



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> LA09/2016/0308/F	<b>Target Date:</b>
<b>Proposal:</b> Retention of change of use of shed from agricultural to electrical storage at 26 Moneysallin Road, Kilrea	<b>Location:</b> 26 Moneysallin Road Kilrea
<b>Referral Route:</b> Approval recommended	
<b>Recommendation:</b>	APPROVE
<b>Applicant Name and Address:</b> Mr J Donaghy 26 Moneysallin Road Kilrea BT51 5TQ	<b>Agent Name and Address:</b> Farren Architects 105 O'Cahan Place Dungiven BT47 4SX
<b>Executive Summary:</b>	
<b>Signature(s):</b> Lorraine Moon	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	Transport NI - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	No Objection
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

## Characteristics of the Site and Area

The site is located a couple of miles north of Upperlands and sits in the countryside just within Magherafelt Area. The site is located up a long laneway adjacent 26 Moneysallin Road, Kilrea. Due to a boundary of trees the site and building in question cannot be seen from the Moneysallin Road. Beyond number 26 a large building is located with a concreted laneway and yard. A small building is located further north of the main building. It is used to house rubbish which appears to be the remains of packaging and cardboard boxes, etc. There were several vans on the site relating to Donaghy Brothers in Kilrea the building is completely filled with electrical goods. There are several employees on the site and a number of cars, presumably owned by the employees on the site.

## 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.

Planning Policy Statement 4 – Planning & Economic development.

Site History - H/2006/0710/LDP - A certificate of Lawfulness was granted for 'construction of agricultural shed, storage of farm machinery, general purpose store' stating that the proposal complied with permitted development rights. The building under this previous application is the same as the one identified under this current application.

Consultees: - Environmental Health were asked to comment and responded on 30.03.2016 with no objections

NI Water were asked to comment and responded on 25.03.2016 with no objections to the proposal

Transportni were asked to comment and responded on 13.04.2016 with no objections subject to conditions

Neighbours notified - Owners/occupiers of Nos 23, 23a, 25 \_ 28 Moneysallin Road were notified of this proposal, no objections/representations have been received to date.

In line with legislation this proposal was advertised in several local press publication during March 2016 with no representations/objections having been received to date.

In line with PPS21 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. All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Planning permission will be granted for non-residential development in the countryside in the following cases:

- farm diversification proposals in accordance with Policy CTY 11;
- agricultural and forestry development in accordance with Policy CTY 12;
- the reuse of an existing building in accordance with Policy CTY 4

According to CTY 11 of PPS21 planning permission will be granted for a farm or forestry diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. In order to comply with this the farm business has to be currently active and established, the character and scale of the building should be appropriate to its location, the proposal should not have an adverse impact on the natural or built heritage and there should be no detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution. Proposals will only be acceptable where they involve the re-use or adaptation of existing farm buildings.

The building in this question is agricultural in design and scale and located to the rear of a dwelling and associated farm buildings and surrounded by agricultural land and as such the character of the locality will be unaffected. However the farm business ceased to be active from 9th May 2012 when Mr Sean Donaghy passed away. Although it is evident the applicant/son has intentions to re-activate the farm business in the future, however at the time the application was lodged the farm business was not active although a business id number had been applied for and the applicant was in the process of purchasing animals.

I understand the applicant has been awarded category 21 DARD business number in August 2016, with the applicant since submitting his first SFP claim at the start of May 2017. This claim was based on the 3.30ha of ground under the applicant's category 1 business ID (662339) and the first payment from this claim has now been received.

In addition the applicant has been allocated a flock number on 22nd September 2016 (732863), he purchased 5 ewes from Ballymena sheep market on 06.02.2017. These sheep are kept and grazed on the 3.30ha claimed and located at 26 Moneysalin Road adjacent to the application building.

All of the above additional information demonstrates that the applicant has an active and established farm albeit there was a break due to the death of his father but the farm has been continued to be active. This is indeed an exceptional case however I would make a recommendation to the committee that this applicant does adhere to the principles of CTY 11. The building in question although being used for storage and distribution this use is being run alongside the active farm and this use will not prejudice the continued agricultural use thus I feel the proposal does comply with this criteria of CTY 11.

There are no views of the building from Moneysallin Road and only distant views from neighbouring Lisnagrot Road, Kilrea. The building exists under a CLUD, therefore it is not considered this change of use will have a negative impact on natural or built heritage and there are no neighbouring properties affected. The proposed use should not cause pollution problems from noise or smell. The re-conversion of the building back to an agricultural use would be easily done without any impact on the area, neighbours etc.

I am therefore also content that there is no conflict with the criteria of PPS 4 - Planning and Economic Development.

#### **Neighbour Notification Checked**

**Yes**

#### **Summary of Recommendation:**

Approval

#### **Conditions**

1. This approval is effective from the date of this decision notice and is issued under Article 55 of the Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

2. The use of the approved building shall solely be for electrical storage.

Reason: In order to control the nature of the use and prevent unacceptable uses.

**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:**

<b>ANNEX</b>	
<b>Date Valid</b>	7th March 2016
<b>Date First Advertised</b>	24th March 2016
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 23 Moneysallin Road Moneysallin Kilrea The Owner/Occupier, 23a Moneysallin Road, Moneysallin, Kilrea, Londonderry, BT51 5TQ The Owner/Occupier, 25 Moneysallin Road Moneysallin Kilrea The Owner/Occupier, 28 Moneysallin Road, Kilrea	
<b>Date of Last Neighbour Notification</b>	23rd March 2016
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: H/1979/0517 Proposal: HV O/H LINE (BM 3290) Address: MONEYSALLIN, MAGHERAFELT Decision: Decision Date:  Ref ID: H/2006/0710/LDP Proposal: Construction of agricultural shed, storage of farm machinery, general purpose store Address: 44m SE of 26 Moneysallin Road, Kilrea Decision: Decision Date:  Ref ID: LA09/2016/0306/F Proposal: 2 X New 11kv Overhead lines (one at each address stated) to facilitate connection to wind turbine Address: From 295m South East of 12 Moneysillan Park, Drumard Road, Kilrea to 50m West of 72 Drumagarner Road, Kilrea, Decision: Decision Date:	

Ref ID: LA09/2016/0308/F

Proposal: Retention of change of use of shed from agricultural to electrical storage at 26 Moneysallin Road, Kilrea

Address: 26 Moneysallin Road, Kilrea,

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:



Comhairle Ceantair  
**Lár Uladh**  
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District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2016/1094/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed agricultural cattle shed	<b>Location:</b> Adjacent to 17 Annaghoboe Road Coalisland
<b>Referral Route: Recommendation to refuse</b>	
<b>Recommendation:</b>	Refuse
<b>Applicant Name and Address:</b> Mr Dominic Ryan 25 Annaghoboe Road Coalisland	<b>Agent Name and Address:</b> Dennis O'Neill 90 Gortgonis Road Coalisland BT71 4QG
<b>Executive Summary:</b>	
<b>Signature(s):</b>	



## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	DETI - Geological Survey (NI)	No Objection
Non Statutory	DAERA - Omagh	Substantive Response Received

Non Statutory	DAERA - Veterinary Service	Substantive Response Received
Non Statutory	DAERA - Omagh	Substantive Response Received
Non Statutory	DAERA - Veterinary Service	
<b>Representations:</b>		
Letters of Support	None Received	
Letters of Objection	None Received	
<b>Description of proposal</b> This is a full planning application for an agricultural shed to act as an isolation facility for rare breeds of cattle. Sited away from the main farm holding of the applicant, a case has been presented to justify why the building is necessary at this particular location.		
<b>Characteristics of the Site and Area</b> On my site visit dated 12th September 2016 it was noted that a new hardcore laneway had been constructed along the entire access of the proposed site, which follows an existing mature tree lined hedgerow along the NE. The site is set back approx. 150m from Annaghoboe Road and is set behind a tree lined mature hedge along its NE boundary. A mature tree lined hedge also defines the NW boundary, with the remaining boundaries open to a larger agricultural field. The site is flat and due to setback and existing vegetation is not clearly visible from the public road. The area is defined by a number of detached properties (mostly 2 storey) on sizable plots and farm holdings with associated outhouses and sheds. The applicants farm holding is located at No. 25 Annaghoboe Road which is approx 500m SE from the application site. Land in the area is relatively flat and is used mostly for agricultural purposes.		
<b>Planning Assessment of Policy and Other Material Considerations</b>		
<b>Area Plan</b> Dungannon and South Tyrone Area Plan 2010- the site is located in the countryside and the policy provisions of SPPS and PPS21 apply.  There is no relevant site history to consider.		
<b>Key planning policy</b> 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.  Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) is a retained policy document under SPPS and provides the appropriate policy context. Policy CTY1 of PPS21 sets out the types of development that are considered to be acceptable in the countryside. One of these is Policy CTY12 which allows agricultural development on active and established farm holdings subject to certain policy criteria being met.		

The applicant/agent has provided a P1C form which contains an agricultural business ID number. DARDNI has confirmed that the business ID has been in existence for more than 6 years and that the business is in receipt of single farm payment within the last 6 years therefore there is sufficient evidence that the farm business is both established and active. DAERA also point out that the person named in part Q 1 (a) of the P1C form, Mr Leon Daily, does not have a farm business registered with DAERA. I am not sure as to what Leon Daily's interest is in this application as the applicant in the planning application is Mr Dominic Ryan.

The policy then lists 5 criteria that have to be met in order to meet policy (a) it is necessary for the efficient use of the agricultural holding or forestry enterprise; In assessing this proposal the applicant/agent was asked to demonstrate why this shed was necessary for the efficient use of the holding, away from the main farm grouping at this location. Information supplied stated that an isolation facility was required to house rare cattle breeds so that they would not become contaminated with other animals. No information was supplied as to numbers of Cattle that would be imported/exported or their breed.

The applicant (Mr. Dominic Ryan)/agent provided a letter date received 19th Jan 2017 stating that he used a building which was leased from Paul Dorman at No. 52a Moor Road, for his agricultural needs. This lease has now run out and therefore the applicant requires new premises for his agricultural needs hence the subject application. Mr. Ryan argues that he cannot build at his own dwelling/farm holding as there is threat of TB infection from a neighbouring farm. Plus, he intends to use the building to introduce new breeds to his herd, and these animals need to be isolated. No information has been provided to say that the risk of TB still exists at the applicants farm holding.

On assessment of this information it was deemed to be insufficient to demonstrate the requirements of this policy. On 6th June 2017 a meeting was held with the agent Denis O'Neil, Chris Cassidy (to assist agent), Case Officer Paul McClean and Senior Planner Emma McCullagh in order to provide an opportunity for clarification on some points and to demonstrate need. Nothing new was raised at this meeting. During this meeting it was agreed that one more opportunity would be provided to address outstanding information.

Further information was supplied after this meeting and this information was forwarded to DAERA Veterinary Service for comment. The information supplied included listed criteria and regulations set out by DAERA in regards to export facilities, health and safety reasons, and that no other buildings on the farm holding were suitable for this facility.

DAERA Vet Service replied to this information on 02/08/2017 stating;

1. Export Isolation facilities need to be physically separated from other buildings. This, however, does not require them to be located on a different site to the main farm holding.
2. Most Export Isolation Facilities approved by DAERA are located within the main farm holding but kept separate from other buildings.
3. Export Isolation facilities are not required for all exports. They are sometimes required for sheep exports and even then not in all circumstances. They are only occasionally required for cattle exports and only then in very specific circumstances.
4. An Export Isolation Facility building needs to be physically in existence before approval can be granted.

This response is extremely helpful for informing my decision. The applicant has not demonstrated that a building cannot be erected at his farm holding. Land surrounding the

applicant's holding is within his ownership. Where the proposed facility is to be built is only leased by the applicant. The applicant has failed to demonstrate how this proposal is necessary for the efficient functioning of the holding at this location.

(b) in terms of character and scale it is appropriate to its location;

The size, scale and design of the proposed building has the appearance of an engineering/industrial unit and not an agricultural shed. In terms of character and scale I am not convinced that this building is appropriate for this countryside location.

(c) it visually integrates into the local landscape and additional landscaping is provided as necessary;

The shed is set back from the public road and will be set behind an existing tree lined hedge. The size and scale of the shed will integrate into this flat landscape.

(d) it will not have an adverse impact on the natural or built heritage;

The proposal does not impact upon any natural or built heritage interests. The proposal will not have any adverse impact on any ASSI, N2K or non-designated sites, nor on any landscape or buildings of historic value.

(e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

The nearest dwelling not associated with this farm holding is approx. 90m away. No 3rd party objections have been received on this proposal and Environmental Health have no objections to this proposal.

CTY12 then states where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:

-there are no suitable existing buildings on the holding or enterprise that can be used;

The proposed building is to be sited on land leased by the applicant, away from his farm grouping and insufficient information and evidence has been provided that would convince me that this proposed site is necessary away from his existing holding or farm grouping. The fact the land is not owned by the applicant also raises some unanswered questions as to this proposed location. On discussion with fellow colleagues with farming backgrounds, a sectioned off space within an existing shed would be ample for this purpose. Plus, the applicant has failed to demonstrate that there still exists a threat of TB from surrounding farms.

-the design and materials to be used are sympathetic to the locality and adjacent buildings;

This is covered in part (b) above.

- the proposal is sited beside existing farm or forestry buildings.

The building is located away from the existing farm buildings and no logical explanation has been given why planning policy should be relaxed in this instance.

#### **Other material consideration**

The site is not subject to flooding. There are no land contamination issues to be considered.

Abandoned mines have been identified in this area but GSNi do not object to this proposal.

Department for Infrastructure require 2.4m by 70.0m visibility splays, this has not been requested as the principle of development has not been established for this proposal.

<b>Neighbour Notification Checked</b>	<b>Yes</b>
<b>Summary of Recommendation:</b> That planning permission is refused for the following reasons:	
<b>Refusal Reasons</b>  1. The proposal is contrary to policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm that;  -the alternative site away from the existing buildings is essential for the efficient functioning of the business;  -there are no suitable existing buildings on the holding or enterprise that can be used;  -the design and materials to be used are sympathetic to the locality and adjacent buildings;  -the proposal is sited beside existing farm or forestry buildings;  -health and safety reasons exist to justify an alternative site away from the existing farm buildings;  2. The proposal is contrary to PPS3 Access, Movement and Parking in that insufficient information has been provided to demonstrate that sight splays of 2.4m by 70m in both directions can be achieved.	
<b>Signature(s)</b>  <b>Date:</b>	

ANNEX	
<b>Date Valid</b>	8th August 2016
<b>Date First Advertised</b>	25th August 2016
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 15 Annaghnaboe Road Meenagh Coalisland The Owner/Occupier, 16 Annaghnaboe Road Meenagh Coalisland The Owner/Occupier, 17 Annaghnaboe Road Meenagh Coalisland	
<b>Date of Last Neighbour Notification</b>	7th July 2017
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2016/1094/F Proposal: Proposed agricultural cattle shed Address: Adjacent to 17 Annaghaboe Road, Coalisland, Decision: Decision Date:  Ref ID: LA09/2015/1156/O Proposal: Site for 2 no Infill Dwellings Address: Lands between 15 and 17 Annaghnaboe Road, Coalisland, Decision: PG Decision Date: 17.06.2016  Ref ID: M/2002/1132/RM Proposal: Proposed one and a half storey dwelling Address: 100 M North West of 19 Annaghaboe Road, Coalisland Decision: Decision Date: 28.11.2002	

Ref ID: M/2001/1075/O

Proposal: Site for one and a half storey dwelling.

Address: Land 100m NW of 19 Annaghnaboe Road, Coalisland.

Decision:

Decision Date: 01.02.2002

Ref ID: M/2005/0279/O

Proposal: Proposed Dwelling & Domestic Garage

Address: 100 M West of 19 Annaghaboe Road, Coalisland

Decision:

Decision Date: 27.07.2005

Ref ID: M/2012/0262/O

Proposal: Proposed new dwelling and domestic garage

Address: 50m SE of 15 Annaghnaboe Road, Coalisland, Dungannon, Co Tyrone,

Decision: PG

Decision Date: 26.11.2012

### **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:



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## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2016/1156/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed new vehicular access to existing car park with associated walling, pillars and gates	<b>Location:</b> Magherafelt Gospel Hall 14 Hospital Road Magherafelt
<b>Referral Route:</b>  Objection Received	
<b>Recommendation:</b>	APPROVE
<b>Applicant Name and Address:</b> The Trustees Of Magherafelt Gospel Hall 14 Hospital Road Magherafelt	<b>Agent Name and Address:</b> ARC 1D 8A Lower Rashee Road Ballyclare BT39 9JL
<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	Advice
Non Statutory	Rivers Agency	No Objection

### 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

Objection received.

#### Summary of objection

The objection letter raised two main concerns that were the basis of their objection:-

Firstly, raised concerns that the applicant did not own the land at the proposed access and therefore no entrance should be approved.

Secondly, stated that an additional entrance will further reduce the car parking on the street and will increase the traffic turning left close to their property. Went on to state the issues already along the road and due to events from Bryson's Bar and the Court House along with buses has made it virtually impossible to park outside his property.

### Characteristics of the Site and Area

The site is located within the settlement limits of Magherafelt and it situated within white land as per defined by the Magherafelt Area Plan 2015. The proposed new access is located 17m

towards the south of the existing access. The site contains the Magherafelt Gospel Hall and an area of hardstanding which has been identified as the existing carpark. The site is bounded by an existing metal mesh fence along the southern boundary with the western boundary being partly with an existing stone wall and roughcast pillars and walling with railings and gates. Along the northern wall is a concrete wall with metal fencing. The immediate area is comprised of a mix of development inclusive of residential, commercial and a court house.

#### Relevant Site History

Planning approval was previously granted under ref. H/2004/1294/F for 'Demolition of existing hall & erection of proposed Gospel Hall with provision for parking to rear as existing'.

#### Representations

There was four neighbour notification sent however one objection letter was received with regard to this application.

### Description of Proposal

The proposal is for a new vehicular access to existing car park with associated walling and gates.

### Planning Assessment of Policy and Other Material Considerations

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

PPS 3 Access, Movement and Parking

DCAN 15 Vehicular Access Standards

This application is for a new proposed new vehicular access to existing car park with associated walls, pillars and gates.

The site is located within the settlement limits of Magherafelt and therefore must comply with SETT 2 of the Area Plan. I am content that the proposal is sensitive to the size and character of the settlement in terms of scale, form design and use of materials and is unlikely to impact on residential amenity. I am content that the proposal does not conflict with policy SETT 2.

The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP 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. The SPPS states that the policy provisions of PPS 3 will be retained until such time as the LDP is adopted.

In terms of policy AMP 2 of PPS 3, the proposed access will not prejudice road safety or significantly inconvenience the flow of traffic and the proposal does not conflict with policy AMP 3 relating to Protected Routes. Transport NI were consulted on the proposed development and have no objections, subject to conditions relating to the provision of visibility splays.

In response to the concerns raised by the objector, to start with the concerns over ownership, the applicant submitted a folio to confirm that all lands identified in the location plan were under their ownership. Finally, in response to the reduction of car parking on the street and the increase the traffic turning left at his property, it must be noted that the use of the access for the car park will only be occasional in which events etc. are occurring within Gospel Hall. In addition it must be noted that there is a mix of uses in the close proximity and that side of the road provides on street parking for these premises in that it is not felt that this new access would adversely impact upon this.

Rivers Agency were also consulted however they had no objections to development.

On balance, I recommend approval for this development as it satisfies the policy tests of the SPPS, PPS 3.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Recommendation is to 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. The vehicular access, including visibility splays of 2.0m x 33m in both directions, shall be in place in accordance with Drawing No. 04/1 bearing the date stamp 11<sup>th</sup> October 2016, 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 users.

3. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm 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 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.
3. 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.
4. The applicant is advised that under Article 11 of the Roads (NI) Order 1993, the Department for Regional Development is empowered to take measures to recover any reasonably incurred expenses in consequence of any damage caused to the public road as a result of extraordinary traffic generated by the proposed development.

Notwithstanding the terms and conditions of the 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

Regional Development'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 Roads Service Section Engineer whose address is Transportni, Molesworth Place, Molesworth Street, Cookstown. 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 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 DRD Transportni drainage system.

5. Developers should acquaint themselves of their statutory obligations in respect of watercourses as prescribed in the Drainage (Northern Ireland) Order 1973, and consult the Rivers Agency of the Department of Agriculture accordingly on any related matters.

6. Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site:- such as diversion, culverting, bridging; or placing any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

7. Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

8. Consent to discharge additional storm run-off to the watercourse(s) serving the site may need to be deferred pending completion of proposed drainage infrastructural improvements necessary to provide adequate capacity for increased flows. The Rivers Agency should be consulted about proposed timing of development at the earliest possible time.

9. Visual inspection of the site indicates that it is unaffected by any watercourse(s);- open or culverted.

10. If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.

11. The Rivers Agency has no record of flooding occurring at the site and `visual inspection indicates that it is unlikely to be affected by general flooding originating from any watercourse(s)

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	19th August 2016
<b>Date First Advertised</b>	1st September 2016
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 10 Hospital Road Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 15 Hospital Road Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 16 Hospital Road Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 19 Tobermore Road Town Parks Of Magherafelt Magherafelt The Owner/Occupier, 2 Derramore Court Town Parks Of Magherafelt Magherafelt Seamus Carmichael 8, Hospital Road, Magherafelt, Londonderry, Northern Ireland, BT45 5DG The Owner/Occupier, Rainey Endowed School, 79 Rainey St, Magherafelt BT45 5DB	
<b>Date of Last Neighbour Notification</b>	19th October 2016
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2016/1156/F Proposal: Proposed new vehicular access to existing car park with associated walling, pillars and gates Address: Magherafelt Gospel Hall, 14 Hospital Road, Magherafelt, Decision: Decision Date:  Ref ID: H/2005/0375/F Proposal: Proposed New Staircase to Science Block Address: 79 Rainey Street, Magherafelt Decision: Decision Date: 27.07.2005  Ref ID: H/2007/0552/F	

Proposal: Provision of perimeter fencing  
Address: 79 Rainey Street, Magherafelt  
Decision:  
Decision Date: 22.11.2007

Ref ID: H/1999/0248  
Proposal: EXTENSION TO GRAMMAR SCHOOL  
Address: RAINEY STREET MAGHERAFELT  
Decision:  
Decision Date:

Ref ID: H/2000/0878/F  
Proposal: Proposed Fencing  
Address: Rainey Endowed School, 79 Rainey Street, Magherafelt  
Decision:  
Decision Date: 01.02.2001

Ref ID: H/2005/0609/O  
Proposal: Site of new grammar school and associated grounds  
Address: Rainey Endowed School, 79 Rainey Street, Magherafelt, BT45 5DB  
Decision:  
Decision Date: 17.11.2005

Ref ID: H/1995/0213  
Proposal: 2 MOBILE CLASSROOMS  
Address: RAINEY ENDOWED SCHOOL RAINEY STREET MAGHERAFELT  
Decision:  
Decision Date:

Ref ID: H/1985/0327  
Proposal: ALTERATIONS AND ADDITIONS TO HOUSE  
Address: 16 HOSPITAL ROAD, MAGHERAFELT  
Decision:  
Decision Date:

Ref ID: H/2004/1294/F  
Proposal: Demolition of existing hall & erection of proposed Gospel Hall with provision for parking to rear as existing.  
Address:  
Decision:  
Decision Date: 24.02.2005

Ref ID: H/2014/0157/F

Proposal: Removal of 3no modular buildings and construction of 7no modular portable buildings and associated landscaping  
 Address: Rainey Endowed Grammar School, 79 Rainey Street, Magherafelt,  
 Decision: PG  
 Decision Date: 21.08.2014

Ref ID: H/2013/0473/F  
 Proposal: 4 no extensions to provide disability access including lifts  
 Address: Rainey Endowed School, 79 Rainey Street, Magherafelt,  
 Decision: PG  
 Decision Date: 28.02.2014

Ref ID: H/2014/0345/F  
 Proposal: Erection of Sports Hall and Changing Facilities.  
 Address: Rainey Endowed Grammar School, 79 Rainey Street, Magherafelt.,  
 Decision: PG  
 Decision Date: 24.03.2015

Ref ID: H/2013/0361/F  
 Proposal: Three separate sections of 3m high Powder Coated Steel Mesh Ballstop fence to be erected against the site boundary at the ends of existing hockey pitches. Total 124m long.  
 Address: Rainey Endowed School, 79 Rainey Street, Magherafelt, BT45 5DB,  
 Decision: PG  
 Decision Date: 23.01.2014

Ref ID: H/2012/0299/F  
 Proposal: Modular Construction Hygiene Room placed in inner court yard of school  
 Address: Rainey Endowed Grammar School 79 Rainey Street, Magherafelt, BT45 5DB,  
 Decision: PG  
 Decision Date: 08.10.2012

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**



Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

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

Drawing No. 04  
Type: Site Layout or Block Plan  
Status: Submitted

Drawing No. 03  
Type: Site Layout or Block Plan  
Status: Submitted

Drawing No. 02  
Type: Existing and Proposed Elevations  
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> LA09/2016/1310/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed extension to provide exercise pool (amended proposal)	<b>Location:</b> 1 Gorteade Wood Upperlands Maghera
<b>Referral Route:</b>  Approval to go to committee – Objections received and conflict with opinion of HED: Historic Buildings	
<b>Recommendation:</b>	approve
<b>Applicant Name and Address:</b> Mr & Mrs N Voice 1 Gorteade Wood Upperlands Maghera BT46 5TQ	<b>Agent Name and Address:</b> D M Kearney Design 2a Coleraine Road Maghera BT46 5BN
<b>Executive Summary: Approval</b>	
<b>Signature(s): Peter Henry</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### 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 eight objections received:

- Proposal appears to be for business use rather domestic.
- Claims that this is a major development that would affect the whole cul-de-sac and that the appearance of the front of the house would spoil the look of the whole development.
- Claims that the extension would be overpowering to that of the existing dwelling.
- Claims that the proposed balcony is not in proportion and will take away from the rest of the development and that the use of materials is to keep costs down rather than enhancing the house. And to replace all front upstairs windows with doors would make the dwelling look totally out of place in this setting.
- Issues raised that this proposal would have an adverse impact to the Protected Trees in the area.
- The shallow roof pitch of the proposed extension and type of roof covering is out of keeping with the house.
- The submitted plans show a much a much wider site than is actually available. The proposed extension would be much closer to the boundary than indicated on the plan.

Conflict with the opinion of HED: Historic Buildings.

## Characteristics of the Site and Area

The application site is situated at 1 Gorteade Wood, Upperlands, Maghera. The site is defined by a large two storey dwelling which is situated just outside the development limits of Upperlands but within a Local Landscape Policy Area and a Historic Park as defined by the Magherafelt Area Plan 2015. Public interest of the site is filtered by mature roadside vegetation. The area surrounding the site is characterised by the small development known as Gorteade Wood which comprises of 5 detached two storey dwellings and detached garages.

### Representations

There were six notification letters that were sent out however eight objections were received on this application.

## Description of Proposal

This is a proposed full application for the proposed extension to provide exercise pool. The proposed extension is located at the side of the existing dwelling wherein the proposed extension will have a width of 7.5m and a depth of 14m with a small connection to the existing dwelling, the ridge height is 4.15m. The external materials are mixed with the front of the extension matching that of the existing dwelling with the rear having natural stone cladding.

## Planning Assessment of Policy and Other Material Considerations

The proposal is for a proposed extension to provide an exercise pool.

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

Addendum to PPS 7 – Residential extensions and alterations

PPS 6 – Planning, Archaeology and the Built Heritage.

The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP 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. Para 6.137 of the SPPS advises that residential extensions should be well designed.

Planning Policy EXT 1 details that planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

- (a) The scale, massing, design and external material of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;
- (b) The proposal does not unduly affect the privacy or amenity of neighbouring residents;
- (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; and
- (d) Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

With regards to the scale, massing and design of the proposed extension it is felt on balance after group discussions that this is acceptable. Reasoning for this is that the front elevation of the extension reflects that of the existing dwelling and from this is capable of being sympathetic

towards the built form and appearance of the existing property. Despite there being a mix of external materials it is felt that these are also acceptable and will not detract from the surrounding area. In terms of neighbouring amenity, I am content on balance due to location and proximity from other properties that this extension is unlikely to have an adverse impact in terms of loss of privacy or amenity. There were concerns that this extension may have an adverse impact on protected trees in the near vicinity after a response from the Tree Officers within the Mid Ulster Council. From this the applicant submitted a tree survey and report and after further discussions with the Tree Officers Team it was concluded that based on the arboriculturalist's report that opinion was to approve subject to conditions. From this I am content that this proposal will not result in a loss or damage to trees or other landscape which contribute to local environmental quality. There remains sufficient space within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles. From this I am of the opinion that the application meets the policy test of Addendum to PPS 7.

**PPS 6 – Planning, Archaeology and the Built Heritage.**

Historic Environment Division were consulted on this application as the site falls within curtilage of a listed building.

HED: Historic Building Section responded and considered that the application fails to satisfy BH 11 Development in the Setting of a Listed Building of the Departments Planning Policy Statement 6 (PPS 6) Planning, Archaeology and the Built Heritage. In its current form, the detailed design of the proposed structure is not appropriate in the special character of the setting of the Listed Building, when assessed against policy. Went on to make recommendations if the applicant wished to make alterations. In response to these comments and comments made by objectors, amended plans were sent in and the design was agreed as acceptable in this location after group discussions despite the comments previously made by HED. It is felt that the shielding provided by the surrounding trees and the fact the front elevation reflects elements of the existing dwelling reduces any concerns with the design and impact of the extension therefore on balance it is felt that this proposed extension would not have an adverse impact on the setting of the listed building of Ampertain House.

HED: Historic Monuments responded to state that they consider the application will not have an additional adverse impact to the setting of the historic demesne.

In response to the comments made by the objectors the following comments apply: Any planning approval would pose a condition restricting the use to domestic only. Any subsequent change of use applications cannot be considered at this stage, only what has been submitted can be considered. With regards to any concerns of impact on the area due to design, that it would be overpowering, materials have all been addressed and agreed upon within this application process and has had a group consensus that these are acceptable under policy. Ant references to the proposed balcony are no longer valid as this element has been removed from the application. Finally any concerns on the potential impact on the Protected Trees in the area have also been addressed by the Tree Officer's within the Council who recommended approval subject to conditions.

The proposal accords with the policy tests of Addendum to PPS 7 therefore I recommend approval for the development.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Approval is recommended.

**Conditions**

1. The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.

Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011

2. The proposed extension hereby approved shall be used only for domestic purposes ancillary to No 1 Gorteade Wood, Upperlands.

Reason: To prohibit an unacceptable change of use.

3. All works to be carried out in accordance with the submitted tree survey and report dated December 2017 (received 15.01.2018) by Dr. Philip Blackstock. Protective fencing shall be erected on site prior to commencement of works as per the Tree Constraints dated 20.12.2017.

Reason: To ensure the protection of trees which are protected under the Tree Preservation Order.

4. All tree works shall be carried out in accordance with BS 5837:2012 Trees in relation to design, demolition and construction – Recommendations and BS 3998:2010 Tree Work – Recommendations.

Reason: To ensure the protection of trees which are protected under the Tree Preservation Order.

5. Protective barriers shall be erected outside the Root Protection Area (RPA) of all protected trees, prior to any plant machinery entering the site or construction work commencing on site. These shall be retained in place until all site works are completed. The protective barriers should be installed using the best practice as outlined in paragraph 9 of BS 5837:2012.

Reason: To ensure the protection of trees which are protected under the Tree Preservation Order.

**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:**

<b>ANNEX</b>	
<b>Date Valid</b>	20th September 2016
<b>Date First Advertised</b>	6th October 2016
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 2 Gorteade Wood Upperland Upperlands Brian and Shirley Malcomson 2 Gorteade Wood, Maghera, Upperlands, Londonderry, Northern Ireland, BT46 5TQ Brian & Shirley Malcomson 2, Gorteade Wood, Maghera, Upperlands, Londonderry, Northern Ireland, BT46 5TQ Sharon and Mark Hunter 3 Gorteade Wood Upperland Upperlands The Owner/Occupier, 3 Gorteade Wood Upperland Upperlands The Owner/Occupier, 4 Gorteade Wood Upperland Upperlands Audrey E.A Hunter 4 Gorteade Wood, Maghera, Upperlands, Londonderry, Northern Ireland, BT46 5TQ Audrey E.A Hunter 4 Gorteade Wood, Maghera, Upperlands, Londonderry, Northern Ireland, BT46 5TQ The Owner/Occupier, 5 Gorteade Wood Upperland Upperlands William MacDonald and Sandra MacDonald 5 Gorteade Wood, Maghera, Upperlands, Londonderry, Northern Ireland, BT46 5TQ William & Sandra MacDonald 5, Gorteade Wood, Maghera, Upperlands, Londonderry, Northern Ireland, BT46 5TQ Mark Hunter Email	
<b>Date of Last Neighbour Notification</b>	8th March 2017
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2015/0812/TPO Proposal: Consent to Remove Trees Address: Lands at Ampertaine House, 76 Kilrea Road, Upperlands, Maghera, Decision: CG Decision Date:	

Ref ID: LA09/2016/1310/F

Proposal: Extension to provide exercise pool area and covered terrace / balcony to frontage

Address: 1 Gortade Wood, Upperlands, Maghera,

Decision:

Decision Date:

Ref ID: H/1990/0453

Proposal: SITE OF HOUSING DEVELOPMENT

Address: LAND ADJACENT TO AMPERTAIN HOUSE KILREA ROAD UPPERLANDS

Decision:

Decision Date:

Ref ID: H/1997/0204

Proposal: HOUSING DEVELOPMENT OF 4 NO. DWELLINGS

Address: LAND ADJ TO APERTAIN HOUSE GORTEADE ROAD UPPERLANDS

Decision:

Decision Date:

Ref ID: H/1997/0442

Proposal: HOUSING DEVELOPMENT/CHANGE OF HOUSE TYPES

Address: GORTEADE ROAD/KILREA ROAD UPPERLANDS

Decision:

Decision Date:

Ref ID: H/1996/0399

Proposal: 4 DWELLINGS

Address: LAND ADJACENT TO AMPERTAIN HOUSE GORTEADE ROAD  
UPPERLANDS

Decision:

Decision Date:

Ref ID: H/1996/0112

Proposal: HOUSING DEVELOPMENT

Address: ADJ TO AMPERTAIN HOUSE GORTEADE ROAD UPPERLANDS

Decision:

Decision Date:

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**



Drawing No.  
Type:  
Status: Submitted

Drawing No.  
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Status: Submitted

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Status: Submitted

Drawing No.

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Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Elevations and Floor Plans

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> LA09/2016/1752/F	<b>Target Date:</b>
<b>Proposal:</b> Agricultural Sheds for Cattle/Livestock (Odour Management Plan received)	<b>Location:</b> 80m SE of 91 Mullan Road Cookstown
<b>Referral Route:</b> approval recommended / objections received / Dfi splay requirement challenged.	
<b>Recommendation: Approval.</b>	
<b>Applicant Name and Address:</b> Mr P Devlin 91 Mullan Road Cookstown BT80 0JF	<b>Agent Name and Address:</b> Terry Scullion Architects 158 Ballinderry Bridge Road Cookstown BT80 0AY
<b>Executive Summary:</b> approval recommended / objections received / DFi request for splays is challenged.	
<b>Signature(s): M.Bowman</b>	

## Case Officer Report

### Site Location Plan







Consultation Type	Consultee	Response
Non Statutory	Rivers Agency	Substantive Response Received

Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	DAERA - Omagh	Substantive Response Received
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	Rivers Agency	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	DAERA - Omagh	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	NIEA	Substantive Response Received
Non Statutory	NIEA	
Non Statutory	NIEA	Substantive Response Received
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	NIEA	No objections subject to conditions
Non Statutory	Shared Environmental Services	Subject to above.
<b>Representations:</b>		
Letters of Support	1 Craemill Veterinary.	
Letters of Objection	5	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<b>Characteristics of the Site and Area</b>		
Rural location on quiet dead-end road approaching the shore of Lough Neagh.		

The proposed development is located to the rear of the applicants recently erected replacement dwelling house No 92 Mullan Road. The site of the adjacent dwelling once also contained agricultural sheds and 2 No access points to the subject lands to the rear. Good standard existing trees and hedging define the 2 site boundaries within an otherwise flat landscape. A drain/watercourse is present to the south of the red line boundary.

Adjacent scrap metal business with 2 other dwelling houses located opposite and to the NE, Nos 90, 92.

### **Description of Proposal**

Agricultural Sheds for Cattle/Livestock.

The proposed footprint totals 841sq m and comprises 5 No dry bedding pens / 2 calving pens/ a bull pen / feeding area / collection tank / yard area.

Long established agricultural access to be used to access the proposed development and associated lands.

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

Cookstown Area Plan

SPPS

PPS21

PPS15

PPS3

PPS2

The Area Plan identifies that the proposed development is located approximately 190m from Lough Neagh and Lough Beg SPA/Ramsar. The anticipated environmental effects on these areas have formed much of the consideration around the acceptability of this application and I address these impacts later in my report.

The SPPS provides guidance on agriculture and forestry development at Par. 6.73. It is stated that provision should be made for development on an active and established agricultural holding where the proposal is necessary for the efficient operation of the holding. New buildings must be sited beside existing farm buildings on the holding.

This strategic guidance is not dissimilar to Policy CTY12 of PPS21 which sets out the following criteria for development proposals such as this:

#### **Policy CTY 12 – Agricultural and Forestry Development**

Planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that:

(a) it is necessary for the efficient use of the agricultural holding or forestry enterprise;

The applicant, whilst appearing to have only acquired a Farm business ID in 2015 has demonstrated to the Council that the farm holding which he purchased here has been operational since 2005 under an established business ID. He has also re-affirmed to the Council that DEARA have confirmed that there has been a large increase in the number of livestock on

the farm since 2015 and has provided a letter of support from Craemill Veterinary indicating a need for more suitable housing to assist with animal welfare.

**(b)** in terms of character and scale it is appropriate to its location;

The proposed development whilst large in scale will integrate successfully into the landscape and is dwarfed in any case by a large established commercial shed to the SW operated by McGeary Metals.

**(c)** it visually integrates into the local landscape and additional landscaping is provided as necessary;

As above – the existing vegetation / trees to the site boundaries are able to be retained to assist with integration.

**(d)** it will not have an adverse impact on the natural or built heritage; and

The applicant has had to carry out a flood risk assessment / odour and ammonia assessment and these have been submitted to statutory consultees for clearance. NIEA (NED) at the time of this report have indicated no more that they have objections (subject to the full consultation response being uploaded) subject to planning conditions and Rivers Agency accept the findings of the flood risk assessment. The site is in close proximity to sensitive areas and these impacts have been central in determining the likely environmental impacts of the proposed development.

An EIA screening has determined that the potential environmental impacts are not likely to be significant as a result of this proposal.

**(e)** it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

Objections have been received which I will summarise later. EHO have been consulted and have raised no objections. Their response is listed below:

*This application is for the construction of agricultural sheds for cattle and livestock 80m SE of 91 Mullan Road, Cookstown.*

*It is noted that there has been one objection to this proposal from a nearby resident. This has been considered in making this comment.*

*It is noted that such sheds can give rise to problems with noise and odour if not operated in a professional manner.*

### **EHO Recommendation**

*This Department has no objection to this proposal. However it is recommended that the following informative should be attached.*

- 1. The construction and operation of the agricultural sheds for cattle and livestock should be consistent with those laid out in the Code of Good Agricultural practice for the Prevention of Pollution and Water, Air and Soil.*

In cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:



- there are no suitable existing buildings on the holding or enterprise that can be used;

I am satisfied that at this location this is not the case.

- the design and materials to be used are sympathetic to the locality and adjacent buildings; and
- the proposal is sited beside existing farm or forestry buildings.

On both of the above tests I am satisfied that the design is appropriate for this location and the location chosen achieves a visual grouping with No 91 and its associated outbuildings.

#### Consideration of local objections

A total of 5 objections have been received from an adjoining dwelling (No 90 Mullan Road).

The principle issues of objection relate to the following concerns:

1. Nuisance as a result of vermin / building too close to No 90
2. History of flooding in that area
3. Poor condition of Mullan road already and additional traffic will make this worse
4. Health and safety risks to occupants small children
5. Devaluation of property
6. Applicant does not own trees shown to be retained on the plans
7. Impact on pressurised water system
8. Notification letters were not sent to all notifiable properties.
9. Noise pollution
10. Lack of splays / inability of applicant to achieve these
11. Lack of farm details
12. Risk of pollution incidents
13. Risk to walkers on the road
14. Doubt over the numbers of livestock held by the applicant.

In response I comment as follows:

1. EHO have not objected to the concerns raised. The applicant will be reminded to operate within codes of good agricultural practise.
2. The flood risk has been assessed and no risk has been identified.
3. I have observed myself the poor condition of the Mullan road on a recent site visit – this is matter for DFI and reflects a wider issue presently around road quality
4. No obvious risks are felt to be identified which cant be assured against by good agricultural management of the site
5. No evidence to substantiate any claims on property value. In any case the long established scrap metal business at the location is the dominant use.
6. The proposal should not impact on any third party vegetation
7. Separate consents will assess and impacts on water supply
8. I am content that occupied properties on neighbouring land as defined by the Planning Act have been notified
9. EHO have no objections on noise grounds
10. Splays – DFI have sought splays measuring 2.4 x 35m in both directions. My observations on site would lead me to The applicant has resisted this requirement and members may wish to consider the following which could allow an exception to be made in this instance:

- That there was previously 2 agricultural access to the rear field which when the replacement of No 91 is fully complete will be reduced to one.
- That most of the frontage across No 91 has since been removed for the replacement of No 91
- That this is a dead-end road will all heavy vehicles entering the adjacent scrap metal site anyway- there is also an ability to see clearly to the LHS despite a number of since cut down tree stumps.
- That DFI should (based on accepting a lower 2m x distance) permitted in DCAN 15 due to the low volume of traffic movements on the road at this location, drop to a lesser 2 x 33m splay requirement which is close to existing on site presently.
- That the applicant has argued and stated on the P1 that he once had up to 3 farm sheds using these accesses and this will be reduced to one, albeit larger building, so being less intensive. The P1 forms indicates no expected increase to the site.

11. Sufficient farm details are on file

12. Again good farming practise and drainage / storage facilities should ensure such risks are minimised.

13. More Risk to pedestrians in my view exists due to the heavy vehicles using this narrow road for commercial purposes.

14. Numbers of livestock have been indicated by DAERA / NED/SES have given careful consideration to the ammonia assessment. A condition is required by HED to limit livestock numbers using the shed to those identified in the ammonia assessment. In response to the latest objection around the numbers of livestock the applicant has referred to in the ammonia assessment I have received the following clarification:

“The figure of 44 animals is my total herd at that period of time which will fluctuate as calves are born and sold off. My herd total on 25/01/18 is 38 animals. The facilities proposed is for calving pregnant cows. I currently only have 23 cows which is the maximum number that I would house at the proposed shed. The Irwin Carr Report would allow me to expand this to 27 but I am happy to keep my numbers to 25 or under to keep within the recommendations allowing an additional safety factor on top of those in the calculations. The remaining animals are out wintered (Kept out in the field over the winter period) as they do not need the same attention as pregnant cows.

My current farming practice is to calve cows and sell their calves as weanlings (Calves approx 6 months old) although the shed has been designed to allow me to change farming practices in the future, if I require, such as rearing small calves in which case I would be able to keep a larger number of animals yet stay below the ammonia levels but require the additional room. This proposed shed allows the flexibility to do this. It is worth noting that cows produce the most ammonia so my current circumstances are the worst case scenario and if I ever change farming practices then the level of ammonia would decrease dramatically. Calves produce less than 25% of the ammonia of Cows.

Also it is worth noting that these animals currently exist and are been housed on the same road as the proposed shed so they will be adding no additional ammonia to the environment and in pragmatic terms the effect is negligible”.

In conclusion, and on balance, it is my considered opinion that the applicant has demonstrated a need for this proposal. The potential environmental impacts have been rigorously considered and found to be acceptable at this environmentally sensitive location. The arguments around access have been set out and there is reasonable argument presented to justify not seeking such improvements which so far the applicant has been unwilling to do.

Approval is therefore recommended.

<b>Neighbour Notification Checked</b>	<b>Yes</b>
<b>Summary of Recommendation:</b> approval subject to conditions.	
<b>Conditions:</b> <ol style="list-style-type: none"><li>1. 5 year commencement of development</li><li>2. Retention of all existing vegetation.</li><li>3. The total number of livestock associated with this development shall be limited to 27 Beef cattle or other livestock numbers as may be agreed in writing with the Council.</li><li>4. There shall be no mixing of slurries / manure produced from this development.</li><li>5. A 10m buffer shall be maintained between the location of all construction works, fuel storage, concrete mixing and washing areas and all onsite and adjacent watercourses.</li></ol>	
<b>Signature(s) M.Bowman</b>	
<b>Date: 25/1/18</b>	

<b>ANNEX</b>	
<b>Date Valid</b>	13th December 2016
<b>Date First Advertised</b>	5th January 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 77 Mullan Road, Cookstown, County Tyrone, BT80 0JF The Owner/Occupier, 85 Mullan Road, Lower Mullan, Coagh, Tyrone, BT80 0JF, The Owner/Occupier, 89 Mullan Road Lower Mullan Coagh The Owner/Occupier, 90 Mullan Road, Lower Mullan, Coagh, Tyrone, BT80 0JF Vivian Maynes 90 Mullan Road, Cookstown, BT80 0JF Vivian Maynes 90 Mullan Road, Cookstown, BT80 0JF Vivian Maynes 90 Mullan Road, Cookstown, BT80 0JF Vivian Maynes 90, Mullan Road, Coagh, Tyrone, Northern Ireland, BT80 0JF	
<b>Date of Last Neighbour Notification</b>	4th January 2018
<b>Date of EIA Determination</b>	<b>25/1/18</b>
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2016/1752/F Proposal: Agricultural Sheds for Cattle/Livestock Address: 80m SE of 91 Mullan Road, Cookstown, Decision: Decision Date:  Ref ID: LA09/2015/0562/F Proposal: Replacement dwelling and garage Address: Lands at 91 Mullan Road, Cookstown, Decision: PG Decision Date: 06.10.2015	

Ref ID: I/2000/0015/F

Proposal: Proposed Workshop for the manufacture and repair of conveyor operated stone carts and replacement parts for same.

Address: Rear of 89 Mullan Road, Coagh

Decision:

Decision Date: 17.04.2000

Ref ID: I/1992/0500

Proposal: Workshop for the Maintenance of Farm Machinery

Address: TO REAR OF 89 MULLAN ROAD COAGH

Decision:

Decision Date:

**M.Bowman**  
**26/1/2018**

**Drawing Numbers and Title**



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

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0387/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed 2 storey dwelling and domestic garage /store	<b>Location:</b> Approx 20m North of 33 Oldtown Road Bellaghy
<b>Referral Route:</b>  This application is being presented to Committee as it is being recommended for Refusal	
<b>Recommendation:</b>	REFUSE
<b>Applicant Name and Address:</b> Mrs Emma McCoy 26 Castle Lodge Randalstown Co Antrim BT41 2ES	<b>Agent Name and Address:</b> CMI Planners 38 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	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	DAERA - Coleraine	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice

Non Statutory	DAERA - Coleraine	Substantive Response Received
<b>Representations:</b>		
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	
<b>Summary of Issues</b>		
No representations have been received in respect of this proposed development.		
<b>Description of proposal</b>		
This is an outline application for a site for a dwelling and garage linked to a farm business.		
<b>Characteristics of the site and area</b>		
<p>The site is located on the north western side of the Oldtown Road 0.75km from the centre of Bellaghy. The site is a small field adjacent to an existing bungalow on a long straight part of the Oldtown Road. There are a number of dwellings located along this stretch of the Oldtown Road, some of which have a road frontage and others which are set back from the road. The site is bounded by a post and rail fence to the rear of a 1.5m wide public footpath along the site frontage, a 1.2m high hedge and open drain along the north-eastern boundary, a 4m high conifer hedge along the south western boundary and tall semi-mature trees along the rear boundary. The public road rises gently for around 200m to the north east towards a crest before dropping towards Bellaghy. The proposed access is located in a dip in the road with a second crest located close to the entrance of no.35 approximately 40m to the south west. It was noticed during the site inspection that a car, on approach from the south west, was completely obscured from view by that crest when standing at the proposed site entrance.</p> <p>There are critical views of the site on approach from the north east on leaving the 30mph limits of Bellaghy from where any dwelling on this site will be read against the backdrop of the existing dwelling at no.33 and the surrounding vegetation. From this vantage point, the existing low hedge along the north eastern boundary is largely screened from view by the low crest of the hill in the adjacent field. There are no critical views of the site on approach from the south west due to the level of existing vegetation.</p>		
<b>Planning Assessment of Policy and Other Material Considerations</b>		
<p>The proposal accords with the Magherafelt Area Plan 2015 insofar as it is for a dwelling in the rural area and is linked to an established farm business.</p> <p>The main policy considerations in the assessment of this application are:-</p> <p>CTY 10 – Dwellings on Farms</p> <p>Planning permission will be granted for a dwelling house on a farm where all of the stated criteria are met:-</p> <ul style="list-style-type: none"> <li>• the farm business is active and has been established for at least 6 years</li> </ul>		



- no dwellings or development opportunities in the countryside have been sold off from the farm holding within 10 years of the date of the application. This only applies from 25th November 2008.
- the new building will be visually linked or sited to cluster with an established group of buildings on the farm and the access should be taken from an existing lane. Consideration may be given to a site located away from the farm complex where there are no other sites available on the holding and where there are either :-
- demonstrable health and safety reasons; or
- verifiable plans to expand the farm business at the existing building group.

DARD have advised that the farm business has been in existence for more than 6 years, and that the business has claimed SFP or other agri environment payments in the last 6 years. A farm check has revealed no previous approvals on the farm holding or development opportunities which could have been disposed of since 25th November 2008.

The site location map shows the site adjacent to a dwelling, which is the address of the farm business owners and a small field to the rear which is currently accessed through the site. The only building on these lands is the dwelling at no.33 which according to the P1 states that the applicants address as care of 33 Oldtown Road. This raises the question of where does the applicant live at? Either way, the only building on the farm holding at this location is the dwelling. The farm maps cover a number of fields at several locations with no farm buildings highlighted at any of these locations. However, given that the farm business includes in excess of 53ha it is reasonable to expect that the business would have farm buildings somewhere to house stock, feedstuffs and machinery. In keeping with the policy requirements, any dwelling on this holding should be located to cluster with a group of buildings on the farm and not solely with one dwelling. Following the submission of additional farm maps, this has identified the location of the farm buildings in question. These buildings are located at 45A Ballydermot Road. At this location the farm has in excess of 19ha. The applicant has claimed that as their farm is involved in the Countryside Management Scheme, initially from 2007-2013 and then extended until 2018, if any lands are removed from the scheme this will result in a financial penalty to the applicant. However, following discussion with DAERA Countryside Management Scheme it has been clarified that the above claim is incorrect. DAERA's advice on the applicant's submission clearly states that 'DARD may seek to recover any monies' (my emphasis). DAERA clarified that it does not automatically follow that they will seek to recover monies in every case and in any event it will only relate to the monies paid for the area which is removed from that particular scheme. It is noted that field 5/023/035/5, which measures 1.65ha and wraps around the farm group is classified as improved grassland. It is further noted within the 'Commitments Schedule' that this particular field attracts 'NO' payment in connection with the Countryside Management Scheme and therefore if it was removed from the scheme, no monies would be recovered by DAERA. Therefore, there is no justification for not siting a dwelling within this field.

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

Due to the topography of the site and the surrounding land, a dwelling on the proposed site will only be visible on approach from the north east from where it will appear against the backcloth of the mature trees and hedge surrounding no.33. A dwelling would not be visible on approach from the south west until reaching the access point as the mature hedge along the south western boundary will provide adequate screening and aids integration from this approach. In this instance whilst a dwelling on this site would normally be considered to be acceptable in terms of integration, however, as discussed above, the proposed dwelling is not visually linked or clustered with an established group of buildings on the farm and therefore it is contrary to this policy.

### **CTY 14 – Rural Character**

The proposed site is located to the north east of an existing road frontage dwelling with the adjoining field rising gently towards the north east. Although a dwelling on this site would only be visible on approach from the north east, it would be viewed with the existing dwelling at No.33 and therefore would give the impression of a suburban style build-up of development in this rural location. In addition, as the site is also a road frontage site similar to No.33 it would be read as a ribbon of development. This is particularly the case on approach from, but not limited to, the south west as there are four existing dwellings, no's 45, 47 and 49 all of which have adjoining road frontages and when viewed with the road frontage amenity space to no.35 and no.33 this site adds to and extends the ribbon of development in a north easterly direction.

### **CTY 8 – Ribbon Development**

This policy states that permission will be refused for a site which creates or adds to a ribbon of development with the exception of a small gap site large enough to accommodate a maximum of two dwellings within a substantial and built up frontage which includes a line of three or more buildings with a common frontage. In this case as the site is located at the end of a line of development, it is not considered to be a gap site within a substantial and continuously built up frontage. It would only serve to extend the line of built development in a north-easterly direction and therefore is considered to be ribbon development. Consequently, the proposal is contrary to this policy.

### **PPS 3 - Access, Movement and Parking;**

Transport NI advised that they have no objection to the proposed development subject to conditions.

### **Consultation responses**

All consultees have responded positively.

### **Consideration**

The site does not satisfy the criteria of Policies CTY 1, CTY 8, CTY 10, CTY 13 or CTY 14 and therefore should be refused.

### **Recommendation**

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

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

Refuse for the reasons listed below.

### **Refusal Reasons**

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.

2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the extension of ribbon development along this stretch of the Oldtown Road.

3. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that:  
the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm;  
no health and safety reasons exist to justify an alternative site not visually linked or sited to cluster with an established group of buildings on the farm;  
no verifiable plans exist to expand the farm business at the existing building group.

4. 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.

5. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that;  
the building would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings;  
the building would, if permitted create or add to a ribbon of development;  
and would therefore result in a detrimental change to further erode the rural character of the countryside.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	16th March 2017
<b>Date First Advertised</b>	30th March 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 33 Oldtown Road, Old Town Downing, Bellaghy, Londonderry, BT45 8LQ, The Owner/Occupier, 34 Oldtown Road, Old Town Downing, Bellaghy, Londonderry, BT45 8LQ, The Owner/Occupier, 35 Oldtown Road Old Town Downing Bellaghy The Owner/Occupier, 43A Oldtown Road, Ballydermot, Bellaghy, Londonderry, BT45 8LQ,	
<b>Date of Last Neighbour Notification</b>	30th March 2017
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2017/0387/O Proposal: Proposed 2 storey dwelling and domestic garage /store Address: Approx 20m North of 33 Oldtown Road, Bellaghy, Decision: Decision Date:  Ref ID: H/2004/1067/O Proposal: Site of dwelling and garage Address: Site adjacent to 35 Oldtown Road, Bellaghy Decision: Decision Date:  Ref ID: H/1980/0396 Proposal: SITE OF BUNGALOW Address: OLDTOWN ROAD, BELLAGHY Decision: Decision Date:  Ref ID: H/1981/0300 Proposal: FARM BUNGALOW WITH GARAGE	

Address: OLDPARK ROAD, BELLAGHY

Decision:

Decision Date:

Ref ID: H/1993/6054

Proposal: ELECTRICITY SUB-STATION AND 110 KV/33 KV OVERHEAD LINES NEAR BELLAGHY MAGHERAFELT

Address: NEAR BELLAGHY

Decision:

Decision Date:

### Summary of Consultee Responses

None of the consultees raised any issues of concern.

### Drawing Numbers and Title

Drawing No.

Type:

Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No. 01/1

Type: Site Location Plan

Status: Submitted

Drawing No. 03

Type: Cross Sections

Status: Submitted

Drawing No. 02

Type: Farm Boundary Map

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> LA09/2017/0947/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed storage Unit	<b>Location:</b> 15 Greers Road Dungannon
<b>Referral Route:</b> An objection to the proposal has been raised by DfI Roads.	
<b>Recommendation:</b>	Approve
<b>Applicant Name and Address:</b> Eugene McGonnell 37 Irish Street Dungannon	<b>Agent Name and Address:</b> J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
<b>Executive Summary:</b>  The proposed development is within an area of townscape character in the town centre for Dungannon. The development reflects the area it is within and improves the appearance of the area of townscape character. DfI Roads have concerns about servicing and turning for vehicles.	
<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

Dfi Roads have advised access and parking and turning are not acceptable.

### Characteristics of the Site and Area

This application relates to a portion of land that fronts onto Greers Road in Dungannon. It is at the rear of the Olympic Dry Cleaners on Irish Street. The site is a concrete yard with a 3m high block wall within it and along one side and 2 pairs of corrugated iron gates facing Greers Road.



Adjacent to the site is a 3 storey building that has a rear access to Hagans Bar and a vacant shop unit on the ground floor with apartments above. The buildings fronting Greers Road to the west are 3 storey with pitched roofs and ground floor shop units and finished with render painted. To the east the buildings are a mix of single storey and 2 storey with flat roofs to the east. Greers Road is a cul-de-sac, with no through route for vehicular traffic to Union Place. It provides access to the rear of some shops on Irish Street and access to the Councils pay and display car park. There is an area that is currently not in use and is fenced off with temporary fencing which prevents parking or turning at the end of the cul de sac.

### **Description of Proposal**

The proposal is for the erection of a single storey 6.5m x 17.5m store, with a grey tiled pitched roof and smooth render walls, it has an aluminium shop front facing onto Greer's Road. Members are advised the store is associated with Olympic Cleaners as they require additional storage space.

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

The application site is within the settlement limits of Dungannon and also within an Area of Townscape Character within the designated Town Centre for Dungannon. Policies SETT1, RSO2 and CON5 of the Dungannon & South Tyrone Area advocates favourable consideration of development within settlement limits provided they meet the specified criteria and other regional policy. I consider the other regional policies relevant to this proposal are contained within the Strategic Planning Policy Statement for Northern Ireland, Planning Policy Statement 3 - Access, Movement and Parking and the Addendum to Planning Policy Statement 6 - Areas of Townscape Character and A Planning Strategy for Rural Northern Ireland.

The SPPS outlines the aim to providing sustainable development and where it provides clarification or a change in policy direction the provisions with the SPPS should be accorded greater weight in the assessment of the planning application. I do not consider the SPPS has provided a change to the policy for ATC's and that the policies contained in DES 2 and ATC 2 are the determining policies.

The proposed store will, in my view, result in a positive contribution to the appearance of this part of Greer's Road, as it will replace a tin gate with built development finished to a standard that is reflective of the adjoining area and will enhance the appearance of the area. The proposed development is single storey, which is lower than the 3 storey development immediately adjacent to it, however it does reflect the scale of some of the other buildings along Greer's Road. As such I do not consider it would appear out of place. The development is for storage use only which is unlikely to have any significant detrimental impact on the adjoining residential properties, especially as there is a bar/nightclub adjoining the premises, which is likely to have a greater impact due to noise.

Dfi Roads were consulted about the proposal and have concerns that the proposed development does not provide for adequate parking and turning within the site and adequate visibility splays are not proposed. Members are advised that Greers Road is a cul-de-sac at this location, with pedestrian access only to Union Place. There is a public pay and display car park on the opposite side of Greer's Road and parking bays along Greer's Road. At the moment there is limited opportunity to turn within the existing site, it may be possible for 2 vehicles to pass or park side by side in the existing 5m wide entry, however this would block any other access into the site. I consider the development can be serviced from the adjoining road or public car park, in a

similar fashion to other development along Greer's Road and this arrangement is generally the case in the rest of the town centre. The proposed development is located in an area where vehicles are moving very slowly as space to manoeuvre is limited. The proposed development is not, in my opinion, creating any additional road safety issues as pedestrians will be aware of the entry and drivers will be aware there is potential for pedestrian activity. I do not consider the concerns raised by TNI Roads would justify refusing planning permission for this development near the end of a cul-de-sac in a town centre location.

In light of the improvement this proposal will have on the appearance of this part of Greer's Road, the similar issues with parking and servicing that affect other properties on Greer's Road and the wider town centre and the location of a public car park adjacent to the site, it is my view that planning permission should be granted for this store.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

It is recommended to approve the development.

**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 approval does not apply to any signs or advertising material which the developer or occupier may wish to erect at the premises.

2. Signs may require separate approval under the Planning (Control of Advertisements) Regulations (NI) 2015. Their size, construction, content and siting should be approved by Mid Ulster District Council BEFORE any such signs are erected.

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	10th July 2017
<b>Date First Advertised</b>	27th July 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1-3 Union Place Drumcoo The Owner/Occupier, 11 GREERS ROAD DUNGANNON TYRONE BT70 1DR The Owner/Occupier, 2 Union Place Drumcoo Dungannon The Owner/Occupier, 3 Union Place Drumcoo Dungannon The Owner/Occupier, 33 Irish Street Drumcoo Dungannon The Owner/Occupier, 39 Irish Street Drumcoo Dungannon The Owner/Occupier, FLAT A 11 GREERS ROAD DUNGANNON TYRONE BT70 1DR The Owner/Occupier, FLAT B 11 GREERS ROAD DUNGANNON TYRONE BT70 1DR The Owner/Occupier, FLAT C 11 GREERS ROAD DUNGANNON TYRONE BT70 1DR The Owner/Occupier, FLAT D 11 GREERS ROAD DUNGANNON TYRONE BT70 1DR	
<b>Date of Last Neighbour Notification</b>	12th January 2018
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2017/0947/F Proposal: Proposed storage Unit Address: 15 Greers Road, Dungannon, Decision: Decision Date:	

Ref ID: M/2005/0007/F

Proposal: Internal alterations to premises with new shop front with sign above

Address: 31-33 Irish Street, Dungannon

Decision:

Decision Date: 01.04.2005

Ref ID: M/1991/0582

Proposal: Change of use from vacant dwelling to 1 No ground floor shop and 1st and 2nd floor storage

Address: 33 IRISH STREET DUNGANNON

Decision:

Decision Date:

Ref ID: M/1991/0496

Proposal: Conversion of dwelling to 1 No shop unit and extension

Address: 33 IRISH STREET DUNGANNON

Decision:

Decision Date:

Ref ID: M/2010/0581/F

Proposal: Alterations and extension to existing public house to provide addition smoking area, toilets, Bar/lounge area, restaurant and kitchen facilities within vacant shop units

Address: 39-43 Irish Street Dungannon, Co Tyrone

Decision:

Decision Date: 16.06.2011

Ref ID: M/2007/0391/F

Proposal: Replacement of existing buildings, alterations/extension of existing public house to provide ground floor extended public house complete with storage etc. and 14 no. upper floor flats.

Address: 43, 39 & 41 Irish Street, Dungannon

Decision:

Decision Date: 29.08.2008

Ref ID: M/1999/0955/O

Proposal: Extension of existing public house to include nightclub additional storage off-licence and independent shop unit

Address: 39/41 Irish Street Dungannon

Decision:

Decision Date: 17.04.2000

Ref ID: M/2008/1106/F

Proposal: Amendment of previously approval desgin, including change of internal layout and change of roof type.

Address: 39 Irish Street Dungannon

Decision:

Decision Date: 18.11.2008

Ref ID: M/2008/0423/F

Proposal: Alterations and extension to public house to provide ground floor service area extension, smoking areas, toilets, lift and first floor toilets extension

Address: 39 Irish Street, Dungannon

Decision:

Decision Date: 16.07.2008

Ref ID: M/1992/4030

Proposal: Improvements to Dwelling

Address: 39 IRISH STREET DUNGANNON

Decision:

Decision Date:

Ref ID: M/1992/0476

Proposal: Extension and repairs to licensed premises

Address: 39 IRISH STREET DUNGANNON

Decision:

Decision Date:

Ref ID: M/1997/6013

Proposal: Residential Flats, Retail/Commercial use or development Anne Street or Lane at the rear of 39 Irish Street Dungannon

Address: Anne Street or Lane at the rear of 39 Irish Street

Decision:

Decision Date:

Ref ID: M/1989/0365

Proposal: Hanging Projecting hand painted sign

Address: 41 IRISH STREET DUNGANNON

Decision:

Decision Date:

Ref ID: M/1999/0416

Proposal: Extension to Shop and Proposed Flat

Address: TO THE REAR OF 37 IRISH STREET DUNGANNON

Decision:

Decision Date:

Ref ID: M/1979/0037

Proposal: OFFICES

Address: 38 IRISH STREET, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2003/0957/F

Proposal: Proposed store

Address: Rear of 35 Irish Street, Dungannon

Decision:

Decision Date: 06.11.2003

Ref ID: M/2007/0613/Q

Proposal: Dungannon Town Centre Health Check Planning Search

Address: Dungannon Town Centre

Decision:

Decision Date:

Ref ID: M/1987/0003

Proposal: REAR ACCESS FROM ADJOINING CAR PARK

Address: 39 IRISH STREET, DUNGANNON

Decision:

Decision Date:

Ref ID: M/2007/1543/F

Proposal: Proposed shop and 4 flats.

Address: Rear of 39 Irish Street ( Fronting Greers Road) Dungannon

Decision:

Decision Date: 13.08.2008

Ref ID: M/2007/0077/F

Proposal: Proposed ground floor shop and 10 No.1 bedroom apartments.

Address: To rear of 35 to 37 Irish Street, Dungannon

Decision:

Decision Date: 21.06.2007

<b>Summary of Consultee Responses</b>
TNI- requested amendments to make the building smaller to allow parking and turning within the site.
<b>Drawing Numbers and Title</b>
Drawing No. 01 Type: Site Location Plan Status: Approved  Drawing No. 03 Type: Proposed Plans Status: Approved  Drawing No. 02 Type: Site Layout or Block Plan Status: Approved
<b>Notification to Department (if relevant)</b>
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> LA09/2017/1332/F	<b>Target Date:</b>
<b>Proposal:</b> Conversion and extension of an existing storage shed to provide an indoor swimming pool, gym and changing facility	<b>Location:</b> 10m South of 62B Airfield Road Toomebridge
<b>Referral Route: Contrary to Policy</b>	
<b>Recommendation:</b>	<b>Refusal</b>
<b>Applicant Name and Address:</b> Mr Sean Corr 62b Airfield Road Toomebridge	<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
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### 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;** Scale and massing and concerns regarding an intended commercial use of the building.

### Characteristics of the Site and Area

The site is located 0.5 miles south of Creagh, accordance with the Magherafelt Area Plan 2015. The site outlined in red consists of the residential curtilage of No 62b made up of a two storey dwelling and a large agricultural/industrial shed with hardstanding to the front and sides. The

surrounding area is characterised by a relatively flat landscape. The predominant land use is of an industrial nature (concrete works) and some small scale agricultural use.

### **Description of Proposal**

The application proposes the conversion of an existing shed to provide an indoor swimming pool and new extension to provide gym, unisex W.C. and two changing rooms. Although not included in the description the application also proposes to increase the residential curtilage in order to facilitate the new development.

The existing shed measures 19.8m x 8.5m with a floor area of 168.3 sqm and has an overall height of 4.8m. The new extension will be attached onto the south-western elevation and measures 11.75m x 7.68m with a floor area of 90.24 sqm and has an overall height of 4.8m. Located on the north-western elevation there are 3 No. 2m x 2m windows, 1 No. 2m x 1m window, 1 No. 1m x 0.4m high level window and 1 No. 2.3m x 1m pedestrian door, on the south-western elevation there is 1 No. 1.8m x 0.4m high level window and on the south-eastern elevation there are 1 No. 1.8m x 0.4m high level window and 1 No. 3.6m x 2.3m pedestrian glass door. The finishes include black insulated roof cladding and smooth render walls.

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

#### **Relevant Site History:**

H/2009/0471/O - Site of farm dwelling and garage (2 storey). Approved 16th December 2009

H/2010/0172/RM - Dwelling and Garage. Approved 28th May 2010

#### **Representations:**

2 neighbour's notification letters were sent to the occupiers of No 64 & 68 Airfield Road, Toome. A new dwelling at No 62c Airfield Road was not been neighbour notified, however the agent has confirmed that the applicant's mother lives at No 62c and is aware of the proposal.

No letter of representation have been received.

#### **Policy Considerations**

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

Magherafelt Area Plan 2010: The site is located within open countryside. There are no other designations on the site.

PPS 15: Planning and Flood Risk: sets out policies to minimise and manage flood risk to people, property and the environment.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. There are a range of types of development which in principle are considered to be acceptable in the countryside. These developments can be found in policy CTY 1 of PPS 21. The proposal does not involve an extension to or alteration of the existing dwelling. However the preamble to the first Addendum to PPS7, entitled 'Residential Extensions and Alterations' states that proposals for a domestic garage or outbuilding, or other development ancillary to a residential property will also be considered under the provisions of this addendum.

Policy EXT1 of the Addendum to PPS 7 sets out four criteria for residential extensions and alterations. I have no concerns regarding criteria (b), (c) and (d) which deals with privacy and amenity of neighbouring residential, impact on trees or other landscape features and retention of sufficient amenity space for recreational and domestic purposes.

With regard to criterion (a) which requires the scale, massing, design and external materials of the proposal to be sympathetic with the built form and appearance of the existing property and not to detract from the appearance and character of the surrounding area.

The proposal is located to the rear of a large two storey dwelling at No 62b Airfield and will be located entirely outside its established residential curtilage. The proposal makes use of an existing farm shed with an existing underground tank and will be used to accommodate the swimming pool. The new extension will be built onto the south-western elevation and will provide accommodation for a gym, unisex W.C and two changing rooms.


Paragraph A11 provides guidance for domestic buildings such as garages and shed and states that they should be subordinate in scale and similar in style to the existing property, taking account of materials, the local character and the level of visibility of the building from surrounding views.

It would be difficult to argue that the proposal would detract from the appearance and character of the surrounding area given the backdrop of the large industrial buildings located 120m south east of the site. I am also satisfied that the proposal would read as part of an integrated group of buildings and that the finishes are broadly in keeping with the existing dwelling.

However, I do have concerns regarding the scale and the possible commercial use of the proposed building. The proposed conversion of the existing shed on its own would be considered subordinate in scale to the existing residential property. However, it is the addition of the new extension that tips the balance and makes the proposal unacceptable. Compared with the footprint of the existing residential property (185sqm), the proposal (258sqm) would have a significantly larger footprint and therefore cannot be considered subordinate in scale.

During the processing of the application the Council were made aware of an online promotion of the swimming pool for the wider public (see below). The online promotion states that the venue will be opening spring of 2018 offering lessons for very young learners up to advanced swimmers and a breakdown of the cost of each lesson is also available.

## Toomebridge Airfield Road



62 Airfield Road, Toomebridge BT41 3SQ

**NEW VENUE  
OPENING  
SPRING 2018**

Cossum Swim Schools  
welcome you to our new and latest Swim Venue.


This brand new purpose built 20 meter pool has everything our new learner or advanced swimmer could want.

Situating between Toomebridge and Magherafelt  
This stunning new location will be ready to greet our first customers in Spring 2018. The pool itself has been custom built and with its gradual slope from less than 1 meter to 1.6 meters is ideal for the very young learner and advanced swimmers alike. The deep water means that we are able to offer diving, lifelife and survival classes. Parents can also watch pupils progress from the spacious viewing facilities.

Register your interest now and we will be in touch once we start enrolling.

Class	Mon	Tue	Wed	Thu	Fri	Sat	Sun
<b>Starfish &amp; Seals</b>	1800 - 1900						
<b>Beginner</b>	1845 - 1915	1845 - 1915	1845 - 1915	1845 - 1915	1845 - 1915	0900 - 1000	
<b>Improver</b>	1845 - 1915	1845 - 1915	1845 - 1915	1845 - 1915	1845 - 1915	0900 - 1000	
<b>Advanced</b>	1845 - 1915	1845 - 1915	1845 - 1915	1845 - 1915	1845 - 1915	0900 - 1000	
<b>Adult</b>	1800 - 1900	1800 - 1900	1800 - 1900	1800 - 1900	1800 - 1900		

The times illustrated above are flexible as we will try to accommodate when possible. New members will be allocated a suitable time slot. All of our classes are small and pupils are grouped by both age and ability.



Map data © 2018

**REGISTER YOUR INTEREST**

This was brought to the applicant's attention who argues that the online promotion was only being used to gauge public interest and if there was enough interest a planning application would be submitted to change the use of the building at later date. That said I do have concerns regarding the need for two changing rooms and a unisex W.C. if the proposal is only for domestic use. As previously stated I would have no concerns regarding the conversion of the shed on its own and I see no reason why changing facilities could not be provided in the applicant's dwelling, this would do away with the need for the new extension.

**Floodplain.**

The site is located within a fluvial floodplain and falls to be considered under FLD 1 of PPS 15 Planning and Flood Risk. FLD 1 states that development will not permitted within a fluvial flood plain unless it can be demonstrated that the proposal constitutes an exception to the policy. I am satisfied that the proposal would be considered acceptable under part c) Replacement of an Existing and under Minor Development which permits householder development such as sheds, garages and game rooms within the residential curtilage. Although the proposal is not located within the residential curtilage given that the application also includes the extension of the residential curtilage and the small footprint created by the new extension I considered it unnecessary to seek a flood risk assessment.

**Neighbour Notification Checked:** Yes

**Summary of Recommendation:** I recommend refusal on the bases the proposal is not considered to be subordinate in scale to the existing dwelling.

**Refusal Reasons**

1. The proposal is contrary to Policy EXT 1 of Addendum to Planning Policy Statement 7 - Alterations and Extensions in that the scale of the proposal is not subordinate to the existing dwelling.

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	29th September 2017
<b>Date First Advertised</b>	12th October 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 64 Airfield Road Toome Londonderry The Owner/Occupier, 68 Airfield Road Toome Londonderry	
<b>Date of Last Neighbour Notification</b>	31st October 2017
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes
<b>Planning History</b>  Ref ID: LA09/2017/1332/F Proposal: Conversion and extension of an existing storage shed to provide an indoor swimming pool, gym and changing facility Address: 10m South of 62B Airfield Road, Toomebridge, Decision: Decision Date:  Ref ID: LA09/2015/0940/O Proposal: Proposed replacement of single semi detached dwelling to detached dwelling and garage off site Address: Land to rear of 62b Airfield Road, Toome, Decision: PG Decision Date: 21.04.2016  Ref ID: H/2010/0172/RM Proposal: Dwelling and Garage Address: Adjacent to 64 Airfield Road, Toomebridge Decision: Decision Date: 01.06.2010  Ref ID: H/2009/0471/O Proposal: Site of farm dwelling and garage (2 storey) Address: Adjacent to 64 Airfield Road, Toomebridge Decision: Decision Date: 17.12.2009  Ref ID: H/1991/0509 Proposal: SITE OF DWELLING AND GARAGE Address: ADJ TO 66 AIRFIELD ROAD CREAGH TOOMEBRIDGE Decision: Decision Date:	

Ref ID: H/1992/0140  
 Proposal: DWELLING AND GARAGE/STORE  
 Address: ADJ TO 66 AIRFIELD ROAD CREAGH TOOMEBRIDGE  
 Decision:  
 Decision Date:

Ref ID: H/1995/0033  
 Proposal: DWELLING AND GARAGE  
 Address: ADJ TO 66 AIRFIELD ROAD TOOMEBRIDGE  
 Decision:  
 Decision Date:

Ref ID: LA09/2016/0600/F  
 Proposal: Proposed replacement of single semi-detached dwelling to detached dwelling  
 Address: Lands to rear of 62b Airfield Road , Toome,  
 Decision: PG  
 Decision Date: 23.08.2016

### **Summary of Consultee Responses**

### **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: Site Layout or Block Plan  
 Status: Submitted

Drawing No. 04  
 Type: Proposed Plans  
 Status: Submitted

Drawing No. 05  
 Type: Existing Plans  
 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> LA09/2017/1368/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling on a farm	<b>Location:</b> 45m North East of 19 Ardagh Road Coagh Cookstown
<b>Referral Route:</b> Contrary to CTY 10 of PPS 21	
<b>Recommendation:</b>	<b>Refusal</b>
<b>Applicant Name and Address:</b> Mr Tony Anderson Gort Road Coagh Cookstown	<b>Agent Name and Address:</b> Gibson Design and Build 25 Ballinderry Bridge Road Coagh Cookstown BT80 0BR
<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
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection



Non Statutory	DAERA - Coleraine	Substantive Response Received
<b>Representations:</b>		
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	
<b>Summary of Issues</b> - The proposal is contrary CTY1 and CTY10 – in that a development opportunity has been sold off.		
<b>Characteristics of the Site and Area</b> The site is located less than 1 mile north-west of Ballyinderry in open countryside in accordance with the Cookstown Area Plan 2010. The site outlined in red is located at No 19 Ardagh Road, Coagh and consists of a single storey dwelling, two small agricultural buildings and a cut-out portion of a large field identified as field No 5 on the farm map. The site fronts onto the public road with access via an existing laneway. The northern and southern boundaries are defined by 1.5m hedgerow and the southern boundary is defined by tall mature trees. The remaining eastern boundary is undefined. The topography of the area is relative flat in nature and the Ballyderry River is located approximately 150m south-east of the site.		
<b>Description of Proposal</b> The application seeks full planning for a two storey farm dwelling with attached carport and garage. The proposed dwelling has a 13m frontage with a gable depth of 8.8m and a ridge height of 8.5m above finished floor level. A two storey rear return is also proposed. The chimneys are expressed on the ridge, the wall finishes are smooth render painted white and the roof finishes is blue/black natural slate.		
<b>Planning Assessment of Policy and Other Material Considerations</b>		
<b>Relevant Site History:</b> No relevant history on the proposal site on the Ardagh Road, however LA09/2016/0183/F - Proposed new dwelling and detached garage/store (infill site), located between 12 and 12a Gort Road, Coagh, Cookstown for Jeffrey and Naimh McCrystal - Approved 20th June 2016 is considered relevant because it has been 'sold off' from the farm holding.		
<b>Representations:</b> 1 neighbour notification letter was sent to the occupier No 60 Brookmount Road, Magherafelt. No letters of representation have been received		
<b>Development Plan and Key Policy Consideration:</b> Decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.		
<u>Cookstown Area Plan 2010:</u> The site itself is located in the open countryside. There are no other designation on the site.		
<u>SPPS – Strategic Planning Policy Statement for Northern Ireland:</u> 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.		

Until a Plan Strategy for the whole of the Council Area has been adopted planning applications will be assessed against existing policy (other than PPS 1, 5 & 9) together with the SPPS.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (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. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

Policy CTY 1 of PPS 21 allows for a single dwelling on a farm subject to the policy tests laid down in policy CTY 10 and states that planning permission will be granted for a dwelling on a farm where three criteria are met.

Criterion (a) requires the farm business to be currently active and established for at least 6 years. The applicant has submitted a farm business ID number which DARD has confirmed is currently active and has been established more than 6 years and that the farm business has claimed Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes in the last 6 years.

Under criterion (b) which requires 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.

A planning history search reveals that a full application for new dwelling, ref No. LA09/2016/0183/F was approved on 20th June 2016 for Jeffrey and Naimh McCrystal, the applicant's brother in law and sister. The site is located between 12 and 12a Gort Road, Coagh and is in the process of being constructed. The site on the Gort Road is still shown as an agricultural field on the 2017 farm map, however Jeffrey and Naimh McCrystal completed certificate 'A' indicating that they were in full ownership of their site on 10th February 2016. A land registry check was carried out to determine if the land had been transferred. The land registry check proved inconclusive but indicated that an application was pending. However, given that the Jeffrey and Naimh McCrystal claimed ownership of their site in 2016, in my opinion this provides confirmation that the site has been transferred off the farm.

Paragraph 5.40 of the Justification and Amplification makes it clear that planning permission will not be granted for a dwelling under this policy where a rural business has recently 'sold off' a development opportunity from the farm such as a replacement dwelling. Paragraph 5.40 goes on to say for the purposes of this policy, 'sold-off' will mean any development opportunity disposed of from the farm holding to any other person including a member of the family. As the 2016 application was approved under PPS 21, and was subsequently 'sold off', this application fails to comply with criterion (b) of policy CTY 10.

Under criterion (c) of the policy which requires that the new building is visually linked or sited to cluster with an established group of buildings on the farm. The established grouping is located immediately to the rear of the site and consists of a number of agricultural buildings and a single storey farm dwelling. The proposal site is a cut out portion of a large agricultural field identified on the farm map as field No 5. I am satisfied the proposal complies with criterion (c) and criterion (g) of CTY13. Site Curtilage of Proposed Dwelling

#### **Integration.**

Policy CTY13 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 proposed site is relatively flat and the rear boundary consists of a large belt of tall mature trees which provides an ideal backdrop to allow the proposed two storey dwelling to successfully integrate into the landscape. When travelling in a westerly direction the proposed dwelling will read with the established farm grouping located to the rear and when traveling in the opposite direction the mature belt of trees will help to screen the proposal.

In terms of design the proposed dwelling has become fairly standardised in rural areas and does consist of elements which are considered traditional such as vertically emphasised windows, linear form and chimneys expressed on the ridge. The finishes include blue/black natural slates and smooth rendered painted white are generally acceptable and will not appear incongruous in the rural area. The orientation of the proposed dwelling fronts onto the public road and the proposal will make use of an existing access onto the Ardagh Road.

**Impact on Character and Appearance of the Area.**

In terms of policy CTY14 planning permission will only 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. I am satisfied a new dwelling would not cause an undesirable change to the rural character due to the existing built form on the site.

**Other Policy and Material Considerations**

I am satisfied that the proposal is adequately sited and designed to avoid a significant adverse impact on neighbour amenity and that the proposal will not lead to a significant deterioration in road safety under the provisions of PPS 3 Access, Movement and Parking.

**Neighbour Notification Checked: Yes**

**Summary of Recommendation:** I recommend refusal on the bases that a development opportunity has been sold off.

**Refusal Reasons**

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that a development opportunity has not been sold off from the farm holding within 10 years of the date of the application.

**Signature(s) Sean Diamond**

**Date: 23/01/2018**

<b>ANNEX</b>	
<b>Date Valid</b>	5th October 2017
<b>Date First Advertised</b>	19th October 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 19 Ardagh Road Coagh Londonderry	
<b>Date of Last Neighbour Notification</b>	31st October 2017
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2017/1368/F Proposal: Proposed dwelling on a farm Address: 45m North East of 19 Ardagh Road, Coagh, Cookstown, Decision: Decision Date:	
<b>Summary of Consultee Responses</b>	
<b>Drawing Numbers and Title</b>	
<b>Notification to Department (if relevant)</b>  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> LA09/2017/1443/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed erection of prefabricated building in rear garden of 2 Chestnut Hill, Coalisland to allow home working for established beauty business	<b>Location:</b> 2 Chestnut Hill Coalisland
<b>Referral Route:</b>  Contrary to Policy	
<b>Recommendation:</b>	REFUSE
<b>Applicant Name and Address:</b> Sharon Ferrity 2 Chestnut Hill Coalisland	<b>Agent Name and Address:</b> Blackbird Architecture 4 Glenree Avenue Dungannon BT71 6XG
<b>Executive Summary:</b>  Refusal recommendation proposal is Contrary to Policy	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Considered - No Comment Necessary

### Representations:

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

### Summary of Issues

All statutory bodies were consulted on this application. All other material considerations have been addressed within the determination of this application.

### Characteristics of the Site and Area

The application is located at No 2 Chestnut Hill, Coalisland and 750m from the town centre and within the settlement limits of Coalisland as depicted in the Dungannon and South Tyrone Area Plan 2010. The site includes the rear garden associated with the dwelling house. The applications seeks permission sought for the re-location of a beauty salon which is currently situated at 16 Main Street in Coalisland to a prefabricated building to the rear of the applicant's property.

The property No 2 Chestnut Hill is part of a large residential housing estate where similar style dwellings form the urban fabric with good road networks. A number of established businesses are located in the wider surrounding area included schools. The dwelling is a detached single storey dwelling with front, side and rear gardens. The northern, western sections of boundary are defined by a 0.8m block wall with dry dash painted render finish with approximate 1m boarded fence sitting on top of the wall.

The remaining western and southern boundaries are defined by a 0.8m high block wall dry dash and painted render finished with painted copings with access gates. The area to the front has a bitmac surface providing parking spaces.

### **Description of Proposal**

The applicant is seeking full planning consent for proposed erection of prefabricated building in rear garden of 2 Chestnut Hill, Coalisland to allow home working for established beauty business. The proposed buildings measures 6.6m in length, 4m in width and 3m in height above ground level and is finished in prefabricated sheeting. The proposed building will have a lobby, spray tan room, WC and 2 treatment rooms. The area to the rear of the dwelling measures 165.42sq.m which leaves a small area. The total footprint of the proposed building is 26.4sqm leaving approximately 139sqm, which is over the recommended private amenity space set out in Creating Places.

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

Section 45 (1) of The Planning Act (Northern Ireland) 2011, states that, where an application is made for planning permission, the Council or, as the case may be, the Department, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations...

The application property while inside the settlement limits of Coalisland, it is outside the limits of the town centre as defined in the Dungannon and South Tyrone Area Plan 2010.

There are no other potential development constraints. The proposal raises no concerns in terms of flood risk, impact on listed built heritage or protected trees or vegetation (TPO) nor does it fall within Conservation, Townscape Designation. The proposal is under the 15.2m height threshold for consultation to Defence Estates relating to Met. Office -Radar. The key policy tests and relevant supplementary guidance are listed below.

The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) is material to all decisions on individual planning applications and appeals. The SPPS retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS.

Dungannon and South Tyrone Area Plan 2010 operates as the local development plan of the area the application site lies within. The site sits in an urban area and within the Coalisland settlement limits. The LDP (DSTAP) outlines Plan Policy SETT 1 – Settlement Limits where is applicable to proposal within settlement limits.

There is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for N Ireland (SPPS) and those of contained within the LDP (DSTAP).

### **Policy References:**

Regional Development Strategy 2035;  
Strategic Planning Policy Statement September 2015;

Dungannon and South Tyrone Area Plan 2010;  
 Plan Policy SETT 1 – Settlement Limits of the DSTAP.  
 Planning Policy Statement 3 Access, Movement and Access,  
 Planning Policy Statement 7 (Addendum) Residential Extensions and Alterations  
 DCAN 11 Access for people with disabilities;  
 DCAN 15 Vehicular Access Standards.

### **Other points of note**

The application was initially advertised in the local press on w/c 30.10.2017 (publication date 02.11.2017). Six (6) neighbouring properties were notified 14 notified on 02 Nov 2017, in accordance with the Development Management Practice Note 14 (April 2015)

The applicant's agent has submitted a Planning Statement received on 19 October 2017, which sets out the context to this application. The applicant operates a beauty salon from No.16 Coalisland located within the town centre known as 'Sharon's Beauty Salon' which has been operating for approximately 15 years (2002), but has over 22 years of experience in the specialised beauty work.

The applicant rents the current building from a local landlord in 5 year increments, with the lease period ending in April 2017. The landlord has informed the applicant that they will not be renewing a further five year contract unless the applicant agrees to a rent increase. The lease was due to end in April 2017, it's my understanding the applicant is still operating from No.16 under the trade name 'Sharon's Beauty Salon' up to the end of March 2018.

The Planning Statement sets out works carried out by the applicant over a long period of time to No.16, the property within the town centre. Whilst I no reason to doubt that these works (replacing doors, security measures, damp and other defects) were carried by the applicant I am not persuaded that the works are considered in themselves a material consideration in this application but rather a civil matter between the applicant and the landlord.

### **Policy assessment**

Strategic Planning Policy Statement for Northern Ireland (SPPS, published 28 Sept 2015)  
 In terms of the Strategic Planning Policy Statement (SPPS), Paragraph 6.270 states that the aim of the SPPS is to support and sustain town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions, consistent with the RDS. Paragraph 6.271 requires the adoption of a sequential approach to the identification of retail and main town centre uses in LDPs and when decision-taking.

The SPPS places an emphasis on securing a town centre first approach for the location of future retail (Regional Strategic Objectives 6.271, 101, & Regional Strategic Policy 6.273 & 6.275.

Paragraph 6.271 states;

*"The regional strategic objectives for town centres and retailing are to:*

*☐ secure a town centre's first approach for the location of future retailing and other main town centre uses;*

*☐ adopt a sequential approach to the identification of retail and main town centre uses in Local Development Plans (LDPs) and when decision-taking;*



☐ ensure LDPs and decisions are informed by robust and up to date evidence in relation to need and capacity;

☐ protect and enhance diversity in the range of town centre uses appropriate to their role and function, such as leisure, cultural and community facilities, housing and business;

☐ promote high quality design to ensure that town centres provide sustainable, attractive, accessible and safe environments; and

☐ maintain and improve accessibility to and within the town centre.

A sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date LDP. Where it is established that an alternative sequentially preferable site or sites exist within a proposal's whole catchment, an application which proposes development on a less sequentially preferred site should be refused.

Planning authorities will require applications for main town centre uses to be considered in the following order of preference (and consider all of the proposal's catchment):

1. Primary retail core;
2. Town centres;
3. Edge of centre; and
4. Out of centre locations, only where sites are accessible by a choice of good public transport modes.

I note from the LDP (DSTAP) there is no Primary Retail core designation for Coalisland town centre. Business development proposal should therefore be located in the first instance in this case within the town centre. The agent has indicated that the business has operated within the town centre for a number of years. The basis of this application for relocation, relates to issues between applicant and landlord. The agent has a letter from an estate agents stating, "There are no available units or buildings suitable to your needs in Coalisland." However, discussions with the Regeneration Department of MUDC, I was informed there are units available within Coalisland town centre. I therefore do not consider there to be sufficient evidence to justify a business premises outside the town centre.

Furthermore, the distance between the existing operation at No. 16 and the proposed site is approximately 750m which is well over the recommended default threshold distance of 300m.

The agent makes reference to PPS 4 Policy PED 1 Economic Development in Settlements Class Use particularly Class B1 Business Use however it is my view the beauty salon falls within Class A1: Shops - where the sale, display or service is to visiting members of the public.

Again reference is made to Annex A – attached to back of PPS 4 – under the heading Home Working, which sets out general guidance A1 – A5. Paragraph A2 states,

*"Homeworking does not necessarily require planning permission. Permission is not normally required where the use of part of a dwelling house for business purposes does not change the overall character of the property's use as a single dwelling, for example, the use by a householder of a room as an office or the provision of a childminding service."*

In an ideal situation working from home could be considered were it involves conversion of a room within the dwelling or a specific extension being built on to a dwelling. Considering the proposal is to erect a purpose building in the rear garden of the applicants property, I am of the view the proposal does not constitute homeworking and there is little scope that could advance this application under any of the guidance in Annex A.

Furthermore, I have assessed the proposal against Policy EXT 1 Residential Extensions and Alterations, which was referred to in the Planning Statement. Planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met: (a) the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area; (b) the proposal does not unduly affect the privacy or amenity of neighbouring residents; (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; and (d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles. The guidance set out in Annex A will be taken into account when assessing proposals against the above criteria.

Paragraph 2.9 of the justification and amplification of Policy EXT 1, goes on to state that to be ancillary, accommodation must be subordinate to the main dwelling and its function supplementary to the use of the existing residence. In paragraph 2.10 stipulates that planning permission for conversion of an outbuilding will normally depend on the development providing a modest scale of accommodation. The purpose of this is to ensure the use of the building as part of the main dwelling.

I am not persuaded that an established business operating over a long period should be taken out of the town centre and re-located within an residential area as in this case, incorporating a prefabricated building unattached to the host building which has no contextual design qualities with the dwelling at No. 2 Chestnut Hill. In addition the function proposed an independent business cannot be regarded as supplementary to the existing residential property.

Therefore, I consider the proposed development to be in conflict with The Dungannon and South Tyrone Area Plan (2010), Policy EXT 1 and does not constitute development ancillary to a residential property in accordance with Addendum.

No objections were received during the processing of this application.

#### **Statutory consultees:**

TNI were consulted and responded with no objections to the proposal  
Environmental Health were consulted and responded with no objections

#### **Neighbour Notification Checked**

**Yes**

#### **List of neighbours attached to the back of this report**

#### **Summary of Recommendation:**

Refuse

#### **Refusal Reasons**

The proposal represents an introduction of a retailing use in a residential area while in conflict which should be located in a town centre in line with requirements of paragraph 6.279 - 278 of Strategic Planning Policy Statement for Northern Ireland.

The proposal is contrary to Policy EXT 1 of the addendum to PPS 7 – Residential Extensions and Alterations in that, the scale, massing, design and external materials of the proposal are not sympathetic with the built form and appearance of the existing property and will detract from the appearance and character of the surrounding area

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	19th October 2017
<b>Date First Advertised</b>	2nd November 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Chestnut Hill Coalisland Tyrone The Owner/Occupier, 3 Chestnut Hill Coalisland Tyrone The Owner/Occupier, 4 Chestnut Hill Coalisland Tyrone The Owner/Occupier, 5 Chestnut Hill Coalisland Tyrone The Owner/Occupier, 9 Chestnut Hill Coalisland Tyrone The Owner/Occupier, Primate Dixon Memorial Primary School 4 School Lane Coalisland	
<b>Date of Last Neighbour Notification</b>	2nd November 2017
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2017/1443/F Proposal: Proposed erection of prefabricated building in rear garden of 2 Chestnut Hill, Coalisland to allow home working for established beauty business Address: 2 Chestnut Hill, Coalisland, Decision: Decision Date:  Ref ID: M/1983/0295 Proposal: TEMPORARY CLASSROOM Address: PRIMATE DIXON MEMORIAL GIRLS' SCHOOL, COALISLAND Decision: Decision Date:  Ref ID: M/1995/0535 Proposal: Site for Housing Development Address: SITE OF OLD PRIMARY SCHOOL 49 BRACKAVILLE ROAD COALISLAND	

Decision:  
Decision Date:

Ref ID: M/1999/0719/F  
Proposal: Erection of housing development (36 no dwellings)  
Address: Lands at Old Primary School Brackaville Road Coalisland  
Decision:  
Decision Date: 16.10.2000

Ref ID: M/1998/0212  
Proposal: Erection of 48 No. Dwellings  
Address: LANDS AT OLD PRIMARY SCHOOL BRACKAVILLE ROAD COALISLAND  
Decision:  
Decision Date:

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

Drawing No. 01  
Type: Site Layout or Block Plan  
Status: Submitted

Drawing No. 02  
Type: Existing Plans  
Status: Submitted

Drawing No. 03  
Type: Existing plans & Elevations  
Status: Submitted

Drawing No. 04  
Type: Proposed Plan, Section & Elevations  
Status: Submitted

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

Date of Notification to Department:  
Response of Department: