nature of the proposal is directly comparable in that it relates to the provision of comparison goods, which you would expect to find in a town centre location, and do not consider the nature of the surrounding area sufficient grounds to permit a retail use in this location.

- 8.22 The supporting documentation from the agent outlines that re-use of an existing building offers a sustainable option to providing the retail use. While it is recognised that the RDS, SPPS and Northern Area Plan promote the re-use of buildings as a sustainable form of development, the Planning Department cannot attribute significant weight to this argument as it has not been demonstrated that there are no existing vacant properties within the Town Centre or other sequentially preferable locations which could potentially be used to accommodate the retail business, which would also result in the sustainable re-use of empty or under used buildings.
- 8.23 The planning function seeks to regulate the use of land in the public interest, and the concentration of goods and services within a defined retail core strengthens and supports the vitality and viability of the centre and contributes to a sustainable pattern of development by reducing reliance on the car. As a consequence of not demonstrating that there are no sequentially preferable sites to the out of centre location proposed, the increase in vacancy rates will have an unacceptable impact on the vitality and viability of Limavady Town Centre as required by Paragraph 6.279 of the SPPS. The proposal is contrary to Paragraphs 6.273, 6.279, 6.280 and 6.281 of the SPPS.
- 8.24 Policy DES2 of A Planning Strategy for Rural Northern Ireland requires that development proposals in towns make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. The policy requires assessment of a number of factors including appropriate land use and amenity. As discussed above the proposed land use is one which would be typically found in a town centre location given its primary retail use and comparison goods nature. In terms of the compatibility

with surrounding development Environmental Health were consulted to assess the potential impact of the proposal. Following the submission of additional information regarding the hours of operation, nature of the operations carried out at the premises Environmental Health offer no objections to the proposal. Given the nature of the use it is unlikely that there will be any significant issues arising from noise or odour and would therefore be unlikely to result in an adverse impact on the surrounding land use, in particular the residential properties immediately adjacent the site to its southern boundary.

Access

- 8.25 Access to the application site is proposed onto Ballyquin Rd which is a protected route. Initial consultation with Roads outlined that the existing access and visibility splays were insufficient and that upgrade works were required. A site access report and speed survey and amended plans were submitted by the agent to indicate the relocation of the access point to the southern end of the site frontage to achieve the necessary provision of visibility splays of 2.0m x 65m to the north and 2.4m X 60m to the south of the access. DFI Roads were re-consulted on the amended plans and offer no objection in respect of Policy AMP2 of PPS3.
- 8.26 As the proposal is making use of/upgrading an existing access onto a Protected Route, the principle of development is considered acceptable in regards to Policy AMP3 of PPS3. The agent has outlined in their supporting document that there will be generally less than 20 visitors to the site daily associated with the proposed use of the building/site for a retail use, which is a less traffic intensive form of development than some of the previous uses of the site. In that respect the proposed development will not result in an unacceptable increase in the intensification of use of the access onto a protected route and is in compliance with Policy AMP3 of PPS3.
- 8.27 The submitted site access plan indicates the proposed parking arrangements for the site. The plan indicates an acceptable level of parking spaces and cycle parking spaces as per the published standards – Parking Standards. The proposal therefore complies with Policy AMP7 of PPS3

Representations

8.28 With regards to the comments received from objectors in respect of the application the Planning Department would make the following comments. The proposal does not seek to access the application site via the access/parking area at the adjacent apartment block. The proposed relocation of the access arrangements relate to moving the access point along the site frontage in order to achieve the necessary visibility splays. The access will remain directly from Ballyquin Rd into the site. With regards to the comments about the loss of parking provision for the surround areas, as the application site is in private ownership and is not a designated public car park, there is no way in which the continued use of the site for community car parking can be enforced. The area within the site should only be used in conjunction with the permitted use of the building.

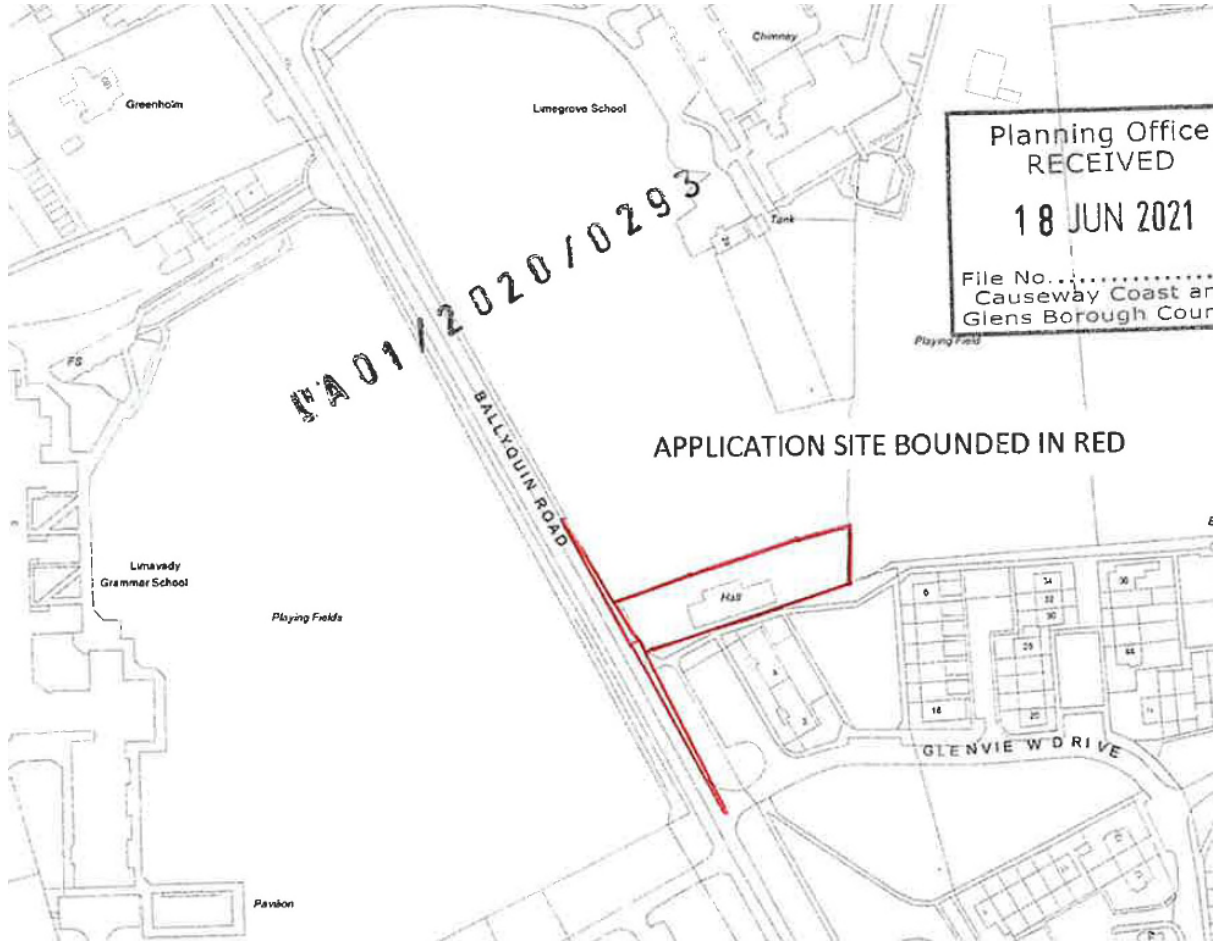
9.0 CONCLUSION

9.1 The proposal relates to a retail development located outside of the defined Town Centre boundary of Limavady as defined in the Northern Area Plan. It has not been demonstrated through a detailed assessment that there are no town centre or other sequentially preferable sites within which to locate the business. The use as a comparison retailing business is one which would be expected to be found in a town centre location, and one which is at odds with the character of the area in which it is proposed. The proposal is contrary to Paragraphs 6.273, 6.279, 6.280 and 6.281 of the SPPS. Refusal is recommended.

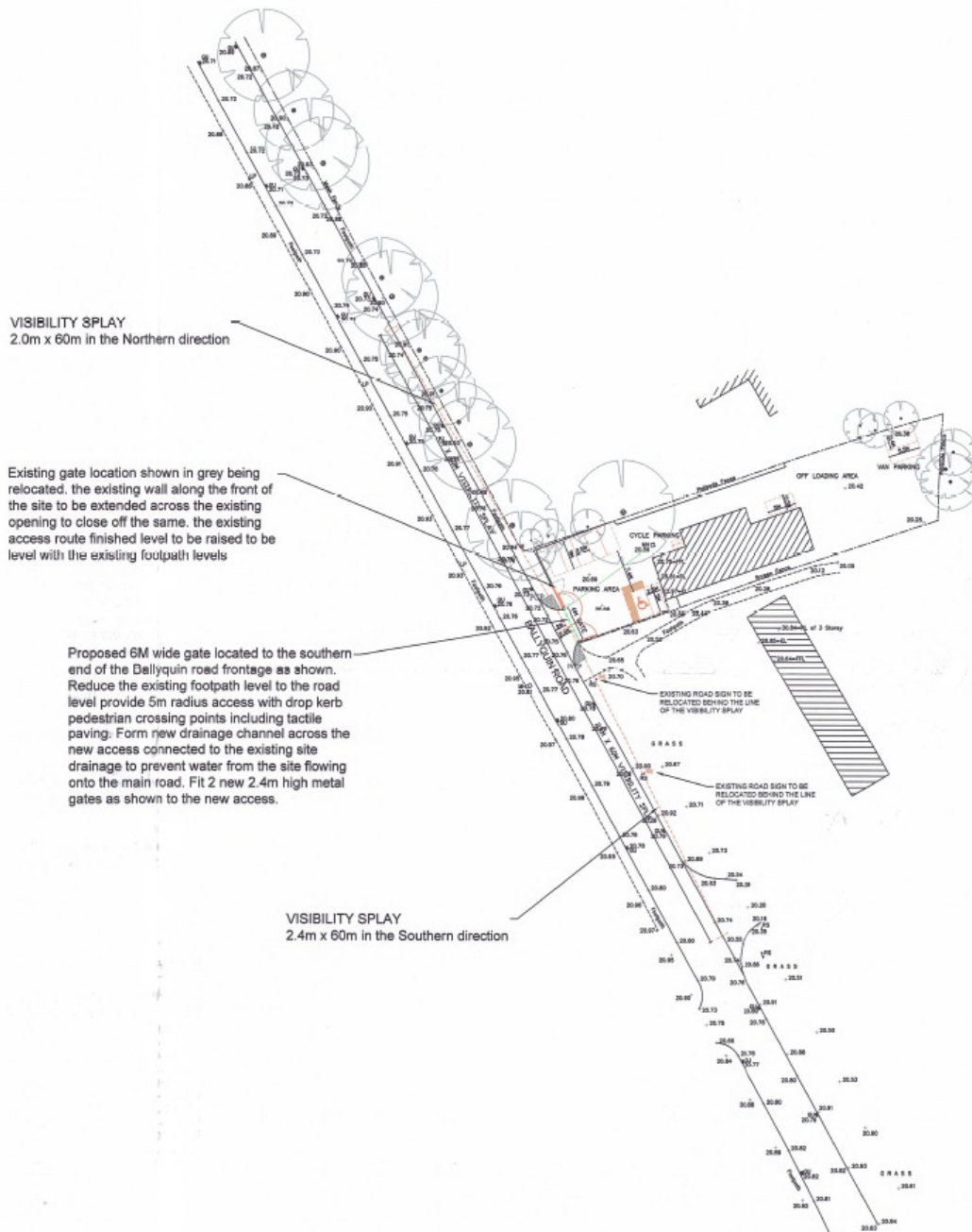
10.0 Reasons for Refusal

1. The proposal is contrary to Paragraphs 6.273, 6.279, 6.280 and 6.281 of the SPPS in that the proposal relates to a retail use and is not located with Limavady Town Centre as defined in the Northern Area Plan 2016 and it has not been demonstrated through the submission of a sequential test that there are no suitable town centre or other sequentially preferable sites available within the catchment.

Site Location Map



Block Plan



Erratum

LA01/2020/0293/F

1.0 Update

1.1 Paragraph 1.1 of the Planning Committee Report states;

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 conditions set out in section 10.

This should state;

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.

2.0 Recommendation

2.1 That the Committee note the contents of this Erratum and agree with the recommendation to refuse the application in accordance with Paragraph 1.1 of the Planning Committee report.