

Planning Committee Report LA01/2019/0237/F	18th December 2019
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	Development Management & Enforcement Manager
Cost: (If applicable)	N/a

<u>No:</u>	LA01/2019/0237/F	<u>Ward:</u> Mountsandel
<u>App Type:</u>	Full Planning	
<u>Address:</u>	The Irish Society Primary School, 3 Rugby Avenue, Coleraine	
<u>Proposal:</u>	Construction of a new 2.4m high rigid mesh security fence and gates to boundary of existing school site.	
<u>Con Area:</u>	N/A	<u>Valid Date:</u> 12/03/2019
<u>Listed Building Grade:</u>	N/A	
Agent:	N/A	
Applicant:	Education Authority, Ballee Centre, Ballymena	
Objections: 14	Petitions of Objection: 0	
Support: 0	Petitions of Support: 0	

EXECUTIVE SUMMARY

- Full planning permission is sought for the construction of a new 2.4m high rigid mesh security fence and gates to the boundary of the existing school site.
- The proposal has been revised during the processing of the application with a result that @50% of existing hedgerow which would have been lost has now been retained.
- Balancing the needs of the school and the loss of hedgerow, the proposal is considered to be acceptable having regard to Policy DES 2 of the Planning Strategy for Rural Northern Ireland.
- Concerns regarding the loss of wildlife have been explored and having regard to the consultation response from Natural Heritage, the proposal complies with policies NH 2 & NH 6 of PPS 2.
- DfI Roads and DAERA Natural Environment Division have been consulted and raise no objection to the proposal.
- There have been a total of 14 objections to the proposal.
- The proposal is considered acceptable having regard to the Northern Area Plan and all other material considerations, including the SPPS, DES 2 and PPS 2.

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 recommendation set out in Section 9 and the policies and guidance in sections 7 and 8 and resolves to **APPROVE** planning permission subject to the conditions set out in section 10.

2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located at 3 Rugby Avenue and hosts The Irish Society Primary School. The site is located within the settlement of Coleraine, as identified in the Northern Area Plan. The surrounding area hosts the Courthouse to the west, dwellings to the south, the rugby club to the east, and the Lodge Road to the north.
- 2.2 The site features the Irish Society Primary School and associated parking, playing fields and hardstanding. The main school building hosts a number of projections, with a detached nursery building to the south west. The areas of hardstanding are within the south of the site, adjoining the school building, with the remainder of the site featuring an expansive area of grass.
- 2.3 The site boundary is comprised of a number of elements. The south east (front) boundary features a low timber fence with low hedging within the site. The south west (side) boundary is defined by hedging and mature trees, with a portion of low fencing similar to that at the front boundary. The north (rear) boundary which runs adjacent to the Lodge Road currently is comprised of temporary security fencing which continues for a portion of the north east boundary. The remainder of the north east boundary is comprised of low hedging and approx. 1.5m high security fencing.
- 2.4 The application site is located within the settlement development limit of Coleraine. It is adjacent to the Protected Route to the north and a designated Major Area of Existing

Open Space. The site is not subject to any other specific zonings or designations.

3 RELEVANT HISTORY

C/2000/0427/F – Erection of single storey Nursery School. The Irish Society Primary School, 3 Rugby Avenue, Coleraine Permission Granted 26th July 2000.

C/2000/0910/F – Erection of single storey nursery unit. The Irish Society Primary School, 3 Rugby Avenue, Coleraine Permission Granted 11th January 2001.

C/2000/0918/F – Erection of single storey extension to existing P.E. store. The Irish Society Primary School, 3 Rugby Avenue, Coleraine Permission Granted 13th February 2001.

C/2008/0874/F- Provision of new 2400mm high security fencing to driveway at North Eastern side of main school. The Irish Society Primary School, 3 Rugby Avenue, Coleraine Permission Granted 23rd January 2009.

4 THE APPLICATION

- 4.1 Full planning permission is sought for the construction of a new 2.4m high rigid mesh security fence and gates to the boundary of the existing school site.
- 4.2 The original scheme proposed to remove approx. 366 linear metres of the existing hedgerow which encompassed the entirety of both side boundaries and a large portion of the front boundary. Amendments were sought to retain this hedgerow and the final iteration of the scheme was received on 30th September 2019. The current scheme proposes to remove approx. 180 linear metres of hedging on one side boundary only, with the remaining hedgerow which was originally proposed to be removed now being retained.
- 4.3 The proposed security fence sits to the inside of the retained hedging. The only exception to this is the fencing proposed on the northern boundary where it sit to the outside of the retained

existing trees, and the portion to the rear of the courthouse at the west, where it is proposed to run on the outer boundary of the site.

Habitats Regulation Assessment

- 4.4 The potential impact 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.

5 PUBLICITY & CONSULTATIONS

5.1 External

14 objections have been received in relation to this application.

5.2 Internal

DfI Roads has no objection to the proposal.

DAERA Natural Environment Division has no objection to the proposal.

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

Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Strategy for Rural Northern Ireland

PPS 2 Natural Heritage

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determining of this application relate to the principle and visual impact, impact on protected species, and objections.

Planning Policy

- 8.2 The proposal must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above.
- 8.3 The site is located within the settlement development limit of Coleraine, as defined in the Northern Area Plan 2016. There are no formal plan designations relating to the site, however it is located adjacent to a Protected Route and a Major Area of Existing Open Space.
- 8.4 The immediate area is characterised by a mix of development - dwellings to the south east and south west, the courthouse to

the west, the Ring Road to the north and the open space relating to the rugby club to the east.

Principle and Visual Impact

- 8.5 Many schools are now seeking perimeter fencing, which is primarily driven for security purposes. This is a similar situation. However, in the original submission, a significant length of hedging around the school was to be lost. It was considered that, having regard to the sites neighbours and existing arrangements, that a more sensitive solution may be found which would negate the requirement to lose so much established natural vegetation. This was a matter of concern raised by objectors.
- 8.6 Policy DES2 of the Planning Strategy for Rural Northern Ireland requires development proposals in towns to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. The policy continues saying that new development should provide reasonable standards of amenity both in terms of the environment which the development creates and in terms of the effect it has on neighbouring properties.
- 8.7 Officials had concerns with the scheme as originally submitted, particularly regarding the extent of hedging to be removed and the subsequent impact on visual and neighbouring amenity. It was considered this was not sensitive to the character of the area.
- 8.8 That said, it is accepted that there is a requirement from the school to ensure the protection of pupils, and wider security of the school. Officials have been liaising with the Education Authority to ensure any loss of hedging is essential and restricted to any critical areas of the school grounds with the need to retain a suitable balance between the loss hedging and erection of 2.4 metre high fencing. Therefore it is now proposed to retain about 50% of the hedging that was to be lost. The fence will now be located to the inside of the hedging, on the school side. The hedging which runs along the residential properties on Rugby Avenue and Mountsandel Road, and adjoining the Rugby Club will now be retained. A condition has been included to ensure this is retained and requiring

compensatory planting should this hedging be lost.

- 8.9 Having regard to the policy requirements of DES 2, and that the hedging adjoining the properties at nos 48, 50 & 52 Mountsandel Road and No. 5 Rugby Avenue will be retained, and the needs of the school to adequately secure the school premises, the principle of the development, on balance, is now considered acceptable.

Impact on Protected Species

- 8.10 Objections raised concern with the loss of wildlife associated with the removal of the hedgerow and the identification of protected species.
- 8.11 PPS 2 states that to ensure international and domestic responsibilities and environmental commitments with respect to the management and conservation of biodiversity are met, any identified habitats or species are material considerations in the determination of planning applications. Policy NH 2 of PPS 2 safeguards species of European and National importance that are protected by law. It states that planning permission will only be granted for a development proposal that is not likely to harm a European protected species. In relation to National Species it continues by stating that planning permission will only be granted for a development proposal that is not likely to harm any other statutorily protected species and which can be adequately mitigated or compensated against. Development proposals are required to be sensitive to all protected species, and sited and designed to protect them, their habitats and prevent deterioration and destruction of their breeding sites or resting places.
- 8.12 Policy NH 5 of PPS 2 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 known priority habitats or priority species.
- 8.13 On receipt of the objections identifying protected species and impact on wildlife, there was consultation with DAERA Natural Environment Division. In its response of 8th August, initial concern was raised regarding the lack of information with the requirement of a Preliminary Ecological Appraisal. This report was subsequently received on 30th September 2019 and sent to

NED as the competent authority on ecological matters. Following confirmation on the credentials of the Ecological Appraisal's author, NED considered the impacts of the proposal on designated sites and other natural heritage interests and confirmed it has no concerns. Officials have had regard to this response, and have no reason to disagree with these findings.

- 8.14 Considering the objectors concerns, and balancing this against the Ecological Appraisal and comments from NED, the proposal complies with the Policy requirements of NH 2 and NH 5.

Objections

- 8.15 To date 14 objections have been received in relation to this application. The objections have all been received prior to the final submission of amended drawings, with no objection to date to the current scheme.
- 8.16 The first objection was received on 1st April 2019 from 5 Rugby Avenue, which is located adjacent to the front boundary of the school. Within this objection there are material planning considerations including the potential visual impact of the tall fencing and the unnecessary removal of vast amounts of hedging. There are also concerns within this objection relating to the environmental impacts of the removal of this hedgerow, as they are claimed to provide nesting places and food for a range of bird types.
- 8.17 A second objection was received on 16th April 2019 from 50 Mountsandel Road, a dwelling which sits at the south west corner of the site. This objection comments on the visual impact of the tall proposed fencing, as well as the potential environmental impacts including the loss of wildlife.
- 8.18 Ten further objections were received on 16th April 2019 which were in support of the objection received from 50 Mountsandel Road. These objections were received from 9 Rugby Avenue, 35 Knockbracken Court, 22 Morrison Park, Portrush, 4 Inglewood Avenue, 204 Mountsandel Road, 7 Rugby Avenue, 6 Ashbrook Grove, 184 Mountsandel Road, 82 Mountsandel Road, all Coleraine, and 8 Leeke Road, Bushmills. These objections referenced visual impact and environmental damage as main concerns to the proposal.

8.19A further objection was received from 50 Mountsandel Road on 24th June 2019. The objector raises concerns that the trees at the boundary may be removed or damaged beyond repair, and comments on the wildlife which has been witnessed in the area. The objection also comments on the fencing not being in keeping with the area both in height and colour.

8.20A final objection was received on 24th August 2019 from 5 Rugby Avenue. The letter welcomes the proposed additional retention of boundary hedging, however comments that the retained hedges may still be damaged with this proposal.

8.21 Material planning considerations within these objections have been raised including the visual and environmental impacts that the proposal may have. The relevant competent authorities have been consulted and all matters have been considered. Having regard to the objections, amended plans and consultation responses, the proposal is considered, on balance, to be acceptable as set out within this report.

9 CONCLUSION

9.1 The proposal is considered acceptable having regard to the Northern Area Plan and all other material considerations. The revised scheme includes the retention of 50% of the hedging that was originally proposed to be lost. This is retained on the more critical areas of the site, where it adjoins residential properties and the Rugby Club. The potential loss of any protected species has been considered and complies with PPS 2. Approval is recommended.

10 CONDITIONS & INFORMATIVES

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

2. The existing natural hedging of the site, as indicated in black and annotated on drawing no. 02 Rev B date stamped received 30th September 2019 shall be permanently retained unless a compensatory planting scheme is agreed in writing with the Council.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
5. You should refer to any other general advice and guidance provided by consultees in the process of this planning application by reviewing all responses on the Planning Portal at <http://epicpublic.planningni.gov.uk/publicaccess/>.

Site Location

