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| Title of Report: | Planning Committee Report – LA01/2021/0772/O |
| Committee Report Submitted To: | Planning Committee |
| Date of Meeting: | 26th February 2025 |
| For Decision or For Information | For Decision – Council Interest |

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| 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 |

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| Estimated Timescale for Completion | |
| Date to be Completed | |

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

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

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|--|--|-----|-------|
| 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: |

No: LA01/2021/0772/O **Ward:** Coolessan

App Type: Outline

Address: Land 25m South West of 29 Roe Mill Road, Limavady

Proposal: Proposed site for 3 No. detached two storey dwellings with garages, installation of septic tanks and soakaways and all associated works. (on land previously approved for 5 No. dwellings under B/2000/0338/O)

Con Area: N/A

Valid Date: 29.06.2021

Listed Building Grade: N/A

Agent: Bell Architects, 65 Main Street, Ballymoney, BT53 6AN

Applicant: The Callan Family, The Hermitage, 29 Roe Mill Road, Limavady

Objections: 0

Petitions of Objection: 0

Support: 0

Petitions of Support: 0

EXECUTIVE SUMMARY

- Outline planning is sought for 3 No. detached two storey dwellings with garages, installation of septic tanks and soakaways and all associated works.
- The site is located within the settlement development limit of Limavady.
- The proposal is located within a designated Local Landscape Policy Area (LYL 02 Roe Park) in the Northern Area Plan 2016. The designation specifies that no further development is appropriate other than modest extensions to the hotel or modest facilities associated with existing recreational areas. As the proposal does not comply with either of these typologies, it is contrary to Policy ENV 1 and Designation LYL 02.
- Historic Environment Division (HED) objects to the proposal as it has not been demonstrated that the proposal would not result in harm to the setting of 29 Roe Mill Road, a Grade B2 listed building. Therefore, the proposal is contrary to Policy BH 11 of PPS 6.
- The proposal is not an acceptable “enabling development” project to restore a listed building as it does not comply with Policy ED1 of PPS 23 Enabling Development.
- While an outline proposal, it could otherwise meet the criteria of PPS 7 Policy QD1 regarding for example, design, amenity provision and relationship between properties.
- Refusal is recommended.

Drawings and additional information are available to view on the Planning Portal-
<https://planningregister.planningssystemni.gov.uk/simple-search>

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** outline planning permission subject to the reasons set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located on land approximately 25metres south west of No. 29 Roe Mill Road, Limavady. The site is within the settlement limit of Limavady and within the site is designated within Northern Area Plan (NAP) as a Local Landscape Policy Area (LYL02 Roe Park). The NAP identifies that LYL02 shall have no further development other than modest extensions to the hotel, sensitively integrated into the landscape, or modest facilities associated with the existing recreational areas.
- 2.2 The site is accessed via an existing laneway. The topography of the land falls steadily from the east to west. Boundaries are defined by mature vegetation and the site itself is overgrown.
- 2.3 The site is located immediately to the south west of No. 29 Roe Mill Road which is a Grade B2 Listed Building.

3 RELEVANT HISTORY

- 3.1 B/2000/0338/O; Land to rear of 29 Roemill Road, Limavady; 5 no. housing sites. Approved 14 March 2002

4 THE APPLICATION

- 4.1 This is an outline application for 3 No. detached two storey dwellings with garages, installation of septic tanks and soakaways and all associated works.

5 PUBLICITY & CONSULTATIONS

5.1 External

Nine (9) neighbouring properties were notified. No letters of representation were received.

5.2 Internal

Department for Infrastructure (Roads) – Content

DFI Rivers – Content

NI Water – Refusal

Environmental Health –

Historic Environment Division – Further information requested

NIEA Natural Environment Division – Content

NIEA Water Management Division – Content

Shared Environmental Services – Content

6 MATERIAL CONSIDERATIONS

- 6.1 Section 45(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.

7.0 RELEVANT POLICIES & GUIDANCE

Regional Development Strategy 2035

Northern Area Plan 2016.

Strategic Planning Policy Statement.

PPS 2: Natural Heritage.

PPS 3: Access, Movement and Parking.

PPS 6: Planning, Archaeology and the Built Heritage.

Planning Policy Statement 7 — Quality Residential Environments.

Addendum to Planning Policy Statement 7 — Safeguarding the Character of Established Residential Areas.

Creating Places.

DCAN 8: Housing in Urban Areas.

PPS15: Planning and Flood Risk

8.0 CONSIDERATIONS & ASSESSMENT

Principle of Development

8.1 Policy ENV 1 Local Landscape Policy Areas in the Northern Area Plan states that where development is permitted, it will be required to comply with any requirements set out for individual LLPAs in the District Proposals. The NAP identifies that LYL02 Roe Park shall have no further development other than modest extensions to the hotel, sensitively integrated into the landscape, or modest facilities associated with the existing recreational areas. This proposal does not meet these typologies of development. Accordingly, the proposal is contrary to Policy ENV 1.

8.2 The agent noted in an e-mail on 10 October 2022 that the vast extent of landscaping is to be retained. They indicate there is no intent to

threaten the context of the site and surrounding area of the LLPA. Notwithstanding that, the proposal does not comply with Policy ENV 1.

- 8.3 Part 6.4 of the Planning Act (Northern Ireland) 2011 states “in making any determination under this Act, 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.” The Planning Department does not consider that there are material considerations to outweigh the policy provisions. The lapsed B/2000/0338/O for the 5 housing sites was never followed by an RM application and therefore was not commenced. This application was approved under a different planning policy over 20 years ago, predating the Northern Area Plan 2016. Accordingly, this planning history, as a material consideration, is not afforded substantial weight.

PPS 2: Natural Heritage

8.4 Policy NH5: Habitats, Species or Features of Natural Heritage

Importance 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 known:

- priority habitats;
- priority species;
- active peatland;
- ancient and long-established woodland;
- features of earth science conservation importance;
- features of the landscape which are of major importance for wild flora and fauna;
- rare or threatened native species;
- wetlands (includes river corridors); or
- other natural heritage features worthy of protection.

- 8.5 A development proposal which is likely to result in an unacceptable adverse impact on, or damage to, habitats, species or features may only be permitted where the benefits of the proposed development outweigh the value of the habitat, species or feature. In such cases, appropriate mitigation and/or compensatory measures will be required.

- 8.6 The application site will require a significant amount of vegetation removal given the overgrowth, and the site is adjacent to the Roe Mill River. A Bio-Diversity Checklist was therefore requested, which was subsequently submitted to the Council on 13 December 2021 which identified the need for a Preliminary Ecological Appraisal (PEA)
- 8.7 The PEA was submitted on 04 February 2022, and states the site conforms with “long established natural woodland” which is a NI Priority Habitat. Furthermore, that the loss of woodland and other vegetation including mature trees should be noted on plans and relevant surveys along with compensatory measures to ensure there is no net loss of these habitats.
- 8.8 The PEA identified that a Bat Survey was required for mature trees with Bat Roost Potential, and a Newt Survey is required as the existing pond was identified as being a newt habitat. Amended plans were received to indicate no felling of the mature trees, and a Newt Survey was also submitted. NIEA’s Natural Environment Division was consulted on the proposal and responded with no concerns. It is considered the proposal is not likely to result in the unacceptable adverse impact on, or damage to known priority habitats or species and complies with Policy NH5.

PPS 3: Policy AMP 2 - Access to Public Roads

- 8.9 Planning Policy Statement 3 relates to vehicular and pedestrian access, transport assessment, and the protection of transport routes, and parking. 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.

8.10 DFI Roads was consulted on the proposal and are content subject to conditions. Accordingly, the access arrangements are acceptable.

PPS 6: Policy BH 11 Development affecting the Setting of a Listed Building

- 8.11 The Department will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all 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.
- 8.12 The setting of a listed building is often an essential part of the building's character. This is particularly the case where a demesne, landscaped parkland, garden or grounds have been laid out to complement the design or function of the building. Any proposals for development which by its character or location may have an adverse affect on the setting of listed buildings will require very careful consideration by the Council. The design of new buildings planned to stand alongside historic buildings is particularly critical. Such buildings must be designed to respect their setting, follow fundamental architectural principles of scale, height, massing and alignment and use appropriate materials.
- 8.13 The application site is located to the south west of a Grade B2 listed building of special architectural or historic interest as set out in Section 80 and protected under the Planning Act (NI) 2011. This is "The Hermitage" a detached dwelling finished in facing brick.
- 8.14 Historic Environment Division (HED) was consulted on the proposal and was content in principle but clarify that it must be appropriate for the area. From the information provided, they

consider the proposal may become a competing focus within the immediate landscaped setting and within the distant views to the verdant setting beyond. HED is concerned that this competing focus may become magnified when viewed from upper windows of the listed building and request further information to allow a comprehensive assessment of the proposal.

8.15 Further information was requested from the Agent on 28 September 2022. However, no further plans/information was submitted to address these concerns.

8.16 An email was received from the Agent on 10 October 2022 indicating that given this is an outline application they do not consider any basis for requiring the additional level of detail. They lay out points as to why. These include:

- Dwellings to the rear of the site are accessed via a separate route and will not impact in terms of vehicle movement and parking.
- The proposed ridge lines will be below proposed ground level of listed building.
- Character of proposed dwelling (material finished and fenestration) can be assessed at RM stage.
- Approval LA01/2021/0759/F (reuse and extension of former Courthouse building in Bushmills) sets precedent in the area. Line of apartments changes the view and context of listed buildings in Bushmills and impacts heritage of Bushmills.

8.17 With regards to LA01/2021/0759/F, HED did not raise any objections regarding the Listed Building or Archaeological Potential of the area, subject to conditions. The site is within an LLPA although this LLPA (BSL 02 Bush River) does not prevent any further development such as this current application's designation (LYL02 Roe Park).

8.18 HED was not reconsulted on receipt of the above information as it did not raise anything new. It is considered the information is not enough to meet the concerns to HED. Further information is required.

- 8.19 Although this is an outline application, it must still be demonstrated that the overall proposal would not adversely affect the setting of a listed building. Given as it has not been demonstrated, the proposal fails Policy BH11.

PPS 7 Policy QD1

- 8.20 Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.
- 8.21 In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.
- 8.22 All proposals for residential development will be expected to conform to all of the following criteria:
- (a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;
 - (b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;
 - (c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;

- (d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;
- (e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;
- (f) adequate and appropriate provision is made for parking;
- (g) the design of the development draws upon the best local traditions of form, materials and detailing;
- (h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance; and
- (i) the development is designed to deter crime and promote personal safety.

8.23 Any proposal for residential development which fails to produce an appropriate quality of design will not be permitted.

Design, Layout and Impact

8.24 The proposed development should respect the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas.

8.25 Proposed contextual drawings show elevations of the proposed dwellings in relation to its surroundings. While the issue of being contrary to Policy ENV 1 remains, the dwellings are modest in size and scale. They are located below the Roe Mill Road and views would be screened due to the topography, existing development and existing vegetation.

Private Amenity

8.26 Policy QD1 requires adequate provision for private open space as an integral part of any development. Supplementary planning guidance on amenity space is provided in 'Creating Places: Achieving Quality in Residential Developments'. While varying levels of private amenity space is acceptable Creating Places recommends that for houses, private back gardens should be around 70sqm per house or greater and any individual house with an area less than around 40 sqm will be unacceptable. The contextual drawings have private amenity at a minimum of 110sqm which is significantly above the minimum requirements to meet the provisions of Policy QD1.

Parking Provision

8.27 Criterion (f) of Policy QD 1 requires that adequate and appropriate provision is made for parking. The block plan proposed 2no. parking spaces for each dwelling. DFI Roads was consulted in relation to the application, and no issues have been raised with regard to the proposed parking provision. Accordingly, parking provision is acceptable.

Neighbour Amenity

8.28 Given the proposed dwellings will be located below any existing development, they will not impact upon the amenities of occupiers of any nearby residential properties.

8.29 Appropriately designed dwellings can be designed to ensure they are not overlooking one another. There is a minimum of 5 metre separate distances between each dwelling. It is considered there will not be any overshadowing or dominance.

FLD1 - Development in Fluvial and coastal Flood Plains

8.30 Dfl Flood Maps (NI) indicates that the north-west portion of the site lies within the 1 in 100 year fluvial flood plain which has an approximate level of 9.11mOD at this location. Dfl Rivers was consulted and advised that a Flood Risk Assessment should be submitted.

8.31 FFL of site 1 was amended to include 600mm freeboard over 9.11mOD. Sites 2 and 3 were already above this level. DFI Rivers stated through email that they were content with this amendment and FLD 1 will no longer apply.

PPS 23 : Policy ED 1 – Enabling Development

8.32 Proposals involving enabling development relating to the re-use, restoration or refurbishment of significant places will only be permitted where it can be demonstrated by the applicant in the submission of a Statement of Justification to accompany an application for planning permission that all of the following criteria are met:

- a) the significant place to be subsidised by the proposed enabling development will bring significant long-term benefits according to its scale and location;
- b) the conservation of the significant place would otherwise be either operationally or financially unviable;
- c) the impact of the enabling development is precisely defined at the outset;
- d) the scale of the proposed enabling development does not exceed what is necessary to support the conservation of the significant place;
- e) sufficient subsidy is not available from any other source;
- f) the public benefit decisively outweighs the disbenefits of departing from other planning policies;
- g) it will not materially harm the heritage values of the significant place or its setting;
- h) it avoids detrimental fragmentation of the management of the significant place;
- i) it will secure the long term future of the significant place and, where applicable, its continued use for a sympathetic purpose; and
- j. it is necessary to resolve problems arising from the inherent needs of the heritage asset, rather than circumstances of the present owner, or the purchase price paid.

8.33 For the purposes of this PPS, ‘significant place’ means any part of the historic environment that has heritage value including historic buildings (both statutorily listed or of more local significance). It is intended that this policy will only be used as a

last resort where the long-term public benefit of securing a significant place decisively outweighs the disadvantages of departing from normal policy presumptions. It allows for assessment of these proposals as a preliminary requirement and is not to be implemented if the planning authority is not convinced that the public benefit will be gained.

- 8.34 In a meeting held on 13 June 2023 between the Planning Department, the Applicant and their Agent, PPS 23 Enabling Development was raised. In an email from the Planning Department to the Agent on 30 June 2023, it was noted that if the Agent/Applicant wished to proceed with the application under PPS 23, that the necessary supporting information should be provided in line with the policy.
- 8.35 To date, no further information in support of PPS23 Enabling Development has been received. Accordingly, the proposal is not an enabling development project.

Other Matters

- 8.36 The Council's Environmental Health Department and NI Water were consulted on the proposal. Both consultees responded with no objections.

Habitat Regulations Assessment

- 8.37 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.

9.0 CONCLUSION

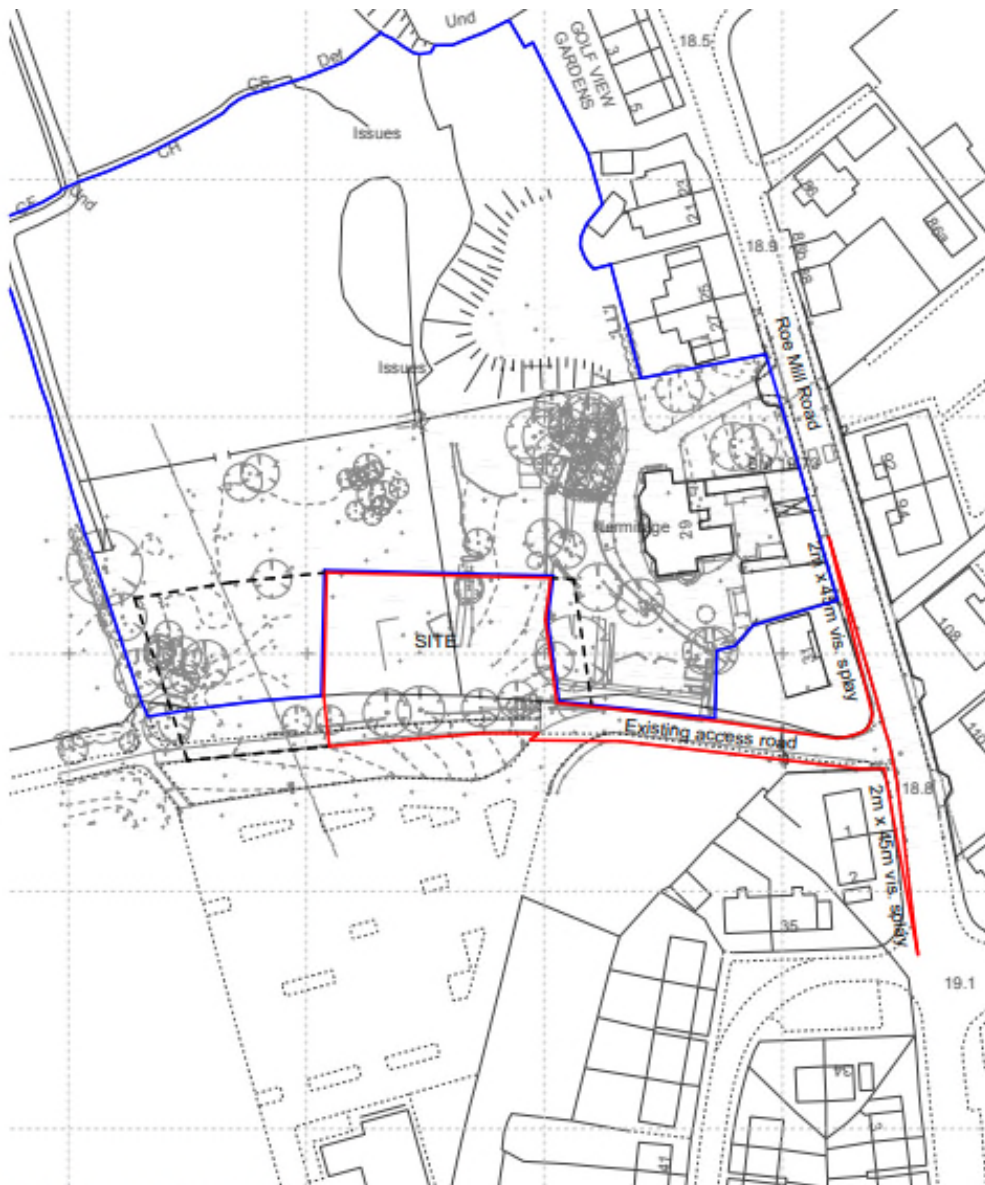
- 9.1 The proposal is unacceptable in this location as it does not comply with typologies of development permitted within the LLPA designation. Accordingly, it is contrary to Policy ENV 1 of the

Northern Area Plan 2016. In addition, it has not been demonstrated that the overall proposal would not adversely affect the setting of a listed building. Refusal is recommended.

10.0 Reasons for Refusal

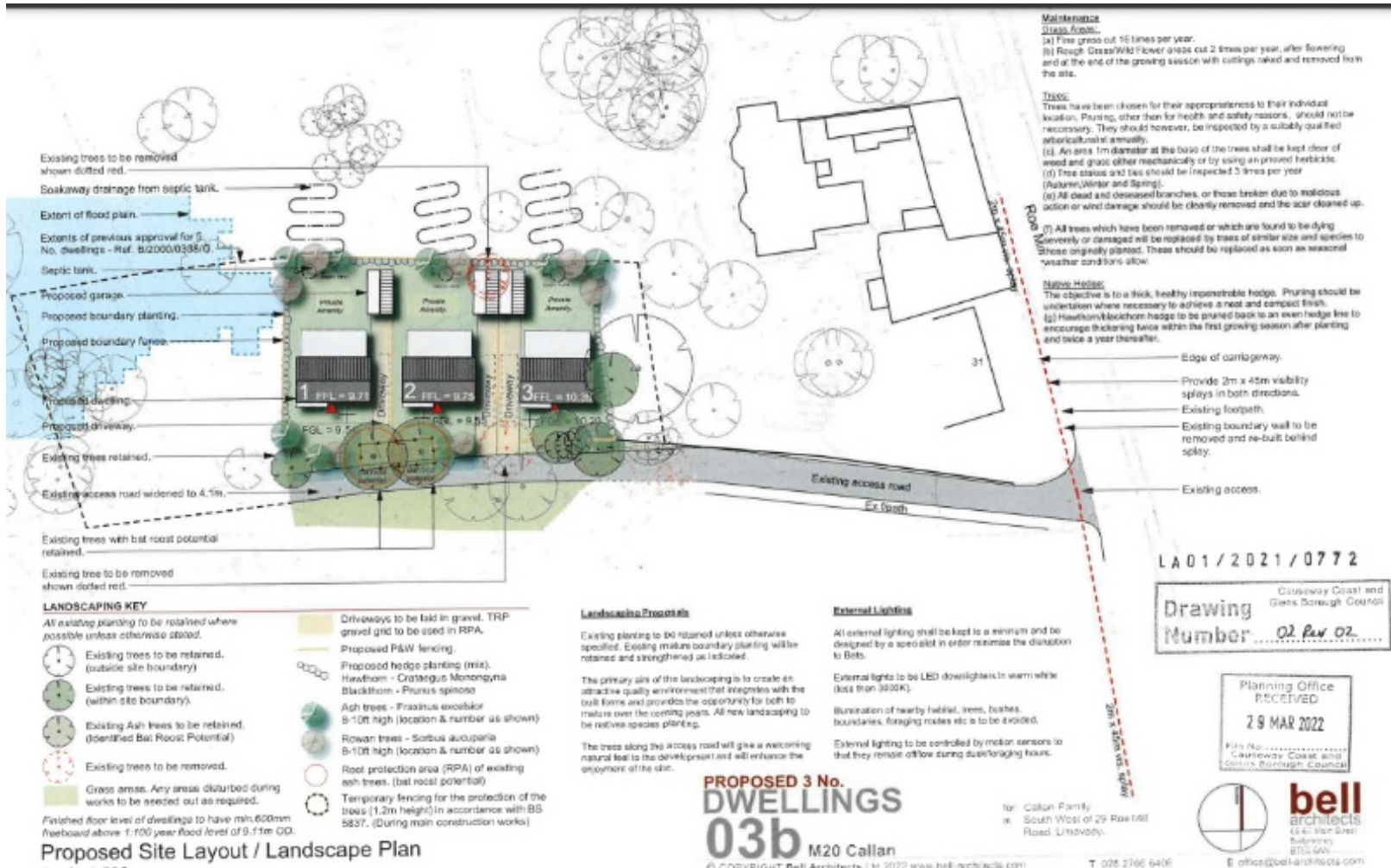
- 10.1 The proposal is contrary to Policy ENV 1 of the Northern Area Plan 2016 in that it does not comply with the requirements of the Local Landscape Policy Area designation LYL02 Roe Park.
- 10.2 The proposal is contrary to Paragraph 6.13 of the Strategic Planning Policy Statement and Policy BH11 of Planning Policy Statement 6 Planning, Archaeology and the Built Heritage, in that it has not been demonstrated that it would not harm the setting of The Hermitage, a listed building.

Site Location Plan



Site Location Map
Scale 1:1250

Proposed Block Plan




PC250226

Proposed Elevations


Indicative Elevations

Schedule of Finishes:
 Roof: Flat black concrete tiles;
 Walls: Fine wet dash render painted white;
 Windows: HW timber double glazed units;
 Doors: Composite double glazed/HW timber;
 Rainwater Gutter: Black aluminium.




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LAD1/2021/0772




Indicative Front Elevation
Scale 1:100



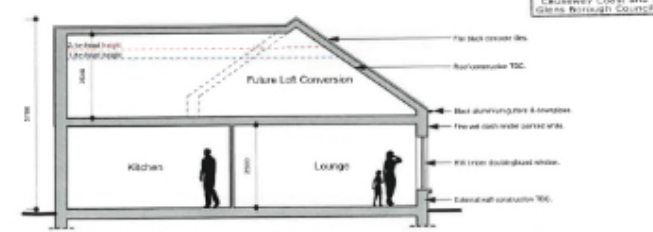
Indicative Side Elevation
Scale 1:100



Indicative Rear Elevation
Scale 1:100



Indicative Side Elevation
Scale 1:100



Indicative Section
Scale 1:100

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P/M: MS
Causeway Court and
Glennborough Council

Drawing
Number 03

Causeway Court and
Glennborough Council

PROPOSED 3 No.
DWELLINGS
04

M20 Callan

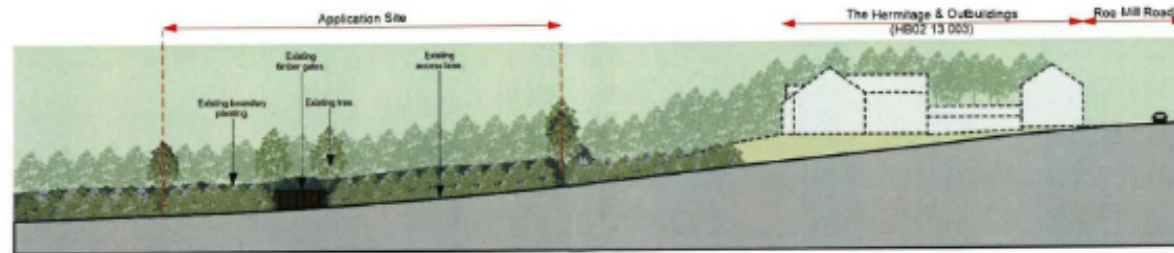
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bell
architects

0547346 0000
Ballymore
3151-944

E 078 040@bell-architects.com

Contextual Elevations

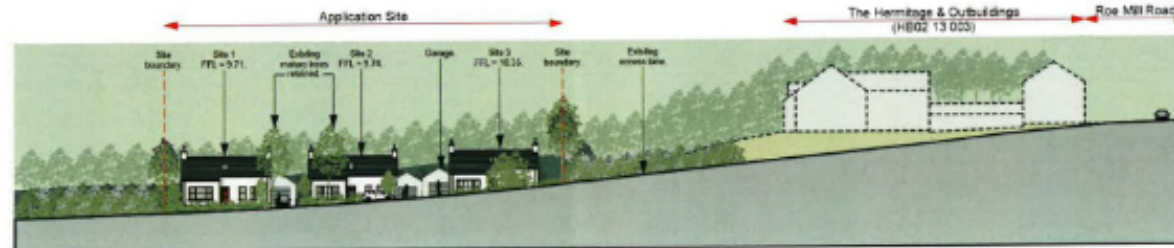


Existing Contextual Elevation
Scale 1:500

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File No.
Cuswary Coast and
Glens Borough Council

Drawing
Number 04.

LA01/2021/0772



Proposed Contextual Elevation
Scale 1:500

PROPOSED 3 No.
DWELLINGS
05 M20 Callan

for Callan Family
at South West of 29 Roe Mill
Road, Limavady

bell
architects
66 St. Mary Street
Belfast
BT1 1JL

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T 028 2765 6406

E office@bell-architects.com