

Item B

**Kevin Lynch Hurling Park
Off Curragh Road
Dungiven**

**B/2015/0045/F
Full Application**

23rd September 2015

<u>No:</u>	B/2015/0045/F	<u>Ward:</u> Upper Glenshane
<u>App Type:</u>	Full Application	
<u>Address:</u>	Kevin Lynch Hurling Park, Off Curragh Road, Dungiven	
<u>Proposal:</u>	Removal of words `new footpath link` from condition 2 of approved decision ref B/2009/0386/F	
<u>Officer:</u>	Martin McErlain ext: 7182	
<u>Con Area:</u>	N/A	<u>Valid Date:</u> 4 th March 2015
<u>Listed Building Grade:</u>	N/A	
<u>Agent:</u>	C McIlvar, Chartered Planning Consultants, 89 Main Street, Garvagh, BT51 5AB	
<u>Applicant:</u>	Kevin Lynch Hurling Club	
<u>Objections:</u> 0	<u>Petitions of Objection:</u>	0
<u>Support:</u> 0	<u>Petitions of Support:</u>	0

Drawings and additional information 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 & 8 and resolves to **REFUSE** full planning permission as set out in section 10.

2 SITE LOCATION & DESCRIPTION & CHARACTER OF AREA

- 2.1 The site relates to the provision of a footpath link from the existing Kevin Lynch Hurling Club facilities to the settlement limit of Dungiven Town. The footpath is to run alongside the road from the access to the playing field to meet with the current footpath infrastructure within the town, the footpath link is to be approximately 180 metres in length. Currently the line of the footpath will run along the grass verge and open sheugh/watercourse, which would require culverting. To the

rear of the required footpath is a mature hedgerow, approximately 3 - 3.5 metres in height, which runs along the boundary of the roadside agricultural field which separates the site from the settlement. The existing facilities, which include a GAA pitch and changing rooms are sited approximately 160 metres back from the road and are accessed via an existing concrete lane.

- 2.2 The site is located within the rural area approximately 180 metres outside the development limit of Dungiven Town. The surrounding area is predominately rural in character with the playing fields surrounded by agricultural land. To the north of the access to the site there is a large industrial works which accesses onto both the Curragh Road and Hass Road. There is also a recently constructed wind turbine at this location.

3 RELEVANT HISTORY

B/2001/0264/F - Change of Use from agricultural land to training pitch and parking area for ball sports – Approved 26.11.2001

B/2005/0049/F - Erection of changing facilities and club house – Approved 14.09.2006

B/2009/0386/F - Erection of Clubhouse/changing rooms (Amendment to previously approved building under B/2005/0049/F) – Approved 03.12.2009

4 THE APPLICATION

- 4.1 Both the 2001 and 2005 applications (refer to para 3) were approved subject to a negative condition ensuring that the development would not be operational until natural roadside banking and native species hedgerow have been reinstated behind the required sight visibility splays and the new footpath. Construction details of the footpath were included on the stamped approved drawings. The 2009 planning approval was also subject to a negative condition which stated that the vehicle access, including visibility splays, forward sight distance and new footpath link shall be provided in accordance with Drawing No 01 revision 1 bearing the date stamp 25th November 2009 prior to the commencement of any other works or other development hereby permitted.

- 4.2 The current application seeks the removal of the words `new footpath link` from the aforementioned condition no. 2 of planning approval B/2009/0386/F

5 PUBLICITY & CONSULTATIONS

External:

- 5.1 **Neighbours:** No objections

Internal:

- 5.2 **NIEA NH:** No archaeological objection

Transport NI: Recommend refusal of application

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 3 Access, Movement and Parking

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 The main considerations in the determination of this full application for the removal of words “new footpath link” from condition 2 of B/2009/0386/F are the, consistency of transport, road and pedestrian safety and visual impact.
- 8.3 The proposal seeks the removal of the reference to the installation of a footpath link from condition 2 of planning approval B/2009/0386/F. The applicant’s case in support of the removal of the reference to the footpath is that the footpath is not justified and is contrary to a number of current planning policies. The main argument is that the proposed footpath would have a detrimental impact on the character and appearance of the rural area and would mar the distinction between the defined limit of Dungiven Town and the open countryside. The secondary argument is that the footpath is unjustified as there are very little club members who walk to the pitch from the town and the surrounding area because parents are inclined to drive their children to ensure safe travel and because of the amount of kit required to be carried by each player. The club feel that it is unfair to have to install a footpath which would be used by pedestrians not coming or going to the pitch but rather walking recreationally along Curragh Road.
- 8.4 The agent also states that the requirement for the footpath was not conditioned within the B/2001/0264/F or the B/2005/0049/F applications, and that it was only as part of the B/2009/0386/F approval that the requirement for the footpath was conditioned.

- 8.5 The case put forward by the applicant does not justify setting aside matters of road and pedestrian safety.

Consistency of Transportni

- 8.6 As detailed in paras 3 and 4, the construction details of the footpath were included in the stamped approved drawings in all of the 2001, 2005 and 2009 applications.
- 8.7 In addition Condition No. 7 of B/2001/0264/F states that - The development hereby permitted shall not become operational until the existing natural roadside banking and native species hedgerow have been reinstated behind the required sight visibility splays and new footpath. The same condition is reiterated at Condition No. 5 of B/2005/0049/F.
- 8.8 As such, it is evident from the stamped approved drawings of the planning history that the provision of the footpath has always been a requirement of the planning approval for the original training pitch and then the changing facility and clubhouse. In addition, Roads Service/Transportni have been consistent in their approach to the site and its proposed use since 2001 by requesting the installation of the footpath in order to ensure the safe movement of people to and from the facility along Curragh Road.

Road and Pedestrian Safety

- 8.9 No substantive evidence has been put forward to prove that no pedestrians walk to the pitch as asserted by the applicant. The submission provided by the agent only refers to children and does not analyse adults or spectators. PPS 3 requires an assessment of road safety and states that planning permission will only be granted for development onto a public road where such access will not prejudice road safety or significantly inconvenience the flow of traffic. Given the proximity of the club to Dungiven Town, a mere 180m, the footpath link is a necessary part of providing a safe means of access which will provide users with a choice as to the mode of transport to this facility. It is government policy to have a safe method of transport and Transportni have advised that a use which has the level of intensification of use such as playing fields and

clubrooms requires a footpath to be installed. Transportni have also highlighted that a number of requests have been received over the years from councillors and the local school calling for the instalment of the footpath which highlights further the local need for the path to be provided.

Visual Impact

- 8.10 The provision of the footpath would result in the existing grass verge and watercourse being culverted and replaced with tarmac/kerbing but the existing mature hedgerow to the rear of the footpath would be retained. This would ensure that there is no significant visual impact on approaches along the public road. The retention of the hedge will maintain the rural character and appearance to the area, and will maintain the screening of views towards the GAA pitch from Curragh Road. The agent in their submission outlines that the provision of a footpath along this stretch of road would mar the distinction between the settlement limit and the open countryside and would therefore be contrary to CTY 15. It is the opinion of the Planning Authority that the footpath will not have any significant visual impact or urbanising effect on this area and would not mar the very distinct difference/change between the open countryside and the settlement of Dungiven.

9 CONCLUSION

- 9.1 On balance, the GAA pitch and clubrooms were approved on the basis that a footpath was necessary for the safe movement of pedestrians to and from the facility along the Curragh Road from the settlement of Dungiven. Planning and TransportNI have been consistent in terms of their approach to this matter in terms of planning conditions and details included on the stamped approved drawings. The requirement to provide the footpath prior to the commencement of other works would have been clear to the applicant and the applicant would have been free to appeal the conditions attached to the previous planning approvals especially the 2009 application but chose not to do so. In terms of visual impact, the proposed footpath would not have any significant detrimental impact on the area and would not mar the distinction between the open countryside and the town limits. When assessing the proposal the safety of pedestrians using the facility must outweigh the limited visual

impact of the footpath. The case brought forward by the applicant does not justify setting aside the existing policy and matters of prime importance such as road and pedestrian safety. The proposal is unacceptable and refusal is recommended.

10 REFUSAL REASON

10.1: The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted prejudice the safety and convenience of road users since a suitable footway link is not available to the site from the existing footpath network on Curragh Road.