



Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: M/2015/0113/O	Target Date: <add date>
Proposal: Proposed dwelling and domestic garage	Location: Site adjacent to 38 Moghan Road Castlecaulfield Dungannon
Applicant Name and Address: Dr Patrick McKenna 2 Carrnagh Bridge Road Dungannon BT71 6EY	Agent name and Address: McKeown and Shields 1 Annagher Road Coalisland BT71 4NE
Summary of Issues: No consultee objections and no third party representations received. The proposal does not meet policy CTY10 – Dwelling on a Farm or CTY6 – Personal & Domestic Circumstances	
Summary of Consultee Responses: Roads – approve with conditions Environmental Health – close to a wind turbine, however other sensitive development closer and there when turbine was approved Department of Agriculture – active and established farm	
Characteristics of the Site and Area: The roadside boundary of the property is roadside verge approx. 1m wide, with a small drainage channel running along it. There are 2m high ‘wind’ bushes running along the northern boundary of the site. The south western boundary of the application site is defined by small trees approx. 5-6m high. The south eastern boundary of the site is defined by 1 – 1.5m high fir hedge (domestic) belonging to the adjacent dwelling to the south. There is a rising land mass (moderately) from roadside towards the south west. The current land use is agricultural grazing land.	

The area has moderate development pressure as is evident by the number of relatively recent dwellings constructed along this road at roadside further north. In saying that it retains all the essential characteristics of a rural agricultural area.



Description of Proposal

Proposed dwelling and domestic garage

Deferred Consideration:

Members are advised this application was before them in March 2016 and following a meeting with the Planning Manager and submission of additional information it has been further considered.

The issue in this case is the siting of the dwelling as it is accepted this proposal is for a dwelling on a farm which is 1). currently active and established and 2) there have not been any sites granted on the holding or sold off from it since November 2008. The proposed site is not beside a group of buildings on a farm and it has not been demonstrated that a dwelling could not be sited beside an existing group of buildings on the farm. Instead there are personal and domestic circumstances being put forward for consideration for the proposed occupier, which I do not consider in their own right would justify a dwelling in the countryside. Members will be fully appraised of these circumstances, in committee, at the planning meeting.

It is clear the proposal does not fit entirely within the policy for a dwelling on the farm and the special and domestic circumstances are not, in my opinion, so compelling and site specific as to warrant a new dwelling. However, given that the policy would in principle allow a dwelling on another part of the farm, I would have sympathy in this case and I consider the special circumstances being presented are a material factor that must be given some weight in the determination of this application. I consider members could make an exception in these case and grant permission on this site for a dwelling, with the understanding that Dr McKenna will not be able seek permission under the farm business for 10 years, under the current policy context. In principle, therefore I consider that a dwelling could be permitted on this site.

The site itself has existing buildings to the south and mature vegetation on the north and west boundaries as well as along the east boundary with the road. Access requirements will dictate some of the roadside hedge is removed, however an access in the NE corner of the site will reduce the amount of vegetation to be removed from the frontage. In my view, this site will be capable of satisfactorily integrating a single storey, modestly sized dwelling in the south west corner where it reads with the existing buildings and benefits from mature vegetation to its rear. I consider a dwelling in this position would be sufficiently removed from the existing dwellings to prevent overlooking and as it is on the north side of these, will not have any significant impacts due to overshadowing.

A wind turbine has been erected to the NW of the application site and following consultation with Environmental Health, there are no concerns about the impacts of the turbine on the development as there is other approved and occupied dwellings closer to the turbine.

Conditions:

1. As required by Section 62 of the Planning Act (Northern Ireland) 2011, application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: Time Limit
2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called ""the reserved

matters""), shall be obtained from the Council, in writing, before any development is commenced.

Reason: To enable the Council to consider in detail the proposed development of the site.

3. The proposed dwelling shall exhibit the traditional elements of rural design, particularly in form, proportion and finishes, as set out in the Department of Environment's Sustainable design guide for the Northern Ireland countryside, 'Building on Tradition'.

Reason: To ensure the dwelling is in keeping with the character of the rural area.

4. The proposed dwelling shall have a ridge height of 5.5 metres or less above finished floor level.

Reason: To ensure that the development is not prominent and satisfactorily integrated into the landscape.

5. No development shall take place until a plan indicating floor levels of the proposed dwelling in relation to existing and proposed ground levels has been submitted to and approved by Mid Ulster Council.

Reason: To ensure the dwelling integrates into the landform.

6. During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development; details of a native species hedge to be planted to the rear of the visibility splays approved plan 01 REV 1 date stamped 18 JAN 2016. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

REASON: In the interests of visual amenity, to protect the rural character of the countryside and ensure the development satisfactorily integrates into the countryside.

7. Prior to the commencement of any development hereby approved the vehicular access, including visibility splays of 2.4m x 60m and any forward sight line, shall be provided in accordance with details as submitted and approved at Reserved Matters stage. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

REASON: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

8. The proposed dwelling shall be in the area shaded green on the approved plan 01 REV 1 date stamped received 18 JAN 2016 and the remainder of the land within the red outline of the application site shall be retained as agricultural land.

Reason: To ensure that the development is not prominent in the landscape and does not adversely impact on rural character.

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Melvin Bowman	
Application ID: LA09/2016/0761/F	
Proposal: Extension to existing portacabin to provide storage and office accommodation	Location: 40m North West of 35 Moss Road Ballymaguigan Magherafelt
Applicant Name and Address: Christopher Cassidy 58 Aughrim Road Magherafelt	Agent name and Address: CMI Planners Ltd 80 - 82 Rainey Street Magherafelt
Summary of Issues: One letter of objection was initially received and one anonymous letter of support. The letter of objection which related to the following issues was subsequently withdrawn; Siting of an unauthorised mobile building; Significant site works are ongoing; Loss of privacy to adjacent property; Increase in noise and pollution; Overbearing and inappropriate design	
Summary of Consultee Responses: No objections.	
Characteristics of the Site and Area: Description of Proposal Extension to existing portacabin to provide storage and office accommodation. The proposed extension measures 11.0m long by 3.4m wide with an additional link between the existing and proposed structures and measuring 3.5m by 3.2m, giving a total increase in floor area of 48.6m ² . The proposed extension is set at right angles to the existing structure, is further back on the site	

from the roadside boundary, closer to the site entrance and has a similar flat roof, which is 0.5m higher.

Characteristics of the site and surrounding area

The site is comprised of a large area of rough overgrown land on a road frontage site. There is a bungalow, no.35, immediately to the eastern boundary. The site contains a small portacabin and the frame of a larger prefabricated building, which has been set up on concrete pipes as a base. These pipes are approximately 1.0m high and have been filled with concrete to provide a stable base for the steel frame of the prefab building. The prefab building is in poor state of repair with two of the four sides having been removed. The other two sides have been partially removed with the timber frame exposed. The floor level of the prefab building sits approximately 1.2m above existing ground level. This prefab building was the subject of a previous application and subsequent planning appeal which was dismissed – Ref: LA09/2015/0598/F.

There is an existing hedge along the roadside boundary with a 3m high hedge along the eastern boundary next to no.35. The other boundaries on the south and west are defined by trees and bushes/shrubbery. The site lies outside the settlement development limit of Ballymaguigan as defined in the Magherafelt Area Plan 2015. The site is some 80m outside the development limit on the southern side of the Moss Road. There is a vacant site opposite the site with the entrance to Moss Tiles to the east.

Description of Proposal

Extension to existing portacabin to provide storage and office accommodation

Deferred Consideration:

Members will recall that this application was deferred at the July 2017 Planning Committee meeting to allow a site visit to take place.

The details and points noted at the visit are outlined below:

Meeting: Fri 21 July 2017 10.30am (at the site)

In Attendance: Melvin Bowman (MB)
Chris Cassidy (applicant) (CC)
Cllrs McPeake / Bateson / Kearney

Note of members site visit.

1. MB explained the protocol at the outset and that this advised against and lobbying / influence of members during the site visit.

2. MB clarified all relevant site history and reminded those present that enforcement proceedings were in place regarding the both the u/a structure on site and the office conversion of the portacabin building.
3. CC explained how he intended to incorporate the existing portacabin in to the scheme which also involves utilising the front section of the u/a steel structure sitting adjacent to the portacabin – a small link corridor was to be provided.
4. We examined the extent of hedge loss for access – CC had recently trimmed back to the LHS and it seemed to me that visibility did exist to this side in its present form.
5. MB explained the extent of the settlements of Ballymaguigan and how the site was located outside this. The importance of the site as a visual break was also reinforced as also agreed with by the PAC recently. It was also reinforced that to assume the site would at some future stage in all likelihood be drawn into the settlements was premature.
6. Members examined the portacabin although MB did express that this wasn't material to the decision given that it benefitted from no permission to use this as an office. As per the appeal visit the office use remains in place and a generator was providing a source of power. The other half of the porta cabin remains as ancillary storage.
7. MB queried site levels which are felt to have been increased. CC argued that this had happened as long ago as 2007 but didn't deny that the structures on site were sitting higher than previously existing ground levels.
8. The meeting concluded.

Having reviewed the case, and in considering the case officers original assessment of the proposal against the relevant planning policy considerations, the findings of the PAC at the recent appeal and all other material considerations, I have found no grounds to form a different opinion than that presented to the Committee at its July meeting and therefore conclude that permission should be refused for the reasons previously set out below:

Conditions/Reasons for Refusal:

Refusal Reasons

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement nor is this a proposal which is facilitated by PPS 4 planning and Economic Development.
2. The proposal is contrary to Planning Policy Statement 4, Planning and Economic Development: Policies PED 4 - Redevelopment of an Established Economic Development Use in the Countryside and PED 9 – General Criteria for Economic Development, in that; the proposal would, if permitted, fail to provide adequate access to public transport; harm the rural character and appearance of the local area; there are no environmental benefits; it fails to provide sustainability; and would have a significantly greater visual impact than the existing building.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building will fail to integrate as the proposed site lacks long established natural boundaries and much of the front boundary is proposed to be removed. The proposed site is therefore unable to provide a suitable degree of enclosure for the building to integrate into the surrounding landscape as it will rely primarily on the use of new landscaping for integration.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, the proposed building would, if permitted, result in a

suburban style build-up of development when viewed with existing buildings and would therefore result in a detrimental change to the rural character of the countryside.

5. The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that, the proposed building would, if permitted, mar the distinction between Ballymaguigan and the surrounding countryside.

Signature(s): M.Bowman

Date 19th Sept 2017.



Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2016/1654/A	Target Date:
Proposal: The sign will consist of a flat screen fixed to gable wall with brackets. It shall display moving images and static images for advertising	Location: 53 Main Street, Maghera (Walsh's Hotel) Sign to be displayed on the Coleraine Rd side of the building
Applicant Name and Address: Mr Kieran Bradley Walsh's Hotel 53 Main Street Maghera BT46 5BN	Agent name and Address: Mr Sean McKenna 4 Glen Cree Glen Road Maghera BT46 5JB
Summary of Issues: Amenity and Public Safety	
Summary of Consultee Responses: Transport NI have concerns that the LED sign creates a traffic hazard which causes a distraction to drivers and may lead to shunting type collisions on the approach to the junction. TNI also have concerns regarding the protected route and the description stating that the LED sign will display moving images. TNI have therefore recommended refusal.	
Characteristics of the Site and Area: The site is located within the settlement limit of Maghera, as defined by the Magherafelt Area Plan 2015. The site is located at Walsh's Hotel, on the junction of Main Street and Coleraine Road, both designated as protected routes. There is currently an LCD screen measuring 5m x 3m attached to the northern gable end of the hotel. The screen is visible when viewed from the North by both drivers and pedestrians on Coleraine road. The site is located within Maghera town centre and an area of archaeological potential. The surrounding area is characterised mainly by retail land uses, with a row of shops opposite the site and a filling station and fast food restaurant immediately adjacent to the site.	

Description of Proposal

An application has been made for consent to display an advertisement. The proposal is for the retention of the LCD screen. The sign consists of a flat screen fixed to the gable wall with brackets. The screen will be illuminated internally and will display both static and intermittent images. The screen measures 5 m x 3 m.

Deferred Consideration:

This application was presented before the Planning Committee in March 2017 where it was deferred for the workshop on signage.

This application for a new flat screen sign for the display of moving and static images for advertising is on the rear wall of Walsh's Hotel in Maghera. It falls to be considered under Policy AD 1 of PPS 17: Control of Outdoor Advertisements.

Policy AD 1 address issues of amenity and public safety and states consent will be given for the display of an advertisement where:

- (i) It respects amenity, when assessed in the context of the general characteristics of the locality; and
- (ii) It does not prejudice public safety.

As detailed above the sign measures 5m x 3m and covers the vast majority of the rear gable wall on which it has been fixed to. The application is within the development limits of Maghera at a very busy traffic light junction at the junction of the Coleraine Road/Hall Street/Main Street. There is a mix of business, retail and educational uses in the area with business having their own signage. Nevertheless this advertising sign must be assessed on its effect upon the appearance of the building and the immediate neighbourhood where it is displayed and its impact over long distance views. This sign has been erected without planning permission but this allows a full assessment of its impact. The sign does not respect the amenity of the neighbourhood and dominates the area particularly given the size of the screen and the moving images that are displayed throughout the day and night. The sign appears as incongruous on the host building itself, which although is a hotel use, it appears as a dominant use on the host building.

On approaching the site from the Coleraine Road driving/walking into Maghera town there is a long distance view. Again the sign has the effect of appearing as dominant on the approach into Maghera given the sheer size of it in the streetscape.

Annex A of PPS 17 provides guidance for outdoor advertisements and in it deals with Poster Panel Displays which generally do not relate directly to the land or premises on which they are located as is the case in this application. Having seen the various advertisements being displayed some relate directly to the hotel and upcoming functions itself and other displays are for the benefit of business not connected to the Hotel itself. Annex A acknowledges poster panel displays rely on size and siting for their impact and they have the potential to be over dominant and obtrusive in the street scene and therefore there is a need to ensure that such displays respect the scale of their surroundings. It is my opinion this guidance reinforces the unacceptability of the sign at this location and at the size as erected and is contrary to Policy AD 1 of PPS 17 by way of its impact on amenity when assessed in the context of the general characteristics of the locality.

Policy AD 1 addresses issues of public safety with a new advertisement. It is acknowledged that by their very nature they are designed to attract the attention of passers-by and therefore have the potential to impact on public safety. There are a number of advertisement types which are likely to pose a threat to public safety and these include:-

- Signs which incorporate moving or apparently moving elements in their display, especially where the whole message is not displayed at one time therefore increasing the time taken to read the whole message;
- Signs sited or designed primarily to be visible from a motorway or other special road.

Policy AD 1 states that in assessing the impact on public safety the vital consideration will be whether the advertisement is likely to be so distracting that it creates a hazard to or endangers people in the vicinity be they drivers cyclists or pedestrians.

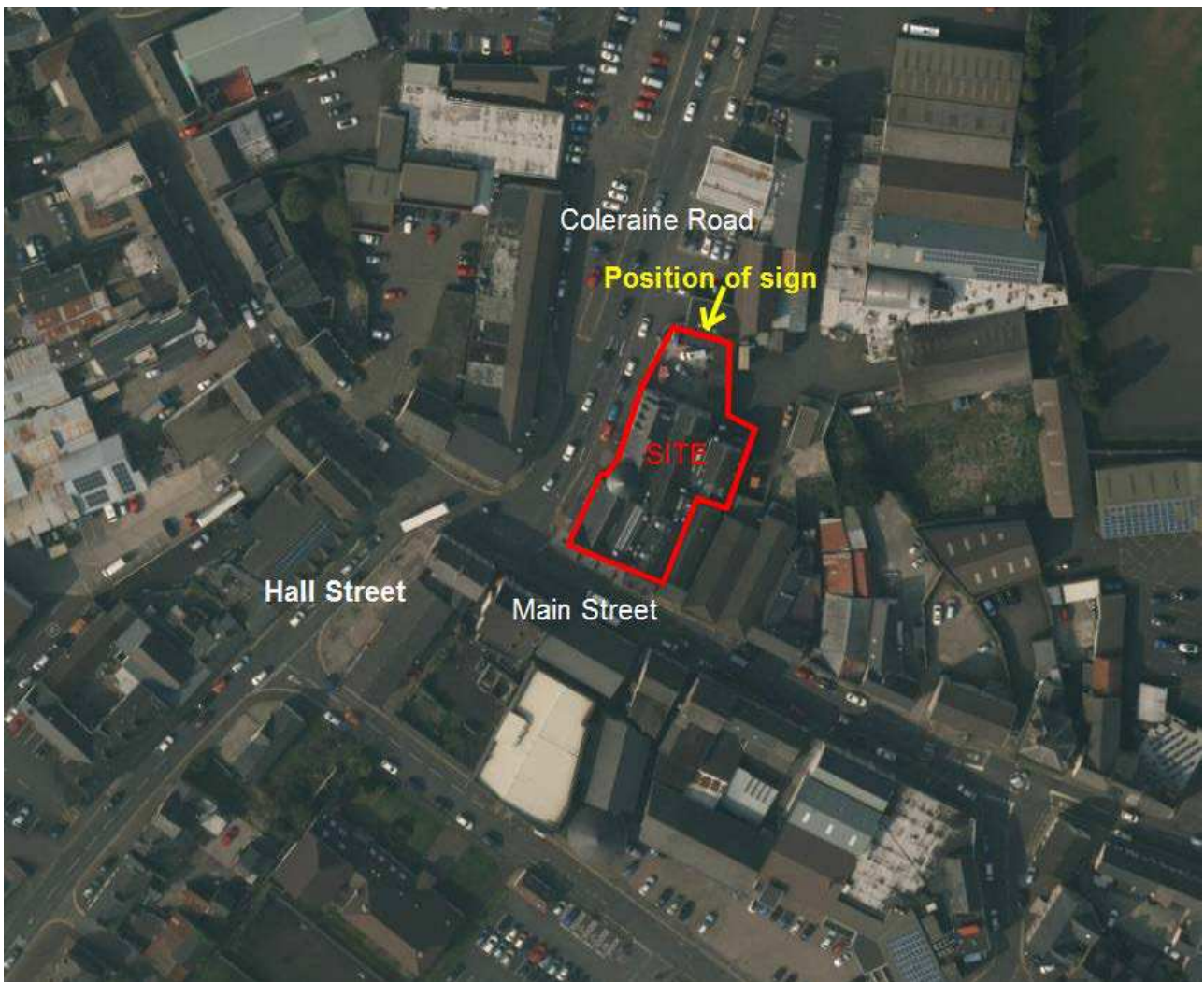
The A29, from which the sign is prominent in the streetscape, is a protected route and this must be given weight when considering this application. Policy AD 1 is clear when it states that signs which are sited or designed primarily to be visible from a special road are likely to pose a threat to public safety. The sign is of such a considerable size in a very prominent location that it has been designed to attract the attention of all people in the vicinity of the application site, indeed it is its very purpose. Transport NI are concerned that it is mounted on the approach to a busy traffic light controlled junction. Vehicles regularly have to queue here as the lights go through the various phases and the erection of this sign, at 5m x 3m, will, in the opinion of TNI, create a road traffic hazard which will distract drivers and may lead to shunting type collisions on the approach to the junction. TNI also have a particular concern that the description states clearly that it shall display moving images. Transport NI have recommended 2 reasons for refusal for this application as they are of the opinion it will prejudice the safety and convenience of road users as it would distract the attention of motorists from road traffic signals and thereby creating a traffic hazard.

Reasons for Refusal:

1. The proposal is contrary to Planning Policy Statement 17, Control of Outdoor Advertisements, Policy AD1, in that the proposed sign does not respect amenity, when assessed in the context of the general characteristics of the locality.
2. The proposal is contrary to Planning Policy Statement 17, Control of Outdoor Advertisements, Policy AD1, in that it would, if permitted, prejudice the safety and convenience of road users since the erection of this proposal in close proximity to a road junction, would distract the attention of motorists from road traffic signals, thereby creating a traffic hazard.
3. The proposal is contrary to Planning Policy Statement 17, Control of Outdoor Advertisements, Policy AD1, in that the proposed sign would be visually intrusive and distract the attention of road users thereby prejudicing the safety and convenience of traffic on this Protected Traffic Route.

Signature(s):

Date





Deferred Consideration Report

Summary	
Case Officer: Melvin Bowman	
Application ID: LA09/2017/0272/F	
Proposal: A single wind turbine of up to 2.3 megawatt power output with a maximum overall base blade to tip height of 92.5 metres. Ancillary developments will comprise turbine transformer; turbine hardstand, site entrance with sight line provision; 1 no. electrical control kiosk, construction of new access track; communications antenna; underground electrical cables and communication lines connecting wind turbine to electrical control kiosk; on-site drainage works; temporary site compound; and all ancillary and associated works at Beltonanean Mountain (renewal of I/2010/0211/F)	Location: Beltonanean Mountain Beltonanean TD Cookstown Co. Tyrone.

Applicant Name and Address: Mr Graham Bell 24b Ballinasollus Road Cookstown BT80 9TQ	Agent name and Address: Ross Planning 9a Clare Lane Cookstown BT80 8RJ
Summary of Issues: application deferred at Sept meeting for a site visit.	
Summary of Consultee Responses: No objections.	
Characteristics of the Site and Area: <p>Description of proposal This is renewal of a full planning for a single wind turbine of up to 2.3 megawatt power output with a maximum overall base blade to tip height of 92.5 metres. Ancillary developments will comprise turbine transformer; turbine hardstand, site entrance with sight line provision; 1 no. electrical control kiosk, construction of new access track; communications antenna; underground electrical cables and communication lines connecting wind turbine to electrical control kiosk; on-site drainage works; temporary site compound; and all ancillary and associated works at Beltonanean Mountain (renewal of I/2010/0211/F).</p> <p>Characteristics of Site and Area The site is located in the townland of Beltonanean some 9km north west of Cookstown on Beltonanean Mountain (at 296m elevation) immediately north of Corvanaghan Mountain. In the immediate environs, the site is accessed off Beltonanean Road on rising ground close to old derelict farm buildings and some sheds with some mature trees and hedges. A 60m met mast is already located close to the site of the proposed turbine The turbine is located on the lower slopes of this upland area which includes Beltonanean Mountain, Corvanaghan, Oughtmore and Evishbrack Mountain. To the north and east beyond lies the main body of the Sperrins AONB. This site lies metres just within that designated landscape. A quarry and associated buildings, plant and machinery is located immediately south of the site on Corvanaghan Road.</p>	
Deferred Consideration: <p>This application was recommended for approval at the Sept 2017 meeting of the Planning Committee.</p> <p>Members resolved to defer the application for a site visit which took place on the 21 Sept 2017.</p> <p>A summary of the visit is outlined below:</p> <p>I accompanied Cllrs Mallaghan / Bateson/ Glasgow/ McKinney and Robinson on the visit.</p> <p>It had been suggested at the previous Committee that members should perhaps visit a turbine of similar size and dimensions to that proposed under this application. That being the case I took members to visit the turbines erected in Brackagh Quarry by Creagh Concrete. Whilst these measure 115m to the tip and this application proposes a total height to tip of 92.5m this allowed for</p>	

a broadly similar comparison. The differences in heights were fully explained to members during the visit.

An inspection of the application site followed at which I identified the location of the turbine and explained that it was an identical in height structure to that which the applicant had gained permission for previously. This is a renewal of that permission.

The context of the landscape was clarified as was the identification of local dwellings. I provided some clarity around how the main policy change from the Department's decision to allow the first permission was the publication of the SPPS and its requirement to take a more cautious approach to wind energy development in areas of AONB. The visit concluded shortly after.

I explained to those present that since the last Committee the applicant had clarified that an infra-red light would be used on the turbine and that this had been confirmed as acceptable by the MOD. This should overcome any light pollution concerns in relation to the dark skies project in the area.

I have examined the case officer's report and considered the visual assessment gained during the site visit. The case officer has assessed this application against the requirements of the SPPS and has carefully considered how the proposal meets the requirements of the relevant policy.

Given the proposals location in this AONB, had this application come before the Council with no previous planning history for an identical turbine, I would have been more concerned about a recommendation to approve it. It is a tall structure at 92.5m and will sit in isolation in the landscape with significant public views particularly from a SE approach. However, weight must be afforded to the site history and in this context and on balance I feel that an opinion to approve is the correct one.

Conditions: as previously listed in the Sept Report in addition the following should be included:

- any aviation light erected on the turbine shall only be of infra-red type as agreed by the MOD.

Signature(s): M.Bowman

Date 22 Sept 2017.



Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2017/0354/O	Target Date:
Proposal: Infill site for 2no dwellings and detached garages	Location: Land between No's 15 and 17 Quilly Road Moneymore
Applicant Name and Address: Mr E & C McGuckin 17 Quilly Road Moneymore BT45 7SE	Agent name and Address: Paul Moran Architect 18B Drumsamney Road Desertmartin Magherafelt BT45 5LA
Summary of Issues: Contrary to policies CTY 1, 8, 13 and 14.	
Summary of Consultee Responses: No objections	
Characteristics of the Site and Area: The site is located approximately 3.1 km from Moneymore and is defined to be in the open countryside as per the Cookstown Area Plan 2010. The site is located in the front portion of a large agricultural field wherein the site has an undulating land form where the site falls from the roadside towards the east. The northern, southern and western boundaries are defined by post and wire fencing with scattering of hedging in the south western corner, whilst the eastern is undefined as mentioned the site is a portion of a larger field. To the north of the site sits a single storey detached dwelling with a garage to the rear and a mobile home that doesn't have planning permission. To the south sit another detached single storey dwelling with a small outbuilding to the front. The immediate locality is characterised by residential development, with the wider surrounding area is characterised by agricultural land and residential uses predominantly.	
Description of Proposal This is an outline application for a proposed infill site for 2No. dwellings and detached garages located between No 15 and 17 Quilly Road, Moneymore.	

Deferred Consideration:

Policy CTY 1 of PPS 21 sets out a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. A number of instances when planning permission will be granted for a single dwelling are outlined. The agent contends this application represents an infill opportunity in accordance with CTY 8 of PPS 21.

Policy CTY 8 of PPS 21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception is however permitted for the development of a small gap site. Policy CTY 8 requires four specific elements to be met

- The gap must be within an otherwise substantial and continuously built up frontage;
- The gap site must be small;
- The existing development pattern along the frontage must be respected;
- Other planning and environmental requirements must be met.

Having visited the site I accept there is a dwelling at No 17 and a dwelling and dwelling and a small shed at No 15 all with a frontage to the road. However it is my opinion that this application fails to meet the exception tests of CTY 8 for the following reasons:

- Whilst there may be a line of 3 or more buildings with the dwelling at No 17 and the very small shed and dwelling at No 15 along the road frontage, there is a garage to the rear of No 17 and CTY 8 requires the line of 3 or more buildings not to have accompanying development to the rear. It is my opinion this does not therefore constitute a substantial and built up frontage. Policy CTY 8 also requires the frontage to be continuously built up. It is clear from visiting the site there is no continuously built up frontage and this field provides a strong visual break between the buildings at No 15 and the dwelling at No 17 Quilly Road. The agent is misplaced in relying on the garage to the rear of No 17 as this is not only accompanying development to the rear but neither does it have a frontage to the Quilly Road.
- Given that I feel the first exception has not been met it would fall that the 2nd and 3rd exceptions are also not met but for the purposes of this report I will detail my consideration of them nevertheless. The 2nd exception requires the site to be a small gap site. At the deferred office meeting there was time spent on physically measuring the length of the application site and the frontages of Nos 15 and 17 Quilly Road. However the agent is seeking to include the unauthorised mobile home to the east of No 17 Quilly Road and our Enforcement section has been informed of the unauthorised development. In seeking to rely on this unauthorised mobile home this automatically reduces the frontage length of the application site but this is misplaced given the unauthorised status of the mobile home and thus it cannot be considered to have a separate frontage. It is clear from an overview of the site location plan at drawing 01 that this site is capable of accommodating more than the maximum 2 houses detailed in the exception to Policy CTY 8. It is also in its ability of accommodating more than 2 houses that it is confirmed, in my opinion, that this site is not a small gap site and provides a strong visual break which helps to maintain the very rural character of this area.
- In addressing the existing development pattern along the road frontage the agent is also relying on dwellings on the opposite side of the road as a basis on which to inform a decision on the acceptability of this site. This is misplaced as the policy clearly requires the site to be considered within the road frontage and not the wider development pattern of the area, simply the road frontage on which the site is located and nothing else. Given that I consider the site capable of accommodating more than 2 houses based on the pattern of development in the area I do not consider an approval would respect the existing development pattern along the frontage.

- The fourth element to be addressed is the other planning and environmental requirements which namely the ability of a new dwelling to integrate into the landscape in accordance with CTY 13 and the rural character in accordance with CTY 14. The site, as outlined in red, is located in the front portion of a very large roadside field and would be heavily reliant on new vegetation to aid the integration of 2 dwellings and as such is contrary to points (b) and (c) of CTY 13. Para 5.64 states that while new tree planting for integration purposes will be considered together with existing landscape features, new planting alone will not be sufficient. CTY 14 lists the circumstances in which a new building will be unacceptable and it is point (c) in my opinion which cannot be met, namely it creates a ribbon of development which will cause a detrimental change to rural character.

The agent has relied on an appeal case to support this application on a site outside Saintfield (2013/A0254). Having read the appeal report and considered the site location it is my opinion that given the quantum of development that exists and the size of the gap site Mid Ulster District Council would have allowed a dwelling on what I would consider an infill site and I do not consider the appeal, as presented, has any commonality with the application as it is. The key difference being that in the appeal case there would have been no change in rural character at that location but in the current application we would be allowing the infilling of a large gap site and changing the rural character. In addition rather than infilling a small gap site we would be creating a ribbon of development where one currently doesn't exist. Furthermore it is clear that an approval would result in a suburban style build-up of development which does not reflect nor respect the traditional pattern of development which is in contradiction with Policy CTY 14 which seeks to prevent a detrimental change to the rural character of an area. Consequently I am recommending a continued refusal of this application.

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Quilly Road.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; and it will rely primarily on the use of new landscaping for integration.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the buildings would, if permitted create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

Signature(s):

Date

