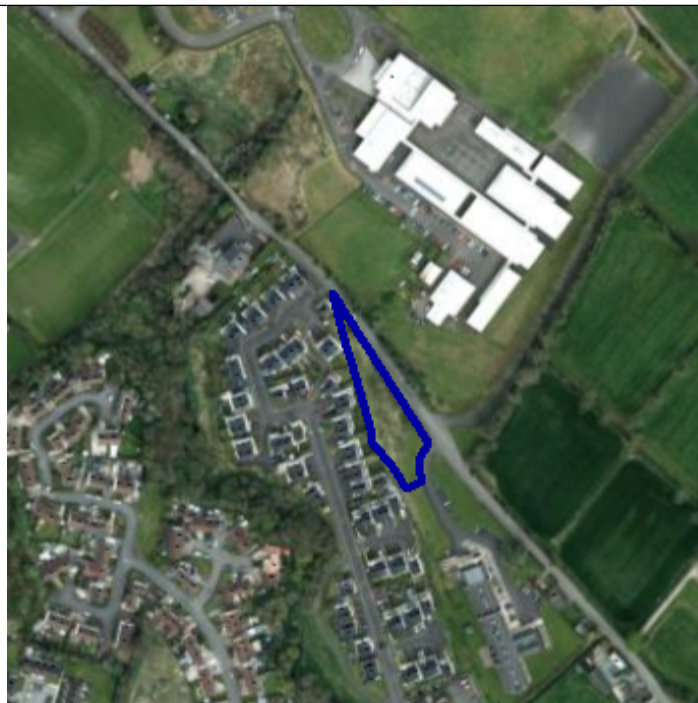




## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 February 2023	<b>Item Number:</b> 5
<b>Application ID:</b> LA09/2019/1430/F	<b>Target Date:</b> 26 December 2019
<b>Proposal:</b> Construction of 4 new dwellings, associated parking, landscaping, roads and footpaths.	<b>Location:</b> Lands 110M South East Of No.30 Pound Road Magherafelt.
<b>Referral Route:</b> Refuse is recommended  Refusal - To Committee - Contrary to PPS 7 and objections received.	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Noeleen Kidd 26 Thornhill Avenue Magherafelt BT45 5JA	<b>Agent Name and Address:</b> Cmi Planners Ltd 38B Airfield Road Toomebridge BT41 3SQ
<b>Executive Summary:</b>  Refusal	

**Case Officer Report****Site Location Plan**

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**Consultations:**

<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
	NI Water - Multiple Units West	Substantive: TBCResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBC
	Rivers Agency	Substantive: YResponseType: FR
	Rivers Agency	Substantive: YResponseType: FR
	Rivers Agency	Substantive: TBC
	Rivers Agency	Substantive: TBC
	Rivers Agency	Substantive: TBC
	Rivers Agency	Substantive: TBC
	Rivers Agency	Substantive: TBC
Non Statutory	Rivers Agency	472956 - Final

Consultee		Response.pdf
Non Statutory Consultee	Rivers Agency	
<b>Representations:</b>		
Letters of Support	0	
Letters of Objection	8	
Letters Non Committal	0	
Number of Support Petitions and signatures		
Number of Petitions of Objection and signatures		
<b>Summary of Issues</b>		
Refusal - To Committee - Contrary to PPS 7 and objections received.		
<b>Characteristics of the Site and Area</b>		
<p>The site is located within the development limits of Magherafelt and it is located within the Local Landscape Policy Area MT34 North and East Magherafelt as per the Magherafelt Area Plan 2015. The proposal site is a small strip of a triangular shape located on the Pound Road, Magherafelt. Immediately to the rear on the Western boundary a large housing development has been approved and predominantly built, which sits at a higher level than the proposal site. To the south of the site is a large nursing home. NE is the Sperrin College site. Pound road is a very narrow minor road. The site is identified from surrounding sites by a post and wire fence to all sides. The site levels are elevated above the road level on the western side of the site with them falling down quite considerably to meet those of the road level.</p> <p>Relevant planning history LA09/2016/1023/F - 5 No detached dwellings - lands 110m SE of No. 30 Pound Road, Magherafelt - Withdrawn</p> <p>Representations There were 16 neighbour notification letters sent out however 8 objections were received</p> <ul style="list-style-type: none"> <li>- summary of objections are as below;</li> <li>- Concerns over the access, road safety and traffic flow - concerns that the access is insufficient, fast road, no inclusion of right hand turn lane.</li> <li>- Safety issues - safety issues of residents given the lack of footpath, no street lighting on a busy road.</li> <li>- Concerns of flooding (Discuss) Concerns of drainage</li> <li>- Loss of amenity - loss of privacy, increase noise pollution, overshadowing and loss of light</li> <li>- Adverse visual impact - concerns over overall height</li> <li>- Loss of existing views and adverse effect on the character of the area</li> <li>- Concerns regarding sewage system</li> <li>- Insufficient car parking</li> <li>- Concerns over properties not being neighbour notified.</li> <li>- Concerns of overdevelopment of the site</li> </ul>		

## **Description of Proposal**

This is a proposed full application for the construction of 4 new dwellings, associated parking, landscaping, roads and footpaths located lands 110m SE of No. 30 Pound Road, Magherafelt.

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

### **Policy Consideration**

Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030 - Draft Strategy

Strategic Planning Policy Statement (SPPS)

PPS 7: Quality Residential Environment

PPS 3: Access, Movement and Parking

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. The SPPS 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.

Policy QD1 of PPS 7 states that planning permission will be granted for new residential development only where it is demonstrated that it will create a quality and sustainable residential environment. It indicates that housing will not be permitted in established residential areas where it would result in unacceptable damage to local character, environmental quality or residential amenity of these areas. The current proposal is for a single storey detached dwelling. The Policy sets out nine criteria which all residential development proposals are expected to meet. I must note that the previous application on this site LA09/2016/1023/F is a material consideration as during that application it was determined that only three dwellings should be proposed, I acknowledge that this has been withdrawn but was heading to committee as a refusal.

a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings structures and landscaped and hard surface areas:-  
The proposal site is within the Local Landscape and Policy Area North and East Magherafelt MT34 as defined in the Magherafelt Area Plan 2015. This is identified as an area of distinctive landscape. According to the area plan when land is identified within designated LLPA's planning permission will not be granted for planning proposals that would adversely affect their intrinsic environmental value and character. As stated that in the previous application LA09/2016/1023/F that five/four dwellings was deemed as overdevelopment wherein only three dwellings would be permitted on this site, I agree



with this opinion and hold the opinion that four dwellings is not acceptable and should be reduced to a maximum of three.

b) features of the archaeological and built heritage, and landscape features are identical and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development:-

I note that the site is located within a Local Landscape Policy Area but as noted there have been concerns raised about over development of the site. In addition, there does not appear to be any other features of archaeological and built heritage, and landscape in near vicinity.

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

Given the proposed size of the scheme, I note that public open space is not required, however the baseline for private amenity is 40sqm and upon review, I note that each dwelling has been provided with an excess of 40sqm of garden space each, which appears to be sufficient.

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

The size and scale of this development does not require it to make provision for local neighbourhood facilities. There are existing transport links in the area.

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

I am content the site will provide an acceptable movement pattern, including walking and cycling, which will enable occupants to access public transport routes and the public network system. I note that the access layouts provides the ability of the lands around the site to be further developed in the future.

f) adequate and appropriate provision is made for parking:-

After consultation with DFI Roads, they have confirmed that there is sufficient parking and turning area have been provided within the proposed site.

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

I note that the proposal involves a mix of housetypes which is encouraged in housing developments, upon review I am content that the house designs are relatively simple and typical modern two storey dwelling housetypes and I am content that these are acceptable in this location.

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

As stated I am of the opinion that the site with 4 dwellings is deemed as

overdevelopment; this plus the existing landform and separation distances between the site and dwellings along the western boundary that the development as is would conflict with its land uses. From this, I am of the opinion that the proposed development has the capacity to adversely affect neighbouring properties by way of potential overlooking, loss of light, overshadowing and other disturbance. I note that there have been a number of objections received in connection to fears of loss of privacy etc.

I note that through the application that the agent has amended the scheme to try and alleviate the concerns however I hold the view that dropping 'Ht2' from the scheme would allow for a better scheme that in my opinion could be enough to alleviate some of the concerns. I hold the view that house types 'Ht1a' have now been designed to have no gable end windows which do alleviate overlooking issues. However the agent confirmed that he could not drop any units and could not move 'Ht2' any more given a foul pipe running through the site. Whilst I acknowledge the effort to alleviate the concerns raised, I still hold the view that the current scheme still has the capacity to result in an adverse impact on neighbouring amenity.

i) the development is designed to deter crime and promote personal safety:-  
It is my opinion that the proposed development will not increase the potential for crime.

Environmental Health were consulted and had no objections to the proposal however construction work, which is audible at any noise sensitive property outside the site, shall only take place between the hours of 07.00 - 19.00 hours on Monday to Friday, 07.00 - 13.00 hours on Saturday with no such working on Sunday. All construction work should be in accordance with BS 5228:2009. NI Water were also consulted but concluded no objections.

### PPS 3: Access, Movement and Parking

After consultation with DFI Roads, they confirmed that the sight splays in both directions onto Pound Road should be 2.4 x 70 metres, I can confirm that the agent has provided this and will need to be conditioned. DFI Roads went on to state that the proposal is generally acceptable subject to a satisfactory and fully detailed and annotated PSD Drawing being submitted for appraisal/approval. It is noted that the development itself will not be subject to a determination as it remains private. The determination is primarily for the works on the Pound Road to facilitate road widening and footway linkage. The development is proposed as a privately maintained development for 4 dwellings accessing from the privately maintained driveway for the nursing home. Adequate parking and a turning area is provided within the proposed residential development area. Access from the residential care home driveway onto the Pound Road is consistent with guidelines in terms of sightlines and width. The standard of the Pound Road has been considered, however taking into account that the proposal is for a relatively minor and privately maintained development for 4 dwellings, the proposed road and footway improvements along the site frontage with a footway network at Salters Bridge is considered appropriate and reasonable for the level of impact the development will have on the road network.

Given the size of the proposal it was felt necessary to consult Rivers Agency, in their initial response stated that in terms of FLD1 - Development in Fluvial and coastal Flood

Plains - The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 year coastal flood plain. Went on to say that FLD2 - Protection of Flood Defence and Drainage Infrastructure - The site may be affected by undesignated watercourses of which we have no record, in the event of an undesignated watercourse being discovered, Policy FLD 2 will apply. FLD3 - Development and Surface Water - In accordance with revised PPS 15, Planning and Flood Risk, FLD 3, Development and Surface Water (Pluvial) Flood Risk outside Flood Plains, a Drainage Assessment is required due to the size and nature of the development FLD3 of PPS15 applies. FLD 4 and 5 do not apply to this site. I note that a Drainage assessment was requested and subsequently submitted with another consultation sent to Rivers Agency.

In Rivers final response confirmed that comments in relation to Revised PPS 15 FLD 1, FLD 2, FLD 4 & FLD 5 remain the same as per our consultation response dated 30th March 2021. In terms of FLD3 - Development and Surface Water - DfI Rivers has reviewed the Drainage Assessment (DA) Revision A, from Sheehy Consulting date stamped 15th April 2022, and comments as follows:-

The DA has demonstrated that the design and construction of a suitable drainage network is feasible. It indicates that the 1 in 100 year event could be contained through the addition of an underground offline system adjacent to the online attenuation system, when discharging at existing green field runoff rate, and therefore exceedance waters can be safely dealt with without breaching the consented discharge rate. Further assessment of the drainage network will be made by NIW prior to adoption. However, in order to ensure compliance with PPS 15, DfI Rivers request that the potential flood risk from exceedance of the network, in the 1 in 100 year event, is managed by way of a condition. From such I am content that the proposal will not conflict with PPS 15.

In response to the comments raised by objectors, firstly, with regards to road safety and access concerns; I note that DfI Roads were consulted and confirmed that the access arrangements are sufficient so I am content that there should be no issues in terms of safety. With regards to concerns of flooding and concerns of drainage, I note that after the submission of the drainage assessment and comments by Rivers Agency confirm that the proposal is acceptable in terms of flooding etc. subject to the suitable conditions being applied.

In terms of loss of amenity, as stated that the proposed scheme has the potential to have an impact on amenity inclusive of loss of privacy, increase noise pollution, overshadowing and loss of light. With regards to the visual impact, as noted it has been agreed that the overall design is acceptable therefore I am content that it is unlikely to have an adverse visual impact. I note that the loss of existing views is not a material consideration as no one has a right to a view. It has already been stated that the proposal is deemed as overdevelopment and will have an adverse impact on the character of the area. In terms of sufficient car parking, again DfI Roads confirmed that each dwelling has provided sufficient parking. With regards to the drainage, I note that NI Water were consulted and confirmed that they had no objections and that there was capacity. Finally, with concerns over properties not being neighbour notified, I can confirm that the relevant neighbours were notified.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was

launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

**Summary of Recommendation:**

Refuse is recommended

**Refusal Reasons**

**Reason 1**

The proposed development is contrary to Policy QD1 of the Planning Policy Statement 7 (PPS7) Quality Residential Environments in that it has not been demonstrated that the development would create a quality and sustainable residential environment and fails to meet the requirements of criteria (a) and (h) of Policy QD, in that it will not respect the surrounding context and will result in adverse impact on neighbouring land uses by way of loss neighbouring amenity.

**Case Officer:** Peter Henry

**Date:** 18 January 2023

ANNEX	
<b>Date Valid</b>	31 October 2019
<b>Date First Advertised</b>	12 November 2019
<b>Date Last Advertised</b>	12 November 2019
<b>Details of Neighbour Notification (all addresses)</b>  The Owner / Occupier 46 Salter's Bridge Magherafelt Londonderry BT45 6QU The Owner / Occupier 58 Salter's Bridge Magherafelt Londonderry BT45 6QU The Owner / Occupier 57 Salter's Bridge Magherafelt Londonderry BT45 6QU The Owner / Occupier 47 Salter's Bridge Magherafelt Londonderry BT45 6QU The Owner / Occupier 45 Salter's Bridge Magherafelt Londonderry BT45 6QU The Owner / Occupier 56 Salter's Bridge Magherafelt Londonderry BT45 6QU The Owner / Occupier Sperrin Intergrated School 39 Pound Road Magherafelt Londonderry BT45 6NR The Owner / Occupier 22 Pound Road Magherafelt Londonderry BT45 6NR The Owner / Occupier 40 Salter's Bridge Magherafelt Londonderry BT45 6QU The Owner / Occupier 41 Salter's Bridge Magherafelt Londonderry BT45 6QU The Owner / Occupier 42 Salter's Bridge Magherafelt Londonderry BT45 6QU The Owner / Occupier 33 Salter's Bridge Magherafelt Londonderry BT45 6QU The Owner / Occupier 38 Salter's Bridge Magherafelt Londonderry BT45 6QU The Owner / Occupier 39 Salter's Bridge Magherafelt Londonderry BT45 6QU The Owner / Occupier 43 Salter's Bridge Magherafelt Londonderry BT45 6QU The Owner / Occupier 44 Salter's Bridge Magherafelt Londonderry BT45 6QU	

<b>Date of Last Neighbour Notification</b>	22 January 2020
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  NI Water - Multiple Units West-Substantive: TBCResponseType: FR Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR Environmental Health Mid Ulster Council-Substantive: TBC Rivers Agency-Substantive: YResponseType: FR Rivers Agency-Substantive: YResponseType: FR Rivers Agency-Substantive: TBC Rivers Agency-Substantive: TBC Rivers Agency-Substantive: TBC Rivers Agency-Substantive: TBC Rivers Agency-Substantive: TBC Rivers Agency-472956 - Final Response.pdf Rivers Agency-	

**Drawing Numbers and Title**

Block/Site Survey Plans Plan Ref: 02/4

Site Location Plan Plan Ref: 01

Proposed Plans Plan Ref: 05

Proposed Plans Plan Ref: 03

Site Layout or Block Plan Plan Ref: 02

Proposed Plans Plan Ref: 04

Proposed Elevations

Block/Site Survey Plans

Elevations and Floor Plans Plan Ref: 03/1

**Notification to Department (if relevant)**

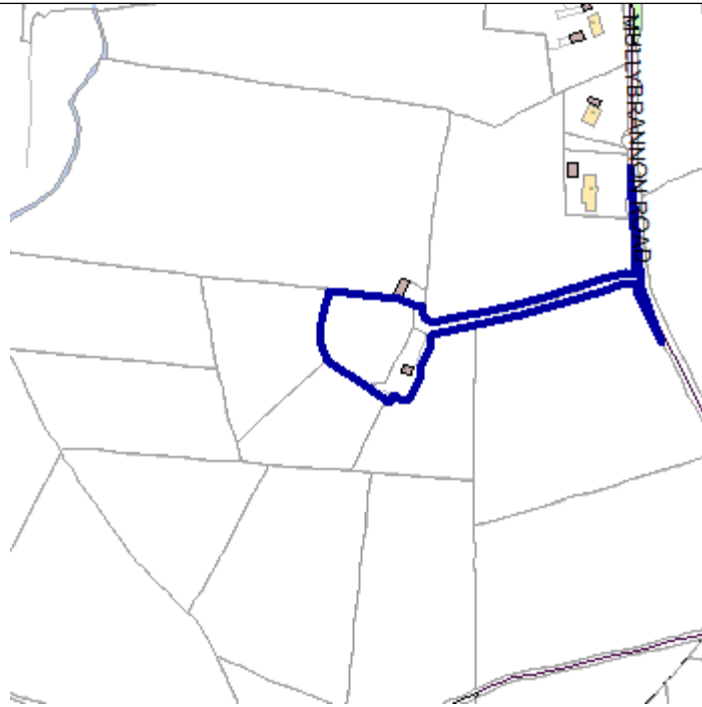
Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 February 2023	<b>Item Number:</b> 5
<b>Application ID:</b> LA09/2021/0090/F	<b>Target Date:</b> 19 March 2021
<b>Proposal:</b> Replacement access laneway to dwelling (Amended Access)	<b>Location:</b> 37 Mullybrannon Road Dungannon.
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Farasha Properties Ltd 34 Culrevog Road Dungannon BT71 7PY	<b>Agent Name and Address:</b> J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
<b>Executive Summary:</b>	



**Case Officer Report****Site Location Plan**

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**Consultations:**

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR

**Representations:**

Letters of Support	0
Letters of Objection	2
Letters Non Committal	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

**Summary of Issues****Characteristics of the Site and Area**

The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character with predominately agricultural fields, farm holdings and dwellings on single plots. To the north of the existing access lane to the site is a single storey and two storey dwellings with roadside frontages onto Mullybrannon Road. There are no other dwellings

to the south of the access lane.

The Mullybrannon Road rises up from north to south where it flattens off just beyond the south side of the access. At the junction with Mullybrannon Road there is an existing access lane and to the south of this lane land has been cleared for another lane which is the subject of this application.

At the site is an existing single storey building which is currently being used as a farm building. The building is finished in pebbledash walls and natural slate roof tiles. There are a number of tiles missing from the roof. There is also a dwelling under construction in the adjoining site. Along the southern boundary of the lane is a post and wire fence and the northern boundary of the adjacent lane has hedging.

### **Description of Proposal**

This is a full application for a replacement access laneway to dwelling (Amended Access) at 37 Mullybrannon Road, Dungannon.

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

#### **Policy Consideration**

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

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

#### **Representations**

Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty.

At the time of writing, 2no. third-party objections have been received from the following objectors.

1. Mr Brian Curran at No.35 Mullybrannon Road submitted objection letters on 24th June 2021, 2nd December 2021, and 17th December 2022

2. An objection letter was submitted on 30th June 2021 from Les Ross Planning on behalf of No.31 Mullybrannon Road

Mr Curran's dwelling is 48m north of the access lane to the application site and the owner/occupier of No.33 is 164m north of the access lane.

Both objection letters have raised the following issues

1. Principle of development that the land should remain for agricultural. In response to the issue anyone can apply for planning permission on land within the countryside and it will be assessed to ascertain whether it meets any of the policies.

2. Overlooking - The proposed laneway would lead to private areas of our lane at No. 35 and bring overlooking by owners/occupiers using the lane. In rebuttal the laneway is 48m away from No. 35 and the applicant has proposed planting along both sides of the laneway. I am content there will not be unacceptable overlooking to No. 35 from the laneway as someone will be travelling up the lane for such a short timeframe to and from the dwellings.

3. Overshadowing - The addition of lights on the laneway will result in overshadowing to No. 35's living room. In rebuttal, the applicant has not proposed lights on the laneway and I am content there is sufficient separation distance between the lane and No. 35 for their not to be unacceptable overshadowing. On the site plan a row of trees has been proposed on both sides of the laneway which I believe will block any lights coming from the laneway.

4. Disturbance - When vehicles access the proposed laneway noise can be heard in No. 35's living room. In rebuttal, there was already a laneway to the dwelling at No. 35 and this proposed is for a new shared laneway to No. 35 and the dwelling under consideration at LA09/2021/0091/F. I consider there will not be unacceptable disturbance due to the proposal.

5. Out of Character - The design of the proposed laneway is out of character with the surrounding area as there will be three laneways. In rebuttal, the applicant had originally proposed a share laneway to the dwelling at No.37 and the proposed replacement dwelling retaining the agricultural lane.

The objector at No.31 has also raised concerns about the proliferation of access at this site as there was previously an agricultural lane and there is now the appearance of three lanes. In discussions with the agent it was agreed that one lane would share the two dwellings and there would be proposed planting through the middle of the lanes to mitigate against the appearance of the lanes in the countryside.

6. Road Safety - The objector at No.35 has concerns about another access onto a narrow single track road. DFI roads were consulted about the proposal when it was three lanes and responded with no concerns and it has since been reduced to two lanes which is a lesser scheme. DFI roads are the statutory authority so I am content if they have no objections to the proposal.

#### Planning History

##### Application site history

LA09/2019/0145/O - Replacement Dwelling - 160m South East of 35 Mullybrannon Road, Dungannon, BT71 7ER ' Permission Granted 19.04.2019

LA09/2019/0818/RM - Replacement Dwelling - 160m South East of 35 Mullybrannon Road, Dungannon ' Permission Granted 11.09.2019

##### Adjacent site

LA09/2021/0091/F - Proposed dwelling and garage (Amended Access and Additional Landscaping) - 150m South West of 35 Mullybrannon Road, Dungannon ' Under Consideration

#### Mid Ulster Development Plan 2030 ' Draft Plan Strategy

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

#### Dungannon and South Tyrone Area Plan 2010

The site is outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010 and is not within any other designations or zonings in the Plan.

SPPS ' Strategic Planning Policy Statement for Northern Ireland: sets out that The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9.

#### PPS 3 Access, Movement and Parking

##### Policy AMP 2 ' Access to public roads

LA09/2019/0145/O and LA09/2019/0818/RM granted approval for a replacement dwelling at No. 37 Mullybrannon Road. There is an existing lane to this site and as it was a replacement there was no statutory requirement to consult DFI Roads or upgrade the access. As part of this approval established trees along the lane were supposed to be retained and these have been removed but for one tree.

In initial drawings submitted by the applicant it was proposed to retain the existing lane for agricultural use and have two new lanes. Roads accepted the principle of two lanes but in discussions with my senior planner it was agreed this was unacceptable. I consider three lanes would lead to a proliferation of accesses and would be detrimental to rural character.

The proposal for two lanes will not prejudice road safety and I am content the scale of the development is acceptable. The applicant has shown in the latest block plan 01 Rev 3 there will be a shared laneway to access both dwellings and an agricultural lane will be retained to the north. Along both sides of the shared laneway to the dwellings, new landscape planting of trees and hedging has been proposed. I am content this will address concerns stated by the objectors about privacy and disturbance created by an additional lane.

Overall, I am content the proposal meets all the criteria in AMP 2.

#### CTY 13 Integration and CTY14 Rural Character in PPS 21

There will only be critical views of the access when directly in front of the access along Mullybrannon Road. I am content as the applicant has proposed new landscaping along the laneway this will assist in integrating it into the landscape. I consider it is appropriate to condition the new landscaping is put in place within 6 weeks of the commencement of the development.

#### Other Considerations

I checked the statutory map viewers, and I am content there are no other ecological, built heritage or flooding issues at the site.

**Summary of Recommendation:**

Approve is recommended

The proposal is recommended for approval as it meets the criteria in AMP 2 and CTY 13 and CTY 14 in PPS 21.

**Approval Conditions**

**Condition 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.

**Condition 2**

Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4m x 90.0m in both directions and any forward sight distance shall be provided in accordance with drawing 01 Rev 3 date stamped received 19 OCT 2022. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter.

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

**Condition 3**

The gradient of the access shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

**Condition 4**

The existing natural screenings of the site, as indicated on approved drawing No 01 Rev 3 date stamped received 19 OCT 2022 shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

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

**Condition 5**

All hard and soft landscape works as detailed on drawing No. 01 Rev 3 bearing the stamp dated 19 OCT 2022 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out within the first planting season following commencement of the development hereby approved. Any tree, shrub or other plant identified in the landscaping scheme dying within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual amenity.

**Case Officer:** Gillian Beattie

**Date:** 18 January 2023

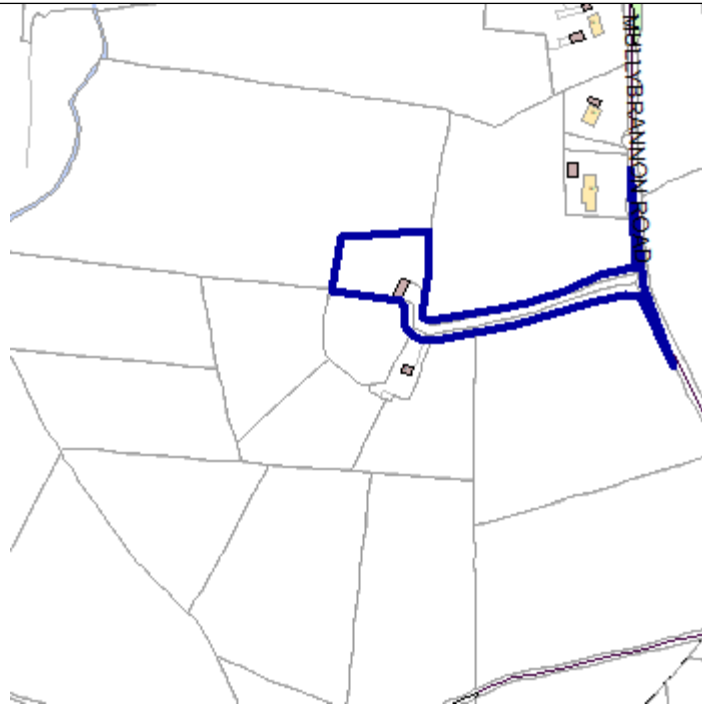
<b>ANNEX</b>	
<b>Date Valid</b>	22 January 2021
<b>Date First Advertised</b>	4 February 2021
<b>Date Last Advertised</b>	2 February 2021
<b>Details of Neighbour Notification (all addresses)</b>  The Owner / Occupier 35 Mullybrannon Road Dungannon Tyrone BT71 7ER  The Owner / Occupier 37 Mullybrannon Road, Dungannon, BT71 7ER	
<b>Date of Last Neighbour Notification</b>	18 January 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  DFI Roads - Enniskillen Office-Substantive: YResponseType: FR	
<b>Drawing Numbers and Title</b>  Site Location Plan   Plan Ref: 01 Rev 3	
<b>Notification to Department (if relevant)</b>  Not ApplicableNot ApplicableNot ApplicableNot Applicable	



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 February 2023	<b>Item Number:</b> 5
<b>Application ID:</b> LA09/2021/0091/F	<b>Target Date:</b> 19 March 2021
<b>Proposal:</b> Proposed dwelling and garage (Amended Access and Additional Landscaping)	<b>Location:</b> 150M South West Of 35 Mullybrannon Road Dungannon.
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Farasha Properties Ltd 34 Culrevog Road Dungannon BT71 7PY	<b>Agent Name and Address:</b> J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
<b>Executive Summary:</b>	



**Case Officer Report****Site Location Plan**

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**Consultations:**

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR

**Representations:**

Letters of Support	0
Letters of Objection	3
Letters Non Committal	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

**Summary of Issues****Characteristics of the Site and Area**

The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character with predominately agricultural fields, farm holdings and dwellings on single

plots. To the north of the existing access lane to the site is a single storey and two storey dwellings with roadside frontages onto Mullybrannon Road. There are no other dwellings to the south of the access lane.

The Mullybrannon Road rises up from north to south where it flattens off just beyond the south side of the access. At the junction with Mullybrannon Road there is an existing access lane and to the south of this lane land has been cleared for another lane which is the subject of a separate application.

At the site is an existing single storey building which is currently being used as a farm building. The building is finished in pebbledash walls and natural slate roof tiles. There are a number of tiles missing from the roof.

### **Description of Proposal**

This is a full application for a proposed dwelling and garage (Amended Access and Additional Landscaping) at 150m South West of 35 Mullybrannon Road, Dungannon.

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

#### **Policy Consideration**

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

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

#### **Representations**

Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty.

At the time of writing, 2no. third-party objections have been received from the following objectors.

1. Mr Brian Curran at No.35 Mullybrannon Road submitted objection letters on 24th June 2021, 2nd December 2021, and 17th December 2022
2. An objection letter was submitted on 30th June 2021 from Les Ross Planning on behalf of No.31 Mullybrannon Road

Mr Curran's dwelling is 48m north of the access lane to the application site and the owner/occupier of No.33 is 164m north of the access lane.

Both objection letters have raised the following issues

1. Principle of development - that the land should remain for agricultural. In response anyone can apply for planning permission on land within the countryside and it will be assessed whether it meets any of the policies. The objectors at No.31 have also objected to the principle of a dwelling at this site and state no supporting evidence has

been submitted to demonstrate that the existing building meets all the requirements of CTY 3. In rebuttal any evidence submitted by the agent will be considered in the subsequent assessment of CTY 3.

2. Overlooking - The proposed property would lead to previously private areas of our property being overlooked by at least 5 second floor windows. The applicant had previously submitted drawings for a two-storey dwelling, but this has since been revised to single storey dwelling with a ridge height of 5.2m above finished floor level. I am content as the proposed dwelling is now single storey and there is a separation distance of 127m to the nearest gable wall of the proposed dwelling there will be not unacceptable overlooking into the private amenity space of No. 35. In a subsequent objection letter dated 17 Dec 2022 Mr Curran raised further concerns about overlooking. It is stated the front door step and windows will have a direct view of his property at No.35. The majority of the main living area is a long rectangular section at the furthest end of the site which will reduce the potential for overlooking. Mr Curran also raises concerns about the siting of the garage and it will result in view of a 9m x 5m wall from their garden. Views are not a material planning consideration in the planning assessment, and I am of the opinion there is a sufficient separation distance that the garage will not create unacceptable overlooking and there are no windows on the side elevation facing No.35.

3. Overshadowing - The ridge height of hilltop location will result in unreasonable overshadowing. The use of exterior electric lights will prevent the enjoyment of No. 35's living space. In rebuttal, the ridge height has been reduced since the objection was received. I consider the sufficient separation distance, retention of existing trees along the east boundary and proposed landscaping will mitigate against any exterior lighting at the application site. I am of the opinion there will be no direct overshadowing to No.35's rear amenity space due to the separation distance of 127m. Mr Curran also states exterior electric lights at the site and light from the windows will result in unreasonable overshadowing and their enjoyment of the evening and night sky. I consider enjoyment of views is not a material planning consideration.

4. Disturbance - When vehicles access the proposed laneway and dwelling noise can be heard in No. 35's living room. In rebuttal, there was already a laneway to the dwelling at No. 35 and this proposed is for a new shared laneway to No. 35. I consider there will not be unacceptable disturbance due to the proposal.

5. Overbearing - The scale of the proposed dwelling and hilltop location will have an oppressive impact on our property. In rebuttal, the applicant has since reduced the ridge height of the proposed dwelling. Mr Curran states the proposed garage will feel overbearing from his property but I am content as there is a separation distance of 127m this is adequate for the proposed dwelling not to feel overbearing to No. 35.

6. Out of Character - The design of the proposed development is out of character with 2no. bungalows and 2no, regular two storey houses in the immediate area. In rebuttal, the applicant has since submitted a revised design and the proposed dwelling has been reduced to single storey. I am content the scale and massing of the dwelling is now in character with the surrounding area.

The objectors at No. 31 have raised concerns that the visual impact of the proposed dwelling and that it does not meet CTY 3. Subsequently since this objection the agent has lowered to ridge height of the dwelling to 5.2m which I am content is acceptable. The objector also states there is a limited sense of enclosure at the site and it will primarily rely on new landscaping. In rebuttal the applicant has proposed to site the dwelling in the lowest topography corner of the field as possible and new landscaping will assist in the integration of the proposed dwelling and garage.

7. Road Safety - The objector has concerns about another access onto a narrow single-track road. DFI roads were consulted about the proposal when it was three lanes and responded with no concerns and it has since been reduced to two lanes which is a lesser scheme.

## Planning History

### Adjacent site

LA09/2019/0145/O - Replacement Dwelling - 160m South East of 35 Mullybrannon Road, Dungannon, BT71 7ER - Permission Granted 19.04.2019

LA09/2019/0818/RM - Replacement Dwelling - 160m South East of 35 Mullybrannon Road, Dungannon - Permission Granted 11.09.2019

### Application site history

LA09/2021/0090/F - Replacement access laneway to dwelling (Amended Access) - 37 Mullybrannon Road, Dungannon - Application under consideration

### Mid Ulster Development Plan 2030 - Draft Plan Strategy

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

### Dungannon and South Tyrone Area Plan 2010

The site is outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010 and is not within any other designations or zonings in the Plan.

SPPS - Strategic Planning Policy Statement for Northern Ireland: sets out that The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9.

### PPS 3 - Replacement Dwellings

The building to be replaced is single storey with pebbledash external walls and natural slate roof tiles. There are a number of tiles missing from the roof, but I am content the walls are substantially in-tact. There are the remains of a blocked-up window on the

elevation. The building is divided into three rooms. The building from the rear and side elevations and there are no windows readily visible. I am content in all probability the building was previously a dwelling and can be considered eligible for replacement.

I completed a search for the site on PRONI historical maps and there has been a building on the site since 1832 - 1846. As the building has a single access lane that divides off to 2 no. separate buildings I would be content in all probability this was a dwelling. The building to the south has already been replaced in a separate application and if the building in this application was a shed with that dwelling it more than likely would have been sited beside it and not have a separate entrance. I am of the opinion there was previously a dwelling at this site which can be replaced.

I would consider the building is a vernacular dwelling as it is single story with a long rectangular form and there are three rooms are connected internally. There is a single entrance from the front and the majority of the windows have a vertical emphasis and are on the front elevation. There is a chimney in a room which is accessed off the main door which would have been the kitchen area.

I consider the dwelling does not make an important contribution to the character of the local area as it is set back from Mullybrannon Road and there are minimal critical views from this road. There are only long-distance views from the main Dual Carriageway between Dungannon and Ballygawley. The applicant has not proposed to retain the building as the new access will go through the location of the existing building.

I am content the proposed dwelling is sited within the established curtilage of the site which is part of a larger agricultural field. The proposed dwelling will be located approximately 16m from the dwelling to be replaced but as this building is located along the southern boundary of the field, I consider this is to restricted to accommodate a modern family sized dwelling.

In initial drawings submitted by the applicant, a large two storey dwelling was proposed with a ridge height of 8.8m to finished floor level. The site is on elevated land where the topography rises up from the Mullybrannon Road to the application site. Initially, I was of the opinion that the large dwelling could be mitigated against by an extensive landscaping scheme with trees and hedging. However, with further consideration especially on the critical views from the Dual carriageway it was agreed to ask the applicant to reduce the size to single storey and reduce the massing. I am content the low ridge height of 5.2m will allow the dwelling to integrate into the landscape.

I am content the design of the proposed dwelling is acceptable as the external finishes are grey slate roof tiles, smooth coloured render walls and natural stone. I consider this will fit with a similar dwelling which is under construction at No. 35. A single storey garage is proposed with the same external finishes as the dwelling, so I have no concerns.

There is currently an access to the dwelling to be replaced and as this is a replacement dwelling there is no statutory requirement to upgrade the access. However, the access arrangements are being dealt with under a separate application for a new access to serve both new dwellings under LA09/2021/0090/F.

Overall, I am content the proposal meets all the criteria in CTY 3 as there is a dwelling to

be replaced and the proposal will not have a significantly greater impact than what is currently on site.

#### PPS 13 - Integration and Design of Buildings

The proposed dwelling is situated on a site which is elevated, and the topography rises up from 72.5 at the roadside to 79m at the start of the access but levels off at the site and the land starts to fall away slightly. I am content a single storey will not be a prominent feature at this location and the applicant has proposed extensive landscaping along the lane and around the site. There are critical views of the site from the dual carriageway, but the landscaping will mitigate against any critical views. Overall, I am content the proposed dwelling and garage will integrate into the countryside.

#### PPS 14 - Rural Character

As stated earlier I am content the proposal will not be a prominent feature in the landscape or lead to a suburban style build-up of development. The proposal is to replace an extant dwelling so will not have a greater impact. The single storey dwelling is in character with the surrounding area. Overall, I am content the proposal will not have an unacceptable impact on rural character.

#### PPS 3 Access, Movement and Parking

##### Policy AMP 2 - Access to public roads

LA09/2019/0145/O and LA09/2019/0818/RM granted approval for a replacement dwelling at No. 37 Mullybrannon Road. There is an existing lane to this site and as it was a replacement there was no statutory requirement to consult DFI Roads or upgrade the access. The applicant has proposed a new access to serve the dwellings and Roads were consulted and had no concerns subject to splays of 2.4m x 90m.

#### Other Considerations

I completed checks on the statutory map viewers and there are no other NED, HED or flooding issues at the site.

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

Approve is recommended

I am content the proposal is recommended for approval as it complies with all the criteria in CTY 3, CTY 13 and CTY 14 in PPS 21 ¿ Sustainable Development in the Countryside.

#### Approval Conditions

##### Condition 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.

##### Condition 2

Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4m x 90.0m in both directions and any forward sight distance shall be provided in accordance with drawing 01 Rev 4 date stamped received 19 OCT 2022. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter.

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

#### Condition 3

The gradient of the access shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

#### Condition 4

The existing dwelling coloured green on the site location plan Drawing No 05 date stamped 23 JAN 2022 shall be demolished prior to the occupation of the proposed dwelling and all rubble and foundations removed from the site.

Reason: To prevent an accumulation of dwellings on the site.

#### Condition 5

The existing natural screenings of the site, as indicated on approved drawing No 01 Rev 4 date stamped received 19 OCT 2022 shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

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

#### Condition 6

All hard and soft landscape works as detailed on drawing No. 01 Rev 4 bearing the stamp dated 19 OCT 2022 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out within the first planting season following commencement of the development hereby approved. Any tree, shrub or other plant identified in the landscaping scheme dying within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual amenity.

<b>Case Officer:</b> Gillian Beattie
<b>Date:</b> 19 January 2023



<b>ANNEX</b>	
<b>Date Valid</b>	22 January 2021
<b>Date First Advertised</b>	4 February 2021
<b>Date Last Advertised</b>	2 February 2021
<b>Details of Neighbour Notification (all addresses)</b>  The Owner / Occupier 35 Mullybrannon Road, Dungannon, Tyrone, BT71 7ER The Owner / Occupier 37 Mullybrannon Road, Dungannon, BT71 7ER The Owner / Occupier 35 Mullybrannon Road Dungannon Tyrone BT71 7ER	
<b>Date of Last Neighbour Notification</b>	18 January 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  DFI Roads - Enniskillen Office-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR	
<b>Drawing Numbers and Title</b>  Garage Plans      Plan Ref: 03 Proposed Plans    Plan Ref: 02 Site Location Plan   Plan Ref: 01	

**Notification to Department (if relevant)**

Not ApplicableNot ApplicableNot ApplicableNot Applicable

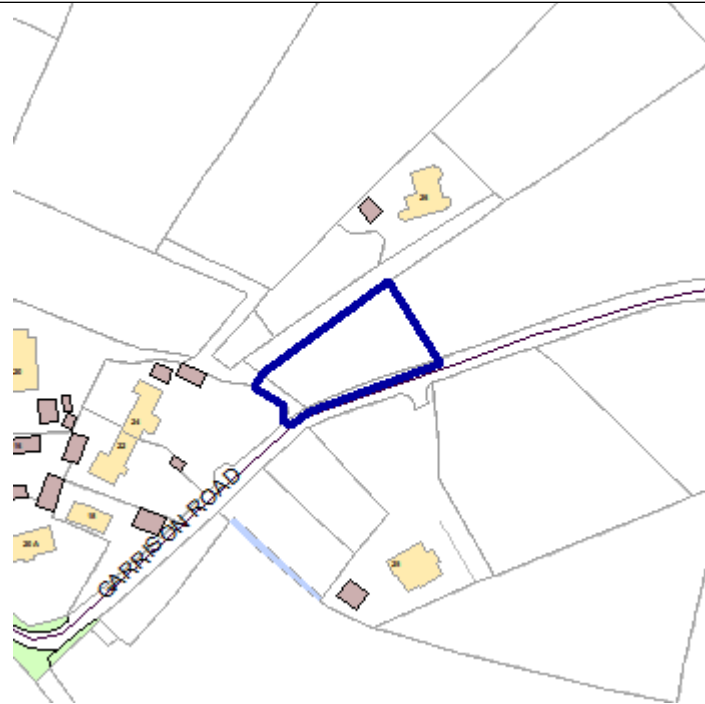


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 February 2023	<b>Item Number:</b> 5
<b>Application ID:</b> LA09/2021/1260/O	<b>Target Date:</b> 22 October 2021
<b>Proposal:</b> Proposed dwelling and garage	<b>Location:</b> Approx 80M East Of 24 Garrison Road Magherafelt
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Donna & Danny O'Shea 3 Hanson Lane Huddersfield	<b>Agent Name and Address:</b> Cmi Planners 38 Airfield Road Toomebridge
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR
	DAERA - Coleraine	Substantive: TBCResponseType: FR

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

No third party representations were received during the assessment of this application. All material considerations have been addressed within the determination below.

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

The site is located approx. 80m East of 24 Garrison Road, Magherafelt and is located outside the designated settlement limits as identified in the Magherafelt Area Plan, 2015. The site is located on the edge of a small group of dwellings and is accessed via lane way, leading off the Garrison Road. This lane also appears to serve the dwelling at No 26. The site is a section of a larger agricultural field, the roadside boundary to the south to south- east is comprised of mature vegetation and trees and the boundary to the North and west is comprised of scattered mature vegetation and the boundary to the east is undefined.

## **Description of Proposal**

This application seeks outline planning permission for a dwelling and garage on a farm dwelling

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

### **Policy Consideration**

#### Representations

Neighbour notification and press advertisement have been carried out in line with the Council's statutory duty. At the time of writing, no third party objections were received.

#### Assessment

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

Strategic Planning Policy Statement (SPPS)

Magherafelt Area Plan, 2015

PPS21 -Sustainable Development in the Countryside

PPS 3 Access, Movement and Parking

There is no conflict or change in policy direction between the provisions of the SPPS and those of PPS 21 in respect of the proposal. The policy provisions within PPS21 remain applicable in terms of assessing the acceptability of the proposal.

#### Planning History

LA09/2018/0800/O – Proposed dwelling and garage, Land Between 20 & 26 Garrison

Road, Toberhead Knockloughrim, for Donna O’Kane, application withdrawn

### Assessment

The Strategic Planning Policy Statement for Northern Ireland (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. One retained policy document is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21) 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 dwellings on a farm under Policy CTY 10.

There is no conflict or change in policy direction between the provisions of the SPPS and those of PPS21 in respect of the proposal. The policy provisions within PPS21 and PPS 3 remain applicable in terms of assessing the acceptability of the proposed application.

The Mid Ulster District Council Local Development Plan 2030; Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. All valid representations received will be subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan.

PPS 21, Policy CTY1, establishes that planning permission will be granted for a dwelling house on a farm where it is in accordance with Policy CTY 10. This establishes that the principle of development, a dwelling on a farm, is acceptable, subject to meeting the policy criteria outlined in Policy CTY 10. Policy CTY 10 establishes that all of the following criteria must be met:

- (a) The farm business is currently active and has been established for at least 6 years
- (b) No dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application
- (c) The new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
  - Demonstrable health and safety reasons or
  - Verifiable plans to expand the farm business at the existing building group(s)

With regard to (a) the applicant has provided details surrounding the farm business ID. DAERA were consulted. The farm business Id provided on the P1C form belongs to a Christopher O’Kane, 12 McCooles Road, Magherafelt and not the applicant for the proposed development. DAERA were consulted on the

application and responded to say that the business Id provided was active and established for 6 or more years. I contacted the agent to enquire if the Farm Business Id holder (Mr Christopher O’Kane) had given permission for his farm business ID to be used but I did not get a response to my question.

With regard to (b) there are no records indicating that any dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application.

With respect to (c), the proposed development is located on a portion of a larger agricultural field on the edge of a group of third party dwellings. The proposed group of established buildings on the farm is discounted as it is a domestic garage associated with the dwelling house at No 24 (see photo below). This is not included in the blue line of the application. On inspection during my site visit it was evident that the proposed building associated with the farm business was a domestic garage used to store toys, bikes etc (see photo below).





I contacted the agent to enquiry about this and if there were any other group of buildings on the farm associated with the farm business I'd provided. The agent responded to say that the dwelling at No 24 has family members in it and the land is split pretty much in two by the main Derry to Belfast Road, with this road due to be upgraded to dual carriageway standards in the future he wishes to establish a base on this side of the road. A land registry check confirmed that the land is owned by Christopher O'Kane. Therefore the application fails to meet this policy test.

The P1 form indicates that the proposal includes the alteration of an existing access to the public road. DFI Roads were consulted on the application, and they responded to say that they were content subject to conditions.

Policy CTY 13 stipulates 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 proposal is for outline planning permission and details of design have not been submitted at this stage. The site is not sited to cluster with an existing group of building on the farm and potentially will not integrate sufficiently into the landscape.

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 the area. The site is not located to visually link or cluster with any existing farm buildings and therefore may cause detrimental change or erode the rural character of the area. Therefore, this proposal is contrary to the criteria set out in policy CTY13 &14.



### Conclusion

On the basis of this assessment, the proposal does not comply with the policy requirements of the SPPS and PPS21 and therefore it is recommended that permission is refused.

### **Summary of Recommendation:**

Refuse is recommended

### Refusal Reasons

#### Reason 1

The application fails to meet the policy criteria of PPS 21, CTY 10 in that the proposed new building is not visually linked or sited to cluster with an established group of buildings on the farm.

#### Reason 2

This proposal is contrary to the criteria set out in policy CTY13 &14, as there is no group of buildings to visually link or cluster with and therefore would fail to integrate successfully into the existing landscape.

**Signature(s):** Siobhan Farrell

**Date:** 16 January 2023

<b>ANNEX</b>	
<b>Date Valid</b>	27 August 2021
<b>Date First Advertised</b>	7 September 2021
<b>Date Last Advertised</b>	7 September 2021
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 22 Garrison Road Knockcloghrim Londonderry BT45 8RD The Owner / Occupier 25 Garrison Road, Magherafelt, BT45 8RD The Owner / Occupier 26 Garrison Road Knockcloghrim Londonderry BT45 8RD The Owner / Occupier 18 Garrison Road Knockcloghrim Londonderry BT45 8RD The Owner / Occupier 24 Garrison Road Knockcloghrim Londonderry BT45 8RD	
<b>Date of Last Neighbour Notification</b>	20 September 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR DAERA - Coleraine-Substantive: TBCResponseType: FR	
<b>Drawing Numbers and Title</b>  Site Location Plan   Plan Ref: 01	

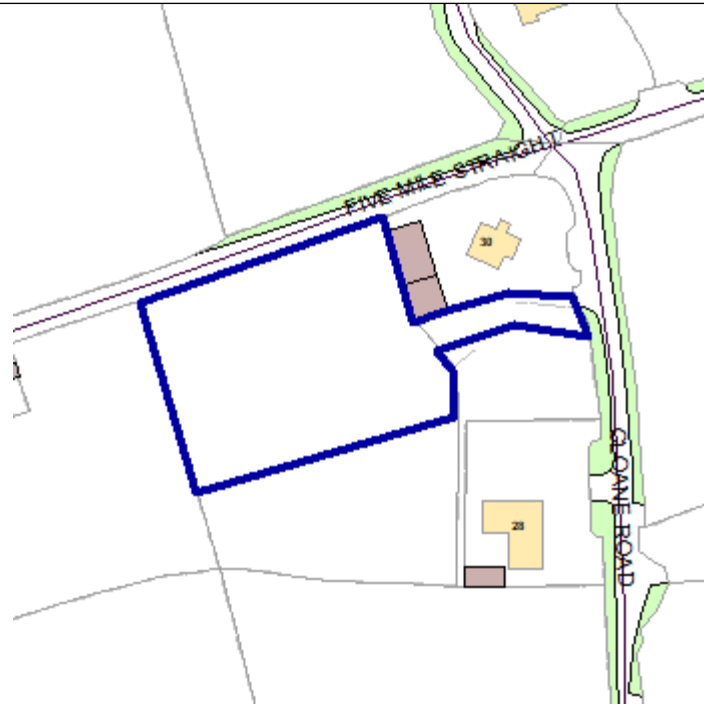
**Notification to Department (if relevant)**

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 February 2023	<b>Item Number:</b> 5
<b>Application ID:</b> LA09/2021/1286/O	<b>Target Date:</b> 28 October 2021
<b>Proposal:</b> Dwelling and garage under CTY 10	<b>Location:</b> 30M South West Of 30 Cloane Road Draperstown
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Sean Gallagher 30 Cloane Road Draperstown	<b>Agent Name and Address:</b> Cmi Planners Ltd 38 Airfield Rd Toomebridge BT41 3SQ
<b>Executive Summary:</b>	

**Case Officer Report****Site Location Plan**

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**Consultations:**

Consultation Type	Consultee	Response
	DAERA - Coleraine	Substantive: TBCResponseType: FR
	Historic Environment Division (HED)	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR

**Representations:**

Letters of Support	0
Letters of Objection	0
Letters Non Committal	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

**Summary of Issues**

No third party representations were received during the assessment of this application. All material considerations have been addressed within the determination below.

**Characteristics of the Site and Area**

The site is located 30M South West Of 30 Cloane Road, Draperstown and is located outside the designated settlement limits as identified in the Magherafelt Area Plan, 2015. The site is a roadside portion of a large agricultural field. The elevation of the site is relatively flat. The boundaries to the west is comprised of very low level vegetation, the boundary to the south is undefined and the boundary east is undefined with a farm shed located along this boundary. The boundary to the North (roadside boundary) is comprised of low level hedgerows. The Five mile straight road runs along the North of the site. H&A Mechanical Services are located directly opposite the site to the north. The surrounding area is rural in character with scattered dwellings and farm holdings.

### **Description of Proposal**

This application seeks outline planning permission for a dwelling and garage under CTY 10.

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

#### **Policy Consideration**

##### **Planning History**

There is no planning history relevant to the determination of this application.

##### **Representations**

Neighbour notification and press advertisement have been carried out in line with the Council's statutory duty. At the time of writing, no third party objections were received.

##### **Assessment**

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

Strategic Planning Policy Statement (SPPS)

Magherafelt Area Plan, 2015

PPS21 -Sustainable Development in the Countryside

PPS 3 Access, Movement and Parking

There is no conflict or change in policy direction between the provisions of the SPPS and those of PPS 21 in respect of the proposal. The policy provisions within PPS21 remain applicable in terms of assessing the acceptability of the proposal.

##### **Planning History**

There is no planning history relevant to the determination of this application.

##### **Representations**

Neighbour notification and press advertisement have been carried out in line with the Council's statutory duty. At the time of writing, no third party objections were received.

## Assessment

The Strategic Planning Policy Statement for Northern Ireland (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. One retained policy document is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21) 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 dwellings on a farm under Policy CTY 10. There is no conflict or change in policy direction between the provisions of the SPPS and those of PPS21 in respect of the proposal. The policy provisions within PPS21 and PPS 3 remain applicable in terms of assessing the acceptability of the proposed application.

The Mid Ulster District Council Local Development Plan 2030; Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. All valid representations received will be subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan.

PPS 21, Policy CTY1, establishes that planning permission will be granted for a dwelling house on a farm where it is in accordance with Policy CTY 10. This establishes that the principle of development, a dwelling on a farm, is acceptable, subject to meeting the policy criteria outlined in Policy CTY 10. Policy CTY 10 establishes that all of the following criteria must be met:

- (a) The farm business is currently active and has been established for at least 6 years
- (b) No dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application
- (c) The new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
  - Demonstrable health and safety reasons or
  - Verifiable plans to expand the farm business at the existing building group(s)

With regard to (a) the applicant has provided details surrounding the farm business ID. DAERA were consulted and responded to say that the farm business Id provided had been in existence for 6 or more years but was not active. Evidence of the farm activity was requested from the agent several times and some receipts were eventually provided. These were only for drains. I contacted the agent for further clarity around the use of the land and the farm activity but at the time of writing this report a response had not been received. Following an internal group meeting it was agreed that these were insufficient to show sufficient farming activity. Therefore the proposal fails to meet the criteria of this policy.

With regard to (b) there are no records indicating that any dwellings or development

opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application.

With respect to (c), the proposed development is located on roadside portion of an agricultural field. The proposed group of existing farm buildings on the farm as indicated on drawing no 01, date stamped 02nd September 2021, are discounted as they are not included in the red line of the application site or outlined in blue to indicated the applicant owns them. I emailed the agent to enquire about the sheds and at the time of writing this report, no response had been received. Therefore the application fails to meet this policy test.

The P1 form indicates that the proposal includes the alteration of an existing access to the public road. DFI Roads were consulted on the application, and they responded to say that they were content subject to conditions.

Policy CTY 13 stipulates 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 proposal is for outline planning permission and details of design have not been submitted at this stage. The site is not sited to cluster with an existing group of building on the farm and potentially will not integrate sufficiently into the landscape, especially as it is a roadside location and existing vegetation is all very low level.

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 the area. In my opinion the proposal may cause detrimental change or erode the rural character of the area. Therefore, this proposal is contrary to the criteria set out in policy CTY13 &14.

#### Conclusion

On the basis of this assessment, the proposal does not comply with the policy requirements of the SPPS and PPS21 and therefore it is recommended that permission is refused.

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

Refuse is recommended

#### Refusal Reasons

##### Reason 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.

##### Reason 2



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 farm business is currently active for 6 years or more. Also, the proposed new building is not visually linked or sited to cluster with an established group of buildings on the farm.

**Reason 3**

This proposal is contrary to the criteria set out in policy CTY13 &14, as this is a road side location and there is insufficient existing vegetation to adequately screen the proposal and therefore would fail to integrate successfully into the existing landscape.

**Case Officer:** Siobhan Farrell

**Date:** 20 January 2023

<b>ANNEX</b>	
<b>Date Valid</b>	2 September 2021
<b>Date First Advertised</b>	14 September 2021
<b>Date Last Advertised</b>	14 September 2021
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 28 Cloane Road Draperstown Londonderry BT45 7EF The Owner / Occupier 30, Five Mile Straight, Cloane, Draperstown, Londonderry, BT45 7EG, (Uprn The Owner / Occupier 28, Five Mile Straight, Cloane, Draperstown, Londonderry, BT45 7EG, (Uprn	
<b>Date of Last Neighbour Notification</b>	23 September 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>  Ref: LA09/2021/1286/O Proposals: Dwelling and garage under CTY 10 Decision: Decision Date:  Ref: H/1978/0405 Proposals: RETIREMENT BUNGALOW Decision: PG Decision Date:  Ref: H/1978/0285 Proposals: EXTENSION TO DWELLING Decision: WITHDR Decision Date:  Ref: H/1991/0279 Proposals: ALTERATIONS AND ADDITIONS TO DWELLING Decision: PG Decision Date:  Ref: H/2012/0327/O	

Proposals: Proposed farm dwelling and garage

Decision: PG

Decision Date: 12-APR-13

Ref: H/2015/0085/RM

Proposals: Proposed farm dwelling and garage in accordance with H/2012/0327/O

Decision: PG

Decision Date: 09-JUL-15

Ref: H/1973/0080

Proposals: ADDITIONS TO HOUSE

Decision: PG

Decision Date:

### **Summary of Consultee Responses**

DAERA - Coleraine-Substantive: TBCResponseType: FR

Historic Environment Division (HED)-Substantive: YResponseType: FR

DFI Roads - Enniskillen Office-Substantive: YResponseType: FR

### **Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

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

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 February 2023	<b>Item Number:</b> 5
<b>Application ID:</b> LA09/2021/1385/F	<b>Target Date:</b> 16 November 2021
<b>Proposal:</b> Widening of previously approved vehicle access position to allow paired access onto the Moneysharvin Road.	<b>Location:</b> 250M North Of 2 Gortinure Road Maghera
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Mr Rafferty 56 Carhill Road Garvagh Coleraine BT51 5PF	<b>Agent Name and Address:</b> Gerard McPeake Architectural Ltd 31A Main Street Limavady BT49 0EP
<b>Executive Summary:</b>  To Committee - Refusal - Contrary to AMP 3 of PPS 3	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: TBC
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: TBC
	DFI Roads - Enniskillen Office	Substantive: TBC
Statutory Consultee	DFI Roads - Enniskillen Office	
Statutory Consultee	DFI Roads - Enniskillen Office	Full & RM Resp.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Refer to Consultee comments returned 15/08/2022. No additional information submitted since

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

## Summary of Issues

To Committee – Refusal – Contrary to AMP 3 of PPS 3

## Characteristics of the Site and Area

This site is located approximately 3.5 km north of Maghera, in the open countryside as defined by the Magherafelt Area Plan 2015. The site location is listed as 250m north of 2 Gortinure Road, Maghera, however access to the site is proposed from the A29 Moneysharvin Road (protected route). There is an existing laneway to another dwelling which will be used for access. Mature trees exist along the road side with the site effectively screened by existing trees. All boundaries of the site are very well defined with mature vegetation. I note that on the ground is the footings of the approved garage. The immediate and wider setting are characterised by predominately agricultural land uses with a scattering of residential properties.

### Relevant planning history

LA09/2020/1508/F - Construction of two storey dwelling & detached garage. - 250m North off 2 Gortinure Road, Maghera - Permission Granted 20.04.2021

LA09/2016/1012/RM - Construction of two storey dwelling and detached garage - 250m North off 2 Gortinure Road, Maghera - Permission Granted 11.04.2017

H/2012/0190/O - Construction of dwelling house and detached garage - 250m North off 2 Gortinure Road, Maghera - Permission Granted 23.08.2013

### Representations

There was only one neighbour notification letter sent out however no objections received on this application.

## Description of Proposal

This is a proposed full application for the Widening of previously approved vehicle access position to allow paired access onto the Moneysharvin Road, the site is located 250m North off 2 Gortinure Road, Maghera.

## Planning Assessment of Policy and Other Material Considerations

### Policy Consideration

Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21 – Sustainable Development in the Countryside

PPS 3 – Access, Movement and Parking

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

I note that initially the application was for the alteration of previously approved vehicle access position, by relocating access south off the currently approved position. During the planning process the application was amended to read the widening of previously approved vehicle access position to allow paired access onto the Moneysharvin Road. In terms of policy AMP 2 of PPS 3, I note that the intention is to widen the access as per approved under LA09/2020/1508/F, I must note that the Moneysharvin Road is a Protected Route. I note that a consultation was sent to DFI Roads, who in their initial response PPS3 AMP3 Access to Protected Routes (Consequential Revision) is applicable. The proposed access is onto a Protected Route A29 Moneysharvan Road Maghera. P1 - New access stated. The previous access LA09/2020/1508/F was approved using an existing laneway. Annex 1 (b) Policy AMP 3 – A Farm dwelling – where a farm dwelling would meet the criteria set out in Policy CTY 10 of PPS 14 and access cannot reasonably be obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route. DFI Roads opinion is that this is a new access which is not facilitated within the policy. I note that after the application was amended to reflect the widening of the existing access. I must note at this point that as the previous application was able to demonstrate access from a minor road therefore the consequential revision would not apply to this application.

I note a further consultation was sent to DFI Roads in relation to the widening of the access, in their response DFI Roads stated PPS3 AMP3 Access to Protected Routes (Consequential Revision) is applicable. The proposed paired access is onto a Protected Route A29 Moneysharvin Road Maghera. The Council Planning department should request an amended drawing to show –

1. A fully annotated drawing showing dimensions at the access with 2.4 x 160 metre visibility splays.
2. Showing no impact on the existing verge layout.
3. All works to be completed behind the existing verge line.

I note that the agent stated they would work directly with DFI Roads to try and resolve the issue. However after some time passed there was no resolution to be found. Given this I must refer to the view that this is essence creating an additional access onto the Protected Route, given such I must recommend refusal given that it is direct conflict with

AMP 3 of PPS 3.

I note that the ancillary works must also comply under CTY 13, with direct comparison with that of the approved access, I note that visually there is a minimal difference. I am content that the access will not conflict with CTY 13.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

I have no flooding, ecological or residential amenity concerns.

**Summary of Recommendation:**

Refuse is recommended

**Refusal Reasons**

**Reason 1**

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 3, in that it would, if permitted, result in the creation of a new vehicular access Main Traffic Route/ Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.

**Signature(s):** Peter Henry

**Date:** 18 January 2023



<b>ANNEX</b>	
<b>Date Valid</b>	21 September 2021
<b>Date First Advertised</b>	5 October 2021
<b>Date Last Advertised</b>	5 October 2021
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 107A Moneysharvan Road, Maghera, Londonderry, BT46 5PT	
<b>Date of Last Neighbour Notification</b>	29 June 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  DFI Roads - Enniskillen Office-Substantive: TBC DFI Roads - Enniskillen Office-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: TBC DFI Roads - Enniskillen Office-Substantive: TBC DFI Roads - Enniskillen Office- DFI Roads - Enniskillen Office-Full & RM Resp.docx DFI Roads - Enniskillen Office-Refer to Consultee comments returned 15/08/2022. No additional information submitted since	
<b>Drawing Numbers and Title</b>  Site Layout or Block Plan Plan Ref: 02/1 Site Location Plan Plan Ref: 01 Site Layout or Block Plan Plan Ref: 02	

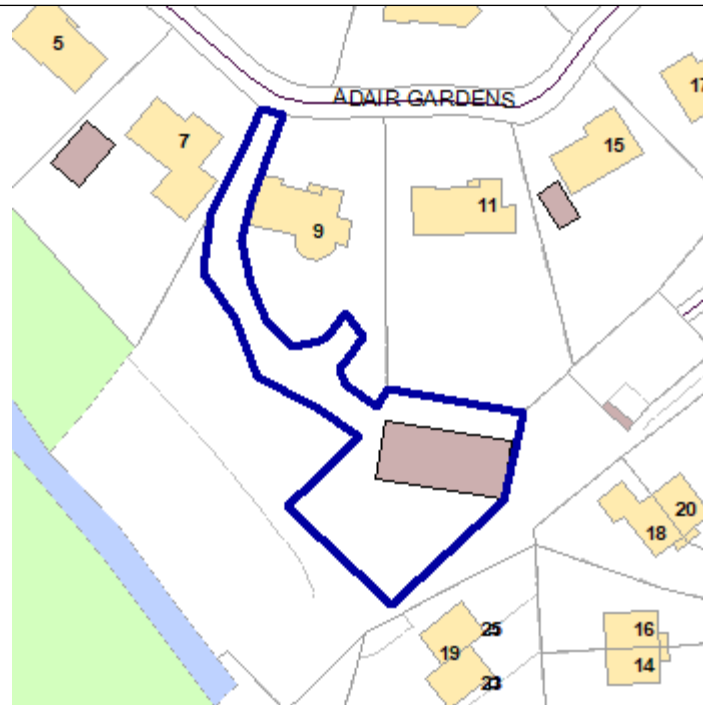
**Notification to Department (if relevant)**

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 February 2023	<b>Item Number:</b> 5.7
<b>Application ID:</b> LA09/2021/1575/RM	<b>Target Date:</b> 27 December 2021
<b>Proposal:</b> Proposed demolition of workshop & erection of 1no. 1.5 storey detached dwelling	<b>Location:</b> To The Rear Of 11 Adair Gardens Cookstown
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> R & F Developments 90 Oldtown Road Castledawson BT45 8BZ	<b>Agent Name and Address:</b> Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
<b>Executive Summary:</b>	

**Case Officer Report****Site Location Plan**

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**Consultations:**

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR

**Representations:**

Letters of Support	0
Letters of Objection	2
Letters Non Committal	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

**Summary of Issues****Characteristics of the Site and Area**

There does not appear to be any significant changes on site or in the immediate vicinity from the outline application on site, as such the characteristics of the site and area remain as per LA09/2017/0150/O.

The site is located within the limit of development for Cookstown as defined within the Cookstown Area Plan 2010. Located approximately 1km south west of the town centre the site lies within an existing residential estate to the rear of properties 9 and 11 Adair Gardens, and forms part of the curtilage of No. 9. Access to the proposal is gained via No 9 Adair Gardens which connects onto Adair Drive and in turn the Westland Road South. The development road to the proposed dwellings is via the side of no 9, removing the attached garage and adjacent to the boundary with no 7. The majority of the garden of no 9 is utilized for the proposal including that area on which the large garage / workshop structure is located.

On site at present are a detached single storey dwelling with attached garage and large garage / workshop structure within the rear garden. This structure sits on significantly lower ground to that of the dwelling.

Site boundaries are a mixture of conifer type hedging and timber fencing. Within the south western part of the site is existing woodland/scrub area. Levels within the site vary considerably from Adair Gardens estate road to the southern corner which sits at a much lower level. The immediate area is residential and Adair Gardens supports a variety of house types and sizes. Some two storeys, some storey and a half and some single storey. Levels also vary within the estate with no 9 being at a lower FFI than properties located to the north and east, and at a higher level than the detached garage / workshop located in the southern corner of the site. The private rear garden of No. 11 Adair Gardens backs onto the site, its boundary defined by 1-6 m high close boarded fencing.

A watercourse runs adjacent the south east edge of the red line boundary. The watercourse flows directly into the Upper Ballinderry River SAC, approx. 30m downstream.

### **Description of Proposal**

This is a reserved matters application for the demolition of a workshop and the erection of a 1.5 storey dwelling on lands to the rear of 11 Adair Gardens Cookstown. The proposal gained outline approval under planning application LA09/2017/0150/O on 22nd November 2018. Revised siting was submitted on 24 October 2022 and is the development under consideration

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

#### **Policy Consideration**

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

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

Cookstown Area Plan 2010

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement 7: Quality Residential Environments

Planning Policy Statement 7 (Addendum): Safe Guarding the Character of Established Residential Areas

Creating Places

Development Control Advice Note 8: Housing in Existing Urban Areas

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DfI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

#### Planning History

- o I/2001/0815/F - Domestic garage and store - 9 Adair Gardens - Granted 14th January 2002
- o I/2003/1002/F - Extension & alterations to dwelling - 9 Adair Gardens - Granted 11th March 2004
- o I/2013/0370/O - Proposed residential development incorporating the retention of the existing garage - Lands to the rear of 9 Adair Gardens - Granted 5th October 2016
- o LA09/2017/0150/O - Proposed demolition of workshop and erection of 1 No. 1.5 storey dwelling - To the rear of nos. 9 and 11 Adair Gardens - Granted 22nd November 2018 (outline approval on site)
- o LA09/2019/1213/O - Proposed renewal of outline planning approval I/2013/0370/O - Lands to the rear of 9 Adair Gardens - Granted 5th December 2019
- o LA09/2021/0639/F - Proposed extension and alterations to existing dwelling - 9 Adair Gardens - Granted 8th June 2021
- o LA09/2022/0499/RM - Proposed 2 no. 1.5 storey detached dwellings - To the rear of 11 Adair Gardens - Under Consideration

#### Consultees

1. DfI Roads were consulted in relation to access arrangements and have no objection subject to standard conditions and informatives. Accordingly, I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.

#### Key Policy Consideration

Cookstown Area Plan 2010 - Cookstown Area Plan is the extant Plan for the area and identifies the site as being within the settlement limits of Cookstown on un-zoned whiteland.

The Plan has defined the settlement limits and allows for development within these limits

provided it meets with regional policy requirements of Policy SETT 1 Settlement Limit's. Policy SETT 1 gives favourable consideration to development proposals within settlement limits subject to general criteria including the proposal being in accordance with prevailing regional planning policy and the policies, requirements and guidance contained in Part 3 of the Plan.

The Strategic Planning Policy Statement for Northern Ireland - sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance. In term of housing, the SPPS gives specific provision for Housing in Settlements subject to a number policy provisions. It highlights the need to deliver sustainable forms of development, that the use of greenfield land for housing should be reduced and more urban housing accommodated through the recycling of land and buildings and the encouragement of compact town and village forms. The SPPS does not present any change in policy direction with regards to Housing in Settlements as such, existing policy will be applied i.e. Planning Policy Statement 7: Quality Residential Environments and the Addendum to Planning Policy Statement 7: Safe Guarding the Character of Established Residential Areas

Planning Policy Statement (PPS) 7 Quality Residential Environments - is the relevant material planning policy for this type of development within a settlement. All proposals for residential development will be expected to conform to a number of criteria laid out in this policy.

This proposal at outline stage was assessed against the relevant policies and aforementioned criteria under planning application LA09/2017/0150/O and the principle of development established. This Reserved Matters proposal complies with the planning conditions set at outline including and below, I will deal with the matters reserved including siting, design, external appearance of the building, the means of access thereto and landscaping under criteria a-i of PPS7 below.

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

I would agree with the case officer on the outline application on this site, that this form / pattern of design and layout departs somewhat from the more distinct settlement character of Adair Gardens, however the chosen location of the site will allow this dwelling along with the 2 others approved within the same lands to create their own sense of place the rear of 9 and 11 Adair Gardens established street scene hidden from the main estate road. Furthermore, I am content that the proposed 1.5 storey dwelling is of an appropriate siting, orientation, size, scale and design (including finishes) which alongside ancillary works should integrate on to the site, respecting the surrounding residential context and the character and topography of the site. The dwelling will have a small garden to the front and larger garden / amenity area approx. 120m<sup>2</sup> to the rear.

2. features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;

No issues in relation to these features given the response from statutory consultees

under the outline application on site.

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

I do not consider it appropriate to ask for any public open space given the scale and size of the proposal and am content at least 70m<sup>2</sup> private amenity space as promoted in 'creating places' has been provided to the rear of the proposed dwelling. I am also content that the private amenity space is to be enclosed by approx. 1m high wooden post and rail fencing. Some additional planting proposed will help to soften the visual impact of the development and assist in its integration with the surrounding area.

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

I am dealing solely with an application for a dwelling in which local neighbourhood facilities in their own right would not in my view be necessary.

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

There are no footway links provided between this development to the immediate stretch of Adair Gardens it is accessed off and the Westland Rd. There is however footpaths within the wider Adair housing development to the Westland Road which provides access to public transport. Given the nature of the proposal and access serving the development I do not consider the provision of a footway to the front of the site necessary, that in this case private car access is sufficient.

6. adequate and appropriate provision is made for parking;

In-curtilage parking for 2 vehicles has been provided. This is satisfactory and DfI Roads are in agreement.

7. the design of the development draws upon the best local traditions of form, materials and detailing;

The design of the proposed dwelling is considered appropriate to the site and locality. The property, which is 1.5 storey of bungalow appearance, has a simple rectangular shaped floor plan and a pitched roof construction with only a small centrally located single storey front porch and external chimney along one gable. Materials finishes to the property include flat black concrete roof tiles, grey dash walls with a smooth plaster base and black upvc window frames and doors.

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

I am content this proposal should not create conflict with adjacent largely residential land uses. That there should be no unacceptable adverse effect on existing or potential



neighbouring properties in terms of overlooking, loss of light or overshadowing due to the location, orientation, size, scale and design of the dwelling, and the existing mix of close-boarded fencing and vegetation bounding the site to the north and south and additional planting and fencing proposed. Given the nature of the residential nature of the proposal, I have no noise or other disturbance concerns.

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

I am satisfied that the dwelling is to be located in an established residential location whereby there are enough dwellings close by and street lighting to deter crime to some degree.

On the basis of the above assessment it is clear that the proposal under consideration complies with all the criteria set out in policy QD 1 of PPS 7.

PPS 7 (Addendum) - Safe Guarding the Character of Established Residential Areas

I am satisfied that this proposal complies with Policy LC 1 of the Addendum to PPS 7, Protecting Local Character, Environmental Quality and Residential Amenity. The proposal will not result in a significantly higher residential density in this area, the development is in keeping with the existing character of the area and unit sizes are not less than recommended in Annex A of this policy.

#### Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, 2 third party objections had been received from the owners / occupiers of nos. 8 and 12 Adair Garden, Mr Thornton and Mr Donaldson respectively whose properties are located opposite the proposed entrance to the site. The issues raised included:

- o Dwelling's close proximity to Westbury housing development.
- o Road Safety concerns - that presently not enough room on Adair Gardens road for bin/oil/coal lorries when cars are parked on roadway, another dwelling will increase issue. A downhill two turn bend in the road into Adair Gardens already presents dangers for vehicles emerging from driveways. Additional traffic impact of this development during construction. The proposal will create conflicts between pedestrians, cyclists and vehicular movements thereby creating a road safety hazard.
- o Out of character with housing in area and would have an unacceptably adverse impact on the amenities of the neighbouring properties and the surrounding area by reason of overlooking, loss of privacy and being visually overbearing. It is likely to result in noise, disturbance and nuisance to the detriment of neighbours residential amenity.
- o The proposed vehicular entry/exit to the site would allow vehicle lights to shine directly into no. 8 Adair Gardens situated on higher grounds to no. 11.
- o Detrimental impact on bat habitat.

The issues raised above were considered and the principle of this development was established under the outline under planning application on site, LA09/2017/0150/O. I am content this reserved matters application meets the conditions set at outline and for the reasons detailed further above in the main assessment of the proposal the matters reserved including the siting, design, external appearance of the building and landscaping thereto are acceptable for the site and locality. In terms of roads safety Dfl

Roads were consulted at outline and have been re-consulted under this application and have raised no concerns.

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

**Summary of Recommendation:**

Approve is recommended

**Approval Conditions**

**Condition 1**

The development to which this approval relates must be begun by whichever is the later of the following dates:-

- I. The expiration of a period of 5 years from the grant of outline planning permission; or
- II. The expiration of a period of 2 years from the date hereof.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

**Condition 2**

All proposed landscaping as detailed on Drawing No. 02(Rev 01), bearing the date stamp received 24 OCT 2022, shall be carried out during the first available planting season following the occupation of the development hereby approved. Any trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the development integrates into the countryside and to ensure the maintenance of screening to the site.

**Condition 3**

Prior to the occupation of the dwelling hereby approved, the boundary treatments defining the curtilage shall be constructed as detailed on Drawing No. 02(Rev.01), bearing the date stamp received 24 OCT 2022.

Reason: To ensure that boundary treatments are provided in a timely manner in the interests of residential amenity.

**Condition 4**

The vehicular access, including visibility splays of 2.4m x 33m in both directions onto the public road and any forward sight distance shall be provided in accordance with on Drawing No. 02(Rev.01), bearing the date stamp received 24 OCT 2022, prior to the

commencement of any other works or other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway 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.

**Case Officer:** Emma Richardson

**Date:** 26 January 2023

<b>ANNEX</b>	
<b>Date Valid</b>	1 November 2021
<b>Date First Advertised</b>	16 November 2021
<b>Date Last Advertised</b>	16 November 2021
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 8 Adair Gardens Cookstown Tyrone BT80 8PS The Owner / Occupier 20 Adair Gardens Cookstown Tyrone BT80 8PS The Owner / Occupier 18 Adair Gardens Cookstown Tyrone BT80 8PS The Owner / Occupier 16 Adair Gardens Cookstown Tyrone BT80 8PS The Owner / Occupier 12 Adair Gardens Cookstown Tyrone BT80 8PS The Owner / Occupier 11 Adair Gardens Cookstown Tyrone BT80 8PS The Owner / Occupier 9 Adair Gardens Cookstown Tyrone BT80 8PS The Owner / Occupier 7 Adair Gardens Cookstown Tyrone BT80 8PS The Owner / Occupier 8 Adair Gardens Cookstown Tyrone BT80 8PS	
<b>Date of Last Neighbour Notification</b>	21 November 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  DFI Roads - Enniskillen Office-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR	

**Drawing Numbers and Title**

Proposed Plans      Plan Ref: 03  
Site Layout or Block Plan   Plan Ref: 02  
Site Location Plan   Plan Ref: 01

**Notification to Department (if relevant)**

Not ApplicableNot Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 February 2023	<b>Item Number:</b> 5
<b>Application ID:</b> LA09/2021/1652/F	<b>Target Date:</b> 11 January 2022
<b>Proposal:</b> Proposed entrance to approved site	<b>Location:</b> 85M East Of 3 Tulnacross Road Cookstown
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Wesley Carson 245 Orritor Road Cookstown	<b>Agent Name and Address:</b> Terry Murphy 4 Mid Ulster Business Park Sandholes Road Cookstown BT80 9LU
<b>Executive Summary:</b>  To Committee - Refusal - Contrary to PPS 15.	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
	Rivers Agency	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

To Committee – Refusal – Contrary to PPS 15.

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

The site is located approximately 1.1km west of development limits of Orritor, from such the site is located within the open countryside as per defined by the Cookstown Area Plan 2010. I note that the site is identified as 85m East of 3 Tulnacross Road, Cookstown in which the red line covers the front portion of a treed area that leads to a previously approved site LA09/2019/1247/O. The predominate land use in the area is characterised by agricultural land uses with a scattering of residential properties. However there is a commercial business across from the proposed site.

### **Relevant planning history**

LA09/2019/1247/O - Replacement Dwelling - 85m East of 3 Tulnacross Road  
Cookstown – Permission Granted – 27/11/19

### **Representations**

There were three notification letter were sent out however no representations were received on this application.

## **Description of Proposal**

This is a proposed full application for a proposed entrance to approved site, the site is located 85m East of 3 Tulnacross Road Cookstown. I note that the site intends to create a new access for LA09/2019/1247/O.

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

### **Policy Consideration**

Cookstown Area Plan 2010

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21 – Sustainable Development in the Countryside

PPS 3 – Access, Movement and Parking

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

In terms of policy AMP 2 of PPS 3, I note that the intention is to create a new access for



previous approval LA09/2019/1247/O, moving away from the need to access off a shared laneway as this would give direct access onto the public road. I note that a consultation was sent to DfI Roads, who in their response confirmed that they had no objection subject to the relevant conditions and informatives being added. I am content that the proposed access works have been shown to be acceptable under AMP 2 of PPS 3. From this then I am content that the proposed accesses 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.

I note that the ancillary works must also comply under CTY 13, with direct comparison with that of the approved access, I am content that the access will not conflict with CTY 13.

I note that a consultation was also sent to Rivers Agency, who in their response stated that PPS15 Policy FLD 1 Development in Fluvial (River) and Coastal Flood Plains The Strategic Flood Map (NI) indicates that the site lies within the 1% AEP fluvial flood plain. DfI Rivers would consider that this proposal is contrary to PPS 15, Planning and Flood Risk, FLD 1. In accordance with Revised PPS 15 - FLD 1, any development intended within the 1% AEP fluvial flood plain will require Planning Authority to deem the application to be an exception or overriding regional importance, before DfI Rivers will appraise a submitted Flood Risk Assessment.

I hold the view that this would fall under 'minor development' however the policy dictates that a Flood Risk Assessment be submitted. I note after a number of requests that no FRA was submitted.

Rivers went on to state in terms of FLD 2 Protection of Flood Defence and Drainage Infrastructure An undesignated watercourse traverses the site. The proposed development has no impact on the operational effectiveness of the existing watercourse and does not hinder access to enable maintenance. FLD 3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains The development is located partially within a predicted flooded area as indicated on the Surface Water Flood Map. Although a Drainage Assessment is not required by the policy, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

PPS15 Policy FLD 4 Artificial Modification of Watercourses Under FLD 4 of Planning Policy Statement 15, artificial modification of a watercourse is normally not permitted unless it is necessary to provide access to a development site or for engineering reasons. This is a matter for the planning authority. Any culverting approved by Planning Authority will also be subject to approval from DfI Rivers under Schedule 6 of the Drainage Order 1973. These two approvals are independently necessary.

PPS15 Policy FLD 5 Development in Proximity to Reservoirs Not applicable to this site.

Given such I hold the view that this application must be recommended for refusal.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in

assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

I have no flooding, ecological or residential amenity concerns.

**Summary of Recommendation:**

Refuse is recommended

**Refusal Reasons**

**Reason 1**

The proposal is contrary to PPS 15, Planning and Flood Risk, FLD 1, in that there is insufficient evidence provided to prevent flood risk.

**Signature(s):** Peter Henry

**Date:** 19 January 2023

<b>ANNEX</b>	
<b>Date Valid</b>	16 November 2021
<b>Date First Advertised</b>	30 November 2021
<b>Date Last Advertised</b>	30 November 2021
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 2 Tulnacross Road, Cookstown, Tyrone, BT80 9NH The Owner / Occupier 3 Tulnacross Road, Cookstown, Tyrone, BT80 9NH The Owner / Occupier 291 Orritor Road, Cookstown, Tyrone, BT80 9NE	
<b>Date of Last Neighbour Notification</b>	10 December 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  Rivers Agency-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR	
<b>Drawing Numbers and Title</b>  Site Location Plan   Plan Ref: 01	

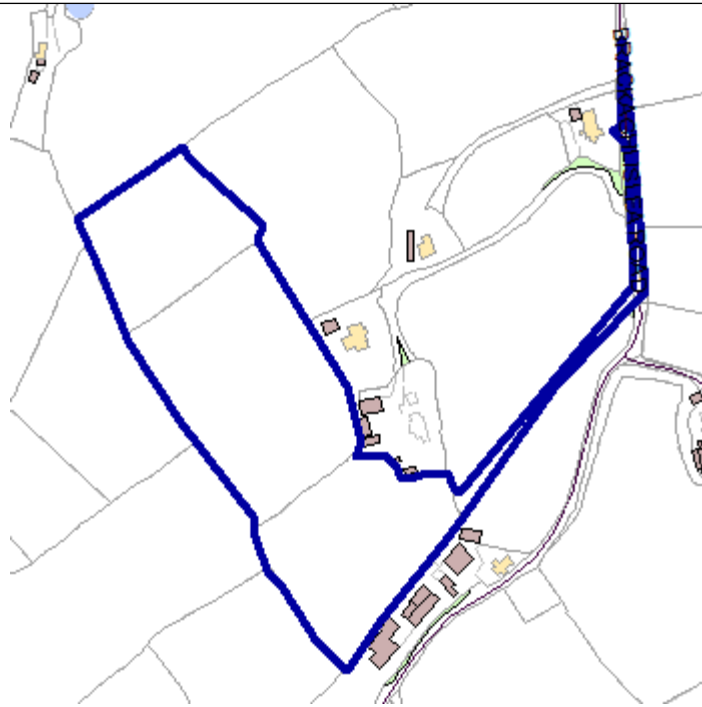
**Notification to Department (if relevant)**

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 February 2023	<b>Item Number:</b> 5.7
<b>Application ID:</b> LA09/2021/1739/F	<b>Target Date:</b> 1 July 2022
<b>Proposal:</b> Proposed sand and gravel extraction using dry screeners/loading shovel. Proposed access road including passing bays, wheel wash and welfare facilities. Construction of noise attenuation bund. (Renewal of H/2014/0019/F)	<b>Location:</b> Rear Of No 5 Brackaghlistlea Road Desertmartin
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mea Ltd 3 Grange Road Toome BT41 3QE	<b>Agent Name and Address:</b> Mea Ltd 3 Grange Road Toome BT41 3QE
<b>Executive Summary:</b>	

**Case Officer Report****Site Location Plan**

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**Consultations:**

<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
Non Statutory Consultee	Environmental Health Mid Ulster Council	Substantive: TBC
Statutory Consultee	Historic Environment Division (HED)	
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09-21-1739 F Rear Of No 5 Brackaghlistlea Road Desertmartin.doc
Non Statutory Consultee	Shared Environmental Services	LA09-2021-1739-F_HRA_Stage_1_12102022.pdf
Statutory Consultee	Geological Survey NI (DfE)	E3135 - Sand and gravel extraction at 5 Brackaghlistlea Road, Desertmartin.pdf
Statutory Consultee	NIEA	LA09-2021-1739-F.PDF
Non Statutory Consultee	Environmental Health Mid Ulster Council	
Statutory Consultee	NIEA	
Statutory Consultee	Historic Environment Division (HED)	

		NIEA	
<b>Representations:</b>			
Letters of Support		0	
Letters of Objection		0	
Letters Non Committal		0	
Number of Support Petitions and signatures			
Number of Petitions of Objection and signatures			
<b>Summary of Issues</b>			
<b>Characteristics of the Site and Area</b>			
<p>The site extends to 3.5ha and is located 2.7km south-west of Tobermore, 3.0km east of Draperstown and 4.0km north west of Desertmartin. The site is access directly off the Brackaghlistlea Road with the access point being located 350m south of the junction of the B40 Draperstown Road with the Brackaghlistlea Road. The access point is located at the existing entrance to no's 3A and 5 which are two modern single storey dwellings set against the backdrop of an existing working farmyard complete with farm buildings. The topography of the land is undulating and generally rises from south towards the north. The field through which the access laneway extends, falls gently from the west towards the east. There is a 1.5m high hedge along the roadside boundary with an open drain on the inside. The site is contained mainly by 2.0m high thorn hedges with post and wire fencing.</p> <p>The field along the north-eastern boundary and which extends along the boundaries of no's. 2 and 3A has also been quarried in recent times. Along the southern boundary and immediately adjacent to the site is a large working farmyard with a number of farm buildings as well as a modest single storey dwelling.</p>			
<b>Description of Proposal</b>			
<p>The proposal is for proposed sand and gravel extraction using dry screeners, loading shovel. Proposed access road in passing bays, wheel wash and welfare facilities.</p>			
<b>Planning Assessment of Policy and Other Material Considerations</b>			
<b><u>Policy Consideration</u></b>			
<p>Planning Assessment of Policy and other Material Considerations</p> <p>This is a current approval on the site under H/2014/0019/F. This proposal is a renewal of the 2014 application, however the description now includes construction of noise attenuation bund.</p> <p>The relevant policies for this type of development is POLICY MINERALS 1 - 8 of PSRNI, PPS2 and PPS3 and Magheraflet Area Plan 2015.</p>			

Magherafelt the immediate locality around Brackaghlistlea Road is one of main mineral sources of sand and gravel in this part of the Mid Ulster District, with deposits also extending towards Tobermore.

#### POLICY MIN 1 - Env Protection

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The site is comprised of semi-improved grassland enclosed by species-poor hawthorn hedgerows and is adjacent to two working farm complexes. The proposed scheme of work will be confined to the semi-improved grassland. There will no significant hydrological impacts. In relation to the Mining Waste Management Plan (MWMP) NIEA: WMU have considered this acceptable.

NIEA: Waste Management Unit have considered the proposal in terms of the potential to impact on the aquatic Environment and are content with the proposal without conditions. NIEA's comments are based on consideration of:

- o letter from McErlean Associates to Planning department at Mid Ulster Council dated 28 March 2016
- o copy of email from Drinking Water Inspectorate dated 10 February 2016
- o drawing C-05, revision P-02, Brackaghlistlea Sand Pit, Proposed sand pit cross sections, received at planning office 12 April 2016
- o McErlean Associates: boreholes logs, received by planning office 12 April 2016

The agent provided an up to date biodiversity check list, taking into account any changes since the previous approval.

Natural Environment Division has considered the impact of the proposal on the site and has also considered the badger survey. On the basis of the badger survey report, NED have confirmed that the proposal will not impact on badgers. NED have provided relevant informatives.

Shared Env Services also had no objections.

#### POLICY MIN 2 - VISUAL IMPLICATIONS

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The landscape sensitivity in this area is considered high to medium. The Sperrins AONB is approx 1km to the south, although there will be limited visibility of the site from higher ground the visual impact will be minor.

Quarries by their nature can alter landscapes dramatically, however assessment is required on an overall basis, from establishment to final restoration.

The establishment period can be the most disruptive but will typically only last 6 months. On completion of this phase, the quarry will settle into its main operational period, involving stripping and extraction. In terms of the landscape character, whilst screening would minimise potential negative impact to the wider character area, the existing hedgerows are to be retained. These hedgerows could be let grow to a mature height which would also provide additional screening. However the intention is to reinstate the lands to agricultural grazing pasture. Therefore with the exception of the extraction



disruption the long term impacts on the land will be minimal.

#### POLICY MIN 3 - AREAS OF CONSTRAINT

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The site is not located within any AONB or ASSI and so does not afford any special protection. Sperrins AONB is approx 1km to the south

#### MIN 4- VALUABLE MINERALS

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This application does not include the exploiting of minerals limited in occurrence or with valuable property.

#### POLICY MIN 5 - MINERAL RESERVES

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Not applicable, as this proposal would not prejudice future exploitation of valuable mineral reserves, which would be considered to be of particular value to the economy.

#### POLICY MIN 6 - SAFETY AND AMENITY

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Particular regard should be had to the safety and amenity of occupants of developments in close proximity to working minerals. It is proposed that the extraction and subsequent restoration will be undertaken via machine driven plant/vehicles - no blasting is proposed, which reduces the potential for impact of noise and disturbance for surrounding properties. A landscaped bund is proposed along the south eastern boundary which will act as a noise barrier.

#### NOISE AND DISTURBANCE

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In the absence of specific Noise Standard Guidance the 'Technical Guidance to the National Planning Policy Framework - March 2012' is used for Minerals policy. In relation to Noise standards, subject to a maximum of 55dB, mineral planning authorities should aim to establish a noise limit at the noise-sensitive property that does exceed the background level by more than 10dB. it is recognised, however, that in many circumstances it will be difficult not to exceed the background level by more than 10dB without imposing unreasonable burdens on the mineral operator.

Env Health were consulted with the noise report associated with H/2014/0019/F and asked to ensure that no new receptors have been located closer to those identified in the previous noise report. The agent forwarded additional information in relation to any closer noise receptors/permissions around site since the last approval, these consisted of single dwellings and garages and extensions. Following inspection of this information no development has occurred inside the scope of the noise receptors in the previous noise report which was accepted by Env Health in the 2014 application.

Environmental Health, they have advised that the proposal is acceptable subject to recommended conditions relating to hours of operation and maximum noise levels.

#### POLICY MIN 7 - TRAFFIC

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Transport NI have advised that following submission of amendments, the access arrangements are acceptable subject to conditions.

#### POLICY MIN 8 - RESTORATION

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The total extraction area is 3.49ha. As a result of the noise assessment, phase 1 of the proposed quarry extends to approximately 1.4ha and will commence at the northern boundary and progress in a southerly direction. The over burden will be stripped and placed in at the southern end of the extraction. Phase 2 covers approximately 1.2ha with the excess overburden and soils being placed in the southern area of the site which will form the noise bund towards the southern part of the site. The final phase 3 covers approximately 0.8ha and will follow in a similar manner to the preceeding phases.

The site will be restored as the quarry design development phases take place. The proposal is for the land on the quarry floor to be restored to grassland and agricultural use. The boundary hedge are to be maintained and can be supplemented as required with new hedging.

GSNI were consulted on this application as they became statutory consultees for every quarry application in 2015, so therefore had not been previously consulted. They are content with the proposal and have no objections.

#### Recommendation

Approval is recommended following a review of all the necessary consultation responses and assessment against the relevant policy.

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

Approve is recommended

#### Approval Conditions

##### Condition 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.

##### Condition 2

Prior to the development hereby approved becoming operational, a hawthorn or native species hedge shall be planted in a double staggered row 200mm apart, at 450 mm

spacing, 500 mm to the rear of the sight splays along the front boundary of the site.

Reason: To ensure the amenity afforded by existing hedges is maintained.

#### Condition 3

If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of Mid Ulster District Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless Mid Ulster District Council gives its written consent to any variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

#### Condition 4

The existing natural screenings along the northern, southern, eastern and western boundaries of this site, shall be retained, augmented where necessary and let grow to a mature height unless necessary to prevent danger to the public in which case a full explanation shall be given to Mid Ulster District Council in writing, prior to the commencement of any works.

Reason: To ensure the development integrates into the countryside and to ensure the maintenance of screening to the site.

#### Condition 5

The development hereby permitted shall not be commenced until the vehicular access, including sight splays of 4.5m x 60m in both directions, has been constructed in accordance with Drawing No. 04/2 bearing the date stamp 10th August 2016.

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

#### Condition 6

The area within the visibility splays and 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.

#### Condition 7

The access gradients shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

and the convenience of road users.

Condition 8

Gates or security barriers at the access shall be located at a distance from the edge of the public road that will allow the largest expected vehicle to stop clear of the public road when the gates or barriers are closed.

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

Condition 9

The width of the vehicular access shall be no less than 6m for the first 20m.

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

Condition 10

The development hereby approved shall not be commenced until the road widening and lay-by indicated on Drawing No. 04/2 bearing the date stamp 10th August 2016 has been fully completed and validated by Transport NI in accordance with the approved plans.

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

Condition 11

Before mineral extraction commences the works entrance, weighbridge area and wheel wash area, as indicated on the approved plan shall be hard surfaced with concrete or asphalt.

Reason: To prevent the carry-over of mud or debris onto the public road in the interests of road safety and convenience.

Condition 12

Before mineral extraction commences, the first 20 metres of the access road measured from the nearest edge of the carriageway, shall be hard surfaced with concrete or asphalt.

Reason: To prevent the carry-over of mud or debris onto the public road in the interests of road safety and convenience.

Condition 13

The development hereby permitted shall not become operational until effective vehicle wheel washing facilities have been installed and brought into operation and should remain in operation for the lifetime of the development approved.

Reason: To prevent the carry-over of mud or debris onto the public road in the interests of road safety and convenience.

Condition14

All vehicles operating within the development site shall be fitted with white noise (full spectrum) reversing alarms.

Reason: In the interests of residential amenity.

Condition15

Prior to 07:30 hours and after 18:00 hours Monday to Friday and prior to 08:00 hours and after 13:00 hours Saturday, the premises shall not remain open for business, deliveries by commercial vehicles shall not be made to and from the site and the processing plant and equipment shall not be in operation.

Reason: In the interests of residential amenity.

Condition16

Noise from the permitted extraction and restoration of the quarry shall not exceed those as stated within 'Table 1: Predicted 1 hour noise levels (LAeq,1hour)' of submitted letter dated 16th February 2015 (copy enclosed at Annex 1), at all dwellings referenced within the table.

Reason: In the interests of residential amenity.

Condition17

An increased noise limit of 70 dB LAeq,1hour not exceeding eight weeks in any calendar year is permitted at all dwellings which lawfully exist or have planning permission for construction at the date of this consent for temporary operations to facilitate essential site preparation, restoration work and construction of baffle mounds where it is clear that this will bring longer-term environmental benefits to the site or its environs.

Reason: In the interests of residential amenity.

Condition18

No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by Mid Ulster district Council in association with NIEA: HED. The programme should provide for the identification and evaluation of the archaeological remains within the site, for mitigation of the impacts of the development through excavation recording or by preservation of remains and for the preparation of an archaeological report.

Reason: To ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.

Condition19

A programme of post-excavation analysis, preparation of an archaeological report, dissemination of reports and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved. These measures

shall be implemented and a final archaeological report shall be submitted to MUDC within 12 months of the completion of archaeological site works, or as otherwise agreed in writing MUDC.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

**Case Officer:** Emma McCullagh

**Date:** 11 January 2023

<b>ANNEX</b>	
<b>Date Valid</b>	3 December 2021
<b>Date First Advertised</b>	24 May 2022
<b>Date Last Advertised</b>	14 December 2021
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 2 Brackaghlistlea Road, Draperstown, Londonderry, BT45 7JZ The Owner / Occupier 5 Brackaghlistlea Road, Draperstown, Londonderry, BT45 7JZ The Owner / Occupier 1 Brackaghlistlea Road, Draperstown, Londonderry, BT45 7JZ The Owner / Occupier 7 Brackaghlistlea Road Draperstown Londonderry BT45 7JZ The Owner / Occupier 3A Brackaghlistlea Road, Draperstown, Londonderry, BT45 7JZ	
<b>Date of Last Neighbour Notification</b>	26 January 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  Environmental Health Mid Ulster Council-Substantive: TBC Historic Environment Division (HED)- Environmental Health Mid Ulster Council-LA09-21-1739 F Rear Of No 5 Brackaghlistlea Road Desertmartin.doc Shared Environmental Services-LA09-2021-1739-F_HRA_Stage_1_12102022.pdf Geological Survey NI (DfE)-E3135 - Sand and gravel extraction at 5 Brackaghlistlea Road, Desertmartin.pdf NIEA-LA09-2021-1739-F.PDF Environmental Health Mid Ulster Council- NIEA- Historic Environment Division (HED)- NIEA-	

<b>Drawing Numbers and Title</b>
<b>Notification to Department (if relevant)</b>
Not Applicable





## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 February 2023	<b>Item Number:</b> 5
<b>Application ID:</b> LA09/2021/1779/O	<b>Target Date:</b> 9 February 2022
<b>Proposal:</b> Proposed domestic dwelling and garage on a farm	<b>Location:</b> 30M S.W. Of 3 Macknagh Lane Upperlands
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Mrs Mary Rafferty 56 Carhill Road Garvagh	<b>Agent Name and Address:</b> Cmi Planners 38B Airfield Road The Creagh Toomebridge BT41 3SQ
<b>Executive Summary:</b>  To Committee - Refusal - Contrary to CTY 1, 10 and 13 of PPS 2 and PPS 15.	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR
	DAERA - Coleraine	Substantive: TBCResponseType: FR
	Rivers Agency	Substantive: TBCResponseType: PR

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

To Committee – Refusal – Contrary to CTY 1, 10 and 13 of PPS 2 and PPS 15.

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

The application site is located approximately 1.16km west of the development limits of Upperlands from such it is located within the open countryside as per the Magherafelt Area Plan 2015. The site is identified as 30m SW of 3 Macknagh Lane, Upperlands, in which the red line covers a portion of a much larger agricultural field that lies along the roadside. I note that the whole agricultural field has an undulating landform and it is bounded by a mix of mature hedging/trees and post and wire fencing on all boundaries. I note that within the immediate vicinity there is a number of residential dwellings but the wider setting is characterised by agricultural land uses.

### **Representations**

Seven neighbour notifications were sent out however no representations were received.

## **Description of Proposal**

This is an outline application for a proposed domestic dwelling and garage on a farm, the site is located 30M S.W. Of 3 Macknagh Lane, Upperlands.

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

### **Policy Consideration**

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

Magherafelt Area Plan 2015

PPS 1 – General Principles

PPS 3 – Access, Movement and Parking

PPS 21 – Sustainable Development in the Countryside

Building on Tradition – A Sustainable Design Guide for Northern Ireland Countryside

CTY 1 – Development in the Countryside

CTY 10 – Dwellings on the Farm

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of

development area acceptable in the countryside. In this instance the application is for a dwelling the farm and as a result the development must be considered under CTY 10 of PPS 21.

Policy CTY 10 states that planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

(a) the farm business is currently active and has been established for at least 6 years;  
(b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and

(c) the new building is 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.

With respect to (a), a consultation was sent to DAERA with regards to the Farm Business, in their response stated that the farm business was allocated in 2009. Went on to say that the business has not claimed in each of the last 6 years. Went on to confirm that the proposed site is located on land associated with another farm business. Clarification was sought from the agent over the activity and the association with another farm business. After numerous no additional details were provided, in that I am content that the applicant has demonstrated that there is an active business.

With respect to (b), upon review of the farm business and subsequent farm maps I am content that it does not appear that any farm approvals have been attained on it nor any other development opportunities sold off in the last 10 years.

With respect to (c), I first note that the registered address of the farm business is located outside the district of MUDC and lies outside the development limits of Garvagh. Given the separation distance the site cannot cluster with this dwelling. I note that within the location plan the agent has included no.3 Macknagh Lane under the blue line to show it under the control of the applicant but also included this property to be neighbour notified. Given this discrepancy I requested confirmation as whether this the property is associated with the farm business or not. I note after requests no confirmation of the relationship was forthcoming, after a land registry check it confirmed that the applicant is not the owner of this property and there is no clear link between the applicant and the owner of the No.3. With this in mind, hold the view that the application has failed to visually link or cluster with an established group of buildings on the farm.

The policy states that where practicable to use an existing laneway for access, I note that the intention is to create a new access, given the roadside location this is practical. From such I hold the view that the application fails under CTY 10 of PPS 21.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I hold the view than an appropriately designed dwelling with a low ridge height will not appear as visually prominent in the landscape. I note that as much

of the existing landscaping should be retained and supplemented with additional landscaping, with such any dwelling would be able to successfully integrate. Given the landform and surrounding development I feel it necessary to restrict any ridge height to 6m. As noted, the application has failed to visually link/cluster with an established group of buildings on the farm, with this in mind the application has not fully complied under CTY 13.

In terms of policy CTY 14 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. As such I am content that an appropriately designed dwelling would not appear unduly prominent in the landscape. I am content that the proposed dwelling would be acceptable in terms of CTY 14 without an adverse impact on the rural character of the area.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DfI for them to cause and Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

PPS 3 - Access, Movement and Parking;

A consultation was sent to DfI Roads, in their response confirmed that they had no objections subject to conditions and informatives. I am content that the access is acceptable under PPS 3.

A consultation was also sent to Rivers Agency, in their response state in terms of FLD1 - Development in Fluvial and coastal Flood Plains – The Strategic Flood Map (NI) indicates that the site lies on the periphery of the 1 in 100 year fluvial flood plain. DfI Rivers would advise that the proposed dwelling and garage are located on the elevated north-eastern portion of the site.

FLD2 - Protection of Flood Defence and Drainage Infrastructure – An undesignated watercourse flows along the south-west boundary of the site. Under 6.32 of the policy a 5m maintenance strip is required. DfI Rivers would recommend that the working strip is shown on a site layout drawing and be protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development by way of a planning condition. Access to and from the maintenance strip should be available at all times. In addition by way of planning informatives, perspective purchasers whose property is affected by this designated watercourse should be made aware of DfI River's obligations to maintain the watercourse along with their obligations to maintain the undesignated watercourse under Schedule 5 of the Drainage Order Northern Ireland 1973.

FLD3 - Development and Surface Water – The Flood Hazard Map (NI) indicates that the site lies within an area of predicted pluvial flooding. In accordance with revised PPS 15, Planning and Flood Risk, FLD 3, Development and Surface Water (Pluvial) Flood Risk

outside Flood Plains, a Drainage Assessment is required if an additional hard surfacing exceeding 1000m<sup>2</sup> is proposed. The applicant should refer to paragraph D17 and D18 of Revised PPS 15. In carrying out the drainage assessment the applicant should acquire from the relevant

authority evidence that the proposed storm water run-off from the site can be safely discharged. If the proposal is to discharge into a watercourse then an application should be made to the local DfI Rivers office for consent to discharge storm water under Schedule 6 of the Drainage (NI) Order 1973. If it is proposed to discharge storm water into an NI Water system then a Pre-Development Enquiry should be made and if a simple solution cannot be identified then a Network Capacity Check should be carried out. Correspondence with both authorities should be included in the drainage assessment regardless of outcome. If a Drainage Assessment is not required by the policy the developer should still be advised to carry out their own assessment of flood risk and construct in the appropriate manner that minimises flood risk to the proposed development and elsewhere. FLD 4 and 5 is not applicable.

I note that I requested an indicative block plan to confirm the siting, maintenance strip and area of hard surfacing. Like to the information above this was never submitted, I hold the view that I cannot recommend as it has not been demonstrated to satisfy PPS 15 respectively.

I have no ecological or residential amenity concerns.

### **Summary of Recommendation:**

Refuse is recommended

### **Refusal Reasons**

#### **Reason 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.

#### **Reason 2**

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 farm business is currently active (and has been established for at least six years).

#### **Reason 3**

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.

Reason 4

The proposal is contrary to the policies contained with Planning Policy Statement 15, Planning and Flood Risk in that there is insufficient evidence provided to prevent flood risk.

**Signature(s):** Peter Henry

**Date:** 16 January 2023

<b>ANNEX</b>	
<b>Date Valid</b>	15 December 2021
<b>Date First Advertised</b>	11 January 2022
<b>Date Last Advertised</b>	11 January 2022
<b>Details of Neighbour Notification (all addresses)</b> The Owner / Occupier 5 Macknagh Lane, Upperlands, Maghera, Londonderry, BT46 5SL The Owner / Occupier 31 , Macknagh Lane, Maghera, Londonderry, BT46 5SL The Owner / Occupier 3 Macknagh Lane, Upperlands, Maghera, Londonderry, BT46 5SL The Owner / Occupier 3 Macknagh Road Upperlands Maghera Londonderry BT46 5SG The Owner / Occupier 31 Macknagh Road Upperlands Maghera Londonderry BT46 5SG The Owner / Occupier 109 Moneysharvan Road Maghera Londonderry BT46 5PT The Owner / Occupier 5 Macknagh Road Upperlands Maghera Londonderry BT46 5SG	
<b>Date of Last Neighbour Notification</b>	21 January 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR DAERA - Coleraine-Substantive: TBCResponseType: FR Rivers Agency-Substantive: TBCResponseType: PR	



<b>Drawing Numbers and Title</b>
Site Location Plan   Plan Ref: 01
<b>Notification to Department (if relevant)</b>
Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 February 2023	<b>Item Number:</b> 5.9
<b>Application ID:</b> LA09/2022/0131/F	<b>Target Date:</b> 28 March 2022
<b>Proposal:</b> Proposed storage/warehouse provision for the storage of metal components	<b>Location:</b> 111 Ballynakilly Road Coalisland
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> James Mackle 22 Listamlet Road Moy Dungannon	<b>Agent Name and Address:</b> MC Keown And Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan

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### Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR
	Environmental Health Mid Ulster Council	Substantive: TBC
Statutory Consultee	DFI Roads - Enniskillen Office	09-11-2022.docx

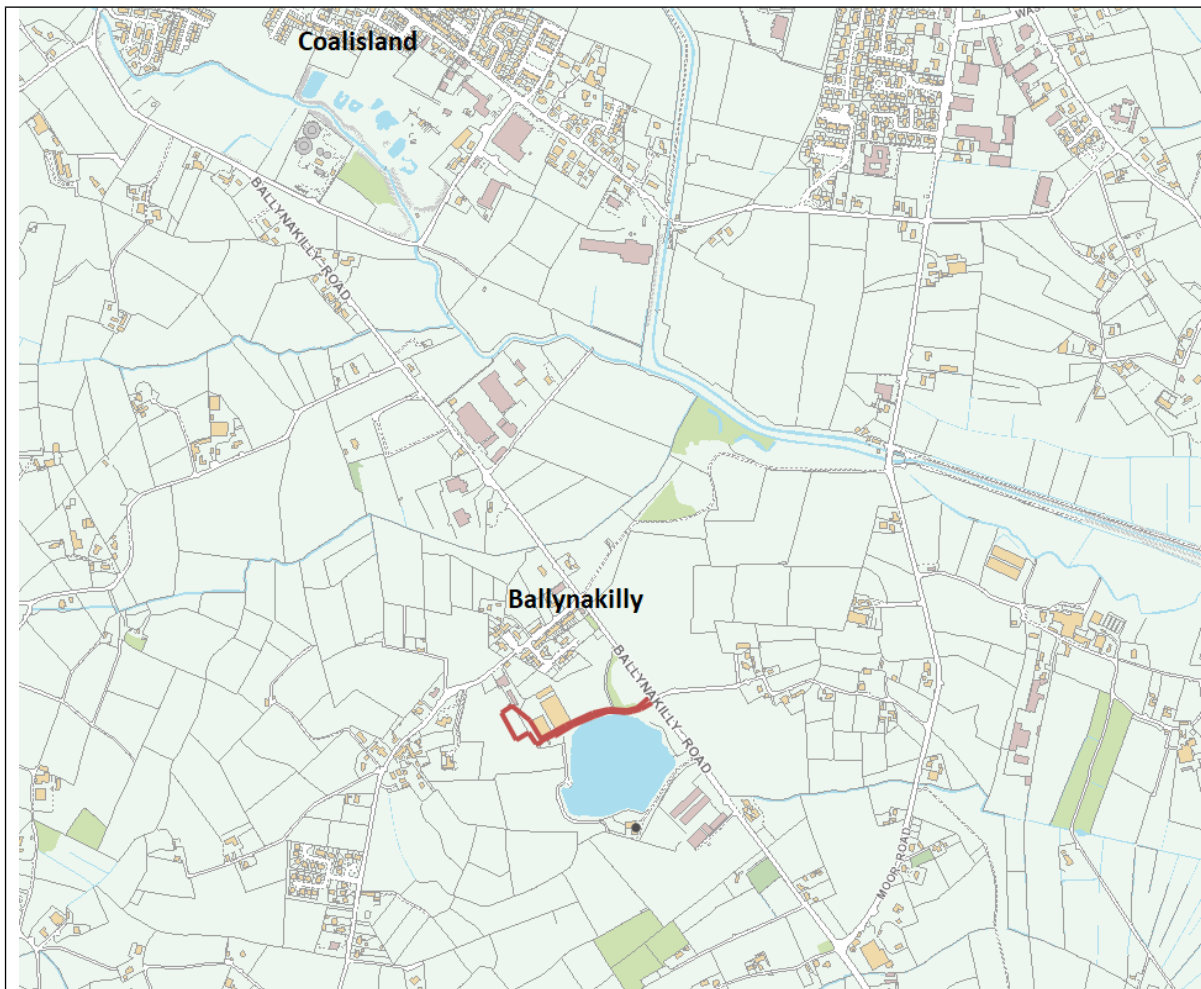
### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	3
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

### Characteristics of the Site and Area

The site lies within the settlement limit for Ballynakilly as depicted by the DSTAP 2010 and has a mixed planning history with the most recent permissions on the site including; replacement of a fire damaged building, storage sheds, anaerobic digester, light industrial buildings, hard standing area. The red line of this site includes a small area to the rear of an existing engineering yard to the south of Ballynakilly.



The site is accessed via an existing access lane way off the Ballynakilly road and runs along the north side of the lake, and to the south of the existing engineering buildings to the rear portion of the site to a small rectangular area bounded to the south and west by thick hedging. Approximately 90 metres north east of the application site is 'Cranebrook' a housing development of 31 dwellings which has a recently developed a new childrens playground that is closer to the application site than any of the houses.



The ground is overgrown and there various bits and pieces associated with the adjoining works stored on the north part of the site. The site is separated from the existing sheds to the East by a 1.5 metre high block wall and wire fence above.



The site may lie within the settlement limits of Ballynakilly however it is bounded to the north, west and south by agricultural fields.

## Description of Proposal

The proposal seeks full planning permission for a storage/warehouse building for the storage of metal components.

## Planning Assessment of Policy and Other Material Considerations

### Policy Consideration

The following policy documents provide the primary policy context for the determination of this application;

1. Strategic Planning Policy Statement (SPPS).
2. Dungannon & South Tyrone Area Plan 2010.
3. Planning Policy Statement (PPS) 3 - Access, Movement and Parking.
4. Planning Policy Statement (PPS) 4 - Planning and Economic Development.
5. Planning Policy Statement (PPS) 21 - Sustainable Development in the Countryside.

Dungannon & South Tyrone Area Plan Planning identifies the site as being within the settlement limits for Ballynakilly, with the settlement boundary running along the southern edge. This relates to the area to the west of where the existing buildings stand on the site and is a mixed area of hardstanding, rubble and heaped top soil. Policies SETT1 and IND1 of the Plan indicate that development will normally be granted provided a number of criteria set out in SETT1 are met.

The Strategic Planning Policy Statement (SPPS) for Northern Ireland - Planning for Sustainable Development, is a material consideration. The SPPS supersedes the policy provision within Planning Policy Statement (PPS) 1, 5 and 9. The policy provision within PPS 3, PPS 4 and PPS 21 have been retained under transitional arrangements. PPS 4 deals with Economic Development and the policy provision within PPS 3 deals with access, movement and parking. The Strategic Planning Policy Statement for Northern Ireland (SPPS) has a guiding principle that sustainable development should be permitted unless it causes demonstrable harm to areas of acknowledged importance, particular if it conflicts with an up to date area plan.

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

### **Representations**

Neighbour notification and Press advertisement have been carried out in line with the Council's statutory duty. At the time of writing, there were three third party objection from a concerned neighbour, firstly



two representations from Ballynakelly residents, as well as a third from a resident of number 23 Cranebrook Crescent.

The concerns raised included, concerns over the actual position of the new shed, their concerns were that new foundations were being laid to the front of the existing sheds which then would be bringing the development closer to his dwelling. Breach of previous permissions conditions such as noise and hours of use, and finally the actual need for the shed.

These concerns have been thoroughly discussed in group, however, the proposed shed is to be located to the very rear of the site at the furthest point from the objectors dwelling, approx. 160 metres. The concerns over foundations to the front have been raised with Enforcement division. The proposed shed is also located to the rear of the existing shed which will mean there shall be none or minimal increase visual impact, and finally the previous conditions placed on the existing sheds would appear to be adhered to in terms of the sound proofing required, the access and visibility splays. The council again will impose conditions on the hours of operation and restrict the use in order to protect the amenity of the neighbours surrounding the site.

Planning Policy Statement (PPS) 4 - Planning and Economic Development.

PED 1 Economic development in settlements states that; A development proposal for a Class B2 light industrial use will be permitted where it can be demonstrated that the scale, nature and design of the proposal are appropriate to the character of the settlement and it is not incompatible with any nearby residential use. The policy provision within PED 9 will also be pertinent in terms of assessing the proposal against the general criteria for economic development.



The proposed extension seeks a total new floor area of 216m<sup>2</sup> (18m x 16m) which would be considered minor when red alongside the existing 4 number much larger sheds on the site.

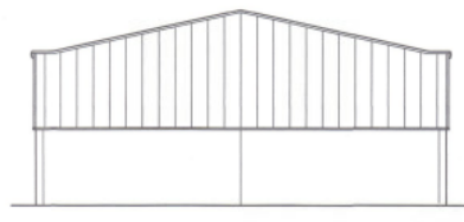


The proposal is positioned to join the western end of the existing site which is some 275 metres from the roadside, due to the positioning at the rear of the existing building the proposal, the distance from the roadside, the topography and the backdrop of the hedge line, the proposal will in my opinion have minimal impact on the area when viewed from the roadside. The extension, as proposed will respect the host building in terms of size, scale and the materials used on the finish. The site area is able to accommodate the proposed extension without the loss of any landscape or amenity features as the proposed shed lies within the existing curtilage has no impact on the surrounding boundaries. It will be situated in the open yard to store materials and product that are currently being stored outdoors. I am therefore content that the extension to the workshop is compliant with the provisions of Policy PED 1.





PROPOSED FRONT ELEVATION  
SCALE 1:100



PROPOSED SIDE ELEVATION  
SCALE 1:100



PROPOSED REAR ELEVATION  
SCALE 1:100



PROPOSED SIDE ELEVATION  
SCALE 1:100

#### PED 9

In addition to that above, Policy PED 9 of PPS 4, outlines that a proposal for economic development use, in addition to the other policy provision of PPS 4, will be required to meet a set of criteria (a-m):

In consideration of that criteria it is noted that the proposal relates to an extension of the existing Mac cladding engineering buildings on an existing site which has been used for a mix of industrial and storage purposes and has a historical industrial planning approval. The land surrounding the site is primarily agricultural in nature to the south and industrial to the north. I consider these land uses to be compatible.

In terms of the amenity of nearby residents, including the closest properties at numbers 18 Coash Road, the proposal is approx. 100 metres away, and is positioned behind the existing shed, therefore the impact of an additional storage shed will be minimal outside of the construction stage.

On the basis of that above I am content that the proposal satisfactorily meets with the policy criteria contained within PED 9 of PPS 4.

#### Access

As the application may involve an increase of use to the existing access provision it was deemed necessary to consult with DFI Roads. Roads responded and have highlighted that they have no objection to the proposal, subject to conditions. In relation to parking the applicant has highlighted that parking provision will remain as is, and in consideration of this I am satisfied that the application conforms to the Departments Parking Standards document and the policy consideration contained within PPS 3.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

#### Conclusion

The proposed development is considered to be in compliance with the policy objectives of the SPPS, PPS 4 and PPS 3, and accordingly approval is recommended.

#### Summary of Recommendation:

Approve is recommended

#### Approval Conditions

##### Condition 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.

##### Condition 2

No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 3A bearing date stamp 1 July 2022 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

REASON: To ensure that adequate provision has been made for parking, servicing and traffic circulation within the site.

##### Condition 3

The hereby approved warehouse/shed shall be restricted to storage of metal components only.

Reason; To protect the amenity of residents.

##### Condition 4

Within 4 weeks of a written request by the Mid Ulster Council, following a reasonable noise complaint the site operator shall, at his/her expense employ a suitably qualified and competent person, to assess the level of noise emissions from the site at the complainant's property following the procedures described in: BS 4142:2014 Methods for rating and assessing industrial and commercial sound. Details of the noise monitoring survey shall be submitted to the council for written approval prior to any monitoring

commencing.

Reason; To protect the amenity of residents.

Condition 5

There shall be no deliveries and/or external activity associated with the hereby approved outside the hours of 09:00 hours and 18:30 hours Monday to Friday and 09:00 hours to 13:00 hours on Saturdays. There shall be no site activity on Sunday.

Reason; To protect the amenity if residents.

**Signature(s):** Peter Hughes

**Date:** 24 January 2023

<b>ANNEX</b>	
<b>Date Valid</b>	31 January 2022
<b>Date First Advertised</b>	17 February 2022
<b>Date Last Advertised</b>	15 February 2022
<b>Details of Neighbour Notification (all addresses)</b>  The Owner / Occupier Unit 1, 20A , Coash Road, Dungannon, Tyrone, BT71 6JE The Owner / Occupier Unit 3, 20A , Coash Road, Dungannon, Tyrone, BT71 6JE The Owner / Occupier Unit 4, 20A , Coash Road, Dungannon, Tyrone, BT71 6JE The Owner / Occupier 111 Ballynakilly Road, Coalisland, Tyrone, BT71 6HE The Owner / Occupier Unit 2, 20A , Coash Road, Dungannon, Tyrone, BT71 6JE The Owner / Occupier Nursery, Coash Road, Dungannon, Tyrone, BT71 6JE The Owner / Occupier 20 Coash Road, Dungannon, Tyrone, BT71 6JE	
<b>Date of Last Neighbour Notification</b>	3 March 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR Environmental Health Mid Ulster Council-Substantive: TBC DFI Roads - Enniskillen Office-09-11-2022.docx	

**Drawing Numbers and Title**

Site Location Plan Plan Ref: 01  
Proposed Plans Plan Ref: 02  
Site Layout or Block Plan Plan Ref: 03

**Notification to Department (if relevant)**

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 February 2023	<b>Item Number:</b> 5
<b>Application ID:</b> LA09/2022/0201/O	<b>Target Date:</b> 13 April 2022
<b>Proposal:</b> Proposed single storey dwelling	<b>Location:</b> Adjacent To 64 Reaskmore Road Reaskmore Dungannon
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Kieran MC Gartland 66 Reaskmore Road Reaskmore Dungannon	<b>Agent Name and Address:</b> Peter McCaughey 31 Gortnasaor Dungannon BT71 6DA
<b>Executive Summary:</b>	

**Case Officer Report****Site Location Plan**

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**Consultations:**

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: TBCResponse Type: PR
	Health & Safety Executive For NI	Substantive: TBC

**Representations:**

Letters of Support	0
Letters of Objection	0
Letters Non Committal	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

**Summary of Issues**

No representations received.

**Characteristics of the Site and Area**

The red line of the site is a roadside site, located just north of 64 Reaskmore Road. Lands to the North, East and South are hatched blue, indicating ownership, including

No.66 Reaskmore Road and the associated outbuildings. The lands are generally flat across the site and the roadside boundary is bounded by existing low level hedging and the boundary to the south is made up with post and wire fencing. The remainder of the boundaries are currently undefined. The surrounding area is rural in nature, although there is increasing development along the roadside with single dwellings and associated outbuildings.

### **Description of Proposal**

Outline planning permission is sought for a proposed single storey dwelling.

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

#### **Policy Consideration**

##### **Representations**

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified under this application including: 64 Reaskmore Road. At the time of writing, no third party representations have been received.

##### **Planning History**

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

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

- o Dungannon and South Tyrone Area Plan 2010
- o Strategic Planning Policy Statement (SPPS)
- o PPS 21: Sustainable Development in the Countryside
- o PPS 3: Access, Movement and Parking
- o The Local Development Plan 2030 - Draft Plan Strategy

The Dungannon and South Tyrone Area Plan 2010 identifies the site as being in the rural countryside with no other zonings or designations within the plan.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight. The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. It notes the importance of sustainable development in the countryside which promotes high standards in the design, siting and landscaping.

Policy CTY 1 of PPS 21 requires all proposals for development in the countryside to be



sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access and road safety. A range of examples are set out in CTY 1 detailing different cases which would allow for planning permission in the countryside, including the development of a small gap site within an otherwise substantial and continuously built-up frontage in accordance with CTY 8 and for a dwelling on a farm with CTY 10. The agent has not indicated which policy they wanted the proposal assessed against, however it was considered that CTY 8 and CTY 10 were the only two which would be likely at this site and as such, both policies were considered at our group discussions.

CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of the policy, the definition of a substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The concern with this proposal is that it would add to a ribbon of development. There is a line of three dwellings to the south of the site, however to the north there is a small gap and beyond that there is a single dwelling which is set back quite a substantial distance from the roadside, and it is not considered that this dwelling presents a frontage to the road. Therefore, taking into consideration what is on the ground at present, I am not satisfied that there is a line of three or more buildings along this road frontage and therefore the proposal does not meet this policy requirement. I am content that the gap outlined in red would be sufficient to accommodate no more than two dwellings, given the current plot sizes located along this road if the remainder of the infill policy were to be met.

In relation to CTY 10, the agent was asked if there was a possible farming case we could explore. He provided supporting information noting that the applicant owns 10 acres of adjoining land. He adds that the applicant cuts and trims all boundary hedges, cleans out and clears all drains and cuts the grass at least twice a year for silage etc. Letters from three neighbours were provided as supporting information which state that the applicant helps out with the above-mentioned works. The applicant does not have any invoices or receipts to further validate the above claims, which is generally what we would require and ask for to confirm that the business is active and established if they do not have a Business ID number.

Policies CTY 13 and CTY 14 are also applicable in relation to the proposal. Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be granted. There are concerns that the proposal would be contrary to some of the policy criterion held within these policies in that it would add to a ribbon of development and in the case that the proposal is assessed against CTY 10, it would not be sited to

visually link with existing farm buildings. If approval were to be granted, I would note that single storey as noted in the description would be suitable for this site, given it is the predominant house type along this section of Reaskmore Road.

Health and Safety Executive were consulted on the proposal also, given it is within the vicinity of a major hazard pipeline. They have noted that they have liaised with Mutual Energy who own and operate the pipeline in the area and they have advised that the proposed development does not encroach onto their pipeline thus they would not advise against. However, they do add that the Council should consult with Mutual Energy directly. They added that the proposal is outside of the easement area of their pipeline and causes no change to population density. Therefore, they would have no objections. They note that they would wish to engage with the developer prior to construction to get a more complete picture, and to ensure that installation of utilities to the property pose no risk to the pipeline.

The applicant has noted that they intend to create a new access onto Reaskmore Road. DfI Roads were consulted and raised no concerns with the proposal subject to condition.

**Summary of Recommendation:**

Refuse is recommended

**Refusal Reasons**

**Reason 1**

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 addition of ribbon development along Reaskmore Road.

**Reason 2**

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the buildings would, if permitted create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

**Reason 3**

The proposal is contrary to Policies CTY10 and CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside as not enough evidence has been provided to demonstrate that the farm business is active and established and the proposed development is not sited to visually link with existing buildings on the farm.

**Case Officer:** Sarah Duggan

**Date:** 19 January 2023

<b>ANNEX</b>	
<b>Date Valid</b>	16 February 2022
<b>Date First Advertised</b>	3 March 2022
<b>Date Last Advertised</b>	1 March 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 64 Reaskmore Road Dungannon Tyrone BT70 1QF	
<b>Date of Last Neighbour Notification</b>	4 March 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR Health & Safety Executive For NI-Substantive: TBC	
<b>Drawing Numbers and Title</b>  Site Location Plan   Plan Ref: 01	
<b>Notification to Department (if relevant)</b>  Not Applicable	



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 February 2023	<b>Item Number:</b> 5.11
<b>Application ID:</b> LA09/2022/0249/O	<b>Target Date:</b> 19 April 2022
<b>Proposal:</b> Erection of a dwelling & domestic garage on a farm	<b>Location:</b> Land Adjacent To & Immediately South Of 14 Tychaney Road Ballygawley
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Jenna Robinson 223D Newtownsaville Road Eskra Omagh	<b>Agent Name and Address:</b> Bernard Donnelly 30 Lismore Road Ballygawley BT70 2ND
<b>Executive Summary:</b>	

**Case Officer Report****Site Location Plan**

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**Consultations:**

Consultation Type	Consultee	Response
	NIEA	Substantive: TBCResponseType: FR
	Rivers Agency	Substantive: TBCResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR
	DAERA - Omagh	Substantive: TBCResponseType: FR

**Representations:**

Letters of Support	0
Letters of Objection	0
Letters Non Committal	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

**Summary of Issues**

The proposal is considered to be contrary to CTY 10 and CTY 13 of PPS 21 - Sustainable Development in the Countryside.

There were no representations received in relation to the proposal.

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

The site is located at lands adjacent to immediately south of 14 Tychaney Road, Ballygawley. The red line of the site includes a roadside portion of a larger agricultural field. Lands to the East and South of the site are outlined in blue, indicating ownership. The blue lands include farm buildings to the south and a dwelling with outbuildings on the opposite side of the road. The lands rise quite steeply from the roadside towards the east of the site. The surrounding area is rural in nature, with scattered dwellings and their associated outbuildings.

### **Description of Proposal**

Outline planning permission is sought for the erection of a dwelling and domestic garage on a farm.

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

#### **Policy Consideration**

##### **Representations**

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 4 and 44 Turnabarson Road. At the time of writing, no third party representations were received.

##### **Planning History**

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

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

- o Dungannon and South Tyrone Area Plan 2010
- o Strategic Planning Policy Statement (SPPS)
- o PPS 3: Access, Movement and Parking
- o PPS 21: Sustainable Development in the Countryside
- o Local Development Plan 2030 - Draft Plan Strategy

The Dungannon and South Tyrone Area Plan 2010 identify the site as being outside any defined settlement limits and there are no other designations or zonings within the Plan.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

Policy CTY 1 of PPS 21 establishes that planning permission will be granted for a dwelling on a farm where it is in accordance with Policy CTY 10. This establishes the principle of development, a dwelling on a farm, is acceptable, subject to meeting the policy criteria outlined in Policy CTY 10. Policy CTY 10 establishes that all of the following criteria must be met:

(a) the farm business is currently active and has been established for at least 6 years  
(b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008

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

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

With respect to (a) the applicant has provided details surrounding their farm business ID and associated mapping. DAERA have noted in their response that the applicants Business ID has been in existence from 1991, but there have been no single farm payment claims made on the lands over the past 6 years. The agent provided supporting information, by way of receipts and invoices which date from and across the years 2015-2021 and relate to the sale of round bales, hedge cutting and the purchase of a range of agricultural goods. From this information, I am content that the farm holding has been active and established for at least 6 years and that the land itself has been maintained in good agricultural and environmental condition.

With respect to (b) there are no records indicating that any dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of this application. Checks were carried out using the UNIFORM system and no historical applications have been found.

With respect to (c), the new dwelling is not considered to be visually linked with existing farm buildings and therefore we feel the proposal fails the policy on this criterion. The proposed site is approx. 60m at the closest point to the red line of the site and the farm complex to the South of the application site. The agent was asked for justification away from the farm buildings and he responded stating the proposed site avoids the High Voltage Electric line running through the site and the access position would be away from the bend in the Road. They added that the siting would protect the amenity of No.17 Tychanny Road, which is noted as the Farm Business ID owners address. It is our view that a dwelling could be sited and designed closer to the farm buildings without impacting on No.17's amenity. When discussed at our internal group meeting, we felt that the justification did not warrant an exception within the policy.

An area to the northern portion of the site indicates an area subject to surface flooding. Rivers agency were consulted on the proposal and noted that a Drainage Assessment is not required by the policy but the developer should still be advised to carry out their own assessment of flood risk and construct in the appropriate manner that minimises flood



risk to the proposed development and elsewhere. There was no further information sought from the applicant/agent to determine what impact this could have on potential development within the red line, given we weren't content with the principle of development at this site, however it may be something to be mindful of if approval were to be forthcoming. If the proposal is set outside of this flood zone, it would essentially be a cut out of an open field, would lack enclosure from existing boundaries and may appear prominent if siting on higher ground.

To conclude, there is appreciable distance between the proposed site and farm buildings and no justifiable reason has been provided by the agent to warrant siting away from the farm buildings. There appears to be alternative sites which would meet with the policy contained within CTY 10 within blue lands. There are no verifiable plans that the farm business is to be expanded.

CTY 13 and CTY 14 deal with rural character and the integration and design of buildings in the countryside. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be granted. However, it is considered that the proposal fails on criterion (g) of CTY 13 where in the case of a proposed dwelling on a farm, it is not visually linked or sited to cluster with an established group of buildings on a farm. There is some degree of hedging along the northern and roadside boundary but it is low lying and therefore wouldn't provide a suitable degree of enclosure or integration for a dwelling at this site.

The applicant has noted that they intend to create a new access onto Tycanny Road. DfI Roads were consulted and have noted no issues with the proposed access arrangement subject to condition.

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

Refuse is recommended

#### **Refusal Reasons**

##### **Reason 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 the proposed new building is visually linked with an established group of buildings on the farm. No health and safety reasons exist to justify an alternative site not visually linked with an established group of buildings on the farm and no verifiable plans exist to expand the farm business at the existing building group(s) to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm.

##### **Reason 2**

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building would be a prominent feature in the landscape and the proposed building would fail to blend with the landform,

existing trees, buildings, slopes and other natural features which provide a backdrop. In the case of a proposed dwelling on a farm 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.

**Case Officer:** Sarah Duggan

**Date:** 19 January 2023

<b>ANNEX</b>	
<b>Date Valid</b>	22 February 2022
<b>Date First Advertised</b>	10 March 2022
<b>Date Last Advertised</b>	8 March 2022
<b>Details of Neighbour Notification (all addresses)</b> The Owner / Occupier 14 Tycanny Road Garvaghy Dungannon Tyrone BT70 2EB The Owner / Occupier 17 Tycanny Road Garvaghy Dungannon Tyrone BT70 2EB	
<b>Date of Last Neighbour Notification</b>	21 March 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  NIEA-Substantive: TBCResponseType: FR Rivers Agency-Substantive: TBCResponseType: FR DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR DAERA - Omagh-Substantive: TBCResponseType: FR	
<b>Drawing Numbers and Title</b>  Site Location Plan   Plan Ref: 01	
<b>Notification to Department (if relevant)</b>  Not Applicable	





## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 February 2023	<b>Item Number:</b> 5.12
<b>Application ID:</b> LA09/2022/0418/F	<b>Target Date:</b> 24 May 2022
<b>Proposal:</b> Proposed 2 pair of semi detached houses (4 houses) to replace detached house granted under M/2013/0071/F	<b>Location:</b> 1 Castle Glen Avenue Ranfurly Road Dungannon
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> M & L Property Developments Ltd 34 Culrevog Road Dungannon	<b>Agent Name and Address:</b> J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan

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### Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: TBC
	NI Water - Multiple Units West	Substantive: TBCResponseType: FR
Statutory Consultee	DFI Roads - Enniskillen Office	27-07-2022 Conditions.docx

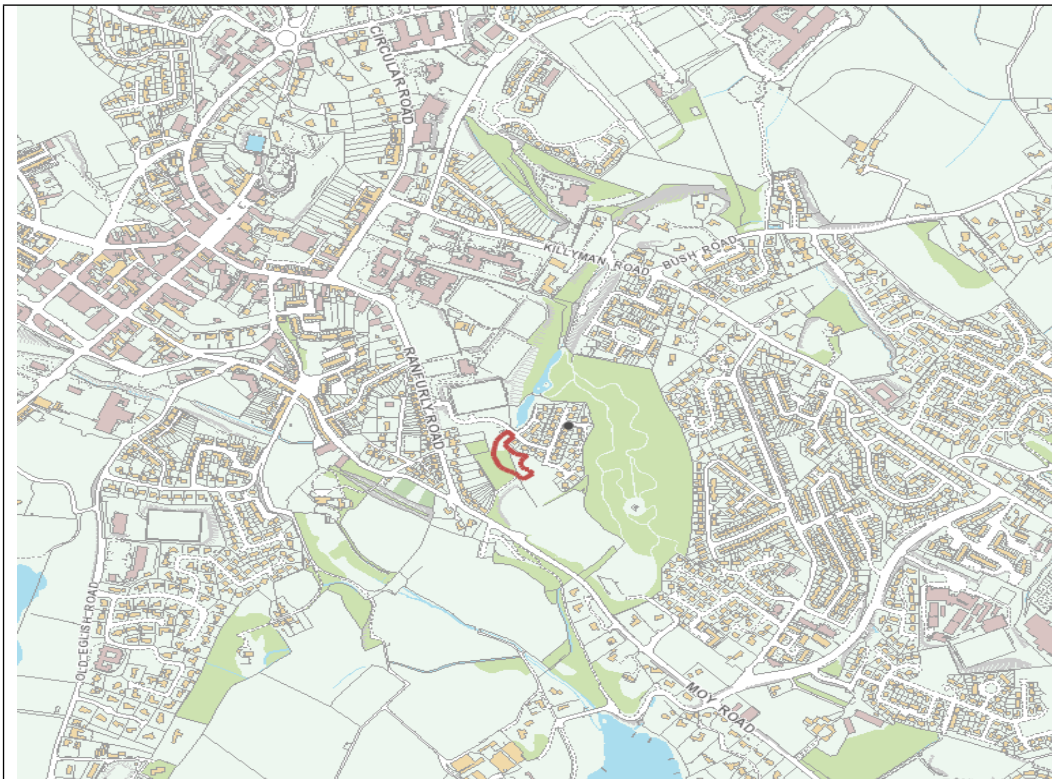
### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	2
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

### Characteristics of the Site and Area

The site lies within the settlement limits of Dungannon on land zoned for housing (DH16) and outside all other areas of constraint as depicted by the Dungannon and South Tyrone Area Plan 2010.



The site is an irregular shaped plot located adjoining the south of the newly built Castle Glen Avenue Development. The site is accessed off the main Ranfurly Road and runs just along the south boundary of the Royal School grounds. The larger site comprises a large development of semi detached and detached dwellings all of the same design and appearance.



The land slopes slightly from the North to the South, with a strong degree of vegetation cover along the



west boundary provided by mature trees. The designated area of open space is directly adjacent to and east of the site with the access and parking taken along the south western boundary.

## Description of Proposal

The proposal seeks full planning permission for 2 pair of semi-detached houses (4 houses) to replace detached house granted under M/2013/0071/F.



## Planning Assessment of Policy and Other Material Considerations

### Policy Consideration

#### History

M/2013/0071/F - Erection of 76 no. residential units comprising 14 no. detached, 40 no. semi-detached, 4 no. apartments and 18 no. townhouses, garages, associated landscaping, site and access works.

LA09/2019/0196/NMC - Amendment of rear/side elevation house types F and G

LA09/2019/1012/F - Retention of development site as constructed including modification of site/house



levels and variation to landscape proposals

LA09/2019/1483/F - Retention of site levels, proposed dwelling and garage and variation of landscape proposals

LA09/2021/0018/F - Part amendment of housing development site layout approved under M/2013/0071/F 15 units in total

### **Assessment**

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

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

- o Regional Development Strategy 2030
- o Strategic Planning Policy Statement for Northern Ireland
- o Dungannon and South Tyrone Area Plan 2010
- o PPS 3 Access, Movement and Parking
- o PPS 7 Quality Residential Environments
- o PPS 7 (Addendum) - Safe Guarding the Character of Established Residential Areas

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

### **Representations**

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, there has been two objections received, from concerned neighbours located immediately north of the site.

The objections main issues included;

- set a precedent
- Additional street lighting
- sewage system
- loss of trees
- loss of privacy
- loss of house value
- loss of view
- loss of sunlight
- loss of green area

### **Assessment of representations**

-With regards to the first point surrounding setting a precedent, it must be noted that the site lies within the settlement limits for Dungannon where there is a presumption in favour of development. In addition the proposal includes 4 dwellings, replacing one on the site but it must be noted that two units have been dropped from the overall approved scheme, therefore there is only one additional unit. The back to back distances and private amenity spaces are all sufficient.

-The proposed drawings show no plans for additional street lighting, however should any be proposed they would be to the south of the site and would therefore have minimal impact on the existing dwellings.

-The proposal does not involve the felling of any trees.

-Back to back distances are 20 metres minimum and the boundary is defined by a 20 metre closed board fence. Therefore there will not be an unacceptable loss of privacy

-Devaluation of property and loss of view are non material considerations

-The red line of the site does not include any additional open space, therefore there will be no further loss of green area.

- Finally, with regards to the loss of sunlight, as the sites lie to the South West of the existing dwellings the Sun will pass over and cast a shadow in that direction in the evening time, however, as the dwellings are 20 metre back and 11 metres minimum distance from dwelling to property boundary there will be no significant loss of sunlight.

### **Key Policy Considerations/Assessment**

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. SPPS 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.

The Dungannon and South Tyrone Area Plan 2010 is the statutory local development plan for the application site. The application site is located within the settlement limits of Dunagannon on land zoned for housing – Phase 1, DH16.

DH 16 – lands north of Oaklin House Hotel (Finnerys Field)

This was a 3.1 ha site located south of Windmill Wood benefitting from treed boundaries, the key site requirements include

-Access from the Ranfurly road

- foul sewer pumping required

- survey of vegetation required

-adequate separation between dwellings and trees

-pond to the west should be retained within overall layout

These factors have all been taken into account with the larger scheme for 76 dwellings and this proposal does not have any further detrimental effect. The scale, form, design, and use of materials are considered acceptable and are considered in more detail below.

This proposal seeks full planning permission for 2 sets of semi detached dwellings, 4 units in total. Drawing 04B date stamped 17<sup>th</sup> October 2022 provides details on the proposed siting, scale and access arrangements and drawing 5 date stamped 29<sup>th</sup> March 2022 details the design and dwelling layout. It must be noted that the scheme is to replace one larger dwelling on site and also that 2 units have been dropped from the overall larger scheme.

Policy Statement 7: Quality Residential Environments (PPS 7) is a retained policy document under the SPPS and provides the appropriate policy context. Policy QD 1 of PPS 7 sets out the policy framework under which applications of this nature should be assessed. The proposal has been considered against all criteria outlined under Policy QD1.

a) The proposal is for 4 dwelling units which would be in the form of 2 sets of semi-detached properties. It is my assessment that the proposed layout respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures, landscaping and hard surfaced areas. The immediate surrounding context is characterised by residential development of a similar scale and design and the density of the proposal is considered an acceptable reflection of the surrounding built form. I consider the development will respect the surrounding character. The development is not dominated by hard surfacing with all dwellings having in-curtilage parking and private garden amenity space of ample proportions.



b) No protected archaeological or built heritage features identified have been identified within the site or in close proximity thus it is not considered that the proposal would have a significant impact on any local landscape features of built/archaeological interests.

c) Each dwelling has adequate private amenity space enclosed by fencing in excess of the 70m2

recommended in Creating Places. Drawing 4B provides details of proposed planting to the entrance, as well as a high quality railing and fencing, which will soften the developments visual impact and help create a quality residential development.

d) The proposal site is situated within the Dungannon settlement limits thus it is considered there is easy accessibility to local neighbourhood facilities. It is not considered the proposed development would significantly intensify or place unnecessary demands on the existing neighbourhood provisions and amenities within the area.

e) The proposal seeks to access onto the Ranfurly Road. It was noted on the date of the site inspection the presence of an existing footpath which runs along the front of the site. DfI Roads have been consulted and have no objection to the proposal subject to conditions. It is considered an acceptable movement pattern is provided for vehicular, pedestrian and cycle links with local facilities and amenities. Having considered the proposed access arrangements and given DfI Roads have offered no road safety objections, it is considered the proposal also complies with Policy AMP2 of PPS 3.

f) I consider that adequate provision has been made for the provision of in-curtilage and on street parking within the site as indicated on Drawing 4B with ample space for 2no in-curtilage parking spaces per dwelling unit.

g) The design and finish of the dwellings do not give me any cause for concern and are typical of built form design found in the surrounding area. The proposal includes two storey semi-detached dwellings finished with red brick with a natural slate roof. The material and form is reflective of the existing built form within the settlement and overall I consider the design and finishes to be appropriate.

h) This proposed use is residential and this is in keeping with the land uses in the immediate setting. Generally, residential developments do not generate any unacceptable noise, odours or emissions which would impact on residential amenity. There are residential dwellings located north and northeast of the site. In terms of overlooking, loss of light and overshadowing, it is considered there is adequate separation distance from neighbouring properties and I do not foresee any unacceptable adverse impact on neighbouring amenity as a result of this proposal.



- i) Each unit has private amenity space and private off street parking provided. I have no significant concerns in terms of crime or health and safety with respect the proposed design.

PPS 7 (Addendum) Safeguarding the Character of Established Residential Areas - I am satisfied that, in principal, this proposal complies with Policy LC 1, Protecting Local Character, Environmental Quality and Residential Amenity, in that the proposal will not result in a significantly higher residential density in this locality. In terms of keeping with the established character of the area, the proposal is residential in nature which is acceptable in the surrounding context. The surrounding area is predominantly residential and there are a mix of house designs and densities from detached dwellings on large plots to higher density development. I consider the proposal is in keeping with existing pattern of development and the design and scale would not have an impact on the overall character and environmental quality of this area. All proposed dwellings are in excess of the acceptable size as set out in Annex A of this policy.

#### Additional Considerations

NI Water were consulted and have advised Waste Water Treatment Facilities at Dungannon WwTW are currently at capacity and therefore unavailable to serve this proposal. However, the agent has detailed that this proposal will only involve the addition of one extra unit, as two units have been dropped from the overall arrangement, and one dwelling approved on the site is being replaced. To combat the extra unit the layout on drawing 4B shows that the first dwelling unit is to be served by its own foul water treatment plant. This therefore negates the need for any intensification on the WWTWs. I discussed this with the principal planner and it was agreed that it was not necessary to re consult NIW in this case.

Recommendation Approval

**Summary of Recommendation:**

Approve is recommended

Approval Conditions

Condition 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.

Condition 2

No other development hereby permitted shall be commenced until the vehicular access has been constructed in accordance with Drawing No 4B bearing the date stamp 17 OCT 2022.

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

Condition 3

The access gradient to the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

Condition 4

Prior to occupation of the dwelling hereby approved, detailed as site number 1, the developer shall either:

- provide and commission a septic tank as shown on drawing 4B dated 17 OCT 2022, or
- provide written confirmation from NI Water of their agreement to allow the dwelling to connect into its mains sewage system.

REASON: to prevent pollution

Condition 5

All hard and soft landscape works shall be carried out in accordance with the approved details on drawing No.4B dated 17 OCT 2022 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the dwelling.

REASON: To ensure the provision, establishment and maintenance of a high standard of landscape.

**Signature(s):** Peter Hughes

**Date:** 8 November 2022

ANNEX	
<b>Date Valid</b>	29 March 2022
<b>Date First Advertised</b>	14 April 2022
<b>Date Last Advertised</b>	12 April 2022
<b>Details of Neighbour Notification (all addresses)</b> The Owner / Occupier 15 Ranfurly Road Dungannon Tyrone BT71 6EF The Owner / Occupier 14 Ranfurly Road Dungannon Tyrone BT71 6EF The Owner / Occupier 25 Castle Glen Avenue, Dungannon, Tyrone, BT71 6YF The Owner / Occupier 15 Castle Glen Avenue, Dungannon, Tyrone, BT71 6YF The Owner / Occupier 11 Castle Glen Avenue, Dungannon, Tyrone, BT71 6YF  The Owner / Occupier 5 Castle Glen Avenue, Dungannon, Tyrone, BT71 6YF The Owner / Occupier 3 Castle Glen Avenue, Dungannon, Tyrone, BT71 6YF The Owner / Occupier 1 Castle Glen Avenue, Dungannon, Tyrone, BT71 6YF The Owner / Occupier 16 Ranfurly Road Dungannon Tyrone BT71 6EF  The Owner / Occupier 25 Ranfurly Road Dungannon Tyrone BT71 6EF The Owner / Occupier 28 Ranfurly Road Dungannon Tyrone BT71 6EF The Owner / Occupier 38 Ranfurly Road Dungannon Tyrone BT71 6EF The Owner / Occupier 37 Ranfurly Road Dungannon Tyrone BT71 6EF The Owner / Occupier 36 Ranfurly Road Dungannon Tyrone BT71 6EF The Owner / Occupier 35 Ranfurly Road Dungannon Tyrone BT71 6EF The Owner / Occupier 34 Ranfurly Road Dungannon Tyrone BT71 6EF The Owner / Occupier 32 Ranfurly Road Dungannon Tyrone BT71 6EF The Owner / Occupier	



31 Ranfurly Road Dungannon Tyrone BT71 6EF  
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 33 Ranfurly Road Dungannon Tyrone BT71 6EF  
 The Owner / Occupier  
 27 Ranfurly Road Dungannon Tyrone BT71 6EF  
 The Owner / Occupier  
 16A Ranfurly Road Dungannon Tyrone BT71 6EF  
 The Owner / Occupier  
 24 Ranfurly Road Dungannon Tyrone BT71 6EF  
 The Owner / Occupier  
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 The Owner / Occupier  
 29 Ranfurly Road Dungannon Tyrone BT71 6EF  
 The Owner / Occupier  
 30 Ranfurly Road Dungannon Tyrone BT71 6EF  
 The Owner / Occupier  
 15 Oaklands, Dungannon, Tyrone,  
 The Owner / Occupier  
 6 Oaklands, Dungannon, Tyrone,  
 The Owner / Occupier  
 40 Ranfurly Road, Dungannon, Tyrone, BT71 6EF  
 The Owner / Occupier  
 44 Ranfurly Road, Dungannon, Tyrone, BT71 6EF  
 The Owner / Occupier  
 1 Castle Glen Ponds, Dungannon, Tyrone, BT71 6XX  
 The Owner / Occupier  
 42 Ranfurly Road, Dungannon, Tyrone, BT71 6EF

**Date of Last Neighbour Notification**

27 April 2022

**Date of EIA Determination**

**ES Requested**

<events screen>

**Planning History****Summary of Consultee Responses**

DFI Roads - Enniskillen Office-Substantive: TBC  
NI Water - Multiple Units West-Substantive: TBCResponseType: FR  
DFI Roads - Enniskillen Office-27-07-2022 Conditions.docx

**Drawing Numbers and Title**

Proposed Plans      Plan Ref: 05  
Site Layout or Block Plan   Plan Ref: 04  
Site Layout or Block Plan   Plan Ref: 03  
Site Layout or Block Plan   Plan Ref: 02  
Site Location Plan   Plan Ref: 01  
Site Layout or Block Plan   Plan Ref: 4B  
Site Layout or Block Plan   Plan Ref: 4A

**Notification to Department (if relevant)**

Not ApplicableNot Applicable

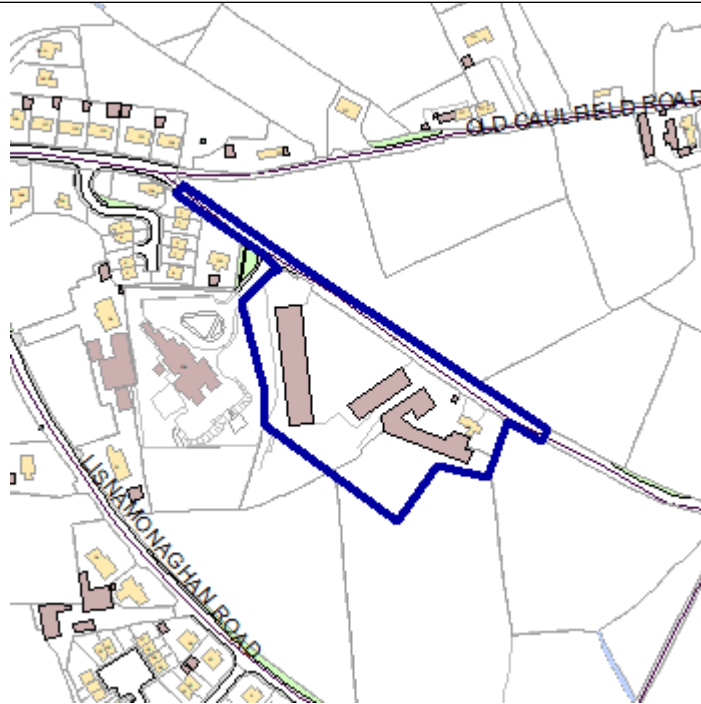


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 February 2023	<b>Item Number:</b> 5.13
<b>Application ID:</b> LA09/2022/0440/F	<b>Target Date:</b> 30 May 2022
<b>Proposal:</b> Proposed residential development consisting of 30 no. dwellings made up of a range of 3 & 4 bed detached and semi-detached houses with associated access & parking, landscaping and public open space.	<b>Location:</b> 140 Old Caulfield Road Castlecaulfield Dungannon
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Alskea Ltd 252 Hillhall Road Belfast BT27 5JQ	<b>Agent Name and Address:</b> No Agent
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: TBC
	Environmental Health Mid Ulster Council	Substantive: TBC
	NI Water - Multiple Units West	Substantive: TBCResponseType: PR
Statutory Consultee	DFI Roads - Enniskillen Office	2022 0440 F Coversheet.docx
Statutory Consultee	Rivers Agency	496007-07 Final Planning Authority reply.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	
Statutory Consultee	Environmental Health Mid Ulster Council	Planning Response 2 LA09- 22-0440.pdf

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection	

and signatures

## Summary of Issues

This proposal does not comply with the provisions of Policy CTY 15 in PPS 21.

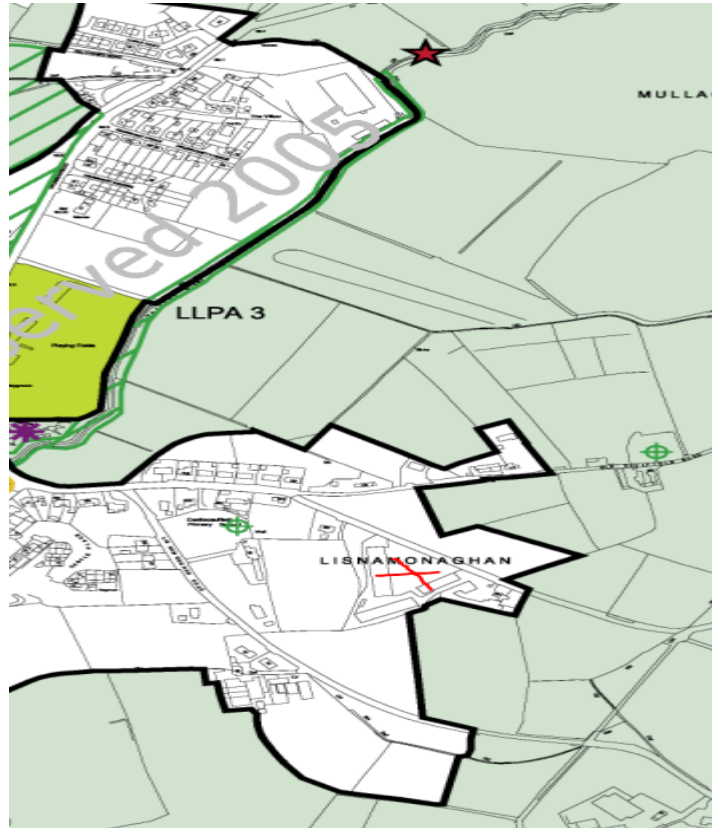
## Characteristics of the Site and Area

This application occupies an irregular shaped site which sits to the south of the Old Castlecaulfield Road. It is sited mostly within the development limits of the village of Castlecaulfield and is undefined in the Dungannon and South Tyrone Area Plan (DSTAP). Part of the site's eastern boundary also defines the settlement limit and a small portion of the site to the rear of the farm building which sits to the rear of the dwelling lies outside of the development limit. This eastern portion of this application site includes the two-storey dwelling at No 140 Old Castlecaulfield Road as well as a number of associated farm buildings to the west. At the time of site inspection, it appears that one of the outbuildings has been demolished and there are piles of infill which appears to have been transported to the site from elsewhere. The land is generally flat however it rises in a south easterly direction with the road as you travel away from the direction of the village.



A long agricultural type shed with an associated concreted yard area to the front and side sits almost parallel to the western boundary of the site which comprises mature hedging, separating the site from the Blessed Patrick O'Loughran Primary School to the

west. The roadside boundary at this western most part of the site is undefined with the concreted yard area to the front of the shed. As you travel along the roadside boundary of the site away from the village, this north eastern boundary varies from a post and wire fence, to a stone wall which forms the curtilage of No 140 Old Castlecaulfield Road. The eastern boundary of the site is well treed enclosing the curtilage of the dwelling. The remaining south western boundary to the rear of the site is defined on the ground by a post and wire fence, with views over onto the Lisnamonaghan Road.



### Planning History

There is no relevant planning history on this application site.

### **Description of Proposal**

This application seeks full planning permission for a residential development consisting of 30 no. dwellings made up of a range of 3 & 4 bed detached and semi-detached houses with associated access & parking, landscaping and public open space on lands at No 140 Old Caulfield Road, Castlecaulfield.

This residential development comprises 9 pairs of semi-detached dwellings and 12 detached dwellings of which 10 are along the main road. All the dwellings are two storey, with 16 of them - being 4-bedroom and the remaining 14 3-bedroom dwellings.





## **Consultations and Representations**

NI Water were consulted and have stated there is available capacity at the Castlecaulfield Wastewater Treatment Works (WwTW) for a maximum period of 18 months from the date of their consultation response which would be 11<sup>th</sup> November 2023. However, NI Water recommend this application be refused as the development may experience nuisance due to its proximity to the WwTW and they would require confirmation that Policy WM5 of PPS 11 – Planning and Waste Management can be achieved.

Policy WM5 relates to Development in the Vicinity of Waste Management Facilities and states permission will only be granted where it will not prejudice or unduly restrict activities permitted to be carried out within the waste management facility and it would not give rise to unacceptable adverse impacts in terms of people, transportation systems or the environment. As this application site is located wholly or partially within 400m odour consultation zone boundary of Castlecaulfield WWTW, an Odour Encroachment Assessment is required to determine the compatibility of this proposal with the existing operation of the WwTW. An Odour Dispersion Model may also be required where the applicant will be required to fund the capital and operating costs of any mitigation measures.

NI Water confirm there is a public foul sewer within 20m of the proposed development

boundary and public water, however a high-level assessment has indicated potential network capacity issues. This establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties and therefore NI Water recommends that connections to the public sewerage system are curtailed.

A Wastewater Impact Assessment (WwIA) - Ref: DS46703 and a Water Impact Assessment (WIA) - Ref: DS46705 from the applicant has been received by NI Water's Engineering Solutions Team. Both the WwIA and the WIA are ongoing to determine the best outcome to serve this planning proposal once they are completed.

The WWTW at Castlecaulfield is located approximately 400 metres to the north west of this site. While processing the applicant's other site (LA09/2021/1572/F) which is immediately adjacent to and south of this application site, the agent provided a letter from NI Water dated 2<sup>nd</sup> February 2022 which states,

"NIW have considered the location of the property under this application and can confirm that while it is inside the "Odour Consultation Zone Boundary", our assessment concludes that NIW will not, on the grounds of "incompatible development" raise an objection to any proposed development or reuse of the site."

I am content that due to the proximity of this application site that their response would be the same.

DfI Roads were consulted and a number of amendments were requested;

- Reduce the radius at the entrance to the development to 10m.
- Place PCP back to face each other.
- Insert parking spaces you're providing in table and on drawing.
- Show 2x33m access points and forward site distance in front of house no. 22 and 23.
- Show 2.4 x 33m at all internal junctions.
- Housing/Parking table and gradient table both on PSD.
- Levels 5m from back of footway should not exceed 1:12.5.
- Amalgamate both drawings (LA09/2022/0440/F and LA09/2022/0365/F) showing right turning lanes for both accesses for future development over 50 houses – set houses back to accommodate this, so DfI can adopt.

Following the submission of amendments and the Private Streets Determination Drawings, DfI Roads have no objection to this proposed development, subject to conditions.

The Council's Environmental Health section were consulted and they advised a condition is attached that approval will not be granted unless the sewerage system connecting the proposed development to the mains network is constructed to a standard capable of being approved by NI Water. They have no objections to this proposed development subject to a condition regarding the potential discovery of contamination.

The agent subsequently submitted a Contaminated Land Report which was carried out by Tetra Tech in September 2022. This report identified localised hydrocarbon contamination which is believed to be associated with a previous land use on the site



(former fuel storage tank). It is therefore recommended that remedial work is undertaken to mitigate the identified potential risk to human health. Environmental Health have no objections to the proposal subject to conditions regarding this contaminated land being attached to any approval. A Noise Impact Assessment was also submitted as part of this application, however no comments were made regarding it.

DfI Rivers were consulted on the Drainage Assessment submitted as part of this application and prepared by Mc Keown and Shields Ltd and. They note this is a preliminary drainage design and recommend a negative condition regarding the final Drainage Assessment to be submitted prior to any development on the site. They acknowledge that a Schedule 6 application to discharge to the Torrent River at a rate of 30.85l/s has been submitted.

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

### **Policy Consideration**

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

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. The Council submitted the Draft Plan Strategy to the Department for Infrastructure (DfI) on 28<sup>th</sup> May 2021 for them to carry out an Independent Examination. In light of this, the Draft Plan Strategy currently does not yet carry any determining weight.

The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development (SPPS) published in September 2015 is material to all decisions on individual planning applications and appeals. The SPPS outlines the aim to providing sustainable development and with respect to that should have regard to the Development Plan and any other material considerations. It 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. As the site lies within the settlement limit of Castlecaulfield as defined in the above plan, SETT 1 is the relevant policy. I am content

that if this proposal complies with the provisions of PPS 7, it will also comply with SETT 1.

The agent submitted a Design Concept Statement, Biodiversity Checklist, Drainage Assessment Report, Land Contamination Assessment, Noise Impact Assessment, Transport Assessment, Landscape Management and Maintenance Plan and a Preliminary Ecological Appraisal, along with the relevant drawings.

Policy QD1 - Quality in New Residential Development in PPS7 - Quality Residential Environments states all proposals for residential development will be expected to conform to all of the following criteria:

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

The village of Castlecaulfield has recently experienced an increase in demand for residential properties. Its location close to the major transport links deem it a desirable location for commuting. The built fabric of the village is growing with housing developments proposed on vacant plots of land within the settlement limits of the village. Although there is no planning history on this application site, the area surrounding this site has recently either obtained planning permission for residential development or is going through the planning process for such.

The same applicant has obtained planning permission for a housing development adjacent to and south west of this site under application LA09/2021/1572/F for 29 dwellings. They also have an application for 24 dwellings on the opposite side of the road to this site currently under consideration under application LA09/2022/0365/F.

The premise of residential development is acceptable on this site due to its location within the development limits of Castlecaulfield. The site is fairly flat overall but rises slightly in a south easterly direction as can be seen from the streetscape of the proposal which fronts onto the roadside. The rear gardens of each property are defined by a timber fence with estate railing defining the side of the front garden, with a 1 metre hedge to the front of the curtilage. I am satisfied the scale and massing along with the hard and soft landscaping in this proposal creates an attractive quality residential development on this site.



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

Castlecaulfield has a rich heritage which is reflected in the presence of archaeological sites and monuments in and around the village. However, this application site located on the eastern outskirts of the settlement is not impacted by any of these features.

This application site located on the edge of Castlecaulfield appears to have had much vegetation removed from along this roadside boundary. The vegetation on the boundary separating the site from the Primary School and the eastern boundary running along the dwelling at No 140 Old Castlecaulfield Road are both to be retained as part of this development proposal in order to provide a degree of enclosure.

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

Ten of the properties in this development will have a detached garage which occupies a footprint of 23 sq. metres and has a ridge height of 3.8 metres FGL. These garages are on the plots of the detached dwellings, except for the 2 either side of the main entrance to the development. Each property has a small front lawn with a tree in it as well as a larger lawn area to the rear which provides adequate private amenity space. A rectangular area of public open space is located in the rear corner in the south eastern of the site. A condition to retain the existing trees along the western and eastern boundaries can be attached to any permission to aid integrating this development into the surrounding area.

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

There is no requirement to provide local neighbourhood facilities as part of this planning application due to its scale. As this site is within the settlement limit of Castlecaulfield, a range of existing facilities are currently catered for in the village and easily accessed from this application site.

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

As this site lies within the development limits of Castlecaulfield village, it is within the 30 miles per hour restriction on the maximum speed and a speed ramp within the development will curtail traffic speed. A footpath is provided within this development site and there is an existing footpath outside of the adjacent Primary School. This avails of streetlighting which facilitates a safe route for pedestrians, connecting them to the centre of the village. The location of this site within the development limits of Castlecaulfield mean public transport can be accessed easily with service routes available to the larger towns of Dungannon and Cookstown. DfI Roads were consulted on this proposal as discussed below and are satisfied it complies with the provisions of PPS 3.

f) adequate and appropriate provision is made for parking;

This proposal includes 16 four-bed dwellings and 14 three-bed dwellings which requires an overall total of 76 parking spaces. I am satisfied there is sufficient parking provided in-curtilage for each dwelling in this development, as set out in Creating Places.

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

This proposal comprises a variety of semi-detached and detached dwellings of varying size and design.

There are 10 detached dwelling which all front onto the main road, with 6 of these having

a rear sunroom projection. There are another 2 detached dwellings at each side of the development at the end of the inner road, along which are 9 pairs of semi – detached dwellings. The detached dwellings also have a detached garage within their curtilage.

I am satisfied the variation in ridge height and finishes of the dwellings which respect the vicinity along with the provision of public and private open space provides for a quality residential development.

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

There are no residential properties adjacent to this application site which could be impacted in terms of overlooking or overshadowing. Although the Blessed Patrick O'Loughran Primary School is adjacent to this site at the west, a line of trees currently forms this boundary and acts not only as a visual buffer but a sound one too and will therefore be conditioned to be retained. Although the hours this school is utilised throughout the year is limited, the retention of this boundary should reduce any potential conflicting interests. A Noise Impact Assessment was submitted as part of this development proposal and Environmental Health had no comment to make.

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

I am satisfied that the development is considered to be designed to deter crime and promote personal safety. Parking is provided for within the curtilage of each dwelling and street lighting currently exists on the opposite side of the road to this application site, ending just after the entrance to the school.

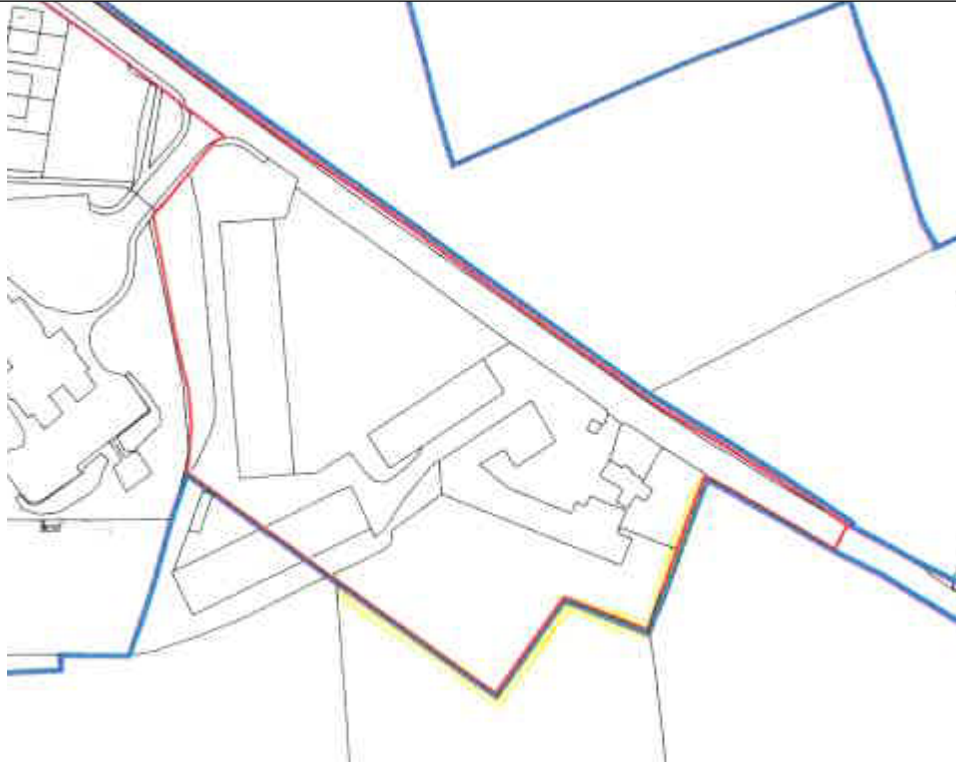
### **Planning Policy Statement 3 - Access, Movement and Parking.**

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal involves the creation of a new access onto the Old Castlecaulfield Road. DfI Roads were consulted and requested visibility splays of 4.5 metres x 70 metres at the junction of the proposed access road with the Old Castlecaulfield Road. There are 8 dwellings which also access onto this road with 4 of the houses having a shared access with their neighbour. Following the submission of drawings with amended details and the Private Streets Determination Drawings, DfI Roads are content this proposal complies with PPS 3.

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

Policy CTY 15 states that planning permission will be refused for development which mars the distinction between a settlement and the surrounding countryside, or that otherwise results in urban sprawl. This application site covers an area of 1.5 hectares, of which approximately 0.28 hectares lies outside of the settlement limit. The part of this development proposal which lies outside of Castlecaulfield's development limit as defined in the DSTAP is in the south eastern portion of the site. This includes the area of public amenity space as well as the 5 dwellings on Plots 11, 12, 13, 14 and 15 which propose 2 pairs of semi-detached and 1 detached two storey dwelling.

CTY 15 aims to promote and contain development within a settlement, as well as protecting the identity of each settlement with the landscape immediately around it playing an important role in maintaining this distinction between town and country. Although this development proposes to include land which is outside of the development limit, I would not be highly concerned due to the location of the land impacted to the rear of the site and not along the roadside. Development on the area of land which lies within the countryside would not be highly obvious due to the inclusion of land between it and the main road within the limits. As the applicant has shown the land surrounding this site in blue and therefore under their ownership, the provision of a substantial landscape buffer around the edges of this development site abutting the countryside would reinforce the distinction between urban and rural fringe as below.



An Environmental Impact Screening Determination was carried out for this proposal as it fell within Category 10 – Infrastructure Projects part (B) - The carrying out of development to provide for urban development projects, including the construction of shopping centres and car parks, of Schedule 1 of the Planning (Environmental Impact Assessment) Regulations (NI) 2017.

The proposed development in this application is an urban development project and the area exceeds 0.5 ha. Under Regulation 12 (1) of these regulations, the Council is obliged to make a determination as to whether this application is for EIA development.

Mid Ulster Council has determined that the environmental impacts of this application are thought not to be so significant as to warrant the submission of an Environmental Statement under current EIA legislation. The environmental effects of this proposal will be assessed via the Development Management process under the relevant policies, as discussed above.

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

This application was advertised in the local press and 4 letters were sent to residents

neighbouring this site. There were no objections received about this proposal.

This application has been advertised in Local Press in line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015. There were 2 neighbouring properties which were notified and there were no objections received.

### **Summary of Recommendation:**

Approve is recommended

As this proposal does not comply with the provision of CTY 15 in PPS 21 and is therefore contrary to policy, this application must go forward to the Planning Committee. There are no objections and this application fulfils the other pertaining policies. Provided a pre-commencement condition is attached to plant a landscape buffer along the indicated boundaries of the site, I would advise Members to approve this proposal.

### **Approval Conditions**

#### **Condition 1**

As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit

#### **Condition 2**

The visibility splays of metres 4.5 metres x 70 metres at the junction of the proposed access road with the Old Castlecaulfield Road, shall be provided in accordance with Drawing No 29 bearing the date stamp 29th October 2022, prior to the commencement of any works or development. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

#### **Condition 3**

The access gradients to the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 metres outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4 % (1 in 25) and maximum 2.5 % (1 in



40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

**Condition 4**

No dwellings shall be occupied until that part of the service road which provides access to it has been constructed to base course. The final wearing course shall be applied on completion of the development.

Reason: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.

**Condition 5**

Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 1993, no buildings, walls or fences shall be erected, nor hedges, nor formal rows of trees grown in the verges or service strips determined for adoption.

Reason: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage or obstruction to services.

**Condition 6**

Prior to the commencement of any development hereby permitted, the applicant must provide in writing to be agreed to by Mid Ulster District Council, a suitable 8-10 metre wide landscape buffer of native species vegetation to be planted along the boundaries as coloured yellow on Drawing No 01 date stamped 4th April 2022.

Reason: To establish the boundary between the development and the countryside.

**Condition 7**

Prior to the commencement of any of the approved development on site, a Final Drainage Assessment, compliant with Annex D of PPS 15 and Sewers for Adoption Northern Ireland 1st Edition must be submitted to Mid Ulster District Council Planning Department for its consideration and agreed in writing. It must contain a detailed drainage network design including a demonstration of how out-of-sewer flooding will be safely managed.

Reason - In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere.

**Condition 8**

No dwelling shall not be occupied until all the remedial measures, as per Section 6 of Tetra Tech Report stamp dated September 2022, have been implemented to the satisfaction of Mid Ulster District Council. The remediation scheme shall be validated in order to ensure and verify that it has been implemented in accordance with the scheme and the objectives have been met. This substantiating information shall be submitted to

and agreed in writing by Mid Ulster District Council.

Reason: To ensure there is no risk to human health and that appropriate methods of handling and treating any contaminated land are controlled.

#### Condition 9

There shall be no deviation or amendments to the design of the remediation scheme without the prior written approval of Mid Ulster District Council prior to works being commenced on the site

Reason: To ensure there is no risk to human health and that appropriate methods of handling and treating any contaminated land are controlled.

#### Condition10

In the event that previously unknown contamination is discovered falling outside the scheme of the previous assessment and approved remediation scheme, development on the site shall cease pending the submission of a written report, detailing the proposed investigation, risk assessment and remediation scheme to be agreed by Mid Ulster District Council and the Northern Ireland Environment Agency. Development works shall not resume until the approved written report has been fully implemented to the satisfaction of Mid Ulster District Council and the Northern Ireland Environment Agency.

Reason: To ensure the appropriate methods of handling and treating any contaminated land are controlled.

#### Condition11

The open space and amenity areas indicated on the stamped approved Drawing 28 REV 1 date stamped 9th November 2022, shall be managed and maintained in accordance with the Landscape Management Plan, stamped received on 26th April 2022. Any changes or alterations to the approved landscape management arrangements shall be submitted to and agreed in writing by Mid Ulster District Council.

Reason: To ensure successful establishment and ongoing management and maintenance (in perpetuity) of the open space and amenity areas in the interests of visual and residential amenity.

#### Condition12

Prior to the occupation of any of the dwellings hereby approved, the developer shall provide a signed agreement with a landscape management company for the maintenance of the area of open space. The area of open space as detailed on Drawing 87 REV 1 date stamped 9th November 2022, shall be maintained by the nominated management company in accordance with the Landscape Management Plan.

Reason: To ensure successful establishment and ongoing management and maintenance (in perpetuity) of the open space in the interests of visual and residential amenity.

#### Condition13

All detached garages permitted in this development are ancillary to the dwelling and are

for domestic purposes only.

Reason- To maintain the residential use on this site.

**Condition14**

The development hereby permitted shall not commence until such time as the developer has gained consent from NI Water to allow connection of the proposed development to the public sewer network and this condition has been formally discharged in writing by the Council.

Reason: In the interests of public health.

**Condition15**

The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

PSDo2 - The Department for Infrastructure has determined that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No 29 bearing the date stamp 29th October 2022.

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

**Condition16**

The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

PSDo2 - No other development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No 29 bearing the date stamp 29th October 2022.

The Department for Infrastructure has attached to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

Reason: To ensure there is a safe and convenient road system within the development and to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

**Signature(s):** Cathy Hughes

**Date:** 25 January 2023

<b>ANNEX</b>	
<b>Date Valid</b>	4 April 2022
<b>Date First Advertised</b>	28 April 2022
<b>Date Last Advertised</b>	26 April 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier Blessed Patrick O'Loughran Primary School, Castlecaulfield, Dungannon BT70 3NQ The Owner / Occupier 128 Old Caulfield Road Dungannon Tyrone BT70 3NQ	
<b>Date of Last Neighbour Notification</b>	28 April 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  DFI Roads - Enniskillen Office-Substantive: TBC Environmental Health Mid Ulster Council-Substantive: TBC NI Water - Multiple Units West-Substantive: TBCResponseType: PR DFI Roads - Enniskillen Office-2022 0440 F Coversheet.docx Rivers Agency-496007-07 Final Planning Authority reply.pdf DFI Roads - Enniskillen Office- Environmental Health Mid Ulster Council-Planning Response 2 LA09-22-0440.pdf	

**Drawing Numbers and Title**

Roads Details	Plan Ref: 26
Proposed Plans	Plan Ref: 25
Proposed Elevations	Plan Ref: 24
Proposed Floor Plans	Plan Ref: 23
Proposed Elevations	Plan Ref: 22
Proposed Elevations	Plan Ref: 21
Proposed Floor Plans	Plan Ref: 20
Proposed Elevations	Plan Ref: 19
Proposed Elevations	Plan Ref: 18
Proposed Floor Plans	Plan Ref: 17
Proposed Elevations	Plan Ref: 16
Proposed Elevations	Plan Ref: 15
Proposed Floor Plans	Plan Ref: 14
Proposed Elevations	Plan Ref: 13
Proposed Elevations	Plan Ref: 12
Proposed Elevations	Plan Ref: 11
Proposed Floor Plans	Plan Ref: 10
Block/Site Survey Plans	Plan Ref: 09
Site Layout or Block Plan	Plan Ref: 08
Site Layout or Block Plan	Plan Ref: 07
Site Layout or Block Plan	Plan Ref: 06
Site Layout or Block Plan	Plan Ref: 05
Site Layout or Block Plan	Plan Ref: 04
Site Layout or Block Plan	Plan Ref: 03
Site Layout or Block Plan	Plan Ref: 02
Site Location Plan	Plan Ref: 01
Site Layout or Block Plan	Plan Ref: 02 Rev 1
Proposed Floor Plans	Plan Ref: 14 Rev 1
Proposed Elevations	Plan Ref: 15 Rev 1
Proposed Elevations	Plan Ref: 16 Rev 1
Landscape Proposals	Plan Ref: 27 Rev 1
Landscaping Plan	Plan Ref: 28 Rev 1
Proposed Floor Plans	Plan Ref: 17 Rev 1
Proposed Elevations	Plan Ref: 18 Rev 1
Proposed Elevations	Plan Ref: 19 Rev 1

**Notification to Department (if relevant)**

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 February 2023	<b>Item Number:</b> 5.14
<b>Application ID:</b> LA09/2022/0490/O	<b>Target Date:</b> 7 June 2022
<b>Proposal:</b> Proposed dwelling and garage on a farm	<b>Location:</b> 194M S.W. Of 8 Killybearn Lane Cookstown
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Martyn Devlin 9 Farm Lodge Lane Magherafelt	<b>Agent Name and Address:</b> OJQ Architecture 89 Main Street Garvagh Coleraine BT51 5AB
<b>Executive Summary:</b>  To Committee - Refusal - Contrary to CTY 1, 10 and CTY 13 of PPS 21 and one objection received.	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	DAERA - Omagh	LA09-2022-0490-O.DOCXSee uploaded document
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation outline approval.docx
Non Statutory Consultee	DAERA - Coleraine	Consultee Response LA09-2022-0490-O.DOCX

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	1
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

To Committee – Refusal – Contrary to CTY 1, 10 and CTY 13 of PPS 21 and one objection received.

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

The proposed site is located approximately 2.75km east of the development limits of Cookstown, as such the site located within the open countryside as per the Cookstown Area Plan 2010. The site has been identified as 194m SW of 8 Killybearn Lane, Cookstown in which the red line covers the southern portion of a much larger agricultural field. The site is proposing access off the shared laneway off the Killybearn Lane. The surrounding and immediate area are dominated by agricultural land uses with a scattering of residential properties.

### **Representations**

Seven neighbour notifications were sent out however one objection was received. Summary of objections are as below;

- Concerns over the access being safe and adequate to facilitate a family home – especially during the construction phase and transport of materials.
- Suggested that this is to be a farm dwelling and garage is economic with the true meaning of the interpretation.

## **Description of Proposal**

This is an outline application for a proposed dwelling and garage on a farm, the site is located 194M S.W. Of 8 Killybearn Lane, Cookstown.

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

### **Policy Consideration**

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

Cookstown Area Plan 2010

PPS 1 – General Principles

PPS 3 – Access, Movement and Parking

PPS 21 – Sustainable Development in the Countryside

Building on Tradition – A Sustainable Design Guide for Northern Ireland Countryside

CTY 1 – Development in the Countryside

CTY 10 – Dwellings on the Farm

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically



with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety’.

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development area acceptable in the countryside. In this instance the application is for a dwelling the farm and as a result the development must be considered under CTY 10 of PPS 21.

Policy CTY 10 states that planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

(a) the farm business is currently active and has been established for at least 6 years;  
(b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and

(c) the new building is 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.

With respect to (a), a consultation was sent to DAERA with regards to the Farm Business, in their response stated that there was no farm business number submitted, wherein the agent confirmed that the applicant only had applied for one during this application. I note a series of receipts along with a lease agreement dating from 2014-2023 were provided to demonstrate activity. I am content that this is sufficient to show some level of activity however given the issue of the business number I am not content that the business is established.

With respect to (b), given the lack of business number there was no farm maps provided with this application. However the agent confirmed in writing that the lands shown in the location plan were the only lands associated with the business. Upon review of these lands I note that no farm approvals have been attained on it nor any other development opportunities.

With respect to (c), I first note that the registered address of the farm business sits approximately 200m north of the site with the applicant living in development limits of Magherafelt some distance away. I note that the applicant is relying on what they have identified as ‘existing animal handling facilities’ within the site for visually linkage and clustering. I have a number of concerns with this; I note that ‘existing animal handling facility’ in my opinion does not constitute a building on the farm, nor is there any planning permission for an agricultural building at this location. From the below photo it is clear that this is just a number of tin sheets and wouldn’t constitute as a building.



Even if this for whatever reason would be constituted as a building, it is not constituted as an existing group of buildings on the farm. I contend that the buildings located no.8 Killybearn Lane constitute as the only group of buildings on the farm and any dwelling should be sited beside such. I hold the view that a dwelling located within the site would be too far detached from the buildings at No.8 to constitute visual linkage or clustering.

This concern was raised to the agent and in response provided a statement to clarify the issues, they refer to approvals – LA09/2018/0874/O and LA09/2021/0168/O as precedent. In terms of LA09/2018/0874/O, state that planning permission was granted located in a field with an animal handling facility similar to this proposal. Upon review of this, I note that this building was actually discounted and the application was approved by virtue that there are no buildings on the farm and taken on its own merits. The issue here is that there are a group of buildings at no.8.

With regards to LA09/2021/0168/O, it was stated by the agent that this was approved set up a laneway some distance from the existing farm buildings but with a degree of visual linkage similar to this application. Again upon review of this, it appears that the initial opinion was that the application was unacceptable given the separation distances but seems to have been granted by virtue that that was the only location that provided adequate separation distance from a neighbouring cattle shed. This is not the case in this application. From this I hold the view that this application fails under CTY 10 of PPS 21.

Upon review of the remainder of the policies of CTY 1 I hold the view that none of these are applicable to this site and must recommend refusal under CTY 1 respectively.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I hold the view than an appropriately designed dwelling will not appear as visually prominent in the landscape. I note that as much of the existing

landscaping should be retained and supplemented with additional landscaping, with such any dwelling would be able to successfully integrate. Given the landform and surrounding development I feel it necessary to restrict any ridge height to 6.5m. As noted the site is not located to cluster or visually link with an established group of buildings on the farm. Given such I hold the view that the application does not fully comply under CTY 13.

In terms of policy CTY 14 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. As such I am content that an appropriately designed dwelling would not appear unduly prominent in the landscape. I note that dwelling is unlikely to result in adverse impact on the rural character of the area. I am content that this is able to comply under CTY 14.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

PPS 3 - Access, Movement and Parking;

A consultation was sent to DFI Roads, in their response confirmed that they had no objections subject to conditions and informatives. I am content that the access is acceptable under PPS 3.

In response to the comments made by the objector; with regards to the comments in relation to the laneway and access. I note Roads have deemed the access acceptable and in terms of the laneway this can be easily upgraded and fit for purpose. In terms of the comments in relation to the farm, as expressed I am not content that this is a valid farm case as expressed above.

I have no ecological or residential amenity concerns.

The proposal has failed under CTY 1,10 and 13 of PPS 13 as such a refusal is recommended.

### **Summary of Recommendation:**

Refuse is recommended

### **Refusal Reasons**

**Reason 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.

**Reason 2**

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 farm business has been established for at least six years nor is the proposed dwelling visually linked or sited to cluster with an established group of buildings on the farm.

**Reason 3**

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.

**Signature(s):** Peter Henry

**Date:** 17 January 2023

<b>ANNEX</b>	
<b>Date Valid</b>	12 April 2022
<b>Date First Advertised</b>	3 May 2022
<b>Date Last Advertised</b>	3 May 2022
<b>Details of Neighbour Notification (all addresses)</b> The Owner / Occupier 1 Killybearn Lane Cookstown Londonderry BT80 8SX The Owner / Occupier 10 Killybearn Lane Cookstown Londonderry BT80 8SX The Owner / Occupier 12A Killybearn Lane Cookstown Londonderry BT80 8SX The Owner / Occupier 6 Killybearn Lane Cookstown Londonderry BT80 8SX  The Owner / Occupier 2 Killybearn Lane Cookstown Londonderry BT80 8SX The Owner / Occupier 12 Killybearn Lane Cookstown Londonderry BT80 8SX The Owner / Occupier 24 Derrygonigan Road Cookstown Londonderry BT80 8SU	
<b>Date of Last Neighbour Notification</b>	28 June 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  DAERA - Omagh-LA09-2022-0490-O.DOCXSee uploaded document DFI Roads - Enniskillen Office-Roads Consultation outline approval.docx DAERA - Coleraine-Consultee Response LA09-2022-0490-O.DOCX	

<b>Drawing Numbers and Title</b>
Site Location Plan   Plan Ref: 01
<b>Notification to Department (if relevant)</b>
Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 February 2023	<b>Item Number:</b> 5.15
<b>Application ID:</b> LA09/2022/0520/F	<b>Target Date:</b> 16 June 2022
<b>Proposal:</b> Proposed 30m telecommunication mast with 3No. antennae, 3no. radio units and 2No. radio dishes. Proposal includes the provision of an equipment compound and associated ancillary development.	<b>Location:</b> On Lands C.107M South Of No.19 Lisnagleer Road Dungannon BT70 3LN.
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Cornerstone Hive 2 1530 Arlington Business Park Berkshire RG7 4SA	<b>Agent Name and Address:</b> C/O Les Ross Planning 14 King Street Magherafelt BT45 6AR
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan

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### Consultations:

Consultation Type	Consultee	Response
	Environmental Health Mid Ulster Council	Substantive: TBC
	DFI Roads - Enniskillen Office	Substantive: TBC
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09-22-0520 F On Lands C.107M South Of No.19 Lisnagleer Road Dungannon BT70 3LN.doc
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation blank.docx

### Representations:

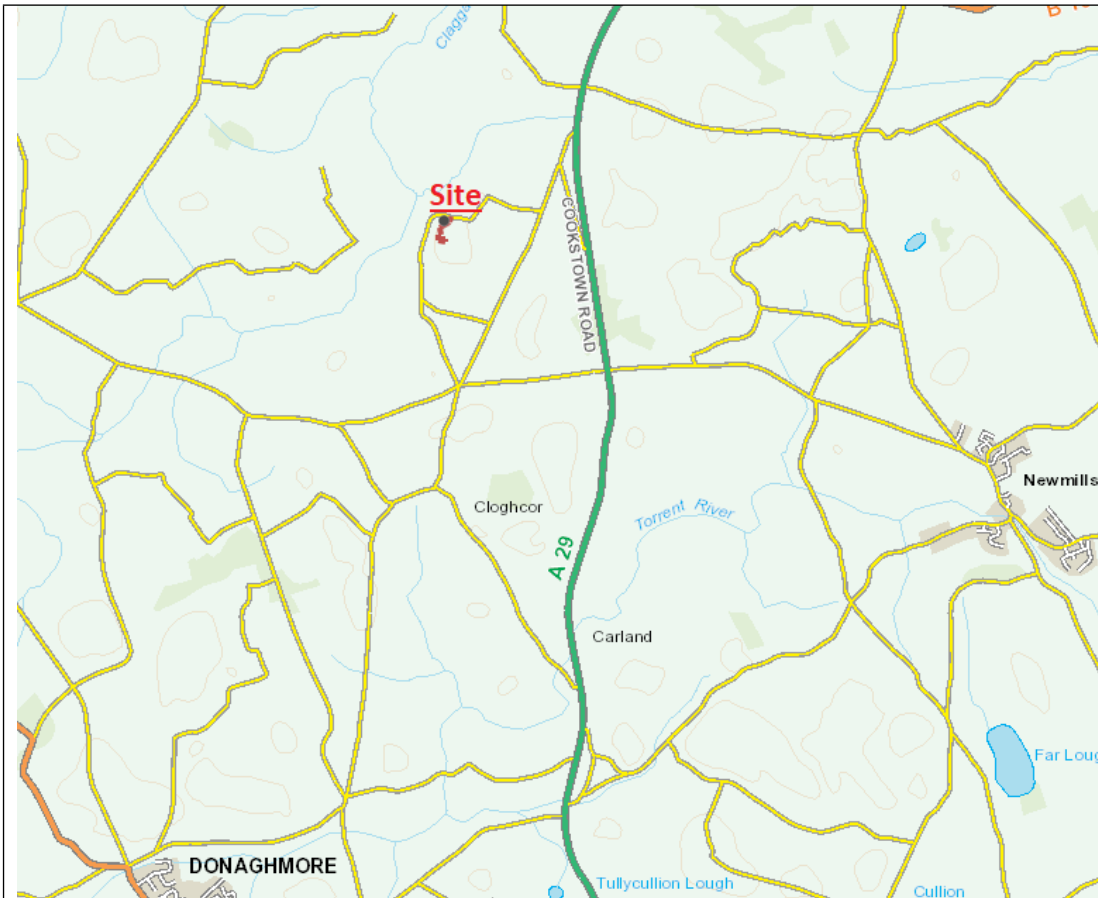
Letters of Support	0
Letters Non Committal	0
Letters of Objection	8
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

### Characteristics of the Site and Area

The site lies in the open countryside sandwiched between the settlements of Cookstown to the North and Dungannon to the South, in the open countryside and outside all other areas of constraint as depicted by the Dungannon and South Tyrone Area Plan 2010. It is located just oof the Main Dungannon Cookstown line situated approx 100 South of number 19 Lisnagleer Road.





The site is access via a gravel laneway with a grassed mid section to the rear of number 19 Lisnagleer road and then follows the tree line to a corner of the field to the rear.



It is approx. 200 metres from the roadside and has mature trees on the southern and western boundaries, the north and east boundaries remain undefined on the ground.



### **Description of Proposal**

The proposal seeks full planning permission for a 30m telecommunication mast with 3No. antennae, 3no. radio units and 2No. radio dishes. Proposal includes the provision of an equipment compound and associated ancillary development.

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

#### **Policy Consideration**

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

### Relevant Histories

None

### Representations

To date there have been seven third party representations received. There has also been correspondence from councillors Dan Kerr and Keith Buchannon.

The objections detail a number of concerns;

- Why is existing site not sufficient, is this a second site?
- Traffic congestion and infrastructure not suitable for heavy plant
- Road safety concerns
- Site lines
- If land is leased why is it not a temporary application
- Impact on visual amenity and rural character
- Health concerns

Devaluation of property

### Assessment of objections

.....

### Other Constraints

This site is not located within or adjacent to any protected areas, including SACs, SPAs and Ramsar sites.

The site is not located within or adjacent to any listed building / structures.

### Mid Ulster District Council Draft Plan Strategy 2030

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

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

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

The aim of the SPPS in relation to telecommunications and other utilities is to facilitate the development of such infrastructure in an efficient and effective manner while keeping the environmental impact to a minimum.

Applications for the development of telecommunications equipment should be required to be accompanied by a statement declaring that when operational the development will meet the ICNIRP guidelines for public exposure to electromagnetic fields. This proposal has been accompanied by such a statement which Environmental Health have accepted as being acceptable.

#### PPS 10: Telecommunications

PPS 10 allows for the approval of telecommunications apparatus subject to a number of strict criteria being fulfilled. The Planning Department of the Council will permit proposals for telecommunications development where such a proposals, together with any necessary enabling works, will not result in unacceptable damage to visual amenity or harm to environmentally sensitive features or locations. Developers will therefore be required to demonstrate that proposals for telecommunications development, having regard to technical and operational constraints, have been sited and designed to minimise visual and environmental impact.

Proposals for the development of a new telecommunications mast will only be considered acceptable by the Department where the above requirements are met and it is reasonably demonstrated that:

- (a) the sharing of an existing mast or other structure has been investigated and is not feasible; or
- (b) a new mast represents a better environmental solution than other options.

The agent has provided 5 sites that were considered though not chosen as the final proposed siting area. Reasons are provided as to why these sites were unsuitable in the submitted supporting statement. I am satisfied that alternative site options have been investigated, and it has been demonstrated that all 5 site options are not feasible.

Applications for telecommunications development by Code System Operators or broadcasters will need to include:

- (1) information about the purpose and need for the particular development including a description of how it fits into the operator's or broadcaster's wider network;

The applicant has indicated that there is an existing mast near by, however, it has been explained that it must be removed and a new location found. In the supporting statement submitted to the planning department, it is stated that the Lisnagleer road was considered the most appropriate site for a number of reasons including proximity to existing sites to serve the target area, the topography of the site and the setting of the equipment in an area well separated from residential properties. They state that the proposed mast will not only serve existing phone users but enhance the coverage within the area. They also state 'telecom cells are all interlinked, the forced removal of the existing ones without replacement would have a significant knock on impact on the other cells being put under too much pressure in an area under high demand from local business as well as residents.

The agent has also submitted two further reports ('General Background Information for Telecommunications Development') which provide further clarification as to the purpose and requirement for such development, and how such development will help to facilitate the wider telecommunications network. This coupled with the unsuitability of the existing structure has satisfied

the purpose and need for the proposal. With this, I am satisfied that it has been demonstrated that there is a particular need for this development and I am content that it fits into the operator's wider network.

(2) details of the consideration given to measures to mitigate the visual and environmental impact of the proposal;

Measures taken to mitigate the visual and environmental impact of the proposal take the form of consideration given to the precise siting of the column itself. The agent has provided that the selected site was the most suitable, not only from a technical standpoint, but also by way of preserving amenity. The site is well separated from surrounding residential properties. The closest dwelling to the site is over 100m away, which ensures there are no issues with overshadowing and/or overlooking. The proposed column is sited in an elevated area, however, the agent provides that the proposed development will have negligible impact on the landscape and visual amenity, given the distance from the Lisnagleer Road. The submitted supporting statement also provides the reasons for the choice of design of the column. The Swann CS5S was chosen in this instance, with an antenna height of 30m as it is required to provide reasonable quality 4G & 5G coverage. This design is also cited as being 'one of the slimmest lattice masts' that is capable of supporting the associated range of equipment required. Given this, the distance of the proposed site from surrounding dwellings and roads, as well as the existing dense mature roadside vegetation including trees ranging from approximately 10-15 metres in height, I am content that the proposed can integrate well into the surrounding environment. Adequate consideration has been given to measures to mitigate the visual / environmental impact of the proposal. I am also satisfied that the chosen site is not subject to any mapped designations and is not located near to any protected areas, including SACs, SPAs and Ramsar sites.

(3) where proposals relate to the development of a mobile telecommunications base station, a statement indicating its location, the height of the antenna, the frequency and modulation characteristics, details of power output; and declaring that the base station when operational will meet the ICNIRP guidelines for public exposure to electromagnetic fields;

This proposal has included a location map and elevations showing the height of the proposed mast. The frequency, modulation characteristics and details of power output have also been provided in the submitted supporting statement. An ICNIRP certificate was also submitted with the application. Consultation was made with Environmental Health and in their consultation advises they would have 'no objections to the granting of planning permission.'

I have considered the proposal before me against the above policy as outlined in PPS 10. Having assessed the application and evidence provided against this policy, I consider the proposal to be acceptable.

### **Summary of Recommendation:**

Approve is recommended

### **Approval Conditions**

#### **Condition 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.

**Condition 2**

The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 100A bearing the date stamp 26th July 2022 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway 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.

**Condition 3**

Within 12 months of the telecommunications mast becoming obsolete at the site all structures shall be removed and the land restored in accordance with a scheme to be submitted to and agreed in writing with Mid Ulster District Council at least one year prior to the commencement of any decommissioning works.

Reason: To restore the amenity of the area.

**Signature(s):** Peter Hughes

**Date:** 23 January 2023

<b>ANNEX</b>	
<b>Date Valid</b>	21 April 2022
<b>Date First Advertised</b>	3 May 2022
<b>Date Last Advertised</b>	3 May 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 19A Lisnagleer Road Dungannon Tyrone BT70 3LN  The Owner / Occupier 19 Lisnagleer Road Dungannon Tyrone BT70 3LN The Owner / Occupier 18 Lisnagleer Road Dungannon Tyrone BT70 3LN	
<b>Date of Last Neighbour Notification</b>	4 May 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  Environmental Health Mid Ulster Council-Substantive: TBC DFI Roads - Enniskillen Office-Substantive: TBC Environmental Health Mid Ulster Council-LA09-22-0520 F On Lands C.107M South Of No.19 Lisnagleer Road Dungannon BT70 3LN.doc DFI Roads - Enniskillen Office-Roads Consultation blank.docx	

**Drawing Numbers and Title**

Site Location Plan Plan Ref: 01  
Proposed Elevations Plan Ref: 03  
Site Layout or Block Plan Plan Ref: 02

**Notification to Department (if relevant)**

Not Applicable



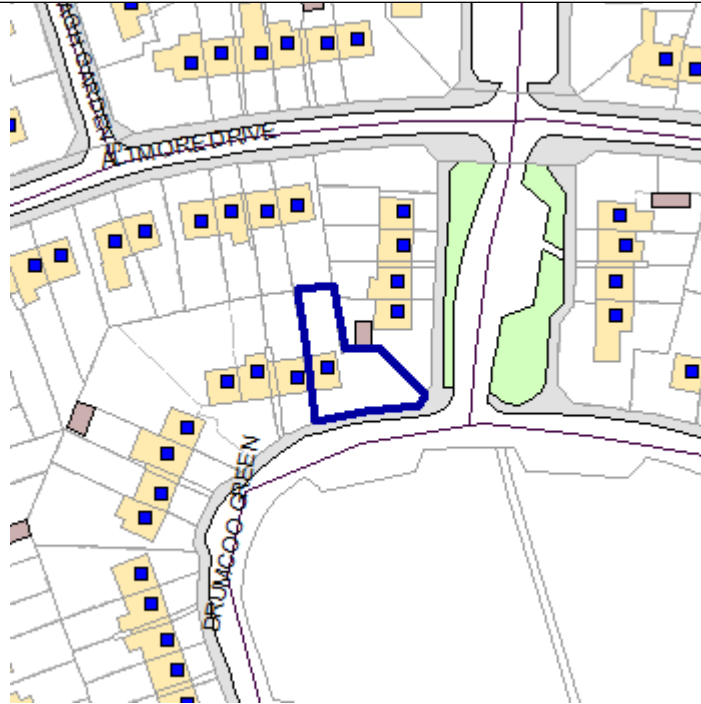


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 February 2023	<b>Item Number:</b> 5.16
<b>Application ID:</b> LA09/2022/0551/F	<b>Target Date:</b> 22 June 2022
<b>Proposal:</b> Proposed two storey dwelling	<b>Location:</b> Lands At 64 Drumcoo Green Dungannon
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Ryan Graham MC Curry 64 Drumcoo Green Dungannon	<b>Agent Name and Address:</b> Newline Architects 48 Main Street Castledawson BT45 8AB
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
	NI Water - Single Units West	Substantive: TBC
	DFI Roads - Enniskillen Office	Substantive: TBC
	DETI - Geological Survey (NI)	Substantive: TBC
Statutory Consultee	NIEA	PRT LA09-2022-0551-F SA.PDF

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

### Characteristics of the Site and Area

The application site is within the settlement limit of Dungannon as defined in the

Dungannon and South Tyrone Area Plan 2010. The surrounding area is urban in character and is within older cul-de-sacs. The immediate area is predominantly residential and rows of terraced housing. To the east of the housing is the Coalisland Road with a nearby retail park with Sainsburys and Home Bargains. To the west of the housing is the Carland Road which is a highly trafficked road between Dungannon and Cookstown.

The application site is a corner site in a row of four terraced housing and faces onto a large open space for the cul-de-sac. The dwelling at No. 64 has external finishes of brown profiled roof tiles, white pebbledash walls and white upvc windows and doors. To the front and side of the dwelling is a grassed area with a low wooden fence as the boundary treatment.

### **Description of Proposal**

This is a full application for proposed two-storey dwelling at Lands At 64 Drumcoo Green, Dungannon.

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

#### **Policy Consideration**

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

#### **Representations**

Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty. At the time of writing, no third-party objections were received.

#### **Planning History**

No planning history at the application site.

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

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28<sup>th</sup> May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

**Dungannon and South Tyrone Area Plan 2010**

The site is within the settlement limits of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010 so SETT 1 is the relevant policy which applies. The site is not within any other zonings or designations within the Plan. The proposal is for a two-storey detached dwelling on a smaller plot size than adjacent dwellings and there is minimal amenity space to the rear of the dwelling. The proposal does not reflect the house type and plot size in the immediate area and as such does not create a sense of place in the area. The site is not within an area with any conservation interests. NI Water have stated in their response there is no capacity for connection to the mains sewage system and I am of the opinion due to the constricted nature of the site it would be difficult to have a septic tank on the plot. However the applicant has shown a treatment plant in the rear garden of No. 64 to service the proposed dwelling. Overall, I consider the proposal does not meet all the criteria in SETT 1.

**SPPS – Strategic Planning Policy Statement for Northern Ireland:** sets out that The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9.

**Planning Policy Statement 7 – Quality Residential Environments****Policy QD 1 – Quality in New Residential Development**

The application site is a portion of land to the side and within the curtilage of No. 64 Drumcoo Green in Dungannon. The site is within the settlement limit of Dungannon in an area which is predominantly residential. The site itself is on the corner of Drumcoo Green in a row of four terraced houses and is at a T junction. It is mainly two-storey terraced dwellings in this area. The proposal is for a two-storey detached dwelling in the side garden area of the existing dwelling at No. 64 as shown in figure 1 below. However, I am of the opinion the proposed dwelling does not respect the constraints of the site itself. The plot size is significantly smaller than adjoining dwellings and does not respect the character of the area as the majority of the dwellings have generous sized gardens to the rear of the dwelling. I consider the proposal can be considered overdevelopment.

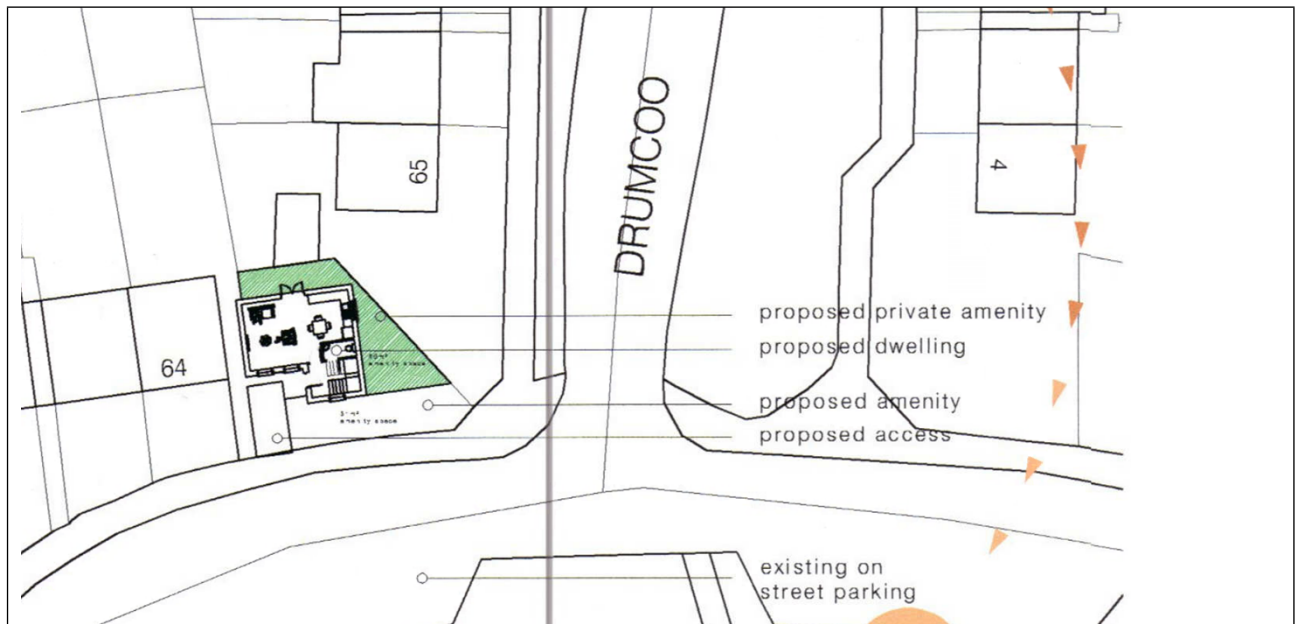


Figure 1 – snapshot of the siting of the proposed dwelling

There are no archaeological or landscape features at the site.

The Department's guidance, Creating Places, at paragraph 5.19 states that for any individual house, private open space of less than around 40 square metres will generally be unacceptable. The policy also states the private open space should be behind the building line and as shown in figure 1 above the majority of the private amenity space in this proposal is to the side of the dwelling. There is a small amount of space to the rear of the dwelling but this is not over 40sqm which fails this criteria in the policy.

As this is a proposal for a single dwelling there is no requirement to provide neighbourhood facilities.

The proposal will create a new access off a public road so DFI Roads were consulted and they responded with no concerns subject to visibility splays.

The site is about a 10-15-minute walk to the nearby retail park where there is Sainsburys, Home Bargains and other shops and there are footpaths from the site to the town centre in Dungannon.

The proposal is for a two-storey dwelling at approximately the same ridge height as the neighbouring dwellings and will have an L-shaped form. The proposed external finishes are blue/black concrete roof tiles, painted dash walls and upvc windows and doors. I am content the scale and massing of the proposed dwelling is acceptable as it is approximately the same footprint and size as the dwellings in the immediate area. There is a double height projection on the front elevation which is not characteristic of this area as the predominant house type is terraced housing.

In terms of overshadowing, Figure 2 below shows the side amenity space of No. 65 and Figure 3 shows the application site. There may be some overshadowing to the rear

amenity space of No. 65 as the afternoon sun hits the proposed dwelling. However, members should be aware there already is a single storey shed along the boundary with the site which may already create overshadowing. The photograph in Figure 2 was taken in early morning and shows there is already some overshadowing in No. 65's garden and as the sun moves around there is the potential for greater overshadowing to this area.



Figure 2 – Side amenity space of No. 65



Figure 3 – Image of the application site.

The agent has submitted overshadowing sun studies for December and June showing the existing and proposed with the detached dwelling in place. In terms of both December and June the visuals are showing no greater overshadowing than what currently exists. At this stage it is difficult to confirm the extent of any overshadowing to neighbouring dwellings.

In terms of dominance, there is a 2m separation distance from the rear wall of the proposed dwelling to the rear boundary with No. 65. However, there is already a single storey garage along the boundary which will mitigate against any views of the proposed dwelling.

The applicant has shown on the block plan space for two car parking spaces but there are a few dwellings which have hardcored the front area for carparking but the majority of the dwellings use on-street car parking. Therefore, I have no concerns about parking at the site.

Overall, I consider the proposal does not meet all the criteria in QD1 in PPS 7.

### **Addendum to Planning Policy Statement 7 – Safeguarding the Character of Residential Areas**

#### **Policy LC 1 – Protecting Local Character, Environmental Quality and Residential Amenity**

The proposal is for a two-storey detached dwelling situated on the side garden area of No. 64 Drumcoo Green. The footprint of the proposed dwelling is slightly larger than what currently exists at 100sqm for this dwelling and existing dwelling are 84sqm. Also, the overall plot size is significantly smaller than adjacent properties. The majority of the dwellings have rear gardens at least 10m in depth while the application site only has a rear garden of a depth of 2m. I consider the plot size and rear amenity space does not the pattern of settlement within the area. I consider the proposed density is higher than the established area and will detract from the overall character of the area. Annex A in the policy states a two-storey two-bedroom house should have a floorspace of at least 70m<sup>2</sup> and the proposal is 100m<sup>2</sup>. Overall, I consider the proposal does not meet all the criteria in LC1.

#### **Planning Policy Statement 3 – Access, Movement and Parking** **Policy AMP 2 – Access to Public Roads**

The site does not access onto a protected route so I have no concerns about this criterion of the policy.

A new access is being created onto the public road so DFI Roads were consulted as the statutory authority. Roads responded with no concerns subject to visibility splays of 2m x 33m. The access will run alongside the boundary with No. 64.

#### **Other Considerations**

NI water were consulted as the proposal is for an additional dwelling within the settlement limit of Dungannon. NI Water responded stating there is no waste water capacity at present for the dwelling and there are ongoing capacity issues with the Dungannon waste water treatment works. In discussions with the agent I explained the issues in Dungannon for connection to the mains waste water treatments and a septic tank or treatment plant would be needed at the site. In my opinion due to the small-scale size of the site it may be difficult to place a septic tank on the site and have sufficient distance from neighbouring boundaries. In a subsequent revised drawing submitted the

agent has proposed a package treatment plant in the rear garden of No. 64 which is at least 7m from the boundary of neighbouring dwellings.

Geological Survey were consulted and confirmed there are no boreholes or mines at the application site or in the immediate vicinity.

I completed a check on the statutory map viewers and there are no other ecological, built heritage or flooding issues at the application site.

### **Summary of Recommendation:**

Refuse is recommended

The proposal is recommended for refusal.

### **Refusal Reasons**

#### **Reason 1**

Contrary to QD1 in PPS 7 - Quality Residential Environments and Contrary to Plan Policy SETT 1 - Settlement Limits in the Dungannon and South Tyrone Plan 2010 in that the development if permitted would be overdevelopment as the plot size is smaller than adjoining sites and there is limited amenity space.

#### **Reason 2**

Contrary to LC1 in Addendum to PPS 7 - Safeguarding the Character of Residential Areas in that the density of the development is higher than in the surrounding residential area and the pattern of development is not in keeping with the overall character of the area.

**Signature(s):** Gillian Beattie

**Date:** 18 January 2023



ANNEX	
Date Valid	27 April 2022
Date First Advertised	20 October 2022
Date Last Advertised	10 May 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 22 Altmore Drive Dungannon Tyrone BT71 4AE The Owner / Occupier 63 Drumcoo Green Dungannon Tyrone BT71 4AN The Owner / Occupier 65 Drumcoo Green Dungannon Tyrone BT71 4AN The Owner / Occupier 66 Drumcoo Green Dungannon Tyrone BT71 4AN The Owner / Occupier 24 Altmore Drive Dungannon Tyrone BT71 4AE	
Date of Last Neighbour Notification	5 October 2022
Date of EIA Determination	
ES Requested	<events screen>
<b><u>Planning History</u></b>  Ref: M/1993/4068 Proposals: Multi element improvements Decision: PDNOAP Decision Date:  Ref: M/2002/0147/A41 Proposals: Rear ground floor shower room, extension to dwelling Decision: 205 Decision Date: 28-FEB-02  Ref: M/2003/0076/F Proposals: Extension to Kitchen and New Shower Room Extension to Rear of Dwelling Decision: Decision Date:  Ref: M/1989/4011	

Proposals: Improvements to dwelling

Decision: PDNOAP

Decision Date:

Ref: LA09/2022/0551/F

Proposals: Proposed two storey dwelling

Decision:

Decision Date:

Ref: M/1993/4051

Proposals: Multi-element improvements

Decision: PDNOAP

Decision Date:

### **Summary of Consultee Responses**

NI Water - Single Units West-Substantive: TBC

DFI Roads - Enniskillen Office-Substantive: TBC

DETI - Geological Survey (NI)-Substantive: TBC

NIEA-PRT LA09-2022-0551-F SA.PDF

### **Drawing Numbers and Title**

Proposed Plans      Plan Ref: 01

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

Not Applicable

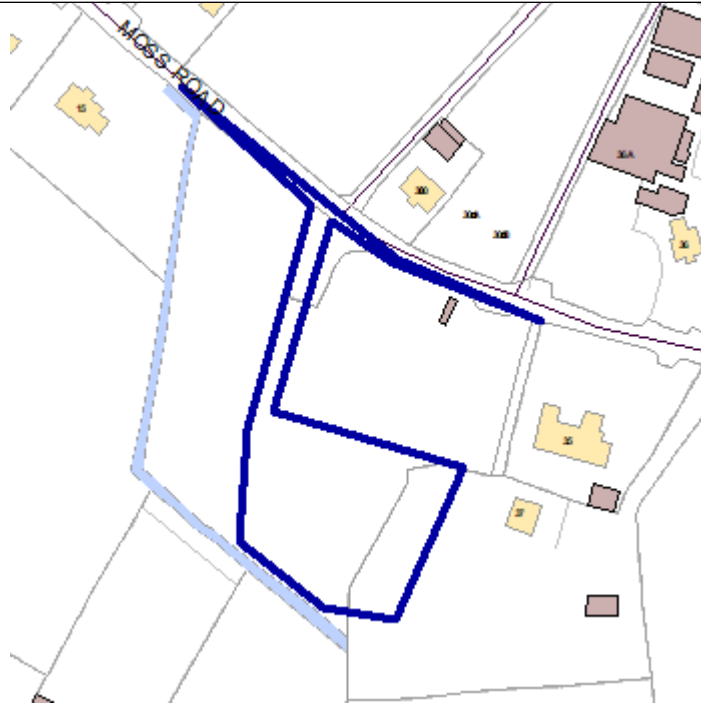


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 February 2023	<b>Item Number:</b> 5.17
<b>Application ID:</b> LA09/2022/0556/O	<b>Target Date:</b> 23 June 2022
<b>Proposal:</b> Domestic dwelling and garage.	<b>Location:</b> Adjacent To 37 Moss Road Ballymaguigan Magherafelt BT45 6LJ.
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Ciara McGrath 37 Moss Road Ballymaguigan Magherafelt BT45 6LJ	<b>Agent Name and Address:</b> Paul Mallon 26 Derrychrin Road Coagh Cookstown BT80 0HJ
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Non Statutory Consultee	NI Water - Single Units West	LA09-2022-0556-O.pdf
Non Statutory Consultee	Rivers Agency	471191-06 Final Planning Authority reply.pdf

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

No third party representations were received during the assessment of this application. All material considerations have been addressed within the determination below.

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

The site is located Adjacent To 37 Moss Road, Ballymaguigan, Magherafelt and is located outside the designated settlement limits of Ballymaguigan as identified in the Magherafelt Area Plan, 2015. The site is a small portion of an agricultural field and the boundaries of the site are comprised of mature vegetation and trees, which is quite dense. The eastern boundary abuts the dwelling at No 37 and the site is set back from the Moss Road. The surrounding area is predominantly rural.

## **Description of Proposal**

This application seeks outline planning permission for a dwelling and garage.

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

### **Policy Consideration**

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

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

- Strategic Planning Policy Statement (SPPS)
- Magherafelt Area Plan, 2015
- PPS21 -Sustainable Development in the Countryside
- Planning Policy Statement 3 - Access, Movement and Parking.
- Planning Policy Statement 15 – Planning and Flood Risk

There is no conflict or change in policy direction between the provisions of the SPPS and those of PPS 21 in respect of the proposal. The policy provisions within PPS21 remain applicable in terms of assessing the acceptability of the proposal.

### **Planning History**

There is no planning history relevant to the determination of this application.

### **Representations**

Neighbour notification and press advertisement have been carried out in line with the Council's statutory duty. At the time of writing no third party objections were received.

### **Assessment**

The Strategic Planning Policy Statement for Northern Ireland (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. One retained policy document is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21).

No case was made to advise what policy the dwelling and garage was to be assessed under. I contacted the agent to enquire and he suggest possibly as an infill/gap site, no further case was presented.

Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development but qualifies this by stating that “an exception will be permitted for the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built-up frontage provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements”. A substantial and built up frontage includes a line of three or more buildings along a road frontage without accompanying development to the rear.

The Policy further stipulates in paragraph 5.33 that buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked.

This application site is considered against the existing pattern of development to determine if it complies with this policy. However, there is no substantial or built up frontage or line of three or more buildings along a road frontage in this case and therefore this site is not believed to be suitable as an infill/gap site. There is one dwelling on the eastern side, No 37 Moss Road and No 36 is located to the North of No 37, however due to the siting and orientation of these dwellings, there is no substantial or built up frontage or line of three or more buildings along a road frontage in this case.

Policy CTY 13 stipulates 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 proposal is for outline planning permission and details of design have not been submitted at this stage. However, the site is relatively well screened by the existing vegetation. A suitably designed dwelling house should integrate sufficiently into the landscape.

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 the area. This application is not deemed acceptable under any of the policy headings in PPS 21 and it is therefore considered a new dwelling at this location will cause a detrimental change to the rural character of this area which is contrary to CTY 14 as it will result in a suburban style build up of development when viewed with existing buildings in the area.

Planning Policy Statement 3 - Access, Movement and Parking.

The P1 submitted with the application indicated that the proposal included the construction of a new access to the public road. DFI Roads were consulted on the application and responded to say they had no objection subject to conditions.

Planning Policy Statement 15 – Planning and Flood Risk

DFI Rivers were consulted on the application and responded to say that :

FLD2 - Protection of Flood Defence and Drainage Infrastructure

The proposal is affected by an undesignated watercourse, which flows along the southern

boundary of the site. Under 6.32 of the policy it is essential that a working strip of minimum width 5m is maintained. DFI Rivers recommends that the working strip is shown on a site layout drawing. It should be protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising, permitted development rights or future unapproved development by way of a planning condition. Clear access and egress should be provided at all times. The applicant should be aware that the riparian land owner is legally responsible to maintain the watercourse.

FLD3 - Development and Surface Water

Flood Maps (NI) indicate that the outlined site lies within adjacent to a predicted flooded area as indicated on the Surface Water Flood Map. Although a Drainage Assessment is not required by the policy the developer should still be advised to appoint a competent professional to carry out their own assessment of flood risk and to construct in a manner that minimises flood risk to the proposed development and elsewhere.

I contacted the agent in regards to the response from DFI Rivers and a drawing was submitted to address these 5m Maintenance strip as detailed above. (Ref: drawing No 02, dated 23.01.2022).

Conclusion

On the basis of this assessment, the proposal does not comply with the policy requirements of the SPPS and PPS21 and therefore it is recommended that permission is refused.

**Summary of Recommendation:**

Refuse is recommended

**Refusal Reasons**

**Reason 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.

**Reason 2**

The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is no substantial or built up frontage or line of three or more buildings along a road frontage in this case

**Reason 3**

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 and would therefore result in a detrimental change to further erode the rural character of the countryside.

**Signature(s):** Siobhan Farrell

**Date:** 20 January 2023



<b>ANNEX</b>	
<b>Date Valid</b>	28 April 2022
<b>Date First Advertised</b>	10 May 2022
<b>Date Last Advertised</b>	10 May 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 35 Moss Road Magherafelt Londonderry BT45 6LJ The Owner / Occupier 30 Moss Road Magherafelt Londonderry BT45 6LJ The Owner / Occupier 15 Moss Road Magherafelt Londonderry BT45 6LJ The Owner / Occupier 36A Moss Road Magherafelt Londonderry BT45 6LJ	
<b>Date of Last Neighbour Notification</b>	27 June 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>  Ref: H/2002/1117/O Type: O Status: APPRET  Ref: LA09/2017/0035/O Type: O Status: PG  Ref: LA09/2017/1006/F Type: F Status: PG  Ref: H/2004/1070/F Type: F Status: PG  Ref: LA09/2021/0704/F Type: F	

Status: PG

Ref: H/1992/0061

Type: F

Status: PCO

Ref: LA09/2017/0617/F

Type: F

Status: PG

Ref: H/2003/0365/F

Type: F

Status: PG

Ref: H/1997/0292

Type: O

Status: PCO

Ref: H/2004/1497/F

Type: F

Status: PG

Ref: H/1998/0679

Type: F

Status: PCO

Ref: H/2004/0669/O

Type: O

Status: PR

Ref: LA09/2022/0556/O

Type: O

Status: PCO

Ref: LA09/2017/1405/F

Type: F

Status: PCO

Ref: LA09/2016/0761/F

Type: F

Status: PR

Ref: H/2011/0360/O

Type: O

Status: PR

Ref: H/2009/0190/O

Type: O

Status: PG

Ref: H/2004/0708/O

Type: O

Status: PR

Ref: H/2006/0693/F

Type: F

Status: PG

Ref: LA09/2016/0197/F

Type: F

Status: PG

Ref: H/1999/0495

Type: O

Status: PCO

Ref: H/1989/0106

Type: O

Status: PCO

Ref: H/1999/0025

Type: F

Status: PCO

Ref: LA09/2018/0754/O

Type: O

Status: PDE

Ref: LA09/2015/0598/F

Type: F

Status: PR

Ref: H/2004/0714/O

Type: O

Status: PR

Ref: LA09/2021/0511/F

Type: F

Status: PCO

Ref: LA09/2017/1378/F

Type: F

Status: PCO

Ref: LA09/2016/0635/LDE

Type: LDE

Status: PG

Ref: H/2004/0677/O

Type: O

Status: PR

Ref: H/1993/0120

Type: O

Status: PCO

Ref: H/2003/1437/O

Type: O

Status: PR

Ref: H/2002/1066/O

Type: O

Status: PR

Ref: H/2004/0354/O

Type: O

Status: PR

Ref: H/1995/0064

Type: F

Status: PCO

Ref: LA09/2017/0167/F

Type: F

Status: PG

Ref: LA09/2015/0483/F

Type: F

Status: PG

Ref: LA09/2021/0988/F

Type: F

Status: PG

Ref: H/2007/0592/F

Type: F

Status: PG

Ref: LA09/2017/1322/F

Type: F

Status: APPRET

Ref: H/1997/0583

Type: O

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Ref: H/1998/0004

Type: O

Status: PCO

Ref: H/1997/0036

Type: O

Status: PCO

Ref: H/1997/0414

Type: RM

Status: PCO

Ref: H/1996/0412

Type: O

Status: PCO

Ref: H/1999/0261

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Ref: H/1997/0211

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Type: RM

Status: PCO

Ref: H/1998/0278

Type: O

Status: PCO

Ref: H/2006/0338/F

Type: F

Status: PG

Ref: H/1985/0493

Type: RM

Status: PG

Ref: LA09/2017/1224/NMC

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Type: RM

Status: PG

Ref: H/2002/0467/F

Type: F

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Ref: LA09/2022/0458/O

Type: O

Status: PCO

Ref: LA09/2015/0347/LDE

Type: LDE

Status: PR

Ref: LA09/2018/1561/F

Type: F

Status: PG

Ref: LA09/2021/0912/F

Type: F

Status: PG

Ref: LA09/2021/1336/O

Type: O

Status: PCO

Ref: LA09/2022/0229/F

Type: F

Status: PCO

Ref: H/2001/0902/O

Type: O

Status: PG

Ref: LA09/2018/0007/F

Type: F

Status: PG

Ref: H/1988/0227

Type: RM

Status: PCO

Ref: H/1987/0348

Type: O

Status: PCO

Ref: LA09/2017/0399/F

Type: F

Status: PG

Ref: LA09/2021/1034/F

Type: F

Status: PG

Ref: H/2004/1380/F

Type: F

Status: PG

Ref: H/2006/0922/RM

Type: RM

Status: PG

Ref: H/2004/0791/O

Type: O

Status: PG

Ref: H/1992/0281

Type: O

Status: PCO

Ref: H/1995/0410

Type: F

Status: PCO

Ref: H/1988/0429

Type: O

Status: PCO

Ref: H/1995/6038

Type: PREAPP

Status: PCO

**Summary of Consultee Responses**

DFI Roads - Enniskillen Office-Outline resp.docx  
NI Water - Single Units West-LA09-2022-0556-O.pdf  
Rivers Agency-471191-06 Final Planning Authority reply.pdf

**Drawing Numbers and Title**

Site Location Plan   Plan Ref: 01

**Notification to Department (if relevant)**

Not Applicable



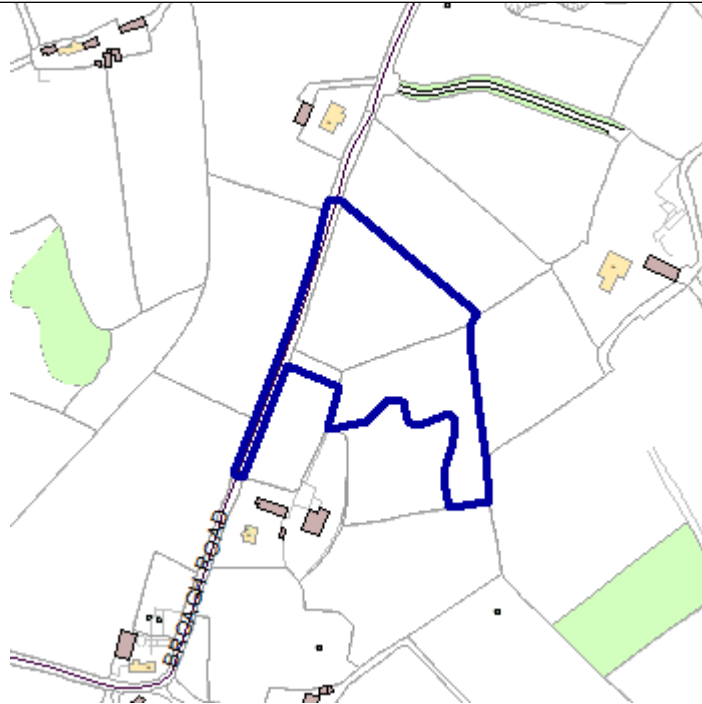


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 February 2023	<b>Item Number:</b> 5.18
<b>Application ID:</b> LA09/2022/0732/O	<b>Target Date:</b> 21 September 2022
<b>Proposal:</b> Dwelling and garage	<b>Location:</b> 110M North East Of 26 Broagh Road Knockcloghrim Magherafelt BT45 8QX
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Martin McErlean 28 Broagh Road Knockloughrim Magherafelt BT45 8QX	<b>Agent Name and Address:</b> Newline Architects 48 Main Street Castledawson BT45 8AB
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	DAERA - Coleraine	Consultee Response LA09-2022-0732-O.DOCX
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Non Statutory Consultee	NI Water - Single Units West	LA09-2022-0732-O.pdf
Non Statutory Consultee	DAERA - Coleraine	Consultee Response LA09-2022-0732-O (2).DOCX

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

No third party representations were received during the assessment of this application. All material considerations have been addressed within the determination below.

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

The site is located 110M North East Of 26 Broagh Road Knockcloghrim, Magherafelt and is located outside the designated settlement limits as identified in the Magherafelt Area Plan, 2015. The site is a large, irregular shaped agricultural field . The elevation of the site rises very gently from the roadside. The boundaries of the sight are mainly comprised of mature hedgerows with some mature trees along the south and south-west boundaries. The surrounding area is rural in character with scattered dwellings and farm holdings.

## **Description of Proposal**

This application seeks outline planning permission for a farm dwelling and garage.

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

### **Policy Consideration**

#### Planning History

There is no planning history relevant to the determination of this application.

#### Representations

Neighbour notification and press advertisement have been carried out in line with the Council's statutory duty. At the time of writing, no third party objections were received.

#### Assessment

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

Strategic Planning Policy Statement (SPPS)

Magherafelt Area Plan, 2015

PPS21 -Sustainable Development in the Countryside

PPS 3 Access, Movement and Parking

There is no conflict or change in policy direction between the provisions of the SPPS and those of PPS 21 in respect of the proposal. The policy provisions within PPS21 remain applicable in terms of assessing the acceptability of the proposal.

### Planning History

There is no planning history relevant to the determination of this application.

### Representations

Neighbour notification and press advertisement have been carried out in line with the Council's statutory duty. At the time of writing, no third party objections were received.

### Assessment

The Strategic Planning Policy Statement for Northern Ireland (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. One retained policy document is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21) 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 dwellings on a farm under Policy CTY 10.

There is no conflict or change in policy direction between the provisions of the SPPS and those of PPS21 in respect of the proposal. The policy provisions within PPS21 and PPS 3 remain applicable in terms of assessing the acceptability of the proposed application.

The Mid Ulster District Council Local Development Plan 2030; Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. All valid representations received will be subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan.

PPS 21, Policy CTY1, establishes that planning permission will be granted for a dwelling house on a farm where it is in accordance with Policy CTY 10. This establishes that the principle of development, a dwelling on a farm, is acceptable, subject to meeting the policy criteria outlined in Policy CTY 10. Policy CTY 10 establishes that all of the following criteria must be met:

- (a) The farm business is currently active and has been established for at least 6 years
- (b) No dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application
- (c) The new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
  - Demonstrable health and safety reasons or
  - Verifiable plans to expand the farm business at the existing building group(s)

With regard to (b) there are no records indicating that any dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application.

**Site at 110m NE of 26 Broagh Road, Knockloughrim**

PROJECT NO.: 1108  
SCALE: 1:2000GSM  
DATE: May 2022  
DRAWN BY: PJA  
CHECKED BY: RS

- Site  
 - Adjoining Land

**NEWLINE ARCHITECTS**  
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4. info@newlinearchitects.ie

**REVISIONS**  
No. Description Date Issued

Policy CTY 13 stipulates 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

south west of the site would not cause detrimental change or erode the rural character of the area. Therefore, this proposal is compliant with the criteria set out in policy CTY13 &14.

### Conclusion

On the basis of this assessment, the proposal does not comply with the policy requirements of the SPPS and PPS21 and therefore it is recommended that permission is refused.

### **Summary of Recommendation:**

Refuse is recommended

### Refusal Reasons

#### Reason 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.

#### Reason 2

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 farm business is currently active for 6 years or more.

**Signature(s):** Siobhan Farrell

**Date:** 20 January 2023

ANNEX	
<b>Date Valid</b>	8 June 2022
<b>Date First Advertised</b>	28 June 2022
<b>Date Last Advertised</b>	28 June 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 26 Broagh Road, Magherafelt Londonderry BT45 8QX The Owner / Occupier 19 Broagh Road Magherafelt Londonderry BT45 8QX	
<b>Date of Last Neighbour Notification</b>	28 June 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>  Ref: H/1995/0480 Type: O Status: PCO  Ref: H/2003/0468/O Type: O Status: PG  Ref: H/2007/0518/F Type: F Status: PG  Ref: H/2004/1182/F Type: F Status: PG  Ref: H/2012/0210/F Type: F Status: PG  Ref: H/2005/0193/F Type: F	

Status: PG

Ref: LA09/2022/0732/O

Type: O

Status: PCO

Ref: H/1985/0078

Type: H13

Status: PG

Ref: H/2004/1362/O

Type: O

Status: PR

Ref: H/2005/0117/O

Type: O

Status: PG

Ref: H/2004/0214/F

Type: F

Status: PG

Ref: H/1996/0006

Type: O

Status: PCO

Ref: H/2000/0890/O

Type: O

Status: PG

Ref: H/2009/0154/F

Type: F

Status: PG

Ref: H/2009/0540/RM

Type: RM

Status: PG

Ref: H/1979/0303

Type: H13

Status: WITHDR

Ref: LA09/2016/1591/F

Type: F

Status: PG



Ref: LA09/2019/0301/F

Type: F

Status: PG

Ref: H/1993/0314

Type: O

Status: PCO

Ref: H/1995/0382

Type: RM

Status: PCO

Ref: H/1993/0174

Type: F

Status: PCO

Ref: H/1984/0049

Type: O

Status: PG

Ref: H/1984/0316

Type: F

Status: PG

Ref: H/2010/0299/F

Type: F

Status: APPRET

### **Summary of Consultee Responses**

DAERA - Coleraine-Consultee Response LA09-2022-0732-O.DOCX

DFI Roads - Enniskillen Office-Outline resp.docx

NI Water - Single Units West-LA09-2022-0732-O.pdf

DAERA - Coleraine-Consultee Response LA09-2022-0732-O (2).DOCX

### **Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

**Notification to Department (if relevant)**

Not Applicable

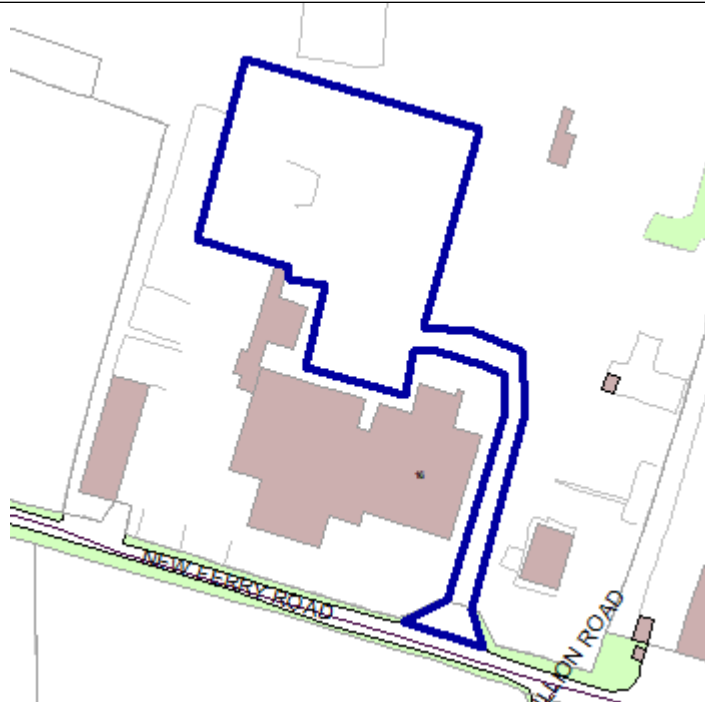


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 February 2023	<b>Item Number:</b> 5.19
<b>Application ID:</b> LA09/2022/0739/F	<b>Target Date:</b> 22 September 2022
<b>Proposal:</b> Buildings to house proposed wood and coco fibre plant, storage bay, chip feed bin, access (insitu) and ancillary site works.	<b>Location:</b> Lands Approx. 7 Metres North Of 16 New Ferry Road Bellaghy Co Derry BT45 8ND
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Bulrush Horticultural Ltd 16 New Ferry Road Bellaghy BT45 8ND	<b>Agent Name and Address:</b> Clyde Shanks Ltd 7 Exchange Place Belfast BT1 2NA
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	Rivers Agency	489888 - Final Response.pdf
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09 2022 0739 F.doc
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation blank.docx

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

Neighbour notification and press advertisement have been carried out in line with the Council's statutory duty. At the time of writing, no third party objections were received.

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

This site is located on Lands Approx. 7 Metres North Of 16 New Ferry Road, Bellaghy and is located outside of any designated settlement limits as defined in the Magherafelt Area Plan, 2015. The proposed site is 0.683ha in size, is located within the existing Bulrush Horticulture facility at Newferry, approximately 2.8km north east of the village of Bellaghy.

The site, which is relatively flat throughout, comprises an area of hardstanding currently used to for the storage of peat based substrates. The site is bound on all sides by extant Bulrush operations which comprise storage areas for peat and horticultural products and materials. The site is well set back from the road, to the rear of the existing buildings. The site is well screened with existing mature vegetation along the north, east and western boundaries The site is accessed via an internal access road which connects to an existing entrance to the Bulrush facility off Newferry Road.

The surrounding area is predominantly rural in character with scattered dwellings and dispersed farm holdings . An area of peatland is located immediately north of the site which is currently subject to varying degrees of extraction.

## **Description of Proposal**

This is a full application for buildings to house proposed wood and coco fibre plant, storage bay, chip feed bin, access (insitu) and ancillary site works, at Bulrush Horticultural Ltd

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

### **Policy Consideration**

### **Representations**

Neighbour notification and press advertisement have been carried out in line with the Council's statutory duty. At the time of writing, no third party objections were received.

### **Planning History**

H/2013/0309/F- Proposed In-vessel Composting Facility, (IVCF) for (non-hazardous)

green and organic waste, storage, access and ancillary site works, for Bulrush Horticulture Ltd. Permission granted, 20 June 2014

H/2012/0280/F- Proposed alterations to development, previously approved under planning application H/2010/0593/F (Provision of new 2 storey office premises to replace current office building), For Bulrush Horticulture Ltd. Permission granted 14 November 2012 .

H/2012/0140/F- Proposed 1MW biomass plant to replace oil fired boiler for heat production to power extant manufacturing process, for Bulrush Horticulture Ltd. Permission granted 31 August .

H/2010/0593/F – Provision of new 2 storey office premises to replace current office building for Bulrush Horticulture Ltd. Permission Granted 14th April 2011 .

H/2005/0631/F- Proposed shed cover for peat storage yard and extension to existing factory, for Bulrush Horticulture Ltd, Permission Granted 07 February 2006.

H/2001/0057/O- Proposed a lean-to storage shed for Peat, for Bulrush Peat Co Ltd, Permission Granted 20th September 2001.

## **Assessment**

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 Mid Ulster District Council Local Development Plan 2030 : Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. All valid representations received will be subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan.

The Magherafelt Area Plan 2015 (MAP) identifies the site as being located in the countryside within the West Lough Neagh Shores Area of High Scenic Value (AoHSV) – designation COU 1.

The policy for the control of development in Areas of High Scenic Value is contained in Policy CON 1 in Part 2 of the Plan. Policy CON 1 states:

‘Within designated Areas of High Scenic Value planning permission will not be granted to development proposals that would adversely affect the quality and character of the landscape. A Landscape Analysis must accompany development proposals in these areas to indicate the likely effects of the proposal on the landscape. Planting and retention of indigenous tree species must be an integral part of these proposals and the site must be large enough to accommodate any mitigation measures identified. Where

feasible the reuse of traditional buildings will be required.'

The proposal is for a buildings located within the Bulrush Horticulture site which is located to visually link and cluster with the existing buildings on the site. The site is set back approx. 100m from the public road and is considerably well screened by mature hedgerows, the existing Bulrush buildings and concrete material storage clamps. The agent confirmed that there are no traditional buildings available for reuse within the site. I believe that the proposal will not therefore have an adverse impact on the quality and character of the local landscape and therefore complies with Policy CON 1.

#### **PPS4 – Planning and Economic Development**

Policy PED 3 'Expansion of an Established Economic Development Use in the Countryside, policy PED 3 is a material consideration. PPS4 PED 3 states:

'The expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise. Proposals for expansion will normally be expected to be accommodated through the reuse or extension of existing buildings on site. Where it is demonstrated that this is not possible, new buildings may be approved provided they are in proportion to the existing building(s) and will integrate as part of the overall development.

Any extension or new building should respect the scale, design and materials of the original building(s) on the site and any historic or architectural interest the original property may have.

A proposal for the major expansion of an existing industrial enterprise that would not meet the above policy provisions will only be permitted in exceptional circumstances where it is demonstrated that:

- relocation of the enterprise is not possible for particular operational or employment reasons;
- the proposal would make a significant contribution to the local economy; and
- the development would not undermine rural character.

In all cases, measures to aid integration into the landscape will be required for both the extension and the existing site.'

The scale of the buildings proposed is no greater than buildings currently on site. The proposal is to facilitate the production of an alternative horticultural substrate to peat (produced on the wider site) and is in keeping with the established economic activities of the site. The site is located within the existing Bulrush Horticulture compound and there is no increase in the site area of the organisation. I believe that the proposal will not harm or have an adverse impact on the rural character of the area and will integrate into the overall site.

The agent has confirmed that are no existing buildings on site capable of housing the

wood and coco fibre plant .will integrate as part of the overall development.

The proposed buildings have been designed using materials similar to the existing buildings on the site.

There are no buildings in the area that have any historic or architectural interest.

The proposal is not considered to be a major expansion as it is located within the curtilage of the existing enterprise. Therefore, I believe that the proposal is in compliance with the criteria set out in Ped 3 of PPS 4.

#### **PPS 4 Planning and Economic Development Policy PED 9 -General Criteria for Economic Development**

A proposal for economic development use, in addition to the other policy provisions of PPS 4, will be required to meet all the criteria of Policy Ped 9:

The proposed buildings are considered to be compatible with surrounding land use, as they are to be used to house plant which is designed to produce a horticultural substrate (wood and coco fibre) on a site which currently produces horticultural substrates from peat. I do not any reason to believe that the proposal will have an adverse effect on surrounding properties. A Noise Impact Assessment (NIA) was submitted and Environmental Health were consulted on the application and responded to say that ;

An Acoustic report entitled “*Noise Impact Assessment Bulrush Horticulture Ltd., Bellaghy Report No. RP001N 2022093*” dated 25<sup>th</sup> May 2022 has been submitted in support of this application.

The report concludes in Section 7.0

*“The predicted noise levels at each of the nearest sensitive receptors were assessed against BS4142:2014 limits and WHO recommended noise levels. It was found that operational noise from the proposed development is likely to have a low impact during the daytime period. For the reasons outlined within this report, Irwin Carr Consulting is of the opinion that noise generated by the proposed development should not adversely impact neighbouring third-party properties (provided the recommended mitigation proposal is adhered to)”*

This conclusion is based on a number of assumptions

- The noise generated internally within the workshops not exceeding 85dB(A) (façade level)
- work during daytime hours only
- Roller shutter doors providing a sound reduction index of 22dB(A)
- The building fabric providing at least a sound reduction index of 22dB(A)

#### Hours of operation



Section 2 of the noise report states,

*“The proposed development will operate in line with the current sites working hours daytime hours only”.*

Unfortunately, specific hours of operation were not specified within the noise report.

In view of this and the fact that the background noise levels normally decline at night as a consequence of reduced traffic levels and industry, there is a likelihood of night-time noise disturbance if the applicant were permitted to operate at night. MUDCEHD therefore recommend that the following condition restricting the hours of operation be attached to any planning permission granted:

***“The development site shall not remain open and, plant and equipment shall not be operated. Deliveries by commercial vehicles shall not be made to and from the site:***

- ***At any time on Sunday***
- ***Prior to 07.00 hours and after 19.00 hours Monday to Friday***
- ***Prior to 08.00 hours and after 13.00 hours on Saturday”***

#### Sound Insulation to fabric of building

The acoustic report indicates that walls are to be constructed *“with a single skin steel cladding envelope from ground to ridge height.”* It is stated on Page 11 that the structure will provide a weighted sound reduction index of 22 dB(A) including roller shutter doors when in the closed position.

In order to reduce the likelihood of loss to residential amenity as a result of noise, it is recommended that the following conditions be attached to any planning permission granted

***“The walls, roof and roller door structures of the building permitted by this permission shall be installed and maintained in such a condition that ensures they are capable of achieving a weighted sound reduction index of at least 22dB”***

***“Roller shutter doors as depicted in Appendix B Noise Impact Assessment Bulrush Horticulture Ltd., Bellaghy Report No. RP001N 2022093” dated 25<sup>th</sup> May 2022 shall remain in the closed position except for access and egress”***

***“All fork lift trucks operating within the development site shall be fitted with white noise (full spectrum) reversing alarms “.***

The proposed buildings and plant will be sited on existing concrete hardstanding within an area which is currently used to for the storage of peat based substrates and it is not expected to have any adverse effect on features of natural or built heritage. The nearest

designated site, Ballymacombs More Area of Special Scientific Interest (ASSI) is located approx. 240 metres north east of the site. The proposal is not considered to create any emissions that could be potentially harmful to the Holocene peat and related stratigraphy for which the ASSI is designated. There are no built heritage features within the site or the immediate surroundings.

The site is identified by the DfI Rivers Flood Map as being located in an area at risk of fluvial flooding. A Flood Risk Assessment was submitted with the application and DfI Rivers were consulted and responded to say that 'DfI Rivers has reviewed the Flood Risk Assessment (FRA) by Flood Risk Consulting and comments as follows;

'The FRA has provided a detailed river model of the Ballyscullion West Watercourse which demonstrates that the proposed site is not located within the 1% AEP fluvial floodplain for this watercourse. The 1% AEP fluvial flood level provided for this watercourse is 14.41mOD.

The FRA has also provided information on the highest recorded level for the Lower Bann watercourse at the nearby Newferry Road gauging station which is 13.255mOD. The proposed site is located at an appropriate freeboard above this level.

Due to the near location to the flood plain the developer should be advised that for design purposes all finished floor levels should be placed at a minimum of 600mm above the 1% AEP

fluvial flood level of 14.41mOD. Therefore, DfI Rivers, while not being responsible for the preparation of the Assessment, accepts its logic and has no reason to disagree with its conclusions.' However, further issues were raised regarding a culverted water course which will be dealt with later in this report.

The proposal is not anticipated to produce any effluent. Any water used in the process to dampen the material is to be recycled within the process. According to the agent, NIEA currently sample the watercourses in and around the wider site and to date no impurities have been recorded.

DFI Roads were consulted on the application and responded to say that they did not offer any objection. The site is accessed via an established entrance from Newferry Road and adequate access arrangements, parking and manoeuvring areas are provided within the site. Given the location of the site and the nature of the activities a movement pattern is not considered to be necessary.

The site layout has been designed with a good quality and standard of finish for buildings of an industrial nature. No landscaping has been submitted but the proposal is well screened from public view points by the existing buildings and infrastructure and integrates within the site compound.

The Bulrush site is securely locked outside of operating hours and the buildings are alarmed.

In consideration of the above, above policy consideration, the proposal is considered to

be compliant with Policy PED 9 of PPS 4.

### **PPS15 Planning and Flood Risk**

#### **PPS15 Policy FLD 1 Development in Fluvial (River) and Coastal Flood Plains**

The site is identified by the DfI Flood Map as being located in an area at risk of fluvial flooding. A Flood Risk Assessment was submitted with the application and DFI Rivers were consulted and responded to say that

‘DfI Rivers, while not being responsible for the preparation of the Assessment accepts its logic and has no reason to disagree with its conclusions.’

#### **PPS15 Policy FLD 2 Protection of Flood Defence and Drainage Infrastructure**

An undesignated watercourse traverses the site. Under 6.32 of the policy a 5m maintenance

strip is required. Drawing ‘SITE\_LAYOUT\_PLAN\_A1’ indicates that the proposals may be located on the line of a culverted watercourse. Under 6.33 of the policy there is a general presumption against the erection of buildings or other structures over the line of a culverted watercourse in order to facilitate replacement, maintenance or other necessary operations. The agent confirmed that this was the case and a drawing was requested to show the extent of the culverted watercourse (drawing No 06, date stamped 14<sup>th</sup> December 2022). From this we can see that the proposed building will be constructed over a significant line of the culverted watercourse. Therefore the proposal is contrary to Policy FLS 2 of PPS 15.

#### **PPS15 Policy FLD 4 Artificial Modification of Watercourses**

Under FLD 4 of Planning Policy Statement 15, artificial modification of a watercourse is normally not permitted unless it is necessary to provide access to a development site or for engineering reasons. This is a matter for the planning authority. The culverting of the watercourse on this application site has been done prior to this application being submitted.

#### **Conclusion**

Refusal is therefore recommended as the proposal is contrary to Policy FLD 2 of PPS 15.

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

Refuse is recommended

## Refusal Reasons

### Reason 1

The proposal is contrary to the criteria set out in Policy FLD 2 of PPS 15, in that the proposed building would be constructed over line of the culverted watercourse.

### Reason 2

The proposal is contrary to FLD 4 of PPS 15, in that the watercourse has been artificially modified prior to the submission of this application.

**Signature(s):** Siobhan Farrell

**Date:** 23 January 2023

ANNEX	
Date Valid	9 June 2022
Date First Advertised	28 June 2022
Date Last Advertised	28 June 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 16 New Ferry Road Bellaghy Co Derry BT45 8ND	
Date of Last Neighbour Notification	5 July 2022
Date of EIA Determination	
ES Requested	<events screen>
<b><u>Planning History</u></b>  Ref: LA09/2018/0365/DC Proposals: Discharge of condition No.4 of planning permission H/2013/0309/F Decision: AL Decision Date: 07-JUN-18  Ref: H/1992/0228 Proposals: PEAT EXTRACTION(MILLED METHOD) Decision: PG Decision Date:  Ref: H/1973/0136 Proposals: CHALET BUNGALOW Decision: PG Decision Date:  Ref: H/1985/0299 Proposals: COFFEE BAR EXTENSION TO SHOP AND STORE Decision: PG Decision Date:  Ref: H/2003/0252/O Proposals: Site of dwelling and garage.	

Decision: PR  
Decision Date: 29-OCT-05

Ref: H/1979/0252  
Proposals: EXTRACTION AND PROCESSING OF PEAT AND ASSOCIATED BUILDINGS  
Decision: PG  
Decision Date:

Ref: H/2010/0593/F  
Proposals: Provision of new 2 storey office premises to replace current office building  
Decision: PG  
Decision Date: 18-APR-11

Ref: H/2005/0631/F  
Proposals: Shed Cover For Peat Storage Yard and Extension to Existing Factory.  
Decision: PG  
Decision Date: 13-FEB-06

Ref: H/2012/0280/F  
Proposals: Alterations to development previously approved under planning application H/2010/0593/F. Provision of new 2 storey office premises to replace current office building  
Decision: PG  
Decision Date: 19-NOV-12

Ref: H/1993/0252  
Proposals: EXT TO PEAT PROCESSING PLANT & PROVISION OF OFFICE ACCOMMODATION WITHIN EXISTING PLANT  
Decision: PG  
Decision Date:

Ref: H/2001/0057/O  
Proposals: Site Of Lean-To Storage Shed For Peat.  
Decision: PG  
Decision Date: 26-SEP-01

Ref: H/2012/0140/F  
Proposals: Proposed 1MW Biomass plant to replace oil fired boiler for heat production to power extant manufacturing process.  
Decision: PG  
Decision Date: 03-SEP-12

Ref: H/2013/0309/F  
Proposals: Proposed In-vessel Composting Facility (IVCF) for (non-hazardous) green and organic waste, storage, access and ancillary site works.

Decision: PG  
Decision Date: 23-JUN-14

Ref: H/2011/0405/DETEIA

Proposals: EIA screening and scoping request for in-vessel composting facility (IVCF) at lands east of Bulrush Horticulture Ltd, Newferry Road, Bellaghy under the Planning (EIA Regulations (NI) 1999 - Regulation 6 (1) (a) and (b) request.

Decision:  
Decision Date:

Ref: LA09/2022/0739/F

Proposals: Buildings to house proposed wood and coco fibre plant, storage bay, chip feed bin, access (insitu) and ancillary site works.

Decision:  
Decision Date:

Ref: H/1991/0500

Proposals: 2 NO UNITS FOR TOURIST ACCOMMODATION

Decision: WITHDR  
Decision Date:

Ref: H/2007/0482/F

Proposals: Erection of 33 Kv electricity substation enclosed by a 2.5m high galvanised steel Lochrin fence. Inside the area will be poles and electrical switchgear. A control room will be built for metering.

Decision: PG  
Decision Date: 19-OCT-07

Ref: H/1981/0357

Proposals: PETROL FILLING STATION

Decision: PG  
Decision Date:

Ref: H/2004/0870/O

Proposals: Site of Dwelling and Garage.

Decision:  
Decision Date:

### **Summary of Consultee Responses**

Rivers Agency-489888 - Final Response.pdf  
Environmental Health Mid Ulster Council-LA09 2022 0739 F.doc  
DFI Roads - Enniskillen Office-Roads Consultation blank.docx

**Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Existing Site Survey Plan Ref: 03

Elevations and Floor Plans Plan Ref: 04

Proposed Elevations Plan Ref: 05

Miscellaneous Plan Ref: Flood Risk Assessment

Miscellaneous Plan Ref: Noise Impact Assessment

**Notification to Department (if relevant)**

Not Applicable



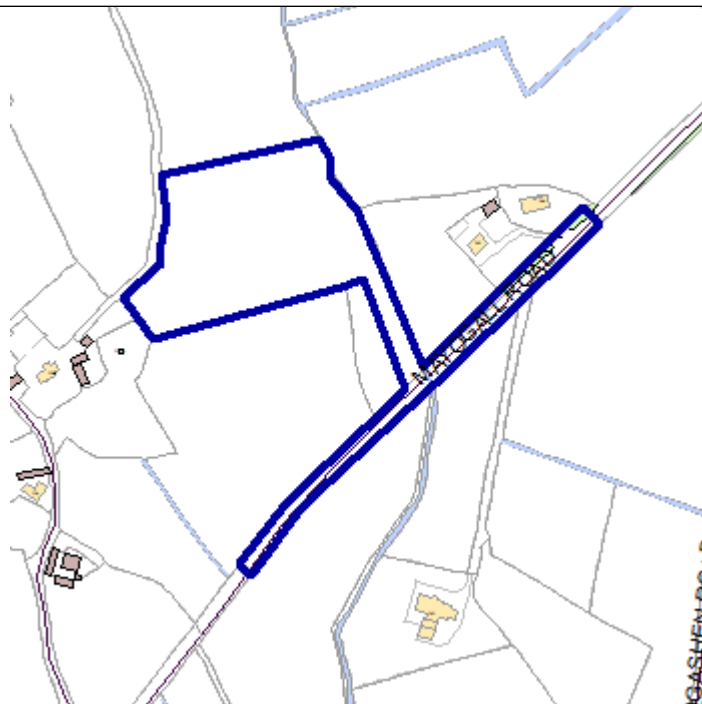


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 February 2023	<b>Item Number:</b> 5.20
<b>Application ID:</b> LA09/2022/1061/O	<b>Target Date:</b> 7 October 2022
<b>Proposal:</b> dwelling and garage under CTY 10	<b>Location:</b> Lands 160 Metres North East Of 136 Mayogall Road Clady BT44 8LU
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Colm McNally 18 Hawthorn Crescent Maghera	<b>Agent Name and Address:</b> CMI Planners Ltd 38B Airfield Road The Creagh Toomebridge BT41 3SQ
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	DAERA - Coleraine	Consultee Response - LA09-2022-0670-F.DOCX
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Non Statutory Consultee	Rivers Agency	576597 -Final Response.pdf
Non Statutory Consultee	DAERA - Coleraine	Consultee Response - LA09-2022-1061-O.DOCX

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

No third party representations were received during the assessment of this application. All material considerations have been addressed within the determination below.

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

The site is located on lands 160 Metres North East Of 136 Mayogall Road, Clady and is located outside the designated settlement limits as identified in the Magherafelt Area Plan, 2015. The site is a large portion of an agricultural field. The elevation of the site is relatively flat adjacent to the roadside then as you move inwards it begins to rise. The boundaries of the site are mainly comprised of mature low level hedgerows, which is quite sparse with the odd tree dotted mainly along the eastern boundary towards the roadside. The surrounding area is rural in character with scattered dwellings and farm holdings.

## **Description of Proposal**

This application seeks outline planning permission for a farm dwelling and garage under CTY 10.

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

### **Policy Consideration**

#### Planning History

LA09/2017/0063/O-Proposed dwelling and domestic garage / store based on policy CTY 10 - dwelling on a farm, 40MTS North East Of No 136 Mayogall Road, Knockloughrim, for Mr Brendan Henry, Permission Granted 02.05.2017.

#### Representations

Neighbour notification and press advertisement have been carried out in line with the Council's statutory duty. At the time of writing, no third party objections were received.

#### Assessment

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

Strategic Planning Policy Statement (SPPS)

Magherafelt Area Plan, 2015

PPS21 -Sustainable Development in the Countryside

### PPS 3 Access, Movement and Parking

There is no conflict or change in policy direction between the provisions of the SPPS and those of PPS 21 in respect of the proposal. The policy provisions within PPS21 remain applicable in terms of assessing the acceptability of the proposal.

#### Assessment

The Strategic Planning Policy Statement for Northern Ireland (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. One retained policy document is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21) 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 dwellings on a farm under Policy CTY 10.

There is no conflict or change in policy direction between the provisions of the SPPS and those of PPS21 in respect of the proposal. The policy provisions within PPS21 and PPS 3 remain applicable in terms of assessing the acceptability of the proposed application.

The Mid Ulster District Council Local Development Plan 2030; Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. All valid representations received will be subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan.

PPS 21, Policy CTY1, establishes that planning permission will be granted for a dwelling house on a farm where it is in accordance with Policy CTY 10. This establishes that the principle of development, a dwelling on a farm, is acceptable, subject to meeting the policy criteria outlined in Policy CTY 10. Policy CTY 10 establishes that all of the following criteria must be met:

- (a) The farm business is currently active and has been established for at least 6 years
- (b) No dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application
- (c) The new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
  - Demonstrable health and safety reasons or
  - Verifiable plans to expand the farm business at the existing building group(s)

With regard to (a) the applicant has provided details surrounding the farm

business ID. DAERA were consulted and responded to say that the farm business Id provided was not active and established and that the land was associated with another farm business ID. No case has been presented to prove that the farm business has been active or established for 6 or more years. Therefore the proposal fails to meet the criteria of this policy.

With regard to (b) there are no records indicating that any dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application.

With respect to (c), the proposed site is a large portion of an agricultural field. There are no establish group of farm buildings associated with the site and no case has been presented to confirm any buildings on the farm. Therefore the application fails to meet this policy test.

The P1 form indicates that the proposal includes the alteration of an existing access

to the public road. DfI Roads were consulted on the application, and they responded to say that the access is unto a Protected Route A42 Moyagall Road. PPS3 AMP3 Access to a Protected Route is applicable. The existing access mentioned in the P1 is considered to be a field entrance and therefore not a vehicle access as specified in PPS3. It is contrary to Policy PPS3 AMP3 to create new accesses onto a Protected Route. Third party lands are also required to create the 2.4 x 160 metre sight splays in both directions. Control of the sightlines has not been demonstrated. The sightlines should also be tangential to the curve as per DCAN 15 Fig. 2. The control of sightlines has not been demonstrated therefore DfI Roads recommend a refusal.

Policy CTY 13 stipulates 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 proposal is for outline planning permission and details of design have not been submitted at this stage. However, while some of the dwellings close to the site are prominent they link and cluster with their associated farm buildings. Given the lack of adequate screening and the fact that there are no farm buildings to visually link or cluster with, associated with the site and the farm business ID, I believe that a dwelling on this site would be visually prominent and would fail to integrate into the landscape.

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 the area. In my opinion, a dwelling located on the proposed site would cause detrimental change or further erode the rural character of the area. Therefore, this proposal is contrary to the criteria set out in policy CTY13 &14.

### Conclusion

On the basis of this assessment, the proposal does not comply with the policy requirements of the SPPS and PPS21 and PPS3, therefore it is recommended that permission is refused.

### **Summary of Recommendation:**

Refuse is recommended

### Refusal Reasons

#### Reason 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.

#### Reason 2

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 farm business is currently active or established for 6 years or more and there are no established group of farm buildings associated with the site and no case has been presented to confirm any buildings on the farm.

#### Reason 3

The proposal is Contrary to Policies CTY 13 and 14 of Planning Policy Statement 21, Sustainable development in the Countryside in that the lack of adequate screening and the fact that there are no farm buildings to visually link or cluster with, associated with the site and the farm business ID, a dwelling on this site would be visually prominent and would fail to integrate into the landscape and would cause detrimental change or further erode the rural character of the area

#### Reason 4

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 3, in that it would, if permitted, result in the creation of a new vehicular access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety

#### Reason 5

The proposal is contrary to Planning Policy Statement 3, Access, Movement and

Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it would not be possible within the application site to provide an access with visibility splays of 2.4 metres x 160 metres, in accordance with the standards contained in the Department's Development Control Advice Note 15.

**Signature(s):** Siobhan Farrell

**Date:** 23 January 2023

<b>ANNEX</b>	
<b>Date Valid</b>	24 June 2022
<b>Date First Advertised</b>	5 July 2022
<b>Date Last Advertised</b>	5 July 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 136A Mayogall Road Clady Londonderry BT44 8LU The Owner / Occupier 144 Mayogall Road Clady Londonderry BT44 8LU The Owner / Occupier 142 Mayogall Road Clady Londonderry BT44 8LU	
<b>Date of Last Neighbour Notification</b>	1 August 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>  Ref: H/2009/0566/F Proposals: Proposed replacement dwelling and attached garage to supersede planning approval H/2006/0039/O Decision: PG Decision Date: 19-NOV-09  Ref: H/1974/0024 Proposals: 11 KV O./H LINE (C.2860) Decision: PG Decision Date:  Ref: LA09/2020/0595/O Proposals: Proposed single storey granny flat annex to existing dwelling in accordance with Policy CTY 6 - personal and domestic circumstances Decision: PG Decision Date: 15-APR-21  Ref: H/1976/0308 Proposals: HOUSE WITH GARAGE Decision: PG	



Decision Date:

Ref: H/1990/0285

Proposals: GARAGE

Decision: PG

Decision Date:

Ref: LA09/2017/1312/RM

Proposals: Storey and a half dwelling

Decision: PG

Decision Date: 04-JAN-18

Ref: LA09/2017/0063/O

Proposals: Proposed dwelling and domestic garage / store based on policy CTY 10 - dwelling on a farm

Decision: PG

Decision Date: 12-MAY-17

Ref: H/1981/0001

Proposals: SITE OF BUNGALOW

Decision: WITHDR

Decision Date:

Ref: H/2006/0039/O

Proposals: Site of Dwelling & Garage (Revised Access Detail)

Decision: PG

Decision Date: 27-NOV-08

Ref: H/1995/0639

Proposals: 11 KV O/H LINE BM3152/94

Decision: PG

Decision Date:

Ref: H/2004/1323/O

Proposals: Site of Dwelling and Garage

Decision:

Decision Date:

Ref: H/2008/0219/F

Proposals: Proposed dwelling & garage

Decision: PG

Decision Date: 17-NOV-08

Ref: H/2015/0023/O

Proposals: Replacement Dwelling and Garage

Decision: PG

Decision Date: 16-SEP-15

Ref: LA09/2017/1684/F

Proposals: Proposed storey and a half replacement dwelling with attached dependant annex

Decision: PG

Decision Date: 14-MAR-18

Ref: H/2004/0578/O

Proposals: Site of replacement dwelling and garage.

Decision: PG

Decision Date: 24-MAR-05

Ref: H/2003/0149/A41

Proposals: Sunroom.

Decision: 205

Decision Date: 20-MAR-03

Ref: H/1980/0301

Proposals: EXTENSIONS TO BUNGALOW

Decision: PG

Decision Date:

Ref: H/1992/0503

Proposals: SITE OF REPLACEMENT DWELLING

Decision: PR

Decision Date:

Ref: LA09/2022/1061/O

Proposals: dwelling and garage under CTY 10

Decision:

Decision Date:

Ref: H/1995/6109

Proposals: PETROL FILLING STATION MAYOGALL ROAD PORTGLENONE

Decision: QL

Decision Date:

Ref: LA09/2017/1288/O

Proposals: Proposed storey and a half dwelling

Decision:

Decision Date:

**Summary of Consultee Responses**

DAERA - Coleraine-Consultee Response - LA09-2022-0670-F.DOCX  
DFI Roads - Enniskillen Office-Outline resp.docx  
Rivers Agency-576597 -Final Response.pdf  
DAERA - Coleraine-Consultee Response - LA09-2022-1061-O.DOCX

**Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

**Notification to Department (if relevant)**

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 February 2023	<b>Item Number:</b> 5.21
<b>Application ID:</b> LA09/2022/1062/O	<b>Target Date:</b> 7 October 2022
<b>Proposal:</b> Proposed dwelling and garage within a cluster.	<b>Location:</b> 95M South Of No 4 Drumgarrell Road Cookstown BT80 8TA
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Mr Ryan O'Neill 68 Drumconuis Road Coagh BT80 0HF	<b>Agent Name and Address:</b> CMI Planners Ltd 38B Airfield Road The Creagh Toomebridge BT41 3SQ
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	DC Checklist 1.doc FORM RS1 STANDARD.doc Roads outline.docx

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	2
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

The proposal is considered to fail on Policy CTY 2a of PPS 21 and at the time of writing, two objections have been recieved. The details of these objections will be discussed later in the report.

### Characteristics of the Site and Area

The site is located at lands located approx 95m South of No.4 Drumgarrell Road, Cookstown. The red line of the site includes a triangular shed roadside site and the visibility splays. The site is located at the junction of Drumgarrell Road and fronts onto Killybearn Road also. The site is described as agricultural and appeared overgrown in parts at the site visit. There is existing hedging and mature trees along most of the site boundaries. The surrounding area has a number of existing dwellings within close proximity, mostly to the north of the site, however overall the area still appears rural in nature. There is a shooting range located approx 320m as the crow flies NE of the site as noted on the site location plan.

## **Description of Proposal**

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

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

### **Policy Consideration**

#### Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 8 Killybearn Road, 4 and 4a Drumgarrell Road. At the time of writing, two third party objections were received. The main issues raised within objections were:

- Filling of land/Contamination issues at site
- New access created
- Fails to meet with clustering policy and other policies within PPS 21
- Ownership of red line

Two objections have been received in relation to the proposal, the first being from Les Ross Planning on behalf of a local landowner and the second being from the owner of 4a Drumgarrell Road. With relation to the raising of ground levels by way of deposition and the access – there was a recent enforcement case (LA09/2022/0035/CA) which recently dealt with these matters. I am in agreement that the proposal fails to meet with clustering policy as held within PPS 21. The policies for CTY 2a, CTY 13 and CTY 14 are discussed later in this report alongside how we feel this proposal is contrary to a number of the criterion held within each of these policies. With regards to the red line, it was brought to our attention that the wrong certificate was filled in on the P1 form. The agent was made aware and noted that the applicants mother was in ownership of the lands. The agent was to provide an amended certificate clarifying this information, however this has not been received to date. Given that the principle of development at this site is not considered to have been met, I am content that the application is still presented to the committee at this time. If further discussions are to take place surrounding the application, this information should be received and further clarification surrounding the red line of the site may be requested.

#### Planning History

There is not considered to be any recent relevant planning history associated with this site, other than the recent enforcement case (LA09/2022/0035/CA) aforementioned in relation to the unauthorised access, filling of land and clearance of site.

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

- o Cookstown Area Plan 2010
- o Strategic Planning Policy Statement (SPPS)
- o PPS 3: Access, Movement and Parking
- o PPS 21: Sustainable Development in the Countryside
- o Local Development Plan 2030 - Draft Plan Strategy

The Cookstown Area Plan 2010 identify the site as being outside any defined settlement limits and there are no other designations or zonings within the Plan.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

This proposal is for a new dwelling and garage. The agent has referred to the clustering policy on the site location plan, indicating a focal point and a cluster of development. A possible farming case was not explored given that this appeared to be the only lands within their ownership on the site location plan. The agent was emailed originally on 3/11/22 with a follow up email on 24/11/22 advising them of our group discussion, noting that we did not feel it met with the policy criterion of CTY 2a. No further justification was received from the agent. A further email was sent on 5/1/23, referring to the incorrect certificate which was filled in on the P1 form which was raised by our enforcement team who had carried out a land registry check on the lands. The agent has since clarified by email that the land has been transferred from the mother to the son (applicant). No further checks were carried out given that we do not feel the principle of development is met at this site.

In line with planning policy held within CTY 2a of PPS 21 permission will only be granted for a dwelling at an existing cluster of development provided the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings. This proposal site lies outside of a farm and consists of more than 4 buildings thus adhering to this criteria. Although there is a number of existing dwellings and associated outbuildings, we are not content that the cluster appears as a visual entity in the local landscape. The third criterion notes that the cluster should be associated with a focal point such as a social/community building/facility or is located at a crossroads. I am not convinced that there is anything which would be considered as a focal point in close proximity to the site and thus the proposal fails on this criterion. The agent has referred to a shooting range on the site location plan, however it is considered this is too far removed from the site and there is considerable distance between the two. The identified site is not bounded on any side by development and it is my consideration that the proposed development could not be absorbed into the existing cluster and would significantly altering the existing character or adversely impacting on the residential amenity. There would be sufficient separation distance between the site and neighbouring properties to avoid any issues such as privacy or overlooking concerns.

Assessing the proposal against CTY 8 – Ribbon development would also raise concern that allowing this proposal would extend an existing ribbon of development along Killybearn Road and as such would also be contrary to the policy criterion held within CTY 8.

It is also necessary for the proposal to be considered against the requirements of CTY 13 and

CTY 14 of PPS 21, whereby it states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be granted. The proposed site has some degree of enclosure given the existing hedging which surrounds the site and therefore would not be relying solely on new landscaping. Although the proposed dwelling may not be prominent due to being sited at road level, there will be critical views of the site from the public road on approach especially along the Killybearn Road. The proposed dwelling would extend the built form and will therefore extend a ribbon of development at this location, contrary to both CTY 8 and CTY 14. As such, the proposal is considered to be contrary to some of the policy criterion held within CTY 13 and CTY 14 and as such refusal is recommended.

Having considered all of the above and noting that the proposed site is not within an identifiable cluster of development and does not have a focal point relating to the site thus contrary to policy, it is my consideration that the application should be refused.

### **Summary of Recommendation:**

Refuse is recommended

### **Refusal Reasons**

#### **Reason 1**

The proposal is contrary to the SPPS and 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.

#### **Reason 2**

The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is not an existing cluster of development at this location; the site is not associated with a focal point, it is not bounded on at least two sides with other development and the development cannot be absorbed into an existing cluster.

#### **Reason 3**

The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would erode the rural character of the area.

#### **Reason 4**

The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Killybearn Road.

**Signature(s):** Sarah Duggan



**Date:** 24 January 2023

ANNEX	
Date Valid	24 June 2022
Date First Advertised	5 July 2022
Date Last Advertised	5 July 2022
<b>Details of Neighbour Notification</b> (all addresses)  The Owner / Occupier 8 Killybearn Road Cookstown Londonderry BT80 8SZ The Owner / Occupier 4 Drumgarrell Road Cookstown Tyrone BT80 8TA	
Date of Last Neighbour Notification	1 August 2022
Date of EIA Determination	
ES Requested	<events screen>
<b><u>Planning History</u></b>  Ref: LA09/2019/0120/F Proposals: Retention of extension to dwelling to facilitate care of dependant relative Decision: PG Decision Date: 07-AUG-19  Ref: I/1974/0291 Proposals: ERECTION OF FARM SUBSIDY DWELLING Decision: PG Decision Date:  Ref: I/1977/0290 Proposals: RETIREMENT BUNGALOW Decision: PR Decision Date:  Ref: I/1974/029101 Proposals: ERECTION OF NON-SUBSIDY BUNGALOW Decision: PG Decision Date:	

Ref: I/1977/0119  
Proposals: ERECTION OF GARAGE AND STORE  
Decision: PG  
Decision Date:

Ref: LA09/2019/1076/F  
Proposals: Proposed side extension to dwelling  
Decision: PG  
Decision Date: 26-SEP-19

Ref: I/2003/0395/O  
Proposals: Proposed dwelling and garage  
Decision: PG  
Decision Date: 09-JUL-03

Ref: LA09/2022/1062/O  
Proposals: Proposed dwelling ☐ garage within a cluster.  
Decision:  
Decision Date:

Ref: I/2008/0223/F  
Proposals: Proposed General purpose farm shed & shelter for ponies.  
Decision:  
Decision Date:

Ref: I/1993/0112  
Proposals: Site of dwelling  
Decision: PR  
Decision Date:

Ref: I/1982/0001  
Proposals: DWELLING HOUSE  
Decision: PG  
Decision Date:

Ref: I/1996/0052  
Proposals: Dwelling  
Decision: PR  
Decision Date:

Ref: I/2002/0614/O  
Proposals: Dwelling  
Decision: PR  
Decision Date: 11-MAR-03

Ref: I/2003/0763/RM

Proposals: Proposed dwelling and garage

Decision: PG

Decision Date: 15-OCT-03

Ref: I/2004/0896/O

Proposals: Construct a dwelling

Decision: PR

Decision Date: 19-DEC-05

Ref: I/1985/020401

Proposals: BUNGALOW

Decision: PG

Decision Date:

Ref: I/1985/0204

Proposals: BUNGALOW

Decision: PG

Decision Date:

Ref: I/1987/0345

Proposals: SITE OF DWELLING

Decision: PR

Decision Date:

Ref: I/2006/0044/O

Proposals: Proposed site for dwelling

Decision: PR

Decision Date: 25-SEP-06

Ref: I/1989/0099

Proposals: Improvements to Dwelling

Decision: PG

Decision Date:

Ref: I/1996/0136

Proposals: Extension to Dwelling

Decision: PG

Decision Date:

Ref: LA09/2019/0124/LDE

Proposals: Building, car parking and access and use of same for counselling rooms and training office

Decision: PG

Decision Date: 17-OCT-19

Ref: I/1999/0680/O

Proposals: Dwelling

Decision:

Decision Date:

Ref: I/2005/0555/F

Proposals: Proposed extension & improvements

Decision: PG

Decision Date: 22-OCT-05

Ref: I/1974/008201

Proposals: ERECTION OF FARM DWELLING

Decision: PG

Decision Date:

Ref: I/1974/0082

Proposals: ERECTION OF FARM BUNGALOW

Decision: PG

Decision Date:

Ref: I/2000/0443/F

Proposals: Dwelling

Decision: PG

Decision Date: 07-SEP-00

Ref: I/1987/0177

Proposals: DOMESTIC GENERAL PURPOSE STORE AND SNOOKER ROOM

Decision: PG

Decision Date:

Ref: I/1982/0307

Proposals: ERECTION OF BUNGALOW

Decision: PG

Decision Date:

Ref: I/1982/030701

Proposals: ERECTION OF BUNGALOW

Decision: PG

Decision Date:

### **Summary of Consultee Responses**

DFI Roads - Enniskillen Office-DC Checklist 1.doc  
FORM RS1 STANDARD.doc  
Roads outline.docx

**Drawing Numbers and Title**

Site Location Plan   Plan Ref: 01

**Notification to Department (if relevant)**

Not Applicable

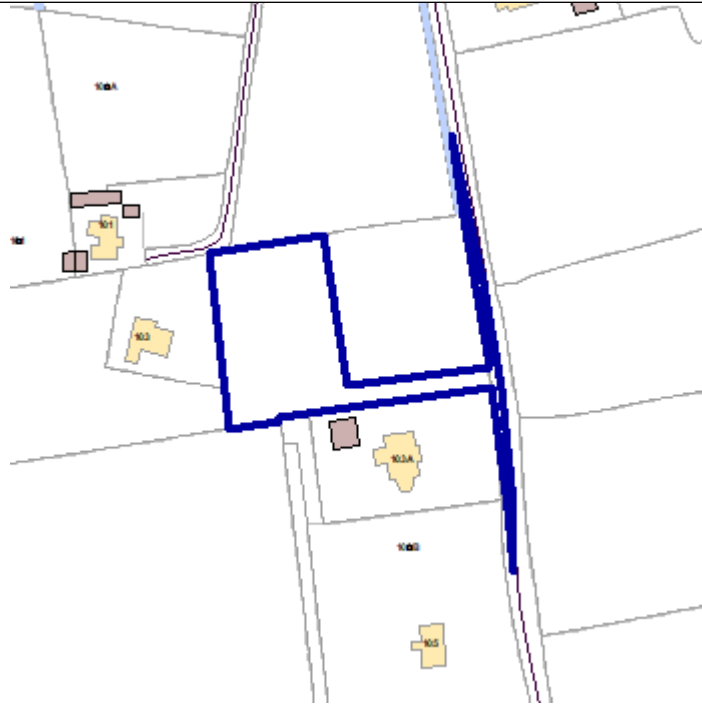


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 February 2023	<b>Item Number:</b> 5.22
<b>Application ID:</b> LA09/2022/1326/O	<b>Target Date:</b> 14 December 2022
<b>Proposal:</b> New Private Dwelling and Detached Garage	<b>Location:</b> Lands 45M South-east Of No.101 Drummurrer Lane Coalisland
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Michael Quinn 11A Drummurrer Lane Coalisland BT71 4QJ	<b>Agent Name and Address:</b> Clarman Ltd Unit 1 33 Dungannon Road Coalisland BT71 4HP
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	FORM RS1 STANDARD.doc Roads outline.docx
Statutory Consultee	Rivers Agency	745049 - Final Response.pdf
Statutory Consultee	NI Water - Single Units West	LA09-2022-1326-O.pdf

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	4
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

There are 4 objections from local residents and this proposal fails to comply with PPS 21.



## Characteristics of the Site and Area

This application site occupies a parcel of land approximately 45 metres South East of No 101 Drummurrer Lane, Coalisland. It is a rectangular shaped site which sits to the rear of a flat agricultural field and is accessed via an existing laneway. This lane sits to the south of Drummurrer Lane and currently serves 3 dwellings. The northern, southern and western boundaries are all hedgerow with the western boundary undefined.

The settlement of Clonoe sits approximately 2 kilometres to the north east of this site and the village of Killeen is 2.5 kilometres to the north. This site is undefined in the Dungannon and South Tyrone Area Plan (DSTAP) as it lies in the rural countryside and it sits just over 2 kilometres west of the shore of Lough Neagh. The surrounding area is mostly rural but it has come under significant pressure for residential development with a scattering of single dwellings throughout the area.



## Planning History

There is no planning history on this application site.

## **Representations and Consultations**

DfI Roads were consulted and have no objection to this application subject to the provision of visibility splays of 2.4 metres by 33 metres in both directions be attached to any permission. They have stated the existing laneway needs to be widened to 4.1 metres for the first 10 metres from the junction with the main priority road which would necessitate control of third party land. Also hedge and tree removal is also required in both directions which again would require third party lands.

The red line as submitted on this application as well as the blue land and potentially the Certificate signed in Q 27 on the P1 form may not allow for the requirements as identified by DfI Roads. However, clarification/amendments regarding these comments were not sought as it is my opinion there is no policy whereby to grant permission for a dwelling on this site and refusal is recommended.

DfI Rivers were consulted due to the proximity of flooding to the site, less than 100 metres to the north of the site in a different field. This site is not within an area affected by flooding and they have no objections about development on this site.

NI Water have stated there is no public watermain within 20 metres of this site however an extension of the existing water supply network may be possible and they have no objections.

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

This application was advertised in the local press in line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 and 4 neighbouring residents were notified about this application.

A total of 4 individual objections from neighbouring properties have been submitted in regards to this application highlighting a number of concerns with the proposal which they state are not in compliance with CTY 2a, CTY 8 and CTY 14 in PPS 21.

- There is no visual entity or focal point which may create a cluster and therefore it cannot “round off an existing cluster” as no cluster exists.

- The existing buildings are separate individual dwellings with individual identities which access onto 2 different lanes.
- No enclosure on the site.
- Add to ribbon of development resulting in build-up and overdevelopment.

## **Description of Proposal**

This application seeks full planning permission for a dwelling and detached garage on lands 45 metres South East of No 101 Drummurrer Lane, Coalisland.

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

### **Policy Consideration**

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

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020 and the Council submitted the Draft Plan Strategy to the Department for Infrastructure (DfI) on 28<sup>th</sup> May 2021 for them to carry out an Independent Examination. In light of this, the Draft Plan Strategy currently does not yet carry any determining weight.

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 outlines the aim to providing sustainable development and with respect to that should have regard to the Development Plan and any other material considerations. It 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.

As the site lies within the countryside, PPS 21 is the relevant policy as it has been retained and it is this policy which this application will be assessed under. Section 6.73 of the SPPS relates to development which is considered acceptable in the countryside and that includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and

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

Policy CTY1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access and road safety. A range of examples are set out in CTY 1 detailing different cases which would allow for planning permission in the countryside and the agent has referred to a cluster in the information submitted. Planning permission will be granted for a dwelling at an existing cluster under Policy CTY 2a where a list of criteria are met.

- the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;

As can be seen from the drawing below which was included in the information submitted by the agent, there are a number of dwellings to the west of this application site and although it only shows the one dwelling to the south, there are another two beyond this. The dwelling in the north west of the illustration is recently built and was granted permission as a farm dwelling in association with the farm holding to the south at No 101, and therefore is part of an existing farm holding. I agree with the objectors in that there is no recognised “cluster” for which a dwelling could be part of and therefore this proposal fails this criterion.



- the cluster appears as a visual entity in the local landscape;

I would disagree with the “cluster” the agent refers to or that it would appear as a visual entity in the local landscape. The grouping of dwellings referred to by the agent are

accessed off 3 separate lanes and they appear as separate entities on the ground. As stated above, the buildings in this vicinity do not together comprise a cluster, instead they are a number of individual dwellings, accessed off 3 separate laneways.

- the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,

There is no such focal point anywhere near this grouping of dwellings, nor is there a crossroads nearby where these said dwellings could be configured around.

- the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;

Three of the site's boundaries are vegetated and therefore do provide a certain degree of enclosure. However I am not convinced this grouping of 5 dwellings which are accessed off 3 separate laneways would constitute a cluster as policy requires, therefore the vegetation on the site is irrelevant to this criteria.

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

In my opinion there is no cluster existing within the land surrounding the site and therefore the proposed dwelling cannot be absorbed or round off an entity which does not exist. I would be in concur with the objectors in this viewpoint.

- development would not adversely impact on residential amenity.

As this application is for outline permission, the actual siting of the dwelling within the application site is not confirmed, it is the principle of a dwelling which this application is considering. However, the agent has provided an indicative layout which shows the proposed dwelling sited in the northern part of the site with an L-shaped access onto the laneway. This lengthy access layout would not be preferable and the rear amenity space of the proposed dwelling would be adjacent to the lawn area of No 103. If the proposed dwelling was sited closer to the south western corner of the site with a straight access, their rear amenity space would lie adjacent to the large garden area to the rear and side of No 103 which is a bungalow. The objectors also highlighted concerns of overlooking and overshadowing. Due to the application site including land at the back of the field, I would not be as concerned regarding the amenity space of No 103 c and although the western and southern boundaries of the site are vegetated, there could be a potential detrimental impact on residential amenity.

As there was no farming information submitted, this proposal would not comply with CTY 10 and as there are no dwellings on the application site CTY 3 is not met. No special personal or domestic circumstances were presented to fulfil CTY 6 and the site does not constitute a gap site under CY 8 as it would create/extend a ribbon of development.

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 site and the surrounding area is typically flat with a dwelling on this application site would encroach development closer to the public road network by reducing the separation distance from the Drummurrer Lane and the existing dwellings. I believe this would also draw attention to the existing dwellings which are set back some 180 metres from the public road network by extending the built form closer to public view and in doing so also creating a ribbon of development.

In terms of 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 would have concerns that a dwelling and garage on this application site would further erode the rural character of the area which is already under significant development pressure. Restricting the design, positioning and/or the ridge height through the imposition of conditions to any permission granted would not in my opinion alleviate any issues. I would have concerns that development on this site would result in a suburban style of development and thus result in a detrimental change to the area and thereby not in compliance with CTY 14.

### **Summary of Recommendation:**

Refuse is recommended

On the basis of assessment of the SPPS and the criterion set out in PPS 21, I do not believe this proposal would be in compliance with policy and would agree with most of the points raised by the 4 objectors and thereby would recommend the members of the Planning Committee refuse this proposal.

### **Refusal Reasons**

#### **Reason 1**

The proposal is contrary to the SPPS and 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.

#### **Reason 2**

The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is not an existing cluster of development at this location; the site is not associated with a focal point, it is not bounded on at least two sides with other development in a cluster and the development cannot be absorbed into an existing cluster.

#### **Reason 3**

The proposal is contrary to Policy CTY 8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted,

would create or add to a ribbon of development along a laneway off Drummurrer Lane and result in a suburban style build-up of development and would therefore result in a detrimental change to further erode the rural character of the countryside.

**Signature(s):** Cathy Hughes

**Date:** 24 January 2023

ANNEX	
Date Valid	31 August 2022
Date First Advertised	13 September 2022
Date Last Advertised	13 September 2022
<b>Details of Neighbour Notification</b> (all addresses)  The Owner / Occupier 101 Drummurrer Lane Coalisland Tyrone BT71 4QJ The Owner / Occupier 103 Drummurrer Lane Coalisland Tyrone BT71 4QJ The Owner / Occupier 103A Drummurrer Lane Coalisland Tyrone BT71 4QJ The Owner / Occupier 105 Drummurrer Lane Coalisland Tyrone BT71 4QJ	
Date of Last Neighbour Notification	31 October 2022
Date of EIA Determination	
ES Requested	<events screen>
<b><u>Planning History</u></b>  Ref: M/1987/0276 Proposals: BUNGALOW Decision: PG Decision Date:  Ref: LA09/2020/1187/F Proposals: Infill site for dwelling & garage Decision: PG Decision Date: 13-JAN-21  Ref: M/2003/1147/F Proposals: Retention of greyhound kennels, pens, gallop and hard standing area Decision: PG Decision Date: 29-DEC-03	



Ref: M/2004/1518/O

Proposals: Proposed dwelling - living accommodation

Decision: PG

Decision Date: 04-JAN-05

Ref: LA09/2015/0305/O

Proposals: Proposed infill site for dwelling and garage

Decision: PG

Decision Date: 15-JUL-15

Ref: M/2006/1749/RM

Proposals: Proposed Dwelling & Garage

Decision: PG

Decision Date: 14-DEC-06

Ref: M/2003/1129/F

Proposals: Retention of dwelling

Decision: PG

Decision Date: 20-OCT-03

Ref: M/2002/0402/O

Proposals: Proposed dwelling - living accommodation

Decision: PG

Decision Date: 11-JUN-02

Ref: M/2003/0342/O

Proposals: Proposed dwelling - living accommodation

Decision: PG

Decision Date: 02-JUN-03

Ref: M/2002/0401/O

Proposals: Proposed dwelling - living accommodation

Decision:

Decision Date:

Ref: LA09/2022/1326/O

Proposals: New Private Dwelling and Detached Garage

Decision:

Decision Date:

Ref: LA09/2021/0178/F

Proposals: Replacement 2 storey dwelling with site works

Decision: PG

Decision Date: 13-APR-21

Ref: LA09/2019/1502/F

Proposals: Proposed extension and refurbishment of existing dwelling, with site works.

Decision: PG

Decision Date: 13-FEB-20

Ref: LA09/2020/0997/F

Proposals: Proposed new annex and refurbishment of existing dwelling with site works  
(Extension of curtilage already approved in live planning application La09/2010/1502/F)

Decision: PG

Decision Date: 02-OCT-20

Ref: M/1994/4012

Proposals: Improvements to Dwelling

Decision: PDNOAP

Decision Date:

Ref: M/1986/0592

Proposals: DWELLING

Decision: PG

Decision Date:

### **Summary of Consultee Responses**

DFI Roads - Enniskillen Office-FORM RS1 STANDARD.docRoads outline.docx

Rivers Agency-745049 - Final Response.pdf

NI Water - Single Units West-LA09-2022-1326-O.pdf

### **Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 01-02

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

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 February 2023	<b>Item Number:</b> 5.23
<b>Application ID:</b> LA09/2022/1413/O	<b>Target Date:</b> 5 January 2023
<b>Proposal:</b> SITE OF DWELLING AND GARAGE ON A FARM.	<b>Location:</b> 90M North Of 2A Brackaghreilly Road, Maghera.
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Mr TOMAS CONVERY 2 BRACKAGHREILLY ROAD MAGHERA BT46 5LE	<b>Agent Name and Address:</b> Mr AIDAN O' HAGAN 5 DRUMDERG ROAD DRAPERSTOWN, BT45 7EU
<b>Executive Summary:</b>  To Committee - Refusal - Contrary to CTY 1, 10 and CTY 13 of PPS 21.	

## Case Officer Report

## Site Location Plan



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<b>Consultations:</b>
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Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	P1 Form not up loaded to the Portal.
Non Statutory Consultee	DAERA - Coleraine	Consultee Response - LA09-2022-1413-O.DOCX
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx

[illegible]

<b>Representations:</b>	
Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues	
1	1.1
2	2.1
3	3.1
4	4.1
5	5.1
6	6.1
7	7.1
8	8.1
9	9.1
10	10.1
11	11.1
12	12.1
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To Committee – Refusal – Contrary to CTY 1, 10 and CTY 13 of PPS 21.

## Characteristics of the Site and Area

The proposed site is located approximately 3.6km west of the development limits of Maghera, as such the site is located within the open countryside outside any designations as per the Magherafelt Area Plan 2015. The site is identified as 90M North Of 2A Brackaghreilly Road, Maghera in which the red line covers a portion of a much larger agricultural field. I note that the field is bounded by mature trees on all boundaries, in which the site is accessed via an existing shared laneway off the public road. The surrounding and immediate area are dominated by agricultural land uses with a scattering of residential properties.

#### Representations

Two neighbour notifications were sent out however no representations were received.

### Description of Proposal

This is an outline application for a proposed site for a dwelling and garage on a farm, the site is located 90M North Of 2A Brackaghreilly Road, Maghera.

### Planning Assessment of Policy and Other Material Considerations

#### Policy Consideration

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

Magherafelt Area Plan 2015

PPS 1 – General Principles

PPS 3 – Access, Movement and Parking

PPS 21 – Sustainable Development in the Countryside

Building on Tradition – A Sustainable Design Guide for Northern Ireland Countryside

CTY 1 – Development in the Countryside

CTY 10 – Dwellings on the Farm

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development area acceptable in the countryside. In this instance the application is for a

dwelling the farm and as a result the development must be considered under CTY 10 of PPS 21.

Policy CTY 10 states that planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

(a) the farm business is currently active and has been established for at least 6 years;  
(b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and

(c) the new building is 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.

With respect to (a), a consultation was sent to DAERA with regards to the Farm Business, in their response stated that the farm business was only allocated in 2020 and that claims only have been made in 2022. I note that with the application that a number of signed letters were submitted, a series of them state a number of works completed inclusive of fencing, adding slurry, re-seeding and hedge cutting. In addition, one states that he claimed the lands from the applicant between 2015-2020. Whilst I acknowledge the additional information, it has been discussed with my Senior Planner that the application has still failed to demonstrate as an active and established business as per required by policy.

With respect to (b), I note that no farm maps were submitted with this application, however the agent submitted a map to confirm the lands in connection with the farm business. From review of this map, I can confirm that there does not appear to be any approvals under this policy nor has any other development opportunities sold off in the last ten years.

With respect to (c), I first note that the registered address of the farm business sits approximately 300m south west of the site with the agent confirming that the applicant does not own lands immediately around the only buildings on the farm i.e. the farm house. He chose this site given the existing landscaping around the site. I note that the applicant owns the adjacent field to the site that sits between the site and the farm house. Whilst I acknowledge the rationale for the siting I hold the view that the dwelling should be sited in the field adjacent to the site as this would be closest location to the buildings on the farm as any dwelling would still be able to integrate with the chance of minimal visual linkage. From this I hold the view that this application fails under CTY 10 of PPS 21.

Upon review of the remainder of the policies of CTY 1 I hold the view that none of these are applicable to this site and must recommend refusal under CTY 1 respectively.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I hold the view than an appropriately designed dwelling will not

appear as visually prominent in the landscape. I note that as much of the existing landscaping should be retained and supplemented with additional landscaping, with such any dwelling would be able to successfully integrate. Given the landform and surrounding development I feel it necessary to restrict any ridge height to 6.5m. As noted the site is not located to cluster or visually link with an established group of buildings on the farm. Given such I hold the view that the application does not fully comply under CTY 13.

In terms of policy CTY 14 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. As such I am content that an appropriately designed dwelling would not appear unduly prominent in the landscape. I note that dwelling is unlikely to result in adverse impact on the rural character of the area. I am content that this is able to comply under CTY 14.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

PPS 3 - Access, Movement and Parking;

A consultation was sent to DFI Roads, in their response confirmed that they had no objections subject to conditions and informatives. I am content that the access is acceptable under PPS 3.

I have no ecological or residential amenity concerns.

The proposal has failed under CTY 1,10 and 13 of PPS 13 as such a refusal is recommended.

### **Summary of Recommendation:**

Refuse is recommended

### **Refusal Reasons**

#### **Reason 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.

**Reason 2**

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 farm business has been established for at least six years nor is the proposed dwelling visually linked or sited to cluster with an established group of buildings on the farm.

**Reason 3**

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.

**Signature(s):** Peter Henry

**Date:** 19 January 2023



<b>ANNEX</b>	
<b>Date Valid</b>	22 September 2022
<b>Date First Advertised</b>	4 October 2022
<b>Date Last Advertised</b>	4 October 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 2 Brackaghreilly Road Maghera Londonderry BT46 5LE The Owner / Occupier 2A Brackaghreilly Road Maghera Londonderry BT46 5LE	
<b>Date of Last Neighbour Notification</b>	31 October 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  DFI Roads - Enniskillen Office-P1 Form not up loaded to the Portal. DAERA - Coleraine-Consultee Response - LA09-2022-1413-O.DOCX DFI Roads - Enniskillen Office-Outline resp.docx	
<b>Drawing Numbers and Title</b>  Site Location Plan Plan Ref: 01/TC/14/22 Site Layout or Block Plan Plan Ref: 02/TC/14/22	
<b>Notification to Department (if relevant)</b>  Not Applicable	



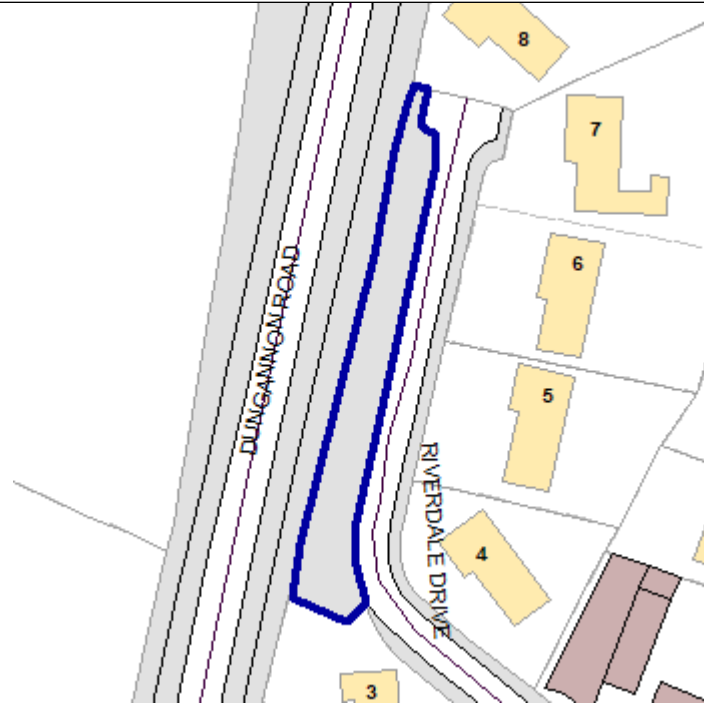


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 February 2023	<b>Item Number:</b> 5.24
<b>Application ID:</b> LA09/2022/1419/O	<b>Target Date:</b> 5 January 2023
<b>Proposal:</b> Single detached Bungalow with associated external private amenity space and garage.	<b>Location:</b> Detached Dwelling And Garden At Lands To The West Of 4,5, 6 & 7 Riverdale Drive, Cookstown
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Mr Sammy Lyle 167 Drum road Cookstown BT80 9DW	<b>Agent Name and Address:</b> Mr karson tong 172 Tate Avenue Bebox Unit 5 Belfast BT12 6ND
<b>Executive Summary:</b>  The current application is presented as a refusal, having failed to meet the requirements of policy CTY 1 and CTY 2A of PPS 21. It has also received objections from neighbouring properties at No. 3, 5, 7 and 8 Riverdale Drive, Cookstown.	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads outline.docx
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	DFI Roads - Enniskillen Office	Roads outline - RECON RESPONSE.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Additional information requested.
Statutory Consultee	DFI Roads - Enniskillen Office	Additional information requested.
Statutory Consultee	Historic Environment Division (HED)	

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	6
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

## Summary of Issues

Concerns raised by objectors are summarised below:

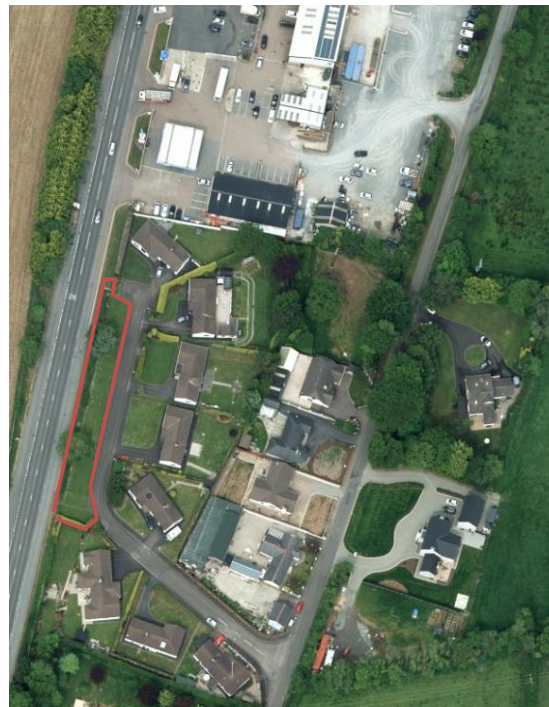
1. Application site is too narrow for proposed development
2. Impact on neighbouring properties views and potential decrease in house value
3. Roadway is too narrow to allow cars to park
4. Hard shoulder to the east of the site is very busy, lorries regularly park up
5. Overdevelopment of the site / neighbourhood
6. Impact on the character of the long established and mature neighbourhood

## Characteristics of the Site and Area

### Characteristics of the Site and Area

The application site is located at lands to the west of No. 4, 5, 6 & 7 Riverdale Drive, approximately 0.4km south of the settlement limits of Cookstown. The application site is a narrow strip of land located in an existing residential cul-de-sac that runs parallel to the Dungannon Road. The site is accessed from Ardcomber Road. There are a number of residential properties immediately to the north, east and south of the application site, with commercial development further north and agricultural lands to the east.

The site is defined along the eastern boundary by a timber fence, with all remaining boundaries undefined. There is a listed building located approximately 0.1km southeast of the application site at No. 27 Ardcomber Road.



### Consultations

1. Historic Environment Division (Historic Buildings) have considered the proposal and have advised that it is sufficiently removed in context from the listed building as to have no impact.

2. DfI Roads were consulted initially and requested further information, however as this proposal is being presented as a refusal for other reasons, the additional information sought is irrelevant in the determination of this application.

### Site History

There is no relevant site history for this application site.

### **Representations**

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty as set down in Article 8 (2) of the Planning GDPO Regulations (NI) 2015. This application was initially advertised in the local press on 04/10/2022 and readvertised on 01/11/2022. Seven neighbouring properties were notified in relation to this application and objections have been received from four of these properties.

### **Description of Proposal**

This is an outline application for a proposed single detached bungalow with associated external private amenity space and garden located at lands to the west of No. 4, 5, 6 & 7 Riverdale Drive, Cookstown.

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

#### **Policy Consideration**

##### **Cookstown Area Plan 2010**

The site is located approximately 0.4km south of the development limits of Cookstown as per the Cookstown Area Plan 2010. There are no other zonings or designations related to the site.

##### **Strategic Planning Policy Statement for Northern Ireland (SPPS)**

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.

Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes new dwellings in existing clusters. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

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

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22<sup>nd</sup> February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24<sup>th</sup> September 2020. The period for Counter Representations closed on 18<sup>th</sup> December 2020. On the 28<sup>th</sup> of May 2021, the Council submitted the draft Plan Strategy to DfI for them to cause an Independent Examination. In light of this, the Draft Plan Strategy does not yet carry determining weight.

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

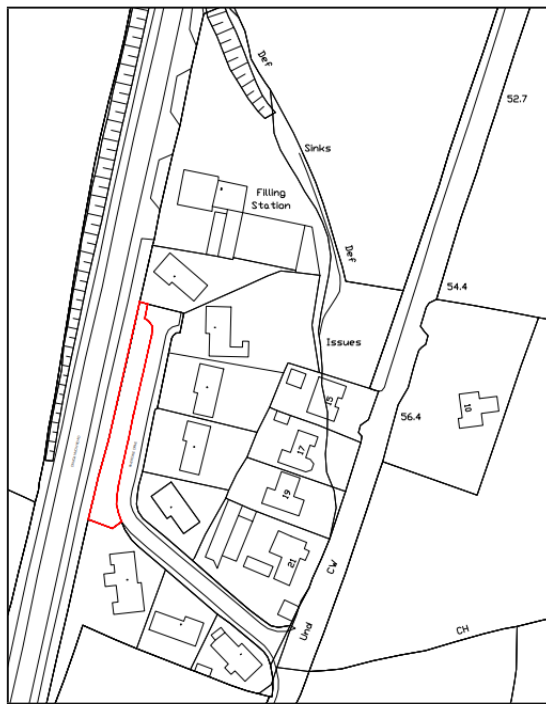
Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the Countryside.

Policy CTY 1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access, and road safety. A number of examples are provided in CTY 1 detailing the different cases that would allow for planning permission in the countryside, one of these being a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a.

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

- ***The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings, and open sided structures) of which at least three are dwellings;***

I am content that there is a cluster of development with six dwellings located to the north, east and south of the proposed site.



- ***The cluster appears as a visual entity in the local landscape;***

I am content that the cluster appears as a visual entity in the local landscape. Whilst travelling along the Dungannon Road, it is clear that there is a cluster of



development in this location. Similarly, whilst travelling along the Ardcomber Road and upon entering Riverdale Drive it is clear that there is a cluster.

- ***The cluster is associated with a focal point such as a social / community building / facility, or is located at a cross-roads;***

There is an existing filling station to the north of the application site which acts as a focal point in this instance.

- ***The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;***

I am content that the site is bounded to the north and south by dwellings. I am content that this criterion has been met.

- ***Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside;***

The current proposal represents the overdevelopment of a restricted site which is not in keeping with the character of the existing residential development. I am not content that the proposal meets this criterion.



- Development would not adversely impact on residential amenity;

The site is extremely narrow and lacks sufficient private amenity space for the applicant, therefore I am not content that this criterion has been met.

### **Summary of Recommendation:**



Refuse is recommended

### Refusal Reasons

#### Reason 1

The proposal is contrary to the SPPS and 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.

#### Reason 2

The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:

A dwelling would if permitted represent the overdevelopment of a very restrictive site and would significantly alter the existing character of the cluster.

A dwelling would if permitted adversely impact on residential amenity as the restrictive nature of the site would not allow for the provision of adequate and useable private amenity space.

**Signature(s):** Zoe Douglas

**Date:** 26 January 2023

<b>ANNEX</b>	
<b>Date Valid</b>	22 September 2022
<b>Date First Advertised</b>	1 November 2022
<b>Date Last Advertised</b>	4 October 2022
<b>Details of Neighbour Notification</b> (all addresses)  The Owner / Occupier 8 Riverdale Drive Cookstown Tyrone BT80 9AJ The Owner / Occupier 7 Riverdale Drive Cookstown Tyrone BT80 9AJ The Owner / Occupier 6 Riverdale Drive Cookstown Tyrone BT80 9AJ The Owner / Occupier 5 Riverdale Drive Cookstown Tyrone BT80 9AJ The Owner / Occupier 3 Riverdale Drive Cookstown Tyrone BT80 9AJ	
<b>Date of Last Neighbour Notification</b>	9 November 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>  Ref: LA09/2022/1419/O Proposals: Single detached Bungalow with associated external private amenity space and garage. Decision: Decision Date:  Ref: I/1998/0040 Proposals: Extension to dwelling Decision: PG Decision Date:	
<b>Summary of Consultee Responses</b>  DFI Roads - Enniskillen Office-Roads outline.docx	

Historic Environment Division (HED)- DFI Roads - Enniskillen Office-Roads outline - RECON RESPONSE.docx DFI Roads - Enniskillen Office-Additional information requested. DFI Roads - Enniskillen Office-Additional information requested. Historic Environment Division (HED)-
<b>Drawing Numbers and Title</b>  Site Location Plan   Plan Ref: PL00
<b>Notification to Department (if relevant)</b>  Not Applicable

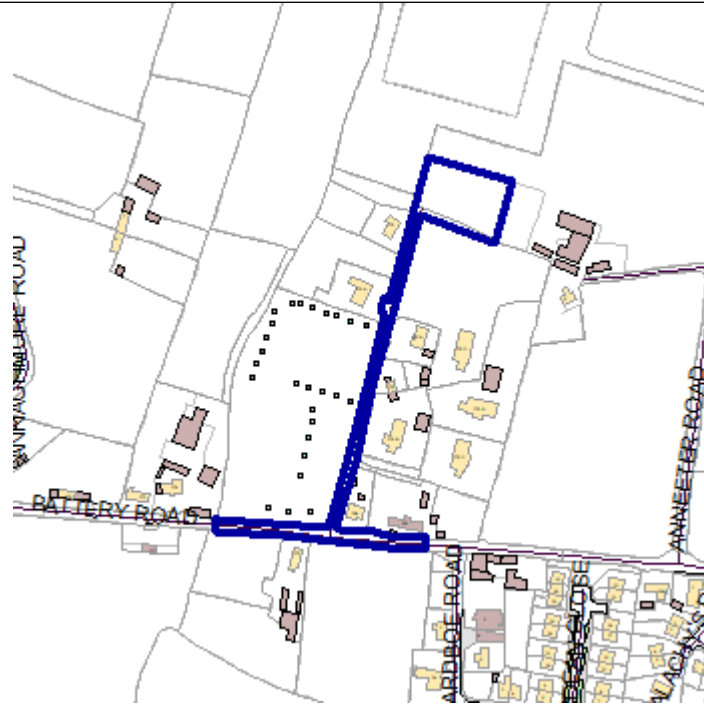


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 February 2023	<b>Item Number:</b> 5.25
<b>Application ID:</b> LA09/2022/1426/O	<b>Target Date:</b> 6 January 2023
<b>Proposal:</b> Proposed site for dwelling and garage within a cluster (Visual linkage with adjacent community hub building)	<b>Location:</b> 40M North East Of No 178 Battery Road Moortown
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Peter Devlin 120 Ardboe Road Moortown	<b>Agent Name and Address:</b> APS Architects 4 Mid Ulster Business Park Sandholes Road Cookstown BT80 9LU
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	FORM RS1 STANDARD.docRoads outline.docx

### Representations:

Letters of Support	0
Letters Non Committal	1
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

### Characteristics of the Site and Area

### Description of Proposal

This is an outline application for a proposed dwelling and garage to be located on lands 40m NE of no. 178 Battery Road Moortown.

The proposal is being applied for under policy CTY2A of Planning Policy Statement 21 'New Dwellings in Existing Clusters'.

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

### **Policy Consideration**

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement (PPS) 3: Access, Movement and Parking

Development Control Advice Note (DCAN) 15: Vehicular Standards

Planning Policy Statement (PPS) 21: Sustainable Development in the Countryside

Building on Tradition - A Sustainable Design Guide for Northern Ireland Countryside

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DfI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

### **Relevant Planning History**

None applicable

### **Consultees**

1. DfI (Roads) – were consulted in relation to access arrangements and raised no objection subject to standard conditions and informatives. Accordingly, I am content the proposal would comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.

**Cookstown Area Plan** - The site is located in the rural countryside outside any designated settlement.

**The Strategic Planning Policy Statement (SPPS) for Northern Ireland** - advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside which deals with development such as proposed, are retained.

**Planning Policy Statement (PPS) 21: Sustainable Development in the Countryside**

- is the overarching policy for development in the countryside states that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These are listed in CTY1 of PPS21. One instance, which the applicant has applied under, is a new dwelling in an existing cluster in accordance with Policy CTY2a.

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

1. The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings.
2. The cluster appears as a visual entity in the local landscape.
3. The cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads.
4. The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster.
5. Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside.
6. Development would not adversely impact on residential amenity.

This proposal does not meet the criteria of Policy CTY 2a, as the site is not located within a cluster of development in the countryside. With the exception of the GAC buildings and grounds located to the north of the site all other development bounding it, namely the farm holding to the east is located within Moortown Settlement Limits.

Additionally, the proposed development by reason of its location immediately adjacent Moortown Settlement Limits would be contrary to Policy CTY 15 – The Setting of Settlements in that it would result in urban sprawl.

I have considered other instances listed under Policy CTY1 of PPS21 whereby the development of a dwelling in the countryside is considered acceptable however this proposal fails to meet with these instances.

**Other Policy and Material Considerations**

Checks on the planning portal Historic Environment Division (HED) and Natural Environment Division (NED) map viewers available online identified no built heritage assets of interest or natural heritage features of significance on the site.

Flood Maps NI indicate no flooding on site.

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, 1 non-committal had been received on the 25<sup>th</sup> November 2022 from Ms Sara Isaly the owner / occupier of no. 6 Anneeter Road, a farm holding comprising a dwelling and farm sheds located to the east of the site received. Ms Isaly wished to list the following datum to be preserved.

1. I do not object to the proposed site for dwelling and garage.
2. I would wish to make clear that I have permission since 2019 to own and keep pigs at the existing Piggery which is located close to the site at the farm at 6 Anneeter Road. I would like the persons applying to build on the site to be aware of this.
3. Also the right of way established By Peter Devlin (sr) by law in the 1910-1920 is maintained and continues in to the farm at 6 Anneeter Road from 178 battery road. The right of way was last used in June of this year 2022.

This application is recommend for refusal as such no further information to address the comments above have been sought at this time.

### **Recommendation**

Refuse

### **Summary of Recommendation:**

Refuse is recommended

### **Refusal Reasons**

#### **Reason 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.

#### **Reason 2**

The proposal is contrary to Policy CTY15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted result in urban sprawl.

**Signature(s):** Emma Richardson

**Date:** 26 January 2023



ANNEX	
<b>Date Valid</b>	23 September 2022
<b>Date First Advertised</b>	4 October 2022
<b>Date Last Advertised</b>	4 October 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 182 Battery Road Cookstown Tyrone BT80 0HS The Owner / Occupier 178C Battery Road Cookstown Tyrone BT80 0HS The Owner / Occupier 174 Battery Road Cookstown Tyrone BT80 0HS The Owner / Occupier 178D Battery Road Cookstown Tyrone BT80 0HS The Owner / Occupier 176A Battery Road Cookstown Tyrone BT80 0HS The Owner / Occupier 178B Battery Road Cookstown Tyrone BT80 0HS The Owner / Occupier 180 Battery Road Cookstown Tyrone BT80 0HS The Owner / Occupier 6 Anneeter Road Cookstown BT80 0HZ The Owner / Occupier 178A Battery Road Cookstown Tyrone BT80 0HS The Owner / Occupier 176C Battery Road Cookstown Tyrone BT80 0HS The Owner / Occupier 176 Battery Road Cookstown Tyrone BT80 0HS The Owner / Occupier 175 Battery Road Cookstown Tyrone BT80 0HS The Owner / Occupier 178 Battery Road Cookstown Tyrone BT80 0HS The Owner / Occupier 178E Battery Road Cookstown Tyrone BT80 0HS	
<b>Date of Last Neighbour Notification</b>	29 November 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>

## **Planning History**

Ref: I/1992/0267

Proposals: Dwelling

Decision: WITHDR

Decision Date:

Ref: I/2009/0288/F

Proposals: Relocation of St Malachys Moortown GAC including 3 no playing fields with floodlighting (on 2 pitches) community building with changing facility, children outdoor playing area and associated parking

Decision: PG

Decision Date: 18-MAR-10

Ref: I/1974/0266

Proposals: RESIDENTIAL DEVELOPMENT

Decision: PG

Decision Date:

Ref: LA09/2022/1426/O

Proposals: Proposed site for dwelling and garage within a cluster (Visual linkage with adjacent community hub building)

Decision:

Decision Date:

Ref: LA09/2017/0831/F

Proposals: Proposed Amendment to Condition No.1 of Planning Permission LA09/2015/0881/F to extend the time limit for the completion of the approved works to 2 months from the date of any new approval now granted

Decision: PG

Decision Date: 24-AUG-17

Ref: LA09/2015/0881/F

Proposals: Improvement Works for both Vehicular and Pedestrian Usage, superceeding that initially approved under application no I/2009/0288/F

Decision: PG

Decision Date: 01-NOV-16

Ref: I/2007/0410/F

Proposals: Proposed development of two private dwellings and garages

Decision: PG

Decision Date: 04-JUL-08

Ref: I/2004/1389/F

Proposals: 26 No dwellings

Decision: PG

Decision Date: 27-MAY-08

Ref: LA09/2020/0966/F

Proposals: Housing development of 28 semi detached dwellings and 1 detached dwelling, site road and associated site works

Decision:

Decision Date:

Ref: I/1991/0328B

Proposals: Dwelling

Decision: PG

Decision Date:

Ref: I/2008/0413/LDP

Proposals: New pitched roof to replace existing flat roof

Decision: PG

Decision Date: 08-JUL-08

Ref: I/1991/0328

Proposals: Dwelling

Decision: PG

Decision Date:

Ref: LA09/2019/0055/F

Proposals: Single storey extension to the rear of 178 Battery Road

Decision: PG

Decision Date: 22-FEB-19

Ref: I/2008/0621/F

Proposals: Proposed new dwelling and garage

Decision: PG

Decision Date: 12-MAR-09

Ref: I/1990/0271

Proposals: Dwelling

Decision: PG

Decision Date:

Ref: I/1990/0173

Proposals: Dwelling

Decision: PG

Decision Date:

Ref: LA09/2015/0353/F

Proposals: Care/Residential Home for the elderly consisting of 45 bedrooms over 2 levels, with associated gardens and parking space. (Renewal of previous planning

permission I/2009/0134/F)

Decision: PG

Decision Date: 07-SEP-17

Ref: I/2007/0885/F

Proposals: Relocation of St Malachy Moortown GAC including 3 no. playing field with floodlighting (on 2 pitches), community building with changing facility, children outdoor playing area and associated parking

Decision:

Decision Date:

Ref: LA09/2020/1193/F

Proposals: Supermarket, self serve fuel station and associated site works (revised plans

Decision:

Decision Date:

Ref: I/2009/0134/F

Proposals: Care/residential home for the elderly consisting of 45 bedrooms over two levels, with associated gardens and parking space

Decision: PG

Decision Date: 21-JUN-10

Ref: LA09/2020/0808/F

Proposals: Proposed Dwelling

Decision: PG

Decision Date: 02-OCT-20

Ref: I/1994/0294

Proposals: Extension and alterations to Dwelling

Decision: PG

Decision Date:

### **Summary of Consultee Responses**

DFI Roads - Enniskillen Office-FORM RS1 STANDARD.docRoads outline.docx

### **Drawing Numbers and Title**

Site Location Plan Plan Ref: P.01

**Notification to Department (if relevant)**

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 February 2023	<b>Item Number:</b> 5.26
<b>Application ID:</b> LA09/2022/1504/O	<b>Target Date:</b> 27 January 2023
<b>Proposal:</b> Proposed site for dwelling and domestic garage as cluster policy cty 2a	<b>Location:</b> 160M North East Of 116 Lurgylea Road, Dungannon
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Mr PATRICK CLARKE 100 LURGYLEA ROAD DUNGANNON BT70 2NY	<b>Agent Name and Address:</b> Mr AUSTIN MULLAN 38b AIRFIELD ROAD TOOMEBRIDGE BT41 3SG
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	No objection, subject to conditions. Roads outline.docx FORM RS1 STANDARD.doc

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

The proposal is contrary to Policy CTY2a of PPS 21 in that there is not an existing cluster of development at this location; the site is not associated with a focal point, it is not bounded on at least two sides with other development and the development cannot be absorbed into an existing cluster. The proposal also fails to meet CTY1, CTY 13 and CTY14 of PPS 21.

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

The site is a 0.95ha parcel of ground located on the Lurgylea Road and lies approximately 2.3km north west of Galbally. The site is located within the rural countryside, outside any defined settlement limit as identified in the Dungannon and South Tyrone Area Plan 2010. The site outlined in red is a triangular field with the Lurgylea Road running along the southern boundary and the Shanmaghry Road running along the northern boundary. The southern boundary is defined by hawthorn hedging, with similar hedging and intermittent mature deciduous trees along the southern half of the eastern boundary. The northern boundary is defined by a double post and wire fence with saplings in between the two fences. The highest point of the site is at the southeastern tip, with the site falling away from the Lurgylea Road towards the Shanmaghry Road, as well as from east to west.

There is little recent development pressure in the area, with a single storey dwelling with associated shed and also a commercial double garage (Barrack Hill Garage) to the south of the site, and an agricultural structure to the north of the site. Altmore Church Of the Immaculate Conception lies 130m to the south of the western most tip of the site, with a two storey dwelling and associated outbuildings (No. 116 Lurgylea Road) 76m to the SW of this point.

## **Description of Proposal**

Proposed site for dwelling and domestic garage as cluster policy cty 2a

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

### **Policy Consideration**

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

### **Relevant Histories**

There are no recent relevant histories associated with this site.

### **Representations**

Three (3) neighbouring properties were identified to be notified and press advertisement has been carried out in line with the Council's statutory duty. To date no letters of



representation have been received.

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

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

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

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28<sup>th</sup> May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

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

The SPPS introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. It does not present any change in policy direction from PPS 21, therefore existing policy applies.

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

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal involves a new access onto the Shanmaghry Road, as indicated on the submitted plan. DFI Roads have no objection subject to sightlines of 2.4m x 60m being provided. This will result in the existing hedge and fence to be setback within the sight visibility line area, which I consider acceptable.

### **CTY1 of PPS 21 - Development in the Countryside**

PPS21 is the overarching document for assessing development proposals in the countryside. Policy CTY1 of PPS21 allows for a new dwelling in the countryside provided it meets with the criteria specified in other policies within the document. Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;
- a replacement dwelling in accordance with Policy CTY 3;

- a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;
- a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;
- the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or
- a dwelling on a farm in accordance with Policy CTY 10.

### **CTY 2a – New Dwellings in Existing Clusters**

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

*the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;*

The existing development in the area lies outside of a farm. To the south of the site lies No. 110 - a single storey dwelling which has a large shed building adjacent and west of it situated within the same curtilage, and No. 112 - Barrack Hill Garage. An agricultural structure is situated to the north of the site. A Church with associated carpark, and No. 116 a two storey dwelling with associated outhouses lie further to the south/southwest of the site. The agricultural structure to the north is open on two sides and therefore cannot be included within any cluster. On the same principle, the shed associated with No. 110 cannot be considered, nor can the ancillary buildings at No. 116. The Church lies 130m from the nearest point of the site, with No. 116 located 76m from the nearest point of the site. It should be noted at this time that the agent has indicated the southwestern most portion of the site as the preferred location of the site, which would increase these distances to 158m and 160m respectively. These buildings are all located in a linear form along the Lurgylea Road. I do not feel there is an existing cluster of development at this location, nor are there at least three dwellings. From this I consider the first criterion for CTY 2a has not been met.

*the cluster appears as a visual entity in the local landscape;*

When viewed on site and from orthophotography the site and the surrounding development does not appear as a visual entity in the landscape. When travelling northwest along the Lurgylea Road the site will read with the existing development at No. 110 as well as with Barrack Hill Garage; however, it does not read with the Church or No. 116 given their set back and distance from the public road, as well as the existing mature vegetation. When travelling southeast along the Lurgylea Road the site is viewed with No. 116 and with the garage. There is no visual connection with the Church given its setback and the intervening vegetation. When travelling northeast along the Shanmaghy Road along the site frontage, a dwelling sited as proposed will read with No. 110 and the garage but not with the Church or No. 116. When travelling southwest along the Shanmaghy Road a dwelling as proposed will read with No. 110, the garage and No. 116. These views are filtered by the existing vegetation along the southern portion of the eastern boundary. Once again, the Church is screened from view by the intervening vegetation. There is currently no sense of arriving at 'a cluster' on any approach to the

site and I therefore do not feel the second criterion has been met.

*the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,*

The focal point as identified by the agent comprises the Church as well as the dwelling and ancillary buildings at No. 116. The Church can be considered a focal point here, but I do not feel there is a cluster of development associated with it as there is not four or more buildings of which at least three are dwellings. Furthermore, although the site is located at a road junction it is not a cross-roads, and as such the proposal fails to comply with the third criterion of CTY2a.

*the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;*

The site has limited vegetation cover save for the southern half of the eastern boundary. The site is bounded to the south by a single storey dwelling with associated shed as well as a commercial garage. There is no development to the eastern boundary, and only an open sided agricultural structure to the north. The site is only bounded to one side by development. I do not feel the site has a suitable degree of enclosure, nor is it bounded on three sides with other development. I do not consider this criterion has been met.

*development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside;*

A new dwelling here cannot be absorbed into the existing cluster, as a cluster of development does not exist. A dwelling on this site would significantly alter the existing character here. As there is no existing development on either side it is my consideration the development could not be absorbed, but would rather significantly alter the existing character and would visually intrude into the open countryside. Accordingly, the fifth criterion cannot be met.

*development would not adversely impact on residential amenity.*

A new dwelling on this site would not adversely impact on residential amenity should an approval be considered acceptable.

### **Policy CTY 13 – Design and Integration and Policy CTY 14 – Rural Character**

CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. As this is an outline application the design elements of CTY 13 cannot be dealt with under this application but will be considered under any RM or Full application. It is my consideration that the site lacks long established natural boundaries suitable to provide a degree of enclosure for the building to integrate into the landscape, but rather would rely primarily on the use of new landscaping for integration. The proposal fails to meet the requirements of CTY 13.

CTY 14 of PPS21 Rural Character states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The proposed dwelling would read with the existing

buildings in both static and transient views. This would result in a suburban style build-up of development that would be detrimental to rural character. A dwelling on this site is not in accordance with this policy and the proposal therefore fails to comply with CTY 14.

There is no evidence to suggest that the appeal proposal falls into any other types of development that are listed as acceptable in principle in the countryside under Policy CTY 1 or that there are overriding reasons why the development is essential and could not be located in a settlement. The agent was advised on 30<sup>th</sup> November 2022 that we did not think this application met Policy CTY2a as there is not an existing cluster of development consisting of at least three dwellings, however no further justification for the site has been provided. It therefore does not comply with Policy CTY1 or Policy CTY2a of PPS21.

### **Other Material Considerations**

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

From a check of the Rivers Agency Strategic Flood Map I have no flooding concerns. I recommend the application is refused as it is contrary to CTY 1, CTY 2a, CTY 13 and CTY 14 of PPS 21.

### **Summary of Recommendation:**

Refuse is recommended

### **Refusal Reasons**

#### **Reason 1**

The proposal is contrary to the SPPS and 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.

#### **Reason 2**

The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is not an existing cluster of development at this location; the site is not associated with a focal point, it is not bounded on at least two sides with other development and the development cannot be absorbed into an existing cluster.

Reason 3

The proposal is contrary to Policy CTY 13 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site lacks well established boundaries to enable the site to integrate in the rural countryside and as a result the proposal would, if permitted, erode the rural character of the area.

**Signature(s):** Deirdre Lavery

**Date:** 24 January 2023

<b>ANNEX</b>	
<b>Date Valid</b>	14 October 2022
<b>Date First Advertised</b>	25 October 2022
<b>Date Last Advertised</b>	25 October 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier Church Of The Immaculate Conception Altmore Pomeroy The Owner / Occupier 116 Lurgylea Road, Dungannon BT70 2NY The Owner / Occupier 110 Lurgylea Road, Dungannon BT70 2NY	
<b>Date of Last Neighbour Notification</b>	18 November 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  DFI Roads - Enniskillen Office-No objection, subject to conditions.Roads outline.docx FORM RS1 STANDARD.doc	
<b>Drawing Numbers and Title</b>  Site Location Plan Plan Ref: 01	

**Notification to Department (if relevant)**

Not Applicable



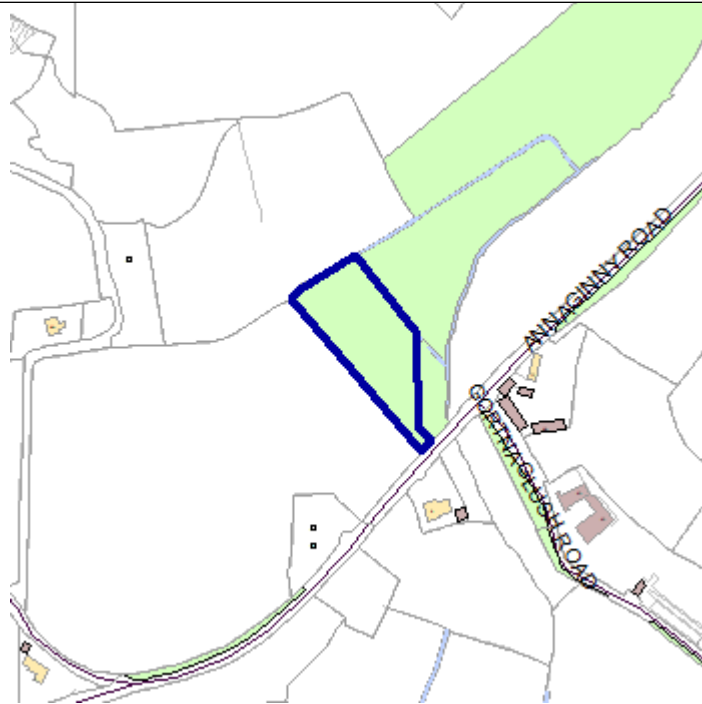
## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 February 2023	<b>Item Number:</b> 5.27
<b>Application ID:</b> LA09/2022/1512/O	<b>Target Date:</b> 1 February 2023
<b>Proposal:</b> Development of two storey dwelling with single storey garage, associated ancillary site works, landscaping and the construction of a new access to the public road.	<b>Location:</b> 25M North Of 15 Annaginny Road Dungannon
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Mr And Mrs Philip Brown 11 Annahavil Road Dungannon BT71 4BU	<b>Agent Name and Address:</b> Mr Eunan Deeney 3a Killycolp Road Killycolp Road Cookstown BT809AD
<b>Executive Summary:</b>	



## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	FORM RS1 STANDARD.docNo objection, subject to conditions.Roads outline.docx
Non Statutory Consultee	Geological Survey NI (DfE)	3246 MUDC Planning. 25m North Of 15 Annaganny Road Dungannon.doc

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	2
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

## Characteristics of the Site and Area

The site is located in the rural countryside as designated within the Dungannon and South Tyrone Area Plan 2010, a short distance outside and southeast of Carland settlement limits.

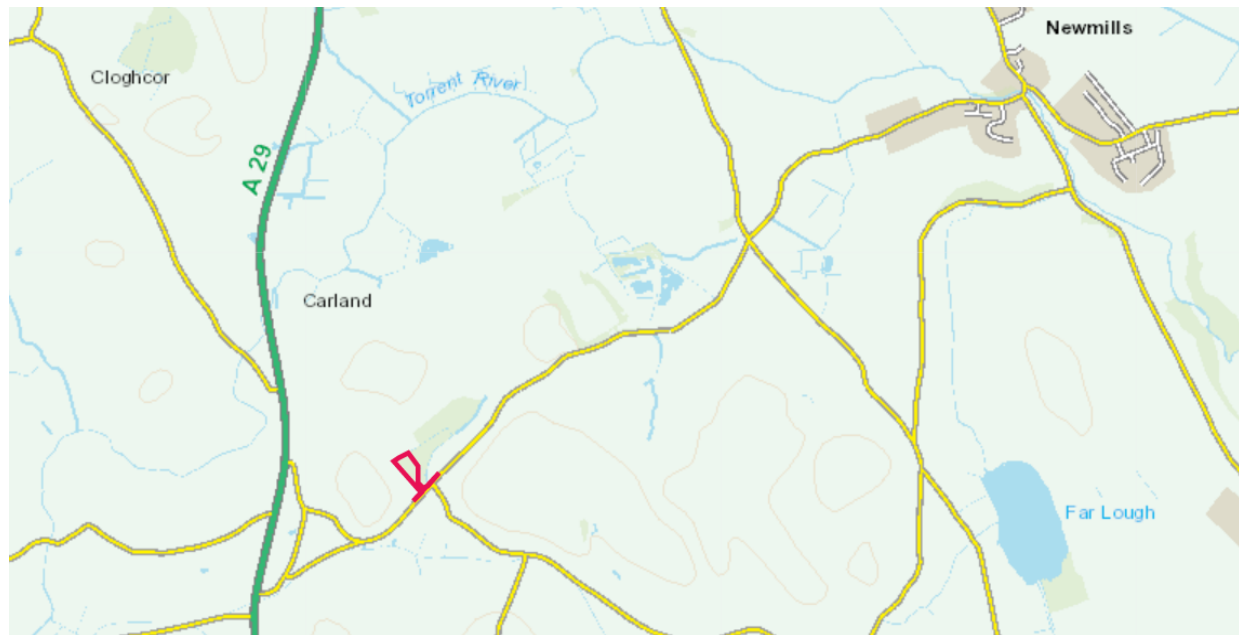


Fig 1: Site outlined red



Fig 2: Site outlined red

The site comprises a relatively rectangular shaped plot of lands set back slightly from and accessed off the Annaginny Road just southwest of its junction with the Gortnaglush Road. The site comprises the southwest half of a larger corpse of trees. Views of the site are on the southwest approach along the Annaginny Road albeit views into it are screened by the trees on it. Views of the site are screened on northeast approach along the Annaginny Road by the northeast half of the larger corpse of trees. The surrounding lands are largely rural, scattered with single dwellings and associated outbuildings. Carland Presbyterian Church is located a short distance southeast of the site adjacent the Gortnaglush Road.

### **Description of Proposal**

This is an outline application for a two-storey dwelling and single storey garage, with ancillary site works including landscaping and a new access onto the public road, to be located on lands 25m North of 15 Annaginny Road Dungannon.

It has been submitted that this proposal falls under Policy CTY2a of Planning Policy Statement 21 'New Dwellings in Existing Clusters'.

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

#### **Policy Consideration**

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

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

Regional Development Strategy 2030  
Strategic Planning Policy Statement for Northern Ireland  
Dungannon and South Tyrone Area Plan 2010  
Planning Policy Statement 3: Access, Movement and Parking  
Development Control Advice Note 15: Vehicular Standards  
Planning Policy Statement 21: Sustainable Development in the Countryside  
Building on Tradition - A Sustainable Design Guide for Northern Ireland Countryside

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination,

In light of this, the draft Plan Strategy does not yet carry determining weight.

## **Planning History**

### On site

- LA09/2021/1086/O - Site 1, 80m NW of 11 Annaginny Road Dungannon - Development of two storey dwelling with single storey garage, associated ancillary site works, landscaping and the construction of a new shared access to the public road - Withdrawn.

### Adjacent site

- LA09/2021/1090/O – 80m NW of 11 Annaginny Road Dungannon - Development of two storey dwelling with single storey garage, associated ancillary site works, landscaping and the construction of a new access to the public road – Granted 25<sup>th</sup> April 2022.

The above application relates to a dwelling and garage approved immediately northeast of the current site within the other half of the larger corpse of trees.

## **Consultees**

1. DfI Roads were consulted in relation to access arrangements and raised no objection subject to standard conditions and informatives. Accordingly, I am content the proposal would comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.
2. DETI Geological Survey of Northern Ireland (GSNI) were consulted as the site is located within an area of constraint on abandoned mines – GSNI responded that having assessed the above planning proposal in view of stability issues relating to abandoned mine workings they had no objection. A search of the GSNI's "Shafts and Audits Database" indicates that the proposed site is not in an area of known abandoned mine workings.

## **Consideration**

Dungannon and South Tyrone Area Plan 2010 – the site lies in the rural countryside outside any designated settlement.

The Strategic Planning Policy Statement for Northern Ireland - advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained.

Planning Policy Statement 21: Sustainable Development in the Countryside - is the overarching policy for development in the countryside states that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These are listed in CTY1 of PPS21. One instance, which the applicant has applied under, is a new dwelling in an existing cluster in accordance with Policy CTY2a.

Policy CTY 2a New Dwellings in Existing Clusters states planning permission will be granted for a dwelling at an existing cluster of development provided all the following

criteria bullet pointed criteria are met:

- The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings.

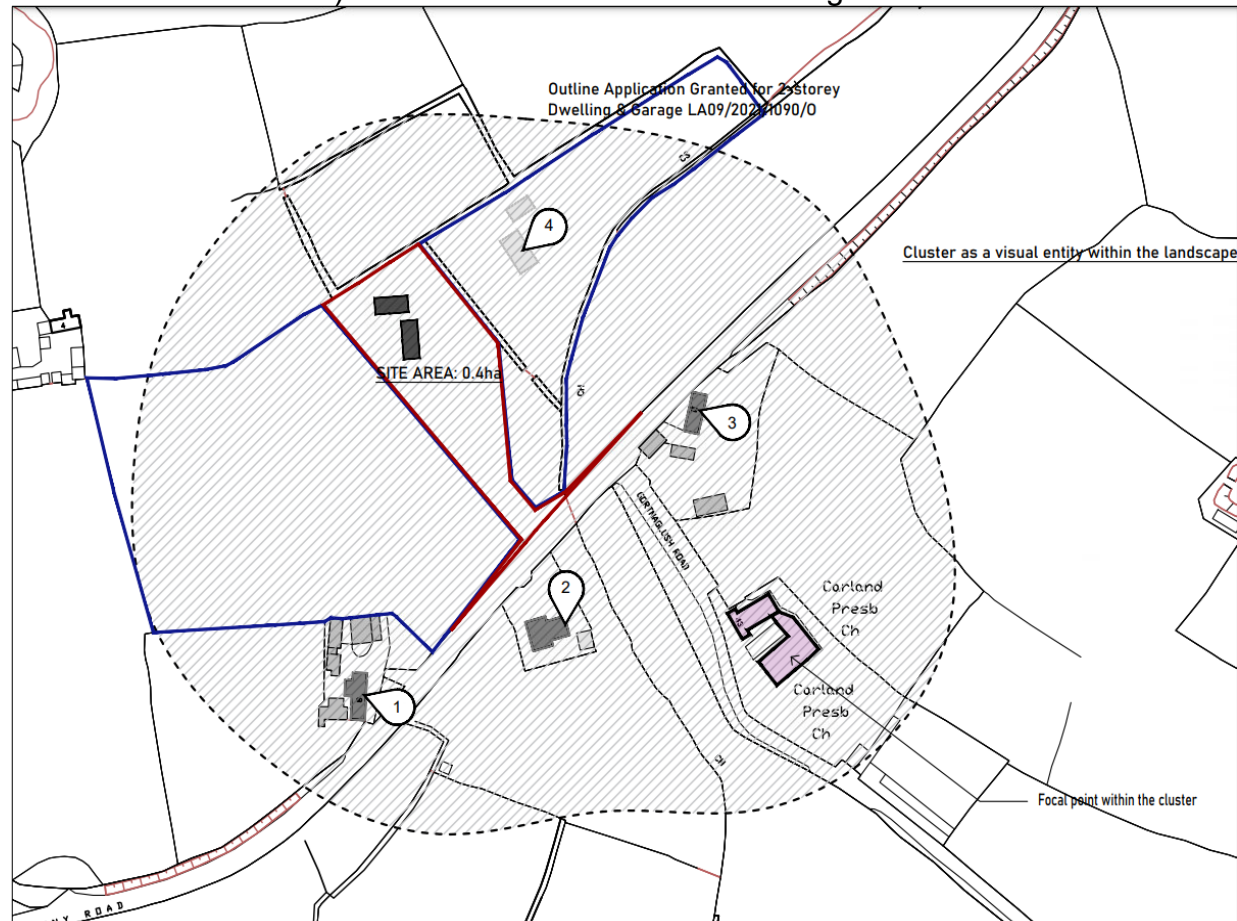


Fig 3: Map submitted by the agent as part of a Supporting Statement for a dwelling under Policy CTY 2a New Dwellings in Existing Clusters

Whilst I have considered a Supporting Statement and accompanying Map (Fig 3) submitted by the agent I do not consider the site is located at an existing cluster of development as defined in bullet point 1 further above. Whilst a small no. of buildings exist to the southeast of the site to the opposite side of Annaginny Road including 2 dwellings with associated buildings and a Church (highlighted purple in Fig 3), one of the dwellings no.11 Annaginny Road (labelled 3 in Fig 3) is a two storey farm dwelling bound by a small no. farm sheds. As such outside of the buildings associated with the farm at no. 11 there is only one dwelling, no. 9 Annaginny Road (labelled 2 in Fig 3) located just south of the site, and a Church within the aforementioned small no. of buildings, not enough to be considered a cluster. Whilst another bungalow dwelling no. 8 Annaginny Road (labelled 1 in Fig 3) exists to the same side of the road and one large field southwest of the site and a large farm shed to the opposite side of the road, I consider both these buildings too far removed from the site and the aforementioned buildings to cluster and read with them. I would also note whilst a dwelling and garage has been approved (see 'Planning History' - LA09/2021/1090/O) immediately northeast of the

current site within the other half of the larger corpse of trees (labelled 4 in Fig 3) no works in the construction of the proposal had on the date of site inspection, the 28<sup>th</sup> November 2022, commenced.

- The cluster appears as a visual entity in the local landscape.

I do not consider a cluster of development as defined in bullet point one further above exists at this location to enable it to appear as a visual entity.

- The cluster is associated with a focal point such as a social / community building / facility, or is located at a cross-roads.

Whilst I believe the Church located to the southeast of the site (highlighted purple in Fig 3), could be considered a focal point it remains that I do not consider a cluster as defined in bullet point one exists at this location in association with it.

- The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster.

Reiterating that I do not consider there is an existing cluster at this location for the development to be absorbed into I would add that the site is not bound by development on two sides. Whilst it is bound by development to the opposite side of the Annaginny Road it is not bound by development to any other side. Again, I would note that whilst a dwelling and garage has been approved (see 'Planning History' - LA09/2021/1090/O) immediately northeast of the current site within the other half of the larger corpse of trees (labelled 4 in Fig 3) no works in the construction of the proposal had on the date of site inspection, the 28<sup>th</sup> November 2022, commenced. Given the heavily vegetated nature of this site had it been located at and bound on two sides by development within a cluster I am content it would have provided a dwelling and garage with a suitable degree of enclosure to screen and integrate a dwelling.

- Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside.

I do not consider there is an existing cluster at this location for the development to be absorbed into to.

- Development would not adversely impact on residential amenity.

Given the heavily vegetated nature of this site, a significant amount of which could be retained, I am content it could accommodate a dwelling and garage of an appropriate siting, size, scale and design without significant adverse impact on the residential amenity of neighbouring properties.

Overall, it is my opinion that the proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development associated with a focal point or located



at a cross-roads and if permitted would visually intrude into the open countryside.

I have considered other instances listed under Policy CTY1 of PPS21 whereby the development of a dwelling in the countryside is considered acceptable however this proposal fails to meet with these instances including a dwelling on a farm. The applicant has already availed recently of the opportunity for a dwelling on a farm under Policy CTY 10 of PPS 21 (see 'Planning History' - LA09/2021/1090/O). Planning permission granted under this policy is only forthcoming once every 10 years.

### **Representations**

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, 2 objections had been received one from Amanda and Johnston Ferry the owners / occupiers of no. 11 Annaginny Road, a two-storey farm dwelling bound by a small no. farm sheds located to the east of the site received on the 17<sup>th</sup> November 2022; and a second from Johnston and Craig Ferry received on the 24<sup>th</sup> November 2022. The issues raised within the objections were as follows:

- The first objection outlined that on examining the map it looked as if the proposed new site line and hedge is in the field in front of our house, which is owned by us, and we do not give permission for this site line.
- The second objection outlined that being small landowners on the Annaginny Rd we are concerned about this development. This small planting of trees was we believe grant funded and we cannot see how there is any justification in cutting down a significant part of it to accommodate two building sites and driveways. This will leave a very small percentage of the planting. These trees are now fairly mature and daily we hear of the effect of climate change on the environment, and we are supposed to be planting trees not cutting them down.

In light of the land ownership issues raised above in bullet point 1, the agent was contacted on the 19<sup>th</sup> December 2022 and asked to confirm the applicant owned all the lands outlined in red on the site location plan submitted as detailed on the P1 Form or if the applicant does not to submit an amended certificate of ownership notifying any owners accordingly. Subsequently, the agent emailed back on the 9<sup>th</sup> January 2023 to confirm the applicant owned / controlled all lands. Accordingly, I am content the land ownership issue raised has been brought to the attention of the agent and as any planning permission granted would not confer title, it would be the responsibility of the developer to ensure that he owns / controls all the lands necessary to carry out the proposed development. In relation to bullet point 2, in terms of Planning the trees on site are not protected by a tree preservation order nor have they been identified on NIEA's Natural Environment Division (NED) map viewer as a protected habitat or area.

### **Other Policy and Material Considerations**

Checks on the planning portal Historic Environment Division (HED) and Natural Environment Division (NED) map viewers available online identified no built heritage assets of interest or natural heritage features of significance on or adjacent the site. Flood Maps NI indicate no flooding on site.

**Recommend:** Refuse

<b>Summary of Recommendation:</b>
Refuse is recommended
<b>Refusal Reasons</b>  Reason 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.  Reason 2 The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development associated with a focal point or located at a cross-roads.
<b>Signature(s):</b> Emma Richardson
<b>Date:</b> 25 January 2023

Refuse is recommended

**Refusal Reasons**

**Reason 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.

**Reason 2**

The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development associated with a focal point or located at a cross-roads.

**Signature(s):** Emma Richardson

**Date:** 25 January 2023



<b>ANNEX</b>	
<b>Date Valid</b>	19 October 2022
<b>Date First Advertised</b>	1 November 2022
<b>Date Last Advertised</b>	1 November 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 49 Gortnaglush Road Dungannon Tyrone BT71 4EF The Owner / Occupier 9 Annaginny Road Dungannon Tyrone BT71 4DZ The Owner / Occupier 11 Annaginny Road Dungannon Tyrone BT71 4DZ	
<b>Date of Last Neighbour Notification</b>	24 November 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>  Ref: LA09/2021/1090/O Proposals: Development of two storey dwelling with single storey garage, associated ancillary site works, landscaping and the construction of a new access to the public road Decision: PG Decision Date: 25-APR-22  Ref: LA09/2021/1086/O Proposals: Development of two storey dwelling with single storey garage, associated ancillary site works, landscaping and the construction of a new shared access to the public road. Decision: WDN Decision Date: 14-FEB-22  Ref: LA09/2022/1512/O Proposals: Development of two storey dwelling with single storey garage, associated ancillary site works, landscaping and the construction of a new access to the public road Decision: Decision Date:	

**Summary of Consultee Responses**

DFI Roads - Enniskillen Office-FORM RS1 STANDARD.docNo objection, subject to conditions.Roads outline.docx  
Geological Survey NI (DfE)-3246 MUDC Planning. 25m North Of 15 Annaginny Road Dungannon.doc

**Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

**Notification to Department (if relevant)**

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 February 2023	<b>Item Number:</b> 5.28
<b>Application ID:</b> LA09/2022/1535/F	<b>Target Date:</b> 9 February 2023
<b>Proposal:</b> 1 No two storey dwelling, access and associated works- Permission to complete development already commenced- M/2009/0016/F	<b>Location:</b> Adjacent To 71 Aghintoher Road Dungannon
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mr A McManus 16 Kirkliston Drive Belfast BT5 5NX	<b>Agent Name and Address:</b> Pragma Planning Scottish Provident Building 7 Donegall Square West Belfast BT1 6JH
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation Full approval.docx

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

This application is being presented to committee as it does not comply with policy, however foundations were put in place and the sightlines have now been provided and it would be harsh not to allow this dwelling to be completed.

### Characteristics of the Site and Area

The site is a 0.4ha parcel of land located on the Aghintoher Road within the rural

countryside approximately 2.3km northeast of Cabragh and is outwith any settlement limits set down in the Dungannon and South Tyrone Area Plan 2010. The site outlined in red comprises an agricultural field with a watercourse running through the site at the eastern corner. The site is defined by mature trees to the northern, western and southern boundaries.

The area is rural in character with a dispersed settlement pattern. Development takes the form of single dwellings with associated outbuildings. There is little development pressure in the area.

### **Description of Proposal**

1 No two storey dwelling, access and associated works- Permission to complete development already commenced- M/2009/0016/F

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

#### **Policy Consideration**

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

#### **Planning History**

M/1998/0341 - Site for dwelling - ADJACENT TO 71 AGHINTOBER ROAD  
AGHINTOBER DUNGANNON PERMISSION GRANTED

M/2001/0937/O – New dwelling - Adjacent to 71 Aghintober Road Aghintober  
Dungannon PERMISSION GRANTED 31.10.2001

M/2004/1725/O - New dwelling (renewal application) - Adjacent to 71 Aghintober Road  
Aghintober Dungannon PERMISSION GRANTED 06.01.2005

M/2009/0016/F – Erection of dwelling - Adjacent to 71 Aghintober Road Aghintober  
Dungannon PERMISSION GRANTED 17.06.2009

LA09/2022/0149/LDP - Erection of a dwelling - Adj To 71 Aghintober Road Dungannon -  
Currently under consideration by the Council.

#### **Representations**

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

received to date.

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

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

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

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28<sup>th</sup> May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

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

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

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

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. DFI Roads development control offer no objection to the above proposal subject to the proposal being constructed and maintained in accordance with the submitted block plan.

### **CTY1 of PPS 21 – Development in the Countryside**

CTY1 allows for a new dwelling in the countryside provided it meets with the criteria specified in other policies within the document. This application has been submitted as the applicant previously submitted a CLUD under LA09/2022/0149/LDP to determine that the works commenced on site were lawful, which cannot be approved as the pre-commencement conditions set down were not complied with.

This development does not meet with any of the specified criteria within CTY1 of PPS 21 however it is quite clear that through applications M/1998/0341/O, M/2001/0937/O, M/2004/1725/O and M/2009/0016/F, planning permission was granted for a dwelling on this site. Outline Planning Permission Ref M/2001/0937/O was granted on 31<sup>st</sup> October 2001 and renewed on 6<sup>th</sup> January 2005. These permissions reserved the access to the site and applied a condition that just required the access to be provided in accordance

with the RS1 form, it did not impose a time for the provision of the access. No Reserved Matters application was subsequently applied for, rather a Full application for a two storey dwelling on the site was approved on 17 June 2009. It considered the details of the access and required that the access was to be provided in accordance with the approved details, before development could commence on the site. This is commonly referred to as a Grampian or negative condition and is a pre-commencement condition; that is, it must be carried out before other works are able to commence.

Due to the failure to provide the access before the commencement of the works, the applicant is unable to obtain a certificate of lawfulness as submitted under LA09/2022/0149/LDP. The consideration of whether or not development is lawful is a legal test set down by legislation, if it cannot meet those tests then it should be refused.

However, a planning application allows the decision makers to exercise some discretion and can take into account other factors that are material to the decision making process. In this case the applicant has clearly commenced development on the site within the time frame set out in their planning permission, as detailed below. Section 63 of the Planning Act states ‘development shall be taken to be begun on the earliest date on which any of the following operations comprised in the development begins to be carried out–

(a) where the development consists of or includes the erection of a building, any work of construction in the course of the erection of the building;’ this is the same as was stated in Article 36 of the Planning Order, which was in effect at the time the development was begun.

From evidence provided within the aforementioned LA09/2022/0149/LDP, it is accepted that works have taken place on the site with foundations poured for the utility room annex. These works have been verified by Robert Farnham and Associates Ltd. Consulting Structural and Civil Engineers, in a letter dated 21 April 2009. Photographs of the site showing the concrete poured dated 01 April 2009 have been provided, as well as a delivery note from the concrete provider also dated 01 April 2009. The agent has made a case that whilst confirmation from Building Control of the date of commencement of a development is currently considered a suitable means of verification, it was known at the time of the works being carried out that confirmation from a professional person such as an architect or engineer was a satisfactory alternative. This is why they employed the services of Mr Farnham who confirmed that the foundations were monitored on-site as necessary to ensure they complied with the NI Building Regulations.

The access to the dwelling was not put in place before the development was commenced as was set out in the Full decision. The Full decision does appear to go further than the Outline Planning Permission which merely stated that the access must be provided in accordance with the RS1 form and did not stipulate when this had to be done. Usually the access must be in place before any other development commences as the access will be used for the construction traffic to serve the site. However, there are occasions where an access is conditioned to be provided at another time. It is clear the access was not put in place before the works were commenced, however it is now in place in accordance with the plans as previously approved, as seen at the time of site

inspection.

It is clear there is no legitimate fallback position here as the applicant does not have a certificate of lawful development in place. I have however taken account of the following factors that I believe are site specific and would not create a wide ranging precedent for new dwellings in the countryside:

- planning permission was previously granted for this dwelling,
- there was lack of a time period on the outline planning permission for the provision of the access and the access is now in place,
- substantial works have been carried out in the course of the erection of the building within the lifetime of the permission lapse.

### **Other Material Considerations**

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

From assessment of the Rivers Agency Strategic Flood Hazards and Flood Risks Map I have no flooding concerns. In addition, I have no ecological or residential amenity concerns. I consider it would be unduly harsh to not allow this dwelling to be completed as approved and recommend it is approved with the conditions attached.

### **Summary of Recommendation:**

Approve is recommended

### **Approval Conditions**

#### **Condition 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.

#### **Condition 2**

The vehicular access, including visibility splays of 2.0m x 45.0m and any forward sight distance shall be provided in accordance with drawing No. 02 received 22 OCT 2022, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway 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.

**Condition 3**

The access gradient(s) to the development hereby permitted shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary.

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

**Condition 4**

All hard and soft landscape works as detailed on drawing No. 02 received 17 OCT 2022 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out within the first planting season following commencement of the development hereby approved. Any tree, shrub or other plant identified in the landscaping scheme dying within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual amenity.

**Signature(s):** Deirdre Laverty

**Date:** 20 January 2023

<b>ANNEX</b>	
<b>Date Valid</b>	27 October 2022
<b>Date First Advertised</b>	10 November 2022
<b>Date Last Advertised</b>	10 November 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier No Neighbours	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  DFI Roads - Enniskillen Office-Roads Consultation Full approval.docx	
<b>Drawing Numbers and Title</b>  Site Location Plan    Plan Ref: 01 Site Layout or Block Plan    Plan Ref: 02 Proposed Plans    Plan Ref: 03	
<b>Notification to Department (if relevant)</b>  Not Applicable	

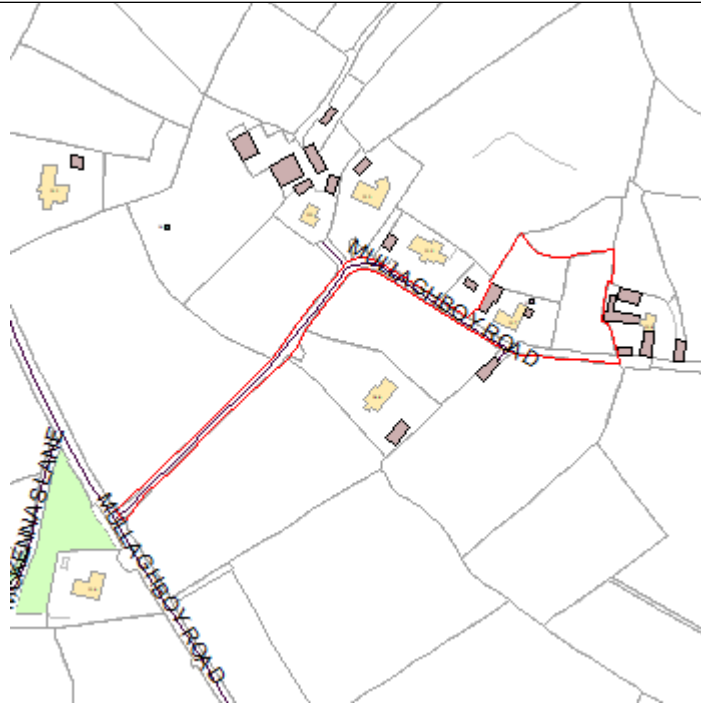


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 February 2023	<b>Item Number:</b> 5.29
<b>Application ID:</b> LA09/2022/1623/F	<b>Target Date:</b> 2 March 2023
<b>Proposal:</b> Proposed change of house type and relocation of extant planning approved (REF: LA09/2018/1657/F) Two storey dwelling. Curtilage to be extended with garage to remain as previously approved.	<b>Location:</b> Site between 117 and 119 Mullaghboy Road Bellaghy Magherafelt
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Bronagh And Paul Doherty C/O 117 Mullaghboy Road Bellaghy Magherafelt BT45 8JH	<b>Agent Name and Address:</b> Newline Architects 48 Main Street Castledawson BT45 8AB
<b>Executive Summary:</b>  The applicant has declared a Council Employee interest. It is provided in the P1 form that Roisin McAllister who works for the Planning Department of MUDC is a sister in law to the applicant. This application is therefore brought to the Planning Committee.	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

The applicant has declared a Council Employee interest. It is provided in the P1 form that Roisin McAllister who works for the Planning Department of MUDC is a sister in law to the applicant. This application is therefore brought to the Planning Committee.

### Characteristics of the Site and Area

The site of the proposed development is located in the rural countryside approximately 1.5 miles north west of the Bellaghy settlement limit, as defined in the Magherafelt Area

Plan 2015. Access to the site is via the Mullaghboy Lane, a 400m long shared laneway which provides access to 7 other dwellings located along this stretch. Much of the site consists of a 0.13 hectare agricultural field (site for dwelling) wedged between no. 117 Mullaghboy Lane to the west and no. 119 to the east. The site levels, both in this field and to the rear of no. 117 drop away very sharply. Site boundaries are marked by hedging along the western, northern and eastern sides of the field, with some scatterings of young trees to the northern and eastern edges. There is also picket fencing to all sides of the field. The surrounding environment consists mostly of agricultural fields. There are currently 7 dwellings located along the Mullaghboy Lane, as well as a degree of farm buildings and sheds.

### **Description of Proposal**

This is a full application for the proposed change of house type and relocation of extant planning approved (Ref. LA09/2018/1657/F) Two storey dwelling. Curtilage to be extended with garage to remain as previously approved. The previous approval was for a two storey dwelling and garage (on a farm).

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

#### **Policy Consideration**

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

#### **Relevant Histories**

LA09/2018/1657/F – Proposed two storey dwelling and garage (on a farm) – Adjacent to 117 Mullaghboy Road Bellaghy Magherafelt – Permission Granted – 17/05/19.

#### **Representations**

No third party representation have been received to date.

#### **Magherafelt Area Plan 2015**

The site of the proposed development is located in the rural countryside approximately 1.5 miles north west of the Bellaghy settlement limit, as defined in the Magherafelt Area Plan 2015.

#### **Other Constraints**

This site is not located within or adjacent to any protected areas, including SACs, SPAs and Ramsar sites.

This site is not located within or adjacent to any listed buildings / structures.

### Mid Ulster District Council Draft Plan Strategy 2030

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

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

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

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

Policy CTY1 provides clarification on which types of development are acceptable in the countryside. In this instance the application is for a dwelling on a farm and therefore must be considered against Policy CTY 10 of PPS21. The principle of development for a farm dwelling has been established in the previous approval (ref. LA09/2022/1623/F). This current application is a proposed change of house type and relocation of that previous approval. The agent has provided that the applicant did not wish to re-submit farm information for DAERA in this current application. Following a discussion with the senior planner, it was agreed that if permission is granted, the timeframe condition can be tied into the original approval.

With regards to the new siting I am content that the proposed dwelling will be sited to visually link with the existing farm dwelling (no. 117) and agricultural buildings / sheds (including approved garage under LA09/2018/1657/F) which are adjacent to and west of the siting area. Upon review of the farm lands and landform this is deemed the most suitable site. With this in mind I am content that the application complies with CTY 10.

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The proposed is a two storey dwelling. However, given the proposed siting area for the dwelling and the existing site levels, which drop sharply from the laneway, the dwelling will not appear as a two-storey dwelling and thus will not be a prominent feature in the landscape. The site is also equipped with long established

natural boundaries, marked by hedging along the western, northern and eastern sides of the field, with some scatterings of young trees to the northern and eastern edges. In terms of design, the proposed is of a traditional design with modern elements. Proposed finishes include smooth render painted white with natural stone cladding to walls and blue/black roof slates. I consider the design appropriate for the site and its locality. I am content that the proposed is visually linked with the farm dwelling and agricultural buildings (as described above). Given all of the above, I am Content that the application complies with CTY 13.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. As mentioned previously I am content that a dwelling in this location will not be unduly prominent in landscape. It is considered that the site and its environs are suitable for absorbing a dwelling of this size and scale. I am content that there is unlikely to be any adverse impact to the rural character of the area as such I am content that the application complies under CTY 14.

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

DfI Roads were consulted in the previous extant planning approval (ref. LA09/2018/1657/F). Given that the existing access onto the road is being reused with no alterations, a consultation response is not required from DfI Roads. It has been agreed with the senior planner that the previous roads condition for planning approval ref. LA09/2018/1657/F be tied in with this application, should permission be granted.

I have no ecological or residential amenity concerns.

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

Approve is recommended

#### Approval Conditions

##### Condition 1

The development hereby permitted shall be begun before the 17th May 2024, which is the expiration of planning approval LA09/2018/1657/F.

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

##### Condition 2

The vehicular access including visibility splays of 2.4 x 90metres and any forward sight distance, shall be provided in accordance with Drawing No 17 bearing the date stamp 29

March 2019 of planning approval ref. LA09/2018/1657/F, prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway 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.

**Condition 3**

All landscaping comprised in the approved details of landscaping on Drawing No. 02 bearing the date stamp 17 Nov 2022, shall be carried out in the first planting season following the commencement of the construction of the development hereby approved.

Reason: To ensure the development integrates into the countryside.

**Signature(s):** Benjamin Porter

**Date:** 25 January 2023



<b>ANNEX</b>	
<b>Date Valid</b>	17 November 2022
<b>Date First Advertised</b>	29 November 2022
<b>Date Last Advertised</b>	29 November 2022
<b>Details of Neighbour Notification (all addresses)</b> The Owner / Occupier 109A Mullaghboy Road Bellaghy Londonderry BT45 8JH The Owner / Occupier 109 Mullaghboy Road Bellaghy Londonderry BT45 8JH The Owner / Occupier 111 Mullaghboy Road Bellaghy Londonderry BT45 8JH The Owner / Occupier 113 Mullaghboy Road Bellaghy Londonderry BT45 8JH The Owner / Occupier 115 Mullaghboy Road Bellaghy Londonderry BT45 8JH The Owner / Occupier 119 Mullaghboy Road Bellaghy Londonderry BT45 8JH The Owner / Occupier 117 Mullaghboy Road Bellaghy Londonderry BT45 8JH	
<b>Date of Last Neighbour Notification</b>	30 November 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>  Ref: LA09/2022/1623/F Proposals: Proposed change of house type and relocation of extant planning approved (REF: LA09/2018/1657/F) Two storey dwelling. Curtilage to be extended with garage to remain as previously approved. Decision: Decision Date:  Ref: H/1984/0373 Proposals: ALTERATIONS AND ADDITIONS TO HOUSE Decision: PG Decision Date:	

Ref: H/1978/0245

Proposals: ALTERATIONS AND ADDITIONS TO HOUSE

Decision: PG

Decision Date:

Ref: LA09/2022/0714/O

Proposals: Dwelling and domestic garage

Decision:

Decision Date:

Ref: H/1996/6006

Proposals: SITE OF DWELLING MULLAGHBOY ROAD BELLAGHY

Decision: QL

Decision Date:

Ref: H/2003/0883/O

Proposals: Site of dwelling.

Decision:

Decision Date:

Ref: H/2012/0062/O

Proposals: Proposed two storey farm dwelling with domestic garage

Decision: PG

Decision Date: 01-MAY-12

Ref: H/2011/0364/F

Proposals: Replacement of Existing Two Storied Vacant Dwelling with new 1 1/2 Storey Dwelling House with Associated Carport and Garage

Decision: PG

Decision Date: 14-NOV-11

Ref: H/1998/0578

Proposals: DWELLING AND GARAGE

Decision: PG

Decision Date:

Ref: H/1996/0333

Proposals: DWELLING AND GARAGE

Decision: PG

Decision Date:

Ref: LA09/2018/1657/F

Proposals: Proposed two storey dwelling and garage (on a farm)

Decision: PG

Decision Date: 17-MAY-19

Ref: LA09/2016/1380/F

Proposals: Proposed 2 storey farm dwelling

Decision: PG

Decision Date: 09-MAR-17

Ref: H/2013/0143/F

Proposals: Two storey extensions to the front of existing dwelling and single storey side extension

Decision: PG

Decision Date: 01-JUL-13

Ref: H/2014/0378/F

Proposals: Replacement dwelling

Decision: PG

Decision Date: 19-JAN-15

Ref: H/1980/0139

Proposals: ALTERATIONS AND ADDITIONS TO HOUSE

Decision: PG

Decision Date:

### **Summary of Consultee Responses**

-

### **Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

Levels and Cross Sections Plan Ref: 02

Elevations and Floor Plans Plan Ref: 03

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

Not Applicable