

Title of Report:	Planning Committee Report – LA01/2022/1185/F
Committee Report Submitted To:	Planning Committee
Date of Meeting:	22nd January 2025
For Decision or For Information	For Decision – Council Interest Item
To be discussed In Committee YES/NO	No

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	Development Management and Enforcement Manager

Estimated Timescale for Completion	
Date to be Completed	N/a

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

Legal Considerations	
Input of Legal Services Required	NO
Legal Opinion Obtained	NO

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>	LA01/2022/1185/F	<u>Ward:</u>	Altahullion
<u>App Type:</u>	Full Planning		
<u>Address:</u>	Site to be developed is within Burnfoot Playing Fields. This is located approximately 50 metres east of "Burnfoot Stores" with address of 297 Drumrane Road, Burnfoot, Dungiven.		
<u>Proposal:</u>	New modular changing room unit with 102m2 floor area to replace existing unit and other associated works including new car parking area, septic tank and storm cell		
<u>Con Area:</u>	N/A	<u>Valid Date:</u>	08.11.2022
<u>Listed Building Grade:</u>	N/A	<u>Target Date:</u>	
Agent:	Nicholas O'Dwyer Ltd, 15 Downshire Road, Newry, BT34 1EE		
Applicant:	Causeway Coast and Glens Borough Council, 66 Portstewart Road, Coleraine, BT52 1EY		
Objections: 0	Petitions of Objection: 0		
Support: 0	Petitions of Support: 0		

Executive Summary

- Planning permission is sought for a proposed new modular changing room unit with 102m² floor area to replace existing unit and other associated works including new car parking area, septic tank and storm cell.
- The application site is located at the existing Burnfoot Playing Fields which has existing changing rooms.
- The site is located within the settlement development limit of Burnfoot on a Major Area of existing open space within Gelvin/Roe Local Landscape Policy Area as indicated on the Northern Area Plan 2016. The proposal is considered to be one of the exception criteria for developing on a floodplain.
- The application has been assessed against the relevant policies within the NAP, SPPS, PPS2, PPS3, PPS 6, PPS 8 and PPS 15
- Consultation was carried out with DFI Roads, Environmental Health, DAERA(NIEA), Shared Environmental Services, Loughs Agency, DFI Rivers, Historic Environment Division and NI Water. No objections were raised by any consultee.
- No objections have been received in relation to this application.
- Approval is recommended subject to conditions.

Drawings and additional information are available to view on the Planning Portal- <https://planningregister.planningssystemni.gov.uk/>

1 RECOMMENDATION

- 1.0 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 Burnfoot Playing Fields. It consists of a linear strip of relatively flat ground which forms the northern portion of a playing pitch, the site measures 0.26 hectares in area. There is a small prefab changing room on the site and no parking is provided. There is an existing flood protection bund along the north and east of the site.
- 2.2 The eastern end of the site abuts the River Roe, whilst the northern boundary abuts the Bovevagh River and the Burnfoot Riverside Walk. The southern boundary of the site is undefined and open to the Burnfoot playing pitch. The western roadside boundary is defined by a 2 metre high mature hedge. There are 7 trees on the north eastern boundary adjacent the Bovevagh River. The open nature of the site affords views of the river corridor.
- 2.3 The site is located within the settlement development limit of Burnfoot, on land zoned as Major Area of existing Open Space within Gelvin/Roe LLPA (BTL 02) as shown on NAP 2016. The site falls within the flood plain.

3.0 RELEVANT HISTORY

3.1 B/1975/0266, Burnfoot. Playing Fields. Permission Granted. 12.11.1975.

B/1979/0169, Burnfoot. Football Pavilion. Permission Granted. 5.10.1979.

B/1980/0155, Burnfoot. Nissen hut to changing rooms and community use. Permission Granted - 10 July 1980

B/1997/0002, Burnfoot recreation grounds. Erection of replacement temporary mobile changing room. Permission Granted. 11.02.1997.

B/1999/0126, Burnfoot playing fields, Drumrane Road, Bonnanaboigh Limavady. Construction of car park and layby along with footpaths and disabled fishing stands and erection of temporary building. Permission Granted – 9.09.1999.

B/2002/0297/F, Playing Field, Drumrane Road, Burnfoot, Limavady. Provision of new all-weather training area, including new ball-stop fencing. Permission Granted. 17.01.2003.

B/2013/0244/F, Burnfoot Recreation Grounds, Drumrane Road, Burnfoot. Proposed new block built changing rooms, Proposed new car parking, All weather pitch to be converted to 3G surface. Withdrawal. 14.09.2016

LA01/2019/0870/PAD, Burnfoot Recreational Grounds, Derryork Road, Burnfoot, Dungiven. A new 95m squared modular changing room unit to replace the existing temporary changing room hut. This unit includes changing for two teams along with showers/toilet, referee changing, store and boiler room. Plans and elevations as well as location of the proposed building within the grounds is shown in appendix 5. The unit will be raised to the finished floor level is above Q100 Flood Level (see appendix 6), surface water drainage = soakaway/foul = with NIW connection or septic tank. PAD Concluded. 1.07.2020

4.0 THE APPLICATION

- 4.1 The application seeks full planning permission for a proposed new modular changing room unit with 102m² floor area to replace existing unit and other associated works including new car parking area, septic tank and storm cell

5.0 PUBLICITY & CONSULTATIONS

- 5.1 **External:** All neighbours identified for notification within the terms of the legislation were notified on 16th November 2022. The application was advertised on 23rd November 2022.

No objections have been received to this application.

5.2 Internal:

DFI Roads: No objections.

Environmental Health: No objections.

DAERA Natural Environment Division: No objections.

DAERA Water Management Unit: No objections.

Loughs Agency: No objections.

Shared Environmental Services: No objections.

NI Water: No objections.

DFI Rivers: No objections.

Development Plan Team: No objections.

Historic Environment Division: 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

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 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 6: Planning, Archaeology and Built Heritage

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

Planning Policy Statement 15: Planning and Flood Risk

8.0 CONSIDERATIONS & ASSESSMENT

- 8.1 The main considerations in the determination of this full application is the principle of development, townscape, flood risk, natural heritage, access, movement and parking, safeguarding residential and work environs, archaeology, Gelvin/Roe LLPA, representations and Habitat Regulation Assessment. The main policy consideration is contained in the Strategic Planning Policy Statement and Planning Policy Statements 2, 3, 6, 8 and 15.

Principle of Development

- 8.2 Policy OS 1 of PPS8 states that development, will not be permitted 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.
- 8.3 The proposal seeks to replace a changing room porta-cabin with a permanent changing room building and introduce parking for users of the existing playing fields.
- 8.4 While the proposal may alter the formal use and appearance of the land within the application site boundary the proposal does not represent a loss of open space, but rather the redevelopment of open space to provide high quality sport and leisure facilities. The proposal complies with Policy OS 1 of PPS 8.

Townscape

- 8.5 Policy DES 2 – Townscape, contained within A Planning Strategy for Rural Northern Ireland, requires development proposals in towns and villages to be sensitive to the character of the area. The policy requires that proposals should be of an appropriate use for the area, that the scale and design is in keeping with the surrounding character, and ensure that there is no adverse impact on surrounding amenity.
- 8.6 The nature of the proposed development has limited visual impact with the only significant visual element being the replacement changing room and modest sized parking area. The proposed changing room is a modular unit painted grey measuring 15.5 metres for frontage length, 7.4 metre for gable depth and 3.95 metres to the ridge. The modular building has a mono-pitch facing south with solar panels on the roof, the solar panels fit within 0.1 metre of the roof plane and are 0.05 metre above the ridge at its highest point. Given that the changing room building replaces the existing changing room and is of similar proportions, the proposal would not have a detrimental impact on the streetscape of Burnfoot. The scale and design is in keeping with the surrounding character, and there is no adverse impact on surrounding amenity.

Flood Risk

- 8.7 PPS 15 Policy FLD 1 Development in Fluvial (River) and Coastal Flood Plains is a material consideration and states development will not be permitted within the 1 in 100 year fluvial flood plain (AEP7 of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the policy.
- 8.8 Where the principle of development is accepted by the planning authority through meeting the ‘Exceptions Test’, as set out below under the Exceptions heading, the applicant is required to submit a Flood Risk Assessment for all proposals. Planning permission will only be granted if the Flood Risk Assessment demonstrates that:

- a) All sources of flood risk to and from the proposed development have been identified; and
 - b) There are adequate measures to manage and mitigate any increase in flood risk arising from the development.
- 8.9 The proposal falls under exception 'F' in that there this is Burnfoot Playing Fields. Criteria 'F' is the use of land for sport and outdoor recreation, amenity open space or for nature conservation purposes, including ancillary buildings. This exception does not include playgrounds for children.
- 8.10 The applicant submitted a Flood Risk Assessment. Further to initial consultation with DfI Rivers which identified matters to be addressed, a revised Flood Risk Assessment was submitted. DFI Rivers was reconsulted and has no objections. The proposal complies with policy FLD 1.
- 8.11 Policy FLD 2 of PPS 15 Protection of Flood Defence and Drainage Infrastructure is a material consideration and states the planning authority will not permit development that would impede the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance.
- 8.12 The eastern end of the site abuts the River Roe, whilst the northern boundary abuts the Bovevagh River. The submitted section drawing indicates a no development maintenance area of at least 5 metres and the existing river side walkway is included in this area. DFI Rivers has been consulted and is content. The proposal complies with policy FLD 2 of PPS 15.
- 8.13 Paragraph 6.115 of the SPPS and Policy FLD 3 of Revised Planning Policy Statement 15 – Planning and Flood Risk is a material consideration. However, the site area for new hardstanding does not exceed 1000m² so the threshold has not been reached and a Drainage Assessment is not required.

Natural Heritage

- 8.14 The River Roe and Tributaries ASSI and SAC are located adjacent the site to the north and east.
- 8.15 The Council, as applicant and a competent authority, carried out a Habitats Regulations Assessment to assess the impact of the development on the designated Special Area of Conservation (SAC) which concluded that 'Having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site'.
- 8.16 Shared Environmental Services and DAERA Natural Environment Division were consulted on the proposal and responded with no objections, concluding that there will be no likely significant impact on the designated sites. The application site relates to an area of grass pitch, which is considered to be of low ecological value, with some mature trees present at the periphery of the site to the west. The Applicant submitted a bat survey and NED did not raise any concerns with regards to natural heritage interests subject to conditions.
- 8.17 The proposal will not adversely impact upon any designated sites or protected/priority species or habitats, and therefore complies with the nature conservation policies outlined within the SPPS and PPS2.

Access, Movement and Parking

- 8.18 Policy AMP 2 of PPS 3 Access, Movement and Parking applies and states planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:
- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
 - b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

- 8.19 A new access is proposed to Drumrane Road. DFI Roads has been consulted and they have confirmed that they had no objections. Policy AMP 3 of PPS 3 is not relevant in this instance because Drumrane Road is not a protected route. As DFI Roads is content the proposal complies with Policy AMP 2 of PPS 3 – Access, Movement and Parking.
- 8.20 Policy AMP 7 Car Parking and Servicing Arrangements applies and states development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. The precise amount of car parking will be determined according to the specific characteristics of the development and its location having regard to the Department’s published standards or any reduction provided for in an area of parking restraint designated in a development plan. Proposals should not prejudice road safety or significantly inconvenience the flow of traffic. In assessing car parking provision, the Department will require that a proportion of the spaces to be provided are reserved for people with disabilities in accordance with best practice. Where a reduced level of car parking provision is applied or accepted, this will not normally apply to the number of reserved spaces to be provided.
- 8.21 The Applicant has submitted plans showing the car parking arrangements. The plans show provision for 6 car parking spaces, one of which is designated for disabled access. The new parking will improve the parking arrangements at this existing facility as before all parking has been on street along Drumrane Road. DFI Roads has been consulted and has confirmed that they have no objections. As DFI Roads are content it demonstrates that there is adequate provision for car parking and appropriate turning and servicing arrangements. The proposal complies with Policy AMP 7 of PPS 3 – Access, Movement and Parking.

Safeguarding residential and work environs

- 8.22 Paragraph 4.12 of the SPPS relates to safeguarding residential and work environs. Other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and

overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. However, the above mentioned considerations are not exhaustive and planning authorities will be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas.

- 8.23 Environmental Health has no concerns relating to noise impact or light impact. The proposal will use a septic tank for foul disposal and surface water to soakaway on site. NIEA Water Management Unit have been consulted and are content. The proposal complies with paragraph 4.12 of the SPPS.

Archaeology

- 8.24 Policy BH2 The Protection of Archaeological Remains of Local Importance and their Settings states development proposals which would adversely affect archaeological sites or monuments which are of local importance or their settings will only be permitted where the Department considers the importance of the proposed development or other material considerations outweigh the value of the remains in question. HED have been consulted and have no objections. The proposal complies with Policy BH 2 of PPS 6.

Gelvin/Roe LLPA

- 8.25 Planning permission will not be granted for development proposals that would be liable to affect adversely those features, or combination of features, that contribute to the environmental quality, integrity or character of a designated LLPA. Gelvin/Roe Local Landscape Policy Area (Designation BTL02), located north east of the village, includes a section of the river corridor of the Roe including mature trees and wetlands. The site does not exhibit the mature trees and vegetation which characterise the designating features of the river corridor, the open nature of the site does afford views of the river corridor. The plans indicate that the roadside hedge is being retained. As such, it is considered acceptable under the provisions of Policy ENV 1 of the Northern Area Plan.

Representations

8.26 No representations have been received.

Habitats Regulations Assessment

8.27 The potential impact of this proposal on 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 River Roe and Tributaries ASSI and SAC are located adjacent the site to the north and east. The Council, as applicant and a competent authority, carried out a Habitats Regulations Assessment to assess the impact of the development on the designated Special Area of Conservation (SAC) which concluded that 'Having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site'. NED and SES have been consulted and have no objections. The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

9.0 CONCLUSION

9.1 The proposal provides for a new modular changing room unit to replace the existing unit and other associated works including new car parking area, septic tank and storm cell at Burnfoot Playing Fields. The nature of the proposed development has limited visual impact with the only significant visual element being the replacement changing room building and modest sized parking area. Given that the changing room building replaces the existing changing room porta-cabin and is of similar proportions, the proposal would not have a detrimental impact on the streetscape of Burnfoot. The scale and design is in keeping with the surrounding character, and there is no adverse impact on surrounding amenity. The proposal

complies with the Northern Area Plan and all other relevant planning policies. Approval is recommended.

10.0 Conditions and Informatives

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. The building hereby approved shall not be used until the hard surfaced areas have been constructed in accordance with approved drawing No 03 REV 02 date received 8th November 2024 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.

3. All hard landscape works shall be carried prior to the use of the changing room building hereby approved in accordance with the approved details as shown on drawing No.03 REV 02 received 8th November 2024 and the appropriate British Standard or other recognised Codes of Practise.

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

4. If, during the proposed development, any ground contamination is encountered then all works on the site shall cease. Causeway Coast & Glens Borough Council Environmental Health Department shall be informed and sufficient information to assess potential risks arising from the former use of the land should be submitted. Any necessary mitigation / remediation measures shall be clearly specified. The above work shall be undertaken by a suitably competent person/s and in accordance with current government guidance.

Reason: In the interest of public health.

5. Prior to the development hereby approved being used as a changing room facility, the building shall be provided with such sanitary pipework, foul drainage and rain-water drainage as may be necessary for the hygienic and adequate disposal of foul water and rain-water separately from that building. The drainage system shall also be designed to minimise the risk of wrongly connecting the sewage system to the rain-water drainage system, once the dwelling is occupied.

Reason: In order to decrease the risk of the incorrect diversion of sewage to drains carrying rain/surface water to a waterway.

6. A final Construction & Environmental Management Plan shall be submitted to and approved in writing by the Planning Authority for approval. The approved CEMP shall be implemented in accordance with DOC 04 CEMP received 27th June 2024, unless otherwise agreed in writing by the Planning Authority.

Reason: To maintain the favourable conservation status of the River Roe and Tributaries SAC/ASSI.

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 which is detrimental to fisheries.

8. All work methods and materials shall not impinge upon any nearby watercourses. The use of cement/concrete on site will require careful management. While they are versatile building materials, they are also highly toxic to aquatic life and therefore shall be kept out of all drains and watercourses.

Reason: To prevent pollution of surface waters which is detrimental to fisheries.

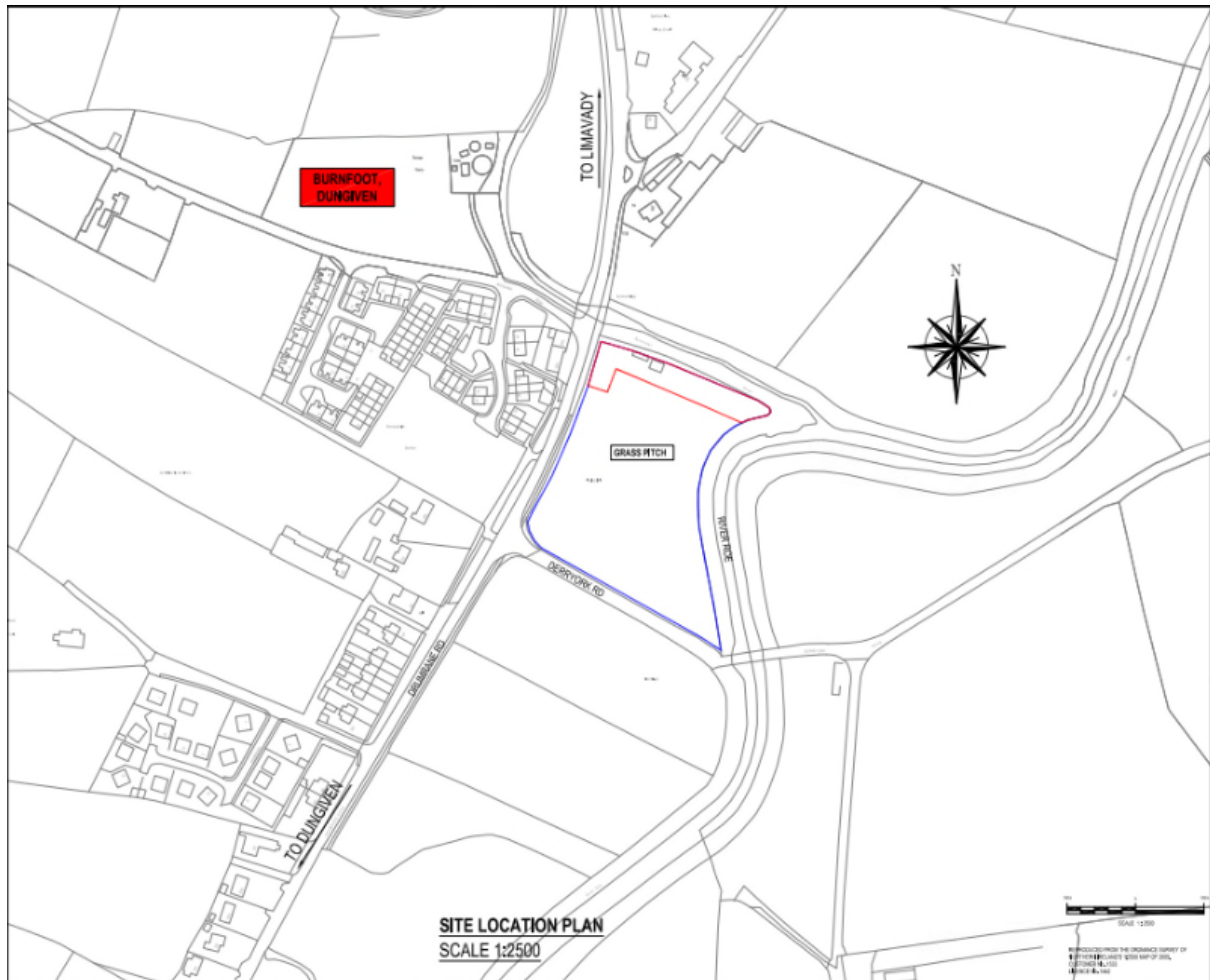
9. All planting, landscaping and boundary treatments comprised in the drawing No. 03 REV 02 received 8th November 2024 shall be carried out within the first planting season following commencement of development and any trees/shrubs which, within a period of five years from the completion of the development, 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.

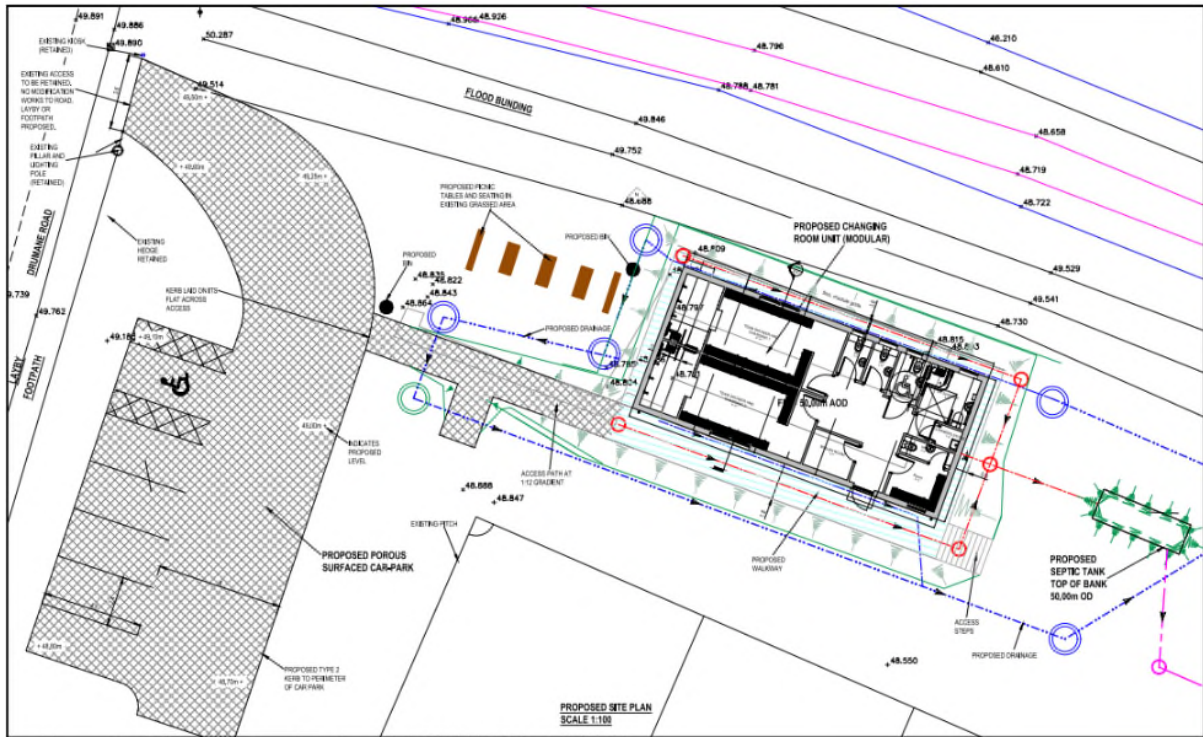
Informatives

1. 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.
2. 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.
3. 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.
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 <https://planningregister.planningssystemni.gov.uk/simple-search>

Site Location



Site Layout



Elevations

