

**Derry City and Strabane District Council Planning Committee Report**

COMMITTEE DATE:	17 <sup>th</sup> June 2020
APPLICATION No:	LA11/2020/0159/F
DATE OF APPLICATION:	20 <sup>th</sup> February 2020
APPLICATION TYPE:	Full Planning Application
PROPOSAL:	Erection of an 8m high ballstop fence between the existing grass pitch and juxtaposed car park.
LOCATION:	The proposed development is located within the grounds of Newbuildings Community and Environmental Association, 4 Duncastle Road, Newbuildings.
APPLICANT:	Derry City and Strabane District Council
AGENT:	
ADVERTISEMENT:	5 <sup>th</sup> March 2020
STATUTORY EXPIRY:	19 <sup>th</sup> March 2020
RECOMMENDATION:	Approval

REASON FOR PRESENTATION TO COMMITTEE: Council Application

All planning application forms, drawings, letters etc. relating to this planning application are available to view on [www.planningni.gov.uk](http://www.planningni.gov.uk)

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**1. Description of Proposed Development**

The proposal is for the provision of an 8m high ballstop to be located at the edge of the existing concrete path along the north western end of the pitch behind the existing goals.

**2. EIA Determination**

This application has been screened by Council and as the development does not meet any thresholds, as set down in The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017, an EIA determination is not required.

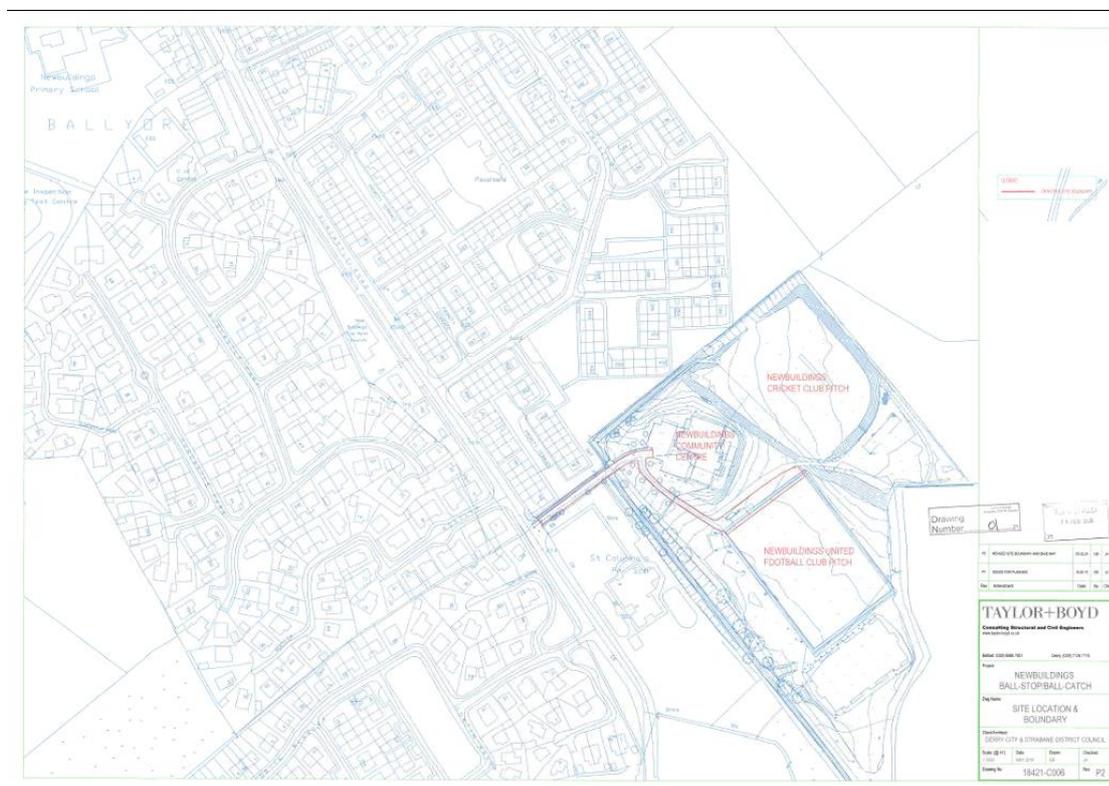
### 3. HRA Carried Out: No

There is no watercourse directly abutting this site therefore, it is unlikely that there will any adverse effects from development works on integrity of any National or European site. There are no trees or landscape features on this site which will be impacted by this proposal. Therefore, it is unlikely that this proposal will adversely affect a priority species or their habitat which is afforded protection.

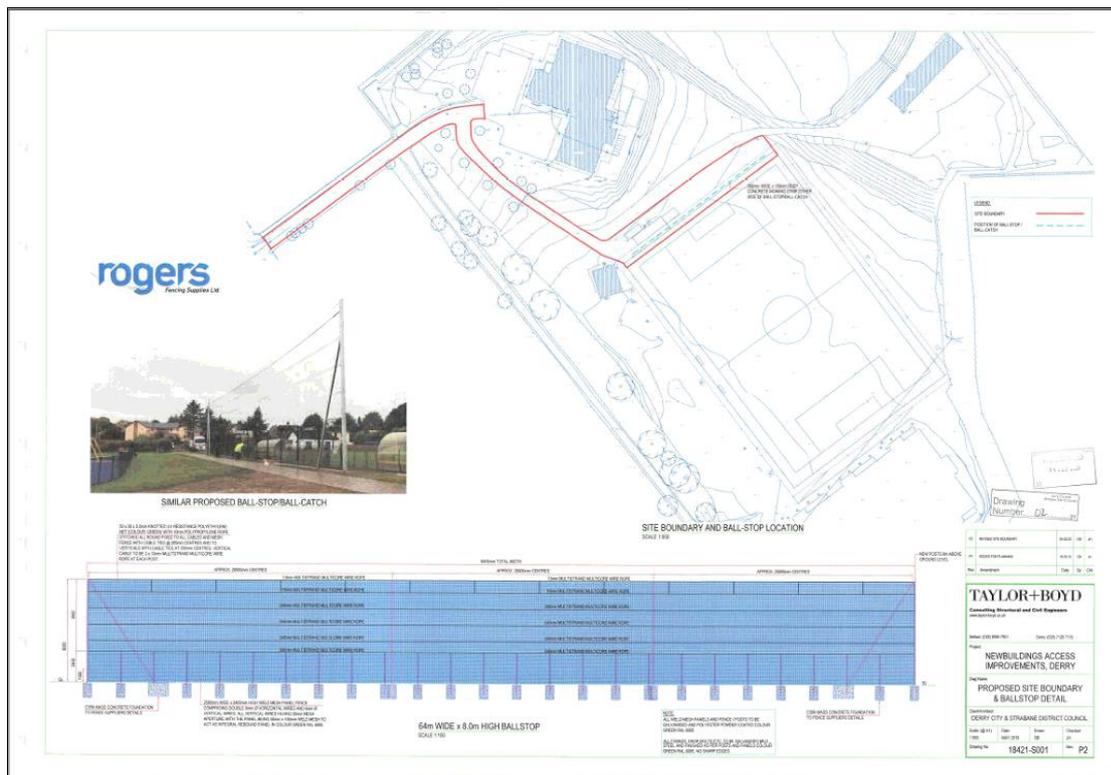
### 4. Site and Surrounding Area

The site is located within the development limits of Newbuildings as set out in Map SE 5 of the Derry Area Plan 2011. The site, as outlined in red, includes the existing access into a community centre, other areas included within the application site are level areas of incidental open space adjacent to a grassed football pitch which is surrounded by a 1.0m high fence. The south-western boundary abuts an old railway line and consists of a 4.0m high embankment topped with 6-10.0m high trees. The other boundaries with the remainder of the community centre grounds are undefined on the ground.

#### 4.1. Site maps



4.2 Plans and photos



Drawing No 02 – proposed site boundary and ballstop detail



Photo 1 looking along the boundary of the pitch from the western corner of the pitch



Photo 2 looking along the boundary of the pitch from the northern corner of the pitch

## 5. Site Constraints

Loughs Agency Consultation Zone- No Issues.

Archaeological site and monument – Holy Well LDY022:032

## 6. Neighbour Notification Report

### Neighbours Notified

Neighbour Address	Date Neighbour Notified
1 Rosslea New Buildings Londonderry BT47 2AQ	02/03/2020
236 Primity Crescent New Buildings Londonderry BT47 2RA	02/03/2020
4 Duncastle Road, New Buildings, Londonderry, BT47 2QS	02/03/2020
54 Gortin Manor New Buildings Londonderry BT47 2TF	02/03/2020
56 Primity Terrace, New Buildings, Londonderry, BT47 2QX	02/03/2020
St Columbas Primary School 2 Duncastle Road New Buildings Londonderry BT47 2QS	02/03/2020

**7. Relevant Site History**

- A/1998/0792 – Erection of village community Centre - APPROVED
- A2000/0020 – Amendments to access at new community centre – PERMITTED DEVELOPMENT
- A/2004/0459/F – Proposed turf Football Pitch to be enclosed by a 1.2 metre mesh wire fence and the provision of 6 no floodlights (14 metres in height) - APPROVED
- A/2006/1209/F – Installation of prefabricated two team sports changing pavilion - APPROVED
- A/2013/0253/F – Provision of a 3G floodlit multi use games area and perimeter fencing- floodlight column heights 12m high - APPROVED
- LA11/2015/0459/F – Erection of community building and changing facilities for existing football pitch with spectator seating, additional car parking spaces and associated ground works - APPROVED
- LA11/2016/0940/F – Proposed cricket club pavilion with associated ground works & car parking spaces - APPROVED
- LA11/2019/0892/NMC – Erection of an 8m high fence between the pitch and proposed car park - REFUSED

**8. Policy Framework**

Derry Area Plan (2011)

Strategic Planning Policy Statements for Northern Ireland

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

**9. Representations**

No letters of objection or support received.

**10. Planning Assessment, including Other Material Considerations**

The application site is located within the development limits of Newbuildings as defined within the Derry Area Plan 2011. The area plan contains policy in respect of lands zoned for open space and recreation.

The SPPS is a material consideration and is the context by which planning applications will be assessed and determined. Para.2.3 - states that the planning system operates in the public interest of local communities. The basic question is whether the proposal would unacceptably affect amenities of owners or occupiers of neighbouring properties and the existing use of the land and buildings that ought to be protected in the public interest. Para 5.72 relates to the refusal of planning permission. Sustainable development should be permitted having regard to the local development plan and all other material considerations unless the proposal will cause demonstrable harm to interests of acknowledged importance.

The SPPS introduces transitional arrangements which will operate until the Council's Plan Strategy has been adopted. During this period planning authorities will apply the existing policy (contained in the PPS's, referred to as the retained policy) together with the SPPS. Any conflict between the SPPS and the retained policy must be resolved in favour of the SPPS. The SPPS contains a specific policy in respect of open space, sport and outdoor recreation. Where it is the case that the SPPS is silent or less prescriptive on a particular planning policy matter than retained policies this should not be judged to lessen the weight to be afforded to the retained policy.

Consideration of the requirement of PPS8 and SPPS raises no conflict in respect of this proposal. The Area Plan, SPPS and PPS8 operate a policy presumption against the loss of open space. Whilst the site is on unzoned white land in the DAP 2011, it is adjacent to an existing area of open space and recreation, therefore Policy R1 Protection of Zoned Recreation and Open space applies. However as the structure is not removing any of the existing open space or recreation area, the proposal is not contrary to PPS 8 in any way.

Policy R1 of DAP 2011, requires that proposals for built development in areas of zoned recreation and open space will only be permitted where the development is related to the existing use. The provision of ball stop nets at the existing playing pitch can reasonably be taken to relate to the existing use. Other planning policy matters to be considered include impact on residential amenity, design and accessibility, nature conservation and archaeological heritage.

- Residential amenity:

The site is already developed as sporting facilities with a full sized grass football pitch. In respect of the use of the site, it is considered that any disturbance due to noise impacting on nearby residential properties would not be substantially increased by the provision of the proposed ball stop nets.

- Design and accessibility:

The proposed ball stop nets are 64m wide and 8m high and a degree of visual intrusion is unavoidable. However there is a considerable separation distance between this net and any of the residential properties to the north and northwest and the topography of the land also helps. The net will not cause any visual intrusion to residential amenity. To the west of the site is a local primary school which sits on land much lower than this site and with the dense vegetation between the two sites there is no visual intrusion or loss of amenity due to the ballstop.

- Access:

Access to the pitch by any patron is not impeded by the provision of the ball stop nets. Access to the site is along the existing laneway to the north west and these access points remain.

- Nature conservation and archaeological heritage

In respect of nature conservation and archaeological heritage, the proposal is not anticipated to cause detriment. The ball stop net is unlikely to impact protected species and is not located in an area of protected habitat. The site is in an area of archaeological constraint and Historic Environment Division (HED) have been consulted. HED has assessed the application and is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

The proposal accords with the policy framework outlined in SPPS, DAP 2011 and PPS 8 and accordingly approval is recommended.

### **11. Conclusion and Recommendation**

Policy provision of the Area Plan, SPPS and PPS8 is met as the proposal does not result in a loss of existing zoned open space; it is not anticipated to cause detriment to residential amenity or visual amenity; it will not prevent access to the open space and natural heritage and archaeological interests are no harmed by the proposal.

Approval is therefore recommended subject to conditions below.

### **12. Conditions**

1. As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

REASON: Time Limit.

2. Subject to the above condition, the development shall be carried out in accordance with the stamped approved Drawing Numbers 01 and 02 bearing the date stamp 14 February 2020.

REASON: To ensure the development is carried out in accordance with the approved plans.