



Title of Report:	Planning Committee Report – LA01/2020/0156/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	22nd December 2021
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	N/A	Date:

	Completed:		
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:

No: LA01/2020/0156/F

Ward: Magilligan

App Type: Full

Proposal: Proposed storage unit for storage of finished products

Con Area: n/a

Valid Date: 10.02.2019

Listed Building Grade: n/a

Agent: CMI Planners Ltd, 38b Airfield Road, Toomebridge,
Magherafelt, BT41 3SG

Applicant: Fasthouse Ltd, 99 Dowland Road, Limavady, BT49 0HR

Objections: 0 **Petitions of Objection:** 0

Support: 0 **Petitions of Support:** 0

Executive Summary

- The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations.
- The development would, if permitted be detrimental to the visual amenity of the area by reason of its scale, design, siting, finishes and may harm the amenity of nearby residents by reason of increased noise.
- The applicant has failed to demonstrate through the submitted Drainage Assessment that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere.
- It has not been demonstrated that the development would not be harmful to habitats, species or features of natural heritage importance.
- It has not been demonstrated that the development would not have significant adverse impacts on the water environment from ground contamination.
- No objections have been received. No support representations have been received.
- The proposal is contrary to the relevant planning policies including the Northern Area Plan, SPPS and PPS 2, 4 and 15.
- The application is recommended for refusal.

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

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 for the reasons set out in section 10.

2 Site Location and description

2.1 The site is a rectangular shaped plot of land and access lane measuring 0.96 hectares that is located in an industrial estate with one large flat roofed building on site, hardstanding areas and service roads. The topography of the land is level.

2.2 The proposed site is comprised of an area of grass and a few bushes in front of the existing industrial building. The building adjacent is finished with a light grey / white finish. The site is road side with no mature vegetation for screening, critical views are from along Dowland Road to the south west, west in front of the site and north west.

2.3 There are no water courses in the immediate vicinity of the proposal. The River Roe and Tributaries is located 555 metres to the south west. The north, west and southern site boundaries are not defined given this site is within the existing yard area and only the area where the proposal is to be located and its access is outlined in red. The eastern boundary is defined by the existing front elevation wall of the adjacent shed. The site is positioned in front of the existing development between the main industrial building and Dowland Road.

2.4 The site is located on land identified as an existing area of Economic Development within Aghanloo Industrial Estate, designation LYED 01 which is outside the settlement limit of Limavady, within a consultation zone for archaeology as shown in the Northern Area Plan 2016.

3 RELEVANT HISTORY

3.1 B/1994/0121 - Opposite 96 Dowland Road, Aghanloo Industrial Estate, Carbullion, Limavady - Erection of light engineering factory and ancillary offices and car park - Permission Granted - 7.06.1994

3.2 B/1997/0230 - 99 Dowland Road, Aghanloo Industrial Estate, Limavady
- Extension of carpark and construction of new vehicular access and
associated works - Permission Granted - 28.10.1997

3.3 B/1999/0331/F - Seagate Technology Media, 99 Dowland Road,
Aghanloo Industrial Estate, Grannagh, Limavady - Erection of extension
to factory - Permission Granted - 31.01.2000

3.4 LA01/2020/0420/F – 99 Dowland Road, Limavady – Proposed Storage
Unit for storage of finished products – Under consideration

4 THE APPLICATION

4.1 This application seeks permission for “Proposed storage unit for storage of finished products”. The proposal has a pitched roof with a ridge height of 9.4 metres, 6 metres to the eaves. The footprint of the proposed building measures 50 metres by 25 metres. The adjoining building is 8 metres in height and is finished in a light grey colour. The proposal will be constructed with steel panels which are coloured black.

5 PUBLICITY & CONSULTATIONS

5.1 External

All neighbours identified for notification within the terms of the legislation have been notified on 24th February 2020. The application was advertised on 26th February 2020.

5.2 Internal

Environmental Health: Further information required.

Northern Ireland Water: No objection to the proposal.

DFI Roads: No objection to the proposal.

DAERA(NIEA) – Water Management Unit: No objection to the proposal.

DAERA (NIEA) - Natural Environment Division: No objection to the proposal.

DAERA (NIEA) Land, Soil and Air - Further information required.

DFI Rivers - Further information required.

Historic Environment Division - No objection to the proposal.

Shared Environmental Services - Further information required.

5.3 Environmental Impact Screening Opinion

The application is within Category 10(A) of Schedule 2 of the Planning (EIA) Regulations (NI) 2017 therefore the Council under Regulation 12(1) of these regulations made a determination as to whether the application is EIA development. The Council determined on 18th February 2020 that the application did not require to be accompanied by an Environmental Statement.

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 development 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 RELEVANT POLICIES & GUIDANCE

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS) 2015

Planning Policy Statement 2 (PPS 2) Natural Heritage

Planning Policy Statement 3 (PPS 3) Access, Movement and Parking

Planning Policy Statement 4 (PPS 4) Planning and Economic Development

Planning Policy Statement 6 (PPS 6) Planning, Archaeology and the Built Heritage

Planning Policy Statement 15 (PPS 15) Planning and Flood Risk

Planning Policy Statement 21 (PPS 21) Sustainable Development in the Countryside

Planning Advice Note: Implementation of Planning Policy for the retention of zoned land and economic development uses.

8 CONSIDERATIONS & ASSESSMENT

8.1 The main consideration in the determination of this application relate to the Principle of Development, Access, Movement and Parking, Safeguarding residential and work environs, Flood Risk, Archaeology, Natural Heritage, Representations and Habitat Regulation Assessment.

Principle of Development

8.2 The proposal is for a storage unit for the storage of finished products such as timber frame wall systems on land identified as an existing area of Economic Development within Aghanloo Industrial Estate, designation LYED 01, which is outside the settlement limit of Limavady as shown in the Northern Area Plan 2016.

8.3 The key site requirements of LYED 01 Aghanloo Industrial Estate are;

1. The access shall be from either Dowland Road or Windyhill Road.
2. This area contains many substantial and well preserved elements of defence heritage importance, including the only statutorily protected gunnery training dome of the Second World War in Northern Ireland.

Sympathetic re-use of existing buildings, where appropriate, will be actively encouraged. The site is suitable for all B Use Classes.

8.4 The proposal utilizes the existing access which is onto Dowland Road. The current use falls within Class B3 General Industrial of the Use Classes Order. The proposal compliments the current use because it is

proposed for the storage of finished products which are manufactured in the adjacent existing building. The proposal conforms to all key site requirements of LYED 01 contained within the NAP 2016.

8.5 There are several historical planning applications relating to the construction of the adjacent factory and associated access and carpark provision, details of which are provided at paragraphs 3.1 to 3.3. Although Aghanloo Industrial Estate is not within the settlement of Limavady it is within land identified as an area of existing economic development LYED 01 with NAP 2016. PPS 21 Policy CTY 1 is the relevant consideration as it sets out how non-residential development shall be granted for industry and business uses in accordance with PPS 4. As stated in NAP on page 133, the existing economic development site at Aghanloo Industrial Estate will be assessed in line with prevailing regional planning policy, currently contained in PPS 4: Planning and Economic Development, Policy PED 7.

8.6 PED 7 of PPS 4 entitled “Retention of zoned land and economic development uses” is a material consideration and states for zoned land in all locations, that development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses.

8.7 The proposal is sited on land identified as an area of existing economic development. The building is proposed for the storage of finished products which are manufactured in the adjacent building and is considered to compliment and be ancillary to the current use on site which is class B3 general industrial. On this basis the proposal complies with PED 7 as it would not result in the loss of land or buildings zoned for economic development use.

8.8 PED 9 of PPS 4 entitled General Criteria is a material consideration and states all economic proposals must also meet the criteria as set out in PED 9 which includes all the following criteria;

(a) it is compatible with surrounding land uses; The site is located within an area identified as an existing area of economic development. Residential properties and agricultural land are evident in close proximity outwith the areas as identified above. The proposed development is for a proposed storage unit for the storage of finished products for Fasthouse Ltd, an existing industrial premises at Aghanloo Industrial Estate. Although the site is located within land identified as an existing area of economic development use, the proposal is sited in front of the

existing development, which extends the built commitment and business activity closer to a residential property on the opposite side of Dowland Road. The applicant has not demonstrated that the proposal would be compatible with this residential property see paragraph 8.9 below for details. It is considered that the development is not compatible with the surrounding land uses. The proposal is contrary to criteria 'a'.

8.9 (b) it does not harm the amenities of nearby residents;

Environmental Health as the competent authority on such matters have requested further information in the form of a noise survey. There is a residential receptor No 96 Dowland Road in close proximity to the site. The applicant was informed of EHO comments in an email dated 24th November 2020 which informed the applicant of all outstanding matters required by consultees but which also set out that the scale and siting was not considered acceptable under policy. A noise survey was not forthcoming. It is considered that the amenity of residents may be adversely affected as it has not been demonstrated that the proposal does not harm the amenities of nearby residents. The proposal is contrary to criteria 'b'.

8.10 (c) it does not adversely affect features of the natural or built heritage;

The proposed development is within a consultation area for archaeology, HED have been consulted and are content. There are no listed buildings within the vicinity of the area. The proposal is partially on an area of grass and landscaping. No mature trees or hedgerows are to be removed. There has been a history of industrial uses on site and prior to that the site had a history of airports and military installations. DAERA (NIEA) Land, Soil and Air Regulation Unit have been consulted and have raised concerns about ground contamination and have requested a Preliminary Land Risk Assessment (PRA). The agent was contacted on 24th November 2020 about this matter and no PRA has been received. Shared Environmental Services require consideration of NIEA's substantive response to the submitted PRA before they can carry out the Habitat Regulation Assessment. As the PRA was not submitted, it has not been demonstrated that the proposal would not adversely affect features of natural heritage. The proposal is contrary to criteria 'c'.

8.11 (d) it is not located in an area at flood risk and will not cause or exacerbate flooding;

The site is not located in an area of flooding however due to the size and nature of the development a Drainage Assessment was required under Policy FLD3 of PPS15 and has been submitted. DFI Rivers have assessed the Drainage Assessment and require further information such as correspondence showing consent to discharge to storm water from the site at the volunteered rate of 3.4l/s

and information on the maintenance and responsibility of the proposed un-adopted drainage system. The applicant was advised of the further information required by DFI Rivers in correspondence dated 24th November 2020 however no information was submitted. It has not been demonstrated through the Drainage Assessment that the proposal would not be a flood risk. The proposal is contrary to criteria 'd'.

8.12 (e) it does not create a noise nuisance; The proposal is for a proposed storage unit for the storage of finished products. The design of the shed is one that has open walls for the bottom 2.2 metres on all 4 sides. As previously mentioned in paragraphs 8.8 and 8.9 Environmental Health have requested further information in the form of a noise survey due to the presence of residential receptors in the vicinity. The applicant was advised of the required information in correspondence dated 24th November 2020 however no further information has been provided. The amenity of residents may be adversely affected as it has not been demonstrated that the proposal does not create a noise nuisance. The proposal is contrary to criteria 'e'.

8.13 (f) it is capable of dealing satisfactorily with any emission or effluent; The applicant has indicated the use of mains connection for foul sewage. There is no daily water requirement and there is no trade effluent indicated on the P1 form. NI Water and DAERA (NIEA) Water Management Unit have no objection. The proposal complies with criteria 'f'.

8.14 (g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified; The applicant does not propose to increase traffic levels as per the P1 form and an existing access and parking area exists at the premises. It is considered that the existing road network can safely handle any extra vehicular traffic the proposal will generate. DFI Roads were consulted in relation to this application and are content. The proposal complies with criteria 'g'.

8.15 (h) adequate access arrangements, parking and manoeuvring areas are provided; DFI Roads were consulted and have raised no concerns and are content with parking and the manoeuvring of vehicles. The proposal complies with criteria 'h'.

8.16 (i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport; The

proposed development's location is within an existing industrial estate which is located 3km north of Limavady town, it is considered that the wider development will provide a movement pattern that supports walking and cycling and will be located close to bus stops / public transport. The proposal complies with criteria 'l'.

- 8.17 (j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;** The proposed building is located to the roadside, in front of the existing building. The proposal has a pitched roof with a ridge height of 9.4 metres, 6 metres to the eaves. The footprint of the proposed building measures 50 metres by 25 metres. The adjoining building is 8 metres in height and is finished in a light grey colour. The proposal will be constructed with steel panels which are coloured black. The proposed building is open for the bottom 2.2 metre section. The scale, mass and siting of the proposal being higher than the existing building, positioned in front of the existing building and to the roadside and finished in black panels, would result in a building which is out of character with the existing building. The proposal is not in keeping with its immediate surrounding context in terms of scale, siting and finishes within the industrial estate.
- 8.18 Sufficient parking and manoeuvring space has been provided in the wider site. An existing grassed area and ornamental landscaping is to be removed and the compensatory planting lacks details such as species, numbers or sizes to be planted. This agent has been contacted on 24th November 2020 about this matter and no amendments have been received. The proposal is contrary to criteria 'j'.
- 8.19 (k) appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;** The proposal has existing wire fences defining the external boundaries which are acceptable within an industrial park to provide security. No outside storage is proposed in the proposal. The proposal complies with criteria 'k'.
- 8.20 (l) is designed to deter crime and promote personal safety;** The existing site is secure and no amendments are proposed, the site will continue to deter crime and promote personal safety. The proposal complies with criteria 'L'.
- 8.21 (m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.** The site is on land identified as an area of existing economic development

within designation LYED 01 for economic development at an existing industrial premises. The criteria 'm' is not relevant for this proposal.

8.22 It is considered that the proposed development is contrary to Policy PED 9 of PPS 4.

Access, Movement and Parking

8.23 Policy AMP 2 of PPS 3 Access, Movement and Parking applies and states planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and

b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

8.24 DFI Roads confirmed in their consultation response that they had no objection to the proposal. The proposal does not conflict with Policy AMP 3 as Dowland Road is not a protected route. The proposal complies with Policy AMP 2 of PPS 3 – Access, Movement and Parking.

Safeguarding residential and work environs

8.25 Paragraph 4.12 of the SPPS is a material consideration. This paragraph relates to safeguarding residential and work environs. Other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. However, the above mentioned considerations are not exhaustive and planning authorities will be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.

8.26 Most matters have been considered above, some issues have been identified relating to consultation responses from Environmental Health (noise) and DFI Rivers (flood risk), these issues remain. Other matters will be considered below.

8.27 There has been a history of industrial uses on site and prior to that the site had a history of airports and military installations. DAERA (NIEA) Land, Soil and Air Regulation Unit have been consulted and have raised concerns about ground contamination and have requested a Preliminary

Land Risk Assessment (PRA). This agent was contacted on 24th November 2020 about this matter and no PRA has been received.

8.28 The issues in paragraph 4.12 have been considered, on this basis the proposal would be contrary to paragraph 4.12 of the SPPS.

Flood Risk

8.29 Paragraph 6.115 of the SPPS and Policy FLD 3 of Revised Planning Policy Statement 15 – Planning and Flood Risk applies: Policy FLD 3; Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains

8.30 A Drainage Assessment will be required for all development proposals that exceed any of the following thresholds:

- A residential development comprising of 10 or more dwelling units
- A development site in excess of 1 hectare
- A change of use involving new buildings and / or hard surfacing exceeding 1000 square metres in area.

8.31 A Drainage Assessment will also be required for any development proposal, except for minor development , where:

- The proposed development is located in an area where there is evidence of a history of surface water flooding.
- Surface water run-off from the development may adversely impact upon other development or features of importance to nature conservation, archaeology or the built heritage.

8.32 The floor area of the shed exceeds 1000 square metres. A Drainage Assessment has been submitted. DFI Rivers have been consulted and require further information in the form of correspondence showing consent to discharge to storm water from the site at the volunteered rate of 3.4l/s and information on maintenance and responsibility of the proposed un-adopted drainage system. An email was on 24th November 2020 informing the agent that further information was required relating to the Drainage Assessment but no information was submitted. It has not been demonstrated through the Drainage Assessment that the proposal would not be a flood risk. The applicant has not demonstrated that adequate measures will be put in place to effectively mitigate the flood

risk to the proposed development and from development elsewhere. The proposal is contrary to Policy FLD 3 of PPS 15.

Archaeology

8.33 Policy BH2 The Protection of Archaeological Remains of Local Importance and their Settings states development proposals which would adversely affect archaeological sites or monuments which are of local importance or their settings will only be permitted where the Department considers the importance of the proposed development or other material considerations outweigh the value of the remains in question.

8.34 The site is within a consultation zone for archaeology. HED - Archaeology have been consulted and are content with the proposal therefore they consider the proposal to not adversely affect any archaeological sites or monuments. The proposal complies with Policy BH 2 of PPS 6.

Natural Heritage

8.35 Paragraph 6.192 of the SPPS and PPS 2 Policy NH2 – Species Protected by Law and Policy NH5 – Habitats, Species or Features of Natural Importance are applicable. The proposal is partially on an area of grass and landscaping. No mature trees or hedgerows are to be removed. There has been a history of industrial uses on site and prior to that the site had a history of airports and military installations. DAERA (NIEA) Land, Soil and Air Regulation Unit have been consulted and have raised concerns about ground contamination and have requested a Preliminary Land Risk Assessment (PRA). The agent was contacted on 24th November 2020 about this matter and no PRA has been received. Shared Environmental Services require consideration of NIEA's substantive response on the requested PRA before a Habitat Regulation Assessment can be completed. As the PRA has not been submitted, it has not been demonstrated that the proposal would not adversely affect features of natural heritage.

8.36 The proposal is contrary to Paragraph 6.192 of the SPPS and policy NH 2 and NH 5 of PPS 2 in that it has not been demonstrated that the proposal is not likely to harm any European protected species, Habitats, Species or Features of Natural Importance.

Representations

8.37 No representations have been received.

Habitats Regulation Assessment

8.38 Habitat Regulations Assessment Screening Checklist - Conservation (natural Habitats, etc) (Amendment) Regulations (Northern Ireland) 2015: The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). Shared Environmental Services require a second consultation after information has been submitted for DAERA (NIEA) Land, Soil and Air regarding the contaminated land risk assessment. It has not been demonstrated that the proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

8.39 The proposal is contrary to Paragraph 6.192 of the SPPS and policy NH 2 and NH 5 of PPS 2 in that it has not been demonstrated that the proposal is not likely to harm any European protected species, Habitats, Species or Features of Natural Importance.

9 CONCLUSION

9.1 The proposal is considered unacceptable at this location having regard to the Northern Area Plan and other material considerations such as the planning history, the SPPS and Planning Policy Statements 2, 4, and 15. Consultation responses have been considered. The scale, siting and design are out of keeping with the site and surrounding area, it has not been demonstrated that the site will not impact on residential amenity. The applicant has failed to demonstrate that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere. It has not been demonstrated that the development would not be harmful to habitats, species or features of natural heritage importance and it has not been demonstrated that the development would not have significant adverse impacts on the water environment from ground contamination. As the

proposal has not complied with the SPPS, PPS2, PPS4 and PPS15 it is considered unacceptable, and refusal is recommended.

10 Refusal Reasons

1. The proposal is contrary to paragraph 6.91 of the SPPS, Planning Policy Statement 4, Planning and Economic Development, Policy PED 9, in that the development would, if permitted be detrimental to the visual amenity of the area by reason of its scale, design, siting, finishes, it may harm the amenity of nearby residents by reason of increased noise, adversely affect features of the natural heritage and will cause or exacerbate flooding.

2. The proposal is contrary to Paragraph 6.115 of the Strategic Planning Policy Statement and Policy FLD 3 of Revised Planning Policy Statement 15 - Planning and Flood Risk, in that the applicant has failed to demonstrate through the submitted Drainage Assessment that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere.

3. The proposal is contrary to paragraph 6.192 of the SPPS and policies NH 2 and NH 5 of Planning Policy Statement 2, Natural Heritage as it has not been demonstrated that the development would not be harmful to habitats, species or features of natural heritage importance.

4. The proposal is contrary to paragraph 4.11 - 4.12 of the SPPS as it has not been demonstrated that the development would not cause a noise nuisance to nearby residents and have significant adverse impacts on the water environment from ground contamination.

Site Location Map

