

Laura Crawford

From: Murray Bell
Sent: 24 June 2025 15:50
To: Martin McErlain
Cc: Richard Heaney; Planning
Subject: RE: Burke - Lands at Killyvally Road, Garvagh - LA01/2024/1004/F
Attachments: M24 Burke Letter to Planning - 24.06.25.pdf

RE: Burke - Lands at Killyvally Road, Garvagh - LA01/2024/1004/F

Dear Martin

Sorry for the lateness of this submission but it took me some time to track down the enclosed information and to be able to speak to the previous applicant of the site.

I hope you will reconsider the recommendation, and that you have been able to visit the site to personally assess the discovered structures.

With thanks

Murray

Murray Bell RIAS . RIBA
Chartered Architect

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VAT Registration No. 810321000 Company Registration No. NI 045429

From: Martin McErlain >
Sent: 20 June 2025 15:53
To: Murray Bell
Subject: RE: Burke - Lands at Killyvally Road, Garvagh - LA01/2024/1004/F

Murray

I personally have not visited the application site. I will endeavour to visit the site at the start of next week prior to the Planning Committee Meeting on Wednesday

Regards
Martin

From: Murray Bell
Sent: 20 June 2025 10:00
To: Richard Heaney

Martin McErlain

Cc: Planning <Planning@causewaycoastandglens.gov.uk>; Jordan Mitchell MCIAT
Subject: FW: Burke - Lands at Killyvally Road, Garvagh - LA01/2024/1004/F

FW: Burke - Lands at Killyvally Road, Garvagh - LA01/2024/1004/F

With regards to the above planning application, please find confirmation below from Dr Ambrose McCloskey in relation to the structural works which have been discovered on site and which are aged and which we consider represents development on the site from previous and which further supports our assertion that a material start has been made.

As per previous request, please clarify that you have visited site and inspected these elements yourselves so that might be assessed as part of our planning application.

We have noted the recent additional objection dated 18 June 2025, and simply comment that these submissions are heresay and not evidence of any sort, rather, the evidence of structures in the ground is much more convincing.

Regards

Murray Bell

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VAT Registration No. 810321000 Company Registration No. NI 045429

From: Ambrose McCloskey
Sent: 19 June 2025 11:28
To: Murray Bell
Subject: Burke - Lands at Killyvally Road, Garvagh - LA01/2024/1004/F

Murray,

Further to your recent request, we have reviewed the photos forwarded by yourself regarding the above referenced site.

We understand that the photo attached (IMG_0424) was taken by yourself at the above site.

We can confirm that the top of a precast driven pile is shown in the photo protruding from the water.

This is most definitely a precast pile, as it has the connection plate on top as is standard construction.

We trust this clarifies,

Regards,

Ambrose

Dr. Ambrose McCloskey, PhD, BEng (Hons), CEng, Eurlng, MIEI, MICE.

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CREATIVE DESIGN : SUSTAINABLE APPROACH

Your Ref : LA01/2024/1004/F
Our Ref : M24 Burke

Causeway Coast and Glens Borough Council
Planning Office
County Hall
Castlerock Road
Coleraine
BT51 3HS
planning@causewaycoastandglens.gov.uk

24 June 2025

RE: Additional Comments in support of Planning Application LA01/2024/1004/F
Applicant: Mr D Burke

Proposal: Erection of Dwelling and garage on previously approved site at Killyvally Rd,
Garvagh—previous approval C/2010/0029/F.

Dear Sir/Madam,

We respond in relation to comments made by Mr Harry Armstrong and MBA planning on his behalf.

As stated in our previous emails, reference to the previous applicant is heresay and is in fact not supported by that person. The original applicant has specifically asked for no involvement in this case and Mr Armstrong and MBA Planning have gone against his wishes by making statements as such, and we are deliberately not naming him in this submission.

Critically, the site was affected by the failure of the PMS (Presbyterian Mutual society), with the first impacts of the PMS issues being felt in January 2009. Our understanding is that sites, property and lands were then seized by the regulators of the PMS from February 2009, and therefore the previous applicant had no contact with the site some time after Jan 2010, and we note that the RM (reserved matters) approval expired 12th Jan 2016.

It is therefore irrelevant to state that the previous applicant had any knowledge of further works from 2010/2011 as others were in charge of the site, and it has in fact changed hands subsequently.

It is clear that any individual owner or controller of the site could have carried out material start works any time up until Jan 2016, and would have been perfectly in right to do so.

It is further evident that the ground conditions of the site are poor with a black peaty soil structure evident in the submitted photographs, and this clearly indicates why a traditional strip found was not viable and instead the pile was inserted.


We have shown that works were indeed carried out to the site and this is still viable to view on historical imagery (orthophotography) through Google Earth, and we have uncovered the pile and cap confirmed as a real entity by Dr Ambrose McCloskey. This is unquestionably a form of construction, and together with the access works and visibility splays constitutes a material start.

It is clear that the pile as discovered is an aged item, not at all recent, and I have asked the planning officers to inspect this themselves and to report on their particular inspection of the pile. Any opinion as to the exact age of the pile will be speculation, and we seek reliance upon the principle of approval based on reasonableness, as we believe it is reasonable that as the pile is in the correct location, that it was driven at some point due to the poor ground conditions, and it relates exactly to the dwelling as located.

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Murray Bell RIBA RIAS
Chartered Architect

Associate
Jordan Mitchell MCIAT
Chartered Technologist

I return to the supplied example of LA01/2020/0744/F, and this has been raised in the process of this application previously, and is of material importance.

At the last planning committee, the reporting officer stated that the issue of material start evidence did not lead to the eventual approval, and this is not entirely correct. The Fivey road site was approved by planning committee, as on the evidence submitted, it was found to be marginal and was on that basis approved due to the evidence of a single trench even though the trench was in the wrong location, and the issue of 'infill' appeared to give planning committee extra confidence in approving. I attended the meeting and I can recall the discussion and I have reviewed the minutes from Feb 2023.

I submit that there is no dangerous precedent if this site is approved, as the exact circumstances of this application are not widespread and will not act as a catalyst for others.

Accordingly, and on the balance of evidence and reasonableness, I consider the site to be approvable as submitted and on the strength of evidence disclosed.

Yours faithfully,

Murray Bell RIBA. RIAS
Chartered Architect
Director

For and on behalf of
Bell Architects Ltd