



**Causeway
Coast & Glens
Borough Council**

Planning Committee Report Item K	25th May 2016
PLANNING COMMITTEE	

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

ITEM K

**50 Main Street,
Limavady**

**LA01/2015/0210/F
Full Planning**

25th May 2016

App No: LA01/2015/0210/F **Ward:** Roeside
App Type: Full Planning
Address: 50 Main Street, Limavady
Proposal: Retention of existing marquee
Con Area: N/A **Valid Date:** 28th May 2015
Listed Building Grade: Grade B2

Applicant: Mr Owens

Agent: Hamilton Architects, 20 Queen Street, Londonderry BT48 7EQ

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

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

Drawings and additional information are available to view on the Planning Portal- 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 & 8 and resolves to **REFUSE** planning permission for the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located within Limavady town centre as defined by the Northern Area Plan 2016 and is within the Area of Townscape Character. The site fronts onto Main Street, Limavady College defines the rear boundary and the north eastern boundary abuts a public car park.
- 2.2 The site comprises a public bar and associated marquee at no 50 Main Street Limavady. The building at no 50 is a Grade B2 listed building of special architectural and historic merit.

- 2.3 No. 50 Main Street is located within the Area of Townscape Character (ATC) as provided for by NAP 2016 the remainder of the site is not within the ATC.
- 2.4 The site is a long linear site which stretches back from Main Street by approximately 120m. The marquee which is subject of this application is rectangular in plan and covers a large portion of the plot which extends to the rear of the neighbouring property at No. 48. The marquee is constructed from a white PVC fabric. Two storage containers to the rear of the site also form part of the application. The boundaries of the site consist of a 1.5m wall onto the public car park and neighbouring property while the bar fronts onto the Main Street.

3 RELEVANT HISTORY

B/1999/0298/F - Temporary canopy over pub yard - 50 Main Street, Limavady – Approved 17.01.2000

B/1986/0195 – Erection of utility room stores and garage - 50 Main Street, Limavady – Approved 29.07.1986

4 THE APPLICATION

- 4.1 The application as submitted is for the retention of an existing marquee. The applicant sought to change the description during the processing of the application to “temporary marquee building retained for a period of 10 years and associated site works”. This is a retrospective proposal and takes the form of a full application. The marquee is approximately 40m by 15m by 4.7m high with a paved entrance area and two shipping containers to be used for storage to the rear. The marquee is finished in pvc coated fabric with pvc windows.

5 PUBLICITY & CONSULTATIONS

External

- 5.1 **Neighbours:** There are no objections to the proposal.

Internal

5.2 **Transport NI:** No objection in principle

Northern Ireland Water: No objection

Environmental Health: No objection

NIEA: Historic Buildings Unit recommends refusal because the proposal fails to satisfy Policy BH11 of PPS6 in that the proposal would have an adverse impact on the listed building.

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
- 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)

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

Planning Strategy for Rural Northern Ireland (PSRNI)

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this application relate to: planning policy context; impact on the setting of the listed building and its surrounding context and impact on streetscape.
- 8.2 The site is located within Limavady Town centre and an area of Archaeological potential and partly within an area of Townscape Character as set out in the Northern Area Plan 2016.
- 8.3 The principle of the proposed development must be considered having regard to the PPS policy documents specified above and the supplementary guidance.
- 8.4 A transitional period operates until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within the documents identified below together with the SPPS. This policy should be read in conjunction with PPS 6 and PSRNI.

Planning Policy Context

- 8.5 The SPPS and PPS6 provide the policy context for development affecting listed buildings. Policy BH11 of PPS6 states that development which affects the setting of a listed building will normally only be considered appropriate where all of the following criteria are met:
 - (a) The detailed design respects the listed building in terms of scale, height, massing and alignment;
 - (b) The works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and

(c) The nature of the use proposed respects the character of the setting of the building.

Impact on the characteristics of the listed building and its surrounding context

- 8.6 The application site incorporates no 50 Main Street known as Owens Public House and the remainder of the curtilage of the site to the rear. Owens Public House is a Grade B2 listed building of special architectural and historic interest as set out in Section 80 and is protected under the Planning Act (NI) 2011.
- 8.7 As the proposal is within the curtilage and affects the setting of a listed building, the Planning Authority sought the advice of NIEA: Historic Buildings Unit (HBU). HBU considered the impact of the proposal on the listed building and advised that the proposal fails to satisfy Policy BH11 of PPS6 as the proposal would have an adverse impact on the building for the following reasons.
- 8.8 The historical character and grain of development to the backlands of Main Street, Limavady consist of long narrow garden plots. In recent years modest sized annex type structures constructed using traditional materials have been introduced into these garden plots while retaining the character of the individual garden plot. In this case the marquee's scale, massing and proportions of 40m by 15m by 4.7m high and materials finished in pvc coated fabric do not adhere to the existing pattern of development and is deemed detrimental to the character of the area.
- 8.9 The Planning Authority advised the agent of the initial concerns expressed by HED, regarding the size, scale, design and appearance of the marquee and the impact on the setting of the listed building. The Agent accepted that the design solution was inappropriate but explained that it was intended as a temporary building to allow the applicant to test the market.
- 8.10 At an office meeting to discuss an appropriate design solution, all parties accepted that the applicant had wanted to test the market but as the structure had been on site for more than 2 years, sufficient time had now passed to have established viability. It was therefore agreed by all parties that the scale and

massing of the building was inappropriate and the Agent would revise the scheme.

- 8.11 Amended plans were not submitted as expected and instead an amended P1 form was submitted which requested the description of the proposal be amended for a temporary permission for 10 years following the approval of a marquee within the grounds of Drenagh Estate. As this did not address the initial concerns expressed by the Planning Authority and NIEA another meeting was arranged at which the applicant outlined the role that the marquee fulfilled and indicated that the marquee was frequently used for charity events, but confirmed that it was not operating as a charitable business.
- 8.12 The marquee at Drenagh Estate was found to be in accordance with planning policy by the DOE in consultation with NIEA and was granted on a temporary basis after being taken through due process. The application site at Owens Public House is not comparable in that it has not been found to be in accordance with current planning policy. While planning permission may be sought on a temporary basis planning policy could not be set aside to do so.
- 8.13 A further office meeting was facilitated to discuss an acceptable design solution at which the Agent agreed to submit a revised sketch proposal for discussion with HBU. Amended plans were not forthcoming and the applicant instructed the Planning Authority to process the application on the information submitted to date.
- 8.14 The Planning Authority acknowledges that the business plays an important role in the local community and makes a positive contribution to vitality and viability of the town centre. However, this does not justify setting aside current planning policy. The Planning Authority has endeavoured to support the local business by facilitating various meetings to try and progress the design process. The marquee has been in existence for approximately 2 years which has allowed sufficient time to test the market. If the applicant wishes to extend the business it must be taken forward with an appropriate long term design solution which takes into consideration the setting of the listed building.

- 8.15 The proposal fails to satisfy Policy HB11 as the proposal would have an adverse impact on the listed building.

Impact on townscape

- 8.16 The site is within the development limit and is within the primary retail core. The public bar is a Grade B2 listed building.

- 8.17 The proposal is for the retention of the marquee and storage containers to the rear of the public bar. While the SPPS has a presumption in favour of economic development within existing town centres, the design of the marquee is not appropriate and fails to make a positive contribution to the environmental quality of the area for the following reasons.

- 8.18 DES 2 of the Rural Strategy highlights the importance of an attractive and interesting townscape and the role that this plays in the vitality and viability and overall character and quality of an area. Although the site is to the rear of the Main Street it is directly adjacent to the public car park which is often an arrival point to the town. The scale of the building and the low quality materials coupled with the storage containers which are set to the rear of the site in an overgrown area presents a poor quality environment which detracts from the overall quality of the townscape. As such the proposal fails to be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials.

- 8.19 Policy DES 2 also states that building design will need to be architecturally sympathetic to the important townscape elements of sensitive locations, such as Conservation Areas or the settings of listed buildings. The impact on the setting of the listed building has been dealt with previously in paragraphs 8.6 to 8.17. The proposal fails to satisfy policy DES2 of the PSRNI.

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, PPS6 and PSRNI. The proposal would be detrimental to the setting of the listed building

and fails to be sensitive to the character of the area surrounding the site. Refusal is recommended.

10 REASONS FOR REFUSAL

10.1 Reasons:

1. The proposal is contrary to paragraph 6.12 of the SPPS and policy BH11 of PPS6 as the proposal would adversely affect the setting of a listed building.
2. The proposal is contrary to policy DES 2 of PSRNI in that the proposal would not be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials.