

Title of Report:	Planning Committee Report – LA01/2020/0631/O
Committee Report Submitted To:	Planning Committee
Date of Meeting:	24th April 2024
For Decision or For Information	For Decision – Referred Application by Cllr. Bateson
To be discussed In Committee YES/NO	No

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	Development Management and Enforcement Manager

Budgetary Considerations	
Cost of Proposal	---
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

Legal Considerations	
Input of Legal Services Required	NO
Legal Opinion Obtained	NO

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>No:</u>	LA01/2020/0631/O	<u>Ward:</u> Aghadowey
<u>App Type:</u>	Outline	
<u>Address:</u>	168 Agivey Road, Coleraine, BT51 4AB	
<u>Proposal:</u>	Replacement of derelict former school building with dwelling and alteration of existing access to serve the development	
<u>Con Area:</u>	N/A	<u>Valid Date:</u> 6 th July 2020
<u>Listed Building Grade:</u>	N/A	
Agent:	GM Design Associates Ltd, 22 Lodge Road, Coleraine, BT	
Applicant:	Mr Owen McIlvar, 61 Drumeil Road, Aghadowey, Coleraine BT51 4AG	
Objections: 0	Petitions of Objection:	0
Support: 0	Petitions of Support:	0

Drawings and additional information are available to view on the Planning Portal -

<https://planningregister.planningsystemni.gov.uk/simple-search>

Executive Summary

- Outline planning permission is requested for the replacement of a derelict former school building with dwelling and alteration of existing access to serve the development.
- The application site is located in the countryside as defined within the Northern Area Plan (NAP) 2016 and is not subject to any further designations.
- Planning history on the site includes an outline application for a proposed two storey dwelling with garage to replace existing school buildings (LA01/2017/1311/O). Refusal was recommended and planning committee agreed to refuse. The application was then withdrawn.
- The proposal fails to accord with the principle of a dwelling in the countryside as set out in CTY1 of PPS21.
- The proposal fails to comply with the SPPS and CTY 3 in that the proposed redevelopment would not bring significant environmental benefits.
- No objections arose from consultations
- Four (4) neighbours were notified and no representations received.
- The application is recommended for refusal.
- Reasons for Referral by the elected member are attached as an annex to this report.

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for 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 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located outside of any settlement development limit identified within the Northern Area Plan (NAP) 2016. The site is approx. 5 miles north of Kilrea.
- 2.2 The site is located at no. 168 Agivey Road and characterised by flat land which is within the curtilage of a former school building, and is bound by a post and wire fence, with planting to the rear and side boundaries.
- 2.3 Within the site are two derelict buildings, formerly St. Mary's Primary School and an associated outbuilding. The main single-storey school hall building features a gable pitch with chimney at the roadside gable, large window openings and a number of outshots to the sides and rear. The detached building is located to the rear of the school building and features a flat roof with window openings on both side elevations.

3 RELEVANT HISTORY

- 3.1 LA01/2017/1311/O – Proposed two storey dwelling with garage to replace existing school buildings. 168 Agivey Road, Aghadowey. Application withdrawn.
- 3.2 This application was referred to the Planning Committee who voted to refuse. The application was withdrawn.

4 THE APPLICATION

The application seeks outline planning permission for the replacement of a derelict former school building with a dwelling and alteration of the existing access to serve the development. The site at present has two access points, the proposal seeks to close the southern access and reinstate a boundary in that location.

5 PUBLICITY & CONSULTATIONS

External

Four (4) neighbours notified.

No representations received.

Internal

DfI Roads – No objection, condition provided

NIEA WMU – No objection

NIEA NED – No objection, condition provided

DfI Rivers – No objection

NI Water – No objection

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 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 application has been assessed against the following planning policy and guidance:

- Northern Area Plan 2016
- Strategic Planning Policy Statement (SPPS) 2015
- Addendum to Planning Policy Statement 3 (PPS3) Access, Movement and Parking
- Planning Policy Statement 21 (PPS21) Sustainable Development in the Countryside
- Planning Policy Statement 2 (PPS2) Natural Heritage

Supplementary Planning Guidance

- Building on Tradition Design Guide

8 CONSIDERATIONS & ASSESSMENT

The main considerations in the determination of this application relate principle of development, planning history, integration and rural character, natural heritage, road safety, development

relying on non-mains sewerage, and Habitats Regulations Assessment.

Principle of Development

- 8.1 The principle of development must be considered having regard to the SPPS and PPS policy documents. The SPPS and PPS21 allow for a number of circumstances where a dwelling in the countryside can be accepted.
- 8.2 The proposal is for the replacement of the derelict school building with a dwelling. The SPPS only allows for the conversion of a school building where it is a locally important building and where it involves minimal intervention, The SPPS seeks to promote the conversion and re-use of locally important buildings.
- 8.3 CTY 3 – Replacement Dwellings of PPS 21 permits a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and where all external structural walls are substantially intact. Under CTY3 favourable consideration will however be given to the replacement of a redundant non-residential building, with a single dwelling where the redevelopment would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality.
- 8.4 The existing building does not display the essential characteristics of a dwelling, and is locally known to be a former school building, therefore the assessment is based on the latter guidance under CTY 3.
- 8.5 The school building is substantially intact and is considered to be in a good state of repair. A structural survey was submitted which highlighted that the main block building is structurally stable however would require repair work and the author advises that it would not meet NI Building Regulations for a

storey and half dwelling. Works required include a damp proof course, roofing and works to window openings of the main building, and significant works to the roof and walls of the ancillary building. It is accepted that the state of the ancillary building only is not acceptable for conversion or retention within a wider scheme.

- 8.6 The report recommends that as the main school building is in a reasonable state of repair it can be retained as a store or garage for a new dwelling. Planning policy only allows for the retention of candidate buildings as ancillary storage as part of the scheme, when those buildings display the essential characteristics of a dwelling.
- 8.7 The agent submitted a concept plan which indicated the main hall block is to be retained and the remainder to be removed, with a new dwelling built adjacent and a link between the two.
- 8.8 As demonstrated by the structural report, the main building is structurally stable and the site is clearly well maintained. It is not considered that a replacement proposal would bring significant environmental benefits and this has not been demonstrated by the agent. The building has been long standing for a significant period of time and is considered to be a landmark of local importance. The retention of part of the building to be used as ancillary buildings for a new dwelling is not sufficient to allow replacement under CTY3. As there is no principle of development applicable to the site, and as no overriding reasons have been forthcoming, the proposal also fails CTY1. There are no overriding reasons to allow a replacement dwelling in this location.
- 8.9 Planning appeal 2014/A0147 sets a precedent of incidences where the replacement of a non-residential building with a dwelling are unacceptable when it has not been demonstrated

that the proposal would bring significant environmental benefits. Similarly, in this instance, it has not been demonstrated that the proposed redevelopment of the site would bring any environmental benefits. The building is not considered to be an eyesore given its intact structure and maintained site.

8.10 The structural survey is an updated version of that submitted under LA01/2017/1311/O. In the previous application, Building Control advised that the contents of the survey may be factually correct, however the conclusions may be viewed as subjective on the basis of economic viability. The contents of the survey are not being disputed, however it can not be accepted that cost implication alone is sufficient to set aside policy, as assessed above when conversion is an alternative solution.

8.11 The agent provided four approved planning applications which they considered to be comparable to the current application, namely LA01/2018/1406/F - 9 Terrydoo Road Limavady, LA01/2016/0855/F - 240m North of 153 Bendooragh Road Ballymoney, LA01/2017/0908/F - 339 Townhill Road Rasharkin, and LA01/2015/0862/F - Calhome Road/Drumrane Road Limavady. These examples were all considered in detail, and it was found that none were fully comparable to this application by reason of varying states of the sites, planning histories and the nature of proposal. Each application is assessed on its own merit.

Planning History

8.12 Consideration is given to LA01/2017/1311/O which sought outline permission for a two-storey dwelling and garage to replace the existing school buildings. Refusal was recommended as the proposal did not meet the requirements of CTY3, and the application was heard by the planning committee on 28th November 2018, where it was agreed to defer for the submission of a structural report. This was submitted and

outlined costs associated with converting the existing building versus a new build of a similar size.

- 8.13 The Cost of a proposal is not a material consideration of determining weight in this instance and does not justify approval of a development which has been found to be contrary to planning policy, as found under planning appeal 2010/A0068. The planning committee agreed to refuse the planning application on 22nd January 2020 however was withdrawn following a request from the applicant on 23rd January 2020.
- 8.14 It is not considered that the proposal or considerations are materially different from the previous planning application and the current application. Whilst NED's concerns have been satisfied, the proposal remains to fail CTY 3 and as there are no overriding reasons for setting policy requirements aside, therefore also fails CTY1.

Integration and Rural Character

- 8.15 Paragraph 6.70 of the SPPS and CTY 13 and 14 of PPS21 advise on development in the countryside and are in place to ensure new buildings integrate and will not negatively impact on rural character.
- 8.16 The site is considered to have a suitable degree of enclosure on account of the vegetation to the sides and rear, and a sufficient backdrop is provided. Views of the site are available when travelling from the south, however existing development and the boundary treatments make it evident that a dwelling could integrate provided it is carefully designed and would not further erode the rural character of the area. Notwithstanding, the proposal fails the requirements of CTY1 and 3.

Natural Heritage

- 8.17 Policy NH5 of PPS2 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 A Preliminary Ecological Appraisal and bat assessment was submitted and NIEA were consulted for comments. NIEA: NED considered the impacts and on the basis of information provided, are content with the proposal. Regard was given to the existing vegetation and potential demolition of the buildings on the site.

Access

- 8.19 DfI Roads were consulted in relation to the application and offered no objections. The proposal will not prejudice road safety or significantly inconvenience the flow of traffic and Agivey Road is not a Protected Route. The proposal complies with Policy AMP2 of PPS3.

Development relying on non-mains sewerage

- 8.20 Policy CTY16 advises that planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. NIEA Water Management Unit advise that on the basis of the information provided are content strictly subject to conditions and subject to any relevant statutory permissions being obtained.

Habitat Regulations Assessment

- 8.21 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). The

proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

9 CONCLUSION

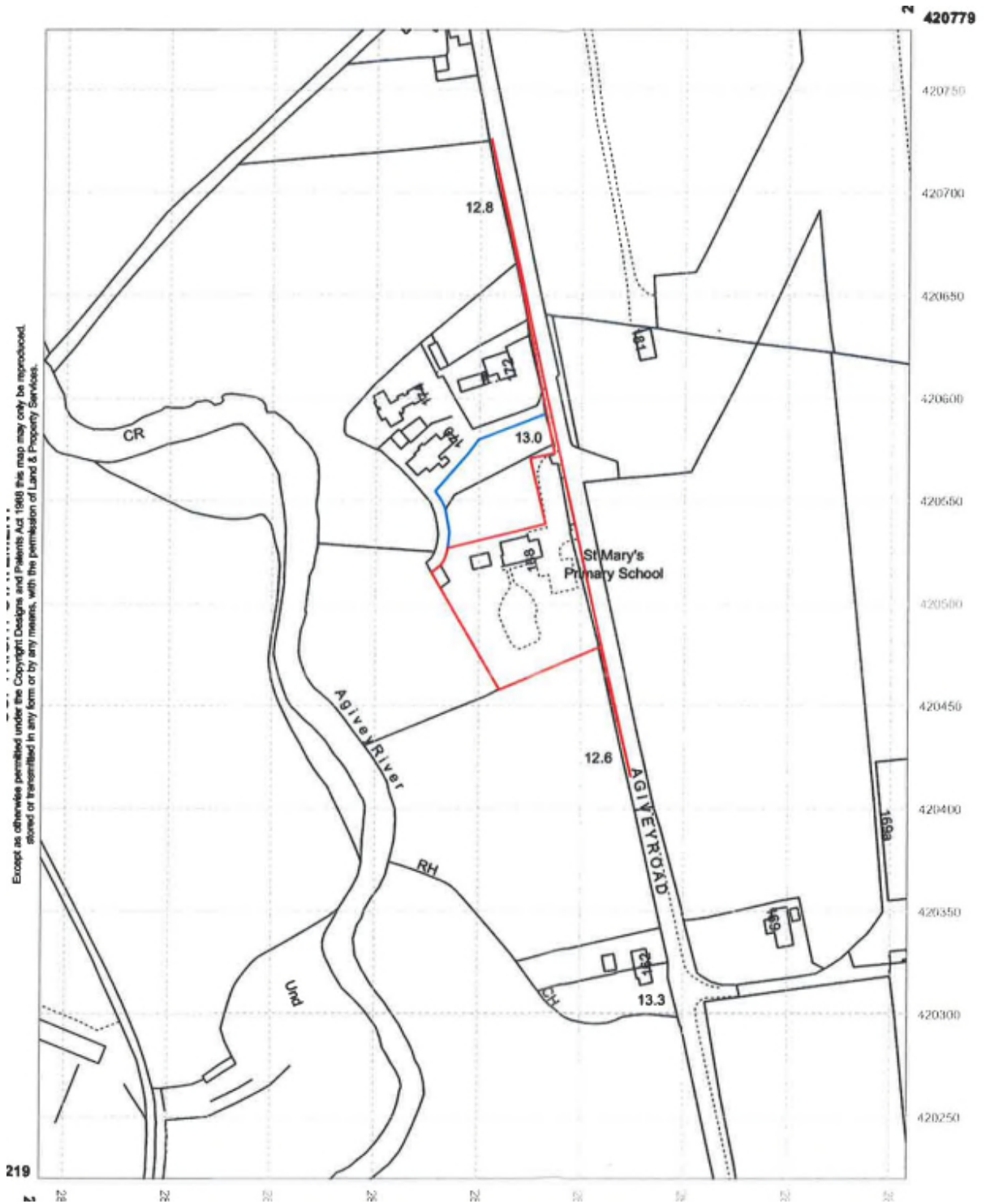
- 9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal does not accord with the principle of a dwelling as set out by CTY 1 of PPS21. The proposal fails to meet the policy requirements of CTY 3 as it does not display the essential characteristics of a dwelling, nor will its redevelopment bring significant environmental benefits. Refusal is recommended.

10 REFUSAL REASONS

1. The proposal is contrary to Paragraph 6.73 of the Strategic Planning Policy Statement for Northern Ireland and Policy CTY 1 and 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 environmental benefits would be brought about by its redevelopment.

Site Location Map

Not to scale



6+

Appendix 1

From: sbateson [REDACTED]
Sent: Wednesday, November 29, 2023 2:24 PM
To: Planning <Planning@causewaycoastandglens.gov.uk>; Denise Dickson [REDACTED]
Subject: Fwd: LA01/2020/0631/O - 168 Agivey Road Coleraine

Hi folks,

Can I please have this application referred to the planning committee for consideration as outlined in the reasons below please?

Many thanks,

Cllr Sean Bateson

Sent from my iPhone

Begin forwarded message:

From: Kieran Burns [REDACTED]
Date: 29 November 2023 at 13:16:51 GMT
To: [REDACTED]
Cc: Mark Smyth [REDACTED]
Subject: LA01/2020/0631/O - 168 Agivey Road Coleraine

1

RE: LA01/2020/0631/O - 168 Agivey Road Coleraine

Hi Sean,

Thanks for taking my call earlier. As discussed, we would be grateful if you would consider referring the above planning application to the Council's Planning Committee for their consideration.

Listed below are the material planning reasons for the referral:

1. The Application is compliant with PPS 21 – Policy CTY 3 and is eligible for replacement as a redundant non-residential building. The former school building is in derelict state and is falling into an ever-increasing poorer condition. A Structural Engineer has completed a Survey of the structure and the subsequent report concludes that the building is not realistically capable of being converted into a dwelling - taking into account the large degree of alterations that would be required to renovate.
2. The replacement of this derelict building would bring significant environmental and visual benefits to this locality, compliant with the CTY 3 policy test.
3. The supporting concept plan submitted as part of the planning application demonstrates how the main school building can be retained and used as ancillary accommodation for the replacement dwelling, thereby safeguarding the locally important elements of the existing structure.
4. There are multiple comparable applications where the Council have approved similar replacements of non-residential properties into single dwellings, and we would be keen to demonstrate this to the committee.

If you require any further information on this, please let me know.
Best Regards,

Kieran Burns