



<b>Planning Committee Report LA01/2017/1311/O</b>	<b>22 January 2020</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>	Development Management & Enforcement Manager
<b>Cost: (If applicable)</b>	N/a

<b><u>No:</u></b>	LA01/2017/1311/O	<b><u>Ward:</u></b>	Agivey
<b><u>App Type:</u></b>	Outline Planning		
<b><u>Address:</u></b>	168 Agivey Road, Coleraine		
<b><u>Proposal:</u></b>	Proposed two storey dwelling with garage to replace existing school buildings.		
<b><u>Con Area:</u></b>	No	<b><u>Valid Date:</u></b>	09.10.2017
<b><u>Listed Building Grade:</u></b>	N/A		
<b>Agent:</b>	TJ McDowell, 25A Dowgry Road, Ballymena		
<b>Applicant:</b>	Mr Owen McIlvar, 61 Drumeil Road, Aghadowey		
<b>Objections:</b>	1	<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- [www.planningni.gov.uk](http://www.planningni.gov.uk)

## **1 RECOMMENDATION**

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** planning permission subject to the refusal reasons set out in section 10.

## **2 SITE LOCATION & DESCRIPTION**

- 2.1 The site comprises an area of land which is within the curtilage of a building formerly used as a school. The site is flat. There is a post and wire fence along the roadside boundary. There is a band of mature trees and hedging along the western boundary of the site. The northern boundary is undefined on the ground. There is hedging along the southern boundary.
- 2.2 The site is identified within the Northern Area Plan as land within the countryside and is not located within any settlement limit. The site is not within any specific environmental designations.

## **3 RELEVANT HISTORY**

No relevant planning history on this site.

## **4 THE APPLICATION**

- 4.1 This is an outline application for proposed single dwelling and garage.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External:**

1 objection received

### **5.2 Internal:**

DFI Roads: No objections.

Environmental Health: No objections.

NIEA Water Management Unit: No objections

NIEA Natural Environment Division: Biodiversity Checklist requested

NI Water: No objections.

## **6 MATERIAL CONSIDERATIONS**

- 6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 The development plan is:
  - Northern Area Plan 2016 (NAP)
- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7.0 RELEVANT POLICIES & GUIDANCE**

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

## Planning Policy Statement 2: Natural Heritage

### Advice and Guidance

#### Building on Tradition Design Guide

### **8.0 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to: principle of development, integration; rural character; natural heritage; and road safety.

#### **Principle of Development**

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

8.3 The SPPS allows for a number of circumstances for a dwelling in the countryside.

8.4 PPS 21 sets out the planning policies for development in the countryside. Policy CTY1 of PPS21 outlines the types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

8.5 The proposal is for the replacement of a school house with a dwelling. The SPPS does not permit the replacement of former schools for dwellings, only their conversion where it involves minimal intervention.

8.6 The direction of the SPPS is that through the conversion and re-use of locally important buildings in the countryside, their upkeep would be secured and the building retained for future generations.

8.7 Policy CTY 3 'Replacement dwellings' of PPS 21, permits the replacement of redundant non-residential buildings with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided that the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality.

8.8 The existing building on site is substantially intact and in good repair. An objection letter was received which highlighted that the existing building has been here for over sixty years and is a landmark. Therefore the building is considered to be locally important and the

redevelopment proposed would not bring significant environmental benefits to the local area.

- 8.9 As the proposal would not be considered eligible as a replacement under Policy CTY 3, consideration of the additional criteria under this policy is not required.
- 8.10 Paragraph 6.73 of the SPPS states that provision should be made for sympathetic conversion and reuse of a locally important building as a single dwelling where this would secure its upkeep and retention. Therefore a proposal could potentially be considered under Policy CTY 4 of PPS 21 for the conversion and reuse of the existing school buildings.
- 8.11 The existing building is of permanent construction and the re-use would help to enhance the form, character, design and setting of the existing building. Necessary services should be available and there is an existing access point. The agent was contacted in relation to this but did not deem this a viable option.
- 8.12 The proposal does not fit within any other policies set out within PPS 21.
- 8.13 A site must also meet other planning and environmental requirements. The proposal is considered in relation to Policies CTY 13 and CTY 14 below.

### **Integration**

- 8.14 Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

A new building will be unacceptable where:

- (a) it is a prominent feature in the landscape; or
- (b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
- (c) it relies primarily on the use of new landscaping for integration; or
- (d) ancillary works do not integrate with their surroundings; or
- (e) the design of the building is inappropriate for the site and its locality; or

(f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or

(g) in the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.

8.15 Existing boundary treatments comprising mature trees and hedging provide a degree of enclosure and provide a backdrop to assist with integration. When travelling south on Agivey Road, the site is screened by existing dwellings and vegetation. Views of the site are more apparent when travelling north, however the existing roadside vegetation and hedging to southern boundary assists with screening. A dwelling has been approved directly north of the site. A dwelling on this site could potentially integrate providing careful design. Notwithstanding, the principle is unacceptable under PPS 21 CTY 3.

8.16 Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. Given that there is an existing building within the application site and providing careful design, a dwelling on this site would not cause a detrimental change to, or further erode the rural character of the area.

### **Natural Heritage**

8.17 Policy NH 5 of PPS 2: Natural Heritage states that planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on or damage to priority habitats, species or features of natural heritage importance.

8.18 The proposal would involve the demolition of an existing unoccupied building. There are also mature trees and hedging located to the western and southern boundaries of the site. Natural Environment Division were consulted in relation to this application and noted that the existing building may be of bat roost potential. In addition, there is habitat occurring in the vicinity of the application site which may provide foraging, resting and breeding opportunities for a range of species including bats and wild birds. NED advised that a biodiversity checklist should be completed to identify issues. However, this was not requested as refusal is recommended and therefore it would cause unnecessary expense to the applicant.

## **Access**

8.19 DfI Roads were consulted in relation to this application and offer no objections.

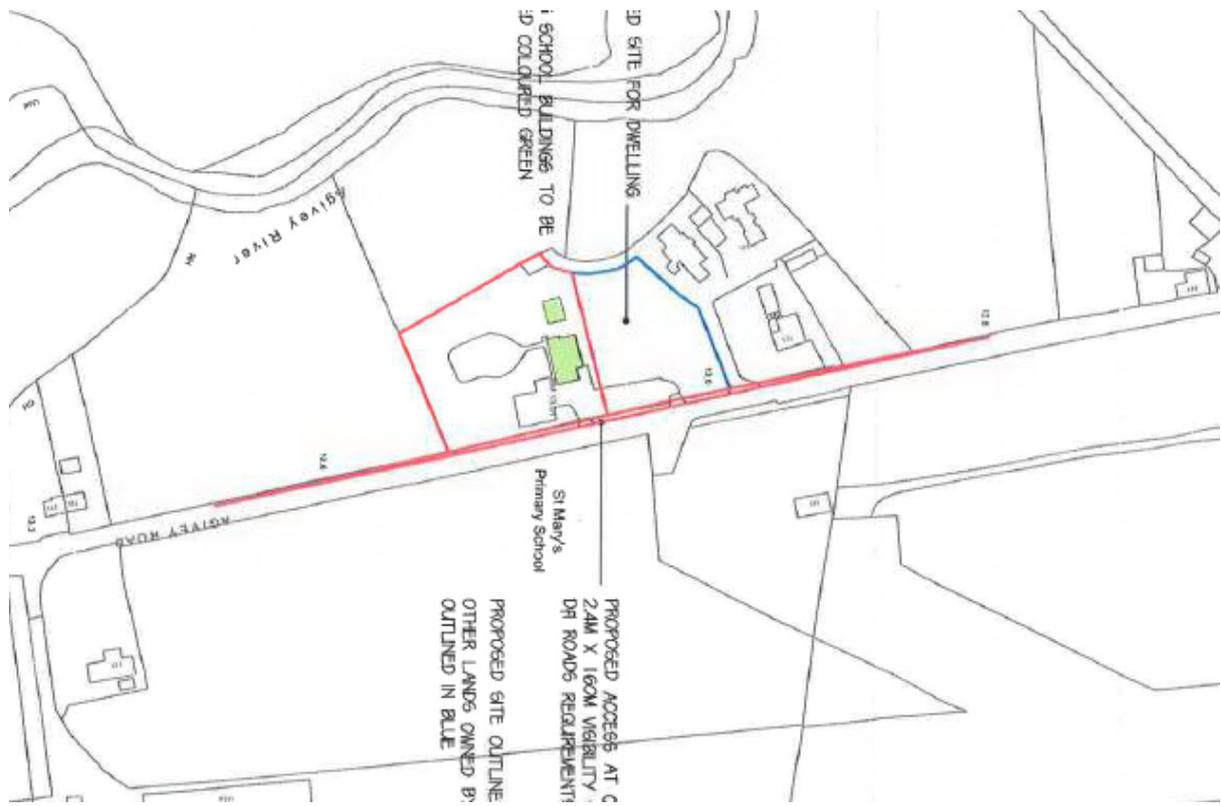
## **9.0 CONCLUSION**

9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal does not accord with the principle of a dwelling in the countryside as set out by Policy CTY 1 of PPS 21. The proposal fails to comply with the SPPS and Policy CTY 3 of PPS 21 in that the proposed redevelopment would not bring significant environmental benefits. Refusal is recommended.

## **10 Refusal reasons**

- 10.1 The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 and CTY 3 of PPS 21, Sustainable Development in the Countryside, as the non-residential building which it is proposed to replace makes an important contribution to the heritage, appearance and character of the locality and no significant environmental benefits would be brought about by its redevelopment.
- 10.2 The proposal is contrary to Policy NH2 of Planning Policy Statement 2 in that the applicant has failed to demonstrate that the proposal would not result in an unacceptable adverse on habitats, species or features of natural heritage importance.

**Site Location Plan:**



# Addendum

## LA01/2017/1311/O

### 1.0 Update

- 1.1 Following the planning committee meeting on 2<sup>nd</sup> December 2018, the application was deferred pending the submission of a structural report in relation to the integrity of the building to allow its conversion to a dwelling. The structural report was submitted on 20<sup>th</sup> December 2018.
- 1.2 Following the submission of the structural report, the Council's Building Control department were consulted to consider the contents of the report. Building Control responded on 30<sup>th</sup> April 2019 and commented that the retention of the existing structure will have significant cost implications to ensure compliance with the current building regulations, which in this case would involve a change of use. If alterations and extensions are required to provide modern living standards there will be significant cost implications over and above the existing building improvement costs.
- 1.3. A cost comparison was submitted on 30<sup>th</sup> May 2019 to compare the cost of converting the existing building versus a new build of similar size. This confirmed that the costs to convert the existing building would be higher than a new build. The estimated cost for a 2,000 sqft new build would be £130,000 and for renovation/conversation of 2,000 sqft would be £192,000 (£160,000 plus £32,000 VAT). These figures were supplied by the agent.
- 1.4 A Bat Assessment report was submitted on 9<sup>th</sup> September 2019 following a consultation response from DAERA, Natural Environment Division (NED) advising that the building may be of bat roost potential.

## **2.0 Consideration**

- 2.1 The proposal is for replacement of the existing school building on site with a dwelling. Paragraphs 8.5 to 8.11 of the Planning Committee report discusses the principle of development. The SPPS does not permit the replacement of former schools for dwellings, only their conversion where it involves minimal intervention. Policy CTY 3 "Replacement Dwellings" of PPS 21 permits the replacement of redundant non-residential buildings with a single dwelling where the redevelopment proposed would bring significant environmental benefits and provided that the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality. The existing building is considered to be locally important and it has not been demonstrated that the redevelopment proposed would bring significant environmental benefits to the local area. Therefore the proposal would not be considered eligible as a replacement under Policy CTY 3.
- 2.2 The building to be demolished as part of the proposal may be of bat roost potential. NED advised that a Bat Roost Potential Survey should be carried out. A Bat Assessment was submitted on 9<sup>th</sup> September 2019 and NED were re-consulted. NED responded on 13<sup>th</sup> November 2019 and on the basis of the information provided, has no concerns. The proposal would now satisfy the criteria under Policy NH 2 of PPS 2: Natural Heritage.
- 2.3 While the information provided highlights the cost of converting the building to be higher than replacement this does not justify approval of development contrary to planning policy. This is supported in a comparable Planning Appeal Commission (PAC) decision, reference 2010/A0068, which was also for the replacement of an old school building and which was dismissed at appeal.

## **3.0 Recommendation**

- 3.1 That the Committee note the contents of this Addendum and agree with the recommendation to refuse as set out below:
1. The proposal is contrary to paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1

and CTY 3 of PPS 21, Sustainable Development in the Countryside, as the non-residential building which it is proposed to replace makes an important contribution to the heritage, appearance and character of the locality and no significant environmental benefits would be brought about by its redevelopment.