



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> LA09/2018/0462/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed agricultural shed, for feeding and rearing calves	<b>Location:</b> 95m West of 65 Drumgrannon Road Moy
<b>Referral Route:</b> Objections Received	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Seamus Conroy 90 Drumgannon Road Moy Dungannon	<b>Agent Name and Address:</b> AP Mackle 127 Benburb Road Moy Dungannon BT71 7QA
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	NIEA	Advice
Statutory	Rivers Agency	Advice
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	DAERA - Omagh	Substantive Response Received
Non Statutory	Shared Environmental Services	Substantive Response Received

Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	NIEA	Advice
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Shared Environmental Services	Substantive Response Received

**Representations:**

Letters of Support	None Received
Letters of Objection	8
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

**Summary of Issues**

There were 7 objections received with regards to the proposed agricultural shed, for feeding and rearing calfs.

These objections are summarised below;

65 Drumgannon road - Out character, loss of privacy, noise, air and light pollution and traffic congestion.

65 Drumgannon road (2) - size of the building over dominant.

91 Drumgannon road - Traffic issues, Noise.

65A Drumgrannon road - Traffic issues, road safety.

61 Drumgannon road - Traffic issues

Drumgannon road - Agricultural use in a residential area.

20 Majors Lane - Not in keeping with the area, traffic issues, noise.

**Characteristics of the Site and Area**

The site comprises a small portion of a larger agricultural field located 95 metres to the West of number 65 Drumgrannon Road, The Moy. The site forms part of a larger agricultural holding which includes 5 fields between the Drumgrannon Road and the main Dungannon Road. It is at a relatively high level in comparison to the main dungannon road and also rises slightly from the Drumgrannon Road. The access follows the line of trees along the field boundary to the south, there is also a low cropped native species hedgerow along the roadside boundary to the east, however the remaining north and western boundaries remain undefined on the ground.

The site lies approx 0.5 KM to the North East of the settlement limits of the Moy. Whilst the Drumgrannon road from which the site gains access is within the open countryside it is a small narrow road which has seen significant pressure from development in recent times.

**Description of Proposal**

Proposed agricultural shed, for feeding and rearing calfs

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

### **Area Plan**

Dungannon and South Tyrone Area Plan 2010- un-zoned land in the countryside. Policy provisions Strategic Planning Policy Statement (SPPS) and PPS21 Sustainable Development in the Countryside (PPS21) apply.

### **Other Policy Considerations**

#### **Strategic Planning Policy Statement (SPPS)**

#### **Planning Policy Statement 21 (PPS21) Sustainable Development in the Countryside;**

- Policy CTY 1 Development in the Countryside
- Policy CTY 12 Agricultural and Forestry Development.
- Policy CTY 13 Integration and Design of Buildings in the Countryside
- Policy CTY 14 Rural Character

#### **Planning Policy Statement 3 Access, Movement and Parking**

- Policy AMP 2 Access to Public Roads

### **3rd Party Objections**

There were 7 objections received with regards to the proposed agricultural shed, for feeding and rearing calves.

These objections are summarised below;

1-65 Drumgannon road - Out character, loss of privacy, noise, air and light pollution and traffic congestion.

2-65 Drumgannon road (2) - size of the building over dominant.

3-91 Drumgannon road - Traffic issues, Noise.

4-65A Drumgannon road - Traffic issues, road safety.

5-61 Drumgannon road - Traffic issues

6-Drumgannon road - Agricultural use in a residential area.

7-20 Majors Lane - Not in keeping with the area, traffic issues, noise.

The main issue arising in all of the objections was over the increased traffic flow on what is a minor road and the road safety issues that this proposal would arise. However, a farm shed in the open countryside is not uncommon practice and in many cases found along small narrow rural roads. In this case DFI roads are the competent authority. They were consulted with amended drawings on 28.05.2019 and responded with no objections subject to conditions.

A second concern was over the impact on residential amenity, with regards to loss of privacy, as well as noise, air and light pollution. In this case the nearest dwelling is approx. 75m away, there is a small potential for loss of amenity to this dwelling from the proposed. However, due to the separation distance and considering the occasional use of the building, I am satisfied that the need for the building when balanced with the impact caused is not overly detrimental on the amenity of the residential dwelling. Environmental Health would be the competent authority in this regard, they were consulted on 16.04.2018 and responded with no objections subject to informatives.

A third main concern was that the proposal was not in keeping with the character of the area, and the size of the building would be over dominant. It is my opinion that a livestock shed of 450m<sup>2</sup> with a ridge height of 7.6 metres is not uncommon of many agricultural sheds found in rural areas. EHD, NIEA and SES have all been consulted and have not raised any concerns. I do not consider the building to be over dominant or out of keeping with the character of the area.

Finally, one objector raised the issue of 'an agricultural use in a residential area'. In this case the site is found within the open countryside outside the settlement limits of the Moy and therefore it

is not a residential area. Agricultural fields and farm grazing land surround the site on three sides.

#### Key Policy Consideration

#### SPPS – Strategic Planning Policy Statement for Northern Ireland

The SPPS has superseded PPS 1 (General Principles). In paragraph 2.3 of the SPPS it states “The basic question is not whether owners and occupiers of neighbouring properties would experience financial loss from a particular development, but whether the proposal would unacceptably affect the amenities and the existing use of land and buildings that ought to be protected in the public interest. Good neighbourliness and fairness are among the yardsticks against which development proposals will be measured”. The proposed agricultural shed will be located 75m from the nearest third party dwelling at number 65 Drumgrannon Road. It will be used for the feeding and rearing of calves and it is my opinion that due to the separation distance from the nearest dwelling it will not have a significant impact on the amenity of number 65.

The SPPS gives provision for Agriculture and Forestry Development subject to a number policy provisions. It does not present any change in policy direction with regards to this type of development in the Countryside. As such, existing rural policy will be applied (ie) CTY 12 of PPS 21.

#### PPS 21 – Sustainable Development in the Countryside

Policy CTY 1 of PPS 21 sets out the range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

One of these types of development is agricultural and forestry development in accordance with Policy CTY 12. Provisions of SPPS do not impact on this policy.

Policy CTY 12 states that planning permission will be granted for development on an active and established agricultural and forestry holding where it is demonstrated that:

a) It is necessary for the efficient use of the agricultural holding.

The applicant has an existing farm which includes the site and adjoining lands. Details of this farm business accompany the application and DAERA have confirmed that the business ID has been in existence for more than 6 years and that the farm business claims subsidies. There is sufficient information to show that the farm is both established and currently active.

This proposal for 1 no. agricultural building, to provide housing for feeding and rearing of calves. While the applicant currently has a principal farm holding on a separate part of the farm, they have also provided a justification for this siting. The farm holding including 3 buildings including a stables, a general agri store and a tool shed are all located on the west of the main Dungannon Moy Road, whilst all 5 of the applicants fields are located on the East of the Road. To house the animals on the existing farm would mean either; walking them across the busy road on a regular basis; or transporting them via trailer, which would be impracticable and inefficient. There would also be significant road safety issues with this as the farm holding is located next to an accident blackspot.

b) It is appropriate to the location in terms of character and scale.

The surrounding area is rural in character. This shed is typical of agricultural buildings which are found in this rural area. Given the nature of this building, to house calves, it is considered appropriate to the location. The materials and finishes are typical of this type of building and are acceptable in the rural area.

c) It visually integrates into the local landscape and additional landscaping is provided as necessary.

The shed is set back approx. 60m from the public road, accessed via a laneway which follows the existing hedge line. The site benefits from mature boundary of vegetation to the south which will screen views of the shed from the public road and with appropriate planting to the North, the visual impact will be minimal. In my view, given the design, size and scale of the building and existing vegetation this proposal will integrate into the landscape.

d) It will not have an adverse impact on the natural or built heritage.

This proposal is for the shelter of livestock. NIEA were consulted to see if nitrate and ammonia emissions would damage the natural environment in this area or further afield. NIEA required the submission of an Air Quality Impact assessment (AQIA). Upon viewing NIEA were content that the planning application as described was in line with DAERA's operational protocol.

Shared Environmental Services (SES) were also consulted on this proposal, and having considered the nature, scale, timing, duration and location of the project it is concluded that, provided the following mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

The following mitigation should be included through conditions:

1. The maximum number and type of cattle housed within the proposed facility shall not exceed 3 beef cows and 30 calves at any time. APHIS records to be made available to the Planning Authority on request.

Reason: To protect the site selection features and conservation objectives of Lough Neagh and Lough Beg Ramsar and Peatlands Park SAC.

2. All of the manure generated from the proposed facility must be spread on the applicants land as detailed within the AQIA.

Reason: To protect the site selection features and conservation objectives of all European designated sites.

Under the current proposal there will be no significant detrimental impact to the natural environment or habitats.

e) It will not result in a detrimental impact on the amenity of residential dwellings outside the holding.

There have been 7 objections received from neighbouring residents.

Environmental Health was consulted and their response was; No Environmental Health objections in principle to the proposed. However, it is requested that the attached informative is added to any planning permission granted.

The Clean Neighbourhood and Environment Act (Northern Ireland) 2011

The applicant is advised to ensure that all plant, equipment and activities used in connection with the development is so operated and maintained as to prevent the transmission of noise and odour to nearby premises.

It is my opinion that with the closest dwelling not associated with the farm is approx. 75m away, there is a small potential for loss of amenity to this dwelling from the proposed. However, due to the separation distance and considering the occasional use of the building, I am satisfied that the need for the building when balanced with the impact caused is not overly detrimental on the amenity of the residential dwelling.

In the case where a new building is proposed the following points should be met:

-There are no suitable existing buildings;

No suitable buildings are available on the holding. As previously discussed, the farm holding including 3 buildings including a stables, a general agri store and a tool shed are all located on

the west of the main Dungannon Moy Road, whilst all 5 of the applicants fields are located on the East of the Road. In addition all of the buildings were currently being used.

-The design and materials are sympathetic to the locality;  
The shed is of a simple design and buildings of this style are characteristic of the rural area.

-It is sited beside existing farm buildings.  
The need for siting away from the existing farm holding has been discussed above.

Policy CTY 13 allows for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.  
As detailed in my assessment above, these points have been covered.

Policy CTY 14 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. The shed is agricultural in nature and will not cause a detrimental change to the rural character of this area. This shed also benefits from screening and is set back off the public road.

#### Other Considerations

This site is not subject to flooding and there are no land contamination issues with the site.

DfI Roads recommend sight splays of 2.4m by 45m in both directions, to be conditioned prior to the commencement of development.

Having weighted up the above policy and material considerations including an in-depth look at all the concerns raised by the objectors I am of the opinion that this application should be recommended for approval subject to conditions.

#### Neighbour Notification Checked

**Yes**

#### 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 the development hereby permitted, visibility splays of 2.4m x 45m shall be provided in accordance with the approved drawing No.1A bearing date stamp 24 sep 2019, or as may otherwise be agreed in writing with the Council. The area within the visibility splays shall be cleared of all obstructions to a height of 250mm above the adjacent carriage and be permanently retained 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 width of the vehicular access to be (6.0m) for the first (20.0m), including (10.0m) radii and shall be provided in accordance with Drawing No. 01A , bearing the date stamp 24/05/19, prior to the commencement of any other works or other development hereby permitted.

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

4.The maximum number and type of cattle housed within the proposed facility shall not exceed 3 beef cows and 30 calves at any time. APHIS records to be made available to the Planning Authority at Mid Ulster Council on request.

Reason: To protect the site selection features and conservation objectives of Lough Neagh and Lough Beg Ramsar and Peatlands Park SAC.

5. All contaminated run-off (from the facility and concrete apron) must be directed to an appropriate collection tank, with no overflow or outlet to any waterway or soakaway. The applicant should also be reminded of their responsibilities under the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations (SSAFO) (Northern Ireland) 2003 and The Nitrates Action Programme (NAP) Regulations (Northern Ireland) 2014 as detailed within Standing Advice Notes for agricultural developments.

Reason: To protect the site selection features and conservation objectives of all European designated sites.

6.A suitable buffer of 10 metres shall be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc and any watercourses present within the application site.

Reason; To protect neighbouring residential amenity.

7.The building hereby permitted shall not be used until all new boundaries have been defined by a timber post and wire fence with a native species hedgerow planted on the inside.

REASON: To ensure the proposal is in keeping with the character of the rural area.

### **Informatives**

1.This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

2.This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

3. The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the Department for Infrastructure for which separate permissions and arrangements are required.

Notwithstanding the terms and conditions of the Councils approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructures consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the Roads Service Section Engineer whose address is Main Street, Moygashel, Dungannon. A monetary deposit will be required to cover works on the public road.

Provision shall be made to the satisfaction of DFI Roads Service, to ensure that surface water does not flow from the site onto the public road.



Provision shall be made to the satisfaction of DFI Roads Service, to accommodate the existing roadside drainage and to ensure that surface water does not flow from the public road onto the site.

4.The Clean Neighbourhood and Environment Act (Northern Ireland) 2011

The applicant is advised to ensure that all plant, equipment and activities used in connection with the development is so operated and maintained as to prevent the transmission of noise and odour to nearby premises.

5.Agricultural developments may result in the generation of slurry and dirty water. The applicant should also be reminded of their responsibilities under the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations (SSAFO) (Northern Ireland) 2003 and The Nitrates Action Programme (NAP) Regulations (Northern Ireland) 2014 as detailed in the Standing Advice document for agricultural developments.

The applicant also should refer and adhere to the precepts contained in the following Standing Advice documents: Pollution Prevention Guidance, Sustainable Drainage Systems, Discharges to the Water Environment, Agricultural Developments and Livestock Installations and Ammonia.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	4th April 2018
<b>Date First Advertised</b>	19th April 2018
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) Derek McMullan 20 The Major's Lane, Dungannon, Tyrone, Northern Ireland, BT71 7FG Derek McMullan 20, The Major's Lane, Dungannon, Tyrone, Northern Ireland, BT71 7FG Stephen McCammon 61 Drumgrannon Road, Dungannon, Tyrone, Northern Ireland, BT71 7DY The Owner/Occupier, 65 Drumgrannon Road Dungannon Tyrone Mackle _ Dr Salto-Tellez 65 Drumgrannon Road, Dungannon, Tyrone, Northern Ireland, BT71 7DY Mary Anne Mackle 65 Drumgrannon Road,Moy,Dungannon, BT71 7DY Philip McCammon 65a, Drumgrannon Road, Dungannon, Tyrone, Northern Ireland, BT71 7DY Jim Lewis 91, Drumgrannon Road, Dungannon, Tyrone, Northern Ireland, BT71 7DY Jonathan Ferguson Drumgrannon Road,Moy,Dungannon,BT71 7DY	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2018/0462/F Proposal: Proposed agricultural shed, for feeding and rearing calfs Address: 95m West of 65 Drumgrannon Road, Moy, Decision: Decision Date:  Ref ID: M/2014/0053/PREAPP Proposal: Small Dwelling Address: Majors Lane, Dungannon, Decision: ELR Decision Date:	

Ref ID: M/2008/0997/F

Proposal: 39.5km of pipeline to transfer drinking water from Ballydougan Service Reservoir, near Bleary, Co Down to Carland Service Reservoir, near Newmills, Co Tyrone via a water pumping station at Moy.

Address: Pipeline from Ballydougan Service Reservoir to Carland Service Reservoir via Moy PS

Decision:

Decision Date: 07.12.2009

### **Summary of Consultee Responses**

DFI Roads, Rivers, NIEA, SES and Env Health were consulted and no concerns were raised subject to the above conditions and informatives.

### **Drawing Numbers and Title**

Drawing No. 01A

Type: Site Location Plan

Status: Submitted

### **Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/1537/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed alterations and extension to existing dwelling to include an increase in ridge height to provide bedroom and bath room on the first floor and new dining room on the ground floor	<b>Location:</b> 18 Tamlaghduff Road Bellaghy
<b>Referral Route:</b> Decision in conflict with HED advice.	
<b>Recommendation:</b> Approval	
<b>Applicant Name and Address:</b> Dympna Mc Peake 18 Tamlaghduff Road Bellaghy	<b>Agent Name and Address:</b> Diamond Architecture 77 Main Street Maghera BT46 5AB
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Advice
Statutory	Historic Environment Division (HED)	
Statutory	Historic Environment Division (HED)	Advice
Statutory	Historic Environment Division (HED)	Advice

### 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

Proposal complies with Policy EXT1 of Addendum to PPS7 – Residential Extensions and Alterations. Does not comply with the advice received from HED consultation response.

### Characteristics of the Site and Area

The site 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 approximately 1.15km from the settlement of Bellaghy. There is a listed cottage located to the rear of the host property. Currently onsite is a single storey dwelling and detached garage. The site fronts onto a public footpath along the main Tamlaghduff Road, Bellaghy. There is some private amenity space located to the rear of the property. The

rear boundaries of the site are defined by a concrete wall. Car parking is currently available within the curtilage of the property.

### **Description of Proposal**

The applicant seeks full planning permission for proposed alterations & extension to existing dwelling to include an increase in ridge height to provide bedrooms & bathroom on first floor and new dining room on the ground floor.

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

#### **Planning History**

H/2011/0049/F - Proposed alterations and extension to existing dwelling including an increase in ridge height to provide bedrooms and a bathroom on the first floor and alterations to ground floor to provide level access shower facilities for residential purposes (Permission Granted 23.03.2011).

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

- Strategic Planning Policy Statement (SPPS)
- Magherafelt Area Plan 2015
- Addendum to PPS7 – Residential Extensions and Alterations
- PPS 3: Access, Movement and Parking
- PPS6: Planning, Archaeology and the Built Heritage
- Local Development Plan 2030 – Draft Plan Strategy

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.

The application is seeking planning consent for an extension to an existing dwelling and as such the proposal must be assessed in accordance with the Addendum to Planning Policy Statement 7 – Residential Extensions and Alterations.

Policy EXT1 of the Addendum to PPS7 – Residential Extensions and Alterations states that planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

**Criterion (a)** deals with scale, massing, design and external materials. The proposed extension to the rear of the property and can be considered subordinate to the existing dwelling. The proposed extension is single storey and with a proposed flat roof therefore considered subordinate to the existing dwelling. The scale and massing of the proposed extension are considered appropriate. The proposed roof extension is proposed to provide additional bedrooms on the first floor – the current roof is proposed to be stripped and replaced with flat and non-profiled tiles or slates – materials that are appropriate for the setting of this dwelling and in keeping with the rural character of the

area. The proposed external materials are to match the existing dwelling, therefore are appropriate.

**Criterion (b)** deals with the privacy of the neighbouring residents in terms of overshadowing, loss of light and dominance the proposal will have no adverse effect on the properties on either side of the host property due to the subordinate nature of the proposal and the existing boundary definition. I am satisfied that the proposal will have no impact on the residential amenity by way of dominance, overshadowing and loss of privacy.

**Criterion (c)** the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality. No trees or landscape features will be lost or damaged.

**Criterion (d)** sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles. A small amount of rear residential amenity space will be taken by the proposal, however I am satisfied sufficient space will be retained for recreational and domestic purposes. There will be no impact on car parking.

The proposed extension complies with the criteria of policy EXT1 of Addendum to PPS7 – Residential Extensions and Alterations.

### **Other Material Considerations**

DfC Historic Environment Division were consulted due to the close proximity of the listed cottage to the rear of the property at no.20 Tamlaghduff Road. HED state that the proposal does not comply with Policy BH11 of PPS6 - Planning, Archaeology and the Built Heritage. The proposal had originally been a much larger scheme however was reduced to comply with Policy BH11 of PPS6. Although HED still feel that the proposal does not comply with policy I feel that the reduced scheme does comply with Policy BH11.

Policy BH11 of PPS6 states that The Department will not normally permit development, which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:

(a) The detailed design respects the listed building in terms of scale, height, massing and alignment.

(b) The works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building.

(c) The nature of the use proposed respects the character of the setting of the building.

Although the ridge height is proposed to be risen, it will not further obstruct any view of the listed building from the main Tamlaghduff Road as seen in the photograph 1 below. The applicant seeks to raise the roof height by 1.7m and the right hand side elevation of the dwelling is to remain at ground floor level as can be seen from photograph 2 below, therefore I am content that the proposal is acceptable in terms of height, scale and design and I am content that the proposal does not have an adverse effect on the quality of the listed building.



**Photograph 1** A picture of the front elevation of the dwelling as seen from the main Tamlaghduff Road.



**Photograph 2** The view of the listed building in conjunction with the right hand side elevation which is to remain as a single storey.

The applicant has proposed to change the external materials of the dwelling to smooth render painted or roughcast render. The proposed roof is to be flat and non-profiled tiles or slates which will be blue/black or grey. These materials are considered sympathetic to the setting of the listed building.

The use of the building is to remain as a dwelling therefore the proposal complies with criteria (c) of policy BH11 of PPS6.



I am content that this proposal complies with policy BH11 of PPS6 and does not have a detrimental impact on the character of the quality of the listed building or the quality of the setting of the listed building. The proposed development does not further obstruct view of the listed building from the main Tamlaghduf

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Approval.

**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.

**Informatives**

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	19th November 2018
<b>Date First Advertised</b>	6th December 2018
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 16 Tamlaghtduff Road Bellaghy Londonderry The Owner/Occupier, 20 Tamlaghtduff Road Bellaghy Londonderry The Owner/Occupier, 22b Tamlaghtduff Road Bellaghy	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2018/1537/F Proposal: Proposed alterations and extension to existing dwelling to include an increase in ridge height to provide bedroom and bath room on the first floor and new dining room on the ground floor Address: 18 Tamlaghduff Road, Bellaghy, Decision: Decision Date:  Ref ID: H/1997/0100 Proposal: ALTERATIONS & ADDITIONS TO DWELLING Address: 18 TAMLAGHDUFF ROAD BELLAGHY Decision: Decision Date:  Ref ID: H/2011/0049/F Proposal: Proposed alterations and extension to existing dwelling including an increase in ridge height to provide bedrooms and a bathroom on the first floor and alterations to ground floor to provide level access shower facilities for residential purposes Address: No 18 Tamlaghduff Road, Bellaghy, Decision: Decision Date: 25.03.2011	

Ref ID: H/1977/0259  
Proposal: ALTERATIONS AND ADDITIONS TO BUNGALOW  
Address: 18 CAVAN, TAMLAGHTDUFF, BELLAGHY  
Decision:  
Decision Date:

Ref ID: H/1978/0513  
Proposal: ALTERATIONS AND ADDITIONS TO BUNGALOW  
Address: TAMLAGHDUFF ROAD, BELLAGHY  
Decision:  
Decision Date:

Ref ID: H/2013/0094/LBC  
Proposal: Proposed single storey extension to the rear of existing Grade B2 listed dwelling  
Address: 20 Tamlaghtduff Road, Bellaghy ,Magherafelt, BT45 8JQ,  
Decision: CG  
Decision Date: 29.08.2013

Ref ID: H/2013/0470/LBC  
Proposal: Repairs to property  
Address: 20 Tamlaghtduff Road, Bellaghy, BT45 8JQ,  
Decision: CG  
Decision Date: 19.08.2014

Ref ID: H/2013/0093/F  
Proposal: Proposed single storey extension to the rear of existing Grade B2 listed dwelling  
Address: 20 Tamlaghtduff Road, Bellaghy, Magherafelt,  
Decision: PG  
Decision Date: 29.08.2013

Ref ID: H/2004/0938/F  
Proposal: Proposed Studio (Private Use Only)  
Address: Site to the rear of 20 Tamlaghtduff Road, Bellaghy  
Decision:  
Decision Date: 22.09.2005

Ref ID: LA09/2018/0497/F  
Proposal: Proposed 2 storey extension and alteration works to existing dwelling  
Address: 16 Tamlaghtduff Road, Bellaghy, Magherafelt,  
Decision: PG

Decision Date: 23.08.2018

Ref ID: H/2012/0205/F

Proposal: Extension and alterations to existing garage

Address: 16 Tamlaghtduff Road, Bellaghy, Magherafelt, BT45 8JQ,

Decision: PG

Decision Date: 03.08.2012

Ref ID: H/2005/0746/RM

Proposal: Dwelling house & garage

Address: 160M NW of 16B Tamlaghtduff Road, Bellaghy

Decision:

Decision Date: 20.11.2005

Ref ID: H/2004/0728/O

Proposal: Site of dwelling and garage.

Address: 180m NW of 16B Tamlaghtduff Road, Bellaghy

Decision:

Decision Date: 10.04.2006

Ref ID: H/2004/0726/O

Proposal: Site of Dwelling and Garage.

Address: 160m North West of No 16B Tamlaghtduff Road, Bellaghy.

Decision:

Decision Date: 25.04.2005

Ref ID: H/1994/0223

Proposal: SITE OF REPLACEMENT DWELLING AND GARAGE

Address: 22A TAMLAGHTDUFF ROAD BELLAGHY

Decision:

Decision Date:

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

Drawing No. 04  
Type: Proposed Elevations  
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: Existing Plans  
Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:

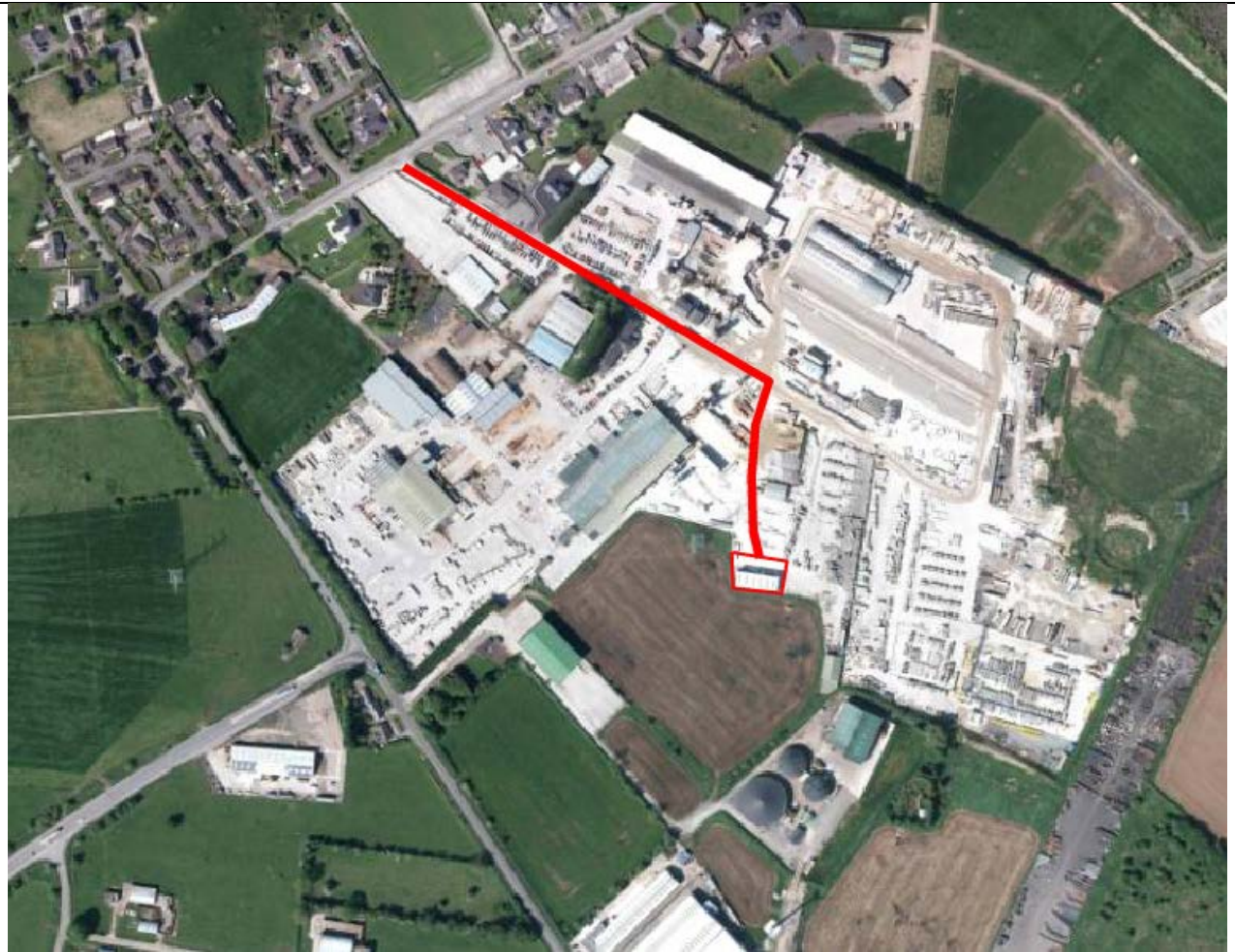
Mid-Ulster  
Local Planning Office  
Mid-Ulster Council Offices  
50 Ballyronan Road  
Magherafelt  
BT45 6EN

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/1648/F	<b>Target Date:</b> 01/04/2019
<b>Proposal:</b> Retention of open-sided storage building	<b>Location:</b> Creagh Concrete Products Ltd Blackrock Road Toomebridge
<b>Referral Route:</b> An objection has been received to the application.	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Creagh Concrete Products Ltd Blackrock Road Toomebridge BT42 3SL	<b>Agent Name and Address:</b> Gemma Jobling JPE Planning 1 Inverary Valley Larne BT40 3BJ
<b>Executive Summary:</b> This application is for retention of an aggregate store associated with a larger industrial site, an objection has been received that questions the ownership of the land, processing of the application in relation to the submission of land ownership certificates and advertising of the development.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	Rivers Agency	Advice

### Representations:

Letters of Support	None Received
Letters of Objection	1
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

### Summary of Issues

The land is not owned by the applicant, land registry records show who owns the land, the application has been accompanied by the wrong certificate under Section 42 of the Planning Act (NI) 2011.

### Characteristics of the Site and Area

The application site is part of the larger Creagh Concrete Products manufacturing site at the Creagh. The site contains a mono-pitched roof building which is 6.9m to the front and 5.3m to the rear. The roof is finished with a profiled metal finish, it is open to the north and has concrete

panels to the side and partially to rear. The upper part of the rear elevation is open with netting at the top. The building is located close to the site boundary which is post and wire fencing with an agricultural field beyond. Access to the building is through the existing concrete works where there are a number of large buildings, cranes and open storage areas.

### **Description of Proposal**

The proposal is for the retention of the open sided building, it is 33.7m long and 11.9m deep, it has a monopitched roof which is 6.9m to the front and 5.3m to the rear. The building is open to the front and has concrete panel walls to the sides and up to 3.3m at the rear. The remainder of the rear walling is black netting. The building is used to store aggregates.

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

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

### **The following documents provide the primary policy context for the determination of this application:**

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Magherafelt Area Plan 2015

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 4: Planning and Economic Development

Planning Policy Statement 15: (Revised) Planning and Flood Risk

Planning Policy Statement 21: Sustainable Development in the Countryside

### **Relevant Histories**

LA09/2018/0826/F - Erection of new gantry crane for loading / unloading of pre cast concrete products and retention of extension to concrete yard for storage of pre cast concrete products.- Ongoing

LA09/2016/1446/F - Proposed development of a 500 Kw Centralised Anaerobic Digestion (CAD) plant, Combined Heat and Power (CHP) plant, access (part of link road) and ancillary site works - Lands approx. 365 m south east of no. 20 Blackpark Road and to the rear of Creagh Concrete, Toomebridge – Withdrawn 13.03.2017

LA09/2016/1090/F - New Access into Creagh Concrete Products Ltd site from Creagh Industrial park ( off Hillhead Road ) including the construction of a 24m length extension of the Creagh Industrial park road leading to an internal roadway within the Creagh Concrete Products site - Withdrawn 05.10.2018

LA09/2016/0692/F Erection of new building for washing/ drying of precast concrete products (retrospective). Erection of new gantry crane for loading /unloading of precast concrete products. extension of existing production factory TF5 to facilitate to production of larger precast concrete – Granted 05.10.2017



LA09/2015/1239/F - Removal and alteration of Conditions 2, 3 and 6 of previous approval H/2007/0546/F relating to noise and operating hours – Granted 07/09/2017

H/2013/0296/F - Reinstatement and extension of previously approved storage area, lorry and trailer park to facilitate reorganisation of precast products and increased variety of stock products, colour and size with no increase in existing site production area. Relocation of existing external block and brick production area (5200m<sup>2</sup>) to proposed new area (4320m<sup>2</sup>) with original being reused for product display, product finishing, product and plant storage, vehicle storage and recyclable material waste and storage. Retention of existing product display, product finishing, product and plant storage, vehicle storage and recyclable material waste storage. (Amended Noise report received) – Granted 05.10.2017

H/2010/0159/F - Erection of a 250kw wind turbine with a tower height of 40m | Creagh Concrete Factory, Blackpark Road, Toomebridge (approx 40m West of main office building) - Withdrawn 05.08.2010

H/2007/0546/F - Removal of existing metal single skin, and roof cladding on existing concrete products factory, and replacement with new insulated metal cladding. Extension of existing concrete products factory to encompass storage yard. Demolition of existing single skin corrugated tin factory and replacement with new factory building - Granted 12.05.2008

H/2007/0077/F - Demolition of existing uninsulated staff canteen & garage building & construction of new staff canteen & offices building, with staff toilets, locker room & showers – Granted 09/05/2007

H/2006/0703/F - Lean-to extension, along approx 1/2 length of existing building, for the curing of Concrete Products produced in the existing building - Withdrawn 26.05.2008

H/2006/0279/O - Easterly extension to existing precast concrete works to facilitate the reconfiguration of existing plant and building units, and to provide new manufacturing facility and additional hardstanding areas to permit vehicle turning areas and storage. Provision of a new access is proposed via Creagh Business Park, Estate Road, egressing at Creagh Roundabout, Hillhead Road – Appeal Upheld 13.06.2008

H/2005/1118/F - Retrospective change of use from agricultural field to a proposed extension of storage yard and lorry park (trailers) – Granted 05.2008

H/2005/0739/F - 1 No. Building for storage of items necessary for existing factory production. 1 No. Building for the tying and cutting of reinforcement bars used in factory products – Granted 07/09/2006

H/2000/0178/F - Extension of Offices – Granted 12/05/2000

H/1998/0307 - mixing plant and workshop for the production of concrete products and associated office and canteen – Granted (historical)

H/1998/0071 - site of industrial park to include new roads layout - S.E of junction of Hillhead Road and Blackpark Road the Creagh Magherafelt - Withdrawn 05.06.1998

H/1996/0227 - precast concrete casting factory – Granted (historical)

### **Relevant Enforcement History on Site**

LA09/2018/0078/CA - Unauthorised building - this case is on hold pending the outcome of the current planning application.

### **Representations**

Neighbour notification and press advertisement have been carried out in line with the Council's statutory duty. Copies of letters were hand delivered on 5 April 2019, at the time of the site inspection, to Conor Morgan Cars; John H Place (Steels); 36c Black Park Road and Moyola/Toome Credit Union.

Due to an administrative error, the address for this site was initially input as Blackrock Road. Following the discovery of this error the application was re-advertised and the neighbours notified

One objection to the proposal has been received which relates to the ownership of the land and the address that was used for advertising purposes.

Section 42(1) of the Planning Act (NI) 2011- The Act - states that the Council must not entertain an application unless it is accompanied by a one of the Certificates (a) – (d), these relate to statements of land ownership. Section 42 (6) sets out the circumstances where it is an offence in relation to the completion of these certificates. The application has been accompanied by Certificate D of Section 42, it is stated on the certificate 'Without prejudice to its opinions that the applicant is in actual possession of all the lands to which the application relates, the applicant cannot at this time certify clear title to the entire extent of the application albeit that no other part has identified any established rights over the same land.' The applicant advertised this in the Mid Ulster Mail on 13 December 2018, however the advertisement did not specify that it was under Section 42 of the Planning Act. The applicant advertised an amended notification in the Mid Ulster Mail on 14<sup>th</sup> March 2019. I am content that the application has been accompanied by one of the required certificates and as such this is a valid planning application. The advertisement clearly specifies that anyone who has an interest in the land is entitled to make a representation to the Council. The objection has been submitted on behalf of the Estate of Cassie Diamond and is accompanied by land registry maps and extracts that were searched on 27 July 2019 and identify the owner of folio 18850 in the County of Londonderry as last registered in the name of Cassie Diamond of Annahorish, Castledawson and it was registered on 8<sup>th</sup> May 1962. Part 5 of the folio includes the application site. The matter of whether or not there is an offence committed in the completion of the certificate pursuant to Section 42 is not, in my opinion, a matter for the Planning Committee to decide upon. Members will be aware that planning permission does not grant title and an informative can be added to any decision to reinforce that point.

Article 3 (2) (b) of the Planning (General Development Procedure) Order (NI) 2015 – GDPO – sets out what an application for planning permission shall contain the postal address of the land to which the development relates or, if the land in question has no postal address, a description of the location of the land'. Royal Mail Post Code search identifies the postal address for Creagh Concrete Ltd, as Creagh Concrete Ltd, 38

Blackpark Road Toomebridge Antrim BT41 3SL. Creagh Concrete Ltd occupy a large site at Blackpark Road, however I am content that a postal address has been used and if residents or interested parties had sight of the advertisement in the local papers, they would know where the site is and could make further inquiries to satisfy themselves of the exact location. I am of the opinion that the application meets with the requirements of the GDPO and has been advertised correctly.

### **Magherafelt Area Plan 2015**

The site lies outside any settlement limit defined in the Magherafelt Area Plan 2015, it is close to Creagh (a designated small settlement), Creagh Business Park and Zoned Industrial Lands (COU10) and a Transportation Scheme for a new Road Link between A6 and Aughrim Road (COU8). I do not consider the proposal impacts on the identified road line and I do not consider there any policies within the plan that deal with industrial development in the countryside.

### **Mid Ulster District Council Draft Plan Strategy 2030**

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 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.

### **SPPS – Strategic Planning Policy Statement for Northern Ireland**

The Strategic Planning Policy Statement for Northern Ireland sets out the Departments Regional Planning Policies and provides guidance for the Councils to take into account in their Local Development Frameworks. Until the Council has adopted its own LDP, current regional policy as set out in the suite of Published Planning Policy Statement provides the planning policies for consideration unless the SPPS provides a different policy direction or offers clarification, then the policy in the SPPS is given determining weight. I do not consider the SPPS has changed any policies in relation to the expansion of an existing business in the countryside.

### **Planning Policy Statement 21 Sustainable Development in the Countryside**

Policy CTY 1 of PPS21 allows a number of types of development in the countryside, where it relates to business development if the policies contained within PPS4 are met then the proposal will meet with CTY1.

Policy PED2 of PPS4 allows economic development in the countryside where it meets with other specified criteria in policies PED3 – PED6 and the general criteria in PED9 is relevant to the consideration of all economic development proposals.

I consider PED3 – Expansion of an Existing Industrial Development in the Countryside

This proposal is for the retention of a building associated with a well established business 'Creagh Concrete Ltd' and as such I consider this is the expansion of an established economic development use, as such the provisions of Policy PED 3 apply.

Policy PED 3 states the expansion of an established 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.

Aerial photographs of the site from 13 May 2005 indicate the area the building is on was within the existing industrial site and as such there is no increase in the site area because of this development. (Annex A) The proposal is for the retention of a building with a floorspace of approx.. 400sqm in area. Views of the building from the surrounding public road network are limited and the building is seen with the much larger buildings in the vicinity. I consider the building integrates into its surroundings.

In addition to Policy PED 3, this proposal is required to meet the requirements of Policy PED 9 - General Criteria for Economic Development, which for the following reasons I consider it does:

- this proposal is considered compatible with the surrounding land uses given the existing similar economic uses in the vicinity including those at Creagh Business Park to the northeast of the site.
- The building is located within the existing yard, there may be issues relating to noise and dust due to this building, however I do not think, given the existing development and uses around it, as well as the distance from existing and approved residential properties, that this building will unduly exacerbate any existing issues.
- It will not adversely affect features of the natural or built heritage as there are no features of built heritage on site or in the immediate vicinity.
- Whilst information in the DEARA Flood Maps indicate this is an area at risk from flooding, a Flood Risk Assessment has been provided that indicates the ground level of the building is above the 1:100 year fluvial flood plain. This report has been considered by Rivers Agency and they have advised they do not have any reason to disagree with the information. As the development is not in an area that floods, it is not at risk from flooding and will not cause displacement of flood water that would put other properties at risk.
- There will be no effluent and no concerns regarding emissions have been raised.
- This proposal does not involve the creation of a new access unto a public road or intensification of the existing site access.
- This building is for storage of aggregates and as such is unlikely to result in the need to provide an additional links to footways or alternative modes of transport
- The building does not include any new landscaping or infrastructure, it is of an appearance that is not out of place in this type of industrial environment, where there is little in the way of landscaping and as such, I do not consider it is necessary to request additional landscaping. It does not propose any outdoor storage and encloses an area that was previously outdoor storage

- The proposal does not involve any new fences, as the site is self-contained and well secured, it is generally designed to deter crime and promotes personal safety.

Taking account if all of the above, I consider this proposed development can be considered to meet PED3 of PPS4 and can be approved.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Approve

Conditions/Reasons for Refusal:

1. This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	17th December 2018
<b>Date First Advertised</b>	10th January 2019
<b>Date Last Advertised</b>	01 <sup>st</sup> October 2019
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Homelands, Blackpark Road, Toomebridge, Toome, Londonderry, BT41 3TA The Owner/Occupier, 36c Blackpark Road Toomebridge The Owner/Occupier, Blackpark Road, Toomebridge, Toome, Londonderry, BT41 3SL The Owner/Occupier, Blackpark Road, Toomebridge, Toome, Londonderry, BT41 3SL The Owner/Occupier, John H Place (Steels), 44 Blackpark Road, Toomebridge, Toome, Londonderry, BT41 3SL The Owner/Occupier, Moyola _ Toome Credit Union, 35 Blackpark Road, Toomebridge, Toome, Londonderry, BT41 3SL The Owner/Occupier, Newbridge Youth Centre, 40 Blackpark Road, Toomebridge, Toome, Londonderry, BT41 3SL James L Russel & Son Solicitors & Notary Public, "Maine-Lea", 55 High Street, Ballymena, BT43 6DT	
<b>Date of Last Neighbour Notification</b>	20 <sup>th</sup> September 2019
<b>Date of EIA Determination</b>	<b>18 October 2019</b>
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2017/0054/RM Proposal: Two Storey House Address: 40m SE of 34 Blackpark Road, The Creagh, Toomebridge, Decision: PG Decision Date: 28.02.2017  Ref ID: LA09/2018/1648/F Proposal: Retention of open-sided storage building Address: Creagh Concrete Products Ltd, Blackrock Road, Toomebridge, Decision: Decision Date:	

Ref ID: H/2007/0546/F

Proposal: Removal of existing metal single skin, and roof cladding on existing concrete products factory, and replacement with new insulated metal cladding. Extension of existing concrete products factory to encompass storage yard. Demolition of existing single skin corrugated tin factory and replacement with new factory building

Address: Creagh Concrete, Blackpark Road, Toomebridge

Decision:

Decision Date: 13.05.2008

Ref ID: H/2006/0279/O

Proposal: Easterly extension to existing precast concrete works to facilitate the reconfiguration of existing plant and building units, and to provide new manufacturing facility and additional hardstanding areas to permit vehicle turning areas and storage. Provision of a new access is proposed via Creagh Buisness Park, Estate Road, egressing at Creagh Roundabout, Hillhead Road.

Address: Creagh concrete site, Blackpark Road, Toomebridge, with additional access onto Hillhead Road, via the Estate Road through Creagh Buisness Estate.

Decision:

Decision Date:

Ref ID: H/1998/0307

Proposal: MIXING PLANT AND WORKSHOP FOR THE PRODUCTION OF CONCRETE

PRODUCTS AND ASSOCIATED OFFICE AND CANTEEN

Address: ADJACENT TO CREAGH CONCRETE PRODUCTS 40 BLACKPARK ROAD TOOMEBRIDGE

Decision:

Decision Date:

Ref ID: H/2003/0062/F

Proposal: Extension to existing offices to increase existing office/storage space, additional toilet facilities and to facilitate the introduction of a disabled lift with provision for ramped access to conform with DDA regulations.

Address: Blackpark Road, Toomebridge.

Decision:

Decision Date: 19.03.2003

Ref ID: H/1996/0227

Proposal: PRECAST CONCRETE CASTING FACTORY

Address: CREAGH CONCRETE PRODUCTS BLACKPARK ROAD TOOMEBRIDGE

Decision:

Decision Date:

Ref ID: H/2005/0739/F

Proposal: 1 No. Building for storage of items necessary for existing factory production. 1  
No. Building for the tying and cutting of reinforcement bars used in factory products.  
Address: Creagh Concrete Products, Blackpark Road, Toomebridge, Co.Antrim.  
Decision:  
Decision Date: 25.09.2006

Ref ID: H/1993/0533  
Proposal: EXTENSION TO WORKSHOP  
Address: 44 BLACKPARK ROAD TOOMEBRIDGE  
Decision:  
Decision Date:

Ref ID: H/1978/0076  
Proposal: OFFICES AND WEIGHBRIDGE  
Address: CREAGH INDUSTRIAL ESTATE, TOOMEBRIDGE  
Decision:  
Decision Date:

Ref ID: H/1990/0181  
Proposal: ALTS AND ADDS TO OFFICES  
Address: BLACKPARK ROAD TOOMEBRIDGE  
Decision:  
Decision Date:

Ref ID: H/2007/0077/F  
Proposal: Demolition of existing uninsulated staff canteen & garage building &  
construction of new staff canteen & offices building, with staff toilets, locker room &  
showers  
Address: Creagh Concrete Products Ltd, 34 Blackpark Road, Toomebridge  
Decision:  
Decision Date: 11.05.2007

Ref ID: H/2006/0703/F  
Proposal: Lean-to extension, along approx 1/2 length of existing building, for the curing of  
Concrete Products produced in the existing building  
Address: Bradstone Factory Building, Creagh Concrete Products Ltd, 34 Blackpark  
Road, Toomebridge, Co. Antrim, BT41 3SL  
Decision:  
Decision Date: 26.05.2008

Ref ID: LA09/2016/0692/F  
Proposal: Erection of new building for washing/ drying of precast concrete products  
(retrospective). Erection of new gantry crane for loading /unloading of precast concrete  
products. extension of existing production factory TF5 to facilitate to production of larger  
precast concrete units



Address: Creagh Concrete Products Ltd, Blackpark Road, Toomebridge,  
Decision: PG  
Decision Date: 06.10.2017

Ref ID: LA09/2015/1239/F  
Proposal: Removal and alteration of Conditions 2, 3 and 6 of previous approval  
H/2007/0546/F relating to noise and operating hours  
Address: Creagh Concrete Products Ltd, Blackpark Road, Toomebridge,  
Decision: PG  
Decision Date: 07.09.2017

Ref ID: LA09/2016/0519/O  
Proposal: Two Storey House  
Address: 40m SE of No 34 Blackpark Road, The Creagh, Toomebridge,  
Decision: PG  
Decision Date: 13.01.2017

Ref ID: H/2014/0071/F  
Proposal: Proposed extension to existing industrial premises for the storage of steel  
Address: 44 Blackpark Road, Toomebridge,  
Decision: PG  
Decision Date: 01.07.2014

#### **Summary of Consultee Responses**

Rivers Agency -

#### **Drawing Numbers and Title**

Drawing No. 03  
Type: Proposed Plans  
Status: Submitted

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

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

#### **Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:

ANNEX A – Aerial Photograph of site dated 13 May 2005



Aerial Photograph 23 May 2018





## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0252/O	<b>Target Date:</b> 12/06/19
<b>Proposal:</b> Farm dwelling and garage	<b>Location:</b> 200m NE of 51 Gulladuff Road Magherafelt
<b>Referral Route:</b> Refusal – contrary to planning policy.	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Mr James McPeake 20 Carnaman Road Knockloughrim Magherafelt	<b>Agent Name and Address:</b> CMI Planners Ltd 38 Airfield Road Toomebridge BT41 3SG
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DAERA - Coleraine	Advice
Statutory	DFI Roads - Enniskillen Office	Advice

### 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

Not sited with farm buildings.

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

The site is located approx. 200m NE of 51 Gulladuff Road, Magherafelt within the countryside as identified within the Magherafelt Area Plan 2015. The red line of the site includes an agricultural field with another field outlined in blue, indicating ownership. The boundaries of the site are defined by existing hedging. The lands are generally quite flat throughout and views of the site will be somewhat limited from public viewpoints given it is setback slightly from the roadside. The surrounding area is predominantly rural with scattered dwellings and their associated outbuildings. Gulladuff settlement limit is located approx. 310m east of the site.

## **Description of Proposal**

Outline planning permission is sought for a proposed farm dwelling and garage.

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

### Planning History

There is not considered to be any relevant planning history associated with the site itself.

### Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include 45 and 51 Gulladuff Road. At the time of writing, no third party representations have been received.

### Planning Assessment of Policy and Other Material Considerations

- Magherafelt Area Plan 2015
- Strategic Planning Policy Statement (SPPS)
- PPS 21: Sustainable Development in the Countryside
- PPS 3: Access, Movement and Parking
- Local Development Plan 2030 – Draft Plan Strategy

The Magherafelt Area Plan 2015 identify the site as being in the rural countryside, located West of Gulladuff. The site has no other zonings or designations.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22nd Feb 2019. Policy GP1 - General Principles Planning Policy, Policy CT1- General Policy and Policy CT2 - Dwellings in the Countryside, part (e) – Dwelling on a Farm, are applicable to this application. This proposal is in keeping with both of these policies. As such, the development is in conformity with the Draft Plan Strategy although it holds little determining weight following on from the early consultation stage.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS.

Policy CTY 1 of PPS 21 establishes that planning permission will be granted for a dwelling on a farm where it is in accordance with Policy CTY 10. This establishes the principle of development,



a dwelling on a farm, is acceptable, subject to meeting the policy criteria outlined in Policy CTY 10. Policy CTY 10 establishes that all of the following criteria must be met:

(a) the farm business is currently active and has been established for at least 6 years

(b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008

(c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:

- demonstrable health and safety reasons; or
- verifiable plans to expand the farm business at the existing building groups(s)

With respect to (a) the applicant has provided details surrounding their farm business ID and associated mapping. DAERA have confirmed the business ID has been in existence for more than 6 years and claims are currently being made on the lands. From this information I am content the farm holding has been active and established for at least 6 years.

With respect to (b) there are no records indicating that any dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of this application. There are two sites which are located within the farm which have been previously approved under replacement dwellings (Ref: LA09/2016/0792/F and LA09/2015/0837/RM), however following land registry checks I can confirm that these lands are still within the applicant's ownership and have not been sold off.

With respect to (c), there are no farm buildings in or around the site which any potential dwelling could be visually linked too. From the farm maps provided, it is considered there are other fields which would be more suitable in terms of visual linkage with existing buildings at the applicant's home address as noted on the P1 form - 20 Carnaman Road. There are a number of fields around this address which appear to be within the applicant's ownership and would be suitable in terms of allowing the new building to be visually linked or sited to cluster with an established group of buildings on the farm holding.

The agent had been asked to provide justification for why a dwelling could not be sited at the farm holding at 20 Carnaman Road and he stated that the lands and buildings here were within the ownership of the applicant's brother. A land registry check was carried out on some of the lands to determine who was in ownership of the previous approvals and both the applicants name and his brothers were stated on the folio. In this instance, it is considered that the proposal does not meet with the third policy criterion of CTY 10 and therefore is recommended for refusal.

CTY 13 and CTY 14 deal with rural character and the integration and design of buildings in the countryside. The site has existing hedging and vegetation which runs along its boundaries which would help aid with integration and given that it is set back from the roadside, views from public viewpoints will be lessened. As this is an outline application, details surrounding the design and finishes of the dwelling have not been submitted however I find no reason why a suitably sized dwelling could not be designed to integrate successfully into this site. Criterion (g) of CTY 13 relates back to the need for any proposed dwelling on a farm to be sited to visually link or cluster with an established group of buildings on a farm. This issue has been address previously and therefore the proposal fails on this requirement of CTY 13 also.

The applicant has noted that they intend to create a new access onto Gulladuff Road which is a protected route. The clarification of Policy AMP 3 deals with accesses onto protected routes and sets out a number of exceptions which may be allowed - one of these being a farm dwelling were

<p>an access cannot reasonably be obtained from an adjacent minor road. DfL Roads have been consulted and have no objection subject to condition.</p>	
<p><b>Neighbour Notification Checked</b></p>	<p>Yes</p>
<p><b>Summary of Recommendation:</b></p> <p>Refusal is recommended.</p>	
<p><b>Conditions/Reasons for Refusal:</b></p> <p>Refusal Reasons</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. The proposal is contrary to Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling does not cluster with an established group of buildings at the farm.</li> <li>3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.</li> </ol>	
<p><b>Signature(s)</b></p> <p><b>Date:</b></p>	

ANNEX	
<b>Date Valid</b>	27th February 2019
<b>Date First Advertised</b>	14th March 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 51 Gulladuff Road, Maghera, Londonderry, BT46 5EN 45 Gulladuff Road, Maghera, Londonderry, BT46 5EN	
<b>Date of Last Neighbour Notification</b>	October 2019
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2019/0252/O Proposal: Farm dwelling and garage Address: 200m NE of 51 Gulladuff Road, Magherafelt, Decision: Decision Date:  Ref ID: H/2004/0843/O Proposal: Site of dwelling house and garage. Address: Opposite 51 Gulladuff Road Maghera Co. Londonderry. Decision: Decision Date: 31.10.2005  Ref ID: H/2010/0140/F Proposal: Change of use from dwelling to self-catering unit, refurbishment and associated ground works. Address: 52 Gulladuff Road, Maghera Decision: Decision Date: 17.06.2010  Ref ID: H/2009/0624/F Proposal: Proposed two storey dwelling and detached double garage Address: 100m South West of no.52 Gulladuff Road, Maghera(amended P1 form) Decision: Decision Date: 12.02.2010	



Ref ID: H/2011/0437/F

Proposal: Replacement Dwelling and Garage

Address: 350m North East of 46 Gulladuff Road, Maghera,

Decision:

Decision Date: 14.10.2011

### **Summary of Consultee Responses**

No issues.

### **Drawing Numbers and Title**

Drawing No. 01

Type: Site Location Plan

Status: Submitted

### **Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



**Development Management Officer Report  
Committee Application**

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0468/F	<b>Target Date:</b>
<b>Proposal:</b> (Amended Plans) Proposed 2 storey side annex extension to provide granny flat and provision of 2no dormer windows to the existing dwelling and new retaining wall to rear garden	<b>Location:</b> 40 Coolshinney Road, Magherafelt
<b>Referral Route:</b> Approval – objections received.	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Claire Mc Williams 40 Coolshinney Road Magherafelt	<b>Agent Name and Address:</b> Paul Mc Mahon 26 Bracken Vale Omagh BT78 5RS
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
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### Representations:

Letters of Support	None Received
Letters of Objection	3
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

### Summary of Issues

The main points raised within the objections include:

- Inaccurate description
- Privacy
- Dominance
- Loss of light
- Ancillary use of the granny flat

### Characteristics of the Site and Area

The site is located at 40 Coolshinney Road, Magherafelt. On site is a dwelling which is 1.5 storey and has a mixture of red brick and dash finish. There is a modest sized garden to the front and side of the property and parking is available within the site curtilage on the existing driveway. There is existing hedging along the eastern and southern boundaries, with the northern boundary being defined by timber fencing. The immediate area surrounding the site is predominantly residential, with agricultural fields and rural uses opposite the site and beyond. Within Magherafelt settlement limit there is a mix of uses including commercial, industrial and recreational.

## **Description of Proposal**

Full planning permission is sought for a proposed two storey side annex extension to provide granny flat and provision of two no. dormer windows to the existing dwelling and new retaining wall to rear garden.

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

### Planning History

There is a not considered to be any relevant planning history associated with the site.

### Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 38 and 42 Coolshinney Road and 11 and 13 Coolshinney Close. At the time of writing, there were a number of representations which have been received from the neighbouring property (No.38), all of the points which were raised in the objections will be discussed in detail later in the report.

### Assessment of Policy/Other material considerations

- Magherafelt Area Plan 2015
- Strategic Planning Policy Statement (SPPS)
- Addendum to PPS 7 – Residential Extensions and Alterations
- PPS 3: Access, Movement and Parking
- Local Development Plan 2030 – Draft Plan Strategy

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on 22nd Feb 2019. At present, the proposal is in line with the policies held within this document, more specifically Policy HOU3 – Residential extensions, however it must be noted that Draft Plan Strategy holds no determining weight as it is only at early consultation stage.

The proposal is located within Magherafelt settlement limit and has no other designations or zonings.

The application is seeking planning consent for a proposed two storey side annex extension to provide granny flat and provision of two no. dormer windows to the existing dwelling and new retaining wall to rear garden and therefore must be assessed in accordance with the Addendum to Planning Policy Statement 7 –

It is considered that Policy EXT1 of this statement is relevant to this proposal. Policy permits development where a range of criteria have been met.

The proposal is for a proposed two storey side annex extension to provide granny flat and provision of two no. dormer windows to the existing dwelling and new retaining wall to rear garden. It is considered the proposal would appear subordinate to the existing dwelling given the size of the proposed footprint of the extension which projects slightly from the side of the dwelling but largely to the rear. The ridge height of the proposed extension would also appear subordinate to the existing dwelling. The existing attached garage is to be removed to allow for this extension. There is also two new dormer

windows proposed to be located on the existing front projection which are considered acceptable in this locality. The materials of the extension include render which is considered acceptable in this location. It is also considered that there is little impact on the character or appearance of the surrounding area.

It is considered there is adequate distance and boundaries between the application site and surrounding properties to avoid issues such as privacy or overlooking. The nearest property to the proposed extension is No. 38 (the objectors' property) which is approx. 6m distance at the closest points. There are no new windows proposed on the elevation which faces onto this property other than the downstairs bathroom window which had to be moved from the rear elevation to allow for this extension. This window is noted to have obscure glazing. Furthermore it is considered that there is sufficient amenity space remaining for the dwelling and shall thus not have a detrimental impact on the residential amenity of this or of neighbouring dwellings. Sufficient space remains around the property to allow for parking and the manoeuvring of vehicles.

The Addendum to PPS 7 also notes what is considered acceptable in terms of extensions and alterations to provide for ancillary uses. I am satisfied that the proposed accommodation will remain ancillary to the main residential property and is sub ordinate to the dwelling. The ancillary accommodation is attached to the existing property and internally accessible from it. The proposal is considered acceptable in terms of scale and design, should not cause overlooking or any significant overshadowing or have adverse impact on the adjoining properties.

#### Representations

There were a number of objections received in relation to the proposal which were all from the same address (No. 38 Coolshinney Road).

The main points raised within the objections include:

- Inaccurate description
- Privacy
- Dominance
- Loss of light
- Ancillary use of the granny flat

The agent has provided an amended description which deals with the first point raised. There has been a number of amendments made to lessen the impact which the proposal will have on the objectors' property, including the removal of the windows on the side elevation of the proposed extension which faces onto their property and repositioning of the proposed extension to project mainly from the rear of the property. I consider these changes were necessary to lessen the impact which the proposal would have on the objectors' property. It is noted that the agent has took on board suggestions made by the planning area manager and implemented them on the latest plans submitted to ourselves. We feel that the latest plans deal with issues relating to privacy, dominance and loss of light. There is an internal link between the main property and the proposed granny flat and there will be an occupancy condition for the granny flat attached to any forthcoming approval.

The application was due to go to October committee but was subsequently removed from the schedule to allow any further comments to be submitted following an email from

an objector which was received. No further objections were received at the time of writing.	
<b>Neighbour Notification Checked</b>	Yes
<b>Summary of Recommendation:</b>  The proposal is considered to be in line with the relevant planning policies and thus approval is recommended.	
<b>Conditions/Reasons for Refusal:</b>  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. The extension hereby permitted shall not be occupied at any time other than for the purposes ancillary to the residential use of the dwelling known as 40 Coolshinney Road, Magherafelt.  Reason: To prevent the creation of additional dwelling units.  3. The existing natural screenings of this site shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be submitted to Mid Ulster District Council in writing, and agreed, prior to the commencement of any works.  Reason: To ensure the development integrates into the countryside and to ensure the maintenance of screening to the site.  Informatives  1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.  2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.	
<b>Signature(s)</b>  <b>Date:</b>	

ANNEX	
<b>Date Valid</b>	8th April 2019
<b>Date First Advertised</b>	25th April 2019
<b>Date Last Advertised</b>	23rd May 2019
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 11 Coolshinney Park, Magherafelt, Londonderry, BT45 5JG The Owner/Occupier, 13 Coolshinney Park, Magherafelt, Londonderry, BT45 5JG The Owner/Occupier, 38 Coolshinney Road, Magherafelt, Londonderry, BT45 5JF Margaret McCaughey 38, Coolshinney Road, Magherafelt, Londonderry, Northern Ireland, BT45 5JF The Owner/Occupier, 42 Coolshinney Road, Magherafelt, Londonderry, BT45 5JF Margaret McCaughey  Margaret McCaughey	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2019/0468/F Proposal: Proposed 2 storey side annex extension to provide granny flat Address: 40 Coolshinney Road, Magherafelt, Decision: Decision Date:  Ref ID: H/1984/0038 Proposal: ALTERATIONS AND ADDITIONS TO DWELLING Address: 40 COOLSHINNEY ROAD, MAGHERAFELT Decision: Decision Date:	

<b>Summary of Consultee Responses</b>
None.
<b>Drawing Numbers and Title</b>
Drawing No. 03 Type: Proposed 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. 04 Type: Existing Plans Status: Submitted
<b>Notification to Department (if relevant)</b>
Date of Notification to Department: Response of Department:





## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0710/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed "off site" replacement dwelling and domestic garage / store: "under policy CTY 3" (agent provided response)	<b>Location:</b> 70mts South West of No 11 Motalee Road Magherafelt
<b>Referral Route:</b>  Refusal – To Committee – Contrary to CTY 3 with two objections received.	
<b>Recommendation:</b>	REFUSE
<b>Applicant Name and Address:</b> Mrs Gillian Montgomery 29 Thornhill Road Thornhill Glebe Pomeroy Dungannon BT70 3LP	<b>Agent Name and Address:</b> CMI Planners Ltd 38b Airfield Road The Creagh Toomebridge BT41 3SQ
<b>Executive Summary: Refusal</b>	
<b>Signature(s): Peter Henry</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

### Representations:

Letters of Support	None Received
Letters of Objection	2
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

### Summary of Issues

Refusal – To Committee – Contrary to CTY 3 with two objections received.

Summary of objections are as below:

- Noted that the applicant has not submitted any supporting information to support the off-site replacement.
- It was commented that on the submitted location plan that the note indicating “area of potential flooding with NI Water Flood Maps”, they have checked the flood maps and this area is only affected by surface water and not within a flood plain. In that the relevant planning policy on flood risk set out in PPS 15 would not prevent the development of that land as it is not within a flood plain nor would it prevent an on-site replacement.

- It was raised that the curtilage is not so restricted that it could not reasonably accommodate a modest sized dwelling, in which the site of the existing dwelling is on lower lying land and is well screened by existing vegetation and a modest replacement would not have an adverse impact on the visual amenity on the countryside. An on-site replacement would be clustered with existing buildings, while a dwelling on the proposed site would in dispersed development.
- Stated that there are no demonstrable landscape, heritage, access or amenity benefits to the proposed off-site replacement.
- An objection was sent in response to the agent's response to the initial objection, in which the objection stated that the agent has accepted that it "could accommodate a dwelling of modest proportions", from this it does not meet criterion.
- Made comment that that the agent stated that the amenity provision for a replacement dwelling would be cramped and inadequate. However, it is noted that there is plenty of room around the existing dwelling that could be utilised as amenity space, even if the replacement dwelling has a bigger footprint. In that the provision of amenity space to the front and side of a dwelling is not uncharacteristic of the area, in that the existing dwelling and the objectors dwelling both have such.
- The proposal is to replace a long established dwelling on a farm, a self-serving expression of concern about potential odour and noise from the farm affecting future residents is not a 'demonstrable amenity benefit' to justify an off-site replacement. In that approving a proposal on this basis would set a dangerous precedent for the replacement of other farm dwellings in location from existing building groups, which is contrary to the objectives of PPS 21.

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

The proposed site is located approximately 0.63km north west of the development limits of Magherafelt and from this the site is located within the open countryside as per defined in the Magherafelt Area Plan 2015. The red line covers the building to be replaced with a garden area to the front but the red line also covers a portion of a large agricultural field across the road. I note that there appears to be a farm yard with associated farm buildings to the rear of the building to be replaced. I note that on the side of the replacement building is bounded by mature trees and is access via an existing access onto the Motalee Road. The predominant land use is of an agricultural nature, with single dwellings and associated outbuildings also visible in local area.

#### **Representations**

There was one neighbour notifications sent out however there were two objections received in connection with this application.

### **Description of Proposal**

This is an outline application for a proposed "off site" replacement dwelling and domestic garage / store: "under policy CTY 3", the site is located at 70mts South West of No 11 Motalee Road, Magherafelt.

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

Decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

## Magherafelt Area Plan 2015

### Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

#### Strategic Planning Policy Statement (SPPS)

#### PPS 21 Sustainable Development in the Countryside

#### CTY 3 – Replacement Dwellings

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted 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. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the Countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In this instance the application is for a replacement dwelling and as a result it must be considered under CTY 3 of PPS 21. CTY 3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. Buildings designed and used for agricultural purposes, such as sheds or stores will not be eligible for replacement under this category. However favourable consideration will be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality. From the submitted plans and per what was witnessed on site I am content that the building identified to be replaced exhibits the main characteristics of a dwelling a represents a valid replacement opportunity.

In addition the policy goes on to state that the proposed replacement should be sited within the established curtilage of the existing, unless either a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits. From the submitted plans it is clear that the intention is to replace the dwelling 'off-site' within the field across the road. Upon review of the plans and what was witnessed on site I am of the opinion that a modest sized dwelling could be accommodated within the existing curtilage without the need of having to go offsite at all and initially there was no case that the offsite would have any demonstrable landscape, heritage, access or amenity benefits.

The agent provided a statement to try and justify the need to go offsite; in such, the agent confirmed that the site could accommodate a dwelling of modest proportions however given the existing farm buildings that the rear and side amenity provision would be cramped and inadequate. The agent did note that ample amenity could be provided to the sides of the dwelling, the type and quantum of such amenity provision would be

uncharacteristic of the area. Went on to comment that to the north of the site is affected by flooding with to the south there is an approval for a farm dwelling. Agent stated that the dwelling being replaced insitu means the amenity space would be located adjacent to the working farm yard with an active cattle shed and slurry tank just some 8m from the house to the sheds, wherein they note that Environmental Health may not insist on an exclusion zone for dwellings sited around agricultural buildings, they would have concerns that the buildings would have a potentially adverse impact on the amenity of future residents by way of odour and noise. From this, the agent contends that the existing curtilage cannot reasonably accommodate a modest sized dwelling with an acceptable level of residential amenity. From which, the proposed siting is well screened with mature trees and is only 45m from the original house in which they are willing to restrict the ridge height to 7m and remove all permitted development rights. I first acknowledge the above comments and took all of this to the group meeting; it was noted that the red line appears to be very restrictive on the side of the replacement dwelling given the applicant owns adjacent land. In addition the lands identified to be affected by flooding is affected by surface water and not within a flood plain as it appeared. It was discussed at group that moving the dwelling within the existing curtilage closer to the road is the best option as it increases the separation distance between the farm buildings reducing any amenity concerns and utilising the existing access. This was put to the agent and was not accepted. It was also proposed siting the dwelling to the north west of the replacement dwelling just outside the red line would be an option but meaning a new application is needed, this was also refused by the agent. The agent went on to comment that the reason for locating the proposed off-site replacement is that all the lands within the blue line will be separated amongst 3 relatives. In that one will get the vast majority of the lands inclusive of farm buildings, therefore to allow this relative to both work and expand the farm to the Northern side, it is deemed more logical to locate the new dwelling on the opposite side of the road. In that to locate a new dwelling so close to the existing farm buildings when they are being worked by a different person brings upon issues of Health and Safety and lack of privacy. In addition, the farm dwelling approved to the south east is given to another relative with the applicant getting this site (if approved) in lieu of the existing original home dwelling that is to be replaced. I acknowledge these comments however whilst I note that it may be practical to do this when separating the lands however I am of the opinion that this does not outweigh the issues of this application and do not demonstrate any demonstrable landscape, heritage, access or amenity benefits. Therefore in terms of the policy I note that there is no access, landscape or heritage benefits given by the agent. I note that the agent has stated that there were amenity benefits however I am of the opinion these have not been seen as demonstrable. In which locating the dwelling closer to the road away from the farm buildings within the existing curtilage would have sufficient amenity and separation distance from the sheds. Wherein it has been agreed that there has been no demonstrable benefits to justify the offsite replacement and that it should be sited within the existing curtilage.

The proposed development must also comply with policies CTY 13 and 14, in that CTY 13 states that the proposed development is able to visually integrate into the surrounding landscape and be of appropriate design. As this is an outline application the exact design and siting details have not been provided at this time however an indicative block plan was submitted but as stated the off-site replacement is seen as unacceptable and the dwelling should be located within the existing curtilage wherein a dwelling with a 6.5m ridge height above finished floor level would ensure that the dwelling does not

appear as a prominent feature. I note that in the supporting statement the agent has suggested that the off-site replacement will be limited to 7m wherein after group discussion it was agreed that even if this siting was accepted that the ridge height would need to also be 6.5m above finished level to ensure that it is not prominent. I note that within the existing curtilage would allow the site to use existing landscaping as to the off-site requiring three new boundaries but given the surrounding landscaping of the agricultural field that on balance a dwelling could integrate. From this as much of the existing landscaping should be retained where possible and supplemented with additional landscaping to ensure integration, therefore a landscaping plan will be required in any 'Reserved Matters' application.

CTY 14 states that planning permission will be granted for a building where it does not cause a detrimental change to, or further erode the rural character of the area. As stated above I am content that even though the off-site location is unacceptable that an appropriately designed dwelling would not be unduly prominent and would result in a suburban style build-up of development. Wherein it will not result in additional dwelling through infilling and that the ancillary works would not damage rural character.

### PPS 3: Access, Movement and Parking

In terms of the off-site location DFI Roads were consulted, who responded with no objections subject to conditions.

In response to the comments made by the objectors; I note that supporting information was subsequently submitted. In terms to the comments over the flooding, as above I have agreed with this and noted that this does not justify going off-site. In terms of comments made over the curtilage, I have agreed that a modest sized dwelling is able to be accommodated within the curtilage and that there are no demonstrable landscape, heritage, access or amenity benefits to the proposed off-site replacement. In terms to the comments made over the amenity provision, again I am content that adequate amenity provision is able to be accommodated within the existing curtilage.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 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.

I have no flooding, ecological or residential amenity concerns.

As the off-site replacement is deemed unacceptable I must recommend refusal.

### Neighbour Notification Checked

**Yes**

### Summary of Recommendation:

Refusal – To Committee – Contrary to CTY 3 with two objections received.

### Refusal reasons:

1. The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed replacement dwelling

is not sited within the established curtilage of the existing dwelling and it has not been shown that the alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	23rd May 2019
<b>Date First Advertised</b>	6th June 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 6 Motalee Road Magherafelt Londonderry Dermot Monaghan MBA Planning,4 College House,Citylink Business Park,Belfast,BT12 4HQ Dermot Monaghan MBA Planning,4 College House,Citylink Business Park,Belfast,BT12 4HQ	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2019/0710/O Proposal: Proposed "off site" replacement dwelling and domestic garage / store: "under policy CTY 3" Address: 70mts South West of No 11 Motalee Road, Magherafelt, Decision: Decision Date:  Ref ID: H/1996/0582 Proposal: EXTENSION TO DWELLING Address: 6 MOTALEE ROAD MAGHERAFELT Decision: Decision Date:  Ref ID: H/2003/0653/F Proposal: New domestic garage. Address: 6 Motalee Road, Magherafelt. Decision: Decision Date: 18.09.2003  Ref ID: H/1993/0066 Proposal: CONVERSION OF GARAGE TO PROVIDE RECREATION ROOM ALSO CAR PORT AND GARDEN STORE Address: 6 MOTALEE ROAD MAGHERAFELT	



Decision:  
Decision Date:

Ref ID: H/1998/0334  
Proposal: EXT TO DWELLING AND NEW GARAGE  
Address: 6 MOTALEE ROAD MAGHERAFELT  
Decision:  
Decision Date:

### **Summary of Consultee Responses**

### **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:



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> LA09/2019/0750/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed erection of 6 dwellings within existing Millbrook Housing Development comprising of 2 detached dwellings and 2 pairs of detached dwellings	<b>Location:</b> Site 10m East of 1 Millbrook Close 10m east of 10 Millbrook within existing Millbrook Housing Development on Washingbay Road Coalisland
<b>Referral Route:</b> Contrary to Policy and Objections received	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> N and R Devine 191 Moorlough Road Donemana	<b>Agent Name and Address:</b> C R 3 Architecture 3 Coolermoney Road Artigarvan BT82 0HE
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	NI Water - Multi Units West - Planning Consultations	Advice
Statutory	Rivers Agency	Advice

#### Representations:

Letters of Support	None Received
Letters of Objection	1

Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
<b>Summary of Issues</b>  None	
<b>Characteristics of the Site and Area</b>  <p>The red line of the site comprises an irregular shaped plot of land located along the main Washingbay Road, to the East of number 1 Millbrook Close. The land is currently bare soil which has been ploughed and levelled. There is a temporary chain link fence along the North, West and South boundaries. The old stream has been culverted and is no longer visible and there were three tall metal piles protruding from the centre of the site.</p> <p>The site lies within the settlement limit of Coalisland as depicted by the DAP 2010. The land is also zoned for housing however, it also lies within the floodplain. The area to the south of the site is characterised by a range of housing, and to the North the land is predominantly agricultural fields.</p>	
<b>Description of Proposal</b>  Proposed erection of 6 dwellings within existing Millbrook Housing Development comprising of 2 detached dwellings and 2 pairs of detached dwellings	
<b>Planning Assessment of Policy and Other Material Considerations</b>  <p>Planning Act 2011</p> <p>Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.</p> <p>Area Plan</p> <p>Dungannon and South Tyrone Area Plan 2010 - No land zoning on this site, located within the development limits of The Moy.</p> <p>The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 2019.</p> <p>The initial consultation period has recently ended giving rise to a number of objections to Policies contained in the Plan.</p> <p>In light of this the Draft Plan cannot be given any determining weight at this time.</p> <p>Planning History</p> <p>M/1997/0645 - Opposite 38 Washingbay Road, Coalisland. – Housing development – Granted</p>	

M/2003/1083/F - Lands adjacent to Clonabay Housing Development, Washingbay Road, Coalisland - 3 No Houses as Phase 1 of Housing Development – Granted - 09.03.2005  
M/2005/0898/F - Lands opposite 38 Washingbay Road, Coalisland - Proposed development of 33 No dwellings/domestic garages, associated roads, site works and open space (10 No. semi detached, 1 block of 3 units and 4 blocks of 5 units) - Granted - 20.08.2007  
M/2006/1490/F - Lands adjacent to Clonabay Housing Development, Washingbay Road, Coalisland - Proposed development of 14 No dwellings, associated roads, site works and open space (1 No 4 blocks, 2 No 3 blocks and 2 No semi detached dwellings). Access and visibility splays to be constructed as per approval ref: M/2003/1083/F. - Granted - 26.10.2009

#### Representations

One objection has been received from the owners of number 45 Washingbay road, Coalisland. Their concerns raised were;

- Removal of a designated open space within the previously approved schemes
- Development within a designated flood plain
- Disruption of drainage services

#### Relevant Planning Policy

Regional Development Strategy for Northern Ireland 2035 (RDS)

PPS 3 - Access, Movement and Parking

PPS 7 - Quality Residential Environments

PPS 8 - Open Space And Out door recreation.

Addendum to PPS 7- Safeguarding the Character of Established Residential Areas

PPS 15 - Planning and Flood risk.

#### Design and Guidance

Creating Places- Achieving Quality in Residential Developments

Improving the Quality of Housing Layouts in Northern Ireland

DCAN 8 - Housing in Existing Urban Areas

#### Consideration

##### Rev PPS 15 - Planning and Flood Risk

DFI rivers were consulted and their response raised significant concerns. The site is subject to flooding and lies within the 1 in 100 year fluvial flood plain. They also raised concerns with regards to the infilling on the area. They also raised concerns over the seemingly culverting of a water course known as the Coalisland Mill Race without any permission.

It is clear from inspecting the DFI Rivers flood maps that nearly the entirety of the site lies within the flood plain and the proposal is therefore contrary to PPS 15 Policy FLD1.

FLD1 states that 'Development will not be permitted within the 1 in 100 year fluvial flood plain unless the applicant can demonstrate that the proposal constitutes an exception to the policy.'

The applicant has not made any case to present the proposal as an exception;

The development is not on land protected by flood defences,

The proposal does not involve the replacement of dwellings,

The development is not for agricultural use, transport and utilities infrastructure, which for operational reasons has to be located within the flood plain.

It is not for water compatible development which for operational reasons has to be located within the flood plain.

It is not for the use of land for sport and outdoor recreation, amenity open space or for nature conservation purposes.

It is not for the extraction of mineral deposits and necessary ancillary development

The proposal is not of regional economic importance.

#### PPS8 - Open Space

The previous permissions on the site have accepted this site as an area of open space and have by way of condition requested the area be provided and maintained in its perpetuity, therefore PPS 8 - Open space is applicable.

Policy OS1 states 'development will not be permitted which will result in the loss of open space. Exception will only be permitted where it is demonstrated that it will have no detrimental impact on the amenity or character of the area, or, it is demonstrated that it will bring substantial community benefits to outweigh the loss of space.

Neither of these exceptions have been demonstrated therefore it is contrary to policy OS1.

#### Other Considerations

#### PPS7 - Quality in New Residential Developments

Policy QD1 - Quality Residential Environments states all proposals for residential development will be expected to conform to all of the following criteria:

a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced area;

The principle of residential development has long been established on this site as the planning history above illustrates. However, on all the above approvals this particular area was designated as open space, this proposal does not respect this pattern. The layout and character is similar to that found in the wider residential area of this relatively newly built development, however, in removing the designated open space it is considered unacceptable.

b) features of the archaeological and built heritage, and landscaped features are identified and, where appropriate, protected and integrated on a suitable manner into the overall design and layout of the development;

There are no archaeological features or landscaped features on this site, or the immediate vicinity of this site.

c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area.

The previous approvals all share the common theme that this area is the designated area of open space, the wider scheme consists of well over 60 houses and this area of open space was necessary in order for the proposal to meet the standards in Creating Places. The site is of this overall size and scale requires public open space and this proposal would result in a detrimental loss of previously approved open space.

d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;

There is no requirement to provide local neighbourhood facilities the development is within close walking distance to shops and services located within Coalisland.

e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;

A footpath is provided and the location of this site within the village of Coalisland enables convenient access to public services and transport.

f) adequate and appropriate provision is made for parking;

There is adequate in-curtilage space for parking provided for each dwelling proposed.

g) the design of the development draws upon the best local traditions of form, materials and detailing;

The proposed materials and design is acceptable for this site and locality and is reflective of housing designs found within this area.

h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance;

The orientation of the dwellings takes into consideration other existing dwellings in the immediate vicinity of the site. The dwellings will not overlook, contribute to loss of light, overshadow, or create noise or other disturbance between themselves or other properties. The layout of 6 dwellings on what has been designated as open on the previous approvals does create a conflict and will have an adverse effect on the amenities enjoyed by the existing residents.

i) the development is designed to deter crime and promote personal safety.

No issues or concerns in this regard.

Policy LC 1 -

Protecting Local Character, Environmental Quality and Residential Amenity of the Addendum to PPS 7 - Safeguarding the Character of Established Residential Areas states planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

(a) the proposed density is not significantly higher than that found in the established residential area;

The density of this proposal is suitable in this established residential area. I do not think it is incongruent with the surrounding area.

(b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area;

The layout and design of residential development within the wider area is varied. I do not think this proposal is conflicting with the character of the existing residential area. The removal of the

open space will however, have a detrimental impact on the quality of the established residential area.

(c) all dwelling units and apartments are built to a size not less than those set out in Annex A

The sizes of the dwellings proposed exceed the minimum recommended standards.

PPS 3 -

Access, Movement and Parking sets out the policies for vehicular and pedestrian access, transport assessment, protection of transport routes and parking.

DfI Roads were consulted and requested full technical drawings for assessment.

I recommend permission is refused.

Unacceptable loss of open space

Contrary to PPS15 FLD 1 and no exception has been made to develop land within a flood plain.

**Neighbour Notification Checked**

**Yes**

**Reasons for Refusal:**

1. The proposal is contrary to Planning Policy Statement 8 - Policy OS 1, and Planning Policy Statement 7 -- Policy QD1 in that the development would, if permitted, adversely affect the environmental quality of the area by reason of the loss of open space to the detriment of both the existing and future residential occupants.

2. The proposal is contrary to Planning Policy Statement 15 - Policy FLD1 in that the development would, if permitted, result in development within the floodplain without demonstrating that the proposal constitutes an exception to the policy.

**Signature(s)**

**Date:**



<b>ANNEX</b>	
<b>Date Valid</b>	4th June 2019
<b>Date First Advertised</b>	20th June 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Millbrook Close Coalisland Tyrone The Owner/Occupier, 10 Millbrook Coalisland Tyrone The Owner/Occupier, 11 Millbrook,Coalisland,Tyrone,BT71 4TX The Owner/Occupier, 12 Millbrook,Coalisland,Tyrone,BT71 4TX The Owner/Occupier, 14 Millbrook,Coalisland,Tyrone,BT71 4TX The Owner/Occupier, 2 Millbrook Close,Coalisland,Tyrone, The Owner/Occupier, 20 Millbrook,Coalisland,Tyrone,BT71 4TX The Owner/Occupier, 21 Millbrook,Coalisland,Tyrone,BT71 4TX The Owner/Occupier, 22 Millbrook,Coalisland,Tyrone,BT71 4TX The Owner/Occupier, 23 Millbrook,Coalisland,Tyrone,BT71 4TX The Owner/Occupier, 24 Millbrook,Coalisland,Tyrone,BT71 4TX The Owner/Occupier, 25 Millbrook,Coalisland,Tyrone,BT71 4TX The Owner/Occupier, 26 Millbrook,Coalisland,Tyrone,BT71 4TX The Owner/Occupier, 27 Millbrook,Coalisland,Tyrone,BT71 4TX The Owner/Occupier, 28 Millbrook,Coalisland,Tyrone,BT71 4TX The Owner/Occupier, 29 Millbrook,Coalisland,Tyrone,BT71 4TX The Owner/Occupier, 3 Millbrook Close,Coalisland,Tyrone, The Owner/Occupier, 30 Millbrook,Coalisland,Tyrone,BT71 4TX The Owner/Occupier, 4 Millbrook Close,Coalisland,Tyrone, The Owner/Occupier, 45 Washingbay Road, Coalisland, Tyrone,BT71 4PU The Owner/Occupier,	

5 Millbrook Close, Coalisland, Tyrone,  
 The Owner/Occupier,  
 6 Millbrook Close, Coalisland, Tyrone,  
 The Owner/Occupier,  
 7 Millbrook Close, Coalisland, Tyrone,  
 The Owner/Occupier,  
 9 Millbrook Coalisland Tyrone  
 The Owner/Occupier,  
 Registered Office, 1 Sandy's Place, Downshire Road, Newry, BT34 1ED

<b>Date of Last Neighbour Notification</b>	
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<b>Date of EIA Determination</b>	
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<b>ES Requested</b>	No
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### Planning History

Ref ID: M/2006/1490/F

Proposal: Proposed development of 14 No dwellings, associated roads, site works and open space (1 No 4 blocks, 2 No 3 blocks and 2 No semi detached dwellings). Access and visibility splays to be constructed as per approval ref: M/2003/1083/F.

Address: Lands adjacent to Clonabay Housing Development, Washingbay Road, Coalisland

Decision Date: 26.10.2009

Ref ID: M/1994/6067

Proposal: Housing Development Washing Bay Road

Address: Washing Bay Road

Decision Date:

Ref ID: M/2005/0898/F

Proposal: Proposed development of 33 No dwellings/domestic garages, associated roads, site works and open space (10 No. semi detached, 1 block of 3 units and 4 blocks of 5 units)

Address: Lands opposite 38 Washingbay Road, Coalisland

Decision Date: 20.08.2007

Ref ID: M/2003/1083/F

Proposal: 23 No Houses as Phase 1 of Housing Development and associated works (Development to incorporate access via Clonabay)

(RE-ADVERTISEMENT)

Address: Lands adjacent to Clonabay Housing Development Washingbay Road Coalisland

Decision Date: 09.03.2005

Ref ID: LA09/2019/0750/F

Proposal: Proposed erection of 6 dwellings within existing Millbrook Housing Development comprising of 2 detached dwellings and 2 pairs of detached dwellings

Address: Site 10m East of 1 Millbrook Close, 10m east of 10 Millbrook within existing Millbrook Housing Development on Washingbay Road, Coalisland,  
Decision:  
Decision Date:

Ref ID: M/1998/0503  
Proposal: Housing development (5 dwellings) and construction of estate road  
Address: LANDS OPPOSITE NO.38 WASHINGBAY ROAD COALISLAND  
Decision:  
Decision Date:

Ref ID: M/1993/0002  
Proposal: Site for Dwelling  
Address: ADJACENT TO 45 WASHINGBAY ROAD COALISLAND  
Decision:  
Decision Date:

Ref ID: M/1996/0675  
Proposal: Housing Development  
Address: 80M N.W. OF NO. 45 WASHINGBAY ROAD, COALISLAND  
Decision:  
Decision Date:

Ref ID: M/1997/0645  
Proposal: Site for Housing Development  
Address: OPPOSITE 38 WASHINGBAY ROAD COALISLAND  
Decision:  
Decision Date:

### **Summary of Consultee Responses**

Rivers were consulted and highlighted that the proposal was contrary to policy as the proposal lies within the 1-100 year flood plain.  
DFI Roads were consulted and had identified as the proposal was for 6 dwellings, the internal road layout should be designed in accordance with Creating Places to facilitate adoption, this was not pursued in light of the pending recommendation for refusal.

### **Drawing Numbers and Title**

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

Drawing No. 03  
Type: Proposed Plans  
Status: Submitted

Drawing No. 02  
Type: Proposed Plans  
Status: Submitted

Drawing No. 04  
Type: Block/Site Survey Plans  
Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



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**

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0760/O	<b>Target Date:</b>
<b>Proposal:</b>  Proposed site for a dwelling and domestic garage/store under policy CTY 2A	<b>Location:</b> 65mts North East of No.11 Creagh Hill Castledawson
<b>Referral Route:</b> Refusal – contrary to CTY 2a, CTY 13 & CTY 14 of PPS21.	
<b>Recommendation: REFUSAL</b>	
<b>Applicant Name and Address:</b> Anne McGrogan 154 Creagh road Castledawson	<b>Agent Name and Address:</b> CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SG
<b>Executive Summary:</b>	
<b>Signature(s):</b> Lorraine Moon	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### 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

Refusal recommended – contrary to CTY 2a, CTY 13 & CTY 13 of PPS21

### Characteristics of the Site and Area

The proposal site is located within the corner of a large agricultural field located on the road side of Creagh Hill. Located to the rear and east of the proposal site is further agricultural land while directly opposite is a row of 5 detached dwellings. The proposal site is located approx. 313metres from 'The Thatch Inn' and is not visually linked or read with this established business/restaurant.

### Description of Proposal

Proposed site for a dwelling and domestic garage/store under policy CTY 2a.

### Planning Assessment of Policy and Other Material Considerations

I have assessed this proposal under the following:

SPSS

Magherafelt Area Plan 2015

Planning Policy Statement 21 - Sustainable development in the Countryside

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 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.

Consultees: - DfI were asked to comment and responded on 21.06.2019 with no objections subject to conditions

NI Water were asked to comment and responded on 18.06.2019 with no objections subject to advice.

Environmental Health were asked to comment and responded on 18.07.19 with no objections.

Neighbours: - Owners/Occupiers of Nos 4, 5, 6, 7, 9 \_ 11 Creagh Hill were notified of this proposal on 12.06.2019, no representations have been received to date.

In line with legislation this proposal was advertised in the local press on 20.06.2019, no representations have been received to date.

According to Planning Policy Statement 1 there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these such types of development is a dwelling sited within an existing cluster of buildings in accordance with policy CTY 2a.

Policy CTY 2a states planning permission will be granted for a dwelling at an existing cluster of development provided all of the following criteria are met:

- the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;
- the cluster appears as a visual entity in the local landscape;
- the cluster is associated with a focal point such as a social/community building/facility, or is located at a cross-roads;
- the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;

- development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and
- development would not adversely impact on residential amenity.

The proposal site is located within the corner of a large agricultural field on the roadside of Creagh Hill. The proposal site lies outside of a farm however has no development on the northern western or eastern sides, while on the southern side is Creagh Hill with a detached dwelling on the opposite side of the road, thus the proposal does not adhere to the first criteria of CTY2a. The existing development on the opposite side of the road is read together however the proposal site is as previously stated a large agricultural field that does not read with the existing line of residential development on the opposite side of the road. The proposal site is located approx. 313metres away from 'The Thatch Inn' which the agent has indicated as being the focal point, thus i would consider the proposal site being too far removed and visually connected with this to be considered as a focal point. The site is not located at a cross roads either and as such the proposal fails to comply with either the second or third criteria of CTY2a.

The proposal site is bounded on the western side by an agricultural laneway and sporadic vegetation and a concrete access serving dwellings 100metres in a lane, while it's undefined on the northern and eastern boundaries. The roadside boundary consists of a small grass verge and mature hedging therefore the proposal site does not meet the requirements of the fourth criteria of CTY2a.

As the proposal site would be breaking into a large agricultural field and with no existing development on either side it is my consideration the development could not be absorbed but would rather significantly alter the existing character and would visually intrude into the open countryside thus the fifth criteria cannot be met.

The proposal site would not adversely impact on residential amenity should an approval be considered acceptable.

Having considered all of the above the proposal does not adheres to all of the requirements of CTY2a of PPS21.

In addition to adherence to CTY 2a requirements the proposal also has to be assessed against the requirements of CTY 13 - Integration and Design Of Buildings in the Countryside. In line with this section of the policy 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. A new building will be unacceptable where:

- a) it is a prominent feature in the landscape; or
- b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or
- c) it relies primarily on the use of new landscaping for integration; or
- d) ancillary works do not integrate with their surroundings; or
- e) the design of the building is inappropriate for the site and its locality'
- f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop;
- g) in the case of a proposed dwelling on a farm it is not visually linked or sited to cluster with an established group of buildings on a farm.

The proposal site would not be considered a prominent one however it is my consideration that the site lacks long established natural boundaries suitable to provide a degree of enclosure for the building to integrate into the landscape but rather would rely primarily on the use of new landscaping for integration. As this is an outline application no design concept has been proposed at this stage however it should be noted that detached single stories are the most common at his particular locality. Having considered these points the proposal fails to meet the requirements of CTY 13.



Finally the proposal has been considered against the requirements of CTY 14 - Rural Character whereby its stated 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.

A new building will be unacceptable where:

- a) it is unduly prominent in the landscape; or
- b) it results in a suburban style build up of development when viewed with existing and approved buildings; or
- c) it does not respect the traditional pattern of settlement exhibited in that area;
- d) it creates or adds to a ribbon of development; or
- e) the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character

In considering this criteria it is my view that given the site is not contained within the cluster but instead adds to it if permitted this would erode rural character and result in a suburban style build up thus it does not adhere to point b of CTY 14.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Refusal

**Reasons for Refusal:**

Refusal Reasons

1.The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point and is not located at a cross-roads and the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure.

2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

3. The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal will erode rural character, in that it will result in a suburban style build up of development when viewed with existing.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	5th June 2019
<b>Date First Advertised</b>	20th June 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 11 Creagh Hill Castledawson Londonderry The Owner/Occupier, 4 Creagh Hill Castledawson Londonderry The Owner/Occupier, 5 Creagh Hill Castledawson Londonderry The Owner/Occupier, 5 Creagh Hill Castledawson Londonderry The Owner/Occupier, 6 Creagh Hill Castledawson Londonderry The Owner/Occupier, 7 Creagh Hill Castledawson Londonderry The Owner/Occupier, 9 Creagh Hill Castledawson Londonderry	
<b>Date of Last Neighbour Notification</b>	12th June 2019
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2019/0760/O Proposal: Proposed site for a dwelling and domestic garage/store under policy CTY 2A Address: 65mts North East of No.11 Creagh Hill, Castledawson, Decision: Decision Date:	
<b>Summary of Consultee Responses</b>	
<b>Drawing Numbers and Title</b>	

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

Drawing No. 02  
Type: Site Location Plan  
Status: Approved

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



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

**Development Management Officer Report  
Committee Application**

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0787/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed site for a dwelling and garage based on policy CTY10 (Dwelling on a farm)	<b>Location:</b> 40m South West of 44 Moyagoney Road Portglenone
<b>Referral Route:</b> Proposal does not comply with criterion (a) of Policy CTY10 of PPS21.	
<b>Recommendation: Refusal</b>	
<b>Applicant Name and Address:</b> Mr Paul Madden 44 Moyagoney Road Portglenone	<b>Agent Name and Address:</b> CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	DAERA - Coleraine	Substantive Response Received
Non Statutory	DAERA - Coleraine	Substantive Response Received
Non Statutory	DAERA - Coleraine	

### 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

Proposal does not comply with criterion (a) of Policy CTY10 of PPS21.

### Characteristics of the Site and Area

The site is situated within the open countryside and there are no further designations on the site as designated by the Magherafelt Area Plan 2015. The site is situated 40m SW of 44 Moyagoney Road, Portglenone. The site is currently used as an agricultural field. There is currently an agricultural gate on the western boundary which allows access onto the site. The boundaries of the site are currently defined by mature hedging. The

site slopes upwards in an easterly direction. There are currently overhead lines located along the western boundary and associated poles. There are agricultural buildings and a farm house located to the north of the site.

The surrounding area is largely characterised by residential and agricultural uses.

### **Description of Proposal**

The applicant seeks outline planning approval for a dwelling and garage based on policy CTY10 (Dwelling on a farm)

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

#### **Planning History**

There is currently a live application on the site (application reference number LA09/2017/0844) for a stable on the site which is a deferred application.

#### **Neighbour Notification**

Two neighbours were notified of this planning application including nos. 42a and 44 Moyagoney Road, Portglenone.

No letters of objection / representation have been received at time of writing this report.

#### **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 and there are no further 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, CTY10, CTY13 and CTY14 are applicable.

Policy CTY1 of PPS21 states that planning permission will be granted for a dwelling on a farm in accordance with Policy CTY10.

Policy CTY10 states that planning permission will be granted for a dwelling house on a farm where all of the criteria below can be met. Policy CTY10 also states that for a dwelling by those involved in the keeping and breeding of horses for commercial purposes will be assessed under the same criteria:

(a) The farm business is currently active and has been established for at least 6 years. This is normally assessed by the applicant providing a farm business ID number and consultation with DAERA. No ID number was provided in this case. Paragraph 5.43 of the Justification and Amplification of CTY10 states that an equine business is to be afforded the same benefits as an established and active farm, which is relevant to this application as the applicant keeps horses. Such businesses will include horse breeding and training and the operating of livery yards, trekking centres and riding schools. Applicants will have to provide sufficient information to demonstrate a level of involvement commensurate with commercial activity over the requisite period of 6 years. Such information should include:

- a statement of commercial rateable history for the business;
- copies of appropriate insurances;
- copies of 'Horse Passports' (if applicable); and
- any other information considered relevant to the particular case.

Paragraph 5.44 of CTY10 goes on to explain that those keeping horses and / or ponies for hobby purposes will not satisfy the requirements of this policy.

It is clear from the information submitted with this application that the applicant does not have an active and established equine business as none of the information required as per paragraph 5.44 was submitted. The application does not comply with criterion (a) of CTY10 as inadequate information was submitted.

(b) No dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. There have been no sell offs within the last 10 years of this application, therefore the application complies with criterion (b) of CTY10.

(c) The new building is visually linked with or sited to cluster with an established group of buildings on the farm where practicable. The associated agricultural buildings with this application are situated to the north west of the site and a dwelling on the proposed site would be visually linked with the farm buildings. The application complies with criterion (c) of CTY10.

Policy CTY 13 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. I note that this is only an outline application therefore no design details has been submitted however I am of the opinion that an appropriately designed dwelling will not appear prominent in the landscape. I am of the opinion that as much of the existing landscaping should be retained as much as possible with additional landscaping to further aid integration, therefore a landscaping plan will be required in any 'Reserved Matters' application.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural

character of an area. As noted an appropriately designed dwelling will not appear prominent in the landscape wherein it will be able respect the pattern of development in the area. 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.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Refusal

**Refusal Reasons**

1. Proposal does not comply with criteria (a) of Policy CTY10 'Dwellings on Farms' of PPS21 - Sustainable Development in the Countryside as inadequate information was provided.

**Signature(s)**

**Date:**



ANNEX	
<b>Date Valid</b>	10th June 2019
<b>Date First Advertised</b>	27th June 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 42a ,Moyagoney Road,Portglenone,Londonderry,BT44 8JG The Owner/Occupier, 44 Moyagoney Road,Portglenone,Londonderry,BT44 8JG	
<b>Date of Last Neighbour Notification</b>	24th June 2019
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2017/0844/F Proposal: Stable to house pony Address: 44 Moyagoney Road, Clady, Portglenone, Decision: DEF Decision Date:  Ref ID: LA09/2019/0787/O Proposal: Proposed site for a dwelling and garage based on policy CTY10 (Dwelling on a farm) Address: 40m South West of 44 Moyagoney Road, Portglenone, Decision: Decision Date:  Ref ID: H/1992/0458 Proposal: BUNGALOW Address: NAVAL LANE PORTGLENONE Decision: Decision Date:  Ref ID: H/2002/0426/F Proposal: Bungalow & Detached Garage. Address: Adjacent to No.8 Naval Lane, Portglenone.	

Decision:  
Decision Date: 22.07.2002

Ref ID: H/1991/0398  
Proposal: SITE OF DWELLING  
Address: ADJ TO 8 NAVAL LANE PORTGLENONE  
Decision:  
Decision Date:

Ref ID: H/1997/4026  
Proposal: RENOVATIONS TO DWELLING (DISABLED)  
Address: 2 NAVAL LANE PORTGLENONE  
Decision:  
Decision Date:

Ref ID: H/1976/0188  
Proposal: ALTERATIONS AND ADDITIONS TO BUNGALOW  
Address: 2 NAVAL LANE, TYANEE, PORTGLENONE  
Decision:  
Decision Date:

Ref ID: H/1992/0617  
Proposal: SITE OF DWELLING  
Address: R/O 44 MOYAGNEY RD PORTGLENONE  
Decision:  
Decision Date:

Ref ID: H/1997/0007  
Proposal: TWO STOREY KITCHEN, UTILITY AREA WITH BEDROOM AND BATHROOM FACILITIES  
Address: 44 MOYAGONEY ROAD PORTGLENONE  
Decision:  
Decision Date:

Ref ID: H/1982/0026  
Proposal: ALTERATIONS AND ADDITIONS TO HOUSE  
Address: 44 MOYAGONEY ROAD, PORTGLENONE  
Decision:  
Decision Date:

Ref ID: H/1989/0393  
Proposal: DOUBLE GARAGE AND STORE AND UTILITY ROOM  
Address: 44 MOYAGONEY ROAD CLADY PORTGLENONE

Decision:  
Decision Date:

Ref ID: H/2010/0494/F  
Proposal: Proposed 1.5 Storey Infill Dwelling and Garage  
Address: Adjacent to 42 Moyagoney Road, Portglenone, Co.Antrim,  
Decision:  
Decision Date: 24.02.2011

Ref ID: H/1977/0157  
Proposal: BUNGALOW WITH GARAGE  
Address: TYANEE, PORTGLENONE  
Decision:  
Decision Date:

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

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

### **Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:

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> LA09/2019/0792/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed Dwelling and Garage redesign for dwelling currently under construction	<b>Location:</b> 250m North of 36 Tullybroom Road Clogher
<b>Referral Route:</b> Refusal is recommended.	
<b>Recommendation:</b>	<b>Refusal</b>
<b>Applicant Name and Address:</b> Des Shields Mourne View 23 Creeghduff Road Seaford BT30 8NJ	<b>Agent Name and Address:</b> Prestige Homes 1 Lismore Road Ballygawley BT70 2ND
<b>Executive Summary:</b> Redesign application has been submitted for a dwelling currently under construction. It cannot be confirmed that the previous approval was commenced in time and therefore that there is a live approval on the site.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice

### 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

It cannot be confirmed that the previous planning approval was commenced on time to allow for this redesign application.

### Characteristics of the Site and Area

The application site is a 0.28 hectare parcel of land located on the Tullybroom Road approximately 0.7 miles northwest of Clogher and is outside the development limits of any settlement defined in the Dungannon and South Tyrone Area Plan 2010. Within the site outlined in red substantial ground works have been undertaken, including the laying of foundations which appears to correlate with the approved garage on site.

The site is defined by semi-mature trees and hedging to the northern, western and southern boundaries. The eastern (roadside) boundary is undefined save for some hedging to the northernmost 20m of this boundary. The site rises steeply from east to west.

The area is rural in character with a dispersed settlement pattern. There is little development pressure in the area, with development taking the form of single dwellings with associated outbuildings. There is an approval on site under M/2008/0536/F for a proposed dwelling.

**Description of Proposal**

Proposed Dwelling and Garage redesign for dwelling currently under construction

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

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

**Planning History**

M/2004/1231/O - Site for Dwelling & Garage - 250m North of 36 Tullybroom Road, Clogher, Co Tyrone - PERMISSION GRANTED – 23.10.2004.

M/2008/0536/F – Proposed dwelling - 250m North of 36 Tullybroom Road, Clogher, Co Tyrone - PERMISSION GRANTED – 21.05.2010

**Representations**

Press advertisement has been carried out in line with the Council's statutory duty. No neighbours were identified to be notified, and to date no objections or representations have been received.

**Dungannon and South Tyrone Area Plan 2010**

The site lies outside any settlement limit defined in the Dungannon and South Tyrone Area Plan 2010 and is not subject to any area plan designations, as such, existing planning policies should be applied in this assessment.

**Local Development Plan 2030 - Draft Plan Strategy**

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 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.

**SPPS – Strategic Planning Policy Statement for Northern Ireland**

The SPPS introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. It does not present any change in policy direction therefore existing policy applies.

**PPS 3 – Access, Movement and Parking**

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. DfI Roads have been consulted and recommend approval subject to visibility splays of 2.0m x 65.0m being provided. These are currently marginally restricted by vegetation in a northerly direction. A condition can be placed on any approval to address the issue of clearing these sightlines and keeping them clear thereafter. It is not clear when the access point was put in place as the entire frontage of the site was removed prior to the granting of the previous application on the site under M/2008/0536/F.

**CTY 13 Design and Integration of PPS 21**

The changes to the design of the dwelling is one of the main consideration of this proposal. The height of the dwelling has been increased from 5.7m to 8.5m and the dwelling is now two storey with a side projection as opposed to the single storey dwelling previously approved. There is an increase in the overall length of the dwelling from 14.8m to 17.5m (including the single storey side projection) in length, with no change to the depth of the dwelling. The proposed dwelling is still rural in form, with the chimneys expressed from the ridgeline and the windows have a vertical emphasis with a strong relationship of solid to void. The proposed dwelling will have a greater visual impact than that originally approved, however there are no long term critical views of the site when travelling in either direction along the public road. The proposed dwelling will be sited further back on the site from the original, with a slightly higher finished floor level of 52.00 as opposed to 51.500.

**Other Material Considerations**

It is acknowledged that this dwelling was previously approved on the 26th April 2010 under M/2008/0536/F. Foundations are in place on the site which broadly correlate with the approved garage on site, however it has not been confirmed that these were put in place in time to secure the previous planning permission. Building Control do not have any record of any application relating to this site, nor has any inspection been carried out to date. Orthophotography taken 7th May 2017 shows the foundations on site, however orthophotography dated 5th June 2013 and 24th May 2012 (see Appendix A) do not show them on site at this time. The crucial date for commencement of development was 11th May 2012, the aerial photograph on 24<sup>th</sup> May 2012 I am not content that the previous planning permission was implemented in time nor that a valid fallback position exists that would allow the dwelling that was approved to be completed on the site in line with the original approval. Evidence to show the site had commenced on time has been requested from the agent however they are having difficulty contacting the previous developer to get this information. To date no evidence in relation to this has been provided. As the whole site frontage was cleared prior to the granting of M/2008/0536/F, it is not possible to maintain that this was work done to provide the vehicular access or visibility splays at the site. I am not satisfied that planning permission M/2008/0536/F was lawfully commenced by 11th May 2012 and it is my opinion that this planning permission has lapsed.

Whilst the change of house type proposed is considered acceptable at the site given the lack of long term critical views, the previous planning permission was not implemented in time and therefore there is no live planning approval on site. Furthermore the site is not considered acceptable under any current policy contained within PPS21. This change of house type therefore cannot be approved and I recommend refusal.

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

I recommend refusal as it cannot be confirmed that the previous approval was commenced on time and therefore that there is a live approval on the site to allow for a redesign application to be approved.

**Reasons for Refusal:**

1. Mid Ulster Council, having considered the information provided, is not satisfied that planning permission M/2008/0536/F was lawfully commenced by 11th May 2012 and

insufficient evidence has been submitted to show that the operations specified above were lawfully commenced. Planning permission M/2008/0536/F has lapsed.

2.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.

**Signature(s)**

**Date:**



ANNEX	
Date Valid	10th June 2019
Date First Advertised	27th June 2019
Date Last Advertised	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
<b>Planning History</b>  Ref ID: M/2004/1231/O Proposal: Site for Dwelling & Garage Address: 250m North of 36 Tullybroom Road, Clogher, Co Tyrone Decision: Decision Date: 23.10.2004  Ref ID: M/2008/0536/F Proposal: Proposed dwelling Address: 250m North of 36 Tullybroom Road, Clogher Decision: Decision Date: 21.05.2010  Ref ID: LA09/2019/0792/F Proposal: Proposed Dwelling and Garage redesign for dwelling currently under construction Address: 250m North of 36 Tullybroom Road, Clogher, Decision: Decision Date:	
<b>Summary of Consultee Responses</b>	

<b>Drawing Numbers and Title</b>
Drawing No. 01 Type: Site Location Plan Status: Submitted
Drawing No. 02 Type: Cross Sections Status: Submitted
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Response of Department:

## Annex A

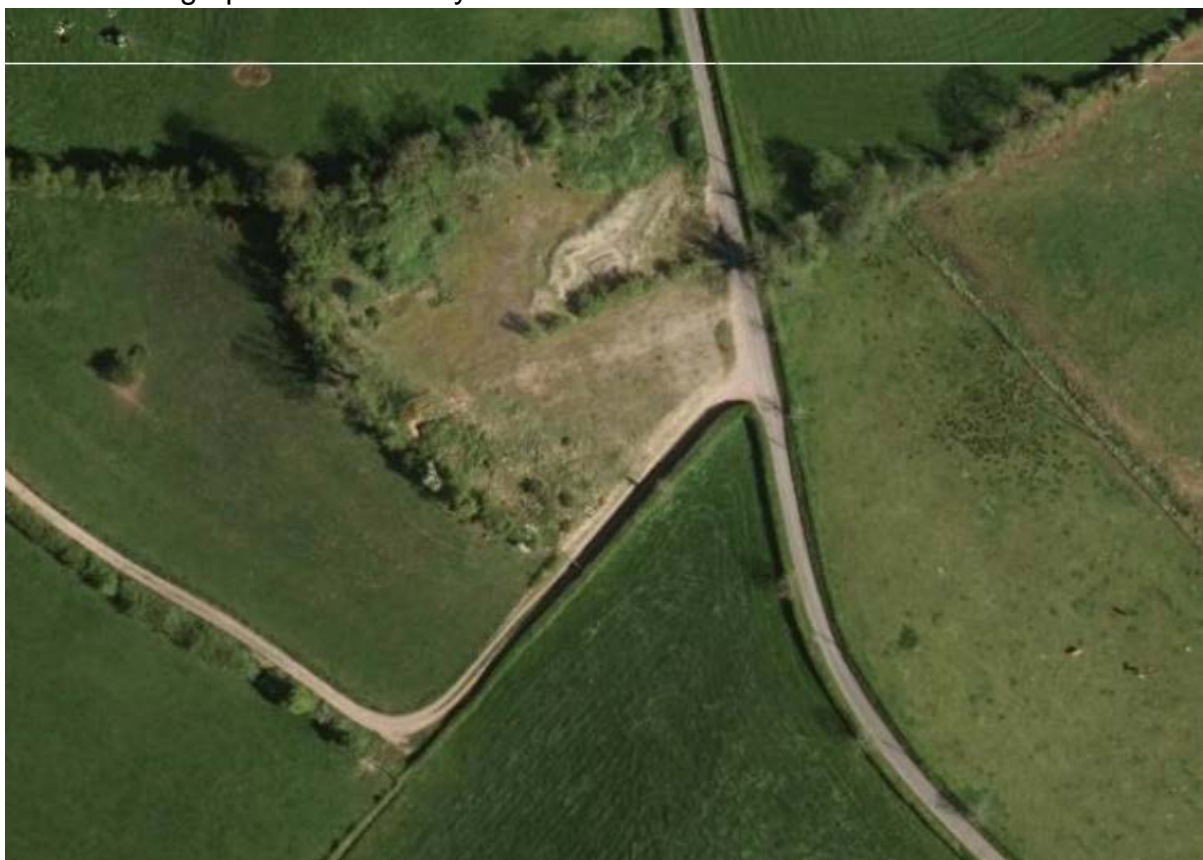
Aerial Photograph dated 24 May 2012



Aerial Photograph dated 5<sup>th</sup> June 2013



Aerial Photograph Dated 7<sup>th</sup> May 2017





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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0895/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed conversion and re-use of existing traditional outbuildings for residential use with extension and internal alterations	<b>Location:</b> Directly adjacent to 100a Claggan Lane Cookstown
<b>Referral Route:</b>  Approval – To Committee - Exception to Policy.	
<b>Recommendation:</b>	APPROVE
<b>Applicant Name and Address:</b> Mr and Mrs Arnold Loughrin 100a Claggan Lane Cookstown BT80 9UR	<b>Agent Name and Address:</b> Rodney Henry 2 Liscoole Cookstown BT80 8RG
<b>Executive Summary: Approval</b>	
<b>Signature(s): Peter Henry</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

### 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

Approval – To Committee - Exception to Policy.

### Characteristics of the Site and Area

The application site is located approximately 0.4km North West of the development limits of Cookstown, from which the site is located within the open countryside as per the Cookstown Area Plan 2010. Within the red line sits a detached barn/store which has been identified to be replaced along two small greenhouses, small yard and garden area. The site intends to use an existing access off the shared laneway off the Claggan Lane. I note that the site is bounded on all boundaries by a mix of mature trees and hedging. The immediate and surrounding area is characterised by predominately agricultural land uses with a scattering of residential properties.

#### Representations

There were three neighbour notifications sent out however no representations were received in connection with this application.

## Description of Proposal

This is a full application for proposed conversion and re-use of existing traditional outbuildings for residential use with extension and internal alterations, the site is identified as directly adjacent to 100a Claggan Lane, Cookstown.

## Planning Assessment of Policy and Other Material Considerations

Decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Cookstown Area Plan 2010

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 13 – Integration and Design of Buildings in the Countryside; and

CTY14 – Rural Character

PPS 3 - Access, Movement and Parking;

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted 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. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development area acceptable in the countryside. As noted the intention is convert and re-use the existing barn therefore it is to be considered under CTY 4 of PPS 21.

CTY 4 states that planning permission will be granted to proposals for the sympathetic conversion, with adaptation if necessary, of a suitable building for a variety of alternative uses, including use as a single dwelling, where this would secure its upkeep and retention. Such proposals will be required to be of a high design quality and to meet all of the following criteria:

- (a) the building is of permanent construction;
- (b) the reuse or conversion would maintain or enhance the form, character and architectural features, design and setting of the existing building and not have an adverse effect on the character or appearance of the locality;
- (c) any new extensions are sympathetic to the scale, massing and architectural style and finishes of the existing building;
- (d) the reuse or conversion would not unduly affect the amenities of nearby residents or adversely affect the continued agricultural use of adjoining land or buildings;
- (e) the nature and scale of any proposed non-residential use is appropriate to a countryside location;

- (f) all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and
- (g) access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

I first must note that the outbuilding identified to be converted appears to only have been constructed in the last 6/7 years and has been designed to look older than it actually is. From such, I note that it has been designed as a store and during group discussions it should not be eligible for conversion. However in terms of the criteria above, I note that the building is of permanent construction, in that to convert would not adversely alter the form, character, design and setting of the building. In that I am content that the proposed extension is sympathetic to the scale, massing and architectural style and finishes of the existing building. I note that to re-use/convert this building would not have any adverse impacts on neighbouring amenity nor will it affect surrounding lands continuing their use. I am content that all necessary services would be available at this location without impacting adversely on the environment or character of the area. Finally, as the intention is to use an existing access so will not prejudice road safety. I note that the agent provided a statement to try and argue that the building has local importance to aid in having this considered sufficient to be converted. This was discussed and it has been agreed during group that this is still not enough to allow for it be considered to fully comply under CTY 4.

It was discussed during group that the application may be considered under either CTY2a or CTY 8, taking CTY 2a first; I am content that it lies within a cluster of development that sits outside the farm and consists of four or more buildings, three of which are dwellings. I note that the cluster does appear as a visual entity in the landscape and has a suitable degree of enclosure in which is bounded on two sides with other development in which it is seen as rounding off. As noted it will not have an adverse impact on neighbouring amenity however it fails this policy as it is not associated with a focal point nor is it located at a cross-roads. With regards to CTY 8, it has been concluded that it does not appear to fully comply with CTY 8 as it has failed to demonstrate that there is a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage. I note that there are two buildings to the south one in which is a dwelling with the only development north of the proposed dwelling being a greenhouse and given its temporary nature cannot be constituted to be part of built of frontage.

Policy CTY 13 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. As the intention is to convert with an extension to the building, I am content that the building will not appear as a prominent feature in the landscape. I note that all existing landscaping is to be retained in which I am content that the building is able to visually integrate into the landscape. With regards to the proposed design I note that the proposed extension reflects that of the existing building in which I am content that this is acceptable within this rural context. From all of this it has been agreed that the dwelling is able to comply under CTY 13.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. As noted the proposed application has been agreed as acceptable



and is not deemed to be unduly prominent in the landscape. I am content that the proposed works would not have an adverse impact on the rural character and would respect the pattern of development in the area. On a whole I am content that the proposed development complies with CTY 14.

After discussions with the Planning Manager it has been agreed that given the fact that given the above analysis along with the fact that this proposal would not adversely alter the rural character that this can be dealt as an exception to the policy and be taken as an approval, in which this should not be used as precedent.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 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.

Other policy and material considerations

PPS 3 - Access, Movement and Parking;

DFI Roads were the only consultation sent out and responded to confirm that they did not offer an objection subject to the relevant conditions and informatives being applied.

I have no ecological, flooding or residential amenity concerns.

As the proposal has been taken as an exception under PPS 21 I therefore must recommend approval for this application.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Approval – To Committee - Exception to Policy.

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. The existing natural screenings of the site 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.



3. If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of the occupation of the building for its permitted use another tree or trees shall be planted at the same place and that/those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.

Reason: To ensure the continuity of amenity afforded by existing trees.

4. The vehicular access, including visibility splays of 2.4 x 33m and any forward sight distance, shall be provided in accordance with Drawing Number 01 bearing the date stamp 28th July 2019 prior to the commencement of any other development hereby permitted.

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

5. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway before the development hereby permitted is commenced and such splays shall be retained and kept clear thereafter.

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

#### Informatives

1.This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

2.This permission authorises only private domestic use of the premises and does not confer approval on the carrying out of trade or business there from.

3.This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

4.This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.

5.Notwithstanding the terms and conditions of the Mid Ulster District Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is Loughrey College, 49 Tullywiggan Road, Cookstown, Co. Tyrone BT80 8SG. A monetary deposit will be required to cover works on the public road.

It is the responsibility of the developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side

drainage is preserved and does not allow water from the road to enter the site. This approval does not give consent to discharge surface water into a DFI Roads drainage system.

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	28th June 2019
<b>Date First Advertised</b>	11th July 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 100 Claggan Lane Cookstown Tyrone The Owner/Occupier, 110 Claggan Lane Cookstown Tyrone The Owner/Occupier, 98 Claggan Lane Cookstown Tyrone	
<b>Date of Last Neighbour Notification</b>	4th July 2019
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2019/0895/F Proposal: Proposed conversion and re-use of existing traditional outbuildings for residential use with extension and internal alterations Address: Directly adjacent to 100a Claggan Lane, Cookstown, Decision: Decision Date:  Ref ID: LA09/2015/1060/F Proposal: Erection of single dwelling house and detached garage Address: Site 50m South of 102 Claggan Lane, Cookstown, Decision: PG Decision Date: 23.03.2016  Ref ID: I/2011/0331/O Proposal: Proposed site for a dwelling and garage on a farm Address: Adjacent and South of 102 Claggan Lane, Cookstown, Decision: Decision Date: 13.01.2012  Ref ID: I/2009/0273/F Proposal: Proposed replacement dwelling and garage including relocation of existing entrance access point onto private laneway Address: Lands 50m South east of 100 Claggan Lane, Cookstown, BT80 9UR Decision:	

Decision Date: 03.11.2009

Ref ID: I/2007/0407/RM

Proposal: Propose single storey dwelling and detached garage, with septic tank, and new entrance access associated.

Address: 50 metres South-East of 100 Claggan Lane, Cookstown

Decision:

Decision Date: 15.08.2007

Ref ID: I/2006/0835/RM

Proposal: Proposed replacement dwelling (1 1/2 storey) and garage.

Address: 104 Claggan Lane, Cookstown

Decision:

Decision Date: 15.03.2007

Ref ID: I/2004/0508/O

Proposal: proposed replacement dwelling & garage

Address: 50metres south east of 100 Claggan Lane, Cookstown

Decision:

Decision Date: 14.07.2004

Ref ID: I/2004/0300/O

Proposal: Proposed Replacement Dwelling & Garage

Address: 104 Claggan Lane, Cookstown

Decision:

Decision Date: 21.05.2004

Ref ID: I/2004/0204/F

Proposal: Proposed Extension to Dwelling & New Garage

Address: 102 Claggan Lane, Cookstown

Decision:

Decision Date: 19.04.2004

Ref ID: I/2000/0737/F

Proposal: Proposed deletion of condition No.6 on outline planning Approval No.

I/2000/0125/O

Address: 102 Claggan Lane Cookstown

Decision:

Decision Date: 29.01.2001

Ref ID: I/2000/0328/RM

Proposal: Erection of Replacement Dwelling and Garage

Address: 102 Claggan Lane, Cookstown

Decision:

Decision Date: 25.01.2001

Ref ID: I/2000/0125/O

Proposal: Replacement Dwelling and Garage

Address: 102 Claggan Lane, Cookstown

Decision:

Decision Date: 09.08.2000

Ref ID: I/1998/0111B

Proposal: Proposed Relacement Dwelling

Address: LOWER CLAGGAN COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1998/0111

Proposal: Replacement Dwelling

Address: LOWER CLAGGAN COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1997/0308

Proposal: Site for Dwelling

Address: LOWER CLAGGAN COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1991/0017B

Proposal: Replacement Dwelling

Address: ADJACENT TO 102 CLAGGAN LANE COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1991/0017

Proposal: Replacement Dwelling

Address: ADJACENT TO 102 CLAGGAN LANE COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1989/0441

Proposal: Replacement Dwelling

Address: 100 METRES SOUTH EAST OF 100 CLAGGAN LANE CLAGGAN  
COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1986/0364

Proposal: REPLACEMENT DWELLING

Address: LOWER CLAGGAN, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1980/0430

Proposal: EXTENSION AND IMPROVEMENTS TO FARMHOUSE

Address: 100 LOWER CLAGGAN, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1976/0369  
Proposal: 11KV O/H LINE, MV O/H SERVICES  
Address: CLAGGAN ROAD, COOKSTOWN  
Decision:  
Decision Date:

Ref ID: I/1976/0227  
Proposal: 11KV AND MV O/H LINES  
Address: CLAGGAN, COOKSTOWN  
Decision:  
Decision Date:

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

Drawing No. 02  
Type: Proposed Plans  
Status: Approved

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

Drawing No. 03  
Type: Garage Plans  
Status: Submitted

### **Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:

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> LA09/2019/1019/A	<b>Target Date:</b> 11/11/2019
<b>Proposal:</b> Proposed sign to gable wall of house	<b>Location:</b> 9 Springdale Dungannon
<b>Referral Route:</b> Refusal is recommended.	
<b>Recommendation:</b>	<b>REFUSAL</b>
<b>Applicant Name and Address:</b> Sinead Hagan 23 Castleview Heights Dungannon	<b>Agent Name and Address:</b> J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
<b>Executive Summary:</b> Consent to display an advertisement has been submitted for an illuminated sign attached to the gable wall of a dwelling within a residential area. The advertisement is of the type normally seen in commercial areas, and it is felt that the proposal does not respect amenity and prejudices road safety.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Recommend refuse
Statutory	DFI Roads - Enniskillen Office	

### 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

The illuminated sign is out of place and incongruous on the gable of a dwelling in this residential area and does not respect amenity. It also prejudices public safety as the sign is located close to a pedestrian crossing and a busy road junction where its presence could distract drivers on the public road.



**Characteristics of the Site and Area**

The site is located within the development limits of Dungannon at No. 9 Springdale along the Newell Road. At present on site is an end terrace two storey dwelling, gable end to an area of open space. In the immediate vicinity is a light controlled pedestrian crossing, 2 accesses into Newell Stores, one which has a right hand turning lane and an access into the development of Springdale. The site lies within whiteland as identified by the Dungannon and South Tyrone Area Plan 2010. The surrounding area is mixed use, with residential use to the north, east and south, however Newell Stores and a number of other retail units lie to the southeast on the opposite side of the public road.

**Description of Proposal**

Application for Consent to Display an Advertisement for a proposed sign. The signage will measure 2m in height by 3m in length. The depth will be 120mm mounted 50mm from the face of the existing wall with a total projection of 200mm. The sign will be manufactured from 6 no. LED panels bolted together within a coloured metal frame. The sign will be illuminated internally and the illumination will be intermittent.

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

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

**Relevant Histories**

M/1989/0520 - Temporary Mobile Homes - ADJACENT TO 9 SPRINGDALE NEWELL ROAD DUNGANNON - PERMISSION GRANTED  
M/1990/4018 - NIHE Project - SPRINGDALE DUNGANNON - PERMITTED DEVELOPMENT

**Representations**

No neighbour notification nor press advertisement has taken place as there is no statutory requirement to do so, and the Council do not feel that it was necessary to carry them out.

**Dungannon and South Tyrone Area Plan 2010**

The Dungannon and South Tyrone Area Plan 2010 identifies the site as being located within the development limits of Dungannon which gives favourable consideration to proposals, subject to criteria outlined within the plan policy. The site is located on Newell Road, which has no specific designations or zonings.

**Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy**

The Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy was launched on the 22nd Feb 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.

**SPPS – Strategic Planning Policy Statement for Northern Ireland**

The SPPS introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy

documents together with the SPPS. The SPPS states that the regional strategic objectives for the control of advertisements are to ensure that outdoor advertisements respect the amenity and do not prejudice public safety, including road safety; and help everyone involved in the display of outdoor advertisements contribute positively to the appearance of a well-cared for and attractive environment in our cities, towns, villages and countryside.

### **PPS 17 – Control of Outdoor Advertisements**

PPS 17 sets out the planning policy and guidance for the control of outdoor advertisements. Policy AD 1 Amenity and Public Safety states consent will be given for the display of an advertisement where:

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

The guidance set out in Annex A for different categories of outdoor advertisement will also be taken into account in assessing the proposal.

The proposal is for a new sign, located on the gable wall of an existing dwelling. The signage will measure 2m in height by 3m in length. The depth will be 120mm mounted 50mm from the face of the existing wall with a total projection of 200mm. The sign will be manufactured from 6 no. LED panels bolted together within a coloured metal frame. The sign will be illuminated internally and the illumination will be intermittent.

I feel that the proposal will have a negative effect on the general characteristics of the area, and its position on the host building and its scale and size in relation to the building is not considered acceptable. The sign is located on the gable wall of a dwelling, and is commercial in nature. This commercial sign does not respect the amenity of the residential area, and appears out of place and incongruous. This is highlighted even more so by the fact Newell Stores lies on the opposite side of the public road, where various commercial signage is visible, relating to the premises on which it is displayed. I consider that the advertisement will have a negative impact in terms of size, scale and levels of illumination given its location on the gable wall of a terraced dwelling, with only residential properties in the immediate vicinity on this side of the public road.

The principle of advertising is to attract attention, this can create a safety issue when advertising distracts road users from operating a vehicle in a safe manner. The sign is at a busy junction with a right hand turning lane into the commercial premises on the opposite side of the road. DfI Roads have responded to their consultation and advise that they are concerned about the impact of the sign on road safety as new and more powerful digital technology for advertising has increased the potential for distraction. This proposal will compete with the existing pelican crossing point, for road users attention, which might reduce the clarity or effectiveness of the traffic control device, thereby prejudicing conditions of general safety.

<b>Neighbour Notification Checked</b>	<b>N/A</b>
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### **Summary of Recommendation:**

I recommend refusal as the proposal does not respect the amenity of the residential area and has the potential to prejudice public safety.

**Reasons for Refusal:**

1. The proposed sign is contrary to Policy AD1 of PPS17 in that the size and nature of the proposed sign are such that it would, if permitted, be out of scale and character with its location in this residential area.
2. The proposal is contrary to Planning Policy Statement 17, Control of Outdoor Advertisements, Policy AD1, in that it would, if permitted, prejudice the safety and convenience of road users, since the erection of this proposal in close proximity to a pelican crossing, would distract the attention of motorists from road traffic signals, thereby creating a traffic hazard.

**Signature(s)****Date:**

ANNEX	
<b>Date Valid</b>	29th July 2019
<b>Date First Advertised</b>	
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier,	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2019/1019/A Proposal: Proposed sign to gable wall of house Address: 9 Springdale, Dungannon, Decision: Decision Date:  Ref ID: M/1990/4018 Proposal: NIHE Project Address: SPRINGDALE DUNGANNON Decision: Decision Date:  Ref ID: M/1989/0520 Proposal: Temporary Mobile Homes Address: ADJACENT TO 9 SPRINGDALE NEWELL ROAD DUNGANNON Decision: Decision Date:	
<b>Summary of Consultee Responses</b>	

Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Submitted
Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted
Drawing No. 03 Type: Proposed Elevations Status: Submitted
Drawing No. 04 Type: Proposed Elevations Status: Submitted
<b>Notification to Department (if relevant)</b> Date of Notification to Department: Response of Department:

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> 05/11/2019	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/1069/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling and domestic garage on a gap site	<b>Location:</b> Infill site Approx 100m North West of 88 Washingbay Road Coalisland
<b>Referral Route:</b> Application recommended for refusal	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Mr Ciaran Lynch 88 Washingbay Road Coalisland	<b>Agent Name and Address:</b> McKeown and Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	NI Water - Single Units West - Planning Consultations	Content
Statutory	DETI - Geological Survey (NI)	Content
Statutory	Historic Environment Division (HED)	Content

### 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

### Characteristics of the Site and Area

The site is approximately 70m from the settlement boundary of Coalisland and is 107m from the settlement boundary of Annaghmore as defined in the Dungannon and South Tyrone Area Plan 2010. To the north of the application site is rural countryside with sprawling agricultural fields, farm complexes and single detached dwellings. To the south of the site is Coalisland and to the east is Annaghmore, both of which are built up areas with a mix of commercial and residential uses. Across the road from the site is a row of six detached dwellings with a roadside frontage. There is also Campbell and Sons car sales immediately to the south east of the site.

The application site is a rectangular shaped plot and comprises a portion of an existing agricultural field. The field has a flat topography and is adjacent to the public road. There are two detached dwellings to the west of the site, and a field and another detached dwelling to the east. There are established trees on the western boundary and a 1m high hawthorn hedge along the southern roadside boundary. Along the eastern boundary is a post and wire fence and the northern boundary is undefined.

### **Description of Proposal**

This is a full application for a proposed dwelling and garage on a gap site. The proposed dwelling has a semi-circle shape and has a width of 26m. The dwelling has a depth of 14.1m at the longest point and a ridge height of 6.3m. The proposed finishes are black slate roof tiles and dry dash external walls. There is natural stone on the walls of the sun lounge and master bedroom at either ends of the dwelling.

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

#### **Planning History**

LA09/2018/0188/O - Proposed dwelling and domestic garage on an infill site - Infill site adjacent to and immediately South West of 87 Washingbay Road – Permission Granted 20<sup>th</sup> June 2018

LA09/2018/1364/RM - Dwelling and domestic garage - Site adjacent to and immediately SW of 87 Washingbay Road, Coalisland – Permission Granted 6<sup>th</sup> February 2019

This planning approval is for an infill dwelling across the road from the family farm holding at No. 88 Washingbay Road. This planning approval has the same applicant as this planning application.

This planning history is relevant as the applicant has a live planning approval for an infill dwelling across the road from the farm holding at No. 88 and owns the land to the right of this approval where there may be the potential for an adjacent infill site. They also own the farm holding at No. 88 and have not utilised the CTY10 for a farm dwelling. The applicant owns the field to the right of this application site.

#### **Consultees**

Geological Survey of Northern Ireland (GSNI) were consulted and confirmed the proposed site is not in the vicinity of any known abandoned mine workings.

NI Water were consulted and had no objections.



DFI Roads were consulted as a new access if proposed onto the public road. They responded seeking amendments to Drawing No 01 date stamped 12 AUG 2019. HED were consulted as the site is within the buffer zone of an archaeological site and monument and responded with no objections.

### **Representations**

The proposal was neighbour notified and advertised in the press and no representations have been received.

### **Planning Policy Consideration**

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

### **Mid Ulster Development Plan 2030 – Draft Plan Strategy**

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 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.

### **Dungannon and South Tyrone Area Plan 2010**

The plan offers no specific policy relevant to this application as the site lies outside any settlement limit defined in the Dungannon and South Tyrone Area Plan 2010.

**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.

### **PPS 21 Sustainable Development in the Countryside**

Policy CTY 1 of PPS 21 sets out the range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. As this is an application for a dwelling on an infill site CTY8 – Ribbon Development is the relevant policy, which will apply. The introduction of PPS21 removed the green belt policy designation which in this locality had been defined to stop Coalisland merging with Annaghmore.

### **CTY 8 – Ribbon Development**

The application site has a roadside frontage along a public road. There is a dwelling abutting the western boundary of the site at No. 68 and another dwelling 50m west at No. 64. Immediately east and abutting the boundary of the site is an agricultural field, which is also owned by the applicant. 64m east of the site is another dwelling at No. 88. Members are advised the policy defines a gap site as 'within a substantial and continuously built up frontage' and substantial and built up frontage 'includes a line of 3 or more buildings along a road frontage'. However based on the pattern of development the identified gap site in my view represents an important visual break which still acts to protect merging Coalisland

and Annaghmore. Instead based on the nature of development in the area, particularly on the other side of the road, this site is big enough to accommodate 5 houses. According to the policy the test has not been met as it can only be large enough to accommodate two dwellings. Accordingly the drawings which suggest a large house on a large site do not persuade me that additional houses would not be sought. Indeed as presented the proposal would be harmful to rural character as it would intensify the existing urban sprawl and lend to merging the settlement limits which is in conflict with CTY 15 and the Dungannon and South Tyrone Area Plan. It would also be contrary to CTY 14 in that the character of the area would be lost due to the development leading to the creation of further infill opportunities and adding to ribbon development.

There are varying plot frontages along this public road with 83m at No. 52 and No. 60, 50m at No. 64 and No. 68, and 40m at No. 88. There is an agricultural field abutting the site along the eastern boundary and is owned by the applicant which has a frontage of 64m. A planning history check of the site shows there are no live permissions at this field. The application site has a roadside frontage of 66m, which is larger than other plots along the public road.

There is a single storey dwelling proposed on this site. Along this stretch of public road there is predominantly single storey dwellings so the scale and massing of the proposed dwelling would not be out of character in the surrounding area.

Overall, I consider this proposal would add to ribbon development.

### **CTY 13 – Integration and Design of Buildings in the Countryside**

The proposed development must also comply with policies CTY 13 and 14, in that CTY 13 states that the proposed development is able to visually integrate into the surrounding landscape and be of appropriate design.

The site has a roadside frontage onto the public road with a flat topography. The proposed dwelling will be situated in the middle of a large plot. There is currently a 1m hedgerow adjacent to the public road but this will need to be removed to provide visibility splays. There are no long distance critical views of the site in the north west direction from the public road due to the presence of established trees along the west boundary as shown in figure 1 below. Also in the southeast direction, there are critical views along the roadside due to the lack of vegetation along the east and south boundaries. However this site will sit on a highly trafficked public road between Annaghmore and Clonoe and there are a number of dwellings on both sides of the road in the immediate area. Taking the character of the surrounding area into account I do not consider this proposal will be a prominent feature in the landscape.



Figure 1 – Critical view from the west direction showing established trees, which will block any direct views of the site in this direction.

There are established trees along the west boundary and a 1m high hedgerow along the roadside boundary. I consider the site does not have a suitable degree of enclosure for the proposed dwelling to integrate into the landscape. The existing hedging along the road boundary will need to be removed to provide visibility splays. Hence, 3 new hedgerows will need to be planted at the site. In addition, I consider the site will need the use of new planting for integration. However, there are oak and silver birch trees proposed all around the proposed dwelling, which will in time, aid integration of the dwelling on the site.

The proposed access will be directly from the public road and I am content the access will integrate into the landscape. It is preferable that a new access runs alongside the boundaries of the site but this access will be for a short distance so I consider it is acceptable.

I have no concerns about the design of the proposed dwelling. The proposal is for a single storey dwelling with a ridge height of 6.4m. The predominant design in the surrounding area is single storey dwellings so this proposal would respect the pattern of settlement. There is a pitched roof and the chimneys project from the ridges of the roof, which is in accordance with 'Building on Tradition Design Guidance'. I am content the solid to void ratio is acceptable. The proposed materials on the dwelling are black slate roof tiles, dry dash external walls and natural stone on the sunroom and master bedroom.

There are no existing buildings on the site to provide a backdrop but there are established trees along the west boundary.

The case of dwelling on a farm is not applicable in this case.

#### **CTY 14 – Rural Character**

Policy CTY 14 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. Again, I consider the proposed dwelling would appear not unduly

prominent in the landscape. There are no long distance critical views in the north west direction due to the presence of established trees, which will be retained. In the southeast direction there are critical views but a new hedgerow will be planted along this boundary to assist integration.

I am content the proposed dwelling will not result in a suburban style build-up of development, as there already is development on this stretch of the public road. There are a number of single detached dwellings on both sides of the road. The surrounding area has the character of a settlement so this proposed dwelling will not appear prominent in the landscape.

I consider this dwelling is ribbon development but will not affect the character of an already developed area.

As stated earlier in the assessment I consider the proposal will harm rural character as there is the potential for further infill sites owned by the applicant and this will create further urban sprawl.

I consider the proposal will add to a ribbon of development it does not comply with CTY 8 where it can be considered a gap site.

As stated earlier in the assessment, I am content the access will not damage rural character.

### **PPS 3 – Access, Movement and Parking**

I have no ecological, built heritage, flooding or residential amenity concerns.

**Neighbour Notification Checked    Yes**

### **Summary of Recommendation:**

The proposal is recommended for refusal as it is contrary to CTY 8, CTY13, CTY 14 and CTY 15 in PPS 21.

### **Reasons for Refusal**

1. The proposal is contrary to CTY 8 – Ribbon Development of Planning Policy Statement 21 in that the development would add to ribbon development.
2. The proposal is contrary to CTY 13 – Integration of Planning Policy Statement 21 in that the proposal will rely on new planting for integration.
3. The proposal is contrary to CTY 14 – Rural Character of Planning Policy Statement 21 in that the development would add to ribbon development.
4. The proposal is contrary to CTY 15 – The Setting of Settlements of Planning Policy Statement 21 in that the development would blur the distinction between the settlement limits of Coalisland and Annaghmore.

**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	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/1088/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed extension of curtilage and erection of domestic store, mixed martial arts grappling and wrestling studio and all associated site works	<b>Location:</b> Lands immediately between 218 and 220 Ballynakilly Road Dungannon
<b>Referral Route:</b> Objection	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Moussa Jaafar 85 Coash Road Ballynakilly Dungannon BT71 6JE	<b>Agent Name and Address:</b> Armagh Design 63 Glen Mhacha Armagh BT61 8AF
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	DFI Roads - Enniskillen Office	

### Representations:

Letters of Support	None Received
Letters of Objection	1
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

**Summary of Issues** 1 objection letter received 26<sup>th</sup> September 2019

### Description of Proposal

This is a full planning application to extend the curtilage of a dwelling, located at 218 Ballynakilly Rd, to include lands to its southeast for the erection of domestic store, mixed martial arts grappling and wrestling studio, and all associated site works which includes .

The lands sought to be included within the curtilage of no. 218 are located between it and another dwelling, no. 220 Ballynakilly Rd.

The domestic store, mixed martial arts grappling and wrestling studio is for the applicant son, Mr Yousef Jaafar who resides at no. 218 Ballynakilly Rd. Yousef is an amateur

MMA fighter and requires an studio to progress his career. Yousef proposes to train personally and simultaneously provided a limited no. of training sessions.

The studio has a rectangular floor plan and pitched roof construction. It measures 8m (gable depth) x 12m (length) x 3.7m (height) and has a roller shutter garage door located on its front gable elevation. There are no windows in the garage only a door in its southeast elevation.

Material finishes to the proposed studio include:

- Walls: black pvc insulated steel wall cladding with black trims
- Roof: black pvc insulated steel roofing sheets
- Doors: black upvc insulated roller shutter door and upvc black double glazed pedestrian door.
- Rainwater goods: black pvc guttering upvc black downspouts.

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

The site which sits adjacent the Cohannon Inn is located in the rural countryside as defined by the Dungannon and South Tyrone Area Plan 2010, approx. ½ mile north west of the Tamnamore Roundabout unto the M1.

The site which is a relatively flat irregular shaped plot comprises a small single storey dwelling, no.218 Ballynakilly Rd (the applicant's son's residence), and its curtilage. It also comprises part of an adjacent agricultural field located between no. 218 Ballynakilly Rd and 220 Ballynakilly Rd a large two storey hipped roof dwelling with detached garage that is bound to its southeast side by a horse arena and to its rear by outbuildings/sheds.

It is the aforementioned lands between nos. 218 and 220 Ballynakilly Rd that the applicant seeks to include within the curtilage of no.218 Ballynakilly Rd for the provision of the domestic store, mixed martial arts grappling and wrestling studio.

No.218 is a vernacular dwelling set back from and accessed off the Ballynakilly Rd via a short concrete lane. It has a simple rectangular floor plan and pitched roof construction with only a small pitched roof porch located on its front elevation and dropped pitched outbuilding attached to its northern gable. It has dash finished walls, a red corrugated metal roof, and white upvc window frames and doors.

The dwelling fronts onto a small farm yard (to its east) bound by small no. of outbuildings only one of which is within the red line of the application site. It is positioned quite tight to its rear/western party boundary of the site with The Cohannon Inn leaving only a small amenity strip to its rear. It has a slightly larger garden located further to its southern gable running alongside the access lane.

The western/party boundary of the site with The Cohannon Inn is bound by close boarded fencing; the northeast boundary of the site is bound along the existing curtilage of no. 218 by a small no. outbuilding, the remainder of this boundary taking in what is proposed as the new curtilage is undefined and opens unto the larger agricultural field from which it is cut. The southeast/party boundary of the site with no.220 Ballynakilly Rd is defined primarily by a mix of mature vegetation.

Whilst the site is located in the rural countryside and has agricultural lands running to its east, the immediate area is characterised by the heavily trafficked Ballynakilly Rd



connecting Coalisland to the M1; and by The Cohannon Inn, the Service Station, and no. of mixed retail units all located on lands immediately to its northwest.

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

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

### **Key Policy Context**

Regional Development Strategy

Dungannon and South Tyrone Area Plan 2010

Strategic Planning Policy Statement for Northern Ireland

Addendum to PPS 7 Residential Extensions and Alterations

The Mid Ulster Local Development Plan 2030 – Draft Strategy published February 2019

### **Planning History**

- M/1986/0305 - Bungalow - Ballynakilly Rd, Tamnamore, Dungannon
- M/1987/0071 - Two storey dwelling - Ballynakilly Rd, Tamnamore, Dungannon
- M/1991/0041 - Domestic Garage and Store - 220 Ballynakilly Rd Tamnamore Dungannon
- M/1992/0577 - Change of use from store to bedroom accommodation for Tourists - Adjacent to 210 Ballynakilly Rd Dungannon

### **Consultations**

Transport NI (TNI) - consulted the 29/08/2019 in relation to access, movement and parking arrangements. TNI responded 18/09/2019 advising the applicant's agent to clarify if the proposed studio will cater for members of the public. That, if it will cater for the public information detailing number of vehicles/persons at the premises daily is required.

An email was subsequently received from the agent on the 24/09/2019. The email stated that this is a residential proposal with an associated grappling/wrestling studio or home business element. That its likely that any one time 1 visitor will be present to train with Mr Yousef Jafaar (the applicant's son who is an amateur fighter) however 4 additional carparking spaces have been provided as some overlapping between training sessions may occur or attendees may stay on after their session to witness/study Yousef in the next session. The email states this is to be a private facility and not open to the general public as such are content to have conditions attached to any decision notice to said effect.

The agent details Yousef's rigorous training regime of between 2 – 5 hours a day Monday – Saturday, before adding that it is expected visitors will only be able to train for a maximum of 2 hours at a time so the following visitors can be expected:

- Mon, Wed & Fri – 3 sessions, 1 visit per session (6 additional vehicular movements)
- Tues & Thus – 2 sessions, 1 visit per session (4 additional vehicular movements)
- Sat – 1 session, 1 visit per session (2 additional vehicular movements)

Identifying the niche nature of the home business and its rural location the agent advised that it is considered that all visitors will generally be car borne however requests some allowance be made for the lack of vehicular movements by Yousef who will live and work on site.

TNI did not identify any road safety concerns in relation to the entrance arrangements.

### **Policy Consideration and Assessment**

Dungannon and South Tyrone Area Plan 2010 - The site is located in the rural countryside. The plan offers no specific policy relevant to this application.

Mid Ulster Development Plan 2030 Draft Plan Strategy - was launched on the 22nd Feb 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.

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.

As this is a residential proposal with associated home business element, which I am content based on the supporting information received from the applicants agent (see planning portal) will be ancillary to the existing dwelling on site, I believe if it complies with the provisions of PPS 7 Residential Extensions and Alterations which have been retained under the SPPS, then it will not cause demonstrable harm to any interests of acknowledged importance.

Planning Policy Statement 7 Residential Extensions and Alterations - This proposal meets the criteria as set out in Policy EXT 1 of this policy in that:

The scale, massing, design and external materials of the proposed studio are sympathetic with the built form and appearance of the existing property and associated buildings on site and as such should not detract from the appearance and character of the property or the area. It is my opinion that the proposed building will take on the appearance of an agricultural shed typical of the rural countryside, and when viewed from critical vantage points along the Ballynakilly Rd it will cluster with the existing dwelling and small no. of outbuildings on site.

The extension should not unduly affect the privacy or amenity of neighbouring residents in terms of overlooking or overshadowing. In terms of overlooking the extension has no windows in any of its elevations and only one door in its southeast elevation which despite being glazed I am content should not overlook any private amenity afforded to no. 220 Ballynakilly Rd given the mature vegetation that runs along the party boundary of the site with no. 220 which in my opinion will provide adequate screening between both properties.

With regards overshadowing I am content that adequate separation distance will be retained between the proposed building and existing buildings as to not cause any concern in this regard.

The extension which is to be located on agricultural lands between nos. 218 and 220 Ballynakilly Rd will not cause any loss of, or damage to, trees or other landscape features contributing significantly to local environmental quality.

Existing amenity space within the curtilage of no.218 Ballynakilly Rd for recreational and domestic purposes including for the parking and manoeuvring of cars will not be impacted by this proposal. In effect this proposal will provide additional amenity space within the increased curtilage of no. 218, in the form of the studio and additional garden area to its front/south side.

### **Representations**

Neighbour notification and press advertisements have been carried out in line with the Council's statutory duty. At the time of writing, 1 objection had been received and is detailed below.

The objection was submitted by Mr David Mounstephen for FM Planning on behalf of their client, the details of whom were not supplied. The objection relates to the studio element of the proposal which Mr Mounstephen states appears commercial and questions by reason of its size and scale whether it will be ancillary to the dwelling. In relation to this concern he notes the following:

- The studio and associated shower/changing facilities are some 63 sqm (680sqft) in area;
- The studio is in a new stand alone building as opposed to an extension or alteration to the existing dwelling;
- The studio is sited beyond the curtilage of the existing dwelling; and
- The proposal includes provision for 4 car parking spaces, a turning space and passing bay.

He states that the supporting statement accompanying this application confirms the proposal is sited so as not to detrimentally affect amenity of residents. And highlights that an ancillary studio for domestic purposes would be unlikely to need such consideration.

He also states the development is contrary to PPS 7 Residential Extensions and Alterations Policy EXT 1 justification and amplification text, that in all cases the (Council) need to be satisfied the accommodation will remain ancillary to the main residential property and careful consideration be given to the impact of proposals on neighbouring dwellings. Furthermore he states the design does not appear to result in an integrated rural group of building as per Annex A Guidance. And finally that the development is also contrary to PPS 21 CTY1 Development in the Countryside as there are no overriding reasons why the development is essential and could not be located in a settlement.

Having taken into account the objection letter received above, based on the supporting information received from the applicants agent my opinion has not changed. I believe proposal does comply with the policy provision PPS 7 Residential Extensions and Alterations Policy EXT 1. I am satisfied the accommodation will remain ancillary to the main residential property and I propose attaching a condition to ensure this remains the

case. I note careful consideration has been given to the impact of proposals on neighbouring dwellings. As the proposal meets with the provision of PPS7 it does not require justification for its siting within the countryside under PPS 21 CTY1 Development in the Countryside.

I am content that the size, scale and location of this stand alone building is acceptable for the site and locality and could be viewed similarly to any other ancillary domestic building. The proposed development will remain ancillary to the existing dwelling where the applicant's son, an amateur MMA fighter resides and who in the first instance requires the building to train in order to progress his career. He will offer only a limited no. of private training sessions per week. The 4 car parking spaces, a turning space and passing bay as detailed by the agent in a supporting email received is only to accommodate any overlapping which may occur between training sessions or attendees that may stay on after their session to witness/study Yousef in the next session.

I am content that the extension to the properties curtilage for the provision of this studio will not, in my opinion cause any significant detrimental impact on this visual amenity of the area. It is noted the building is within a substantially built up frontage with the Cohannon Inn and Cohannon Complex next door and a large detached dwelling with equestrian facilities on the other side. I had concerns regarding noise from the building and discussed this with Environmental Health, they did not raise any concerns with this due to its location close to other noisy activities and its small scale nature.

I note all proposals requiring planning permission, including those for domestic purposes are considered in relation to any unduly affect they may have on the privacy or amenity of neighbouring residents. As detailed above in my assessment of this proposal against PPS7 I am content this proposal should not cause any unduly affect on neighbouring residential amenity.

#### **Other Considerations**

Checks of the Planning portal and Flood Maps NI indicate the site is not subject to flooding

**Taking all of the above into consideration I would recommend the approval of this application.**

**Neighbour Notification Checked**

Yes

**Summary of Recommendation:**

Approve

#### **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 the occupation of the building hereby approved all areas of hardstanding, including for car parking, shown on Drawing 02 bearing the date stamp received 15 AUG 2019, are to be provided and permanently retained.

Reason: To ensure adequate provision to service the site.

3. The building hereby approved shall be used only for purposes ancillary to and for the enjoyment of the occupiers of 218 Ballynakilly Road.

Reason: To protect residential amenity.

Informative

1. This permission only allows for domestic use and homeworking ancillary to 218 Ballynakilly Road. This approval does not give permission for any a separate planning unit for a commercial gym or training facility which would require a separate permission.

**Signature(s)**

**Date:**

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> 05/11/2019	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/1169/O	<b>Target Date:</b>
<b>Proposal:</b> Erection of infill dwelling & garage	<b>Location:</b> Lands between 33a & 33b Grange Road Moy
<b>Referral Route:</b> Objection received from a third party.	
<b>Recommendation:</b>	Approve
<b>Applicant Name and Address:</b> Mr Andrew Smith 15 Grange Road Moy BT71 7EJ	<b>Agent Name and Address:</b> 2 Plan NI 47 Lough Fea Cookstown BT80 9QL
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	NI Water - Single Units West - Planning Consultations	Content

### 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

### Characteristics of the Site and Area

The site is located in the rural countryside and is 1.87km from the settlement limit of Moy as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is predominantly rural with sprawling agricultural fields, single detached dwellings and farm complexes. The site is located along the Grange road in a row of detached dwellings. Within the immediate area of the site, there are a number of detached dwellings along Grange Road and along Seyloran Lane, which is at a junction with the site.

The application site is a square shaped plot with a roadside frontage along the public road. There are several detached dwellings on either side of the public road. The site has a

relatively flat topography. It is situated between No. 33A and No. 33B Grange Road. There is mature hedgerow along the roadside boundary and the eastern/western boundaries are defined by a row of mature trees and hedgerows. The rear boundary is undefined as the site is a portion of a larger agricultural field. The site is accessed via an existing field gate along Grange Road.

### **Description of Proposal**

This is an outline application for a proposed dwelling and garage on an infill site.

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

#### **Planning History**

M/2002/0743/O – Dwelling – Opposite 34 Grange Road, Moy – Withdrawn

This application is on the same site as this planning application but was withdrawn after being recommended for approval.

#### **Consultees**

NI Water were consulted and responded with no objections.

DFI Roads were consulted and responded with no objections subject to a 1:500 scale plan being submitted.

#### **Planning Policy Consideration**

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

#### **Mid Ulster Development Plan 2030 – Draft Plan Strategy**

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 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.

#### **Dungannon and South Tyrone Area Plan 2010**

The plan offers no specific policy relevant to this application as the site lies outside any settlement limit defined in the Dungannon and South Tyrone Area Plan 2010.

**SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that** The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted 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. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet



other planning and environmental considerations including those for drainage, sewerage, access and road safety’.

## **Planning Policy Statement 21 – Sustainable Development in the Countryside**

### **Policy CTY 8 – Ribbon Development**

Policy CTY 1 of PPS 21 sets out the range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. As this is an application for a dwelling on an infill site CTY8 – Ribbon Development is the relevant policy, which will apply.

The application site has a roadside frontage along a public road. There is a dwelling 260m east of the site at No. 35, a dwelling abutting the eastern boundary at No. 33B and a dwelling abutting the western boundary at No. 33A. There are also dwellings at No. 33 and No. 31. No. 31, No 33A and No. 35 are all set back from the public road with sweeping driveways to the dwellings. However, I am satisfied the dwellings have frontages with the public road as the gardens of the properties abut the road so I consider this is still the frontage of the dwellings. On balance, I am content the proposal situated on a small gap site is within a substantial and continuously built up frontage, which includes a line of 3 or more buildings along a road frontage.

There are varying plot frontages along this public road with 62m at No. 24, 56m at No. 33, and 50m at No. 33A, 67m at No. 33B and 273m at No. 35. The application site has a frontage of 72m. I am satisfied the proposed site has a plot frontage which respects the existing development pattern in terms of plot size. The proposal is the same size plot as No. 33B east of the site.

In terms of size and scale of the proposed dwelling, this is an outline application so the design of the dwelling will be considered at the Reserved Matters Stage. Along the Grange road, there are a number of large two storey dwellings so I am content that either a single/two storey dwellings would integrate into the landscape.

A number of the dwellings such as No. 31, No. 33a and No. 35 are sited further back in the plot with large gardens fronting the road. No. 33B which is adjacent to the site has a dwelling frontage onto the road. No. 34 is directly opposite the application site so members may want to set a siting condition to move the dwelling further back from the public road to protect the amenity of No. 34.

Overall I am content the proposed site is an infill site and meets the criteria in CTY 8 in PPS 21.

### **CTY 13 – Integration and Design of Buildings in the Countryside**

Policy CTY 13 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.

The application site is along an existing roadside frontage and is on land with an undulating topography. There are no long distance views of the site in both directions along the public road as there are mature trees and hedgerows along the eastern and western boundaries, as shown in figures 1 and 2. There is also mature trees along the roadside boundaries of

No. 31 and No. 33A which particularly blocks any direct views in a westerly direction. On balance, I consider the proposal will not be a prominent feature in the landscape.



Figure1 – View from western direction



Figure 2 – View from eastern direction

There are established trees along the east and west boundaries which will integrate the site in long distance views. There is a mature hedgerow along the roadside boundary and some of this will be removed for visibility splays. As shown on Drawing No. 01 date stamped 05 SEP 2019 additional planting is proposed to replace any removed which will further aid integration. As the proposal consists of a portion of an existing larger field, a new hedge is proposed along the southern boundary, which will aid integration in views from Majors

Lane. I am content new planting will not be primarily relied on for the purposes of integration.

A double garage will sit behind the dwelling and I am content this will integrate into the overall scheme. A new access is proposed which will travel through the middle of the site. It is preferable that the access runs along the boundary but as the access travels a short distance, I am content the new access is acceptable. Also, No. 31 and No. 33A have long sweeping driveways running through the middle of the site so the new access is acceptable in comparison with the surrounding landscape.

The design of the proposed dwelling will be considered at the Reserved Matters Stage. I consider a one or two storey dwelling would integrate well at this site.

I am content the proposal will blend with the existing trees along the east and west boundaries. There are no other buildings at this site but as there are other dwellings along this stretch of public road, I am content the proposal will blend with the other development in the surrounding area.

The case of dwelling on a farm is not applicable in this case.

I am content that the proposal is capable of complying with CTY 13.

#### **CTY 14 – Rural Character**

CTY 14 states that planning permission will be granted for a building where it does not cause a detrimental change to, or further erode the rural character of the area. As mentioned, the site benefits from existing vegetation on three boundaries and further landscaping is proposed on the remaining boundaries, which will further aid integration. The proposed dwelling is sited to cluster with existing dwellings along the road. I am content that this dwelling will not be a prominent feature in the landscape.

As there are already dwellings along this public road and they are sited within a roadside frontage I am satisfied that the development will not result in a suburban style build-up of development. I am of the opinion that the proposal is able to respect the traditional pattern of development as the site can accommodate either a one or two-storey dwelling, which would be in scale and form with other dwellings in the area. The site will be located between 2 other dwellings so I am content the proposal will not add to a ribbon of development.

The creation of a new access at this site will not damage the rural character as there is proposed hedging to mitigate the impact of a new entrance onto a public road.

#### **Planning Policy Statement 3 – Access, Movement and Parking**

DFI Roads were consulted as there is a new access from the Grange Road. There is a field gate but according to PPS 3, this is not considered an existing access. DFI Roads requested visibility splays of 2.4m x 70m in both directions and this should be submitted on a 1:500 scale plan at Reserved Matters Stage.

#### **Representations**

An objection was submitted from the owner/occupier at 34 Grange Road, Moy. Their dwelling is across the public road from the application site. The following issues have been raised :

1. The proposal is not in the spirit of the gap site i.e. small site in an existing row of no more than six. There will be eleven houses on the same side of Grange Road. This is ribbon development and detrimental to the rural area.
2. The proposal will alter the character of the area and lead to a loss of amenity. Currently the land is used for agricultural purposes and provides relief to the existing housing build-up.
3. The proposed dwelling will be closer to the public road than No. 33B and together with its elevated position will make it a prominent feature in the landscape.
4. The proposed dwelling overlooks the front garden at No.34 and will lead to a loss of privacy.

In regards to point 1, CTY 8 states that to be an infill site there must be three buildings with a roadside frontage and there is no mention of 'no more than six approvals in a row'. As stated earlier in the assessment I am satisfied the proposal meets the criteria in CTY 8.

In regards to point 2, I do not consider the proposal will alter the character of the rural area. The proposal has met the principle of CTY 8 and will not lead to ribbon development. In addition, the immediate area is already built-up with a number of detached dwellings along Grange Road and particularly at the junction with Seyloran Lane and Dreemore Road.

In regards to point 3, the proposed site is 13m from the public road and No. 33B is 16m. I consider the proposed dwelling is not much nearer to the public road than No. 33B. The topography of the application site has a slight undulating topography as shown in figure 3 below but I do not consider a dwelling on this site would be a prominent feature in the landscape.



Figure 3 shows the undulating topography of the site, which is one of the factors the objector feels the proposed dwelling may be a prominent feature in the landscape.

In regards to point 4, this issue was discussed in the assessment of CTY8. If approved the position of the dwelling is a material consideration, which can set as a siting planning condition in the decision notice. This would protect the amenity of No. 34 if the dwelling set further back from the public road. As shown in Drawing No 01 date stamped 05 SEP 2019 the proposed dwelling is 17m from the boundary fence of No.34 and additional planting is proposed on the roadside boundary. I consider the separation distance and the planting on the roadside boundary will protect the amenity of No. 34.

**Neighbour Notification Checked** Yes

**Summary of Recommendation**

The proposal is recommended for approval as it complies with CTY 8, CTY 13 and CTY 14 in PPS 21.

**Conditions**

1. As required by Section 62 of the Planning Act (Northern Ireland) 2011, application for approval of the reserve 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 later of the following dates:-

i. the expiration of 5 years from the date of this permission; or

ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason. Time Limit

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

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

3. Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4m x 70 m in both directions 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.

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

4. 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 and details of a native species hedge to be planted to the rear of the of the visibility splays and along the new boundaries of the curtilage identified in orange on drawing No 01 bearing the stamp dated 05 SEP 2019. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

### **Informatives**

This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or any other statutory authority.

The applicant is advised that under Article 11 of the Roads Order (NI) 1993, the Department for Infrastructure is empowered to take measures to recover any reasonably incurred expenses in consequence of any damage caused to the public road/footway as a result of extraordinary traffic generated by the proposed development.

Notwithstanding the terms and conditions of the Planning Authority's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the TransportNI Section Engineer whose address is Main Street, Moygashel, Dungannon. A monetary deposit will be required to cover works on the public road.

Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. which is deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

All construction plant and materials shall be stored within the curtilage of the site.

It is the responsibility of the developer to ensure that

- Surface water does not flow from the site onto the public road
- The existing roadside drainage is accommodated and no water flows from the public road onto the site

- Surface water from the roof of the development hereby approved does not flow onto the public road, including the footway
- The developer should note that this planning approval does not give consent to discharge water into a Transportni drainage system.

**Signature(s)**

**Date:**