

<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2021/0681/F</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>23<sup>rd</sup> March 2022</b>
<b>For Decision or For Information</b>	<b>For Decision</b>

<b>Linkage to Council Strategy (2021-25)</b>	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Senior Planning Officer

<b>Budgetary Considerations</b>	
Cost of Proposal	Nil
Included in Current Year Estimates	N/A
Capital/Revenue	N/A
Code	N/A
Staffing Costs	N/A

<b>Screening Requirements</b>	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:

	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

**App No:** LA01/2021/0681/F      **Ward:** Roeside

**App Type:** Full Planning (Temporary Permission)

**Address:** Gaelscoil Leim An Mhadaidh, 57 Church Street, Limavady, BT49 0BX

**Proposal:** Demolition of 10.5 linear metres of existing brick boundary wall. Installation of new 2.4m high wire mesh gate to grant temporary vehicular and pedestrian accesses via Scroggy Park to Gaelscoil until reinstatement works. Estimated reinstatement June 2024.

**Con Area:** N/A      **Valid Date:**

**Listed Building Grade:** N/A      **Target Date:**

**Applicant:** Gaelscoil Leim An Mhadaidh, 57 Church Street, Limavady

**Agent:** John Johnston (CPD), Clare House, 303 Airport Road West, Belfast, BT3 9ED

**Objections:** 36      **Petitions of Objection:** 0

**Support:** 0      **Petitions of Support:** 0

## **Executive Summary**

- Temporary permission is sought to demolish of 10.5 linear metres of existing brick boundary wall. Installation of new 2.4m high wire mesh gate to grant temporary vehicular and pedestrian accesses via Scroggy Park to Gaelscoil until reinstatement works. Estimated reinstatement June 2024.
- It is accepted that there is likely to be increased congestion and traffic movements around certain times of the day. As there is no objection from DfI Roads, the times of greater traffic movements is limited, and the proposal is for a temporary period of time, it is considered, on balance, that the access arrangements are acceptable and meet Policy AMP 2 of PPS 3.
- As the wall is not listed, within a conservation area or conditioned, its removal is acceptable.
- There have been 36 objections from 27 objectors.
- There are no letters of support.
- DfI Roads has been consulted as the competent authority on road matters and it raises no objection.
- The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS, PPS 3.
- 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** planning permission subject to the conditions set out in section 10.

## **2.0 SITE LOCATION & DESCRIPTION**

- 2.1 The site is located within the settlement development limit of Limavady and is located to the north of Scroggy Park, Limavady. The site accommodates a school and car parking with associated play areas, and is currently accessed from Church Street. The boundary of the school onto Scroggy Park is defined with a @2 metres high wall.
- 2.2 To the north of the site there is a development site, to the west, a primary school, and to the south and east predominantly residential with a church and associated buildings.
- 2.3 The land is identified as an existing area of economic development in the Northern Area Plan 2016.

## **3.0 RELEVANT HISTORY**

B/2008/0364/F Land 40m N of 17 Scroggy Park Limavady, site accessed from Church Street. Temporary mobile classroom & toilet block to provide temporary premises for proposed nursery school. Permission Granted 11th Dec 2008.

B/2010/0307/F Former Daintyfyt Factory, Church St Limavady. Temporary mobile classroom & ancillary accommodation for nursery school. Permission Granted 1st Dec 2010.

B/2012/0206/F Former Daintyfyt Factory Church Street Limavady. Temporary mobile classroom & toilet

accommodation for Primary School. Permission Granted 7th Feb 2013.

B/2012/0212/F Proposed cultural centre (Temp. mobile accommodation) for Glor Leim An Mhadaidh. Permission Granted 31st Jan 2013.

B/2014/0293/F Gaelscoil Leim An Mhadaidh Primary School 57 Church Street Limavady. Proposed new modular double mobile classroom with toilets located to the rear of the site. Permission Granted 17th June 2015.

LA01/2018/1178/F Gaelscoil Leim an Mhadaidh 57 Church Street Limavady. Proposed new modular building with dining and server facilities and office accommodation. Permission Granted 20th Nov 2019.

#### **4.0 THE APPLICATION**

- 4.1 Temporary permission is sought to demolish 10.5 linear metres of existing brick boundary wall. Installation of new 2.4m high wire mesh gate to grant temporary vehicular and pedestrian accesses via Scroggy Park to Gaelscoil until reinstatement works. Estimated reinstatement June 2024.
- 4.2 During the processing of the application the proposal was amended from seeking full permission to temporary until June 2024. Temporary permission is sought as the school is scheduled to move to a new site.

#### **Habitats Regulations Assessment**

- 4.3 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). The potential impact of the proposal on any Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the

features, conservation objectives or status of any of these designations.

## **5.0 PUBLICITY & CONSULTATIONS**

### **5.1 External:**

36 objections from 27 objectors have been received in respect of the proposal.

Summaries of the objections are provided below.

- Extreme traffic congestion/too much traffic
- Traffic obstructing flow and access to and from driveways
- Road safety/traffic speed
- Impact on property values
- No need
- Unacceptable levels of stress
- Noise & Litter
- Loss of wall/landmark/impact on character
- Future use of the access once school relocates
- Already existing access from Church Street
- Creation of a link/rat run

There are no letters of support.

### **5.2 Internal:**

DfI Roads has been consulted on this proposal and it raises no objection.

## **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)

PPS 3 - Access, Movement and Parking

**Supplementary Planning Guidance**

Development Control Advice Note 15 Vehicular Access Standards

## **8.0 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to the creation of temporary access, loss of a wall and; other matters.

## **Planning Policy**

- 8.2 The proposal must be considered in line with the SPPS, PPS policy documents and the supplementary planning guidance specified above.
- 8.3 The SPPS promotes sustainable development throughout the planning system. The guiding principle for planning authorities is that sustainable development should be permitted, having regards to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

## **Creation of a temporary access**

- 8.4 The current use of the site is being operated as an Irish Language school and nursery. This is for a temporary period until such time a permanent site and home is found. It is anticipated that this will happen by June 2024 at the latest.
- 8.5 The applicant is currently leasing the application site. The land owner is currently constructing a housing development on land to the north of the school, and has agreed to extend the currently lease to the school. However, the land owner has expressed concerns to the school about parents/children driving and walking to the school through land that is currently a construction site. Therefore, the land owner has agreed an extension of the lease with a clause that the school must seek and obtain an access to its site car park via Scroggy Park. This is for a temporary period up to June 2024.
- 8.6 While the school has indicated that parents use off-site parking at Christ the King Chapel and walk children to the school, there is still a requirement to access the existing car park.
- 8.7 There has been significant objection to the proposal for an access, particularly regarding the congestion that will be created as Scroggy Park is also the access to Drumachose Primary School. It is likely there will be greater traffic movements for a period in early morning @8:30-9 and in mid-afternoon @14:30-15:00 given the use as a school. There will still be other traffic movements throughout the day but these are unlikely to create significant traffic problems.



- 8.8 Dfl Roads has been consulted as the competent authority on traffic matters and is aware of the objections from local residents. Dfl Roads raises no objection to the proposal and has not identified that the proposal will prejudice road safety or significantly inconvenience the flow of traffic.
- 8.9 The introduction of the mesh gates is not unacceptable given this will be for a temporary period of time, the nature of uses in this area including another school, and the construction of housing to the north.
- 8.10 The proposal is for a temporary period; up to June 2024. It is accepted that there is likely to be increased congestion and traffic movements around certain times of the day. As there is no objection from Dfl Roads, the times of greater traffic movements is limited, and the proposal is for a temporary period of time, it is considered, on balance, that the access arrangements are acceptable and meet Policy AMP 2 of PPS 3.
- 8.11 As the permission is temporary, a condition is suggested to be included should planning permission be granted. While the time frame is anticipated to be June 2024, the temporary permission is for the school. The condition therefore limits the time to when the school occupies the site, or June 2024; whichever is sooner. This ensures that the access is limited to the use in which permission is being sought.
- 8.12 The access will then be removed and reinstated in accordance with Drawing No. 05 which was received on 14<sup>th</sup> October 2021. This will be conditioned accordingly.

### **Loss of Wall**

- 8.13 The proposal requires the demolition of 10.5 metres of an existing wall to facilitate access into the school grounds. As this wall is not listed, within a conservation area or conditioned, it could be removed without planning permission. As this is to be used as an access, and the access requires permission, this is considered to be acceptable for the reasons set out in Paras 8.4-8.11 of this report.

## **Other Matters**

- 8.14 Matters around traffic speed and safety of road users, need, the use of existing accesses, and creation of a rat run have been considered when assessing the acceptability of the proposal. The construction of housing to the north of the school has changed the current situation and circumstances, and an alternative, temporary solution is being sought. DfI roads has been consulted and it raises no objection. Concerns such as traffic speed or illegal parking are matters for the PSNI.
- 8.15 Impact on property values is a matter which is afforded limited weight in the context of a planning application and no evidence has been advanced to demonstrate this will happen.
- 8.16 The introduction of a temporary access is unlikely to significantly increase noise levels or increase littering to an extent that planning permission should be refused.
- 8.17 The impact of a temporary access is considered to not significantly affect the character of the area that planning permission should be withheld.
- 8.18 Stress is not a matter planning considers and is given limited weight in the consideration of this planning application.

## **9.0 CONCLUSION**

- 9.1 The proposal is acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations including the SPPS and PPS 3. The proposal is temporary and considered to not cause any unacceptable impact on the amenities of people living nearby or raise any unacceptable road safety concerns. Approval is recommended.

## **10 CONDITIONS**

1. The permission hereby granted shall be for a limited period of time and shall expire on 30<sup>th</sup> June 2024.

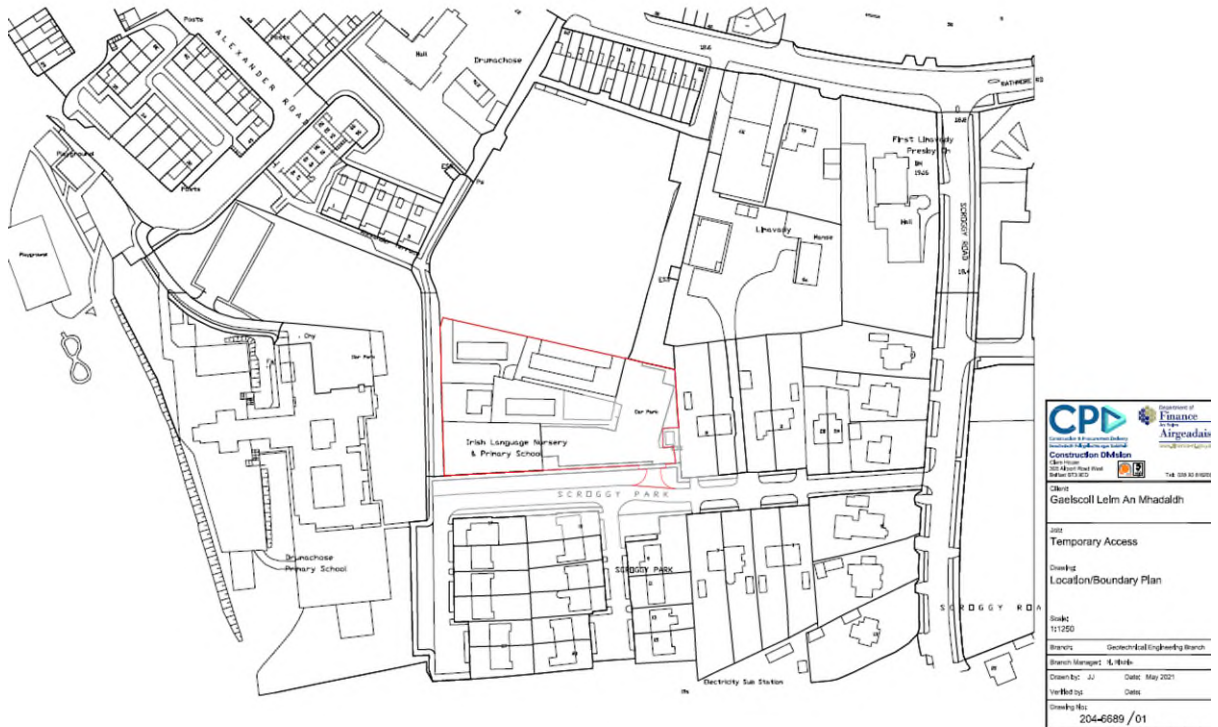
Reason: Temporary Permission

2. The temporary access as shown on Drawing no. 02A date Stamped received 06<sup>th</sup> August 2021 shall cease being used as a vehicular access on 1<sup>st</sup> July 2024, or when the site is no longer occupied or used by the school; whichever is the earliest.
3. The land, subject of this application, shall be reinstated in accordance with Drawing No. 05 Date Stamped 14<sup>th</sup> October 2021 by 30<sup>th</sup> September 2024 or within 3 months of the school no longer operating from the site; whichever is the earliest.

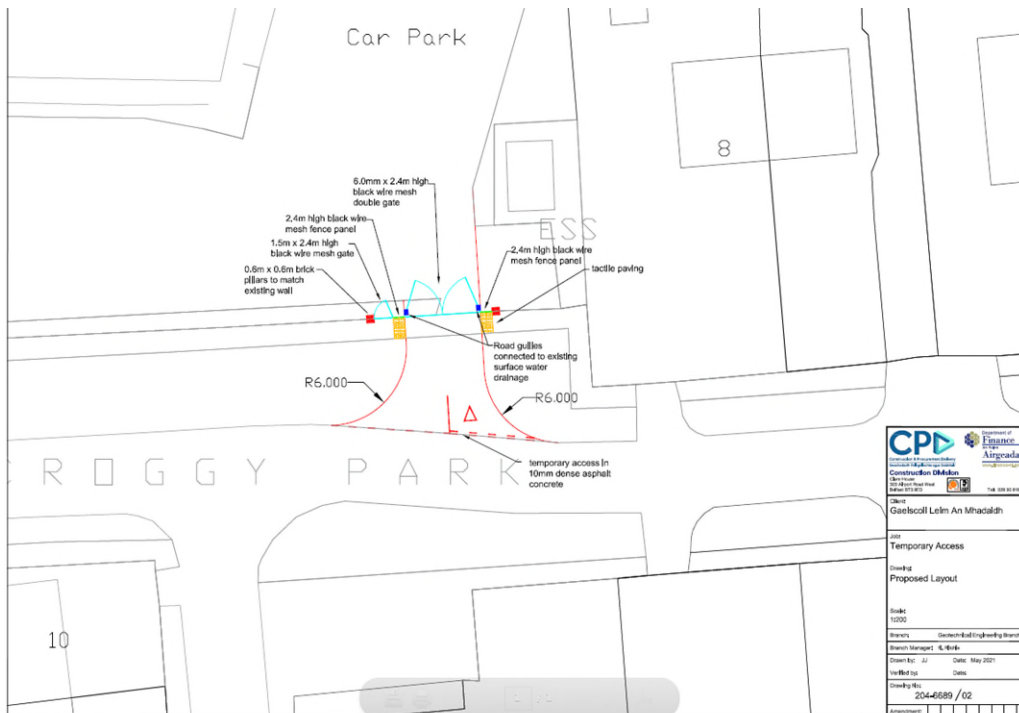
### **Informatives**

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

# Site Location



# Access Arrangements



# Reinstatement Drawing

