

Planning Committee Report Item B	24th February 2016
PLANNING COMMITTEE	

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

Item B

**South- East Corner of Former
Shackleton Barracks, Site to Rear
of Tamlaghtfinlagan Church,
Ballykelly Road, Ballykelly**

LA01/2015/0103/F

Full Application

24th February 2016

<u>App No:</u>	LA01/2015/0103/F	<u>Ward:</u>	Ballykelly
<u>App Type:</u>	Full Application		
<u>Address:</u>	South east corner of former Shackleton Barracks, Site to rear of Tamlaghtfinlagan Church, Ballykelly Road, Ballykelly		
<u>Proposal:</u>	New Three Storey Government Office Building with Associated Car Parking and New Access Road.		
<u>Officer:</u>	Ruairi McGrath ext: 7178		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	30 th April 2015
<u>Listed Building Grade:</u>	N/A		
<u>Agent:</u>	Hamilton Architects, 3 Joy Street, Belfast, BT2 8LE		
<u>Applicant:</u>	DARD Dundonald House, Belfast		
<u>Objections:</u>	4	<u>Petitions of Objection:</u>	0
<u>Support:</u>	0	<u>Petitions of Support:</u>	0

Drawings and additional information is 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 section 7 & 8 and resolves to **APPROVE** full planning permission.

2 SITE LOCATION & DESCRIPTION & CHARACTER OF AREA

- 2.1 The application site is a linear portion of ground which comprises an agricultural field and a portion of the former Shackleton Barracks. The site accesses onto Ballykelly Road. The roadside portion of the site consists of a reasonably flat agricultural field, bounded to the west by Tamlaghtfinlagan Parish Church, a Grade B+ listed building, and to the east by a

private laneway which serves three dwellings, 93, 95 and 97 Ballykelly Road. The eastern boundary of the site follows the laneway before cutting in and around No. 97, abutting the dwelling on three sides. At the midpoint the site is subdivided by a corrugated metal security fence measuring 3 - 4 metres in height and painted green. This marks the boundary of the former Shackleton Barracks which was the last use on the northern portion of the site.

- 2.2 The northern portion of the site is brownfield and has largely been cleared of development. The site is covered in mounds of crushed aggregate and rubble following the demolition of the previous buildings. The site was previously occupied by the Ministry of Defence.
- 2.3 The boundary of the site onto No. 97 includes a belt of mature trees. Intermittent trees and a high level wall defines the eastern boundary which runs parallel to No. 95.
- 2.4 The site is located outside the development limit of Ballykelly as defined in the Northern Area Plan 2016. The roadside portion of the site is designated as a Local Landscape Policy Area (LLPA) BKL01 while the northern portion is undefined white land.
- 2.5 Shackleton Barracks and associated lands include a large area which sits outside but along the northern boundary of the defined development limit of Ballykelly. Agricultural fields then divide the base and barracks from the associated air hangers and runways which are located further to the north.
- 2.6 The application site defines the eastern boundary of Ballykelly. The listed Tamlaghtfinlagan Parish Church (COI) provides a landmark building on approach to the town with the agricultural field wrapping around two sides setting the Church in a semi-rural context. The LLPA designation is merited due to the existence of a wide variety of broad-leafed trees around the Church and adjacent buildings, many of which are listed, which provide an attractive setting at the entrance to the town.

3 RELEVANT HISTORY

No relevant planning history.

4 THE APPLICATION

- 4.1 The proposal is for a new three storey Government Office Building to serve as the new DARD Headquarters, the proposal includes associated car parking and a new access road from Ballykelly Road.

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours:** 4 letters of objection were received, 3 from individual residents and one from the Ulster Farmers Union on behalf of one of the residents.

The issues raised by the objections are as follows;

- (i) Light pollution from street lights
- (ii) Impact of car parking and raised access on residential amenity
- (iii) Pairing of access with existing access would lead to delay and congestion
- (iv) Access would have detrimental impact on LLPA and Listed Building

Internal:

- 5.2 **NIEA- Natural Environment Division** - No objection subject to conditions

NIEA- Historic Buildings Unit - No objection subject to conditions

NIEA- Waste Management Unit (Land and Groundwater Team) - No objection subject to conditions

TransportNI – No objection subject to conditions

NIWater – No objection

Environmental Health – No objection subject to conditions

Shared Environmental Services – No objection subject to conditions

Loughs Agency – No objection subject to conditions

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 (NAP2016)
- 6.3 The Regional Development Strategy (RDS) is a material consideration.
- 6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.
- 6.5 Due weight should be given to the relevant policies in the development plan.
- 6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

PPS 3 - Access, Movement and Parking

PPS 4 - Planning and Economic Development

PPS 6 – Planning, Archaeology and the Built Heritage

PPS21 - Sustainable Development in the Countryside

8 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this full application are: the principle of redevelopment outside the defined development limit; the proposed design; impact on the

listed church and LLPA; natural heritage; access arrangements and; impact on residential amenity.

- 8.2 The main policy consideration is contained within the Northern Area Plan 2016, the Strategic Planning Policy Statement and the relevant Planning Policy Statements.

Principle of development

- 8.3 The site is located outside the settlement development limit of Ballykelly as provided for by NAP2016 therefore the proposal falls to be determined under PPS21.
- 8.4 Policy CTY1 of PPS21, states that planning permission will be granted for business uses in the countryside in accordance with PPS4.
- 8.5 PPS 4 defines “economic development” uses as industrial, business (including some office use) and storage and distribution uses, as currently defined in Part B ‘Industrial and Business Uses’ of the Planning (Use Classes) Order (Northern Ireland) 2004. The proposal is a Class B1 Use.
- 8.6 Policy PED2 of PPS4 provides the policy context for economic development in the countryside. This policy allows for the redevelopment of an established economic development use and refers to Policy PED 4. The use of the site by the MOD falls within a *sui generis* classification, in that it does not fall within any other category. Given this, the former use of the site is not an established economic development use. Similarly, the established use cannot be considered as a *sui generis* employment use as referred to in Policy PED 4. However, within Northern Ireland there is no specific policy on redevelopment of former military sites located outside settlements.
- 8.7 In the absence of such specific policy, an appropriate approach is to have regard to the provisions of Policy PED 4 as this sets out the general planning considerations that would be reasonably applicable in such cases.
- 8.8 Policy PED 4 states that a proposal for the redevelopment of an established economic development use in the countryside for business purposes (or a *sui generis* employment use) will be permitted subject to criteria.

- (a) the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is only a proportionate increase in the site area;
- (b) there would be environmental benefits as a result of the redevelopment;
- (c) the redevelopment scheme deals comprehensively with the full extent of the existing site or in the case of partial redevelopment addresses the implications for the remainder of the site; and
- (d) the overall visual impact of replacement buildings is not significantly greater than that of the buildings to be replaced.

- 8.9 In considering the proposal within the context of the defined criteria, the existing site and the proposed development area can be divided into two distinct portions. The location of the building is set within the heavily urbanised northern portion which formerly housed the barrack buildings. However, the access cuts through the more sensitive rural setting of the LLPA adjacent to the listed building.
- 8.10 The northern portion previously hosted three storey buildings of similar proportions within an urbanised layout. These were single person accommodation blocks, now demolished. The proposed footprint of development and ancillary hard standing would be comparable to what was previously on the site. As such, the overall scale and massing is not significantly greater than the previous level of development. Given this, the development in the northern portion of the site is considered to be in accordance with criteria (a) and (d).
- 8.11 Criterion (c) requires the proposed development to be mindful of the wider redevelopment of the entirety of the site to avoid inappropriate piecemeal development. However, consideration has to be given to the scale of the overall Shackleton site. In this case it would be unreasonable to expect the applicant to consider the nature of development on the remainder of the site. This is compounded by the location of the proposed development site at the edge of the overall site, which is unlikely to prejudice more substantive schemes should they come forward. The site is currently within the ownership of the Office of First Minister and Deputy First Minister (OFMDFM) who are actively engaged with officials and relevant stake

holders in discussing planning opportunities which will allow redevelopment of the overall site in line with policy.

Design

8.12 The proposal consists of a three storey flat roofed building with a cruciform plan. The materials consist of a natural stone base with glazed curtaining walling to the first and second floor which is framed in bronze cladding panels. A central atrium articulates the entrance to the building and breaks the uniformity of the flat roof. Set to the rear of the site within the previously developed northern portion, a landscape buffer is proposed along the line defined by the existing security fence. This is to help integrate the building and to protect the amenity of the neighbouring properties. 279 car parking spaces are provided to the front of the building with a further 155 spaces to the side and rear.

8.13 The access breaks through the landscape buffer and follows the western boundary onto Ballykelly Road. The landscaping of this section consists of native species hedgerow to either side of the laneway to replicate the agricultural field boundaries which characterise the area and to protect the setting of the listed building and the LLPA.

Impact on the Listed Church and LLPA

8.14 The roadside portion has a very different character from the northern portion of site and requires a sensitive design solution. This area forms an important role in providing an attractive setting for the settlement. As initially submitted the proposal included a sweeping access which cut through the agricultural field and employed raised banking to cover variations in the ground levels. A second laneway was proposed to join with the main access in the middle of the field to take the traffic from 93, 95 and 97. Concern was expressed that the design detracted from the setting of the listed building and the LLPA and resulted in demonstrable harm to the amenity of local residents.

8.15 In consultation with NIEA and Transport NI, it was agreed that a straight access road, following the existing contours with native

species hedgerows to either side would present an acceptable design solution. It was also agreed that lighting of the laneway would be kept to a minimum with low level bollards along the length of the access. The access as now proposed, while having some negative impact, would not sufficiently detract from the character and environmental quality of the area to warrant withholding planning permission.

- 8.16 In considering the environmental benefits that may be delivered as a result of the development, the former use of the site included ancillary development that impacted negatively on the setting of both the settlement and the listed church. Specifically, the high level security fence which defines much of the site boundary significantly detracted from the character of the area and provided a poor backdrop to the listed church. Removal of this fence is a positive step which enhances the environmental quality of the area. NIEA as the competent authority are satisfied with the potential impact on the listed church.

Natural Heritage

- 8.17 In terms of environmental designation, although the site is not within a designated site, there are potential hydrological links to the Lough Foyle SPA/ Ramsar designation. A watercourse runs through the proposed development site which is hydrologically connected to Lough Foyle SPA/Ramsar approximately 3km downstream. Therefore the application was considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). A Habitats Regulation Assessment was carried out by the applicant. Shared Environmental Services considered this on behalf of the Council.
- 8.18 In their response SES stated that having considered the nature, scale, timing, duration and location of the project it is concluded that, provided the following mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

Access Arrangements

- 8.19 The application as originally submitted proposed closing the existing laneway which serves 91, 93, 95 and 97 Ballykelly Road and proposed a new sweeping access which was to serve the new development and the aforementioned existing residential properties. This was conceived to overcome concerns relating to the visual impact of the new access on the setting of the listed building and Transport NI concerns relating to a proliferation of accesses onto Ballykelly Road (A2) which is a Protected Route. However, the design was poorly executed and required the ground to be raised significantly to deliver a workable access across the existing contours from the proposed building to the public road.
- 8.20 In considering the points raised by the objectors and the concerns of the Planning Authority a series of meetings with NIEA and Transport NI were arranged to resolve the issue. It was agreed that a direct access from Ballykelly Road which respected the existing topography would have less of an impact and would also allow for the retention of the existing laneway unaltered.
- 8.21 PPS 3 Policy AMP 3 seeks to restrict the number of new accesses and control the level of use of existing access onto Protected Routes. The policy does not make provision for such Class B1 uses to access onto a Protected Routes. However, in this case the scale of the development with the capacity for 600 staff and the potential benefit this will provide to the Borough needs to be considered. Given these exceptional circumstances, departure from the policy is warranted.

Impact on residential amenity

- 8.22 In relation to the additional points raised by the resident of No. 97. Officials requested that the landscaping along the boundary of the site be supplemented to improve integration and to mitigate the impact of noise and general disturbance from the site. A light assessment was also requested which demonstrated that light spill to neighbouring properties would be within acceptable level. This was accepted by Environmental Health as the competent authority. Following receipt of the amended plans, the neighbours were all re-consulted and no further objections were received.

9 CONCLUSION

- 9.1 While located outside the settlement limit of Ballykelly, the principle of development is acceptable given the former use of the land. The design is acceptable and removal of the security fencing at this location will improve the environmental quality of this area. The impact on the listed church and the LLPA is acceptable. Access arrangements are satisfactory to all parties and amendments have limited the potential impact on neighbouring properties. The proposal will facilitate a new DARD Headquarters and will have significant benefit to the local area. On balance, the assessment above demonstrates the material considerations which justify a departure from the development plan. Approval is recommended.

10 CONDITIONS

- 10.1 As required by Article 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.
- 10.2 A final Construction Environmental Management Plan (CEMP) must be submitted to Causeway Coast and Glens Borough Council by the appointed contractor at least 8 weeks prior to works commencing. This should reflect all the mitigation and avoidance measures to be employed as stated in the Outline CEMP dated January 2015, and all additional submitted information. The CEMP should also address any proposed mitigation measures with regard to piling. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details. Reason: To ensure that the approved contractor undertaking the work is well informed of all the risks associated with the proposal and is aware of the proposed mitigation and avoidance measures to ensure that there are no significant effects on the site features and conservation objectives of Lough Foyle SPA/Ramsar.
- 10.3 Development shall not commence until a final and detailed remediation strategy has been submitted to Causeway Coast and Glens Borough Council for agreement. This remediation

strategy should identify all unacceptable risks to the water environment, the remedial objectives/criteria and the measures which are proposed to mitigate them (including maps/plans showing the remediation design, implementation plan detailing timetable of works, remedial criteria, monitoring program etc.) Reason: To prevent any adverse impacts on the site features and conservation objectives of Lough Foyle SPA/Ramsar.

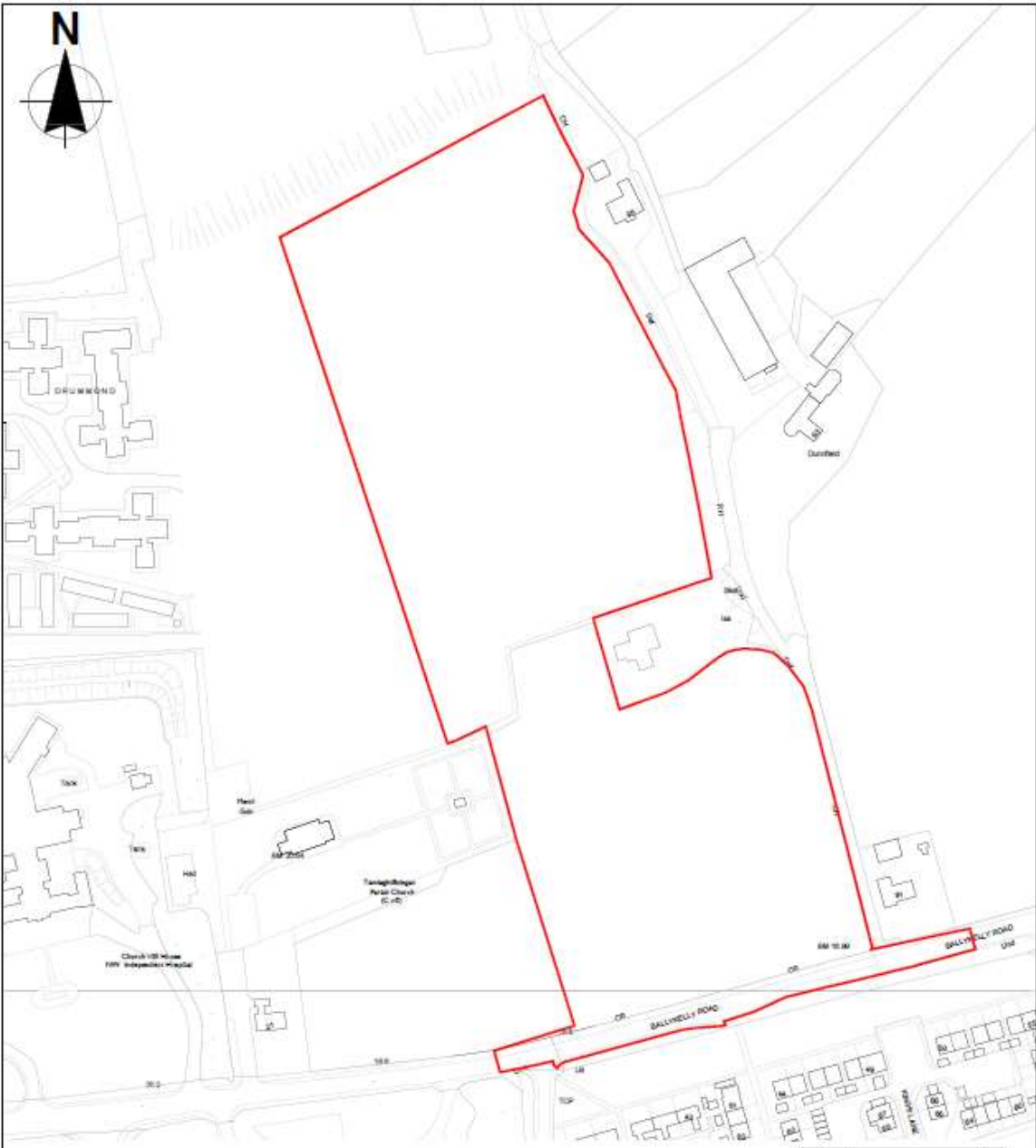
- 10.4 All remaining fuel storage tanks and associated infra-structure must be fully decommissioned and removed in line with current Pollution Prevention Guidance (PPG2 and PPG27) and the quality of surrounding soils and groundwater verified. Reason: To prevent any adverse impacts on the site features and conservation objectives of Lough Foyle SPA/Ramsar.
- 10.5 Should piling be employed during construction of foundations, no piling work should commence until a detailed Piling Risk Assessment has been submitted to Causeway Coast and Glens Borough Council for agreement. Piling risk assessments should be undertaken in accordance with the methodology contained within the Environment Agency document on “Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention”. Reason: To prevent any adverse impacts on the site features and conservation objectives of Lough Foyle SPA/Ramsar.
- 10.6 If during groundwater monitoring and/or development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). Reason: To ensure that all potential sources of contaminants are removed during the construction phase and thus preventing any adverse impacts on the site features and conservation objectives of Lough Foyle SPA/Ramsar.
- 10.7 All storm water from the development site shall not be discharged to nearby watercourses unless first passed through pollution interception and flow attenuation measures. Storm water can carry pollutants into watercourses and high volume discharges can alter the prevailing hydrological regime, both of

which can impact on fisheries interests. Reason: to prevent pollution of surface waters.

- 10.8 No works shall commence on the development hereby approved until a detailed design for the right hand turning lane on Ballykelly Road and the access road, generally as indicated on drawing 14A dated 6 January 2016 and drawings 17,18,19, 20 and 21 dated 11 December 2015 have been submitted and agreed in writing with DRD TransportNI. The design for the right hand turning lane shall be in accordance with TD 42/95 Geometric Design of Major/Minor Junctions set out in the Design Manual for Roads and Bridges (DMRB) Vol 6.
Reason: To ensure that the access road and right hand turning lane necessary to provide a safe and convenient means of access to the site are designed to Departmental Standards.
- 10.9 No other development hereby permitted shall be commenced until the right hand turning lane on Ballykelly Road has been completed to the satisfaction of the Department in accordance with details submitted to and approved by the Department as indicated generally on drawing 14A dated 6 January 2016 and drawings, 17,18, 19, 20 and 21 dated 11 December 2015.
Reason: To ensure that the road works necessary to provide a safe and convenient means of access to the development are carried out at the appropriate time.
- 10.10 No works shall commence on the development hereby approved until a Stage 1 and Stage 2 Safety Audit in respect of the works on Ballykelly Road has been submitted to DRD TransportNI and on completion of the works, a Stage 3 Safety Audit. Reason: In the interest of road safety.
- 10.11 The vehicular access including visibility splays 6.0m x 108m (to east), 6.0m x 106m (to west) shall be provided in accordance with Drawing 17 dated 11 December 2015 prior to the commencement of the development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter. Reason: In the interest of road safety.

- 10.12 The development hereby permitted shall not be commenced until any highway structure/retaining wall/culvert requiring Technical Approval as specified in The Roads (NI) Order 1993 has been approved and constructed in accordance with BD2 Technical Approval of Highway Structures Volume 1: Design Manual for Roads and Bridges. Reason: To ensure that the structure is designed and constructed in accordance with the Design Manual for Roads and Bridges.
- 10.13 If the finished level of the property within 1.0m of the footway or verge is greater than 150mm below the finished level of the adjoining footway or verge a boundary fence or wall shall be provided to a minimum height of 1.1m above the footway or verge level. Reason: To ensure the safety of pedestrians on the public road.
- 10.14 The development hereby approved shall not become operational until hard surfaced areas have been constructed and permanently marked out in accordance with the approved drawing 03C dated 9 December 2015 to provide adequate facilities for parking, servicing and circulation within the site. No part of these hard surfaced areas shall be used for any purpose at any time after than for the parking and movement of vehicles. Reason: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site
- 10.15 The development hereby approved shall not become operational until the drop off area shown on Drawing 03C dated 11 December 2015 has been provided and thereafter shall be retained for that use. Reason: In the interests of road safety.
- 10.16 The development hereby approved shall not become operational until cycle parking has been provided and permanently retained in accordance with drawing 03C dated 11 December 2015.
Reason: To ensure that adequate provision has been made for cycle parking and to encourage and promote alternative modes of transport.
- 10.17 Any proposal for road side walling, piers or signage to the Ballykelly Road shall be subject to a separate planning application.

Reason: to ensure the introduction of features to the roadside seeks to remain visually unobtrusive and in keeping with the character of the setting of the listed building.



Rev	Date	Description	By
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	drawing: Site Location Map	
scale: 1:2500/A4	date: Feb 2015	drawn by: PC checked by: MH

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