



<b>Title of Report:</b>	<b>Planning Committee Report – LA01/2023/0459/F</b>
<b>Committee Report Submitted To:</b>	<b>Planning Committee</b>
<b>Date of Meeting:</b>	<b>23<sup>rd</sup> October 2024</b>
<b>For Decision or For Information</b>	<b>For Decision – Referred Item by Cllr Bateson</b>
<b>To be discussed In Committee YES/NO</b>	<b>NO</b>

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

<b>Estimated Timescale for Completion</b>	
Date to be Completed	

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

<b>Legal Considerations</b>
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Input of Legal Services Required	<b>NO</b>
Legal Opinion Obtained	<b>NO</b>

<b>Screening Requirements</b>	Required for new or revised Policies, Plans, Strategies or Service Delivery Proposals.		
Section 75 Screening	Screening Completed:	N/A	Date:
	EQIA Required and Completed:	N/A	Date:
Rural Needs Assessment (RNA)	Screening Completed	N/A	Date:
	RNA Required and Completed:	N/A	Date:
Data Protection Impact Assessment (DPIA)	Screening Completed:	N/A	Date:
	DPIA Required and Completed:	N/A	Date:

<b><u>App No:</u></b>	LA01/2023/0459/F	<b><u>Ward:</u></b>	Garvagh
<b><u>App Type:</u></b>	Full		
<b><u>Address:</u></b>	140m NW of 19 Magheramore Road, Garvagh, BT51 5PW		
<b><u>Proposal:</u></b>	Proposed production/storage building and new access.		
<b><u>Con Area:</u></b>	N/A	<b><u>Valid Date:</u></b>	
<b><u>Listed Building Grade:</u></b>	N/A	<b><u>Target Date:</u></b>	
<b>Agent:</b>	2020 Architects, 49 Main Street, Ballymoney, BT53 6AN		
<b>Applicant:</b>	P&A Contracts, 19 Magheramore Road, Garvagh		
<b>Objections:</b>	0	<b>Petitions of Objection:</b>	0
<b>Support:</b>	0	<b>Petitions of Support:</b>	0

## Executive Summary

- Full Planning Permission is sought for Proposed Production/Storage Building and New Access.
- The site is located within the rural area as defined in the Northern Area Plan 2016.
- The principle of development is considered unacceptable as the proposal does not meet the policy provisions outlined in Policy PED 2 (Economic development in the Countryside) of PPS 4 (Planning and Economic Development) and there are no exceptional circumstances as to why the proposal is required in this location.
- Access and Parking arrangements are considered to be acceptable.
- The proposed development will satisfactorily integrate within the application site and surrounding landscape.
- There will be no unacceptable impact on surrounding residential amenity.
- There will be no unacceptable impact on natural or built heritage features.
- Consultation has been carried out with DFI Roads, Environmental Health, NIEA and NI Water. No objections have been raised.
- No letter of objection or support have been received.
- The proposal fails to comply with Paragraphs 6.73 and 6.88 of the SPPS, Policy CTY 1 of PPS 21 and Policies PED 2, PED 3 and PED 6 of PPS 4.
- Refusal is recommended.

**Drawings and additional information are available to view on the Planning Portal-**  
**<https://planningregister.planningssystemni.gov.uk/simple-search>**

## **1 RECOMMENDATION**

- 1.0 That the Committee has taken into consideration and agrees with the reasons for the recommendation set out in section 9 and the policies and guidance in sections 7 and 8 and resolves to **REFUSE** planning permission subject to the conditions set out in section 10.

## **2.0 SITE LOCATION & DESCRIPTION**

- 2.1 The site comprises an area of agricultural land in the countryside. The red line includes part of an agricultural field for the proposed access lane and part of an adjacent field for the proposed building. The site is set back from the Magheramore Road by approximately 150m. The site is surrounded by mature trees and hedgerows. The surrounding area comprises single rural dwellings, agricultural buildings and agricultural land. The ground levels fall gradually from the Magheramore Road towards the site of the proposed building.
- 2.2 The application site is located within the rural area outside of any settlement limit as defined in the Northern Area Plan 2016. The site does not lie within any specific environmental designations.

## **3.0 RELEVANT HISTORY**

No relevant planning history on the application site.

## **4.0 THE APPLICATION**

- 4.1 Full planning permission is sought for a production/storage building with a new access from Magheramore Road.

## 5.0 PUBLICITY & CONSULTATIONS

### External

5.1 **Advertising:** Advertised on 21<sup>st</sup> December 2022

**Neighbours:** No letters of objection or support have been received.

### Internal

5.2 **DFI Roads** – No objections

**Environmental Health** – No objections

**NI Water** – No objections

**NIEA Water Management Unit** – No objections

## 6.0 MATERIAL CONSIDERATIONS

6.1 Section 45(1) of the Planning Act (Northern Ireland) 2011 requires that all applications must have regard to the local plan, so far as material to the application, and all other material considerations. Section 6(4) states that in making any determination where regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

6.2 The development plan is:

- Northern Area Plan 2016 (NAP)

6.3 The Regional Development Strategy (RDS) is a material consideration.

6.4 The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration. As set out in the SPPS, until such times as a new local plan strategy is adopted, councils will apply specified retained operational policies.

6.5 Due weight should be given to the relevant policies in the development plan.

6.6 All material considerations and any policy conflicts are identified in the “Considerations and Assessment” section of the report.

## **7.0 RELEVANT POLICIES & GUIDANCE**

The Northern Area Plan 2016

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 4: Planning & Economic Development

Planning Policy Statement 21 – Sustainable Development in the Countryside

## **8.0 CONSIDERATIONS & ASSESSMENT**

8.1 The main considerations in the determination of this application relate to, the principle of development, Integration and Rural Character, Habitat Regulations Assessment, Access and Parking.

### **Principle of development**

8.2 Both the SPPS and Policy CTY1 of PPS21 outline the types of development which are considered acceptable in principle within the rural area. Planning permission will be granted for industry and business uses in accordance with PPS 4.

8.3 Paragraph 6.88 of the SPPS states that in the interests of rural amenity and wider sustainability objectives, the level of new building for economic development purposes outside settlement limits must be restricted. There are circumstances where an exception may be justified, including a small-scale new build economic development project where there is no suitable site within the settlement limit. In this case, an edge of settlement location will be favoured over a location elsewhere in the settlement.

- 8.4 Paragraph 6.91 of the SPPS states that all applications for economic development must be assessed in accordance with normal planning criteria, relating to such considerations as access arrangements, design, environmental and amenity impacts, so as to ensure safe, high quality and otherwise satisfactory forms of development.
- 8.5 There are no exceptional circumstances as to why the proposal is required in this location.

### **Policy PED 2 – Economic Development in the Countryside**

- 8.6 Proposals for economic development uses in the countryside will be permitted in accordance with the provisions of the following policies:
- The Expansion of an Established Economic Development Use – Policy PED 3
  - The Redevelopment of an Established Economic Development Use – Policy PED 4
  - Major Industrial Development – Policy PED 5
  - Small Rural Projects – Policy PED 6
- 8.7 Economic development associated with farm diversification schemes and proposals involving the re-use of rural buildings will be assessed under the provisions of Planning Policy Statement 21 ‘Sustainable Development in the Countryside’.
- 8.8 All other proposals for economic development in the countryside will only be permitted in exceptional circumstances. The proposal does not meet the provision of any of the policies for economic development in the countryside. Therefore, the proposal does not comply with Policy PED 2.

### **Policy PED 3 – Expansion of an Established Economic Development Use in the Countryside**

- 8.9 The expansion of an economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the

enterprise. Proposals for expansion will normally be expected to be accommodated through the reuse or extension of existing buildings on site. Where it is demonstrated that this is not possible, new buildings may be approved provided they are in proportion to the existing building(s) and will integrate as part of the overall development.

8.10 The proposal involves a new production/storage building with a new access lane and parking/turning area. Supporting information has been provided highlighting the need for the proposed building. This states that the applicant, P&A Contracts, is a Glenullin based building firm engaged in the construction of commercial and residential buildings and the lease and management of residential properties. P&A Contracts produce timber framed products for the construction industry. The business is seeking planning permission as they have expanded out of their current premises and need another location to store materials and machinery for their upcoming projects.

8.11 The supporting information advises that the business currently operates from the dwelling house of one of the directors (No. 19 Magheramore Road). An extensive list of machinery, vehicles and stock has been provided, which includes diggers, forklift, scaffolding, cement mixers, air compressor, work vans, lorry and lock boxes. The agent advised that this is currently being stored in a shed to the rear of the dwelling, in the driveway and also on a farmyard opposite the dwelling at No.19. At the time of site inspection, there was no evidence of machinery or equipment being stored at No. 19 or at the farmyard opposite the site. No evidence of current storage arrangements or equipment has been submitted with the application.

8.12 A planning history search was carried out which confirmed that the shed to the rear of the dwelling at No. 19 Magheramore Road does not have planning permission. The agent confirmed at a meeting on 4/12/23 that there is no planning permission for this shed.

8.13 The description of the proposal relates to a new production/storage building. The supporting information indicates that the proposed building will be used for storage of machinery and equipment. The agent was advised to provide clarification



on the use of the building as there is no production area indicated within the plans. The agent advised that the building itself is an indication of the production area and that there is no defined production area within the building. Any production taking place would be simplistic frame building which is put together within the building using a power drill and this would take place wherever the timber is stored in the building. The agent advised that production would be carried out once or twice a month and that this is a small ancillary use to the main element of the building which is for storage.

8.14 The site of the proposed building is within an agricultural field located approximately 140m to the north-west of the dwelling at 19 Magheramore Road, which the agent has advised is currently the address of the business. There is no planning history at this address for a commercial premises. No information has been submitted to demonstrate that the business is established at this site. The policy allows for the expansion of an existing business. However, as it has not been demonstrated that there is an existing business at this location, the proposal cannot be considered as an expansion. Additionally, the site is displaced from the dwelling at No. 19. For this reason, the proposal would be considered a new business in the countryside, which cannot be considered under Policy PED 3.

### **Policy PED 6 – Small Rural Projects**

8.15 A firm proposal to develop a small community enterprise park/centre or a small rural industrial enterprise on land outside a village or smaller rural settlement will be permitted where it is demonstrated that all the following criteria are met:

- (a) there is no suitable site within the settlement;
- (b) the proposal would benefit the local economy or contribute to community regeneration; and
- (c) the development is clearly associated with the settlement, but will not dominate it, adversely affect landscape setting or otherwise contribute to urban sprawl.

- 8.16 The proposed site is not located outside a village or smaller rural settlement, it is located in the open countryside. This policy is to ensure that adequate provision is made for firm proposals for small rural enterprises that is associated with a village or small settlement. As this proposal is not associated with or outside a village or small settlement it fails to meet this policy.
- 8.17 The proposed site is located approximately 2 miles outside the settlement of Garvagh. Supporting information submitted by the agent advises that, at the time of conception, there were only 4 commercial properties for sale in the local area and 3 properties to rent. They go on to state that none of these properties are suitable for the business as they do not have the required space to operate, nor the location.
- 8.18 The supporting information advises that the proposal will allow for the growth of the business which will contribute significantly to the local economy through job creation and material purchasing. The business overview indicates that there are currently 2 full time and 2 part time members of staff. The business overview also indicates that 1 part time and 5 full time jobs will be created from the proposal. It is unclear how this proposal will generate additional jobs as the production taking place on site is limited to once or twice a month and is ancillary to the main use which is for storage.
- 8.19 The proposed development is located within the countryside and is displaced from the settlement of Garvagh. Therefore, it is not clearly associated with the settlement and does not comply with criteria (c).
- 8.20 In assessing the acceptability of sites, preference will be given to sites in the following order:
- (1) land adjacent to the existing settlement limit, subject to amenity and environmental considerations;
  - (2) a site close to the settlement limit which currently contains buildings or where the site is already in a degraded or derelict state and there is an opportunity to improve the environment; and
  - (3) an undeveloped site in close proximity to the settlement where the development could be visually integrated into the landscape.

8.21 The proposal is not located on land adjacent to the existing settlement limit. The site is located approximately 2 miles from the settlement limit of Garvagh and does not contain buildings. The site comprises agricultural land which is not in a degraded or derelict state. The site is not considered to be in close proximity to the settlement. The proposal does not meet any of the locational criteria above.

8.22 The policy goes on to state that 'Storage or distribution uses will only be permitted where these are clearly ancillary to a proposal for a community enterprise park/centre or an industrial use'. The proposal is not ancillary to any industrial uses. The proposed development does not satisfy the criteria under Policy PED 6 of PPS 4.

### **Policy PED 9 – General Criteria for Economic Development**

8.23A proposal for economic development use, in addition to the other policy provisions of this statement, will be required to meet all of the following criteria;

*(a) It is compatible with surrounding land uses;*

8.24 The site comprises a new production/storage building on agricultural land. The surrounding area comprises agricultural land, single rural dwellings and farm buildings. There is an existing commercial yard further east along the Magheramore Road. The building will be used for storage of machinery and equipment associated with the business. The closest non-associated residential dwelling is located approximately 112m from the application site. The Environmental Health department have no concerns and recommend conditions to protect amenity. The proposed building will be set back from the public road and is well screened by existing mature vegetation. It is considered that given the distance back from the road the proposal would not be considered incompatible with surrounding land uses. Notwithstanding this, the principle of the proposed development is considered to be unacceptable.

*(b) It does not harm the amenities of nearby residents;*

8.25 The proposal comprises the construction of a production and storage building in the countryside. There are residential dwellings in the vicinity of the application site. The Environmental Health department was consulted and requested further information in relation to potential noise impacts. The agent submitted further information confirming that the intended operating hours will be 8am -5pm on Monday-Friday with occasional Saturday work. The agent also confirmed that there will be 2 vans entering and leaving the site per day, with 1-2 goods vehicle movements per week. The only lighting associated with the proposal will be 2 security lights on the building. Environmental Health was reconsulted to consider the submitted information and have no objections subject to the inclusion of planning conditions in order to protect amenity.

*(c) It does not adversely affect features of the natural or built heritage;*

8.26 There are archaeological sites/monuments in the vicinity of the application site. Historic Environment Division was consulted and advise that they are content that the proposal is satisfactory to SPPS and PPS 6 requirements. The proposal involves a new access from the Magheramore Road. Approximately 21m of existing hedgerow to the west of the proposed access will require removal to facilitate the visibility splays. The submitted block plan indicates that a new native species hedgerow will be planted behind the splays to compensate for the loss of the existing hedgerow. It is considered that the proposal will not adversely affect features of the natural or built heritage.

*(d) It is not located in an area at flood risk and will not cause or exacerbate flooding*

8.27 The proposal is not located in an area of flood risk. The proposed building/hardstanding does not exceed 1000 square metres. It is considered that the proposal will not cause or exacerbate flooding.

*(e) It does not create a noise nuisance;*

8.28 The proposal is for a production/storage building. The submitted supporting statement states that the business needs another location to store materials and machinery for their upcoming projects as they have expanded out of their current premises. A list of materials and machinery has been provided. The Environmental Health department was consulted and requested clarification on potential noise sources. Following the submission of further information, Environmental Health have no objections and have recommended planning conditions to ensure no adverse impact on amenity from noise.

*(f) It is capable of dealing satisfactory with any emission or effluent;*

8.29 The application form states that the source of the water supply will be mains. Surface water will be disposed of via soakaway. NIEA Water Management Unit, NI Water and Environmental Health have been consulted and have not raised any issues of concern.

*(g) The existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified;*

8.30 The proposal involves the construction of a new access to the public road. DfI Roads was consulted and following submission of amendments, have no objections subject to conditions.

*(h) Adequate access arrangements, parking and manoeuvring areas are provided;*

8.31 The proposal involves the construction of a new access to the public road. It also comprises a parking and turning area. DfI Roads have not raised any objections to the proposal. It is considered that access arrangements, parking and manoeuvring are acceptable.

*(i) A movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing rights of way and provides adequate and convenient access to public transport;*

8.32 Due to the nature of the proposed development, it is not considered that this is applicable to the proposed development.

*(j) The site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;*

8.33 The proposed development comprises a new building with a new access from the Magheramore Road and associated parking and turning area. The proposed building measures 30m x 12m and has a ridge height of 6m. Proposed finishes include white render base walls with grey corrugated upper walls and roof and two grey roller shutter doors. The proposed building will be set back from the public road by approximately 150m and the site sits lower than the level of the public road. The building will be well screened by the existing mature vegetation to the immediate site boundaries which will be retained. The proposed access runs along an existing field boundary to the east. Part of the existing hedgerow to the west of the access will need to be removed but this will be replaced with compensatory planting to the rear of the visibility splays. Views of the proposed access will be limited travelling west on Magheramore Road and limited to a short distance travelling east. The proposed access will be finished in gravel with tarmac to the first 5m. Overall, it is considered that the site layout, associated infrastructure and landscaping arrangements would not have an adverse impact on biodiversity.

*(k) Appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;*

8.34 The application site is set back from the Magheramore Road. There is existing mature vegetation to boundaries which will be retained. This will screen the proposed building and ancillary car parking area. There is an existing hedgerow to the roadside

boundary which will partly be removed to provide splays. However, a new hedgerow will be planted behind the splays. It is considered that adequate boundary treatment and means of enclosure are provided.

*(l) Is designed to deter crime and promote personal safety;*

8.35 The proposal is designed to deter crime and promote personal safety.

*(m) In the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.*

8.36 The proposal comprises a new building and ancillary works in the countryside. The application site is set back from the public road and is at a lower ground level. Whilst the proposed building is relatively large in scale, it has a ridge height of 6m and will be screened by the existing mature vegetation to the boundaries. There is also a backdrop of mature trees which sit higher behind the site. Views of the proposed access will be limited to a short distance due to the surrounding topography and existing buildings. Part of the existing hedgerow will be removed to provide the required visibility splays. However, this will be replaced with a new native species hedgerow which will be planted behind the splays. It is considered that there are satisfactory measures to assist integration into the landscape.

### **Integration and Rural Character**

8.37 The proposal comprises a new production/storage building on agricultural land with a new access from Magheramore Road. The proposed building will be set back from the Magheramore Road by approximately 150m. The site is located at a lower level than the Magheramore Road due to the gradual fall in ground level. There is existing mature vegetation to the field boundaries surrounding the proposed shed and along the Magheramore Road. The submitted site plan indicates that the majority of existing vegetation will be retained which will maintain a high level of screening to the site. There are also mature trees on

elevated land to the north of the site which will provide a backdrop. Views of the proposed building will be limited due to the distance from the road, surrounding topography and existing vegetation. A new access lane is proposed to serve the building. The proposed new access will run from the Magheramore Road along the existing field boundary for a distance of approximately 150m before entering the site. The lane will be finished in gravel, with the first 5m finished in tarmac. It is considered that the proposal will integrate satisfactorily in this location and therefore complies with Policy CTY 13.

8.38 The proposal comprises a new building in the countryside with associated parking and new access. Views of the proposed building will be limited due to the distance from the road, surrounding topography and existing mature vegetation. The building will not be unduly prominent in this location. The new access lane will run along the existing field boundary and views are limited to a short distance due to the topography and existing roadside development. It would not be considered to cause a detrimental change to, or further erode the rural character of the area. The proposal is considered to comply with Policy CTY 14.

### **Impact on Natural Heritage**

8.39 The proposal involves the removal of approximately 21m of existing hedgerow to the west of the proposed access to facilitate visibility splays. This will be replaced like for like with native species hedgerow behind the splays. Having considered the DAERA Standing Advice on Hedgerows, it is considered that the proposal will not have an adverse impact on species or features of natural heritage importance given that it does not involve removal of more than 30m of hedgerow and compensatory planting is proposed.

### **Access**

8.40 The proposal involves the construction of a new access to a public road. DfI Roads was consulted and following the submission of amendments, have no objections to the proposal subject to conditions.



## **Habitat Regulations Assessment**

8.41 The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

## **9.0 CONCLUSION**

9.1 The proposal is considered unacceptable in this location having regard to the Northern Area Plan 2016 and other material considerations. The proposal fails to comply with the requirements of Paragraph 6.88 of the SPPS and Policies PED 2, PED 3 & PED 6 of PPS 4 in that there are no exceptional circumstances as to why the proposal is required in this location. As there are no other overriding reasons as to why the development is essential in this rural location, the proposal is also contrary to Paragraph 6.73 of the SPPS and Policy CTY 1 of PPS 21. Refusal is recommended.

## **10.0 Reasons for Refusal**

1. The proposal is contrary to Paragraph 6.73 of the SPPS and Policy CTY 1 of PPS 21, Sustainable Development in the Countryside, in that there are no overriding reasons why the development is essential and could not be located in a settlement.
2. The proposal is contrary to Paragraph 6.88 of the SPPS and Policies PED 2, PED 3 & PED 6 of PPS 4, Planning & Economic Development, in that there are no exceptional circumstances as to why the proposal is required in this location.





## Appendix 1

### Reason for Referral

**From:**

**Sent:** 05 September 2024 15:52

**To:** Planning <[Planning@causewaycoastandglens.gov.uk](mailto:Planning@causewaycoastandglens.gov.uk)>

**Subject:** Fwd: Application LA01/2023/0459/F - P&A Contracts

Hi folks,

Please see attached application and reasons why should it should be referred to the planning committee. Any issues let me know.

Cheers,

Cllr Sean Bateson

Sent from my iPhone