



Planning Committee Report LA01/2017/1180/F	28th March 2018
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> LA01/2017/1180/F	<u>Ward:</u> ROESIDE
<u>App Type:</u> Full Planning	
<u>Address:</u> Limavady High School, Irish Green Street, Limavady	
<u>Proposal:</u> Sports facility incorporating Main 4 court sports hall, office, gym, classroom, changing rooms, associated toilets, plant rooms and storage	
<u>Con Area:</u> n/a	<u>Valid Date:</u> 14.09.2017
<u>Listed Building Grade:</u> n/a	
<u>Agent:</u> W&M Given Architects, Suite 8, River House, Castle Lane, Coleraine, BT51 3DR	
<u>Applicant:</u> Education Authority (West Region), 1 Hospital Road, Omagh, BT79 0AW	
<u>Objections:</u> 0	<u>Petitions of Objection:</u> 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 and 8 and resolves to **APPROVE** planning permission subject to the conditions set out in section 10.

2 SITE LOCATION & DESCRIPTION

The site is located on Irish Green Street and comprises a portion of land in the south-eastern corner of the existing Limavady High School site. The site is fairly flat and level and is predominantly tarmac from the existing playground, and part grass from the small existing lawned area which is currently fenced off from the playground.

The eastern and southern site boundaries are defined by existing metal palisade security fencing which defines the wider school site. Metal palisade security fencing also defines the northern part of the site, separating existing mobile classroom units from the playground.

- 2.3 The character of the surrounding is mixed, comprising residential, educational and religious uses. The immediate character of the area surrounding the application site is educational, set within the wider context of the Limavady High School site, and the neighbouring St Mary's High School.
- 2.4 In the Northern Area Plan 2016 the site is located within the settlement of Limavady. The site is within the Limavady Area of Archaeological Potential. The Old Railway Local Landscape Policy Area, Designation LYL 09, is located to the rear of the site.

3 RELEVANT HISTORY

B/2012/0010/F - Creation of a new 8m x 2.4m Vehicular gate to the car park, to enable a one way traffic system into the school through the existing gates and exiting through the new gates to improve pupil safety. Rear entrance to Limavady High School, Irish Green Street, Limavady, Leading onto Connell Street, directly opposite 88 Connell Street. Permission Granted: 27/09/2012

B/2011/0127/F - Stand alone technology block located in the grass area to front of existing school with connecting link. Limavady High School, Irish Green Street, Limavady. Permission Granted:
04/11/2011

4 THE APPLICATION

- 4.1 Full Planning Permission is sought for a sports facility incorporating main 4 court sports hall, office, gym, classroom, changing rooms, associated toilets, plant rooms and storage.
- 4.2 The proposed new sports hall would be accessed within the site.
- 4.3 The proposal falls within the Major category of development and as such the applicant entered into pre-application community consultation including the submission of a Proposal of Application Notice (PAN). The applicant organised and facilitated a public event, with appropriate community notification and advertisement. The applicant submitted a pre-application community consultation report with the application which documents the consultation carried out and any comments raised during this event.
- 4.4 The public event was held on the 25th May 2017 in the Limavady High School Foyer between 8pm and 9pm. In total 5 people attended the event. Following the event, the presentation boards were left in the foyer for 2 weeks to allow parents, staff and pupils to view the proposal. A comments sheet was supplied and left at the event. The presentation event was also posted on social media. Comments made by the general public were all positive in nature. The application proceeded based on the design process refined by the Education Authority, end users and architect.

5 PUBLICITY & CONSULTATIONS

5.1 External

Neighbours: There are no objections to the proposal

5.2 Internal

Environmental Health Department: No objections

DFI Rivers: No objections

Historic Environment Division – Historic Buildings: No objections

Historic Environment Division – Historic Monuments: No objections

NI Water: Response pending (to be updated by an addendum)

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 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.

7.0 RELEVANT POLICIES & GUIDANCE

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Strategy for Rural Northern Ireland

8.0 CONSIDERATIONS & ASSESSMENT

8.1 The main considerations in the determination of this application relate to: principle of development, design and siting; impact on listed buildings; and Limavady area of archaeological potential.

Principle of Development

8.2 The application site is located within the settlement of Limavady and is situated in the grounds of the existing Limavady High School. The proposal relates to the provision of a new sports hall for the school and is designed to facilitate access from the existing school buildings into the new sports facility.

8.3 As the site is located within a settlement and relates to the provision of educational infrastructure within the grounds of an existing school the principle of the development is considered acceptable. The proposed use relates to the existing use and would not introduce a form of development likely to alter the existing balance of uses. The relevant policy for consideration is Policy DES 2 of the Planning Strategy for Rural Northern Ireland.

8.4 Policy DES 2 sets out current planning policy for development proposals affecting townscape and requires development proposals in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of siting, scale, layout, design and use of materials.

Design and Siting

8.5 The proposal is sited in the south-eastern corner of the site, within close proximity of existing school buildings allowing for ease of movement between facilities. The scale, layout and design relates to the existing school buildings and the proposal is orientated to address these existing spaces. The ridge height of the main sports hall reflects the height of the existing school building. The storage rooms, changing rooms, classroom and fitness area are single storey in scale, allowing the proposal to relate to the immediate context of the school playground.

8.6 The proposed finishes and materials reflect those used on existing school buildings. This allows the new building to integrate within the

site. Clarification was sought in relation to the existing trees within the application site. Whilst some of these will have to be removed to accommodate the proposal, additional landscaping is proposed to the Biodiversity Garden. The proposed planting layout is therefore considered to be acceptable. The proposal complies with Policy DES 2 of the PSRNI.

Impact on Listed Buildings

- 8.7 As the nearby Limavady Presbyterian Church is listed, Historic Buildings were consulted in relation to the proposal. Historic Buildings noted that the site is separated from the Listed Building by the existing school buildings and is sufficiently modest to have no detrimental effect on the setting of the Listed Building.
- 8.8 The proposal therefore satisfies paragraph 6.12 of the SPPS and Policy BH 11 of PPS 6 as the proposal will not adversely affect the setting of the listed building.

Limavady Area of Archaeological Potential

- 8.9 The site is located within the Limavady area of archaeological potential. Historic Monuments Unit was consulted in relation to the proposal. Due to the scale and nature of the proposal Historic Monuments are content that the proposal is satisfactory to the SPPS and PPS 6 archaeological policy requirements.

Flooding

- 8.10 The application site is affected by surface water flooding. Following consultation with DFI Rivers a Drainage Assessment is not required and it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

9.0 CONCLUSION

- 9.1 The proposal is considered acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The principle of the use is acceptable on this established school site. The contemporary design is appropriate for the location. Approval is recommended.

10 CONDITIONS

10.1 Regulatory Conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

10.2 Informatives

1. 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.

2. 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.

3. 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.

4. The applicant is advised that noise and vibration can be the cause of serious disturbance and inconvenience to anyone exposed to it and in certain circumstances noise and vibration can be a hazard to health.

Noise and vibration emissions associated with site preparation and construction should be minimised.

The applicant should ensure that all site works/any contractors have due regard to BS 5228: 2009 Parts 1 and 2.

Appropriate thresholds of significant effects due to noise are detailed within Table E-1 of BS 5228 Part 1, this Department would advocate the ABC method in order to characterise the existing/ambient noise levels where such activities are to be carried out.

Please see attached Construction Noise Advice Note, outlining measures to incorporate to reduce impacts. (Refer to Informative No. 9)

5. Any noise generating plant and equipment shall be so specified (quietest plant), located and acoustically treated, as necessary so as to negate adverse noise impacts to sensitive receptors.

6. The applicant is advised to consider the proposed development in relation to impacts associated with artificial lighting schemes - which could give rise to light pollution due to light spillage and glare affecting sensitive neighbouring properties. Artificial Light which is substantiated as a statutory nuisance is actionable under Clean Neighbourhoods and Environment Act (NI) 2011.

7. Where security lighting or artificial lighting is to be introduced this Department would advise to have due regard to the Guidance Notes on the Avoidance of Obtrusive Light, issued by the Institute of Lighting Engineers, the Guidance may be accessed at : www.ile.org.uk

8. The applicant shall ensure that dust associated with the proposed development works (enabling and construction) is minimised by employing best practicable means to suppress dust emissions and negate adverse impacts to nearby sensitive receptors.

9. There is a need to ensure that residents and businesses are protected from noise disturbance during construction works. This advice note has been prepared to help developers and their contractors ensure that they undertake their works in the most considerate manner, in order to reduce the impact of the work on local communities.

How to avoid Noise/Vibration Complaints

Some construction work is unavoidably noisy but many complaints can be avoided by carrying out work in a considerate manner. The time of day when noisy work is carried out and the methods used can make a big difference.

There are many general measures that can reduce noise levels at source such as:

1. Noisy plant or equipment should be situated as far as possible from noise sensitive buildings. Barriers (e.g. Site huts, acoustic sheds or partitions) to reduce noise reaching noise sensitive buildings should be employed where practicable;
2. Avoid unnecessary revving of engines and switch off equipment when not required;
3. Keep internal haul routes well maintained and avoid steep gradients;
4. Minimize drop height of materials;
5. Start-up plant and vehicles sequentially rather than altogether;

6. Use alternative reversing warning systems (white noise broadband reversing alarms); when reversing, mobile plant and vehicles should travel away from noise sensitive premises;
7. Choose quietest available plant and equipment (Refer to BS 5228 noise data information);
8. Vehicles and mechanical plant used for the purpose of the works should be fitted with effective exhaust silencers, maintained in good and efficient working order and operated in such a manner as to minimize noise emissions;
9. Compressors should be fitted with properly lined and sealed acoustic covers which should be kept closed whenever in use. Pneumatic percussive tools should be fitted with mufflers or silencers of the type recommended by the manufacturers;
10. Where practicable, equipment powered by mains electricity shall be used in preference to use of generators;
11. Generators shall be suitably positioned (furthest from sensitive receptors), and specified to ensure the quietest plant is employed and where required, to ensure no adverse impacts, acoustically screened/fully enclosed.
12. Plant shall be maintained in good working order so that extraneous noise from mechanical vibration, creaking and squeaking is kept to a minimum;
13. Noise emitting plant / machinery which is required to run continuously should be housed in acoustic enclosure wherever practicable.
14. Vibration levels shall not exceed the guidelines as prescribed within BS 5228: Part 2/Annex B Good Practice Guidance in accordance with BS 5228: 2009 Parts 1 & 2 should be adhered to.

Methods of Working

The law requires you to use the Best Practical Means (BPM) to minimise noise. This means that noise should be taken into account when deciding the method of work and the machinery which is to be used. Guidance on BPM can be found in British Standard 5228 (2009) "Noise and Vibration Control on Construction and Open Sites".

Care should be taken to ensure that use of non-construction equipment (e.g. radios) does not disturb people in the vicinity.

Noise/Vibration Complaints

Noise complaints can be minimized by employing the necessary noise mitigation measures, adherence to hours of working restrictions and compliance with noise/vibration limits.

A complaints procedure should be developed and employed, communication and liaison with nearby residents/receptors where noisy operations may be for prolonged periods is advisable.

Ensure that there is a clear point of contact and deal with complaints in a reasonable and transparent manner.

If a complaint is received by the Council about noise from a construction site. Officers will visit the complainant and the site to investigate and assess the severity of the problem. If the noise is causing a significant disturbance to anyone living or working in the area further action may be taken.

10. The applicant should be aware that an updated Atlas of Radon Affected Areas in NI has been published in August 2015, via Public Health England. A radon affected area is defined as 1% probability or higher of present or future homes above the action level – 200Bq/m³ (annual average radon concentration). The applicant is strongly recommended to access the updated atlas at: <http://www.ukradon.org/information/ukmaps> and <https://www.gov.uk/government/publications/radon-indicative-atlas-for-northern-ireland>.

Further information regarding radon (How it affects you and Guidance with respect to what mitigation measures will be required to safeguard health) can be accessed from the Causeway Coast and Glens Borough Council website Health and Built Environment Department – Environmental Protection/Building Control sections accessed at: <https://www.causewaycoastandglens.gov.uk/live/health-and-built-environment/environment-health-and-well-being/environmental-protection>”.

*Building Regulations (NI) 2012 Guidance Technical Booklet C “Site Preparation and Resistance to Contaminants and Moisture, October 2012 : Section 3 provides further information on the level of protection required and directs to the Building Research Establishment (BRE Reports) which provide detailed guidance on protective measures relevant to new dwellings in NI).

Technical Booklet C can be accessed at: <http://www.buildingcontrol-ni.com/regulations/technical-booklets>

Note :The guidance in BR211 applies to all new buildings, extensions, conversions and refurbishment for domestic or non-domestic use (unless subject to local exemptions contained within the above Regulations).

The current 2015 edition of BR211 covers the whole of the UK and replaces three earlier guidance documents:

- BRE Report BR211 Radon: guidance on protective measures for new buildings – originally introduced in 1991 and amended in 1992, 1999 and 2007 covering England and Wales.
- BRE Report BR376 Radon: guidance on protective measures for new dwellings in Scotland – introduced in 1999. (Please note that whilst this guide has been superseded it is still referred to in Scottish Technical Handbook guidance.)
- BRE Report BR413 Radon: guidance on protective measures for new dwellings in Northern Ireland – introduced in 2001. (Please note that whilst this guide has been superseded it is still cited for Building Regulations purposes)

BR211 (2015) includes guidance for all building types including extensions, conversions and refurbishment. The report identifies the areas of England, Wales, Scotland and Northern Ireland where measures should be taken to provide protection against radon and offers extensive guidance on the technical solutions that are required to satisfy Building Regulations requirements.

11. Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.

12. Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

13. Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such

discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

14. Visual inspection of the site indicates that it is unaffected by any watercourse(s);- open or culverted.

15. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.

16. 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 any other statutory authority.

Water & Sewerage

17. Informatives from NI Water to follow in addendum.

Site Location Map

