



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Emma McCullagh	
<b>Application ID:</b> LA09/2019/0944/F	<b>Target Date:</b>
<b>Proposal:</b> Infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin (retrospective) New access laneway 130m West from the Junction of Iniscarn Road/Gortahurk Road, existing access onto Iniscarn Road to be permanently closed.	<b>Location:</b> Between 90 and 92 Iniscarn Road Desertmartin
<b>Applicant Name and Address:</b> Mr Paul Bradley 90A Inniscarn Road Desertmartin	<b>Agent name and Address:</b> CMI Planners Ltd 38 Airfield Road Toomebridge
<b>Summary of Consultee Responses:</b>  DFI Rivers have responded with issues relating to FL4.  DFI Roads are satisfied their conditions are acceptable in relation to the proposed access.	
<b>Characteristics of the Site and Area:</b>  The site is located at no. 90a Iniscarn Road, Desertmartin and is located within the open countryside and there are no further designations on the site as designated by the Magherafelt Area Plan 2015. The site is located between no. 90 and no. 92 Iniscarn Road and located on the site is a large 2 storey dwelling with a smooth render finish, detached garage and a dolls house / storage building, both with smooth render finish. The southern boundary of the property is currently defined by laurel hedging and wire and post fencing, the northern boundary is defined by mature trees and some laurel hedging, the western boundary is defined by white wooden fencing and the eastern boundary remains	

undefined with a number of pillars having been constructed along the boundary. Access is currently served at the front of the property onto the main Iniscarn Road. The immediate surrounding area is predominantly characterised by single dwellings and some agricultural uses.



## Description of Proposal

The applicant seeks full planning permission for an Infill dwelling and garage between 90 & 92 Iniscarn Road, Desertmartin (Retrospective). New access laneway 130m west from the junction of Iniscarn / Gortahurk Road. Existing access onto Iniscarn Road to be permanently closed.

## Deferred Consideration:

This application was previously presented in June 2021 as a refusal for the following reasons;

1. The proposal does not comply with SPPS and Policy FLD 1 - Development in Fluvial (Rivers) and Coastal Flood Plains, of PPS15 - Planning and Flood Risk in that it has not been adequately demonstrated there is no risk of fluvial flooding.
2. The proposal does not comply with SPPS and Policy FLD 3 - Development and surface water (pluvial) flood risk outside flood plains, of PPS15 - Planning and Flood Risk in that it has not been demonstrated that the existing drainage network effectively mitigates flood risk or potential for surface water flooding.

3. The proposal does not comply with SPPS and Policy FLD 4 - Artificial Modification of Watercourses of PPS15 - Planning and Flood Risk in that it has not been demonstrated that a specific length of the watercourse needs to be culverted for engineering reasons and no exceptional circumstances have been demonstrated,

It was deferred for a third time in June 2021 for DFI Rivers, to again consider further information submitted by the applicant. An addendum to the Drainage assessment was submitted by the agent and further details were submitted by the objector. DFI Rivers were re-consulted have now considered both sets of parties' information and replied on 14th July 2021.

FLD1 - DFI Rivers, while not responsible for the preparation of the Drainage Assessment accepts its logic and has no reason to disagree with its logic and consequently cannot sustain a reason to object under FLD1.

FLD 3- The DA has demonstrated that a drainage network as designed, detailed and specified in the DA would have the necessary capacity to be a viable solution. The drainage network assessed in the DA indicates that attenuation can be provided using two 62.5m long lines of 750mm diameter pipes, as shown on Drg. No. C201, provided that all surface runoff from the site is collected, stored and discharged via this proposed drainage network as detailed.

DFI Rivers is satisfied that the methodology used to estimate the required attenuation is consistent with industry standards and is currently being accepted by DFI Rivers in drainage assessments for other applications.

The drainage network assessed in the DA is not representative of the existing drainage network i.e. the network currently constructed and serving the development. The existing drainage network has not been assessed.

If constructed the proposed drainage network will be privately owned and maintained, as is the norm for single dwelling sites, by the property owner. Consequently the applicant is not bound by construction methods and pipe cover requirements that would apply to an adopted network.

FLD 4 - The DA does not mention policy FLD 4, consequently DFI Rivers advice in its consultation response dated 23rd May 2021 remains unchanged. This has been provided below for convenience.

An email, dated 23rd February 2021, from the applicant identifies health and safety concerns as the reason to pipe the open watercourse. Health and safety concerns are not included as valid reasons under Policy FLD4 of PPS 15 to pipe a watercourse. Paragraph 6.53 of PPS 15 states that when there are health and safety concerns arising from open access to a watercourse alternatives to piping should be considered.

The applicant had submitted an email, dated 7th April 2021, requesting a deferral. The email stated ' Deferral is requested in order for time to complete consultation process regarding flooding, as seen in attachments (provided at appendix A) from the last deferral, how close the watercourse is to our home and it needs to be fully investigated'.

1) force of water in an open watercourse

- 2) close proximity of watercourse to house
- 3) water scouring/widening the bank and land slippage
- 4) Mature laurel hedging supported by the culverting.

To date DfI Rivers has not been consulted on any further investigations relating to the points listed above and Planning have received none either.

Point 1 refers to force of water in an open watercourse, it isn't clear what specifically is being referred to with respect to the force of water in the open watercourse. It could be a health & safety issue as previously mentioned. DfI Rivers has provided advice to the Planning Authority on this above. It could be referring to the issues raised under point 3 i.e. bank scouring and land slippage. A photograph included in the attachments shows the open watercourse running partly full. The left bank shows light vegetation growing on the river bank with mature vegetation being supported at the top of the bank. There is no sign in this photograph of scouring or land slippage on this bank. The right bank, as you look at the photograph, shows what appears to be, imported material. DfI Rivers has no evidence, apart from the photograph provided, to support this assumption. However, unlike the opposite bank the face of the material is at an angle and has no vegetation growing on it. Light vegetation is protruding through the reddish material and can be seen upstream at the culvert outlet, this is similar to the growth on the left bank and is presumably growing out of the original ground. Without further explanation on why this photograph has been provided i.e. what is it demonstrating, DfI Rivers cannot comment any further.

Point 2 refers to the close proximity of the house to the watercourse. A photograph included in the attachments states that the house is 7 metres from the watercourse. It is not clear to DfI Rivers what the significance of this information is. Until further clarification on why this information has been provided and what potential issue it is highlighting DfI Rivers cannot comment any further.

Point 4 refers to a mature laurel hedge being supported by the culvert. The photograph referred to above shows mature vegetation being supported on the original bank of the watercourse. However, the reference to a mature laurel hedge may be indicating that the applicant doesn't want to remove it. If this is the case, the removal of hedges is outside the remit of PPS 15 and consequently DfI Rivers cannot comment. If this assumption is incorrect, then further clarification will be required to identify the issue or issues relating to the laurel hedge in order to enable DfI Rivers to decide if comment in accordance with PPS 15 is appropriate.

The effects of piping the watercourse on downstream water levels and velocities have not been addressed. For an accurate assessment of potential downstream worsening with, respect to flooding and erosion, a pre-development model of the watercourse would be required for comparison. This is no longer possible.

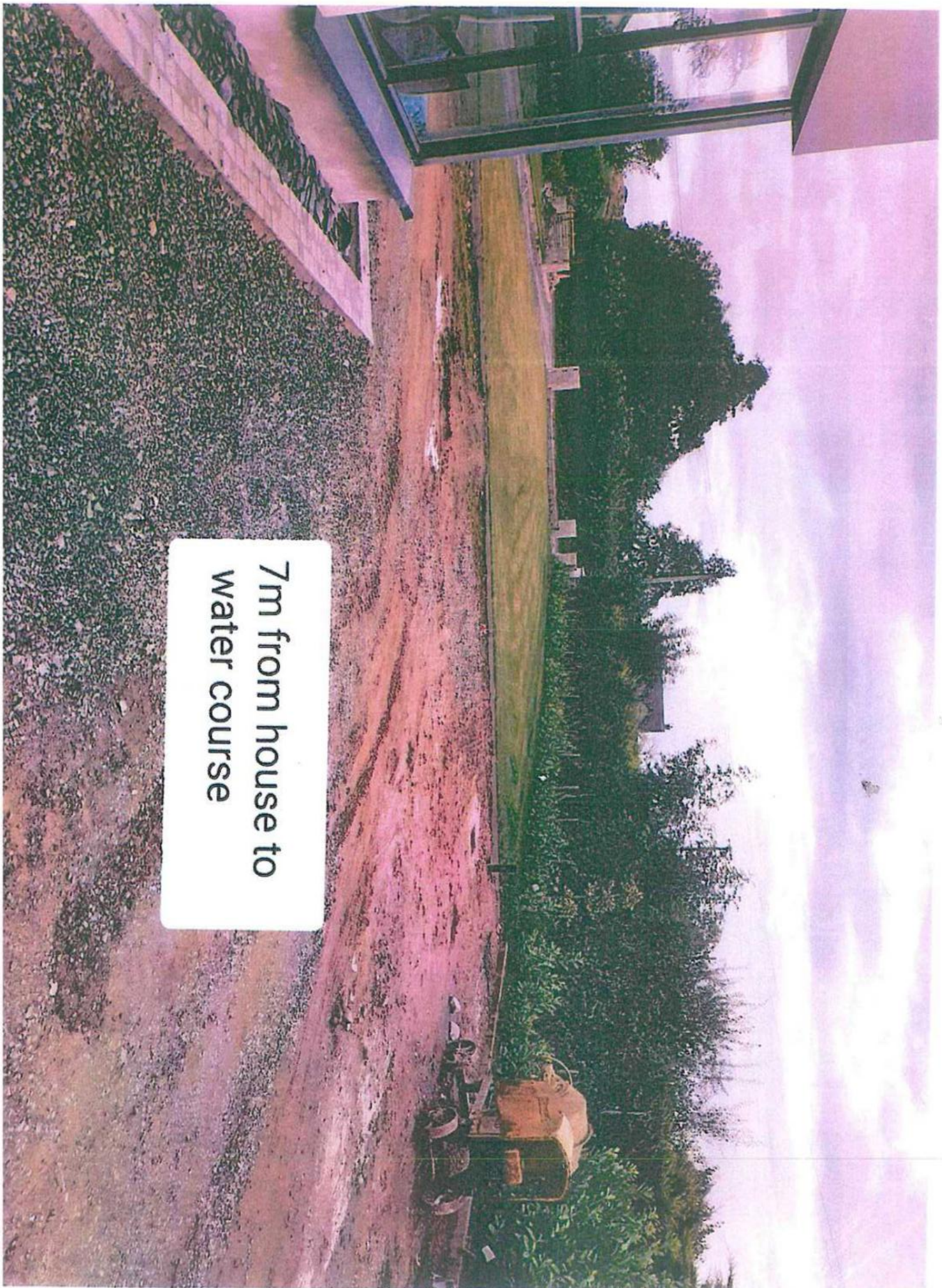
In conclusion, in terms of the refusal reasons, FLD1 and FLD3 have now been theoretically addressed, however FLD4 remains an issue and for this reason is still being recommended as a refusal. The proposal does not comply with SPPS and Policy FLD 4 - Artificial Modification of Watercourses of PPS15 - Planning and Flood Risk in that it has not been demonstrated that a specific length of the watercourse needs to be culverted for engineering reasons and no specific exceptional circumstances have been demonstrated.

<b>Refusal Reason</b>  1. The proposal does not comply with SPPS and Policy FLD 4 - Artificial Modification of Watercourses of PPS15 - Planning and Flood Risk in that it has not been demonstrated that a specific length of the watercourse needs to be culverted for engineering reasons and no specific exceptional circumstances have been demonstrated.
<b>Signature(s):</b>          <b>Date</b>









7m from house to  
water course









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<b>Applicant Name and Address:</b> Mr Paul Bradley 90A Inniscarn Road Desertmartin	<b>Agent name and Address:</b> CMI Planners Ltd 38 Airfield Road Toomebridge
<b>Summary of Consultee Responses:</b>  DFI Rivers have responded with issues relating to FL1, FL3 and FL4.  DFI Roads are satisfied their conditions are acceptable in relation to the proposed access.	
<b>Characteristics of the Site and Area:</b>  The site is located at no. 90a Iniscarn Road, Desertmartin and is located within the open countryside and there are no further designations on the site as designated by the Magherafelt Area Plan 2015. The site is located between no. 90 and no. 92 Iniscarn Road and located on the site is a large 2 storey dwelling with a smooth render finish, detached garage and a dolls house / storage building, both with smooth render finish. The southern boundary of the property is currently defined by laurel hedging and wire and post fencing, the northern boundary is defined by mature trees and some laurel hedging, the western boundary is defined by white wooden fencing and the eastern boundary remains undefined with a number of pillars having been constructed along the boundary. Access is currently served at the front of the property onto the main Iniscarn Road.	

The immediate surrounding area is predominantly characterised by single dwellings and some agricultural uses.

## Description of Proposal

Infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin (retrospective)  
New access laneway 130m West from the Junction of Iniscarn Road/Gortahurk Road,  
existing access onto Iniscarn Road to be permanently closed.



## Deferred Consideration:

Following the April planning committee meeting, the applicant was given 4 weeks to submit additional information which ended on 12<sup>th</sup> May. No information was received by this date, however the Flood Risk consultation for the applicant advised on 13<sup>th</sup> May work was urgently being carried out to provide a flood risk assessment to address the issues. Nothing has been received at the time of writing this report.

Rivers Agency were re-consulted on the information submitted by the applicant in order to get the application deferred at April Committee. They replied on 23<sup>rd</sup> May 2021. In terms of FLD1, a pre-development model of the watercourse would need to be provided. In terms of FLD3, additional measures would need to be carried out for analysis. The applicant put forward health and safety concerns in terms of FLD4 and a reason to pipe



the open watercourse. Paragraph 6.53 of PPS15 states when H & S concerns arising from open access to watercourse alternatives should be considered. Further clarification is required in relation to the documents submitted by the applicant and DFI Rivers can't further comment on FLD4 until some information has been received.

Refusal is recommended as previously as the issues have not been overcome.

### **Refusal Reasons**

1. The proposal does not comply with SPPS and Policy FLD 1 - Development in Fluvial (Rivers) and Coastal Flood Plains, of PPS15 - Planning and Flood Risk in that it has not been adequately demonstrated there is no risk of fluvial flooding.
2. The proposal does not comply with SPPS and Policy FLD 3 - Development and surface water (pluvial) flood risk outside flood plains, of PPS15 - Planning and Flood Risk in that it has not been demonstrated that the existing drainage network effectively mitigates flood risk or potential for surface water flooding.
3. The proposal does not comply with SPPS and Policy FLD 4 - Artificial Modification of Watercourses of PPS15 - Planning and Flood Risk in that it has not been demonstrated that a specific length of the watercourse needs to be culverted for engineering reasons and no exceptional circumstances have been demonstrated.

**Signature(s):**

**Date**







## Deferred Consideration Report

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<b>Applicant Name and Address:</b> Mr Paul Bradley 90A Inniscarn Road Desertmartin	<b>Agent name and Address:</b> CMI Planners Ltd 38 Airfield Road Toomebridge
<b>Summary of Consultee Responses:</b>  DFI Rivers have given a final response on March 2021 with issues relating to FL1, FL3 and FL4.  DFI Roads are satisfied their conditions are acceptable in relation to the proposed access.	
<b>Characteristics of the Site and Area:</b>  The site is located at no. 90a Iniscarn Road, Desertmartin and is located within the open countryside and there are no further designations on the site as designated by the Magherafelt Area Plan 2015. The site is located between no. 90 and no. 92 Iniscarn Road and located on the site is a large 2 storey dwelling with a smooth render finish, detached garage and a dolls house / storage building, both with smooth render finish. The southern boundary of the property is currently defined by laurel hedging and wire and post fencing, the northern boundary is defined by mature trees and some laurel hedging, the western boundary is defined by white wooden fencing and the eastern boundary remains undefined with a number of pillars having been constructed along the boundary. Access is currently served at the front of the property onto the main Iniscarn Road.	

The immediate surrounding area is predominantly characterised by single dwellings and some agricultural uses.

## Description of Proposal

Infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin (retrospective)  
New access laneway 130m West from the Junction of Iniscarn Road/Gortahurk Road,  
existing access onto Iniscarn Road to be permanently closed.



## Deferred Consideration:

This application was presented to Committee in Feb 2020 for the following refusal reason;

*The proposal does not comply with SPPS and Policy FLD 4 - Artificial Modification of Watercourses of PPS15 - Planning and Flood Risk in that it has not been demonstrated that a specific length of the watercourse needs to be culverted for engineering reasons.*

It was subsequently deferred as additional information was submitted prior to the Committee meeting and it was agreed by Committee that this information should be considered by DFI Rivers. Rivers were re-consulted and replied that there were outstanding issues relating to PPS15.



In an attempt to resolve the flooding matter, the applicant was then offered the opportunity by the Council to remove the existing pipe and restore the open drain at the previous levels. The applicant has advised they do not wish to remove the pipe but rather 'work with DfI Rivers on site to carry out flood risk measures to prevent future flooding' and they state it is impossible to determine previous watercourse levels.

The main issues raised by neighbouring properties, is regarding flooding to their property and on the Iniscarn Road due to pipework and culverting carried out at this site. Objector comments raise the point that previous levels were given in a 2007 application, which would indicate how ground levels have changed and has in turn increased surface water runoff. The Objector mentions that the work carried out is unauthorised, there is a current enforcement case on the site which is pending the outcome of this application before any action will be taken. No.92 also mentions an issue relating to access to manhole covers, however this would not be considered a planning matter and should be dealt with between the two parties.

DFI Rivers have provided comment in relation to PPS15 – 'Planning and Flood Risk' and have had sight of all relevant objector and applicant correspondence, which has all been taken into account in their detailed responses. Following a number of reports, assessments and correspondence from both parties the latest response from Rivers dated 10 March 2021 (Appendix A) and concludes the following in summary;

*FLD1- Development in Fluvial (Rivers) and Coastal Flood Plains-* The Hydraulic model used to assess fluvial flood risk in the original FRA, dated 31<sup>st</sup> October 2019, has been independently examined. The independent assessment has led to the conclusion there is a low level of confidence in the model outputs. Consequently fluvial flood risk remains an unresolved issue.

*FLD2 – Protection of flood defences and drainage infrastructure -* Rivers have advised this issue could be dealt with by an informative and it would be unreasonable to condition it for a single dwelling.

*FLD3 – Development and surface water (pluvial) flood risk outside flood plains,* Plans were submitted by the applicant in an attempt to overcome this. However the drainage network assessed in the DA is not representative of the existing drainage network. If the drainage network is to be retained it should be discharged via the network as shown on submitted plans. If however the existing drainage is to be retained then additional analysis would be required to demonstrate management of flooding and overflow and to demonstrate proposed mitigation measures.

*FLD4 – Artificial Modification of Watercourses-* the applicant has identified Health and safety concerns as the reason to pipe the open watercourse, however these are included as invalid reasons under FLD4 of PPS15 to pipe a watercourse. Paragraph 6.53 of PPS15 states that when there are health and safety concerns arising from open access to a watercourse alternatives to piping should be considered.

*FLD5 – Developments in proximity to reservoirs -* Development in proximity to reservoirs, is not relevant.

Basis on the information currently submitted refusal is recommend for the following in relation to PPS15 for the reasons stated below.

- 1. The proposal does not comply with SPPS and Policy FLD 1 - Development in Fluvial (Rivers) and Coastal Flood Plains, of PPS15 - Planning and Flood Risk in that it has not been adequately demonstrated there is no risk of fluvial flooding.*
- 2. The proposal does not comply with SPPS and Policy FLD 3 - Development and surface water (pluvial) flood risk outside flood plains, of PPS15 - Planning and Flood Risk in that it has not been demonstrated that the existing drainage network effectively mitigates flood risk or potential for surface water flooding.*
- 3. The proposal does not comply with SPPS and Policy FLD 4 - Artificial Modification of Watercourses of PPS15 - Planning and Flood Risk in that it has not been demonstrated that a specific length of the watercourse needs to be culverted for engineering reasons and no exceptional circumstances have been demonstrated.*

Apart from the flooding concerns, objectors also raised issues relating to other planning matters, these have been received from No.92 and No. 90.

#### Overlooking/ privacy issues

In relation to No.90, there is sufficient separation distance between the two houses and a strong laurel hedge exists as a common boundary, the window referred to is a first floor bedroom window on the gable, and would be classed as a low occupancy room, although it has been argued by the objector that during recent Covid circumstances bedroom are being used more often for home schooling/offices etc. However, this is in the short term and not permanent, and would not change overall how these rooms would be considered. I do not consider there are overlooking or privacy issues which are significantly detrimental to the enjoyment of the neighbour's amenity space.





*Common boundary with No 90*

No.92 raise concerns about windows on the side gable overlooking their private garden area, which were not shown on the original plans. Although the windows weren't shown on original plans they will be assessed as part of this retrospective application. Part of the common boundary is a strong laurel hedge and close boarded wooden fence and further along the boundary are mature trees which would limit any impact of these windows and there is also adequate separation distance. The dwelling is set back from No.92 and its associated buildings and garden, with strong vegetation between them so there is no detrimental impact from overlooking. ( see common boundary with No.92 in image below)



An objection was received concerned about road safety due to the number of accesses on this part of Iniscarn Road, as they state there are already lorries and tankers brake testing here. The occupant of No.90 countered this objection by saying they have never been aware of this taking place. DFI Roads were consulted for their comments and have stated any issues of road safety as a result of reckless driving is a matter for PSNI. They are satisfied their recommended conditions are acceptable in relation to the proposed access.

One of the objections received was in terms of the planning assessment and questioned if the site complies with CTY8, in that it is not a small gap site in a continuous and substantially built up frontage, and in relation to the visual impact and rural character of the dwelling and proposed access. These issues were fully considered in the original case officer report under PPS21 and I would still agree with this assessment. An appeal decision 2016/A0160 was forwarded by the objector, however each case is assessed on its own merits and this appeal case is not directly comparable. I am satisfied this site and access meets the policies CTY1, CTY8, CTY13 and CTY14 and are acceptable in principle.

In conclusion, when taking into account all the information provided by the applicant and objectors and DFI Rivers final response of 10<sup>th</sup> March 2021 (attached as appendix A), the proposal must be recommended for refusal for the three reasons stated.

### **Refusal Reasons**

1. The proposal does not comply with SPPS and Policy FLD 1 - Development in Fluvial (Rivers) and Coastal Flood Plains, of PPS15 - Planning and Flood Risk in that it has not been adequately demonstrated there is no risk of fluvial flooding.

2. The proposal does not comply with SPPS and Policy FLD 3 - Development and surface water (pluvial) flood risk outside flood plains, of PPS15 - Planning and Flood Risk in that it has not been demonstrated that the existing drainage network effectively mitigates flood risk or potential for surface water flooding.

3. The proposal does not comply with SPPS and Policy FLD 4 - Artificial Modification of Watercourses of PPS15 - Planning and Flood Risk in that it has not been demonstrated that a specific length of the watercourse needs to be culverted for engineering reasons and no exceptional circumstances have been demonstrated.

**Signature(s):**

**Date**

**Appendix A – DFI Rivers response dated 10<sup>th</sup> March 2021**





Department for  
**Infrastructure**  
An Roinn  
**Bonneagair**  
[www.infrastructure-ni.gov.uk](http://www.infrastructure-ni.gov.uk)

**DfI Rivers Planning, Advisory & Modelling Unit**

Ms. Emma McCullagh  
Mid Ulster  
Local Planning Office  
Mid Ulster Council Offices  
50 Ballyronan Road  
Magherafelt  
BT45 6EN

44 Seagoe Industrial Estate  
CRAIGAVON  
Co. Armagh  
BT83 5QE  
Tel: 028 3839 9118

Your Ref: LA09/2019/0944/F  
Our Ref: IN1-19-11202

10<sup>th</sup> March 2021

Dear Madam

**Re: Infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin (retrospective).**

In response to your consultation dated 23<sup>rd</sup> February 2021 requesting comments on the most recent uploaded information (including emails) in relation to how it addresses FLD3 and to confirm if it addresses the issues with FLD1 and FLD4 or if they remain unresolved. DfI Rivers comments in accordance with PPS 15 are as follows.

Policy FLD 1

The hydraulic model used to assess fluvial flood risk in the original FRA, dated 31<sup>st</sup> October 2019, has been independently examined in order to confirm or allay DfI Rivers concerns about the model construction. The independent assessment has identified aspects of the model construction that have led to the conclusion that there is a low level of confidence in the model outputs. Consequently fluvial flood risk remains an unresolved issue.

The effects of piping the watercourse on downstream water levels and velocities have not been addressed. For an accurate assessment of potential downstream worsening with, respect to flooding and erosion, a pre-development model of the watercourse would be required for comparison. This is not possible.

Policy FLD 2

An undesignated piped watercourse flows along the south eastern boundary of the site. Under 6.32 of the policy a 5m maintenance strip is required. It is the legal responsibility of the land owner to maintain this watercourse.



### Policy FLD 3

Drawing No. C101 entitled '*Proposed Surface Water Attenuation System Using Storage Pipes And Hydrobrake For a 100 Year Return Period Event*' shows a proposal to construct a drainage network, with attenuation being provided by two 62.5m long lines of 750mm diameter pipes. It has been demonstrated that this drainage network would have the necessary capacity to be a viable solution. All surface runoff from the site should be collected, stored and discharged via this proposed drainage network. The drainage network assessed in the DA is not representative of the existing drainage network.

It is DfI Rivers understanding that the planning application for the dwelling is retrospective and therefore may include the existing drainage network as part of the application. If the existing drainage network is to be retained then it should be discharged via the proposed network as detailed on Drg. No. C101.

If the existing drainage network is to be retained, as the only drainage option, then the hydraulic capacity of the already constructed drainage network will have to be calculated. An analysis of the storm network, using FEH rainfall runoff methodology, will have to be provided to determine, in terms of return period, what the capacity of the network is. Other analysis to demonstrate the management of out of sewer flooding and overland flow, and to demonstrate the provision of necessary mitigating measures and safe storage areas will need to be carried out for a 1 in 100 year rainfall event.

### Policy FLD 4

An email, dated 23<sup>rd</sup> February 2021, from the applicant identifies health and safety concerns as the reason to pipe the open watercourse. Health and safety concerns are not included as valid reasons under Policy FLD4 of PPS 15 to pipe a watercourse. Paragraph 6.53 of PPS 15 states that when there are health and safety concerns arising from open access to a watercourse alternatives to piping should be considered.

### Policy FLD 5

Policy FLD 5 does not apply to this application.

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I trust you find the foregoing to be helpful but should you require any further information or clarification please contact me at the above address.

Yours faithfully

**Neil Jenkinson**  
Planning, Advisory & Modelling Unit





Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

Mid-Ulster

Local Planning Office

Mid-Ulster Council Offices

50 Ballyronan Road

Magherafelt

BT45 6EN

### Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0944/F	<b>Target Date:</b>
<b>Proposal:</b> Infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin (retrospective) New access laneway 130m West from the Junction of Iniscarn Road/Gortahurk Road, existing access onto Iniscarn Road to be permanently closed.	<b>Location:</b> Between 90 and 92 Iniscarn Road Desertmartin
<b>Referral Route:</b> Proposal is contrary to SPPS and Policy FLD 4 of PPS15.	
<b>Recommendation:</b>	<b>REFUSAL</b>
<b>Applicant Name and Address:</b> Mr Paul Bradley 90A Inniscarn Road Desertmartin	<b>Agent Name and Address:</b> CMI Planners Ltd 38 Airfield Road Toomebridge
<b>Executive Summary:</b>	

For committee decision



10 / 02 / 2020

**Signature(s):**

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	Rivers Agency	Advice
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	Rivers Agency	Advice

### Representations:

Letters of Support	None Received
Letters of Objection	9
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

### Summary of Issues

A number of issues were raised and they are discussed in this report.

### Characteristics of the Site and Area

The site is located at no. 90a Iniscarn Road, Desertmartin and is located within the open countryside and there are no further designations on the site as designated by the Magherafelt Area Plan 2015. The site is located between no. 90 and no. 92 Iniscarn Road and located on the site is a large 2 ? storey dwelling with a smooth render finish, detached garage and a doll's house / storage building, both with smooth render finish. The southern boundary of the property is currently defined by laurel hedging and wire



and post fencing, the northern boundary is defined by mature trees and some laurel hedging, the western boundary is defined by white wooden fencing and the eastern boundary remains undefined with a number of pillars having been constructed along the boundary. Access is currently served at the front of the property onto the main Iniscarn Road.

The immediate surrounding area is predominantly characterised by single dwellings and some agricultural uses.

### **Description of Proposal**

The applicant seeks full planning permission for an Infill dwelling and garage between 90 & 92 Iniscarn Road, Desertmartin (Retrospective). New access laneway 130m west from the junction of Iniscarn / Gortahurk Road. Existing access onto Iniscarn Road to be permanently closed.

### **Planning Assessment of Policy and Other Material Considerations**

#### **Planning History**

LA09/2019/0005/CA - Alleged piping of a watercourse and Extension to Curtilage. Enforcement Case Closed 28.02.2019.

LA09/2019/0868/F - New laneway 130m West from the junction of Iniscarn Road/Gortahurk road to the dwelling between 90 & 92 Iniscarn Road - Withdrawn.

LA09/2018/0054/CA - Unauthorised Dwelling, unauthorised access, unauthorised piping of a watercourse, extension of curtilage area Enforcement Action Being Pursued - this application is relevant to this enforcement action.

H/2007/0691/RM - Proposed new 2 storey dwelling house and associated landscaping - Permission Granted 23.05.2008

H/2005/0636/O - Site of dwelling - Permission Granted 19.10.2005

#### **Neighbour Notification**

2 neighbours were notified of this planning application including nos. 90 & 92 Iniscarn Road, Desertmartin.

9 letters of objection and 1 non-committal letter was received at time of writing this report.

6 letters of objection were received from the occupier of no. 90 Iniscarn Road who raised concerns as follows:

1) Principle of development - the objector has concerns that the dwelling does not comply with Policy CTY1, CTY8, CTY13 and CTY14 of PPS21 - Sustainable Development in the Countryside, claiming that the dwelling does not meet the criteria to be an infill dwelling and does not comply with policies CTY13 or CTY14.

2) Unauthorised culverting of a watercourse and surface water flooding - the objector has raised concerns about the unauthorised pipework which has been installed around the dwelling. The objector has stated that this pipework has caused serious flooding at their property as well as at no.92 and along the Iniscarn Road. The objector has also stated that site levels have been raised during the development of the site which has increased surface water run off.



3) Overlooking and Loss of Privacy - concerns were raised about the bedroom window on the southern side elevation of the dwelling which looks out onto no.90's rear garden.

4) Increased extension to curtilage - the objector raised concerns about the increased curtilage of the site which could lead to further development around the dwelling.

5) Package Treatment Plant - the objector stated that in the past, the PTP had failed which led to a foul smelling odour in the past.

6) Lack of Landscaping - the objector raised concerns that submitted plans did not show much in way of landscaping.

7) Flood Risk Assessment - the objector raised a number of concerns regarding the Flood Risk Assessment, which was received on 11/11/2019. The concerns included objecting to the assessments reasoning for a flood occurrence happening at the objector and applicant's sites and states that not all gullies have been shown and assessed in this Flood Risk Assessment.

3 letters of representation were received from the owner of no. 92 Iniscarn Road. These objections raised concerns with the second floor window on the right hand side elevation of the dwelling (northern elevation). The objector also raised concerns that the dwelling does not comply with policy CTY14 of PPS21. This objector also raises the previous flooding event which also effected their property stating that it caused the downstairs had been flooded due to the culverting of the opening pipe.

One miscellaneous letter was received from the applicant at 90a Iniscarn Road. This letter rebutted initial comments made by the objector at 90 Iniscarn Road, suggesting that a lack of gullies at no. 90 Iniscarn Road contributed to the impact of the flooding event that occurred in the past.

### **Development Plan and Key Policy Consideration**

SPPS - Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

Magherafelt Area Plan 2015: The site is located in the open countryside. There are no other designations on the site.

The Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy was launched on 22nd February 2019. The initial consultation period has recently ended giving rise to a number of objections to Policies contained in the Plan. In light of this, the Draft Plan cannot be given any determining weight at this time.

PPS3: Access, Movement and Parking (Revised 2005) and PPS3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.



PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. Policies CTY1, CTY8, CTY13 and CTY14 are applicable.

Revised PPS15: Planning and Flood Risk: sets out planning policies to minimise and manage flood risk to people, property and the environment. Policy FLD4 is applicable to this application.

Planning Policy CTY1 of PPS21 states that planning permission will be granted for the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8.

Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise and substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purposes of this policy, the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

I am content that this proposal complies with policy CTY8 in principle as nos. 86a, 88, 90 & 92 create a substantially built up frontage along the main Iniscarn Road.

I am content that the site is a small gap site. Therefore, I am content that this proposal complies with Policy CTY8 of PPS21.

### **Integration**

Policy CTY13 of PPS21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

It has been noted that this is a large 2 storey dwelling. The ridge height is 8.1m high at its highest point and the left hand side portion of the dwelling has a ridge height of 7.2m. Although no. 90 Iniscarn Road is a single storey dwelling, no. 92 is a two storey dwelling to the north and the Iniscarn Road is characterised by a mix of single and two storey dwellings.

I am content that the laurel hedging which has been planted along the southern boundary has addressed issues of overlooking as it has grown quite considerably in a short space of time. The window which has been raised by the objector at no. 90, is a bedroom window which I consider to be a low occupancy room and is located approx. 7m from the boundary of no. 90 Iniscarn Road. Therefore this, coupled with the mature laurel hedging addresses the issue of overlooking.

The window which has been raised by the owner of no. 92 Iniscarn Road on the northern boundary of the property is again a bedroom window which is considered a low occupancy room. There is a considerable amount of mature trees and hedging along the northern boundary of the property and the window is set far enough back from the private amenity space of no. 92 Iniscarn Road. Therefore, I am content that this window does not propose any demonstrable harm on the amenity of no. 92 Iniscarn Road.



The new access proposed 130m west from the junction of Iniscarn / Gortahurk Road will run along the southern boundary of the property therefore complies with CTY13. On a whole, I am content that the dwelling complies with Policy CTY13 of PPS21.

### **Rural Character**

Policy CTY14 of PPS21 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

It has been noted that this is a substantially large 2 storey dwelling however as mentioned above under CTY13 there is a mix of single storey and two storey dwellings along the Iniscarn Road therefore I am content that this proposal is in keeping with CTY14.

I am content on balance that this proposed application will not unduly change the character of the area. On a whole I am content that the proposed development complies with CTY 14.

### **PPS15: Planning and Flood Risk - Policy FLD4**

Policy FLD4 states that the planning authority will only permit the artificial modification of a watercourse, including culverting or canalisation operations in either of the following exceptional circumstances:

- Where the culverting of a short length of a watercourse is necessary to provide access to development site or part thereof;
- Where it can be demonstrated that a specific length of watercourse needs to be culverted for engineering reasons and that there is no reasonable or practicable alternative courses of action.

Justification for the culverted watercourse was requested from the agent on 16/01/2020 and no reason was received at time of writing this report.

An email was received from the engineer who wrote the Flood Risk Assessment stating that the presence of the culvert significantly reduces flood risk at the site and that the flood event which occurred in the past happened when the culvert was only half installed and was a one-off occurrence. Although this may be the case, no exceptional circumstance or engineering reason has been provided to justify the culverting of the undesignated watercourse which flows along the southern boundary of the site. For this reason, this proposal does not comply with Policy FLD 4 of PPS15.

### **Other Material Considerations**

DfI Roads were consulted on this application and are content, subject to condition. DfI Rivers were consulted on this application and initially asked for a Flood Risk Assessment. The Flood Risk Assessment received was based on the culverted watercourse therefore DfI Rivers will not comment until the planning authority make a decision based on FLD4 of PPS15. As the planning authority is of the opinion that the proposal does not comply with FLD4 of PPS15, there was no need to re-consult.

### **Neighbour Notification Checked**

Yes

### **Summary of Recommendation:**

Refusal.

ANNEX	
Date Valid	8th July 2019
Date First Advertised	25th July 2019
Date Last Advertised	
<b>Details of Neighbour Notification</b> (all addresses) E Flanagan 12 Moybeg Road, Tobermore, Londonderry, Northern Ireland, BT45 5QH E Flanagan 12 Moybeg Road, Tobermore, Londonderry, Northern Ireland, BT45 5QH E Flanagan 12, Moybeg Road, Tobermore, Londonderry, Northern Ireland, BT45 5QH D Murray 90 Iniscarn Road, Desertmartin, Londonderry, Northern Ireland, BT45 5NH Damian Murray 90 Iniscarn Road, Desertmartin, Londonderry, Northern Ireland, BT45 5NH The Owner/Occupier, 90 Iniscarn Road, Desertmartin,BT45 5NH Mr D Murray 90 Iniscarn Road, Desertmartin,BT45 5NH Paul Bradley 90A Inniscarn Road,Desertmartin The Owner/Occupier, 92 Iniscarn Road, Desertmartin,BT45 5NH The Owner/Occupier, 92 Iniscarn Road, Desertmartin,BT45 5NH Mr D Murray Email Damien Murray Email Address D Murray Email Address	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No



**Planning History**

Ref ID: LA09/2019/0868/F

Proposal: New laneway 130m West from the junction of Iniscarn Road/Gortahurk road to service the dwelling between 90 & 92 Iniscarn Road. Existing access onto the Iniscarn road to be permanently closed.

Address: New laneway 130m West from the junction of Iniscarn Road/Gortahurk road to the dwelling between 90 & 92 Iniscarn Road.,

Decision:

Decision Date:

Ref ID: LA09/2019/0944/F

Proposal: Infill dwelling and garage between 90 and 92 Inishcarn Road, Desertmartin (retrospective) New access laneway 130m West from the Junction of Inishcarn Road/Gortahurk Road, existing access onto Inishcarn Road to be permanently closed

Address: Between 90 and 92 Inishcarn Road, Desertmartin,

Decision:

Decision Date:

Ref ID: H/2005/0636/O

Proposal: Site of dwelling

Address: Between 90 - 92 Iniscarn Road, Desertmartin

Decision:

Decision Date: 19.10.2005

Ref ID: H/2007/0691/RM

Proposal: Proposed new 2 storey dwelling house and associated landscaping.

Address: Lands situated between 90-92 Iniscarn Road, Moneymore, Magherafelt

Decision:

Decision Date: 23.05.2008

Ref ID: H/2002/0012/O

Proposal: Site of Dwelling

Address: Between 90 &amp; 92 Iniscarn Road, Desertmartin

Decision:

Decision Date: 02.07.2002

**Summary of Consultee Responses****Drawing Numbers and Title**



Drawing No.  
Type:  
Status: Submitted

Drawing No.  
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Status: Submitted

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Drawing No.  
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Status: Submitted

Drawing No. 04  
Type: Proposed Floor Plans  
Status: Submitted

Drawing No. 03  
Type: Proposed Floor Plans  
Status: Submitted

Drawing No. 02  
Type: Site Layout or Block Plan  
Status: Submitted

Drawing No. 01  
Type: Site Location Plan  
Status: Submitted

Drawing No. 05  
Type: Proposed Elevations  
Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:





## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Emma McCullagh	
<b>Application ID:</b> LA09/2020/1536/O	<b>Target Date:</b>
<b>Proposal:</b> Dwelling & Garage	<b>Location:</b> Between 74 & 76 Hillhead Road Toomebridge BT41 3SP.
<b>Applicant Name and Address:</b> Mr J Nugent 82 Hillhead Road Toomebridge BT41 3SP	<b>Agent name and Address:</b> Henry Murray 37C Claggan Road Cookstown BT80 9XJ
<b>Summary of Issues:</b>  No representations have been received in respect of this application.	
<b>Summary of Consultee Responses:</b> DfI Roads advised that unless the proposal is being treated as an exception to Policy AMP 3 then the proposal should be refused.	
<b>Characteristics of the Site and Area:</b>  The site is comprised of a small field between 2 bungalows, Nos 74 and 76, and fronting onto the Hillhead Road. There is a large shed, which appears to be used as a workshop located to the rear of the proposed site. There are no other buildings to either side of the bungalows. To the south-east of No.74 is a small area of rough ground which is separated from the dwelling by a wide band of mature trees. To the north-west of No.76 is another small paddock which has no boundary along the road frontage.  The Hillhead Road is part of the A6 protected route running from Toome to Castledawson. There are limited views of the site on approach from either direction due to the built form on each side.	

## **Description of Proposal**

The proposal is an outline application for a site for dwelling and garage

## **Deferred Consideration:**

This application was presented as a refusal to Planning Committee in April 2021 for the following 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.
2. The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site within a substantial and continuously built up frontage along this part of Hillhead Road.
3. 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 this part of Hillhead Road.
4. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 3, in that it would, if permitted, result in the creation of a new vehicular access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.

It was subsequently deferred for a virtual office meeting on 22<sup>nd</sup> April 2021 with the Area Planning Manager.

Following a site visit I would agree it does not meet the criteria for an infill dwelling under CTY8 as there are not 3 buildings in a line which would constitute a continuous and substantially built up frontage.

However in terms of CTY2a – new dwellings in existing clusters – the site would meet the criteria for this policy.

The cluster of development lies outside of a farm and consist of 4 or more buildings, of which at least 3 are dwellings.

The cluster appears as a visual entity in the local landscape.

There is an established engineering business 'Nugents' across the road, as well as car sales nearby.

The site is bounded on 3 sides with development and provides a suitable degree of integration.

The development of the site can be absorbed into the existing cluster through rounding off and it would not significantly alter the existing character of the area or visually intrude into the open countryside.

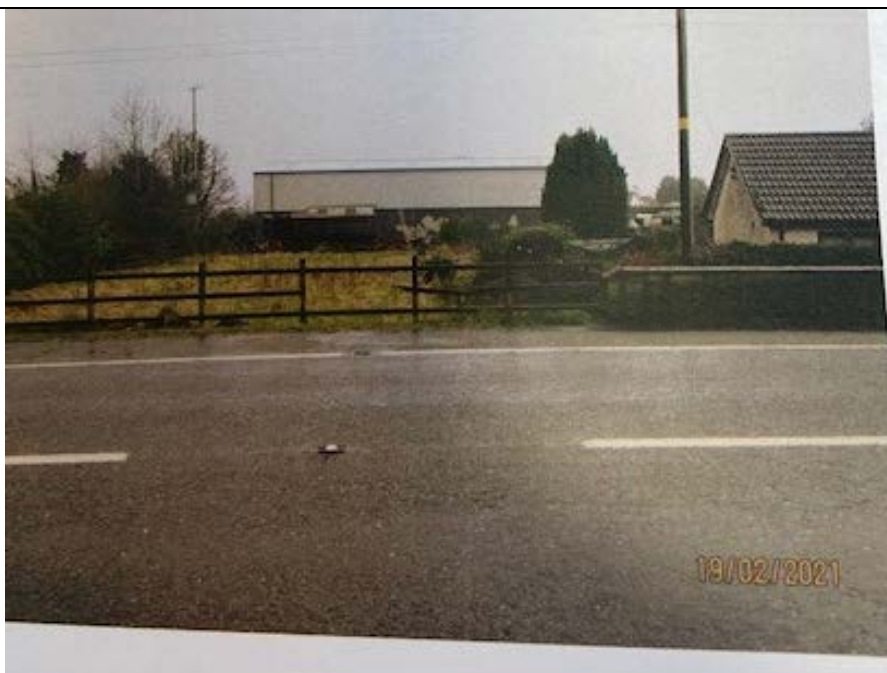
The development will not adversely impact on any residential amenity.

On this basis, I am content the criteria of CTY2a has been met for a dwelling on the site.



A single storey dwelling with 5.5m ridge, on this site would have no detrimental impact on the existing rural character of the area, which is built up and surrounded by a mix of development types.





In terms of refusal reason 4, DFI Roads were re-consulted due to the recent completion of the new road. They replied on 13/06/21 to state that although the new A6 Trunk Road scheme is now open to traffic the contractor is responsible for the new road under his contract obligations until its completion and DFI Roads will not remove protected routes status from the existing A6 Hillhead Road prior to its completion. The road has no completed and although no official date has been set for the de-trunking of this section of the Hillhead Road, it will be going ahead in the near future and so the 4<sup>th</sup> refusal reason will no longer be a valid concern.

Approval is recommended with the following conditions.

### **Conditions**

1. 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: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

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: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

3. Full particulars, detailed plans and sections of the reserved matters required in Conditions 01 and 02 shall be submitted in writing to the Council and shall be carried out as approved.

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

4. A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1.

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

5. A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development, hereby approved, at the Reserved Matters stage. Any trees or shrubs which may be damaged or die within a period of 5 years from the date of planting shall be replaced by plants of similar species and size at the time of their removal. All landscaping shall take place within the first available planting season after the commencement of the development.

Reason: In the interests of visual amenity.

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

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21.

8. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.3 metres at any point.

Reason: In the interest of visual amenity.

**Signature(s):**

**Date**



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

Mid-Ulster

Local Planning Office

Mid-Ulster Council Offices


50 Ballyronan Road

Magherafelt

BT45 6EN

## Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1536/O	Target Date:
Proposal: Dwelling & Garage (infill site)	Location: Between 74 & 76 Hillhead Road Toomebridge BT41 3SP
Referral Route:  This application is being presented to Committee as it is being recommended for refusal.	
Recommendation:	REFUSE
Applicant Name and Address: Mr J Nugent 82 Hillhead Road Toomebridge BT41 3SP	Agent Name and Address: Henry Murray 37C Claggan Road Cookstown BT80 9XJ
Executive Summary:	
Signature(s):	

*for c Hc d* 



## Case Officer Report

## Site Location Plan



## Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	NIEA	Considered - No Comment Necessary

## Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

## Summary of Issues

No representations have been received in respect of this application.



<p><b>Characteristics of the Site and Area</b></p> <p>The site is comprised of a small field between 2 bungalows, No's 74 and 76, and fronting onto the Hillhead Road. There is a large shed, which appears to be used as a workshop located to the rear of the proposed site. There are no other buildings to either side of the bungalows. To the south-east of No.74 is a small area of rough ground which is separated from the dwelling by a wide band of mature trees. To the north-west of No.76 is another small paddock which has no boundary along the road frontage. The Hillhead Road is part of the A6 protected route running from Toome to Castledawson. There are limited views of the site on approach from either direction due to the built form on each side.</p>
<p><b>Description of Proposal</b></p> <p>The proposal is an outline application for a site for dwelling and garage within a gap site.</p>
<p><b>Planning Assessment of Policy and Other Material Considerations</b></p> <p><b>Relevant planning history</b></p> <p>H/1980/0003 Alterations and additions to bungalow - Approved 15.02.1980  H/1988/0024 Alterations to dwelling - Approved 14.03.1988  H/1993/0554 Alterations and additions to dwelling - Approved 12.01.1994</p> <p>Under the provision of Section 6 (4) of the Planning Act (NI) 2011 the determination must be made in accordance with the Plan unless material considerations indicate otherwise.</p> <p>The Strategic Planning Policy Statement (SPPS) provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP - Draft Plan Strategy has been published for consultation, therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9 as these policies are cancelled by the introduction of the SPPS.</p> <p>The main policy considerations in the assessment of this application are:-</p> <p>Magherafelt Area Plan 2015 - the site lies outside any defined settlement limits and is open countryside as identified in the Magherafelt Area Plan 2015.</p> <p>PPS 21 - sustainable development in the countryside</p> <p>The proposal falls to be considered under Policy CTY 8. In order to assess whether or not an infill opportunity exists, it is first necessary to identify if a substantial and continuously built up frontage, containing a gap is present. Secondly, an assessment of the gap is required in order to ascertain whether it is 'small' in the context of the policy. Although it does not purport to provide an exhaustive list of circumstances, CTY 8 states that a substantial and built up frontage 'includes a line of 3 or more buildings along a road frontage without accompanying development to the rear'.</p> <p>The site is bounded to the south-east by a single dwelling, No.74, which has no associated outbuildings to either side. Beyond No.74 is a rough field which extends along the road frontage by approximately 85m before reaching the next building. To the north-west of the site is a second dwelling, No.76, which again has no associated out-building to either side. No.76 has a small side garden with a vehicular access onto the Hillhead Road. Beyond No. 76 is a small grass paddock with a frontage of approximately 25m onto the Hillhead Road. Whilst there is no defined boundary between No.76 and the paddock, the paddock is clearly not part of the defined curtilage of No.76. The paddock is a rough grass area whereas the side</p>

amenity space of No.76 is a closely mown area. Therefore it is clear that there are only two buildings in this line, one on each side of the proposed site. Whilst there is undoubtedly a gap, it is not within what constitutes a substantial and continuously built up frontage of at least three buildings. Any dwelling on this site would create a ribbon of development along this road frontage and therefore the proposed site is contrary to Policy CTY 8 in this respect.

While the site fails to satisfy the requirements of CTY 8, it also has to be considered under other policies ie. CTY 13 - Integration and CTY 14 - rural character.

#### CTY 13 - Integration

As the proposed site is set between two existing dwellings, a dwelling of a similar scale and design could be erected on this site without having a detrimental impact of visual amenity and which would achieve an acceptable degree of integration. Therefore the proposal does not offend this policy.

#### CTY 14 - Rural Character

The site is not considered to be a gap site and there will only be transient views of the site on approach from either direction due to the dwellings on either side. However, if this small gap was to be developed with a dwelling, then the three dwellings would constitute a ribbon of development along this stretch of the Hillhead Road. A dwelling on the proposed site would result in a suburban form of development when read with other existing buildings to such an extent as to result in a change of character of the rural area and therefore the proposal is contrary to this policy.

#### PPS 3 Access, Movement and Parking

Policy AMP 3 Access to Protected Routes advises that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access onto a protected route in certain cases. As the development of a gap site is not included as one of the cases referred to in Policy AMP 3, the proposed development is contrary to policy and should therefore be refused.

#### Consultations

DfI Roads advised that unless the proposal is being treated as an exception to Policy AMP 3 then the proposal should be refused.

#### Recommendation

On consideration of the above, it is my opinion that planning permission should be refused for the following reasons:-

Neighbour Notification Checked	Yes
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#### Summary of Recommendation:

Refuse for the reasons listed below:-

#### 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 CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site within a substantial and continuously built up frontage along this part of Hillhead Road.
3. 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 this part of Hillhead Road.
4. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 3, in that it would, if permitted, result in the creation of a new vehicular access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.

Signature(s)

Date:

ANNEX	
Date Valid	3rd December 2020
Date First Advertised	15th December 2020
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 70 Hillhead Road Creagh Londonderry</p> <p>The Owner/Occupier, 70 Hillhead Road Creagh Londonderry</p> <p>The Owner/Occupier, 74 Hillhead Road Toome Londonderry</p> <p>The Owner/Occupier, 74 Hillhead Road Toome Londonderry</p> <p>The Owner/Occupier, 76 Hillhead Road Creagh Londonderry</p> <p>The Owner/Occupier, 76 Hillhead Road Creagh Londonderry</p> <p>The Owner/Occupier, 79 Hillhead Road Creagh Londonderry</p> <p>The Owner/Occupier, 80 The Creagh (Etre And Otre),Toomebridge,Toome,Londonderry,BT41 3SP</p> <p>The Owner/Occupier, 81 Hillhead Road,Creagh,Londonderry,BT41 3SP</p> <p>The Owner/Occupier, 82A Hillhead Road,Toome,Londonderry,BT41 3SP</p>	
Date of Last Neighbour Notification	16th December 2020
Date of EIA Determination	N/A
ES Requested	No
<p>Planning History</p> <p>Ref ID: LA09/2020/1536/O Proposal: Dwelling &amp; Garage (infill site). Address: Between 74 &amp; 76 Hillhead Road, Toomebridge, BT41 3SP., Decision: Decision Date:</p> <p>Ref ID: H/1980/0003 Proposal: ALTERATIONS AND ADDITIONS TO BUNGALOW Address: 76 HILLHEAD ROAD, TOOMEBRIDGE Decision:</p>	

Decision Date:

Ref ID: H/2005/0515/O

Proposal: Site of demolition of existing piggery to provide site for new retirement dwelling.

Address: Adjacent to 84 Hillhead Road, Creagh, Toome.

Decision:

Decision Date:

Ref ID: H/2002/1099/O

Proposal: Site of dwelling

Address: Adjacent to 66 Hillhead Road, Toomebridge.

Decision:

Decision Date: 07.07.2004

Ref ID: H/1993/0554

Proposal: ALTS AND ADDS TO DWELLING

Address: 76 HILLHEAD ROAD TOOMEBRIDGE

Decision:

Decision Date:

Ref ID: H/1988/0024

Proposal: ALTERATIONS TO DWELLING

Address: 76 HILLHEAD ROAD TOOMEBRIDGE

Decision:

Decision Date:

Ref ID: LA09/2018/0287/F

Proposal: Single storey annex connected to existing dwelling.

Address: 84 Hillhead Road, Creagh Toomebridge, Magherafelt, Co Derry, BT41 3SP.,

Decision: PG

Decision Date: 26.06.2018

Ref ID: H/2014/0132/F

Proposal: Proposed two storey side extension to dwelling

Address: 74 Hillhead Road, Toomebridge, BT41 3SP,

Decision: PG

Decision Date: 24.09.2014

#### Summary of Consultee Responses

##### Consultations

DfI Roads advised that unless the proposal is being treated as an exception to Policy AMP 3 then the proposal should be refused.

#### Drawing Numbers and Title



Drawing No. 01  
Type: Site Location Plan  
Status: Approved

Notification to Department (if relevant)

Date of Notification to Department:  
Response of Department: