

Planning Committee Report LA01/2020/0722/F	28th April 2021
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>App No:</u>	LA01/2020/0722/F	<u>Ward:</u>	Feeny
<u>App Type:</u>	Full Planning Permission		
<u>Address:</u>	Lands 110m S of Dungiven Castle 145 Main Street Dungiven		
<u>Proposal:</u>	Proposed new school building to include 12 no general classrooms, technology department, art studio, associated works and landscaping.		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	24.07.2020
<u>Listed Building Grade:</u>	N/A		
Applicant:	Gaelcholáiste Dhoire, Dungiven Castle, 145 Main Street, Dungiven, BT47 4LQ		
Agent:	ARCEN Ltd, 3a Killycolp Road, Cookstown, BT80 9AD		
Objections:	0	Petitions of Objection:	0
Support:	6	Petitions of Support:	0

EXECUTIVE SUMMARY

- Full planning permission is sought for a Proposed new school building to include 12 no general classrooms, technology department, art studio, associated works and landscaping at Gaelcholáiste Dhoire.
- This a major planning application, which was subject to a PAN. A pre-application community consultation report was submitted to accompany this application.
- The site is located within the urban area within the settlement limit of Dungiven and zoned as a Local Landscape Policy Area (DGL 03) as per the NAP 2016.
- The southern portion of the site to where the development is proposed is identified as a Major Area of Existing Open Space (DGE 0S).
- The site is within an area of archaeological potential and includes Dungiven Castle which is a listed building.
- The proposal is considered to not impact on the character or integrity of the LLPA
- The loss of open space is considered to be acceptable given the wider community benefits, the fact the application will have no detrimental impact, and the current nature of the space is a car park which is not listed in Annex A to PPS 8 as an open space of public value.
- The proposal will not adversely impact upon archaeological features or the setting of the listed building
- The proposed building is of an appropriate scale and design within the urban context in which it is located.
- Approval is recommended.

Drawings and additional information are available to view on the Planning Portal- <http://epicpublic.planningni.gov.uk/publicaccess/>

1.0 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.

2.0 SITE LOCATION & DESCRIPTION

- 2.1 The site is located at Lands 110m South of Dungiven Castle, 145 Main Street, Dungiven. The site is currently part of the Gaelcholáiste Dhoire facility. The school grounds currently include Dungiven Castle, a Grade B1 Listed Building to the north-west, a single storey classroom building to the northern portion, a mobile classroom to the western portion and two mobile classrooms to the southern portion. A carpark is located to the north east of the castle and an area of green open space to the immediate south of the castle. An area of tarmacking is located to the south east portion of the school grounds.
- 2.2 The application proposes a new school building to include 12 no general classrooms, technology department, art studio, associated works and landscaping. The site to where the development is proposed is currently a hard surfaced area to the south/south-east of the existing school buildings. The development of this site will involve the removal of the two mobile classrooms to the west and a mobile classroom to the north-west as shown in dashed red line on drawing no. 04/B proposed site layout.
- 2.3 The site is located within the defined settlement development limit of Dungiven Town as defined in the Northern Area Plan 2016. The site is also located in an Area of Archaeological Potential/Archaeological Site and Monument. The southern portion of the site is within a Local Landscape Policy Area

(DGL 03) and is identified as a Major Area of Existing Open Space (DGE 0S), as per the NAP 2016.

- 2.4 The area surrounding the site is characterised by a variety of different uses. Further to the north west is the old livestock market site. To the south east there is a medical centre and vacant sports pavilion. There are a number of dwellings and a church along Main Street opposite the site. The southern portion of the site is identified as a Major Area of Existing Open Space (DGE 0S), with this area of open space extending beyond the southern boundary of the school grounds to the Castle Environmental Park.

3.0 RELEVANT HISTORY

3.1 Planning History on the school site includes;

- LA01/2020/0918/F – Proposed temporary double mobile classroom with associated siteworks at Lands to the rear of The Castle 145 Main Street Dungiven. Approved 25.02.2021
- LA01/2019/0915/F – Proposed temporary mobile classrooms with associated site works to include the erection of security fencing around the site at 46m SE from Dungiven Castle, 145 Main Street, Dungiven. Approved 03/12/2020
- LA01/2019/0287/LBC – Retention of Irish Medium Post Primary School. The works consisted of extra electrical and data sockets surfaced mounted to walls, wall repainted, and new proposed fencing and gates to secure the school, Caislean Dhun Geimhin 145 Main Street Dungiven. Approved 02/09/2019
- LA01/2019/0288/F - Retention of Irish Medium Post Primary School. The works consists of extra electrical and data sockets surfaced mounted to walls, walls repainted and new proposed fencing and gates to secure the school grounds, Caislean Dhun Geimhin 145 Main Street Dungiven. Approved 02/09/2019
- LA01/2019/0286/LBC - Retention of modular building and proposed extension to provide additional accommodation. The

accommodation will provide general classrooms, science rooms, home economics room and supporting ancillary accommodation. Site works will include drainage, new pathways, fencing and gates to secure the school grounds, 20m South East of Dungiven Castle, 145 Main Street, Dungiven. Approved 02/09/2019

- LA01/2019/0285/F - Retention of modular building and proposed extension to provide additional accommodation. The accommodation will provide general classrooms, science rooms, home economics room and supporting ancillary accommodation. Site works will include drainage, new pathways, fencing and gates to secure the school grounds 20m South East of Dungiven Castle, 145 Main Street, Dungiven. Approved 02/09/2019
- LA01/2017/0289/F - Proposed single storey modular building providing additional accommodation for Gaelcholaiste Dhoire. The accommodation will provide general classrooms, science room, home economics room and supporting ancillary accommodation. Site works will include drainage, new pathways, fencing and gates to secure the school lands, 20m South East of Dungiven Castle, 145 Main Street, Dungiven Approved 08/09/2017
- LA01/2017/0902/LBC - Proposed utility/services connections from existing services at Dungiven Castle to adjoining modular accommodation Dungiven Castle, 145 Main Street, Dungiven. Consent Granted 08/09/2017
- LA01/2015/0302/F - Proposed change of use from a guest hotel to new Irish Medium Post Primary School. The extent of the works will consist of extra electrical and data sockets mounted to the walls, some walls to be repainted, Dungiven Castle, 145 Main Street, Dungiven. Approved 01/10/2015
- LA01/2015/0319/LBC - Change of Use from a Guest House to a New Irish Medium Post Primary School, Dungiven Castle, 145 Main Street, Dungiven. Consent Granted 01/10/2015

4.0 THE APPLICATION

4.1 Full Planning Permission is sought for a proposed new school building to include 12 no general classrooms, technology department, art studio, associated works and landscaping. The building will be two storey with single storey projections to the front (north) and side (west). The building will have an overall length of approximately 67.5m, a maximum width of 34m and a maximum ridge height of approximately 8.1m. The building will have a flat roof to the two storey element and with a mono-pitch style to the single storey western side projection and the front projection. The finishes proposed include a combination of charcoal fibre cladding and larch timber cladding, with grey aluminium framed glazing and doors.

4.2 This a major planning application as per the Planning (Development Management) Regulations NI 2015, category 7 and category 9. In accordance with section 27 of the Planning Act (NI) 2011 a PAN was submitted and approved under reference LA01/2020/0130/PAN. A Pre-Application Community Consultation Report was submitted as part of this current application (Doc 01) which details the consultation carried out on the application.

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

Neighbours: No letters of objection were received.

6 letters of support were received.

5.2 Internal:

DFI Roads: No objections

Environmental Health: No objections.

NI Water: No objections

Historic Environment Division: No objections

Loughs Agency: No objections

NIEA NED: No objections

SES: No objections

Tree preservation officer CC&G: No objections

6.0 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 Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 6: Planning, Archaeology and the Built Heritage

Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation

A Planning Strategy for Rural Northern Ireland

DCAN 15 - Vehicular Access Standards

Parking Standards

8.0 CONSIDERATIONS & ASSESSMENT

Planning Policy

- 8.1 The proposed development must be considered having regard to the SPPS, PPS policy documents and supplementary planning guidance specified above. The main considerations in the determination of this application relate to: principle of development, loss of open space, local landscape policy area, scale and design, built heritage and access and parking and amenity.

Principle of Development

- 8.2 Paragraph 2.3 of the SPPS states that the planning system is to operate in the public interest of local communities and the region as a whole and encompasses the present as well as the future needs of society. Policy DES2 – 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 and also outlines that an assessment is required as to whether the type of development is suitable for the site.

- 8.3 The site is located within the settlement limit of Dungiven where there is a presumption in favour of development and within a part of the town which has a diverse land use, with the medical practice and now vacant sports centre and Civic Amenity site adjacent to the immediate south east of the site. A farm supply shop and vacant market yard is located to the north west. The nearest dwellings are located on the opposite side of Main Street approximately 150m from the proposed building. The proposed use of the site for educational use has been previously accepted on the site, with a number of recent planning approvals on this site.
- 8.4 The proposal seeks full planning permission for a proposed new school building to include 12 no general classrooms, technology department, art studio, associated works and landscaping. Planning approvals LA01/2019/0285/F and LA01/2019/0289/F granted temporary planning approval for the continued use of the Castle and adjacent lands as educational facilities.
- 8.5 The development of this site will involve the removal of the two mobile classrooms to the west (granted under LA01/2019/0915/F) and a mobile classroom to the north-west (granted under LA01/2020/0918/F) as shown in dashed red line on drawing no. 04/B proposed site layout.
- 8.6 Given the site's location within an existing school facility, the fact that there are no residential properties that immediately abut the site and the variety of uses in the vicinity of the site, the proposed development is considered an appropriate land use and will have no significant impacts on adjacent properties. The proposed building will be set back some 85m from the public road. To the immediate north/north west of the proposed building is the existing single storey school building and the existing Dungiven Castle building which is part of the school facility. To the immediate north is a tennis court/bowling green. To the immediate north-east and east of the proposed building is the health centre and sports pavilion building. The proposed building will be set below the ridge line of the health centre and sports centre. Due to the buildings set back distance from the road, the scale of the development proposed and the existing surrounding development, the building will visually link with surrounding

development and not appear significantly prominent or detrimental to the character of this built up area. The Planning Department considers that the site represents a suitable and sustainable location for the proposal and a suitable land use within the settlement limit.

Loss of Open Space

- 8.7 The southern portion of the site is identified as a Major Area of Existing Open Space (DGE OS), as per the NAP 2016, which forms the wider area of the Environmental Park and Castle Gardens to the South.
- 8.8 Policy OS1 – Protection of Open Space in PPS8 outlines that the Planning Authority will not permit development that would result in the loss of existing open space or land zoned for the provision of open space. The presumption against the loss of existing open space will apply irrespective of its physical condition and appearance. An exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space. The SPPS notes; There will be a policy presumption against the loss of open space to competing land uses in Local Development Plans (LDPs) irrespective of its physical condition and appearance. Any exception to this general approach should only be appropriate where it is demonstrated that redevelopment would bring substantial community benefit that outweighs the loss of the open space; or where it is demonstrated that the loss of open space will have no significant detrimental impact.
- 8.9 The southern portion of the site is identified as a Major Area of Existing Open Space (DGE OS). The proposed school building is within this open space identification, on lands currently hard cored within the schools grounds.
- 8.10 The agent submitted Doc 13 in support of this loss of open space. This document noted;
- “2.3.3 The erection of the proposed school building will result in the loss of approximately 0.15ha of zoned open space. This 0.15ha of affected land offers little by way of ‘public value’ in that;*

i. The land is within the Dungiven Castle grounds, operated by the Irish Medium school and are not open to the general public and therefore provides no outdoor recreational value;

ii. The last use of this land was as a car park area and offered little to no recreational value;

iii. The land comprises an area of gravel hardstand with no ecological or biodiversity value and it therefore provides no functional public value in terms of providing a habitat for flora or fauna;

iv. The land is enclosed by the civic amenity/ recycling centre to the east and castle to the west and backs onto the medical centre and sports hall to the north and consequently reads against this backcloth of development and it does not offer a visual break or gap and provides little by way of visual amenity value.

2.3.4 Owing to the condition, accessibility and setting of the lands it offers little by way of functional value and we would argue that it therefore fails to meet the definition of providing 'public value'.

2.3.5 The Planning Appeals Commission previously adjudicated on this ownership/ public access issue in the Cranley Road Appeal(2004/A062) and it found that the site had no evidence of public usage and was in private ownership and concluded it could not be described as 'open space' owing to lack of public value.

2.3.6 Consequently the loss of this land will not result in a significant detrimental impact, particularly as the proposed use is to an existing land use and not to a competing land use (as referred as section 6.205 SPPS)...

2.4.2 It is argued that this proposal will provide a substantial community benefit for several reasons, in that;

i. It will provide an essential education resource, for which there is a demonstrable need as detailed in the sub-section below;

ii. It will offer alternative recreational facilities for the school children (a recognised priority group in SPPS);

iii. It will enable the ongoing use and maintenance of the Listed Dungiven Castle building, which notably welcomed by NIEA-HED;

iv. It will enhance the setting of Dungiven Castle, through proposed landscaping;

*v. It enhance the biodiversity of the site, through the provision of native species planting around the site boundaries; and
vi. It will enhance and consolidate the existing views from the south and create a more homogenous palette that is sympathetic to the Listed Dungiven Castle building. “*

2.6.4 Firstly the Pre-Application Community Consultation (PACC) process invited a range of participants to view the draft plans and to provide comment on the proposed development. As evidenced by Appendix 7 of the Pre-Application Community Consultation Report, accompanying the planning application some 24 feedback forms were returned and of those 22 were ‘very supportive’ and 2 were ‘supportive’ of the proposed development. The feedback came from a range of people in the local community, including local residents, political representatives, and some parents with children either at the school or hoping to send their children to the school in the future.

2.6.6 Secondly, during the PACC the design team also engaged with the local Community Group who indicated their general support for the scheme and members of the Group completed two of the feedback forms referred above, offering their supporting for the scheme.

2.6.7 Thirdly, since the submission of the planning application some 6 no. letters of support have also been submitted to the Council directly, albeit we note one has incorrectly been listed as an objection in error. These all clearly indicate support from the local members of the community for the scheme.”

8.11 The statement provided highlights in line with the SPPS that the redevelopment of this site would bring substantial community benefit that outweighs the loss of the open space and that the loss of this open space will have no significant detrimental impact. Considering the local community support for the development, the information submitted and the fact that the development is located within an existing school grounds, which are essentially private lands for the exclusive use of the School, the proposed development of this school building would bring substantial community benefit and have no significant detrimental impact, the application meets OS 1 of PPS8 and the SPPS.

8.12 In the recently approved application for the mobile classrooms to the west (LA01/2019/0915/F) it was concluded given the specific benefits that the school offers, and given the historical link the application site has to the use of the Castle, the limited visual or biodiversity value of the site and the fact that it makes little contribution to the overall value offered by the Environmental Park, the Planning Department is satisfied that the proposal meets with the exceptional test as outlined in Policy OS1.

8.13 However considering the nature of the site is hard cored lands which were once used as car parking, it is not considered open space in the context of Annex A of PPS 8. Car parks are not listed as open spaces that are of public value in Annex A. In light of this although this site is within an area identified as Open Space, considering the nature of the site it is not considered open space in accordance with the definition provided at Annex A.

8.14 The application is in accordance with PPS 8.

LLPA

8.15 The southern portion of the site is within a Local Landscape Policy Area (DGL 03 Dungiven Castle) as per the Northern Area Plan. Policy ENV 1: LLPAs within the Northern Area Plan seeks to ensure the intrinsic value and integrity of a LLPA is not adversely impacted upon by development.

8.16 The Environmental Park and Dungiven Castle form two of the key features of the LLPA designation, upon which development should not adversely impact. Given the siting and scale of the building proposed, which will be discussed further below, it is considered that the visual impact of the proposal would not impact upon the intrinsic value and integrity of the LLPA.

8.17 The text within the Northern Area Plan outlines that the LLPA should be protected from all non-essential development. There is no definition of what is considered to be 'essential development'. However, given the proposed development for a school classroom building at an established school facility and the fact that the agent in Doc 13 has demonstrated there is a need to provide additional accommodation/facilities at the

school, the development is considered essential. The development will provide facilities in the public interest and is considered essential development. The proposed scale and massing of the development is considered sympathetic. There is significant tree planting proposed to the south and west of the building which softens the visual impact. HED have been consulted in relation to the impact on the built heritage in particular the setting of the castle listed building and have raised no concerns. The Planning Department consider that this is an acceptable form of development in this location. The proposal will not adversely impact on the designated LLPA and is therefore in compliance with Policy ENV1 of the SPPS.

Scale and Design

- 8.18 The application proposes a new school building to include 12 no general classrooms, technology department, art studio, associated works and landscaping. The building will be two storey with single storey projections to the front (north) and side (west). The building will have an overall length of approximately 67.5m, a maximum width of 34m and a maximum ridge height of approximately 8.1m. The building will have a flat roof to the two storey element with a mono-pitch style to the single storey western side projection and the front projection. The finishes proposed include a combination of charcoal fibre cladding and larch timber cladding, with grey aluminium framed glazing and doors.
- 8.19 In relation to concerns raised by HED, amendments to the design were received during the processing of the application, to include, altering the angle of the roofs to the single storey projections, alterations to the external finishes and roof finishes, dropping the finish floor level by 0.3m and proposing significant additional planting to the south and west of the building. The final design of the building is considered acceptable and sympathetic to the character of the area.
- 8.20 The proposed building will be set back some 85m from the public road. To the immediate north/north west of the proposed building is the existing single storey school building and the existing Dungiven Castle building which is part of the school facility. To the immediate north is a tennis court/bowling green. To the immediate north-east and east of the proposed building is

the health centre and sport pavilion building. The proposed building will be set below the ridge line of the health centre and sports centre. Due to the buildings set back distance from the road, the scale of the development proposed and the existing surrounding development, the building will visually link with surrounding development and not appear significantly prominent or detrimental to the character of this built up area on views from the north along Main Street.

8.21 Views from within the Environmental Park and from the wider countryside will see the building assimilate into the built form of Dungiven and not a visually obtrusive feature in the landscape. The significant planting proposed to the immediate south and west of the building will assist in screening the building on views of the south and the proposed natural timber cladding finish will ensure an acceptable design solution. The building will be viewed with existing buildings within the school grounds, and with existing development to the east, and will be screened by existing vegetation to the south of the site. The design, scale and use of materials to be acceptable and comply with DES2 of PSRNI.

Built Heritage

8.22 The application site is located within an identified Area of Archaeological Potential within the Northern Area Plan and the red line includes the Dungiven Castle which is a Listed Building. Historic Environment Division were consulted to assess the potential impact of the proposal.

8.23 HED recommended alterations to the scheme and following re-consultation on the amended plans, HED raised no objections and concluded that the proposal satisfies the policy requirements of paragraph 6.12 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and BH11 Development affecting the setting of a Listed Building of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

8.24 Views of the listed building from Main Street are haphazard and obscured by a modern cattle mart shed and existing development along Main Street. The proposed development is set back from Main Street by approximately 85m and set further back and south east of the existing castle building. The

proposed development's location, scale and position on site will not be detrimental to the setting of the listed building from views along Main Street and will be screened by existing development to the north and east and read as part of the existing school facility. Views of the castle building from the south are more appreciated and the building has a grand setting. The reduced finished floor level of the proposed building, the significant additional planting proposed to the south and west, the roof finishes and the proposed cladding reduces the visual prominence of the building when viewed from the south. The building will visually link with the existing development to the north and east and will not be detrimental to the setting of the listed building from this view. The proposal complies with Paragraph 6.12 of the SPPS and Policy BH11 of PPS6.

- 8.25 Historic Monuments stated they are content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. The conditions are to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ, as per Policy BH 4 of PPS 6. The proposal complies with Paragraph 6.11 of the SPPS and Policy BH4 of PPS6.

Access and Parking

- 8.26 Access to the proposed site is via the existing access to the school premises. The site is within the school grounds and there is no direct vehicular access proposed to the site itself. Pedestrian access is proposed. Two additional car parking spaces have been shown at the existing main school car park. DFI Roads have been consulted on the proposal and have raised no objections. The proposal complies with Policy AMP2 of PPS3 in that it will not prejudice road safety.

Amenity

- 8.27 The P1 form notes that the school currently has 35 employees and 174 others attending, giving a total of 209. The proposed development will result in an expected increase of 3 more employees and 50 more attending. This is an expected increase

of an additional 53. The proposed additional 53 attending at this location will have no detrimental impact on surrounding amenity. The site is at an existing school with 209 existing attending.

8.28 There are no residential dwellings which abut the site with the closest residential properties located over 150m away from the school building, on the opposite side of Main Street. Considering the nature of the site, and the nature of surrounding development, the proposed development is not considered to have any detrimental impacts to residential amenity. The building is to be located at an existing school grounds and the proposed development is considered to be an appropriate land use.

8.29 There is a vacant sport pavilion to the east, a medical centre to the north east and a tennis court and bowling green to the north of the proposed building. The proposed building is in close proximity to the boundary to the health centre and sports centre. The proposed building will however be set below the ridge line of the health centre and sports centre and there are no concerns with detrimental levels of dominance or overshadowing from the proposed development. There is a proposed retaining wall of approx. 1.5m high to this boundary as the application site is set at a lower ground level than the sports centre/health centre. A new 2.1m high mesh fencing is proposed to this boundary also which will reduce potential disturbance and maintain a sense of privacy to these neighbouring buildings. The site is located within the town centre of Dungiven and considering the urban context and the variety of land uses, it is considered appropriate in scale, massing and proximity to neighbouring buildings. The proposed development is not considered to have any detrimental impacts to the amenity of surrounding buildings/development and is considered an appropriate land use.

8.30 Environmental Health were consulted on the application and raised no objections and noted provided that external transient noise associated with students moving to classrooms or at playtimes is effectively controlled/managed, deterioration in amenity should not be envisaged in this instance. With regard to structural acoustic insulation of the classrooms, the applicant is advised to have due regard to the Building Bulletin 93 "Acoustic Design Criteria for Schools; Performance Standards. (Feb 2015). Given the comments from Environmental Health the

Planning Department has no concerns regarding the impact on amenity given the likely level and hours of use associated with schools.

9.0 CONCLUSION

9.1 The proposed development is considered acceptable in this location having regard to the area plan and other material considerations. The proposal has been assessed against the Northern Area Plan and relevant planning policy and guidance, and is considered appropriate in terms of its use, scale, layout and appearance. It is sympathetic to the land uses within the locality and does not impact on amenity. Approval is recommended.

10.0 Conditions and Informatives

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

Reason: Time Limit.

2. The construction of the building hereby permitted, including the clearing of topsoil, shall not commence until the existing buildings, dashed red on the approved plan 04/C date published 14th April 2021 are demolished, all rubble and foundations have been removed and the site restored in accordance with the details on the approved plans.

Reason: To preserve the amenity of the area and to prevent an accumulation of buildings on the site.

3. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Causeway Coast and Glens Borough Council in consultation with Historic Environment Division, Department for Communities.

The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

4. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 3.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

5. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 3. These measures shall be implemented and a final archaeological report shall be submitted to Causeway Coast and Glens Borough Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Causeway Coast and Glens Borough Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

6. Construction Noise

The applicant shall ensure that noise emissions from the site during the construction phase are within the noise thresholds detailed within Table E. 1 of BS 5228: 2009 + A1: 2014.

Reason: In the interest of public health.

Assessment category and threshold value period	Threshold value, in decibels (dB) L_{A1} ($L_{Aeq,T}$) L_{A1}		
	Category A ^{A)}	Category B ^{B)}	Category C ^{C)}
Night-time (23.00–07.00)	45	50	55
Evenings and weekends ^{D)}	55	60	65
Daytime (07.00–19.00) and Saturdays (07.00–13.00)	65	70	75

^{A)} NOTE 1 A potential significant effect is indicated if the $L_{Aeq,T}$ noise level arising from the site exceeds the threshold level for the category appropriate to the ambient noise level.

NOTE 2 If the ambient noise level exceeds the Category C threshold values given in the table (i.e. the ambient noise level is higher than the above values), then a potential significant effect is indicated if the total $L_{Aeq,T}$ noise level for the period increases by more than 3 dB due to site noise. L_{A1}

NOTE 3 Applied to residential receptors only.

^{A)} Category A: threshold values to use when ambient noise levels (when rounded to the nearest 5 dB) are less than these values.

^{B)} Category B: threshold values to use when ambient noise levels (when rounded to the nearest 5 dB) are the same as category A values.

^{C)} Category C: threshold values to use when ambient noise levels (when rounded to the nearest 5 dB) are higher than category A values.

^{D)} 19.00–23.00 weekdays, 13.00–23.00 Saturdays and 07.00–23.00 Sundays.

7. Prior to any works commencing on site, a construction environmental management plan addressing noise, dust and vibration impacts arising from the site workings/activities shall be submitted in writing to, and agreed by the Council. Such a plan shall state the mitigation measures to be employed to reduce/minimise noise, dust and vibration emanating from the activities carried out on site. All mitigations measures proposed shall have cognisance of best practice and all relevant guidance, British Standards and Codes of Practice. Site preparation, enabling and construction works shall be carried out in accordance with the agreed Construction Environmental Management Plan. Noise impacts shall be minimised/controlled by employment of best practice and mitigation measures in accordance with BS5228 Part 1 2009 Code of Practice for noise and vibration on Construction and Open Sites

Reason: In the interest of public health.

8. Operational Noise

Operational noise rating levels from plant associated with the operation of the school shall not exceed background plus 0Db, i.e. 55dBLAr at the closest residential receptors.

Reason: In the interest of public health.

9. If, during the proposed development, any ground contamination new contamination or risks are encountered which have not previously been identified, is encountered then all works on the site shall cease. Causeway Coast and Glens Borough Council 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. 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.

10. After completing the remediation works under Condition 9 and prior to operation of the development, a Verification Report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance. The Verification Report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

11. No demolition of buildings or structures shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no nests are

present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Causeway Coast and Glens within 6 weeks of works commencing.

Reason: To protect breeding birds.

12. All planting, landscaping and boundary treatments comprised in the approved details of Drawing No. 04/C and 06/C date published 14th April 2021 shall be carried out during the first planting season following the commencement of works 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 provision, establishment and maintenance of a high standard of landscape.

13. Prior to the carpark becoming operational the car-parking shall be constructed and permanently marked in accordance with the approved drawing No.04/C date published 14th April 2021 to provide adequate facilities for parking and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking and circulation within the site.

Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent sites for the removal of or building on the party wall or boundary whether or not defined.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
5. You should refer to any other general advice and guidance provided by consultees in the process of this planning application by reviewing all responses on the Planning Portal at <http://epicpublic.planningni.gov.uk/publicaccess/>.

Site Location Map



Site Plan

