

<b>Planning Committee Report Item G</b>	<b>24<sup>th</sup> February 2016</b>
<b>PLANNING COMMITTEE</b>	

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

# **ITEM G**

**30m East of No. 2 Loughan Hill  
Industrial Estate Gateside Road  
Coleraine**

**LA01/2015/0509/F**

**Full Planning**

**24<sup>th</sup> February 2016**

<b><u>No:</u></b>	LA01/2015/0509/F	<b><u>Ward:</u></b>	Dundooan
<b><u>App Type:</u></b>	Full Planning		
<b><u>Address:</u></b>	30m East of No. 2 Loughan Hill Industrial Estate Gateside Road Coleraine		
<b><u>Proposal:</u></b>	Retention of farm shop selling various farm produce		
<b><u>Con Area:</u></b>	N/A	<b><u>Valid Date:</u></b>	4th August 2015
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>Target Date:</u></b>	
<b>Applicant:</b>	Sydney B Scott, 96 Moneybrannon Road, BT51 3SL		
<b>Agent:</b>	Fleming McKernan Associates, 1 Upper Abbey Street, Coleraine BT52 1BF		
<b>Objections:</b>	0	<b>Petitions of Objection:</b>	0
<b>Support:</b>	0	<b>Petitions of Support:</b>	0

Drawings and other information are available to view on the Planning Portal- [www.planningni.gov.uk](http://www.planningni.gov.uk)

## 1 RECOMENDATION

- 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 section 7 and resolves to **REFUSE** planning permission for the reasons in section 10.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located within the settlement limit of Coleraine. It is located within the Loughanhill Industrial Estate which is land zoned for Economic Development in the Northern Area Plan 2016. On the site is a single storey detached building. The building is used as a farm shop. The finishes of the building include wooden cladding to the external walls and a corrugated zinc pitched roof. The southern facing elevation of the roof has the words 'Scott's Farm Shop' painted on it.

- 2.2 There is a parking area to the south of the building and the site is accessed via an existing access which also accesses the adjacent industrial units. The western boundary of the site is defined by a 2m fence, the other boundaries are currently undefined.
- 2.3 To the east of the application site there is a large building which contains a number of businesses including 'Skyline Windows'. To the south of the site is a vehicle sales business. To the north of the site is an open area used for parking and to the west of the site is the Driver and Vehicle Test Centre.
- 2.4 The site is located within the settlement limit of Coleraine as defined in the Northern Area Plan 2016. It is also within the Loughan Hill Industrial Estate (CEED 03) which is designated in the Northern Area Plan as land zoned for Economic Development.

### **3 RELEVANT HISTORY**

There is no relevant history.

### **4 THE APPLICATION**

- 4.1 Planning permission is sought for the retention of farm shop selling various farm produce.
- 4.2 The development on site is currently the subject of an enforcement case relating to an 'Unauthorised shop unit' under case reference LA01/2015/0034/CA.

### **5 PUBLICITY & CONSULTATIONS**

#### **External**

- 5.1 **Neighbours:** There are 0 objections to the application.

#### **Internal**

- 5.2 **Transport NI:** Has no objection to the proposal.

**NI Water:** Has no objection to the proposal.

**Environmental Health:** Has no objection to the proposal.

## **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 both a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 4: Planning and Economic Development

## Clarification of Policy PED 4

### Planning Advice Note - Implementation of Planning Policy for the Retention of Zoned Land and Economic Development Uses

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to: the principle of retail development; the loss of land zoned for economic use and; traffic/ parking matters.

### **Planning Policy**

- 8.2 The site is located within the settlement limit of Coleraine as defined in the Northern Area Plan.
- 8.3 The principle of this development proposed must be considered having regard to the PPS policy documents specified above and the supplementary guidance.

### **Principle of retail development**

- 8.4 When the SPPS was published in September 2015, it cancelled the provisions for retailing and town centres that had been provided by PPS 5 Retailing and Town Centres. The SPPS provides the main policy document for dealing with retail applications. This is set out in pages 101-105 "Town Centres and Retailing".
- 8.5 The SPPS seeks to support and sustain vibrant town centres through the promotion of established town centres as the appropriate first choice for retailing. The Northern Area Plan identifies a town centre, with a number of local centres also designated. This application site is not within the town or a local centre.
- 8.6 The SPPS sets out regional strategic objectives for town centres and retailing. The first of these is to secure a town centres first approach for the location of future retailing and other main town centre uses. This policy goes on to outline the order of preference for retailing in paragraphs 6.280 and 6.281:

1. primary retail core,
2. town centres,
3. edge of centre and
4. out of centre locations, only where sites are accessible by a choice of good public transport nodes.

This application is sited within the least sequentially preferable locations, being an out of centre location. However, this site is not accessible by good public transport.

- 8.7 Although Paragraph 6.279 states that retailing will be directed to town centres and explains circumstances when retail development may be acceptable in the countryside, it goes on to say that all policies and proposals must ensure there will be no unacceptable adverse impact on the vitality and viability of an existing centre within the catchment, and meet policy requirements elsewhere. This has not been demonstrated in this case, and, the proposal is contrary to PPS 4 which is expanded on in Paragraphs 8.10-8.14.
- 8.8 Paragraph 6.282 requires an assessment of need to be carried out which is proportionate to support the application. Again this has not been done in this application.
- 8.9 The principle of retail development on this site is contrary to the Northern Area Plan and SPPS and is therefore unacceptable.

### **The loss of land zoned for Economic Use.**

- 8.10 PPS 4 and the SPPS stress the importance of retaining land for economic development proposals which relates to uses as currently defined in Part B 'Industrial and Business Uses' of the Planning (Use Classes) Order (Northern Ireland) 2015. Retailing is set out within Class A of this Order. If the proposed development was to be approved it would result in the loss of land zoned for economic development use (Zoning CEED 03 – Loughanhill Industrial Estate).
- 8.11 Policy PED 7 of PPS 4 is the primary policy for considering the retention of zoned land and economic development uses which states that development on land zoned for economic development to other uses will not be permitted, unless the land has been substantially developed for other uses.

- 8.12 However, PED 7 does give an exception to allow the development of a *sui generis* where certain criteria are met. As Retailing is not a *sui generis* use, this exception does not apply to this proposal.
- 8.13 PED 7 makes specific reference to retailing and allows retail development to be permitted where it is justified as acceptable ancillary development. Scott's Fruit and Vegetable Wholesalers previously had an industrial unit in the wider Loughanhill Industrial Estate. A shop at the same location may have been considered ancillary. However, this is no longer the case. Therefore this is a stand-alone application for retail only and is not ancillary development to other industrial activities on the same site.
- 8.14 There is no exceptional or special circumstance as to why this proposal outweighs the Plan zoning this land for Economic Development and is therefore contrary to PED 7 of PPS 4.

### **Traffic and Parking Matters**

- 8.15 The application site uses an existing access, which also accesses a number of other businesses. Transport NI has been consulted and it has no objections to the proposal.
- 8.16 There is an existing parking area on site to the south of the building to be retained. The submitted plans show space for 25 parking spaces to service the farm shop. The Parking Standards document provides guidance of provision of 1 parking space per 14 square metres of Gross Floor Area. When considering this guidance approx. 8 parking spaces should be provided. The current plans indicate approx. 25 parking spaces which exceeds the number recommended in the planning guidance document. The application accords with Planning Policy Statement 3 - Access, Movement and Parking.

## **9 CONCLUSION**

- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan, and other material considerations, including the SPPS. The principle of developing this land for retail is contrary to both the retailing and economic development, industry and commerce elements of the SPPS,



and is contrary to Policy PED 7 of PPS 4. There is no exceptional circumstance as to why this retail use should be located in Loughanhill Industrial Estate which is land zoned for industrial development, and there are no other material considerations that outweigh the Northern Area Plan. Refusal is recommended.

## 10 Refusal Reasons

### 10.1 Reasons

1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) paragraphs 6.279 and 6.282 in that it has not been demonstrated that: there will be no unacceptable adverse impact on the vitality and viability of an existing centre within the catchment and; there is a need for the development proportionate to support the application.
2. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) paragraphs 6.280 and 6.281 in that the application proposes development on a less sequentially preferred site.
3. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) paragraph 6.89 and policy PED7 of Planning Policy Statement 4, Planning and Economic Development, in that the proposal has resulted in the loss of land zoned for economic development in the development plan.

