

Item C

**Land North of Benone Tourist
Complex and adjacent to Beach
Benone Avenue, Limavady**

**LA01/2015/0042/NMC
Non Material Change**

24th June 2015

<u>No:</u>	LA01/20015/0042/NMC	<u>Ward:</u> Magilligan
<u>App Type:</u>	Non-Material Change	
<u>Address:</u>	Land North of Benone Tourist Complex and adjacent to Beach Benone Avenue, Limavady	
<u>Proposal:</u>	New Activity Centre including Changing/Shower Facilities, W C's, Shop, Storage, Ranger/Meeting Room and Viewing Room. New Boardwalks and Sand Ladders and New Activity Space.	
<u>Officer:</u>	Martin McErlain ext: 7182	
<u>Con Area:</u>	N/A	<u>Valid Date:</u> 16th April 2015
<u>Listed Building Grade:</u>	N/A	
<u>Agent:</u>	Hall Black Douglas Architects Ltd, 152 Albertbridge Road, Belfast	
<u>Applicant:</u>	Causeway Coast and Glens Council	
<u>Objections:</u> 0	<u>Petitions of Objection:</u> 0	
<u>Support:</u> 0	<u>Petitions of Support:</u> 0	

**Drawings are available to view on the Planning Portal-
www.planningni.gov.uk**

1 RECOMMENDATION

- 1.1 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in section 7 and resolves to **GRANT** the non-material change.

2 SITE LOCATION & DESCRIPTION & CHARACTER OF AREA

- 2.1 The site is located at lands north of Benone Tourist Complex adjacent to the access onto the beach. The site is located at the approved new activity centre approved under B/2014/0145/F. The new activity centre is currently under construction on the same location as the previous hexagonal huts, immediately adjacent to the roadside, and located adjacent to the car park area at Benone Beach. The site sits within the dunes and there are pathways/boardwalks which run from the site in an eastern direction through the dunes.

- 2.2 The site is located within open countryside and in the Binevenagh Area of Outstanding Natural Beauty (AoNB). It is within/adjacent to the Magilligan Special Area of Conservation and Area of Special Scientific Interest (ASSI) as designated by the Draft Northern Area Plan 2016. To the east the land is primarily sand dunes, whilst to the west the land is a mix of dunes and caravan parks. Further south/south west of the site there are additional caravan parks and single dwellings.

3 RELEVANT HISTORY

B/2014/0145/F New Activity Centre- including changing/ shower facilities, WCs, shop, storage, ranger/meeting room and viewing room. 1 no. new boardwalks and sand ladders, linking to established boardwalk. New activity space. Approved on 12/02/15.

4 THE APPLICATION

- 4.1 The application is seeking a Non Material Change to the permission granted under B/2014/0145/F (see above for description) to include
- (a) Omission of green roof to be replaced with single ply membrane roof with pebble covering
 - (b) Addition of photovoltaic panels to roof
 - (c) Omit timber balustrading to raised deck

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours:** None

Internal:

- 5.2 **NIEA NH:** No objection

Shared Environmental Services: No objection

6 MATERIAL CONSIDERATIONS

- 6.1 Article 45 of the Planning Act (Northern Ireland) 2011 states that, "where an application is made for planning permission, the

council or, as the case may be, the Department, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations.”

6.2 The development plan is:

- Limavady Area Plan 1984 - 1999
- Draft Northern Area Plan 2016

6.3 The Regional Development Strategy (RDS) is a material consideration.

6.4 Due weight should be given to the relevant policies in the development plan.

6.5 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

7 RELEVANT POLICIES & GUIDANCE

PPS 1 General Principles

PPS 2 Natural Heritage

PPS21 Sustainable Development in the Countryside

8 CONSIDERATIONS & ASSESSMENT

8.1 PPS 1 operates a general presumption in favour of development unless there is demonstrable harm to interests of acknowledged importance.

8.2 Given that this is a non-material change application the main considerations in the determination of this application relate to whether the proposed changes to the previous approval would be of significance, of substance and of consequence.

Principle of development

8.3 Planning permission was granted to the former Limavady Borough Council in February 2015 for a new activity centre including changing/ shower facilities, WCs, shop, storage, ranger/meeting room and viewing room. 1 no. new boardwalks

and sand ladders, linking to established boardwalk to the new activity space under B/2014/0145/F. The DoE found the approved scheme to comply with the development plan and current planning policy prevailing at the time of the decision.

- 8.4 The current proposal is for a non-material change to the previously approved scheme to include
- (a) Omission of green roof to be replaced with single ply membrane roof with pebble covering
 - (b) Addition of photovoltaic panels to roof
 - (c) Omit timber balustrading to raised deck
- 8.5 There is no definition in legislation of what constitutes a non-material change. Therefore assessment depends on the context of the scheme, the nature of the amendment and the specific circumstances of the case. In determining whether the proposal is acceptable as a non-material change the Authority has assessed the following.
- (a) The proposed amendment does not conflict with prevailing planning policy or the development plan.
 - (b) The proposal has not altered the application site boundary of the previous approval.
 - (c) The amendment does not conflict with any of the conditions on the extant planning approval.
 - (d) No concerns were raised by third parties at the original application stage.
 - (e) The proposal does not involve an extension to the previously approved development.
 - (f) The height of the previously approved building has not been increased.
 - (g) The amendment will not result in overlooking to a third party property.
 - (h) The extant approval was not subject to an environmental statement and the proposed works do not introduce elements which would merit a statement.
 - (i) The site is situated within the Benone Tourist Complex and the amendments do not warrant public advertisement or neighbour notification.
- 8.6 The amendment proposes changes to the design of the activity centre building, each will be assessed in turn.

- (a) Omission of green roof to be replaced with single ply membrane roof with pebble covering

The green roof is to be omitted from the activity building located within the Benone Tourist Complex. This element of the amendment is not considered to be significant because the building is visible only from Benone Avenue and not from the main Seacoast Road. The height of the building will not be altered. The building is approximately 90m from the nearest neighbouring property. The proposal will facilitate the installation of photovoltaic panels which are permitted development. This element of the proposal is considered to be an immaterial minor change in the context of the original approved plans.

- (b) Addition of photovoltaic panels to roof

The proposed photovoltaic panel would be permitted development under Part 37 of The Planning (General Permitted Development) Order (Northern Ireland) 2015 and as such planning permission for the panel would not be required.

- (c) Omit timber balustrading to raised deck

The raised deck was to be surrounded by steel sheet piling with a timber slat balustrade in part along the western boundary. The timber balustrade element is to be omitted and the raised deck will be surrounded by the same steel sheet piling as approved for the remainder of the boundaries. This element of the proposed amendment is considered to be de minimus.

9 CONCLUSION

- 9.1 On balance the proposed amendment is considered to be non-material in that the photovoltaic panels are permitted development, the change to the balustrade is de minimus and the amendment of the green roof to a single ply membrane on a building within the tourist complex is not considered to be significant, of substance or consequence. The amendment is an appropriate use of the land and is acceptable in terms of its appearance. Approval is recommended.

10 CONDITIONS/ INFORMATIVES

10.1 Regulatory Conditions:

The proposal is a non-material change to a previous approval only and should be read in conjunction with the original permission which still stands. Therefore no further conditions or informatives are to be added.