



Title of Report:	Planning Committee Report – LA01/2024/0799/S54
Committee Report Submitted To:	Planning Committee
Date of Meeting:	25th September 2024
For Decision or For Information	For Decision – Major Item

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

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

Screening Requirements	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:

<u>App No:</u>	LA01/2024/0799/S54	<u>Ward:</u>	Portrush and Dunluce
<u>App Type:</u>	Full Planning		
<u>Address:</u>	35 Ballywillin Road, Portrush		
<u>Proposal:</u>	Variation of Condition 11 (submission of drainage assessment). A variation is sought to vary the condition from 'Prior to the commencement of any of the approved development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Planning Authority for its consideration and approval in writing' to 'Prior to the operation of building, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Planning Authority for its consideration and approval in writing' of application LA01/2020/1349/F (Development of Mill Strand Integrated Primary School & Nursery)		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	09/07/2024
<u>Listed Building Grade:</u>	N/A		
Applicant:	Trustees of Mill Strand IPS		
Agent:	Isherwood & Ellis		
Objections: 0	Petitions of Objection: 0		
Support: 0	Petitions of Support: 0		

Executive Summary

- The site is located within Portrush settlement limit.
- No letters of objection have been received in relation to this application.
- No concerns have been raised by statutory consultees in relation to this proposal.
- Planning Approval LA01/2020/1349/F was granted permission on 04/11/2021 for Development of new Mill Strand Integrated Primary School and Nursery (relocation of existing school from Dhu Varren) to provide a new 14 No. classroom primary school building and double nursery unit. Associated hard and soft play areas. Minor relocation of existing entrance and new exit point on Ballywillin Road. Internal vehicular configuration to include car parking, pick up and drop off areas and zebra crossing points. Other work to include new underground drainage system and underground stormwater pipe along Ballywillan Road with installation of pre-cast constructed headwall to facilitate drainage to the tar burn, LPG and bin storage areas, fencing, landscaping, temporary construction compound areas and associated site works. This permission is still extant.
- This application seeks planning permission to vary condition 11 of Planning Approval LA01/2020/1349/F which relates to the submission of a final drainage assessment.
- The variation seeks to change the timing of the submission of the drainage assessment from “Prior to commencement...” to “Prior to operation of the building...”
- Approval is recommended subject to conditions.

Drawings and additional information are available to view on the Planning Portal:

<https://planningregister.planningsystemni.gov.uk/simple-search>

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 application site is located at the partial site of former University of Ulster Catering College, 35-43 Ballywillin Road, Portrush. The site at the front extends to the Tar Burn along the Ballywillan Road. The former catering college building was located centrally on the site which has since been demolished. The site has been redeveloped in accordance with planning permission LA01/2020/1349/F for Mill Strand Primary School and Nursery Unit. Vehicle access to the site is gained from the Ballywillin Road. The site is surrounded by paladin fencing with new entrance gates and pillars along the Ballywillan Road.
- 2.3 The site is located within Portrush settlement limit as designated by NAP 2016. The site is in a suburban area and fronts onto the Ballywillin Road. The site is surrounded by a mixture of residential dwellings to the north and west and further to the south with a caravan park to the east.

3.0 RELEVANT HISTORY

- 3.1 LA01/2024/0169/S54
35 Ballywillin Road, Portrush
Variation of Condition 27 (Front Boundary Treatment) to include new IBEX security fencing (Development of new Mill Strand Integrated Primary School and Nursery (relocation of existing

school from Dhu Varren to provide a new 14 No. classroom primary school building and double nursery unit. Associated hard and soft play areas. Minor relocation of existing entrance and new exit point on Ballywillin Road. Internal vehicular configuration to include car parking, pick up and drop off areas and zebra crossing points. Other work to include new underground drainage system and underground stormwater pipe along Ballywillin Road with installation of pre-cast constructed headwall to facilitate drainage to the tar burn, LPG and bin storage areas, fencing, landscaping, temporary construction compound areas).

Approval – 22.04.2024

3.2 LA01/2023/1193/F

Partial site of former University Catering College, 35-43 Ballywillan Road, Portrush

MUGA (multi use games area) pitch and associated site works including floodlighting and fencing to be constructed on existing grass playing field (new school under construction

LA01/2020/1349/F)

Under Consideration

3.3 LA01/2022/1613/DC

Partial site of former University Catering College, 35-43 Ballywillan Road, Portrush

Discharge of Condition 11 of LA01/2020/1349/F

Under Consideration

3.4 LA01/2023/0038/DC

Partial site of former University Catering College, 35-43 Ballywillan Road, Portrush

Discharge of Condition No. 18 of LA01/2020/1349/F

Consent – 05.12.2023

3.5 LA01/2022/1560/DC

Partial site of former University Catering College, 35-43 Ballywillan Road, Portrush

Discharge of Condition No. 16 of LA01/2020/1349/F

Consent – 21.03.2023

- 3.6 LA01/2022/1194/DC
Partial site of former University Catering College, 35-43 Ballywillan Road, Portrush
Discharge of Conditions 2, 3 and 4 of application LA01/2020/1349/F
Consent – 14.12.2022
- 3.7 LA01/2020/1349/F
Partial site of former University of Ulster Catering College, 35-43 Ballywillin Road, Portrush
Development of new Mill Strand Integrated Primary School and Nursery (relocation of existing school from Dhu Varren) to provide a new 14 No. classroom primary school building and double nursery unit. Associated hard and soft play areas. Minor relocation of existing entrance and new exit point on Ballywillin Road. Internal vehicular configuration to include car parking, pick up and drop off areas and zebra crossing points. Other work to include new underground drainage system and underground stormwater pipe along Ballywillan Road with installation of pre-cast constructed headwall to facilitate drainage to the tar burn, LPG and bin storage areas, fencing, landscaping, temporary construction compound areas and associated site works.
Approval – 4/11/2021

4.0 THE APPLICATION

- 4.1 This is a section 54 application for the Variation of Condition 11 (submission of drainage assessment). A variation is sought to vary the condition from 'Prior to the commencement of any of the approved development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Planning Authority for its consideration and approval in writing' to 'Prior to the operation of building, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Planning Authority for its consideration and approval in writing' of application LA01/2020/1349/F (Development of Mill Strand Integrated Primary School & Nursery)

Habitat Regulations Assessment

- 4.2 The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed under planning application LA01/2020/1349/F in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). It was concluded that the proposal would not be likely to have a significant effect on the features of any European site. As this application includes variation for the timing of submission of the final drainage assessment, it is considered that the proposal will not result in any adverse impact on any European designated site.

Design & Access Statement

- 4.3 As per The Planning (General Development Procedure) Order (Northern Ireland) 2015, Section 6 4(a) a Design and Access Statement is not required as the condition to which the variation is sought does not relate to design and access issues. The condition to be varied relates to submission of a final drainage assessment. There are no proposed changes to the building design or access to the site.

Environmental Impact Assessment

- 4.4 The previously approved application LA01/2020/1349/F 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 this development is where it exceeds 0.5 hectare. As the site area measured approx. 1.95 hectares this threshold was exceeded. Following an environmental impact assessment screening in accordance with The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017, the proposed development did not require submission of an Environment Statement. A further screening determination is not required on this application given the change relates to the timing of the

submission of the drainage assessment. Regulation 12 (1)(b) sets out that a screening determination is not required where the development in question has already been subject to a screening determination.

- 4.5 Having reviewed the previous EIA determination under LA01/2020/1349/F completed on 28 January 2021, it is concluded that this determination remains unchanged. Therefore, having considered the Regulations, the development proposal would not have any likely impacts of such a significance to require submission of an environmental statement.

5.0 PUBLICITY & CONSULTATIONS

5.1 External:

No letters of representation have been received in relation to this application.

5.2 Internal:

DfI Rivers: No objections.

- 5.3 Regulation 2(1)(b) of the DM Regulations has the effect that any change to or extension of an existing major development is to be treated as major where the change or extension itself meets or exceeds the relevant threshold or criterion in the corresponding entry in Column 2 of the Thresholds Table.

- 5.4 Application LA01/2020/1349/F was classified as major as it exceeded the thresholds outlined in the table within the Schedule. However, where an application is submitted for a change or extension to 'Major Development' the proposal is not subject to Pre-Application Community Consultation.

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

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 15 – Planning and Flood Risk

8.0 CONSIDERATIONS & ASSESSMENT

Principle of Development

8.1 Planning permission was granted under LA01/2020/1349/F on 04/11/2021 for Development of new Mill Strand Integrated Primary School and Nursery (relocation of existing school from Dhu Varren) to provide a new 14 No. classroom primary school building and double nursery unit. Associated hard and soft play areas.

Minor relocation of existing entrance and new exit point on Ballywillin Road. Internal vehicular configuration to include car parking, pick up and drop off areas and zebra crossing points. Other work to include new underground drainage system and underground stormwater pipe along Ballywillan Road with installation of pre-cast constructed headwall to facilitate drainage to the tar burn, LPG and bin storage areas, fencing, landscaping, temporary construction compound areas and associated site works. This planning permission is still extant.

- 8.2 The current application seeks permission to vary Condition 11 of approved planning application LA01/2020/1349/F. The approved wording of Condition 11 is as follows:

Prior to the commencement of any of the approved development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Planning Authority for its consideration and approval in writing.

Reason: To safeguard against flood risk to the development and elsewhere.

- 8.3 The purpose of the application is to vary the wording of Condition 11 from “Prior to commencement of any development...” to “Prior to the operation of the building...” in relation to the timing for the submission of the final drainage assessment details.
- 8.4 Dfl Rivers was consulted in relation to this application. They are content for the condition wording to be changed to “Prior to the operation of the building...”. The applicant is required to submit a final drainage assessment containing details of the constructed drainage network, including a drainage layout drawing and corresponding drainage calculations. This requirement can be discharged by amendment of the current discharge of condition application (Ref: LA01/2022/1613/DC) which was submitted prior to occupation of the new school building.

9.0 CONCLUSION

- 9.1 The proposed variation of Condition 11 regarding the timing for submission of the final drainage assessment is considered acceptable having regard to the Northern Area Plan 2016, SPPS, PPS 15 and other material considerations. DfI Rivers was consulted in relation to this application and express no objections. The wording of the condition can be amended to “Prior to the operation of the building...”. Approval is recommended.

10.0 CONDITIONS

1. As required by Section 61 the Planning Act (Northern Ireland) 2011 the development hereby permitted shall be begun before the expiration of 04 November 2026.

Reason: Time Limit.

2. Discharged.

3. Discharged.

4. Discharged.

5. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance. In the event of unacceptable risks being identified, a Remediation Strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction. This strategy should be completed by competent persons in accordance with Land Contamination: Risk Management (LCRM) guidance.

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

6. After completing the remediation works under Condition 5 and prior to occupation 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 Model Procedures for 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

7. No development shall commence until the vehicular accesses, including signage and visibility splays is provided in accordance with Drawing No. 18B bearing the date stamp 26th July 2021 (Application LA01/2020/1349/F). The area within the visibility splays and any forward sight line 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: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

8. The gradient of the access/exit to the development hereby permitted shall not exceed 4% (1 in 25) over the first 10.0m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

9. The development hereby permitted shall not become operational until the proposed internal road markings have been provided in accordance with Drawing No.27B bearing the date stamp 26th July 2021 (Application LA01/2020/1349/F).

Reason: To ensure satisfactory traffic management arrangements have been provided within the site.

10. The development hereby permitted shall not become operational until the existing access indicated on Drawing No. 18B bearing the date stamp 26th July 2021 (Application LA01/2020/1349/F) has been permanently closed and the footway properly reinstated to the satisfaction of DfI Roads.

Reason: In order to minimise the number of access points on to the public road in the interests of road safety and the convenience of road users.

11. Prior to the operation of the building, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Planning Authority for its consideration and approval in writing.

Reason: To safeguard against flood risk to the development and elsewhere.

12. No tree or hedgerow clearance, shall take place between the 1st of March and 31st of August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests in the hedgerows, trees, or bramble scrub, immediately before works commence and provided written confirmation that no nests are present/birds will be harmed and there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds

13. A suitable buffer of at least 10m must be maintained between the location of all construction works, including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and the watercourse on site.

Reason: To protect the water environment and designated sites of nature conservation importance.

14. There shall be no direct discharge of untreated surface water run-off during construction to the watercourse onsite.

Reason: To protect the water environment.

15. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree to be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations.

Reason: To ensure the continuity of the biodiversity value afforded by existing trees.

16. Discharged.

17. The approved CEMP (Doc 19 Rev A) date received 23rd April 2021 (Application LA01/2020/1349/F) shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Planning Authority.

Reason: To ensure implementation of mitigation measures identified within the Ecological Impact Assessment.

18. Discharged.

19. A 5m maintenance strip shall be provided in accordance with Drawing No. 04C date received 29th September 2021 (Application LA01/2020/1349/F) and should be protected from impediments (excluding the fencing and gates as indicated on Drawing No. 26C date received 8th October 2021), land raising or future unapproved development.

Reason: To enable maintenance of the existing culverted watercourse under Schedule 5 of the Drainage Order Northern Ireland 1973.

20. All hard and soft landscape works shall be completed in accordance with Drawings Nos. 36A date received 23rd April 2021 and 04C date received 29th September 2021 (Application LA01/2020/1349/F). Surfacing throughout the application site should be in accordance with Drawing No. 23A date received 23rd April 2021 (Application LA01/2020/1349/F). These works should be completed prior to the operation of the proposal, unless otherwise agreed by the Planning Authority in writing.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

21. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Planning Authority, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Planning Authority gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

22. The cumulative rated level of noise emissions from the permitted development, measured in accordance with BS 4142:2014 'Methods of rating and assessing industrial and commercial sound', shall not exceed the existing background noise level (43dB LArT) (daytime) by more than 0dB and (35dB LAr T) (night-time) by more than 0dB at the boundary of the nearest residential receptor/s.

Reason: To protect neighbouring residential amenity.

23. Site preparation and construction works shall be implemented using best practicable means. Noise impact shall be minimised by employment of good practice and acoustic mitigation measures in accordance with BS 5228, Part 1, 2009, "Code of Practice for Noise and Vibration Control on Construction and Open Sites". Noise emissions shall not exceed the limits as stipulated within Category A; Table E 1 of BS 5228:2009. Such works shall not take place outside of the following hours, without the prior approval of the Planning Department:

- 07:30 - 19:00 hours Monday - Friday
- 07:30 - 13:00 hours Saturdays
- No working on Sundays or Bank Holidays

No working outside of these hours shall be permitted without prior notification and the approval of the Planning Authority in consultation with the Environmental Health Services Department.

Reason: To protect neighbouring residential amenity.

24. Vibration impacts shall be minimised by implementation of best practicable means and good practice. The vibration limits/criteria as prescribed within BS 5228: 2009 Part 2 'Code of Practice for Noise and Vibration Control on Construction and Open Sites' should not be exceeded at sensitive receptors.

Piling works shall not take place outside of daytime hours

08:00 - 17:00 hours Monday - Friday

No working on Saturdays, Sundays or Bank Holidays

Reason: To protect neighbouring residential amenity.

25. Dust mitigation measures shall be implemented in accordance with The Air Quality Management Plan (Document 17) and The Dust Management Plan (Document 18), date stamped 4th December 2020 (Application LA01/2020/1349/F) during site preparation/enabling and construction phases to minimise the generation and movement of

airborne particulate matter emissions from the development hereby approved to sensitive receptors.

Reason: To protect neighbouring residential amenity.

26. Artificial lighting installations installed during the course of, site preparation, construction and operational phases shall be suitably specified, erected, angled and maintained in order to minimise light pollution due to glare and spill. Light pollution shall be obviated by ensuring adherence to the Institute of Lighting Professionals: Guidance Notes for the Reduction of Obtrusive Light GN:01: 2021.

Reason: To protect neighbouring residential amenity.

27. The front boundary treatment along the Ballywillin Road shall be formed by brick piers, brick walls and IBEX black fencing as well as IBEX black fencing gates in accordance with Drawing Nos. 02A and 03 (Application LA01/2024/0169/S54) prior to the operation of the proposal.

Reason: In the interests of visual amenity.

28. The acoustic fencing shall be erected in accordance with Drawing No. 26C date received 9th October 2021 and shall be of the specification identified in Drawing No. 41 date received 29th September 2021 (Application LA01/2020/1349/F) prior to the operation of the proposal.

Reason: In the interests of residential amenity.

11.0 INFORMATIVES

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
3. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
4. 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 <https://planningregister.planningsystemni.gov.uk/simple-search>

Site Location Map



Site Location Map
1: 1250

Site Area: 1.8 hectares

Site Location Plan

Isherwood Ellis
Landscape Architects

Department of Education NI
Mill Stand IPS & DNU

Approved Site Plan of LA01/2020/1349/F

