

<b>Planning Committee Report</b>  LA01/2017/1422/F	<b>25<sup>th</sup> April 2018</b>
<b>PLANNING COMMITTEE</b>	

<b>Linkage to Council Strategy (2015-19)</b>	
<b>Strategic Theme</b>	Protecting and Enhancing our Environment and Assets
<b>Outcome</b>	Pro-active decision making which protects the natural features, characteristics and integrity of the Borough
<b>Lead Officer</b>	Development Manager and Enforcement Manager
<b>Cost: (If applicable)</b>	N/a

<b><u>No:</u></b>	LA01/2017/1422/F	<b><u>Ward:</u></b>	Magilligan
<b><u>App Type:</u></b>	Full		
<b><u>Address:</u></b>	Magilligan Community Centre, Seacoast Rd, Limavady		
<b><u>Proposal:</u></b>	Provision of a replacement Community Centre consisting of a single storey structure and associated site works		
<b><u>Con Area:</u></b>	N/A	<b><u>Valid Date:</u></b>	18.10.2017
<b><u>Listed Building Grade:</u></b>	N/A		
<b><u>Agent:</u></b>	GM Design Associates Ltd, 22 Lodge Road, Coleraine, BT52 1NB		
<b><u>Applicant:</u></b>	Causeway Coast and Glens Borough Council, Cloonavin, 66 Portstewart Road, Coleraine, BT52 1EY		
<b><u>Objections:</u></b>	<b>0</b>	<b><u>Petitions of Objection:</u></b>	<b>0</b>
<b><u>Support:</u></b>	<b>0</b>	<b><u>Petitions of Support:</u></b>	<b>0</b>

Drawings and additional information are available to view on the Planning Portal- [www.planningni.gov.uk](http://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 sections 7 and 8 and resolves to **APPROVE** full planning permission for the reasons set out in section 10.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The application site is at the Magilligan Community Centre, Seacoast Road, Limavady. The application site is located immediately adjacent to Seacoast Rd and sits slightly below road level. The application site contains the existing community centre building which comprises a single storey prefabricated building with associated car parking facilities and grassed areas. The site forms part of a larger complex with the Magilligan Community Playgroup building adjacent the building to be replaced, with further recreational areas and playing field forming the extent of the overall site. The application site is relatively open, with the boundaries primarily defined by post and wire fencing along the northern and roadside boundaries with low level hedgerow and along the northern boundary.
- 2.2 The application site is located within the settlement limit of Bellarena as defined in the Northern Area Plan 2016, which is designated as a village in the Northern Area Plan. The site also lies within Binevenagh AONB. The settlement is of a modest size and is primarily residential in nature, with the Drumvalley housing development located immediately to the north of the application site, with housing also located to the south and on the opposite side of Seacoast Rd. The playing field to the rear of the site is noted as a major area of open space within the Northern Area Plan 2016.

## 3 RELEVANT HISTORY

B/2004/0809/F - Magilligan Community Hall, 394 Seacoast Road, Magilligan - Extension to community hall to provide I.T. facilities – Permission Granted 04.08.2005

B/2006/0497/F - Magilligan Community Centre, Seacoast Road, Drumavally - Construction of play-area providing toddler and junior facilities – Permission Granted 18.01.2007

B/2010/0268/F - 396 Seacoast Road, Ballyscullion, Limavady - Proposed extension to form out of school facility – Permission Granted 18.11.2010

#### **4 THE APPLICATION**

- 4.1 This is a full application for the provision of a replacement Community Centre consisting of a single storey structure and associated site works.

#### **5 PUBLICITY & CONSULTATIONS**

##### **5.1 External**

Neighbours: There are no objection to the proposal.

##### **5.2 Internal**

**TransportNI** – No objection.

**Rivers Agency** – No objection.

**Shared Environmental Services** – No objection subject to condition.

**DAERA Natural Environment Division** – No objection subject to condition.

**DAERA Drainage and Water** – No objection.

**Historic Environment Division** – No objection.

**Environmental Health** – No objection.

**NI Water** – No objection.

**Loughs Agency** – No objection.

## **6 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 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

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

## Planning Policy Statement 15: Planning and Flood Risk

### A Planning strategy for Rural NI

#### **8.0 CONSIDERATIONS & ASSESSMEN**

8.1 The main considerations in the determination of this planning application is the principle of development, flooding, impact on Listed Building, impact on AONB, impact on the Lough Foyle Ramsar/SPA/ASSI and access.

##### **Principle of development**

8.2 The site is located within the settlement of Bellarena as defined within the Northern Area Plan 2016, and is also located within the designated Area of Outstanding Natural Beauty. The indicative Flood Maps (NI) have outlined that the site lies within the 1 in 100 year Fluvial Floodplain. The main policy consideration is contained within the Northern Area Plan 2016, the Strategic Planning Policy Statement and the relevant Planning Policy Statements. The main policy considerations PPS2- Policies NH1 and NH3, PPS3 – Policy AMP2, PPS6 – Policy BH11 and PPS15 – Policy FLD1.

8.3 The application site is located within the settlement limit of Bellarena whereby there is a presumption in favour of development where it is appropriate to the location in terms of scale and design, use and impact on surrounding amenity. The principle of this development therefore must be considered having regard to the PPS policy documents specified above and the supplementary guidance.

8.4 As outlined in paragraph 4.1, the proposal is for a new community centre to replace the existing single storey prefabricated building. The principle of the replacement building for the same use is acceptable on this site within the settlement development limit of Bellarena subject to consideration of the following issues.

##### **Flooding**

8.5 The indicative Flood Maps (NI) indicate that the site lies within the 1 in 100 year fluvial floodplain. As such Policy FLD 1 of PPS 15 is applicable and states that development will not be permitted within the 1 in 100 year fluvial floodplain or the 1 in 200 year coastal floodplain unless the applicant can demonstrate that the proposal constitutes an exception to the policy.

- 8.6 The applicant submitted a Flood Risk Assessment to accompany the application, to more accurately determine the extent of the floodplain. The Flood Risk Assessment demonstrates that the proposed site does not in fact lie within the 1 in 100 year fluvial flood plain and as such is at low risk from fluvial flooding. The Flood Risk Assessment has calculated the closest flood level to be 3.5m OD and the proposal has incorporated the recommended minimum freeboard of 0.6m to leave a finished floor level of 4.1m OD.
- 8.7 DFI Rivers were consulted with the Flood Risk Assessment and following consideration have responded to outline that they accept the logic and conclusions within the report and cannot sustain a reason to object to the development from a drainage or flood risk perspective. Therefore the principle of development is not subject to the exceptions test as outlined in Policy FLD1.
- 8.8 Given the conclusions of the Flood Risk Assessment which outline that the site does not lie within the fluvial floodplain the principle of development is acceptable subject to compliance with other relevant policy and guidance.

### **Impact on Listed Building**

- 8.9 The application site is located a short distance north of 392 Seacoast Rd, a grade B1 listed building. The building is constructed from basalt stone, with a render finished to some elevations and has a thatched roof. The building is a good example of the type of dwelling which was once common place in the area.
- 8.10 Policy BH 11 of PPS6 states that development which would adversely affect the setting of a listed building will not normally be permitted. Development proposals will normally only be considered appropriate where all the following criteria are met:
- the detailed design respects the listed building in terms of scale, height, massing and alignment;
  - the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and
  - the nature of the use proposed respects the character of the setting of the building.
- 8.11 The proposed building is a single storey building with a linear floor plan. The building has a footprint measuring 23.2m in length, with a gable width of 10.1m, while there is a small extension to the northern

gable it is set back from the main front elevation. The building is gable ended with a low angled pitched roof with a ridge height of 5.7m above finished floor level. The building has a small entrance feature on the front road facing elevation and two bay windows which are clad in basalt stone, with a wood effect fibre cement weather board. The walls are to be finished in a smooth render painted white and the roof will be finished in a fibre cement slate.

8.12 The scale and massing of the proposed building is not significantly greater than the building which it is sought to replace. The overall height of the building will be higher than the existing given the raised floor level and the use of a more traditional roof pitch. The use of finishes such as the smooth render and basalt stone compliment those found on the listed building. The building is proposed to be largely on the existing footprint of the building being replaced meaning that the proposed building will not significantly impact upon the setting of the listed building.

8.13 Historic Environment Division were consulted on the proposal and notes that the development site is separated from the listed building and at the far side of the community centre grounds. It is larger and higher than the temporary building it is to replace but is not significantly different in scale and massing to the recent modern development in the neighbourhood of the listed house. Set back on the site, it does not interfere significantly with views to and from the thatched house. The proposals do not represent further demonstrable harm to the setting of the listed building. The proposal satisfies SPSS 6.12/Development proposals impacting on Setting of Listed Buildings and BH11/Development affecting the Setting of a Listed Building.

### **Impact on AONB**

8.14 Policy NH6 of PPS 2 states that planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met:

- a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
- b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and
- c) the proposal respects:
  - local architectural styles and patterns;

- traditional boundary details, by retaining features such as hedges, walls, trees and gates; and
- local materials, design and colour.

8.15 Policy DES2 of PSRNI requires development proposal in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials.

8.16 Many of the issues raised within policy NH6 have been discussed above at paragraphs 8.8 to 8.12 in relation to the design and scale of the building. The proposed building is not of a significantly greater scale than the temporary building which it seeks to replace. The building is sited on a similar footprint to the existing building which is set back from the road which will ensure that the building is not visually prominent within the vicinity of the application site and will maintain the building line established to the north of the site. The siting of the building also preserves the setting and appearance of the listed thatched cottage to the south of the application site, and also makes reference to the character and appearance of this listed building through the use of materials and building form found on the listed building. The siting and scale of the proposal is sympathetic to the special character of the AONB in general and the immediate locality. Given the siting of the building back from the roadside, the single storey nature of the proposed building, and the reduced levels of the building below road level, the proposal will not result in an unduly prominent or conspicuous building in the landform. Views of the building will only be attainable for a short period when passing the site frontage on approach from the south and in close proximity to the site passing the Drumavally housing development on approach from the north. The proposal therefore will not have a detrimental impact in the streetscape along Sea Coast Rd as it respects the character of the area as per the requirements of Policy DES2 of the Planning Strategy for Rural Northern Ireland.

### **Impact on Lough Foyle SPA/Ramsar/ASSI**

8.17 Planning Policy Statement 2, Natural Heritage details the policy considerations when assessing development proposals within locally and internationally designated sites.

8.18 Policy NH1 applies to development proposals within internationally designated sites such as RAMSARs and SACs. The policy states that



planning permission will only be granted for a development proposal that is not likely to have a significant impact on the designated site.

- 8.19 Policy NH3 applies to national sites of nature conservation importance. The Policy states that planning permission will only be granted for a development proposal that is not likely to have an adverse effect on the integrity, including the value of the site to the habitat network or special interest of an Area of Special Scientific Interest, a Nature Reserve, a National Nature Reserve or a Marine Nature Reserve.
- 8.20 The proposed site is located 1.5km east of Lough Foyle SPA, Ramsar and ASSI and is hydrologically linked to the designated sites by watercourses from the proposed site. As the applicant and competent authority, Causeway Coast and Glens Borough Council were required to carry out a Habitats Regulations Assessment as required in accordance with Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (NI) 1995 (as amended), to assess the potential impact of the proposal on the designated sites.
- 8.21 The Habitats Regulations Assessment was submitted 9<sup>th</sup> February 2018 and Shared Environmental Services and DAERA Natural Environment Division were consulted to review the findings of the Assessment on behalf of the Council. Having considered the nature, scale, timing, duration and location of the project it has been concluded that, subject to compliance with mitigation by way of condition, the proposal would not have an adverse effect on the integrity of the European site. As such the proposal complies with the objective of the SPPS and PPS2.

### **Access**

- 8.22 The SPPS and Policy AMP 2 of PPS3 provides the Policy context for assessing a development proposal that includes access to a public road. The access must not prejudice road safety or significantly inconvenience the flow of traffic or conflict with Policy AMP3, Access to Protected Routes.
- 8.23 Access to the site will continue to use the existing access onto Seacoast Rd, which does not require any upgrading. The proposal will provide a new parking bay within the application site for visitor parking to accommodate nine vehicles. DFI Roads were consulted on the proposal and have no objections to the proposed development. Therefore the proposal complies with the relevant policies in that the proposed development will not prejudice road safety or significantly inconvenience the flow of traffic.

## 9.0 CONCLUSION

- 9.1 The development proposes the replacement of an existing community facility with a new purpose built structure. The proposed building has been designed in a sensitive manner to account for the site's location within the Binevenagh AONB and its proximity to a listed building, having regard to design features, siting, scale and massing etc. and is considered appropriate for the location. The proposal will not have any significant adverse impact on the natural environment or upon road safety and complies with policy. Approval is recommended.

## 10 CONDITIONS

### 10.1 Regulatory Conditions:

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 61 of the Planning Act (Northern Ireland) 2011.

2. There shall be no direct discharge of contaminated surface water from the site to the watercourse during construction. Prior to discharge to watercourses, any surface water generated during the construction and operation phases of the development must first pass through appropriate treatment, such as sediment traps and hydrocarbon interceptors.

Reason: To prevent polluting discharges entering and impacting on the site integrity of the Lough Foyle SPA/ Ramsar.

3. All refuelling, storage of oil/fuel/machinery, concrete mixing and washing shall be positioned outside of the Q100 floodplain, as identified within the Flood Risk Assessment figure 3.1.

Reason: To prevent pollutants and contaminants entering and impacting on the site integrity of the Lough Foyle SPA/ RAMSAR during a flood event.

4. If, during the proposed development, any ground contamination is encountered then all works on the site shall cease. Causeway Coast and Glens Borough Council Environmental Health Department 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 in consultation with the Environmental Health Department. 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.

5. Prior to the commencement of development a Construction Environmental Management Plan and finalised layout design including a site drainage plan shall be submitted to the competent authority for agreement in writing. The Construction Environmental Management Plan shall identify the perceived risks to the aquatic environment, potential pollution pathways and mitigation measures to negate such risks. It should include;
  - a) Construction Method Statement(s) - including details of construction and excavation;
  - b) Pollution Prevention Plan – including details of a suitable buffer of 10m between the location of refuelling, storage of oil/fuel/substrate/construction materials/machinery, concrete mixing and washing areas and any surface drain on site.
  - c) Site Drainage Plan; including details of Sustainable Drainage Systems (SuDS), foul waste disposal, surface water disposal/treatment and silt management measures;
  - d) Spoil Management Plan; including location of spoil storage areas outwith the 10m buffer zone;
  - e) Environmental Emergency Plan; including details of emergency spill procedures and regular inspections of machinery onsite;
  - f) Water Quality Monitoring Plan;
  - g) Details of the appointment of an Ecological Clerk of Works (ECoW), detailing their roles and responsibilities.

## 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 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. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

All construction plant and materials shall be stored within the curtilage of the site.

It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

4. Under the terms of Schedule 6 of the Drainage (Northern Ireland) Order 1973 the applicant must submit to DfI Rivers, for its consent for any proposal to carry out works which might affect a watercourse such as culverting, bridging, diversion, building adjacent to or discharge of storm water etc. Failure to obtain such consent prior to carrying out such proposals is an offence under the aforementioned Order which may lead to prosecution or statutory action as provided for.
5. Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.
6. Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the

written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

7. Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.
8. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.
9. Demolition/Construction Noise Impact

BS 5228: 1997 in relation to construction activities states,

“Noise and vibration can be the cause of serious disturbance and inconvenience to anyone exposed to it and in certain circumstances noise and vibration can be a hazard to health.”

Therefore, Causeway Coast and Glens Borough Council’s Environmental Health Department would request that the following informative be attached to any Planning Permission granted:

“Noise from construction activities should –

(a) not exceed 75 dB LAeq, 1hr between 07.00 hours and 19.00 hours on Monday to Fridays, or 75 dB LAeq, 1hr between 08.00 hours and 13.00 on Saturdays, when measured at any point 1 metre from any façade of any residential accommodation, and

(b) not exceed 65 dB LAeq, 1hr between 19.00 hours and 22.00 hours on Monday to Fridays, or 13.00 hours to 22.00 hours on Saturdays when measured at any point 1 metre from any façade of any residential accommodation, and

(c) not be audible between 22.00 hours and 07.00 hours on Monday to Fridays, before 08.00 hours or after 22:00 hours on Saturdays, or at any time on Sundays, at the boundary of any residential accommodation. (As a guide the total level (ambient plus construction) shall not exceed the pre-construction ambient level by more than 1 dB(A). This will not allow substantial noise producing construction activities but other “quiet” activities may be possible). Routine construction and demolition work which is likely to produce noise sufficient to cause annoyance will not normally be permitted between 22.00 hours and 07.00 hours.”

### Noise from Plant & Equipment

The applicant shall ensure that all plant and equipment used in connection with the proposal are so situated, operated and maintained as to prevent the transmission of noise and odour to surrounding sensitive receptors.

### Radon

The applicant should be aware that an updated Atlas of Radon Affected Areas in NI has been published in August 2015, via Public Health England. A radon affected area is defined as 1% probability or higher of present or future homes above the action level – 200Bq/m<sup>3</sup> (annual average radon concentration). The applicant is strongly recommended to access the updated atlas at: <http://www.ukradon.org/information/ukmaps> and <https://www.gov.uk/government/publications/radon-indicative-atlas-for-northern-ireland>.

Further information regarding radon (How it affects you and Guidance with respect to what mitigation measures will be required to safeguard health) can be accessed from the Causeway Coast and Glens Borough Council website Health and Built Environment Department – Environmental Protection/Building Control sections accessed at: <https://www.causewaycoastandglens.gov.uk/live/health-and-built-environment/environment-health-and-well-being/environmental-protection>”.

\*Building Regulations (NI) 2012 Guidance Technical Booklet C “Site Preparation and Resistance to Contaminants and Moisture,

October 2012 : Section 3 provides further information on the level of protection required and directs to the Building Research Establishment (BRE Reports) which provide detailed guidance on protective measures relevant to new dwellings in NI).

Technical Booklet C can be accessed at:  
<http://www.buildingcontrol-ni.com/regulations/technical-booklets>

Note :The guidance in BR211 applies to all new buildings, extensions, conversions and refurbishment for domestic or non-domestic use (unless subject to local exemptions contained within the above Regulations).

The current 2015 edition of BR211 covers the whole of the UK and replaces three earlier guidance documents:

- BRE Report BR211 Radon: guidance on protective measures for new buildings – originally introduced in 1991 and amended in 1992, 1999 and 2007 covering England and Wales.
- BRE Report BR376 Radon: guidance on protective measures for new dwellings in Scotland – introduced in 1999. (Please note that whilst this guide has been superseded it is still referred to in Scottish Technical Handbook guidance.)
- BRE Report BR413 Radon: guidance on protective measures for new dwellings in Northern Ireland – introduced in 2001. (Please note that whilst this guide has been superseded it is still cited for Building Regulations purposes)

BR211 (2015) includes guidance for all building types including extensions, conversions and refurbishment. The report identifies the areas of England, Wales, Scotland and Northern Ireland where measures should be taken to provide protection against radon and offers extensive guidance on the technical solutions that are required to satisfy Building Regulations requirements.

10. The applicant should also be aware that it is an offence under section 41 of the Foyle Fisheries Act (1952) to cause pollution which is detrimental to fisheries interests.
11. 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.

Site location

