



<b>Planning Committee Report</b>  LA01/2018/0349/F	<b>26<sup>th</sup> February 2020</b>
<b>PLANNING COMMITTEE</b>	

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

<b><u>No:</u></b>	LA01/2018/0349/F	<b><u>Ward:</u></b>	Altahullion
<b><u>App Type:</u></b>	Full		
<b><u>Address:</u></b>	Lands adjacent and West of Nos 27 & 29 Ballyquin Road, Limavady		
<b><u>Proposal:</u></b>	Construction of New 7 Class base Primary School and future Single Nursery Unit, with associated access road, car parking and external play areas		
<b><u>Con Area:</u></b>	N/A	<b><u>Valid Date:</u></b>	26.03.2018
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	Hamilton Architects, 3 Joy Street, Belfast, BT2 8LE		
<b><u>Applicant:</u></b>	Roe Valley Integrated Primary School, 153 Roe Mill Road, Limavady, BT49 9EX		
<b><u>Objections:</u></b>	<b>0</b>	<b><u>Petitions of Objection:</u></b>	<b>0</b>
<b><u>Support:</u></b>	<b>0</b>	<b><u>Petitions of Support:</u></b>	<b>0</b>

## **Executive Summary**

- This proposal is acceptable at this location having regard to the Northern Area Plan 2016 and all other material considerations.
- The site is located within the settlement limits of Limavady on lands zoned for housing within the Northern Area Plan 2016.
- The proposal seeks permission to erect a new school to provide up to standard facilities, which cannot be achieved at the school's existing site.
- The loss of lands zoned for housing will not result in a shortfall of housing land over the Plan period across the settlement or wider district.
- Other unzoned lands within Limavady Town could potentially compensate for the loss of zoned lands to this school project.
- The proposal will provide satisfactory means of access to the public road and adequate access and parking within the site
- There will be no significant adverse impacts on natural heritage or residential amenity.
- Due to a lack of capacity in the public sewer network development shall not commence until a means of foul disposal has been agreed in writing
- The scale and design of the school is acceptable in the urban area.

Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://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** full planning permission subject to the conditions set out in section 10.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is located on lands adjacent to and west of Nos. 27 and 29 Ballyquin Rd, Limavady. The application site is contrived from the north eastern portion of a large agricultural field, and immediately adjacent the Ballyquin Rd. Access to the application site is proposed via the existing road which serves the petrol filling station to the north of the site, and which is proposed to serve a recently approved housing development LA01/2016/1258/RM, which abuts the site to the west. The application site undulates across the site from east to west with the north eastern boundary defined by a roadside embankment which is partially defined by mature trees. The eastern site boundaries, which define the rear residential curtilages of the adjacent of Nos. 27 and 29 are defined by block wall, hedgerow and trees. The southern site boundary is defined by the established field boundary and is defined by mature hedgerow and trees which are approximately 7-8m in height. The western site boundary is undefined at present.
- 2.2 The application site is located within the settlement limit of Limavady as defined in the Northern Area Plan 2016. The application site is located on lands zoned for housing within the Northern Area Plan 2016 under zoning LYH 13. The site is located to the southern end of the settlement and is just inside the settlement limit. The western side of the Ballyquin Rd is currently characterised by roadside development comprising detached dwellings, commercial properties and a new petrol filling station and retail units at the northern end of the application site. To the west of the application site and beyond the settlement limit is the River Roe which is a designated Special Area of Conservation and Area of Special Scientific Interest and Roe Valley Country Park which are designated under LLPA01 and LLPA02 as

well as LHP 06 – Roe Valley Park Historic Park, Garden and Demesne. To the north and east of the application site the prevailing land use is residential with relatively dense housing at Roemill Road and the housing between Ballyquin Road and Scroggy Road.

- 2.3 Planning application LA01/2016/1258/RM was granted planning permission 01.07.2019 immediately adjacent to the application site for a residential development, while two further applications for housing, in association with the same outline approval as with this application are live (undecided) further west of the site under applications LA01/2016/1265/RM and LA01/2016/1267/RM.

### **3 RELEVANT HISTORY**

- 3.1 LA01/2017/1309/PAN - Lands adjacent and West of No's 27 & 29 Ballyquin Road, Limavady - Construction of new 7 class base Primary School and single nursery unit with associated access road, car parking and external play areas – PAN Acceptable 26.10.2017

LA01/2017/0651/PAD - Lands adjacent to no's 27 & 29 Ballyquin Road, Limavady - Proposed new 7 classroom Primary School & associated in curtilage car parking, drop off and external hard play areas and landscaped soft grass play areas – PAD Concluded 14.12.2017

LA01/2016/1258/RM - Construction of housing development comprising 201 dwellings providing a mix of 4 bedroom two storey detached and semi-detached dwellings and 4 bedroom semi-detached chalet dwellings, 3 bedroom two storey detached and semi-detached dwellings and 3 bedroom detached and semi-detached chalet dwellings, associated access roads and footpaths, landscaping and public open space - Permission Granted 01.07.2019

LA01/2015/0934/PAD - Lands West of 27 and 29 Ballyquin Road, Limavady - Construction of new seven classroom primary school including hard and soft play areas, car parking, landscaping, access arrangements and associated site works – PAD Concluded 07.03.2016

B/2010/0440/O - 183 & 187 Roemill Road, Limavady including lands to the north east, south and west of the former Gorteen House Hotel, Junctions of Roemill Road/Catherine Street, Irish Green St/Greystone Road/Broad Road - Demolition of existing buildings, erection of

housing with associated open space and landscaping, and community facilities. Improvements to existing road junctions in the vicinity – Permission Granted 20.10.2011

B/2008/0200/O - Nos. 183 and 187 Roemill Road, Limavady, including lands to the North, East, South and West of the Gorteen House Hotel. Also Junctions at Roemill Road/Catherine Street, Irish Green Street/Greystone Road and Greystone Road/Broad Road - Mixed use development including housing, retail, commercial and community uses. Associated landscape works and improvements to local road network. Demolition of existing buildings on site – Appeal Dismissed 27.09.2010

## **4 THE APPLICATION**

- 4.1 The proposal seeks consent for the Construction of New 7 Class base Primary School and future Single Nursery Unit, with associated access road, car parking and external play areas. The proposed buildings are single storey in scale and are constructed externally in facing brick and flat roof tiles. The site is to be bounded by a 2.4m high paladin security fence with landscaping proposed along the site boundaries.

### **Design & Access Statement**

- 4.2 A Design & Access Statement is required under Article 6 of the Planning (General Development Procedure) Order (NI) 2015 as the application is considered to be a major application.
- 4.3 The Design & Access Statement provides details of the design principles and concepts that have been applied to the development and how issues relating to access to the development have been dealt with.
- 4.4 The statement, received on 16th March 2018, demonstrates that the applicant undertook detailed consideration of the proposal in terms of the design principles and concepts in relation to the scale and design of the school buildings and the impact on the character of the immediate context.

## **Proposal of Application Notice**

- 4.5 As this proposal is categorised as major development, it must comply with the Proposal of Application Notice and carry out community consultation at least 12 weeks prior to the submission of the application.
- 4.6 A Proposal of Application Notice was submitted 9<sup>th</sup> October 2017 under LA01/2017/1309/PAN. The applicant advised that they intended to undertake the following forms of consultation:
- Press notice of the public events in Limavady Chronicle and Limavady Constitution newspapers at least one week prior to the public event.
  - Letters sent to all residents whose property shares a boundary with the application.
  - Consultation with DFI Roads and Causeway Coast and Glens Borough Council's Environmental Health Department
- 4.7 The public events were held on 25<sup>th</sup> October 2017 and 22<sup>nd</sup> November 2017 in Roe Valley Integrated Primary School, Limavady.

## **Community Consultation Report**

- 4.8 The Community Consultation Report (CCR) was submitted as part of the planning application, received on 16<sup>th</sup> March 2018 which is more than 12 weeks after the Proposal of Application Notice was received, as required by the legislation.
- 4.9 The CCR contains a copy of the press advertisement and template of the neighbour notification letter and social media posts used to advise of the public event, and includes comments and feedback from the consultation exercise. The report demonstrates that consultation was carried out as suggested in the Proposal of Application Notice.
- 4.10 28 people attended the first public event (25/10/2017), with 8 attendees providing feedback on the proposal. At the second public (22/11/2017) event there were 16 attendees, with 3 providing feedback on the proposal. The key issues raised related to the provision of adequate car parking, location of service yard, bin storage to the rear etc. the need for sound proof fencing as well as some suggestions for the design of the building/layout. Generally the comments were positive towards the proposed development.

4.11 The CCR demonstrates that adequate community consultation has taken place and the key issues of concern have been considered prior to the submission of the application.

## **Environmental Impact Assessment**

4.12 This proposal was subject to an environmental impact assessment screening as required by, The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. The application was considered to fall within Schedule 2: Category 10(b) of the Regulations- The carrying out of development to provide for urban development projects, including the construction of shopping centres and car parks. The threshold for requiring an EIA determination is when the area of the development exceeds 0.5 hectare, or the site is within a sensitive area. The site is approximately 1.1 hectares. Having considered the Regulations and the guidance set out in DCAN 10, it was determined (19.10.2018) that the development proposal would not have any likely impacts of such a significance to warrant an environmental statement.

## **5 PUBLICITY & CONSULTATIONS**

### **5.1 External**

Community Consultation event was organised by the applicant in line with the Pre-Application Notification LA01/2017/1309/PAN.

No letters of objection were received.

### **5.2 Internal**

DAERA Natural Heritage and Conservation Areas: No objections

DAERA Drainage and Water: No objection.

DFI Roads: No objections.

DFI Rivers: No objections.

Environmental Health: No objections.

NI Water: No objections.

Shared Environmental Services: No objections.

## **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:
- The 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 & Assessment” section of the report.

## **7 RELEVANT POLICIES & GUIDANCE**

The Northern Area Plan 2016

The Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 2 (PPS 2): Natural Heritage

Planning Policy Statement 3 (PPS 3): Access, Movement and Parking

Planning Policy Statement 15 (Revised) (PPS 15) – Planning and Flood Risk



## A Planning Strategy for Rural Northern Ireland

### DCAN 15 - Vehicular Access Standards

#### Parking Standards

## **8 CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of development, scale and design, impact on residential amenity, natural heritage, access, drainage, NI Water.

### **Planning Policy**

- 8.2 The proposal must be considered having regard to the NAP 2016, SPPS, and policy documents specified above.

### **Principle of Development**

- 8.3 The application seeks permission for a new seven classroom school to Department of Education standards. The Planning Supporting Statement submitted by the applicant outlines that the current school, which comprises of four temporary mobile classrooms, modular building and play areas, falls short by 840 metres square of floorspace of the recommended guidance. The applicant has outlined that the existing school site is physically constrained by the topography of the land to the immediate west of the site which falls steeply towards the River Roe.
- 8.4 The application site is within the defined settlement limit of Limavady and is on lands Zoned for Housing under designation LYH13. Consequently the application is considered to be contrary to the Northern Area Plan 2016, in that an alternative land use is proposed on lands zoned for housing, and should be refused planning permission unless other material considerations indicate otherwise.
- 8.5 Prior to the submission of this application a Pre-Application Discussion application was submitted under LA01/2017/0651/PAD. At this stage the applicant had confirmed that the school had purchased the lands

subject of the application. At this time a planning application was live on the proposed site for housing under application LA01/2016/1258/RM. Under this application 27 houses were proposed on the lands currently occupied under this application. During the processing of LA01/2017/0651/PAD the Planning Department outlined that any subsequent planning application for a school on these lands would have to justify for any deviation away from the Northern Area Plan, and provide details of how the loss of housing land could be compensated for elsewhere.

- 8.6 Within the draft Northern Area Plan a parcel of land (3Ha) to the north of the application site, at the junction of Roemill Rd and Ballyquin Rd was identified for community facilities, with one of the proposed key site requirements for the site stipulating that the lands be reserved for educational facilities or formal open space. However this proposed zoning was not carried through into the adopted Northern Area Plan 2016 and remains as un-zoned white land. Part of this area of land is incorporated into the current planning application LA01/2016/1265/RM for 127 houses. The remaining piece of land remains unoccupied and extends to approximately 1.7Ha, and formed part of planning approval B/2010/0440/O, which proposed a mix of residential and community facilities. The applicant outlined within their supporting statement that the Department for Education of Northern Ireland had entered into discussions with the landowner in respect of purchasing the land with a mind to relocate the school to this location. However, the cost required to purchase the land was deemed to leave the scheme economically unviable. This parcel of land is identified as white land within the Northern Area Plan 2016 and as such there is no restriction in principle as to the type of development which should be located on it. Therefore, subject to meeting all relevant planning policy, this area could potentially accommodate the 27 houses which were initially proposed on the lands under which this application is proposed.
- 8.7 The applicant also highlighted that once the existing school site was vacated that it would have the potential to be used for housing which would contribute to offsetting the loss of the zoned housing land. However it is noted that the large majority of the existing school site is sited outside the defined settlement limit of Limavady as defined in the Northern Area Plan, and any planning application would be assessed against the rural planning policies contained within the SPPS and PPS21. Therefore the existing school site cannot be considered at this point as being a viable compensatory site for housing given the restrictions on housing outlined in rural planning policy.

- 8.8 Based on figures held by the Planning Department the potential housing capacity for Limavady far exceeds the Revised Housing Allocation figures for Limavady. Based on these figures the loss of 27 units from the housing zoning will have a negligible impact on housing supply within Limavady.
- 8.9 In considering the above points it is evident that the loss of the 27 units on the application site will not result in a shortfall in housing supply within Limavady, with a surplus of housing potential identified relative to the Housing Allocation figures attributed to Limavady. Additionally there are existing lands within the vicinity of the application site where there may be potential to accommodate the housing land lost to the proposed school, resulting in a status quo of housing provision within the immediate area. The proposal has rearranged the layout of the original concept for the 'Gorteen Lands' as it was previously envisaged at the draft plan stage that a school may be required in this general location at some point. Considering all material considerations, a deviation from the Northern Area Plan from the specified land use will not result in any adverse impacts in terms of being able to provide adequate housing to meet the requirements of Limavady or the wider area, and will enable the current school to relocate to a site which allows for the provision of a school to the required standards.

### **Scale and Design**

- 8.10 Policy DES 2 – Townscape within a Planning Strategy for Rural Northern Ireland requires development proposals in towns and villages to be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials.
- 8.11 Within the design and access statement which accompanied the application the agent outlined that the design of the school was focused around providing a domestically scaled building which reflected the surrounding character, edge of settlement location, and providing universal access to all. The proposed school is a single storey building which is comprised of two main sections, linked by a corridor. The main larger section of the school is a large arc shaped building which contains the educational facilities, as well as staff room, offices, resources sections etc. The smaller section to the rear contains the kitchen, multi-purpose hall and associated changing and storage facilities. The external finish on the school comprise of a mix of facing brick between a buff colour and a black/ blue colour, with the roof finished in a blue black flat roofing tile. For the most part the roof

on both main sections of the school is a traditional pitched roof with the exception of a central portion on the main building which has a mono-pitch section of roof, which provides a design feature which denotes the primary entrance to the building, and breaks the continuous scale and form of the building. The corridor which connects the two main sections of the school appears relatively flat and has a large proportion of glazing incorporated into it. Large areas of glazing are proposed on the main elevations with numerous sky lights proposed. The proposed school building has an overall height of 7.312m above finished floor level, with the multi-purpose hall having a height of 7.6m above finished floor level.

- 8.12 The proposed nursery building is single storey, detached from the main school building, and sited along the north eastern boundary of the site. The nursery building is of a more traditional rectangular form and much smaller in scale than the main school. The nursery has an overall height of 5.6m above finished floor level, and is finished externally in the same mix of facing brick as the main school building, again with a traditional pitched roof finished in flat blue/black roofing tiles.
- 8.13 The application site falls away from Ballyquin Rd in a southern western direction with some earth works in the form of cut and fill proposed to provide a more readily usable flatter site. The proposed main school building will be set approximately 1-1.5m below the level of Ballyquin Rd, while the nursery is proposed at a level similar to Ballyquin Rd. Given the proposed levels within the site and the scale of the two buildings proposed, they will not appear dominant when viewed from Ballyquin Rd. When assessed against the existing and proposed development which immediately surrounds the application site, consisting of a petrol filling station with a height of 7.7m, two storey dwellings approved to the south west, and single storey dwellings to the east, the proposed school buildings are similar in scale and will sit comfortably within the streetscape. Additionally views of the application site are relatively short given the combination of road alignment, intervening development and natural screening.
- 8.14 On approach from the south along Ballyquin Rd views of the school will be restricted to passing the site given the intervening built form along Ballyquin Rd, mature trees along the southern site boundary and partially vegetated embankment along the north eastern boundary. From the junction of Scroggy Rd and Ballyquin Rd to the north east of the site there will be some filtered views of the nursery building, which given its relatively modest scale will not be significant

or detrimental to the streetscape. On approach from the north along Ballyquin Rd views of the school will be limited to relatively short range views given the winding alignment of the road, the trees along the grass verge between Ballyquin Rd and the dwellings at Glenlea Park, and recently constructed petrol filling station to the north of the site. With the main school building located towards the southern portion of the site the petrol station will screen most views until in close proximity to the petrol station and access to the site, with only the modest nursery building visible from further along the Ballyquin Rd, coming into view when past the junction of Roemill Rd and housing development of Glenlea Park, from which the dwellings and mature vegetation to the rear will provide a suitable backdrop for development.

- 8.15 Given the scale and design of the school, it will respect the existing character along the Ballyquin Rd with respect to its overall scale and visual presence within the streetscape. The school has been designed to reflect the surrounding existing and proposed built form and not to appear as a dominant or conspicuous development. The design of the school is considered to be acceptable using materials which are common place in the wider urban area. The school will provide an attractive building which is appropriate for its location.

### **Residential Amenity**

- 8.16 The application site is located in the eastern corner of a Greenfield site, and sits in relatively close proximity to a number of existing dwellings. Two dwellings at Nos. 27 and 29 immediately abut the site to the east, while two dwellings to the south at Nos. 33 and 35 are separated from the site by an existing laneway and densely vegetated grass verge. To the north of the site is an existing Petrol Filling Station, while to the west of the site is the remainder of the field in which the application is within, which has been granted planning permission for a residential development under planning approval LA01/2016/1258/RM.
- 8.17 An initial acoustic report was prepared and submitted by Peter Lloyd Associates 16/03/2018 in support of the application. The report highlighted that the use of noise mitigating measures should be considered to reduce noise impact upon the school and nearby noise sensitive residential properties. However no specific mitigating measures were proposed. Environmental Health were consulted on the proposal outlining that classrooms would not generally be indicative of a significant noise source, given that modern classrooms

should be constructed to provide adequate sound insulation in line with current standards. Environmental Health also considered in their response that external and transient noise due to college students, associated with movement to classrooms would be anticipated to occur but would be likely to be of short duration. Provided that transient external noise is effectively controlled/managed by the school, deterioration in amenity should not be envisaged. Given the proposed layout of the primary school specifies a classroom for each year group it is not envisaged that a significant amount movement between classrooms is likely to occur. The main source of external noise is likely to be generated at play times/outdoor recreational classes. The proposed layout sees the Junior Hard Play Area and an Informal Grass Play area to the rear of the proposed nursery immediately abut the rear boundaries of Nos. 27 and 29 Ballyquin Rd. Given the relationship between the play areas and residential properties Environmental Health requested further clarification on the proposed mitigation for the external play areas.

- 8.18 Subsequent to this request details of timber acoustic fencing were submitted. The applicant proposes a 2.4m high timber acoustic fence along the rear amenity boundary of No. 27 and 29. The associated information for the fence outlines that the fence can achieve up to a 28dB reduction in noise levels. Environmental Health were re-consulted with this information and have advised that as this area will only be used periodically throughout the school day, residents living nearby should not be unduly disturbed by noise with this fencing in place.
- 8.19 The other existing residential properties in proximity to the application site are slightly more removed than Nos. 27 and 29. The dwellings to the south of the site at Nos. 33 and 35 are separated from the site by a densely vegetated verge and access laneway which serves the dwellings. The application site is 27m from the closest dwelling (No.35), while the playground is 35m from the property, with these dwellings fronting onto the access laneway. The proposed dwellings approved under LA01/2016/1258/RM to the west of the site are 26m from the proposed school building, separated by an internal road within the housing site. These houses again front towards the school. Environmental Health have raised no concerns with respect to the impact on these properties. Given the separation distances between these properties, the fact that the private amenity spaces are sheltered to the rear of the dwellings, providing additional acoustic screening and the periodic use of these external spaces within the

school site, there will be no significant adverse impact on adjacent residential properties from noise generated within the application site, subject to the proposed mitigation measures i.e. acoustic fencing, being erected.

- 8.20 As the school building is single storey in nature and given the separation distances to existing and proposed adjacent dwellings and proposed boundary treatments the Planning Authority is satisfied that there will be no significant likely impact on residential amenity through overlooking or loss of privacy.
- 8.21 The school has proposed to locate the bin storage compound along the South East boundary. The bin storage area is not located directly adjacent to any residential property and is located 27m from No. 35 and 37.5m from No. 29. Environmental Health have not objected to the location of the bin storage.

### **Natural Heritage**

- 8.22 Initial consultations with Shared Environmental Services clarified that the application was not located within any European Designated site but was in close proximity to the River Roe and Tributaries SAC, and as such the applicant would be required, as a competent authority, to carry out a Habitat Regulations Assessment (HRA). During the processing of the application a number of documents were submitted including an Outline Construction Management Plan, Biodiversity Checklist and Preliminary Ecological Appraisal, which included the HRA and Drainage Assessment. Having considered the above documentation and in considering the comments of DAERA Natural Environment Division and Water Management Unit, Shared Environmental Services are content that having considered the nature, scale, timing, duration and location of the project it is concluded that, provided the mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.
- 8.23 The comments of the aforementioned consultees are based on foul disposal from the school being linked to the mains network, whereby there will be no likely impact on designated sites through degradation of the water quality and hydrological link. As discussed below any other means of non-mains foul disposal proposed will require an assessment to assess the potential impact on the River Roe and Tributaries SAC designated site.

- 8.24 In considering the information submitted and the relevant consultation responses received, subject to the implementation of appropriate mitigation as proposed by consultees, the proposal is not likely to have an adverse impact on the integrity of any European or National designated site in line with the requirement of the SPPS and Policies NH1 and NH3 of PPS2.
- 8.25 Following the advice at the Pre Application Discussion stage prior to the submission of this application, it was advised that an assessment of badger activity should be undertaken for any application. An Assessment of Badger Activity was submitted with the application which found no signs of badger activity within 25m of the red line of the application site. A badger set was identified 140m from the site, with well-worn mammal tracks leading away from the sett. The report concluded that as the site may be used by badgers to travel through and access other parts of their territory, best practice should be employed during the construction phase to include stock proof fencing and soil ramps within trenches to enable badgers to exit should they fall in. DAERA Natural Environment Division were consulted on this information and offered no objection advising that the best practice procedures outlined in the Badger Activity report being implemented.
- 8.26 There are several trees to the north eastern and south eastern boundaries of the site which are outside the application site, which may be utilised by bats. The proposed development has been designed to minimise impact on the root structure of the trees. Given that the trees are not within the application site and not proposed to be removed, the proposal is not likely to result in any detrimental impact on bats or birds which may use them. The proposal therefore will not result in harm to a protected species in line with the requirements of the SPPS and PPS2 – Policy NH2.

## **Access**

- 8.27 Access to the school is proposed via the internal road network of the approved housing development approved under LA01/2016/1258/RM, located along the western site boundary, which connects to the existing road junction which serves the existing petrol filling station to the north of the site, and in turn connects to Ballyquin Rd. As the housing development approved has not be implemented to date, the application site boundary was required to be altered to ensure the



proposal could link to the public road in its own right. An amended site location plan and detailed plans were submitted to illustrate the provision of a road to connect to the existing public road network under this application. The application was subsequently re-advertised and neighbours re-notified following these amendments. DFI Roads was consulted on the proposal and following the submission of amended plans to the site layout plan and technical roads plans DFI Roads have no objections.

- 8.28 In line with Policy AMP 6 of PPS3 a Transport Assessment form was submitted along with the application, given the potential additional traffic generated by the proposal. The Transport Assessment form takes account of the Transport Assessment previously carried out under previous planning application B/2008/0200/O, which was for a mixed use scheme and was refused permission at Appeal (2008/A0290). This Transport Assessment outlined a number of road junctions which required mitigation measures in the form of signal controls, mini-roundabouts and standard roundabouts. A subsequent application B/2010/0440/O for the demolition of existing buildings, erection of housing with associated open space and landscaping, and community facilities, Improvements to existing road junctions in the vicinity, was submitted and an addendum to the Transport Assessment carried out under the B/2008/0200/O to reflect the revised concept masterplan. The results of the Transport Assessment outlined that the trips generated by this scheme were broadly similar to those within the 2008 application and that the same mitigating measures were proposed. Application B/2010/0440/O was granted planning permission 20.10.2011 with a condition attached requiring upgrade works at the application site and within the wider area.
- 8.29 In 2013 a subsequent review of the Gorteen lands with DOE Planning and Roads Service, it was agreed that due to prevalent market demand the potential yield of the Gorteen lands would not be as intensive as initially envisaged in 2008 and 2011, with approximately only half the vehicle trips envisaged. These figures were again reviewed in 2017 to account for the relocation of the school to the Gorteen lands, which shows a slight increase in vehicle trips (11) in the AM and a reduction of vehicle trips (18) in the PM. The overall figures are still approximately half of the predicted 2008/2011 figures and it is envisaged that the mitigation measured conditioned as part of planning approval B/2010/0440/O will readily accommodate the development proposals at the Gorteen lands, including the proposed school.

- 8.30 The Gorteen lands are to be served by four access junctions. Based on the 2008 Transport Assessment it was calculated that all new junctions would operate within capacity. Given the revised figures (2013 and 2017) for vehicles trips indicate approximately half of the trips than initially proposed it is envisaged that the junctions will all operate within capacity.
- 8.31 DFI Roads were consulted on the proposal and having considered the content of the Transport Assessment form, have offered no objections and have not requested any additional upgrade works to the proposed road junctions within the Gorteen area. It is noted that the School is included within the Article 122 Agreement with the other relevant land owners for the relevant infrastructure upgrades approved as part of planning approval B/2010/0440/O. The proposal complies with Policy AMP6 of PPS3 – Transport Assessment.
- 8.32 The proposed school layout proposes 35 car parking spaces for staff and visitors and 21 bicycle stands. These figures comply with the parking and cycle requirements as outlined within the Parking Standards document, and comply with the planning Policies AMP7 – Car Parking and Servicing Arrangements and Policy AMP8 – Cycle Provision. The proposal therefore complies with the relevant policies within the SPPS and PPS3 in that the scheme will not prejudice road safety or significantly inconvenience the flow of traffic and will provide suitable levels of car parking and cycle stands within the site to serve the proposed levels of pupils, staff and visitors.

### **Flooding and Drainage**

- 8.33 The application site is not located within the 1 in 100 year fluvial floodplain or the 1 in 200 year coastal floodplain. Therefore Policy FLD 1 of PPS 15 is not engaged.
- 8.34 Given the size of the application site and area of new building/hardstanding to be created Policy FLD3 of PPS 15 is engaged which required the submission a Drainage Assessment.
- 8.35 A drainage assessment was submitted by the applicant on 16/10/2019 outlining the proposed storm layout for the application site. The application proposes to discharge surface water to an existing 600mm sewer to the north of the application site before entering an existing DFI Rivers culvert, known as the Enagh Culvert. The proposed drainage system includes attenuation tanks to assist with the controlled discharge of storm water as agreed with DFI Rivers. DFI Rivers have been consulted with the Drainage Assessment for the site

and accepts its logic and has no reason to disagree with its conclusions. Consequently, DfI Rivers cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective.

- 8.36 Given the conclusions of DFI Rivers, as the competent authority, the Planning Department are satisfied that the proposed development will not result in any adverse impacts from surface water flooding/drainage issues throughout the site or on adjacent properties.

### **NI Water**

- 8.37 The application proposes to dispose of foul sewage via NI Water's mains infrastructure. During the consultation process NI Water advised that the Limavady public sewerage network is currently operating above design capacity and NI Water is not approving new connections to the public sewerage network. To date the timeframe for the required upgrade of the sewerage network is unknown. The applicant has acknowledged the issue and given the need for delivery of the proposal the applicant has submitted a separate planning application for a temporary waste water treatment plant under application LA01/2019/1364/F. This application is currently under consideration. Given that the applicant has the potential to gain an alternative means of foul disposal from the site, the Planning Department consider that this application, can progress to conclusion, but must be subject to a condition restricting development on the site until an acceptable means of foul disposal has been agreed with NI Water, or an alternative means of foul disposal has been granted.

## **9 CONCLUSION**

- 9.1 The application is considered to be acceptable when considered against the Northern Area Plan, planning policy and other material considerations. The loss of land from housing zoning LYH13 to provide the school will not have any impact on the provision of adequate housing over the Plan period given the existing surplus of housing potential available within Limavady, and potential available white lands to accommodate compensatory housing land. The proposed development will result in the provision of an important community facility, allowing the school to provide new and up to standard facilities. The proposed development will not result in any significant adverse impacts on the natural environment or designated sites or residential amenity, subject to appropriate mitigation being

implemented. The proposal will provide a satisfactory means of access to the public road which will not prejudice road safety or significantly inconvenience the flow of traffic. The proposal complies with the policy requirements of the SPPS, PPS2, PPS3, PPS15 and a Planning Strategy for Rural Northern Ireland. Approval is recommended.

## 10 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.

2. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drg. No. 11 Rev 01 Site Layout – Private Streets Determination, date stamped 15 January 2020.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

3. The access gradient to the development hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

4. The school hereby permitted shall not be operational until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to the development.

5. The gradient of the access road shall not exceed 4% (1 in 25) over the first 10m from the junction with the public road.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road user.

6. No development shall take place until such time as a foul mains connection has been provided by NI Water in accordance with Article 154 of the Water and Sewerage Services (Northern Ireland) Order 2006 (as amended Water and Sewerage Services Act (Northern Ireland) 2016), or in the interim period an alternative means of disposal is agreed with NI Water, DEARA Water Management Unit and details submitted to and approved by Causeway Coast and Glens Borough Council.

Reason: To ensure a satisfactory means of foul disposal and to ensure no adverse effects on the conservation objectives or selection features of River Roe and Tributaries SAC and Lough Foyle Ramsar/SPA.

7. A detailed final Construction Environmental Management Plan (CEMP) shall be submitted to the Council for approval at least 8 weeks prior to the commencement of construction including clarification of;
  - Material storage – containment permeable or impermeable surface proposed.
  - Monitoring of surface water runoff, silt control and associated discharges.

As part of the final CEMP Water Management Unit require all storm and foul systems to be identified on a map including final discharge destinations and for the onsite/nearest waterways to be clearly marked with appropriate buffer zones.

Reason: To prevent pollution of surface or groundwater.

8. Prior to the school becoming operational a 2.4m high acoustic fence shall be erected as indicated on approved drawing 02 Rev 06 date stamped received 21<sup>st</sup> January 2020 and drawing 10 date stamped received 20<sup>th</sup> June 2019, and shall be permanently retained thereafter.

Reason: To safeguard the residential amenity of adjacent properties.

9. Prior to the school becoming operational all other boundary fencing as indicated on approved drawing 02 Rev 06 date stamped received 21<sup>st</sup> January 2020 shall be erected.

Reason: To ensure the establishment of site boundaries.

10. The existing natural screenings of the site, as indicated on approved drawing ref: 02 Rev 06, date stamped received 21<sup>st</sup> January 2020 shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

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.

11. All planting, landscaping comprised in the approved details of Drawing No.02 Rev 06 date stamped 21<sup>st</sup> January 2020 shall be carried out during the first planting season following the commencement of operation of the school, and any trees, hedgerow or shrubs which, within a period of five years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with other similar size and species.

Reason: To ensure the maintenance of screening to the site.

12. During the construction phase of the development stock proof fencing shall be erected around deep excavations and soil ramps provided in shallower trenches:

Reason: To prevent badgers from falling into earth works and becoming trapped.

13. If, during the proposed development, any ground contamination is encountered then all works on the site shall cease. Causeway Coast and Glens Borough Council Environmental Health Department shall be informed and sufficient information to assess potential risks arising from the former use of the land shall be submitted to the Planning Authority in consultation with the Environmental Health Department.

Any necessary mitigation / remediation measures shall be clearly specified. The above work should be undertaken by a suitably competent person/s and in accordance with current government guidance.

Reason: In the interest of public health.

### **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/>.
6. Under the terms of Schedule 6 of the Drainage (Northern Ireland) Order 1973 the applicant must submit to DfI Rivers, for its consent for any proposal to carry out works which might affect a watercourse such as culverting, bridging, diversion, building adjacent to or discharge of storm water etc. Failure to obtain such consent prior to carrying out such proposals is an offence under the aforementioned Order which may lead to prosecution or statutory action as provided for.
7. 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.

8. 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.
9. 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.
10. 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.
11. The applicant's attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:
  - kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the badger (*Meles meles*).
  - damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection;
  - damage or destroy anything which conceals or protects any such structure;
  - disturb a badger while it is occupying a structure or place which it uses for shelter or protection.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

If there is evidence of badger on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 905 69605

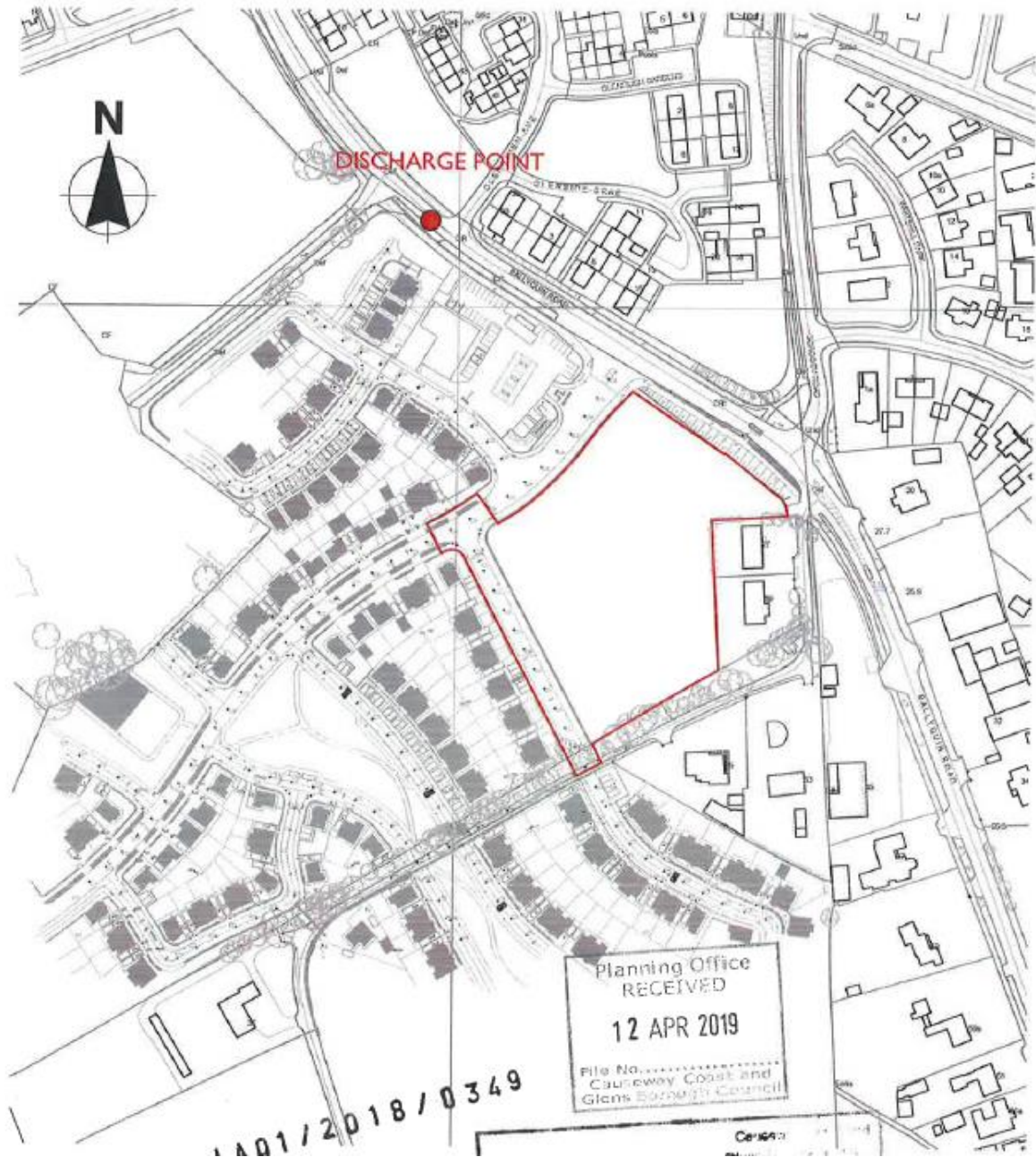


12. The applicant should comply with all the relevant Pollution Prevention Guidelines in order to minimise the impact of the project on the environment, paying particular attention to:

PPG 1: Understanding your environmental responsibilities - good environmental practices, PPG 6: Working at construction and demolition sites, PPG 7: Safe storage - The safe operation of refuelling facilities, GPP 8: Safe storage and disposal of used oils, PPG 18: Managing fire water and major spillages, GPP 21: Pollution incident response planning, and PPG 22: Incident response - dealing with spills

The full list of Guidance for Pollution Prevention can be found here: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-andreplacement-series/guidance-for-pollution-prevention-gpps-full-list/>

## **Site location Map**



**Site Plan**

Total Number of School Staff						
Teacher (Full Time)	Teacher (Part Time)	Teacher (Contract)	Other Staff	Admin	Parent Support	Total
12	18	12	12	12	12	66

Tree Planting Requirements - Over School						
Species	Quantity	Planting Date	Planting Location	Planting Method	Planting Responsibility	Planting Cost
1	1	2024	Area A	Hand Planting	Contractor	\$1,000
2	2	2024	Area B	Hand Planting	Contractor	\$2,000

Tree Planting Requirements - Under School						
Species	Quantity	Planting Date	Planting Location	Planting Method	Planting Responsibility	Planting Cost
3	3	2024	Area C	Hand Planting	Contractor	\$3,000
4	4	2024	Area D	Hand Planting	Contractor	\$4,000

Bulb Requirements						
Species	Quantity	Planting Date	Planting Location	Planting Method	Planting Responsibility	Planting Cost
5	5	2024	Area E	Hand Planting	Contractor	\$5,000
6	6	2024	Area F	Hand Planting	Contractor	\$6,000

Shrub Planting Requirements						
Species	Quantity	Planting Date	Planting Location	Planting Method	Planting Responsibility	Planting Cost
7	7	2024	Area G	Hand Planting	Contractor	\$7,000
8	8	2024	Area H	Hand Planting	Contractor	\$8,000

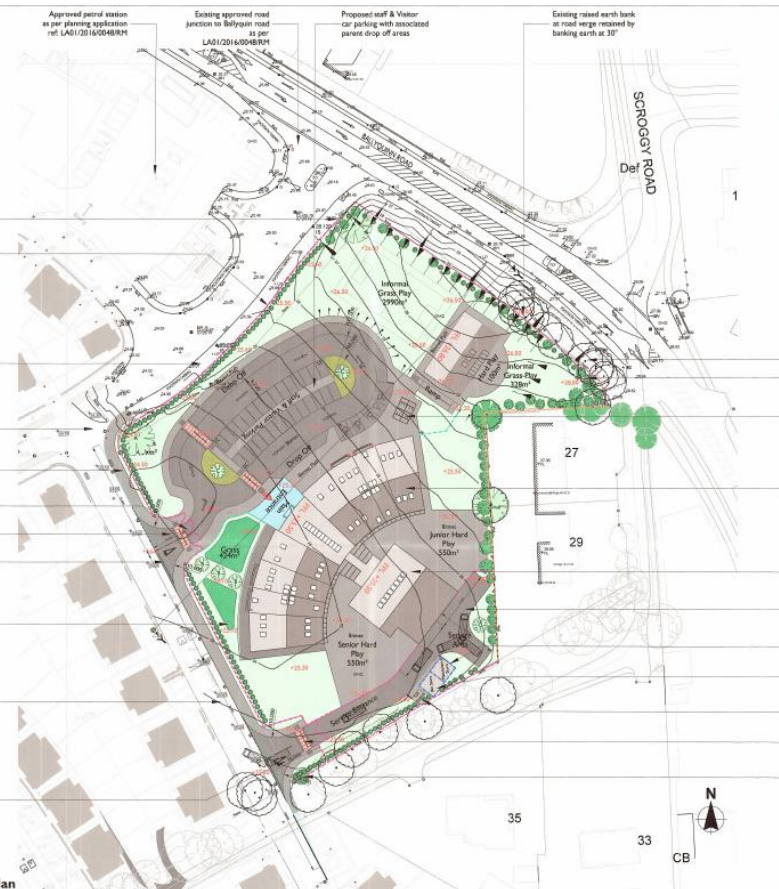
Native Whip Tree to Boundaries						
Species	Quantity	Planting Date	Planting Location	Planting Method	Planting Responsibility	Planting Cost
9	9	2024	Area I	Hand Planting	Contractor	\$9,000
10	10	2024	Area J	Hand Planting	Contractor	\$10,000

Secure Boundary Fence Details						
Detail	Description	Material	Height	Thickness	Finish	Notes
1	Earth banking to boundary with 2.7m palisade fence above	Concrete	2.7m	150mm	Painted	See Section 1
2	Area of cut	Soil	1.5m	150mm	Painted	See Section 2

Proposed Site Section						
Detail	Description	Material	Height	Thickness	Finish	Notes
3	Proposed Nursery Building	Brick	3.5m	150mm	Painted	See Section 3
4	Proposed School Building	Brick	4.5m	150mm	Painted	See Section 4

Maintenance Store Details						
Detail	Description	Material	Height	Thickness	Finish	Notes
5	Maintenance Store	Aluminum	2.5m	150mm	Painted	See Section 5
6	Roof	Single Skin	0.5m	150mm	Painted	See Section 6

Proposed Finishes						
Item	Finish	Material	Color	Notes	Notes	Notes
7	Roof	Single Skin	Grey	Match school building		
8	Walls	Block	Black	Match school building		



Secure Boundary Fence Details Scale 1:500@A1

Proposed Site Section Scale 1:500@A1

Maintenance Store Details Scale 1:100@A1