

BT45 6EN

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2016/1550/F	<b>Target Date:</b>
<b>Proposal:</b> Single storey dwelling with disability adaptations under policy CTY6 Development in the Countryside	<b>Location:</b> 200m NE of 159 Tullyvar Road, Ballygawley.
<b>Applicant Name and Address:</b> Mr Raymond Gilmore 67 Main Street Ballygawley BT70 2HD	<b>Agent name and Address:</b> Paul Douglas 16 Collegelands Road Charlemont Moy BT71 7SE
<b>Summary of Issues:</b> Personal and domestic circumstances to be considered to allow a dwelling in the countryside under policy CTY6 Cllr Burton met with the Planning Manager and supports this application.	
<b>Summary of Consultee Responses:</b> Roads - access to be improved	



**Characteristics of the Site and Area:**

**Description of Proposal:**

Single Storey Dwelling with Disability Adaptations under Policy CTY6 Development in the Countryside.

**Deferred Consideration:**

Members are advised this application was before the Planning Committee in August 2017 with a recommendation to refuse as it was not considered the personal circumstances case being forwarded was sufficient to meet with the hardship test in Policy CTY6. The application was deferred and 2 meetings were held, one with Cllr Frances Burton and one with the applicant, Mr Gilmore. This is not a normal circumstances and members should note it is not normal practice to have more than one deferral meeting, however the agent was in hospital when the first meeting was to take place, Mr Gilmore was only aware of the meeting at short notice and due to his inability to drive was not able to make the necessary arrangements for a trip to Magherafelt. Dr Boomer felt it was necessary to meet with the applicant due to the case being presented and a second meeting was arranged.

Mr Gilmore met with the Planning Manager and explained his specific personal circumstances which he would like the committee members to consider as justification for a dwelling in the countryside under policy CTY6. Members are advised CTY6 would allow the Council to approve a dwelling in the countryside where there specific personal circumstances and site specific reasons why a dwelling is a necessary response and there are no other alternatives. Mr Gilmore has personal medical circumstances and the members will be advised of these in committee at the planning meeting.

The proposed dwelling is located on the lane which leads to one of Mr Gilmore's older brothers and another brother lives off the next lane towards Ballygawley, on the old road. A dwelling here close to Mr Gilmore's brothers and families will allow them to provide care for Mr Gilmore. Whilst it may be possible to extend one of the houses to accommodate Mr Gilmore, this would make it more awkward for the care to be shared. Members are advised the chosen site has the foundations of a house put in place 20 years ago without consent, a planning application was refused at that time as the laneway accessed onto a protected route, the Tullyvar Road. This has been realigned since then and the access is no longer onto a protected route. Roads engineers have no objections to the proposal provided the access where the lane meets the road is improved and this can be conditioned. Members are also advised the site is within a disused quarry, it will have limited visual impact on the locality and will result in the old quarry being restored.

I am content to recommend that the Committee approve this application with the conditions specified.

**Conditions:**

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. Access to be provided as detailed

2. The dwelling hereby approved shall only be occupied by Mr Raymond Gilmore and his dependants for the first 5 years following its initial occupation.

Reason: This dwelling has been approved due to the stated personal circumstances.

3. Prior to the commencement of any of the development hereby approved, the access, where the laneway meets the public road, shall be improved to provide sight lines of 2.4m x 70.0m to the north, 2.4m x 45.0m to the south and a lay by as shown on drawing no 01Rev1 bearing the stamp dated 11 JUN 2018. The sight lines shall be cleared of all obstructions over 250mm above the level of the adjoining carriageway and shall be kept clear thereafter.

Reason: In the interests of road safety and convenience of road users.

4. Within 6 months of the dwelling hereby approved becoming occupied, the landscaping scheme, including the retention of existing vegetation and the provision of new planting, shall be carried in in accordance with the details as shown on drawing No 02 Rev 1 bearing the stamp dated 11 JUN 2018. Any tree, shrub or plant dying within 5 years of planting shall be replaced in the same position with a plant of the same size and species.

Reason: In the interests of visual amenity and to ensure the dwelling satisfactorily integrates into the countryside.

**Signature(s):**

**Date**

## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2017/1158/O	<b>Target Date:</b> <add date>
<b>Proposal:</b> Site for proposed dwelling (indicative layout and access)	<b>Location:</b> To the rear of 5 Ballynorthland Demense access of Moy Road Dungannon
<b>Applicant Name and Address:</b> Mr Keith Burgess 5 Ballynorthland Demense Moy Road Dungannon	<b>Agent name and Address:</b> McKeown and Shields 1 Annagher Road Coalisland BT71 4QG
<b>Summary of Issues:</b>  <p>The site is located in an area where policy indicates higher density development should be provided. The site is within an area that has a tree preservation order and there have been protected trees removed from the site. Objections in relation to road safety have been received.</p>	
<b>Summary of Consultee Responses:</b>  <p>Roads – access to be widened to 4.1m for first 10m and sight splays of 2.4m x 80.0m to be provided.</p>	
<b>Characteristics of the Site and Area:</b> <p>The site forms part of an existing rear garden area to No. 5 Ballynorthland Demesne with proposed access onto Moy Road. Measuring approx. 30m long and 20m wide, the NE, NW and SW boundaries are defined by mature trees and hedges, with the remaining boundary open to the remainder of rear amenity to No. 5. The site is elevated lawn area to no. 5, and when viewed from Moy Road there is a 1 1/2 m high stone wall and footway marking the boundary.</p> <p>Housing in the area is defined by detached single and two storey dwellings on sizable mature plots. When travelling along Moy Road there is no dwellings clearly visible accessing onto the road due to mature vegetation and trees along the roadside boundaries. There is also a footpath behind which is a stone wall making the boundaries to the plots with mature vegetation to the rear. To the west lies Dungannon Park, to the south east is a busy petrol filling station and traffic light cross roads.</p>	



**Description of Proposal**

Site for dwelling

**Deferred Consideration:**

Members are advised this application was recommended for refusal at the committee meeting on 6th March 2018 as it was considered the site did not respect the surrounding plot sizes of dwellings on Moy Road and would represent an increase in density, it would be highly visible, would unduly impact on existing trees which are subject to a preservation order and any house would be overshadowed by existing trees on the site. The previous report also indicated the proposal was contrary to Policy LC1 in PPS7 Addendum – Safeguarding the Character of Residential Areas. Members are advised the site is accessed off Moy Road, which is a main arterial route in Dungannon and as such is an exception to LC1 as Annex D indicates there is a desirability to increase density of housing on arterial routes.

Additional information, indicating how a dwelling could be accommodated on the site and how an access could be achieved was presented for consideration before the Committee Meeting took place and on that basis the application was deferred to allow this to be considered. These details were subject to further consultation and an additional letter of objection relating to road safety concerns was received from a neighbouring property. Members are advised there is an existing

access to the rear of No5 Ballynorthland Demesne, off the existing lane. The lane also accesses Laureen, a large detached house which is now derelict but has consent for a number of apartments to be built in its place. Members should note the apartment development does not utilise this laneway for vehicular access, it has not yet been constructed and as such there is still the potential to access Laureen from here. Members are however advised that the Roads Authority were consulted with the proposal and have not raised any concerns about road safety provided the access is widened to 4.1m and visibility splays of 2.4m x 80.0m are provided where the lane meets Moy Road. It has been demonstrated this can be achieved by relocating the wall and pillar on the applicant's side and there is no requirement for 3rd party lands.

The indicative proposal includes the removal of some vegetation along the laneway, this is part of a high conifer hedge and is not subject to protection by a TPO. 2 trees, a horse chestnut and an oak were protected, these are no longer on site and there are no current investigations into their removal. A remedy to deal with these is to plant new trees in their place, or close by. I consider this can be achieved by a condition requiring the provision of landscaping to include 2 heavy standard trees.

A 2 storey dwelling with a footprint of 10m x 11m has been indicated on the site with access coming off the lane 12m from the edge of the public road and showing parking and turning achieved within the site. I consider this is an acceptable layout as it provides 9m of a rear garden between it and the proposed boundary with the applicants existing house. The existing boundary has a 2 – 3 metre drop into the applicant's yard, however there is a single storey pitched roof garage between the proposed site and the applicants house which I consider will prevent any issues of overlooking from any proposed dwelling. Members are advised that while I consider the proposed layout is acceptable, there are alternatives that would be equally acceptable and as such I consider it is appropriate to allow these to be considered through any subsequent Reserved Matters submission and do not proposed to condition the location of the dwelling in accordance with the submitted plan.

As there is a policy direction to increase the density of dwellings in this type of area and it has been shown a dwelling could be located on the site without creating a road safety concern or impact on the amenity of existing dwelling, I recommend this application is approved.

#### **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. The under-mentioned reserved matters shall be as may be approved, in writing, by the Council :-

Siting; the two dimensional location of buildings within the site.

Design; the two dimensional internal arrangement of buildings and uses and the floor space devoted to such uses, the three dimensional form of the buildings and the relationship with their surroundings including height, massing, number of storeys, general external appearance and suitability for the display of advertisements.

External appearance of the Buildings; the colour, texture and type of facing materials to be used for external walls and roofs.

Means of Access; the location and two dimensional design of vehicular and pedestrian access to the site from the surroundings and also the circulation, car parking, facilities for the loading and unloading of vehicles and access to individual buildings within the site.

Landscaping; the use of the site not covered by building(s) and the treatment thereof including the planting of trees, hedges, shrubs, grass, the laying of hard surface areas, the formation of banks, terraces or other earthworks and associated retaining walls, screening by fencing, walls or other means, the laying out of gardens and the provisions of other amenity features.

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

4. Prior to commencement of any development hereby approved, the vehicular access, including relocation of the existing wall and pillar, widening of the laneway to 4.1m for the first 10m from the edge of Moy Road and visibility splays of 2.4mx 60.0m shall be provided in accordance with a 1/500 scale site plan as submitted and approved at Reserved Matters stage. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter the provision of and any forward sight line shall be provided in accordance with the approved plans.

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

5. 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. 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: To ensure the provision of a high standard of landscape

**Signature(s):**

**Date**



## Deferred Consideration Report

Summary	
<b>Case Officer:</b> Phelim Marrion	
<b>Application ID:</b> LA09/2018/0439/F	<b>Target Date:</b>
<b>Proposal:</b> Relocation and change of house type to previously approved application I/2014/0016/RM (Amended siting)	<b>Location:</b> South East of 34a Annaghmore Road Coagh
<b>Applicant Name and Address:</b> John Quinn 34a Annaghmore Road Cookstown	<b>Agent name and Address:</b> CMI Planners Ltd 38 Airfield Road Toomebridge BT41 3SG
<b>Summary of Issues:</b> The proposal does not meet with Policy CTY2A for a dwelling within a cluster however there are circumstances that merit making an exception to the policy.	
<b>Summary of Consultee Responses:</b> Roads – access to be provided before development commences.	



#### **Characteristics of the Site and Area:**

The site is located in the rural countryside outside of any settlement designated under the Cookstown Area Plan 2010. It is a relatively flat, rectangular shaped plot cut from the southern portion of a much larger agricultural field. It is set back approx. metres from Annaghmore Road and accessed via an existing concrete lane which serves 4 other bungalow dwellings. Number 34a annaghmore road, located immediately adjacent the northern boundary of the site; no 34 (which has a couple of large sheds to its rear) slightly further north; and numbers 36 and 36c further again at the very end of the lane. The front boundary of the site which sits adjacent the lane serving it is defined by a mature hedgerow approx. 1.2 metres high. The northern boundary of the site is also bound in part along the curtilage of the adjacent property (no. 34a) by an approx. 1.2 metre high mature hedge. The remainder of the northern boundary is undefined on the ground, opening the site up unto the larger field from which it is cut. The southern boundary of the site is defined by mature tree and hedgerow vegetation. There is also a bungalow located immediately adjacent to the southern boundary of the site, which is accessed off Annaghmore Road. There are limited views of the site from the Annaghmore Road due to mature vegetation along the southern boundary of the site, along the lane serving the site and within the wider vicinity. Views of the site are limited to travelling along the lane.

#### **Description of Proposal**

This is a full planning application for the relocation and change of house type to a dwelling and garage previously approved under application outline application I/2013/0053/O and reserved matters application I/2014/0016/RM. The dwelling approved under the previous applications was a storey and a half dwelling with detached garage to be located to the rear of no. 34 Annaghmore road and a couple of accompanying large sheds. Access to the dwelling was to be via the concrete lane off the Annaghmore Road which would have to run through the curtilage of no.34 and the accompanying sheds to access the dwelling. The current proposal is for a storey and a half dwelling to be located to the south of no. 34a Annaghmore Road. Access to this proposal is

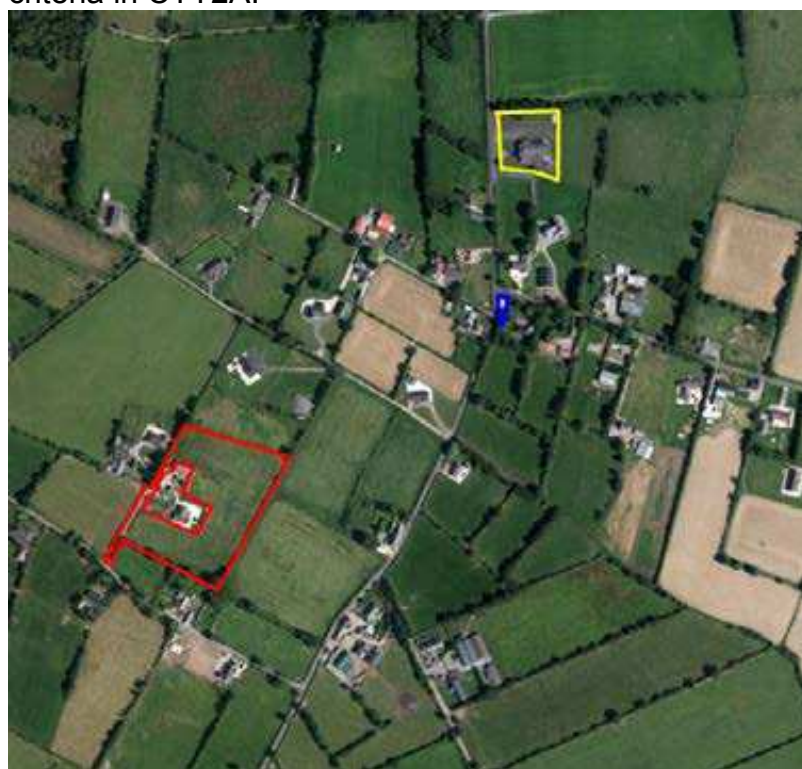
again to be via the concrete lane off the Annaghmore Road and it will have a garden area that extends to the lane in front of the house.

**Deferred Consideration:**

This application was being recommended to Committee as a refusal on 6 June 2018, the agent agreed to revise the siting of the dwelling prior to the committee meeting and as such it was deferred to allow the submission of the revised siting. This has been received and neighbour notification has been carried out with the relevant neighbours.

Members are advised this application relates to the erection of a dwelling in the countryside and the agent had submitted it as a substitution for a site that was approved by the Department under applications I/2013/0053/O (OPP) and I/2014/0016/RM. That planning permission was not commenced on site and expired on 27th March 2018, 5 years from the date of the grant of OPP, as this was later than 2 years from the grant of Reserved Matters. Members are advised that while that permission has expired, the policy context for approving it is still the same and it is the siting that has changed.

The Department approved a dwelling at the end of the lane, approx. 60 m to the north of the proposed site. The Departments decision was based on clustering under CTY2A and recognised that Coyle's Cottage and the Kinturk Centre were focal points and a dwelling at the opposite end of the lane was associated with these focal points. Coyles Cottage is an historic fishermans cottage and is open to the public, it is located approx. 410 m to the NE of the proposed and approved sites, as shown in blue on the attached map. The Kinturk Centre, a community building which is a place of community congregation is located approx. 520m to the NE and is shown yellow. The existing and proposed sites are both visually separated from these 2 facilities and I do not consider the proposal meets with this criteria in CTY2A.



The applicant has moved the dwelling on the site and it is now positioned between the bungalow to the north-west and the bungalow to the south-east. The proposed dwelling is also viewed, from the laneway immediately in front of it, with a 3rd dwelling to the north. There are also a number of sheds and outbuildings around these 3 dwelling. As such I consider the dwelling as proposed will read with this development and it will have development on 2 sides. There is a mature hedge to the south and east boundaries of the site and also to the west, on the opposite side of the laneway. I consider this vegetation , as well as the existing dwelling and building to the north will ensure the dwelling is adequately integrated and I consider it is necessary to impose a condition retaining the vegetation. Due to the limited views of the proposed dwelling from the adjacent public road network, which is single car width with mature hedges and given the scattering of development around the immediate locality, I do not consider the proposed dwelling will have any significant impact on the existing character of the area. The dwelling is set back from the gable of the dwelling to the north and as such it will not impact on the south facing elevation by overlooking or overshadowing, it is also well separated for the dwelling to the south. I do not consider the proposal will have any significant impact on the amenity of these 2 properties.

I consider the proposal meets with 5 of the 6 criteria set out in CTY2A, I consider the applicant, who is the same for the now lapsed application, has a reasonable expectation that this application will be given the same consideration as before. While it is clear that the proposal does not met with the Policy in CTY2A, I consider the expectation and the fact the proposal will have very limited public views or impacts on the existing character of the area are matters that should be given significant weight in the determination of this application and as such I consider it can be recommended for approval as an exception to CTY2A.

**Conditions:**

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4mx 60.0m shall be provided in accordance with the details as shown on drawing No 02 Rev 2 bearing the stamp dated 25 JUN 2018. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road 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.

3. The existing natural screenings of the site, as indicated in green, on approved drawing 02 Rev 2 bearing the stamp dated 25 JUN 2018 shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: : To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

4. All hard and soft landscape works shall be carried out in accordance with the approved details as shown on drawing No 02 Rev 2 bearing the stamp dated 25 JUN 2018 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out within the first available planting season following the commencement of the development hereby approved. 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: To ensure the provision, establishment and maintenance of a high standard of landscape.

5. The curtilage of the proposed dwelling shall be as indicated in yellow on the approved drawing No 02 Rev 2 bearing the stamp dated 25 JUN 2018 and the remainder of the field outlined in red shall be retained in agricultural use.

Reason: To ensure that the amenities incidental to the enjoyment of the dwelling will not adversely affect the countryside.

**Signature(s):**

**Date**