



<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2021/0563/F</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>24<sup>th</sup> November 2021</b>
<b>For Decision or For Information</b>	<b>For Decision</b>

<b>Linkage to Council Strategy (2021-25)</b>	
Strategic Theme	Cohesive Leadership
Outcome	Council has agreed policies and procedures and decision making is consistent with them
Lead Officer	Senior Planning Officer

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

<b>Screening Requirements</b>	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:

**No: LA01/2021/0563/F      Ward: Ballykelly**

**App Type: Full**

**Address: Council Multi-Use Games Area (M.U.G.A.)  
Playing Fields behind 171 Kings Lane, Ballykelly**

**Proposal: Installation of 6no. 8m Floodlighting Columns to illuminate the existing M.U.G.A along with 6no. 5.2m Pathway Lighting Columns**

**Con Area: N/A      Valid Date: 10/05/2021**

**Listed Building Grade: N/A**

**Agent: Cogan and Shackleton LLP (10 New Row, Coleraine, BT52 1AF)**

**Applicant: Causeway Coast & Glens Borough Council (Riada House, 14 Charles Street, Ballymoney)**

**Objections: 0      Petitions of Objection: 0**

**Support: 0      Petitions of Support: 0**

## **EXECUTIVE SUMMARY**

- Full planning permission is sought for the installation of 6 no. 8m floodlighting columns to illuminate the existing M.U.G.A. along with 6 no. 5.2m pathway lighting columns.
- The site is located within the development limit of Ballykelly as defined in the Northern Area Plan 2016.
- The 8m floodlighting columns will be located at 13m intervals around the perimeter of the playing field. The 5.2m lighting columns are positioned at 18m intervals along the pathway leading from King's Lane to the playing field.
- The proposal complies with all relevant planning policies including the Northern Area Plan, SPPS, and PPS 8.
- When assessed against policy OS 7, it is decided that there will be no unacceptable impact on the amenities of people living nearby, there will be no adverse impact on the visual amenity or character of the locality and the proposal will not prejudice public safety.
- No objections were received for this proposal.
- Consultations were issued to the following consultees and no objections were raised:
  - Environmental Health
  - DfI Roads.
- Approval is recommended.

Drawings and additional information are available to view on the Planning Portal- <http://epicpublic.planningni.gov.uk/publicaccess/>

## 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, guidance, and consideration in sections 7 and 8 and resolves to **APPROVE** planning permission subject to the conditions set out in section 10.

## 2 SITE LOCATION & DESCRIPTION

- 2.1 The site is located to the south of Kings Lane, between Nos 74 & 171 Kings Lane, Ballykelly towards the edge of the settlement limit of Ballykelly. The land is currently an area of open space with pitches and goal posts and a MUGA (Multi Use Games Area). The site is accessed via an entrance gate between the 2 properties with the MUGA located towards the SE corner of the playing fields. There is an outbuilding sited further east of the MUGA towards and next to the eastern boundary. The MUGA is contained to separate it from the playing fields, with access into the MUGA from the north east of the site.
- 2.2 The area is rural to the south and east as this land is mostly outside the settlement limit. To the north and west are residential dwellings which lie within the Ballykelly settlement limit. These are predominately semi-detached dwellings with some detached and terraced housing.
- 2.3 The site is located within the settlement development limits for Ballykelly. The MUGA and the wider area around it are designated as a Major Area of Existing Open Space within the Northern Area Plan 2016

## 3. RELEVANT HISTORY

There is no relevant planning history.

## 4. THE APPLICATION

- 4.1 Full planning permission is sought for the installation of 6no. 8m Floodlighting Columns to illuminate the existing M.U.G.A along with 6no. 5.2m Pathway Lighting Columns at the Council M.U.G.A, Ballykelly.

## **Habitats Regulation Assessment**

- 4.2 The potential impact 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 Proposal would not be likely to have a significant effect on the Features, conservation objectives or status of any of these sites.

## **5. PUBLICITY & CONSULTATIONS**

### **5.1 External**

- There are no letters of objection or letters of support received on this application.

### **5.2 Internal**

- **DfI Roads** has been consulted and it raises no objections to the proposal.
- **Environmental Health** has been consulted and it raises no objections to the proposal.

## **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:
- The 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. RELEVANT POLICIES & GUIDANCE**

The Northern Area Plan 2016

The Strategic Planning Policy Statement (SPPS)

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

## **8. CONSIDERATIONS & ASSESSMENT**

- 8.1 The main considerations in the determination of this application relate to the principle of the development, and traffic matters.

### **Planning Policy**

- 8.2 The proposal must be considered in line with the SPPS, PPS policy documents and the supplementary planning guidance specified above.
- 8.3 The SPPS promotes sustainable development throughout the planning system. The guiding principle for planning authorities is that sustainable development should be permitted, having regards to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

## Principle of Development

- 8.4 The site is located within the settlement development limits of Ballykelly and is a major area of open space. The proposal seeks to erect a number of floodlights on an existing MUGA area and slightly lower pathway columns along an existing path.
- 8.5 There are no policies within the Northern Area Plan that relate to this *Major Area of Open Space* designation, and is therefore considered under Regional Policy. The SPPS highlights the need to consider residential amenity and floodlighting. With regard to the siting of intensive sport facilities the SPPS advises on page 87, that by their very nature and scale can give rise to particularly complex planning considerations such as impact on amenity. The SPPS advises careful consideration of impact on residential amenity:

*‘Planning authorities should carefully consider development proposals for all sport and outdoor recreational activities, including facilities ancillary to water sports. Relevant planning considerations will include: location, design, hours of operation, noise, impact upon visual and residential amenity, access and links to public transport; floodlighting; landscaping, public safety (including road safety); nature conservation, biodiversity, archaeology or built heritage.’* (Para 6.213, pg. 89, SPPS)

- 8.6 Planning policy, PPS 8 Open Space, Sport and Outdoor Recreation, is the primary policy consideration. As the proposal relates to lighting, and will not affect the current recreational use, there is no conflict with Policy OS 1 of PPS 8 regarding the protection of open space.
- 8.7 There are 12 lighting columns in total; 6no. 8m floodlights to illuminate the existing M.U.G.A, along with 6no. 5.2m lighting columns to light the pathway. Policy OS 7 – The Floodlighting of sports and recreational facilities (PPS 8) is the relevant policy context to assess such lighting. In this instance the pathway lighting columns have been assessed against the same considerations as floodlights due to the similar purpose of lighting an area. The policy sets out three criteria for the development of floodlighting which must be met:
- (i) there is no unacceptable impact on the amenities of people living nearby;
  - (ii) there is no adverse impact on the visual amenity or character of the locality; and

(iii) public safety is not prejudiced.

- 8.8 Criterion (i) of Policy OS7 requires that there is no unacceptable impact on the amenities of people living nearby. Policy goes on to advise that care must be taken to ensure that floodlighting will not cause unacceptable harm to amenity and where floodlighting is proposed to an existing facility, a number of issues need to be considered. This includes the potential for increased use of the facility, light pollution and increased traffic and noise generation. Such issues are particularly relevant where the proposed floodlighting is close to residential properties. (Para 5.52, pg. 35). Drawing No. 04 floodlighting installation with isolines shows the resultant light levels. The document has considered 142W LED lighting on the 8m columns (A) and 27W LED lighting on the pathway columns (B). The closest dwellings to the playing fields have been identified on the drawing, namely 171 and 74 Kings Lane Ballykelly. The isolines predict that light levels at these dwellings will be in the region of 0.1 – 1.0 lux.
- 8.9 With reference to the Institute of Lighting Professionals Guidance on the Reduction of obtrusive Light this area would be classed as E2 (LOW distance brightness, sparsely inhabited rural areas, village or relatively dark outer suburban locations). Lighting schemes in an E2 zone should not create lighting levels of more than 5lux pre-curfew (up to 11pm) and 1lux post-curfew (after 11pm). There is no objection from Environmental Health regarding criterion (a) and it will not exacerbate noise or increase use to an unacceptable level given the current use as playing fields/MUGA. In this instance, as the target light levels are met, the proposal complies with criterion (a).
- 8.10 In considering this Policy context, the Planning Department is also satisfied that Criteria (ii) & (iii) are met as the proposal will not have an adverse impact on the visual amenity or character of the locality as this is an existing area of open space and the MUGA is sited in the SE corner where views are more limited. Public safety will not be prejudiced, and the pathway columns will increase safety when using this path. As all three criteria are met, the proposal complies with Policy OS7 of PPS 8.

### **Traffic Matters**

- 8.11 DfI Roads was consulted as the competent authority on road matters and has no objections to the proposal.



## **9. CONCLUSION**

- 9.1 The proposal is acceptable in this location having regard to the Northern Area Plan 2016 and other material considerations including the SPPS and PPS 8. The proposal is not considered to cause any unacceptable impact on the amenities of people living nearby. It is concluded that there will be no adverse impact on the visual amenity or character of the locality and public safety will not be prejudiced. Approval is recommended.

## **10. 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 The light levels from the floodlighting to be installed shall not exceed 5 lux pre curfew (up to 11pm) and 1lux post curfew (after 11pm) at the closest residential receptors, as shown on Drawing No. 04 Date Stamped received 07<sup>th</sup> May 2021.

Reason: To protect residential amenity

3. Within 12 months of the proposed lighting becoming operational, a post verification assessment during hours of darkness and when the lights are in operation, shall be undertaken by a competent person to verify that light levels do not exceed those stipulated in Condition 2 at the closest residential receptors as shown on Drawing No. 04 Date Stamped received 07<sup>th</sup> May 2021.

Reason: To protect residential amenity

### **Informatives**

1. 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.

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. 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.

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 at <http://epicpublic.planningni.gov.uk/publicaccess/>.

# Site location Map

