



Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2017/1333/O	Target Date: 24 November 2017
Proposal: Proposed trout hatchery farm managers dwelling and domestic garage	Location: Site Adjacent To 91 Glengomna Road Draperstown
Applicant Name and Address: Mr Alan McKeown 266 Orritor Road Orritor Cookstown	Agent name and Address: Mark Nelson Architecture Garden Studio 2 Craigmount Orritor Cookstown BT80 9NG
Summary of Issues: This application was refused on the basis that a satisfactory case of need had not been put forward by the applicant and the proposal has the potential to impact on protected species and priority habitat. There have been no third party objections to the development.	
Summary of Consultee Responses:	
Characteristics of the Site and Area The proposed site is within an overgrown plot of land located immediately adjacent to a farm building associated with an established farm hatchery business. The site is undulating in nature with levels falling from the west to east. Located on the western side of the site is a detached bungalow with a detached garage and to the north and east are ponds, the farm building and the Glengomna River. The site is overgrown with mature vegetation which extends to all boundaries.	
Description of Proposal This is an outline application for 'Proposed Trout hatchery farm managers dwelling and domestic garage'.	

Deferred Consideration:

This application was presented to Planning Committee in December 2018 as a refusal as it was considered the proposal failed to comply with Policies CTY 1 and CTY 7 of PPS21, the SPSS and PPS 2. Members agreed to a deferred office meeting which was held on 13 Dec 2018.

At the meeting the agent provided a letter for NIEA (NED) to an attempt to overcome their two PPS2 reasons for refusal relating to harm to protected species (Otters and Bats) and priority habitats. NIEA were re-consulted with this information and replied on the 24 Jan 2023 advising that the proposed 771m² of new native species planting is acceptable. They have also advised that they are content that the risk of impact on the adjacent watercourse can be minimised by provision of a buffer of 10m. I would recommend this be a condition of approval. In respect of external lighting and the impact this could have on bats, NED are content that adverse impacts can be minimised and in respect of impacts on otters and following consideration of an otter survey submitted, NED suggest a condition which would ensure a final check for otter holts prior to the commencement of any development. It is also noted in the otter survey that the tree identified as having bat roost potential has been down graded and NIEA (NED) have not contested this. NIEA (NED) also provided an earlier consultation response, dated 16 Dec 2022 in which they have recommended that any clearance works should not be undertaken during bird breeding season which extends from 1st March to 31st August in order to protect birds. I would recommend this also be a condition of approval. In conclusion, NED have advised that the measures proposed will protect natural heritage interests subject to their suggested conditions. On the basis of this advice I would now advise Members that the SPSS and PPS 2 refusal reasons previously recommended can be overcome.

Under Policy CTY7 of PPS 21, it states planning permission will only be granted for a dwelling house in connection with an established non-agricultural business enterprise where a site specific need can be clearly demonstrated that makes it essential for one of the firms employees to live at the site of work. In order to prove an established business the applicant has provided evidence from DAERA which indicates that a licence for Fish Farming was issued to him on the 1 Jan 1990.

The case put forward is that it is essential the applicant's son, who works for the company AMK Aquaculture, has a dwelling on the hatchery premises at Glengomna, following changes to the licensing conditions for hatcheries. The applicant confirmed on 5 Feb 2019 that changes to licensing conditions for hatcheries has come now into force. Under new proposals, a 12mm screen is required to be installed in order to prevent wild salmonids from entering the hatchery system. Such a screen would necessitate frequent monitoring and cleaning throughout the day and night in periods of prolonged rainfall. DAERA have given the applicant a temporary exemption (eliminating the need for a screen at the hatchery inflow, which currently avoids blockages to the water intake by leaves or other debris) on the basis he provides proof that accommodation will be provided that allows a presence on site 24/7. Up to now they have been understanding of his situation but he has been coming under pressure from the FCB to remove the exemption, which means introduction of a screen, which would almost certainly result in a fish kill with such a small inflow screen in place due to insufficient water entering the hatchery to provide sufficient oxygen for the fish to live. If someone lived on site this screen could be maintained on 24/7 basis ensuring the safety of the fish and therefore the success of the business.

Members are advised that the policy amplification of CTY 7 of PPS 21 require applicants to

provide sufficient information to show that a site specific need exists which makes its essential for one of the firms employees to live at the site of their work as well as evidence to demonstrate why this is needed now, if the business has been operating satisfactorily all along. I am satisfied that the clarification provided by the applicant above goes meets these tests.

It is noted that the applicant did submit a P1C Form and a supporting statement with this application which directed the policy context as being CTY 10 of PPS 21. It is my assessment of the proposal and supporting information that a stronger case is made under CTY 7 of PPS 21. As such, it will be necessary to impose an occupancy condition restricting the occupation of the dwelling to a registered employee of the business "AMK Aquaculture".

There are no concerns with regards to impact on rural character or integration and no third party objections have been received at the time of writing this report.

Prior to the deferral of this application consultations were issued to SES, DAERA, DFI Roads and EH. No objections were raised by these consultees. NIEA have been consulted several times since the application was deferred. They are now content, subject to conditions, that the proposal will not impact on protected species and priority habitat.

Approval is recommended subject to conditions.

Conditions/Reasons for Refusal:

Approval Conditions

Condition 1

Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

- i. the expiration of 5 years from the date of this permission; or
- ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

Condition 2

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

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

Condition 3

Full particulars, detailed plans and sections of the reserved matters required in Conditions 01 and 02 shall be submitted in writing to the Council and shall be carried out as approved.

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

Condition 4

The dwelling hereby permitted shall be occupied only by a registered employee of AMK Aquaculture and their dependents for a minimum period of 5 years from the date the dwelling is first occupied.

Reason: The site is located in the rural area where it is the policy of the Council to restrict development and the planning permission hereby granted is solely because of the applicant's site specific case made for a dwelling for a non-agricultural business enterprise in line with the provisions of Policy CTY 7 of PPS 21.

Condition 5

The proposed dwelling shall be sited as indicated on the proposed site layout, drawing no. 04 rev 2 uploaded on the Mid Ulster Planning Portal on 9 Jan 2023

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21.

Condition 6

The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.3 metres at any point.

Reason: In the interest of visual amenity.

Condition 7

No development shall take place until a plan indicating floor levels of the proposed dwelling in relation to existing and proposed ground levels has been submitted to and approved by the Council.

Reason: To ensure the dwellings integrates into the landform.

Condition 8

At Reserved Matters a Landscaping and Planting Plan shall be submitted to the Planning Authority, showing details of planting with native trees/shrubs. This Plan shall adhere to the planting details shown in Drawing 04 Rev 2 uploaded to the Mid Ulster Planning Portal on 09 Jan 2023. No development activity, including ground preparation or vegetation clearance, shall commence until the Plan has been approved in writing by the Planning Authority. The Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority.

Reason: To compensate for the removal of existing trees/hedgerows and minimise the impact of the proposal on the biodiversity of the site.

Condition 9

A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the RS1 form uploaded on the planning portal on 8 Nov 2017.

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

Condition10

At Reserved Matters the site shall be re-examined by a suitably experienced ecological surveyor for any diagnostic signs relating to the presence of otter (*lutra lutra*). If an otter holt or couch is found within 30m of the proposal, all work must cease immediately and further advice must be sought from the NIEA Wildlife Officer. The ecologist shall provide written confirmation that no holts/couches are present/otter will be harmed and/or there are appropriate measures in place to protect otters. Any such written confirmation shall be submitted to the Planning Authority within six weeks of works commencing.

Reason: To protect otters.

Condition11

With the exception of planting, no other construction works, including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery / material/ spoil, shall take place within 10m of the watercourse along the eastern boundary of the site as is indicated on drawing 04 Rev 2 uploaded to the Mid Ulster Planning Portal 09 Jan 2023.

Reason: to protect the aquatic environment and associated natural heritage interests

Condition12

Site vegetation clearance works shall not be undertaken during the bird breeding season which extends from 1st March to 31st August unless an appropriate survey is carried out by a suitably qualified ecologist which confirms the absence of active nests and is submitted to the Planning Authority.

Reason: To protect natural heritage interests

Signature(s):Karla McKinless

Date: 21 February 2023



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/1333/O	Target Date:
Proposal: Proposed trout hatchery farm managers dwelling and domestic garage	Location: Site adjacent to 91 Glengomna Road Draperstown
Referral Route: Contrary to CTY 1 and CTY 7 of PPS21 Contrary to PPS2 and SPSS for Northern Ireland	
Recommendation:	REFUSE
Applicant Name and Address: Mr Alan McKeown 266 Orritor Road Orritor Cookstown	Agent Name and Address: Mark Nelson Architecture Garden Studio 2 Craigmount Orritor Cookstown BT80 9NG
Executive Summary:	
Signature(s): Lorraine Moon	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Contrary to CTY 1 and CTY 7 of PPS21 and contrary to PPS 2: Natural Heritage and Strategic Planning Policy Statement for Northern Ireland.

Characteristics of the Site and Area

The proposal site located within an overgrown plot of land located immediately adjacent to a farm building associated with an established farm hatchery business. The site is undulating in nature with levels falling from the west to east. Located on the western side of the site is a detached bungalow with a detached garage although within a large site while to the north and east are ponds, the farm building and the river. The site is overgrown with mature vegetation which extends to all boundaries of the site.

Description of Proposal

Outline application for 'Proposed Trout hatchery farm managers dwelling and domestic garage'.

Planning Assessment of Policy and Other Material Considerations

I have assessed this proposal under the following:

SPSS

Magherafelt Area Plan 2015

Planning Policy Statement 1 - General Principles

Planning Policy Statement 21 - Sustainable development in the countryside

Consultees: - NI Water were asked to comment and responded on 11.10.2017 with no objections to the proposal.

Environmental Health were asked to comment and responded on 19.10.2017 with no objections subject to advice.

DfI were asked to comment and responded on 08.11.2017 with no objections subject to conditions.

NIEA were asked to comment and responded on 14.11.2018 - Water Management Unit is content with the proposal subject to conditions and advice, however Natural Environment Division has concerns with the proposal and considers that the proposal would be contrary to the Habitats Regulations and Planning Policy Statement 2: Natural Heritage and the Strategic Planning Policy Statement for Northern Ireland in that:

1. The development would be likely to harm bats protected by law and insufficient information has been submitted to establish otherwise

2. The development would have an unacceptable adverse impact on priority habitats and natural heritage feature worthy of protection and insufficient information has been submitted to establish otherwise.

Neighbours: Owners/Occupiers of No. 91 Glengomna Road were notified of this proposal on 11.10.2017, no representations have been received to date.

In line with legislation this proposal was advertised in the local press during Oct 2017, no representations have been received to date.

The proposal site is hydrologically connected to Lough Neagh and Lough Beg SPA, Lough Neagh ASSI which is of international and national importance and is protected by Conservation (Natural Habitats etc) Regulations (Northern Ireland) 1995 (as amended), and the Environment (Northern Ireland) Order 2002.

According to policy there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these is a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7. According to CTY 7 planning permission will be granted for a dwelling house in connection with an established non-agricultural business enterprise where a site specific need can be clearly demonstrated that makes it essential for one of the firm's employees to live at the site of their work.

A letter has been submitted dated 12.02.2018 giving a details as to why the applicant considers the proposed dwelling is essential at this location. It has been stated that due to the introduction of new screens being used in the ponds that someone needs to be on site 24/7 should one of the screens block. Having considered the points within this letter I do not feel that the information provided is justification as the need for a dwelling at this location but rather would comment that it would be possible for someone to live elsewhere and visit the site in order to provide this maintenance described of the necessary screens.

As such it is my opinion that the proposal fails to meet the criteria within CTY 7.

As the proposal site is sited between a detached dwelling and detached garage and the building related to the farm business I did feel it was necessary to consider the possibility of the proposal site complying with CTY 8 and being considered as an infill opportunity. However although the property and detached garage at 91 Glengomna Road is visible and has a frontage to the road the trout hatchery building does not have a frontage to the road and as such there is not a line of 3 or more buildings along a road frontage and the proposal site fails to meet the requirements of this policy.

A further type of development which may considered relevant for this proposal is a dwelling on a farm in accordance with Policy CTY 10.

According to CTY 10 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; - the applicant has submitted invoices relating to the farm business which date from present day back beyond 6 years thus establishing the business has been in operation however I would question as to what level whether this operation could be described as a business or rather a hobby. Both from the information submitted and also from what was surveyed on site.

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. - following a GIS database search I was able to ascertain that this is the only land within the applicants ownership and no other development opportunities have been sold off from the 'farm holding' within 10 years.

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).

The proposal site is sited immediately adjacent to an existing hatchery building. This single building is the only building within the farm holding. Access is proposed to be directly onto Glengomna Road.

Having considered these points it is my opinion that the proposal fails to meet the criteria necessary for a dwelling to be approved on a farm.

In addition to the criteria above planning permission will only 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, thus complying with the criteria of CTY 13 - Integration and Design of Buildings in the Countryside.

According to this policy a new building will be unacceptable where:

a) it is a prominent feature in the landscape; - the proposal site would not be prominent in my consideration due to the surrounding topography and vegetation.

b) the site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; - the site is bounded on all sides by mature planting and vegetation. Currently the site is completely overgrown and would need a good level of clearance should an approval be granted. The existing farm building for the trout hatchery and ponds are located immediately north and north east of the proposal site. Thus it is my consideration that the proposal can satisfy the requirements of this criteria.

c) it relies primarily on the use of new landscaping for integration - as previously stated the site benefits from existing mature boundaries and so complies with this criteria.

d) ancillary works do not integrate with their surroundings - a new access is proposed, DfI have been asked to comment and have provided a suitable condition to be applied should an approval be granted.

e) the design of the building is inappropriate for the site and its locality - no design has been specified at this time as this is an outline application, however I feel due to the adjacent development and nature of the site that a ridge height restriction of less than 6.5metres would be acceptable along with the levels at reserved matters stage should an approval be granted.

f) it fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop - should a ridge height restriction be given and the site levels maintained and the boundaries retained I feel a dwelling could blend with the landform on this proposed site.

g) in the case of a proposed dwelling on a farm it is not visually linked or sited to cluster with an established group of buildings on a farm. - the proposal site is immediately adjacent to the existing trout hatchery.

Finally accessing the proposal against the requirements of CTY 14 whereby it 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. Under this policy a new building will be unacceptable where:

a) it is unduly prominent in the landscape; - in this particular proposal the site is not prominent in the landscape.

b) it results in a suburban style build up of development when viewed with existing and approved buildings - the proposal site is adjacent to an existing farm building and would be read in conjunction with that.

c) it does not respect the traditional pattern of settlement exhibited in that area - the traditional pattern is single detached properties associated with farm holdings, which this proposal adheres to.

d) it creates or adds to a ribbon of development - this proposal site would not create or add to a ribbon of development.

e) the impact of ancillary works would damage the rural character. - access would be directly taken off Glengomna road, no consultees have any concerns with this proposal.

Having considered all of the above points I feel that a refusal should be given as the proposal is contrary to CTY 1 in that there are no overriding reasons why the development is essential and could not be located in a settlement and is contrary to CTY 7 of PPS21 in that it has not been clearly demonstrated that it is essential for one of the firm's employees to live at the site of their work. During the site visits it was noted that the proposal could have an impact on the adjacent river corridor and the significant level of vegetation on and immediately adjacent the proposal site. Due to this the views of NED was sought and their response was to recommend a refusal as the proposal is contrary to Planning Policy Statement 2: Natural Heritage and the Strategic Planning Policy Statement for Northern Ireland, as outline below.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal recommended

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policies CTY1 and CTY7 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 there is a site specific need for the proposed dwelling that makes it essential for an employee to live at the site of their work.
3. The development would be likely to harm bats protected by law and insufficient information has been submitted to establish otherwise.
4. The development would have an unacceptable adverse impact on priority habitats and natural heritage feature worthy of protection and insufficient information has been submitted to establish otherwise.

Signature(s)

Date:

ANNEX	
Date Valid	29th September 2017
Date First Advertised	12th October 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 91 Glengomna Road Draperstown Londonderry	
Date of Last Neighbour Notification	11th October 2017
Date of EIA Determination	
ES Requested	No
Planning History	
<p>Ref ID: LA09/2017/1333/O Proposal: Proposed trout hatchery farm managers dwelling and domestic garage Address: Site adjacent to 91 Glengomna Road, Draperstown, Decision: Decision Date:</p>	
<p>Ref ID: H/1984/0190 Proposal: HV O/H LINE (BM 6510) Address: GLENGOMMA BRIDGE, DRAPERSTOWN Decision: Decision Date:</p>	
<p>Ref ID: H/1990/6063 Proposal: FISH FARM GLENGOMNA BRIDGE DRAPERSTOWN Address: GLENGOMMA BRIDGE Decision: Decision Date:</p>	
<p>Ref ID: H/1980/0339 Proposal: SPLIT LEVEL BUNGALOW Address: GLENGOMNA ROAD, GLENGOMNA, DRAPERSTOWN Decision: Decision Date:</p>	

Ref ID: H/1989/0271
Proposal: SITE OF DWELLING AND GARAGE
Address: GLENGOMNA ROAD DRAPERSTOWN
Decision:
Decision Date:

Ref ID: H/2004/1477/O
Proposal: Site of dwelling and garage
Address: Adjacent to, 91 Glengomma Road, Draperstown
Decision:
Decision Date: 08.11.2005

Summary of Consultee Responses

Drawing Numbers and Title

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

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

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/1380/F	Target Date: <add date>
Proposal: Retention of dwelling	Location: Adjacent & 100m East of 18 Shantavny Road Garvaghy.
Applicant Name and Address: Ciaran Owens Shantavny Road Garvaghy Ballygawley	Agent name and Address: T A Gourley 35 Moveagh Road Cookstown BT80 9HE
Summary of Issues: This application is for the retention of a dwelling that has been constructed without the benefit of planning permission. The dwelling is located beside an historic monument, a personal circumstances case has been made but does not set out why there is a site specific need and a farming case put forward has not been verified. The modular home is not an appropriate rural design and the site lacks any features to integrate the dwelling.	
Summary of Consultee Responses: DFI Roads – recommend conditions to be attached if the Council wish to approve Historic Monuments Division – contrary to BH1 of PPS6 as this has an adverse impact on a scheduled monument Loughs Agency – no objections in principle	
Characteristics of the Site and Area: This application site is located along a private laneway off the Shantavny Road. The boundary of Fermanagh and Omagh District Council sits 300 metres to the west of this site, with Garvaghy approximately 2 kilometres further west and Ballygawley 5.5 kilometres to the south east. The surrounding area is quite remote and typically characteristic of an elevated site with gorse vegetation and poor quality agricultural land. Shantavny Scotch Wind Farm sits close by on the opposite side of the road to this site. This application site occupies a parcel of land on which a modular dwelling is sited some 120 metres off the Shantavny Road. This dwelling for which this application seeks permission for measures 14.4 metres in length, is 7.2 metres wide and has a ridge height of 4.3 metres FGL. The walls are a yellow render cast with blue/black roof tile and white uPvc windows and doors. This dwelling accommodates 3 bedrooms and has a bay window on the front elevation. It has no openings on the eastern gable which faces the road and the western gable has double doors. There are 3 windows on the rear northern elevation and 3 windows on the front southern	

elevation with the bay window to the left of the front door. The curtilage of the dwelling is marked by a concrete wall beyond which is a barbed wire fence and gravel surrounds the dwelling and joins to the tarmaced lane. This laneway also serves No 18 Shantavny Road, a bungalow which sits to the west of this site and is occupied by the applicant's 2 sisters.

Planning History

There is no relevant planning history associated with this site.

Description of Proposal

This application seeks planning permission for the retention of a dwelling on land adjacent to and 100m East of 18 Shantavny Road, Garvaghy.

Deferred Consideration:

This application was before the Planning Committee in April 2021 with a recommendation to refuse. The application was deferred to allow the submission of further information to address the issues raised in the case officers report to committee.

Following the meeting additional information was provided for consideration by DFI Roads and medical information about the applicant's sister. DFI Roads are now content with revised access details and this can be conditioned if planning permission is granted. The medical information for the personal circumstances case does not provide any details and the last documentation was for 2015. of the current circumstance since 2015. Without any recent information I am not convinced or persuaded there is a current medical or personal circumstances case for a separate dwelling. Information has been provided that states the applicants sisters house is not fit for extension and has issues with damp. No response has been provided to the suggestion this is replaced with a new dwelling to accommodate everyone.

The land the applicant claims to own is not registered in his name and despite requests for additional information to address this, no new information has been presented. The agent has advised the applicants solicitor is getting the land registered his name, however there has been no further details about this since 19 May 2022 despite further request in October 2022.

The agent advised they have engaged the services of an Archaeologist to deal with the issues of the Scheduled Monument and they would be submitting details showing the house moved to a more suitable position. Again there has been no further information submitted to deal with this despite requests.

While the dwelling is located off a private laneway, there is no vegetation or land features to integrate it from views on the lane. The lane is not solely to access this property but also serves the applicant sisters house further to the west. In light of this the views from the lane are a material consideration and the dwelling does not integrate nor is its prefabricated design and appearance acceptable in the rural 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 an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

There has been a lack of response to correspondence in relation to this application to address the issues that have been raised. In light of the length of time that I have been waiting for the information and with no alternative proposal to assess, I recommend the application is refused for the reasons stated below.

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. This proposal is contrary to Policy CTY 6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated there are compelling and site specific reasons for this proposal related to the applicant's specific personal or domestic circumstances.
3. The proposal is contrary to Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated this proposal meets any of the criterion.
4. The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the dwelling to integrate into the landscape, and the design of the building is inappropriate for the site and its locality.
5. The proposal is contrary to Policy BH 1 of PPS 6 Planning, Archaeology and the Built Heritage, as it would have an unacceptable adverse impact upon the integrity of the setting of the adjacent Scheduled Monument (TYR 52: 22).

Signature(s):

Date



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1380/F	Target Date:
Proposal: Retention of dwelling	Location: Adjacent & 100m East of 18 Shantavny Road Garvagh.
Referral Route: This application fails CTY 1 and also CTY 10 and CTY 13 of PPS 21. It also fails to meet AMP 2 in PPS 3 and BH 1 of PPS 6	
Recommendation:	Refusal
Applicant Name and Address: Ciaran Owens Shantavny Road Garvagh Ballygawley	Agent Name and Address: T A Gourley 35 Moveagh Road Cookstown BT80 9HE
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Advice
Statutory	Foyle Carlingford & Irish Lights Commission	Standing Advice
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	NIEA	Advice

Representations:

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

Characteristics of the Site and Area

This application site is located along a private laneway off the Shantavny Road. The boundary of Fermanagh and Omagh District Council sits 300 metres to the west of this site, with Garvaghy approximately 2 kilometres further west and Ballygawley 5.5 kilometres to the south east. The surrounding area is quite remote and typically characteristic of an elevated site with gorse vegetation and poor quality agricultural land. Shantavny Scotch Wind Farm sits close by on the opposite side of the road to this site.

This application site occupies a parcel of land on which a modular dwelling is sited some 120 metres off the Shantavny Road. This dwelling for which this application seeks permission for measures 14.4 metres in length, is 7.2 metres wide and has a ridge height of 4.3 metres FGL. The walls are a yellow render cast with blue/black roof tile and white uPvc windows and doors. This dwelling accommodates 3 bedrooms and has a bay window on the front elevation. It has no openings on the eastern gable which faces the road and the western gable has double doors. There are 3 windows on the rear northern elevation and 3 windows on the front southern elevation with the bay window to the left of the front door. The curtilage of the dwelling is marked by a concrete wall beyond which is a barbed wire fence and gravel surrounds the dwelling and joins to the tarmaced lane. This laneway also serves No 18 Shantavny Road, a bungalow which sits to the west of this site and is occupied by the applicant's 2 sisters.

Planning History

There is no relevant planning history associated with this site.

Description of Proposal

This application seeks planning permission for the retention of a dwelling on land adjacent to and 100m East of 18 Shantavny Road, Garvaghy. This planning application was submitted in response to Court action which is currently being pursued regarding the unauthorised construction of the dwelling under Enforcement Case LA09/2016/0219/CA.

Planning Assessment of Policy and Other Material Considerations

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations.

Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

The 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 have been subject to a Counter Representation period. In light of this the Draft Plan cannot currently be given any determining weight.

The Strategic Planning Policy Statement (SPPS) published in September 2015 does not have any impact this proposal as PPS 21 is retained and it is this policy which this application will be assessed under.

Development in the Countryside is controlled under the provisions of Planning Policy Statement (PPS) 21 Sustainable Development in the Countryside. Policy CTY1 provides clarification on which types of development are acceptable in the countryside and sets out where planning permission will be granted for an individual dwelling house in the countryside, subject to meeting certain criteria.

The agent provided a supporting statement in which they claim the dwelling met the criteria of both CTY 6 and CTY 10 of PPS 21.

CTY 6 in PPS21 sets out that permission will be granted for a dwelling in the countryside where there are compelling reasons related to the applicant's personal or domestic circumstances, provided the following criteria is met:

- a) The applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused; and
- b) There are no alternative solutions to meet the specific circumstances of the case, such as:
 - An extension or annex attached to an existing dwelling
 - The conversion or re-use of another building within the curtilage of the property
 - The use of a temporary mobile home for a limited period to deal with immediate short term consequences.

Medical information was submitted in the form of doctor's records, ambulance reports and hospital discharge letters all dating from 2001 -2015. However, this did not refer to the applicant, but to the applicant's sister who lives at No 18. The agent states the applicant "is involved in caring for his sister who lives together with another sister at No 18. The applicant's partner who resides with him also provides care for the sister when the applicant is at work with a local employer.

While the agent has provided medical records for the applicant's sister covering the years 2011- 2015 to demonstrate as to why this application should be considered under CTY 6 - Special Personal and Domestic Circumstances, I am not persuaded by this information. The agent has not identified the level of care which the applicant provides or any medical evidence documenting the care plan required by Sheila from a medical professional. I am not satisfied the information put forward by the applicant that genuine hardship would be caused if planning permission were refused.

The agent has claimed the existing dwelling at No 18 given its age and layout would not readily facilitate an extension. I am not satisfied by this statement nor convinced that this option has ever been fully investigated. Therefore I am of the opinion this proposal fails to satisfy the requirements of CTY 6, and thus it does not meet this policy.

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 shallow pitch of this dwelling and the design is not appropriate in this location. As mentioned above, this site is located in an upland area which is very exposed. There is an absence of any natural boundaries on this site which means it is unable to provide a suitable degree of enclosure for the dwelling to integrate into the surrounding landscape, thereby failing to meet the policy requirements of CTY 13.

The agent in the supporting statement states the applicant owns a farm of over 40 acres since 1979 and has maintained the land in good condition. A number of invoices for bailing were submitted for 2016 - 2018. A lack of information detailing the land within the applicant's ownership and where it is located, along with an absence of any Farm Business ID number, I have been unable to determine if this proposal complies with the criteria required, therefore it fails to meet CTY 10.

Representations and Consultations

Historic Environmental Division of NIEA were consulted as this dwelling is located next to TYR 52: 22. They responded saying this monument of regional importance is the site of a scheduled prehistoric wedge tomb which is afforded statutory protection under the provisions of the Historic Monuments and Archaeological Objects (NI) Order 1995 and thus BH 1 of PPS6 is applicable. The dwelling to be retained in this application is located approximately 36 metres from the monument and is in line with the functional alignment of the tomb. The site is located to the south-west of this monument and the eastern boundary runs along the edge of the scheduled area around the wedge tomb. HED (Historic Monuments) is concerned as this application is contrary to Policy BH 1 of PPS 6 ? Planning, Archaeology and the Built Heritage, as it would have an unacceptable adverse impact upon the integrity of the setting of the adjacent Scheduled Monument (TYR 52: 22).

This application site falls within a Loughs Agency Consultation Zone. So the Foyle Carlingford & Irish Lights Commission were consulted and have no objections to this application.

DfI Roads were consulted and responded stating they could not provide comment due to the poor quality of the drawings submitted. Appropriate accurate drawings were requested from the agent, however this was not submitted which meant DfI could not comment on this proposal due to a lack of information.

There were no objections to this proposal from the neighbour notification process or advertisement in the local media.

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.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having considered the policy set out in PPS 21, this proposal fails as it does not meet any of the criteria in CTY 1 and also CTY 10 and CTY 13. It also fails to meet AMP 2 in PPS 3 and BH 1 of PPS 6 also as detailed below.

Reasons for Refusal:

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

2. This proposal is contrary to Policy CTY 6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated there are compelling and site specific reasons for this proposal related to the applicant's specific personal or domestic circumstances.

3. The proposal is contrary to Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated this proposal meets any of the criterion.

4. The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the dwelling to integrate into the landscape, and the design of the building is inappropriate for the site and its locality.

5. This proposal is contrary to Policy AMP 2 of PPS 3 Access, Movement and Parking, in that it has failed to demonstrate that the access will not prejudice road safety or significantly inconvenience the flow of traffic, due to an absence of sufficient information.

6. The proposal is contrary to Policy BH 1 of PPS 6 Planning, Archaeology and the Built Heritage, as it would have an unacceptable adverse impact upon the integrity of the setting of the adjacent Scheduled Monument (TYR 52: 22).

Signature(s)

Date:

ANNEX	
Date Valid	5th November 2020
Date First Advertised	1st December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 18 Shantavny Road, Garvaghy. Co Tyrone	
Date of Last Neighbour Notification	10th December 2020
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2020/1380/F Proposal: Retention of dwelling Address: Adjacent & 100m East of 18 Shantavny Road, Garvaghy., Decision: Decision Date: Ref ID: K/2007/0821/F Proposal: Application under Article 28 of the Planning Order to remove Conditions 6 and 7 and modify Condition 11 of Planning Approval K/2005/0597/F Address: Slieve Divena Hill (In the townlands of Altamooskan) Decision: Decision Date: 16.10.2007	
Summary of Consultee Responses	
Drawing Numbers and Title	

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

Drawing No. 02
Type: Farm Boundary Map
Status: Submitted

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

Drawing No. 04
Type: Road Access Plan
Status: Submitted

Drawing No. 05
Type: Elevations and Floor Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2021/0800/F	Target Date: 20 July 2021
Proposal: Proposed conversion of 2 existing terrace houses to 4 apartments with existing Boyne Row streetscape being unaltered 2 existing on street parking spaces to be reused with an additional 3 private parking spaces to the rear along with shared private amenity space	Location: Site At 8-9 Boyne Row Castledawson
Applicant Name and Address: John Donnelly Ronan Valley Business PK Unit E2 58/60 Ballyronan Road Magherafelt	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Summary of Issues: This application was presented to Dec 2022 Planning with a recommendation to refuse. It was deferred for a Members site visit which took place in Dec 2022. Revisions to the scheme have been received and have addressed all concerns. 2 objections have been submitted, have been fully considered and do not merit the refusal of the application.	
Summary of Consultee Responses:	
Characteristics of the Site and Area The site is located at 8-9 Boyne Row, Castledawson. On site are two no, two storey houses which are part of an existing row of terraced houses. The site is located within the settlement limits of Castledawson as identified in the Magherafelt Area Plan, 2015. The surrounding area is	

primarily residential.



Description of Proposal

The proposal is a full application for proposed conversion of 2 no existing terrace houses to 4no apartments within existing Boyne Row Streetscape being unaltered, 2 No existing on street parking spaces to be reused with an additional 3No private parking spaces to the rear along with shared private amenity space.

Deferred Consideration:

This application was presented as a refusal to Members at Dec 2022 Planning Committee. The reasons for refusal centred on the negative impact of the proposal on the character of the area, in particular, the proposed rear access to the first floor flats. The proposal was also deemed to be over development and it was also recommended for refusal as NIW advised that foul sewage has reached capacity in the area. Members agreed to defer the application for a Members site visit, which took place on 20th Dec 2022.

Following the Members site visit, the applicant agreed to revise the scheme to address some of the concerns about the proposal. Amended plans were submitted which now show access to the two first floor flats coming directly off Boyne Row. The external stairs facilitating the rear access have been removed. This addresses my concerns about the impact on the future ground floor residents and they have now their privacy and general residential amenity protected. This amendment also reduces the likelihood of any form of anti-social activity which can be associated with properties which only have a rear access. I am now satisfied that the character

of this existing residential area will not be negatively impacted upon. I have also assessed the concern raised about over development of the site. The proposal does increase the density of the property from two dwelling units to four, as well as proposing 2 storey extensions to the rear of each unit. Having carried out a site inspection, having considered the built form in the immediate area, which includes two storey rear returns to numerous adjacent properties and assessing the amenity space being provided, I am of the opinion that this development does not represent an overdevelopment of this site nor is the proposed density unacceptable in this location.

NIW comments in respect of foul sewage remain. Members are advised that it would not be unreasonable to attach a pre-commencement condition to an approval which requires the applicant to submit an Impact Assessment for consultation with NIW to ascertain whether an alternative drainage/treatment solution can be agreed. This is what I would recommend in order to deal with this foul sewage concern.

Since this application was first presented to Members in Dec 2022, 2 objections have been received. 1 from the occupant of number 4 Boyne Row. This occupant raised concern about certain properties on Boyne Row not being notified. I am satisfied that all notifiable properties have been neighbour notified, that the amended scheme has been re-advertised in local press and the relevant properties re notified, including the occupant of number 4 Boyne Row, who has not put in any further objections. The second objection did not include an address however raised concern about the impact of the proposal on their privacy by the increase in traffic. I have been unable to fully assess the direct impact on this person as they did not provide their address, however having considered impact on general residential amenity it is my opinion that given the residential nature of this proposal and now that the units will be accessed wholly from the front, the impacts on residential amenity are not considered to be concerning and would not merit a recommendation for refusal.

Approval subject to conditions is recommended

Conditions/Reasons for Refusal:

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 commencement of the development hereby approved the applicant shall submit a Foul Sewage Impact Assessment, which shall be approved in writing by Mid Ulster District Council.

Reason: To ensure an alternative drainage/treatment solution can be agreed to the satisfaction of NIW.

Signature(s): Karla McKinless

Date: 21 February 2023

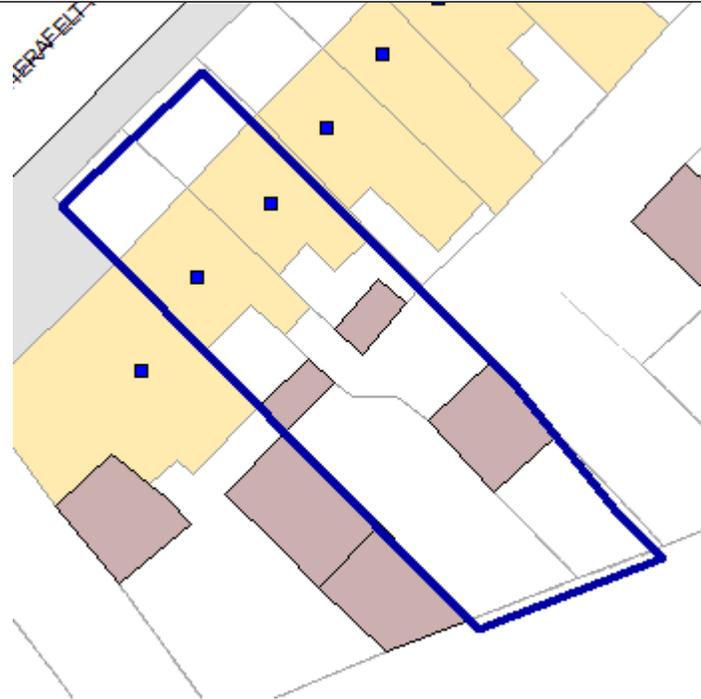


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 December 2022	Item Number: 5.3
Application ID: LA09/2021/0800/F	Target Date: 20 July 2021
Proposal: Proposed conversion of 2 existing terrace houses to 4 apartments with existing Boyne Row streetscape being unaltered 2 existing on street parking spaces to be reused with an additional 3 private parking spaces to the rear along with shared private amenity space	Location: Site At 8-9 Boyne Row Castledawson
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: John Donnelly Ronan Valley Business PK Unit E2 58/60 Ballyronan Road Magherafelt	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	Historic Environment Division (HED)	Substantive: YResponseType: FR
	NI Water - Multiple Units West	Substantive: TBC

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 No letters of representation have been received, although a non committal letter was received regarding neighbour notification, however these properties where not required to be neighbour notified.

Characteristics of the Site and Area

The site is located at 8-9 Boyne Row, Castledawson. On site are two no, two storey houses which are part of an existing row of terraced houses. The site is located within the settlement limits of Castledawson as identified in the Magherafelt Area Plan, 2015. The surrounding area is primarily residential.



Description of Proposal

The proposal is a full application for proposed conversion of 2 no existing terrace houses to 4no apartments within existing Boyne Row Streetscape being unaltered, 2 No existing on street parking spaces to be reused with an additional 3No private parking spaces to the rear along with shared private amenity space.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Relevant Site History:

None

Representations:

Neighbour notification No letters of representation have been received, although a non committal letter was received regarding neighbour notification, however these properties were not required to be neighbour notified.

Development Plan and Key Policy Consideration:

SPPS - Strategic Planning Policy Statement for Northern Ireland

Magherafelt Area Plan, 2015

Planning Policy Statement 3: Access, Movement and Parking (PPS 3)

Planning Policy Statement 7: Quality Residential Environments (PPS7)

PPS7 (Addendum) - Safe Guarding the Character of Established Residential Areas

Creating Places: Achieving Quality in Residential Developments

The Strategic Planning Policy Statement (SPPS) for Northern Ireland-Planning for Sustainable Development, is a material consideration. The SPPS sets out that planning authorities should be retained under transitional arrangements. 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. Until a Plan Strategy for the whole of the Council area has been adopted planning applications will be assessed against existing policy.

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 application site is defined as housing land is situated within the settlement limits of Castledawson by the Magherafelt Area Plan 2015 and therefore the principle of development is acceptable subject to the relevant policy tests.

The SPPS gives provision for Housing in Settlements subject to a number policy provisions. It does not present any change in policy direction with regards to residential development in settlements. As such, existing policies will be applied.

PPS 7 is a material planning policy for this type of development in an urban setting. All proposals for residential development will be expected to conform to a number of criteria laid out in the

policy.

Criterion (a) requires development to respect 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. While the streetscape remains unaltered, with amendments to the rear which are considered an improvement to the current condition of the rear of both properties. There is an extension proposed to the rear of both properties which are two storey, however there are no windows on the sides of the extensions. Windows are only located on the rear elevations. Also, given the existing development to the rear of the adjoin properties, this was deemed to be acceptable. However, I do consider that the proposal is over development of the site. The layout in terms of access is in my opinion, unacceptable, as some of the proposed apartments can only be accessed from the rear of the property. Also, people accessing the rear of the property at first floor level, could potentially represent an invasion of privacy for neighbouring properties and impact adversely on the amenity of these residents.

Criterion (b) features of the archaeological and built heritage, and landscape features identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development. HED were consulted on the application and responded to say that the listed asset, The Manse, 63 Main Street, Castledawson (Grade B1) is sufficiently removed in location as not to be affected by the scale and nature of the proposal. HED (Historic Monuments) were also content that the proposal is satisfactory to SPPS and PPS6 archaeological Policy requirements. This is due to the nature and scale of the proposed development.

Criterion (c) requires adequate provision of public and private open space and landscaped areas as an integral part of the development. The plans provided show an area of private amenity space can be provided at the rear of the site which is considered to be of adequate size. The proposal complies with criterion (c).

Criterion (d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development. Not considered relevant.

Criterion (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. The proposal is convenient to the local bus network. The proposal complies with criterion (e)

Criterion (f) requires adequate and appropriate provision to be made for car parking. DFI Roads were consulted on the application and were content The proposal complies with criterion (f)

Criterion (h) indicates that the design and layout should 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 have no concerns that the proposal will conflict with adjacent land uses. Nor do I have any concerns regarding loss of neighbouring residential amenity, All-in all the proposal complies with Criterion (h).

Criterion (i) the development is designed to deter crime and promote personal safety. Not considered relevant.

I am of the opinion that conversion of two dwelling houses to 4No apartments on this site would constitute overdevelopment of the site.

Other Material Consideration

This proposal fails to comply with criteria (e) of Policy LC 2, The Conversion or change of use of existing buildings to flats or apartments, Environmental Quality and Residential Amenity of Addendum to PPS 7 Safeguarding the Character of Established Residential Areas, in that the development contains flats/apartments which are wholly in the rear of the property and without access to the public street. The agent was contact to enquire if they could amend the proposal to allow for access from the public street. However, they responded to state that having looked at this possibility they felt it was not feasible as the applicant to restore the character of the historic frontage of the dwellings, and any alterations to the frontage will deny this possibility. Therefore, I believe that this proposal contrary to part (e)of the policy LC2 and therefore I recommend refusal.

i Water Multi Units were consulted on the application and responded to say refusal was recommended as there is a public foul sewer within 20m of the proposed development boundary which cannot adequately service these proposals. The said that the receiving foul sewerage network has reached capacity.

hey have said that NIW will approve connection to the network for 2 units (apartments) only 'due to it being like for like' The remaining 2 units (apartments) will be deemed as new and therefore, connection to the network will be refused by NIW. A Waste water assessment (WWIA) will be required by the applicant to best serve these 2 additional units.

fi Roads were consulted on the application and did not offer an objection

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal fails to comply with criteria (e) of Policy LC 2, The Conversion or change of use of existing buildings to flats or apartments, Environmental Quality and Residential Amenity of Addendum to PPS 7 Safeguarding the Character of Established Residential Areas, in that the development contains flats/apartments which are wholly in the rear of the property and without access to the public street.

Reason 2

Conversion of two dwelling houses to 4No apartments on this site would constitute

overdevelopment of the site.

Reason 3

Ni Water Multi Units recommend refusal as there is a public foul sewer within 20m of the proposed development boundary which cannot adequately service these proposals. The said that the receiving foul sewerage network has reached capacity.

Signature(s): Siobhan Farrell

Date: 22 November 2022

ANNEX	
Date Valid	25 May 2021
Date First Advertised	8 June 2021
Date Last Advertised	8 June 2021
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 4 Boyne Row Castledawson Londonderry BT45 8AE</p> <p>The Owner / Occupier 72 , Main Street, Castledawson, Londonderry, BT45 8AB</p> <p>The Owner / Occupier 14 Boyne Row Castledawson Londonderry BT45 8AE</p> <p>The Owner / Occupier 19 Boyne Row Castledawson Londonderry BT45 8AE</p> <p>The Owner / Occupier 17 Boyne Row Castledawson Londonderry BT45 8AE</p> <p>The Owner / Occupier 16 Boyne Row Castledawson Londonderry BT45 8AE</p> <p>The Owner / Occupier 15 Boyne Row Castledawson Londonderry BT45 8AE</p> <p>The Owner / Occupier 18 Boyne Row Castledawson Londonderry BT45 8AE</p> <p>The Owner / Occupier 4 Boyne Row Castledawson Londonderry BT45 8AE</p> <p>The Owner / Occupier 2 Boyne Row Castledawson Londonderry BT45 8AE</p> <p>The Owner / Occupier 1 Boyne Row Castledawson Londonderry BT45 8AE</p> <p>The Owner / Occupier 3 Boyne Row Castledawson Londonderry BT45 8AE</p> <p>The Owner / Occupier 5 Boyne Row Castledawson Londonderry BT45 8AE</p> <p>The Owner / Occupier 13 Boyne Row Castledawson Londonderry BT45 8AE</p> <p>The Owner / Occupier 6 Boyne Row Castledawson Londonderry BT45 8AE</p> <p>The Owner / Occupier 7 Boyne Row Castledawson Londonderry BT45 8AE</p> <p>The Owner / Occupier 8 Boyne Row Castledawson Londonderry BT45 8AE</p> <p>The Owner / Occupier 9 Boyne Row Castledawson Londonderry BT45 8AE</p>	

The Owner / Occupier
10-11 Boyne Row Castledawson Londonderry BT45 8AE
The Owner / Occupier
10A Boyne Row Castledawson Londonderry BT45 8AE
The Owner / Occupier
12 Boyne Row Castledawson Londonderry BT45 8AE
The Owner / Occupier
12A Boyne Row Castledawson Londonderry BT45 8AE

Date of Last Neighbour Notification	17 November 2021
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Date of EIA Determination	
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ES Requested	<events screen>
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Planning History

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Substantive: YResponseType: FR
Historic Environment Division (HED)-Substantive: YResponseType: FR
NI Water - Multiple Units West-Substantive: TBC

Drawing Numbers and Title

Proposed Plans Plan Ref: 02
Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/0910/O	Target Date: <add date>
Proposal: Dwelling in an infill site in compliance with CTY8 PPS21	Location: Land 200m SW of 211 Ardboe Road Moortown
Applicant Name and Address: Patrick Quinn 148 Ardboe Road Moortown	Agent name and Address: Darcon Architectural Services 6 Ardean Close Moortown BT80 0JN
Summary of Issues: The site applied for as an infill and does not meet the criteria under CTY8. Farming case has been used up.	
Summary of Consultee Responses: DFI Roads – recommend conditions to be attached if the Council wish to approve	
Characteristics of the Site and Area: The site, which sits adjacent the Ardboe Rd, is located in the rural countryside, as depicted within the Cookstown Area Plan, just outside and at the edge of Ardboe settlement limits. The site is a relatively flat square shaped plot. It comprising the western half of a larger agricultural roadside field bound on all four sides by a mix a mature hedgerow and tree vegetation. This vegetation bounds the site to the north, west and south. However as the site is cut from the host field, its eastern boundary is undefined. The site which is to be accessed directly off the Ardboe Rd is located immediately east of an overgrown and partially hard cored / gravelled rectangular plot of lands within Ardboe settlement limits containing foundations for a new building and what appears to be the concrete footprint of an old outbuilding that at some point has been demolished. The site's host field is located immediately west of a single storey detached dwelling with a small ancillary detached garage located to it rear / east side. Critical views of this site will be largely be limited until passing along the roadside frontage of the host field. There may be glimpses of the site when travelling north and south along the Kilmascally Rd just before passing its junction with the Ardboe Rd. This is due primarily to the flat topography of the area; the site's location along a straight stretch of road; the mature vegetation bounding the site; and existing development and vegetation within the wider vicinity.	

The surrounding area is characterised primarily by detached roadside frontage dwellings within Ardboe settlement limits extending along both sides of the Kilmascally Rd to the west of the site; and agricultural lands in the rural countryside interspersed with single dwellings, ancillary building and farm holdings in the rural countryside to the north, west and south of the site. Ardboe abandoned airfield is also located a short distance to the north west of the site.

Description of Proposal

This is an outline planning application for a dwelling in an infill site located on lands 30m 200m SW of 211 Ardboe Road Moortown.

The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 8 Ribbon Development.

Deferred Consideration:

This application was before the Planning Committee in October 2021 with a recommendation to refuse. The application was deferred to allow a meeting with the Planning Manager, this meeting took place on 14 October 2021. At the meeting the agent advised the site is just outside the settlement limits, housing has been approved and started and this site was progressing just on the other side of the hedge. Has seen other examples where sites had been allowed in this type of area where the development in the settlement has ben used with the development outside to make the case. The agent explained the applicants father is an active and established farmer but he has already used the farming case to get a house for another son.

Following a recent site visit, it is clear the houses have not progressed and there is a current undetermined application LA09/2022/0226/F for an amended housing development. Members will be aware there have been cases where an exception has been made based on the existing built development, however this not the case here. The housing development has not been constructed and the promise of a development cannot be used to make an exception to policy. The proposed development is stand alone and without any further information or policy grounds to justify a dwelling here I recommend planning permission is refuse for the reasons previously set out.

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY 15 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the development if permitted would mar the distinction between the designated settlement limits of Ardboe and the surrounding countryside.

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

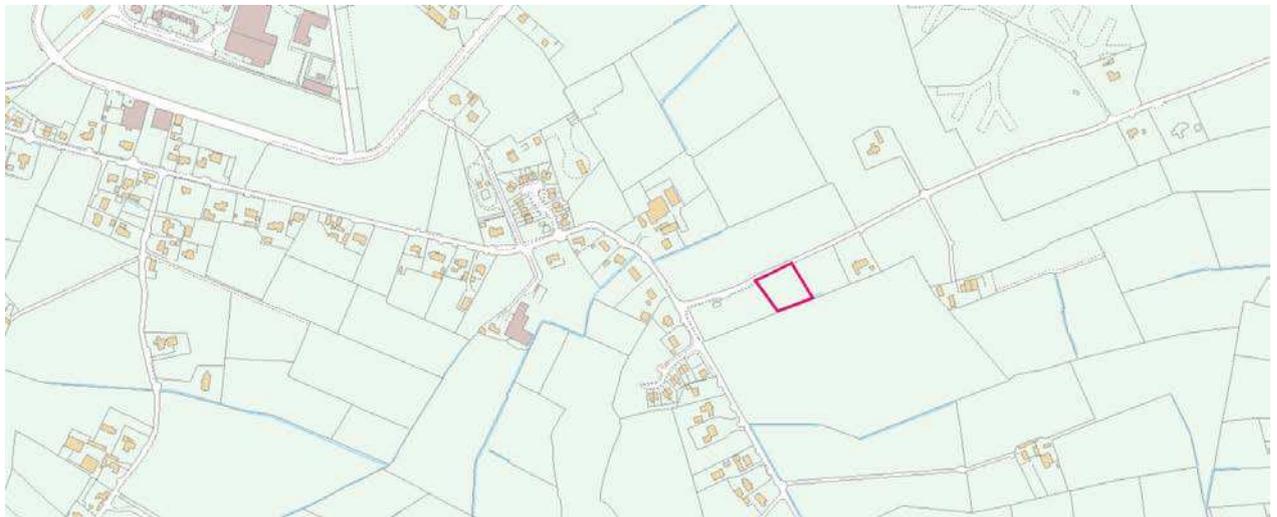
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0910/O	Target Date:
Proposal: Dwelling in an infill site in compliance with CTY8 PPS21	Location: Land 200m SW of 211 Ardboe Road Moortown
Referral Route: Refusal	
Recommendation: Refuse	
Applicant Name and Address: Patrick Quinn 148 Ardboe Road Moortown	Agent Name and Address: Darcon Architectural Services 6 Ardean Close Moortown BT80 0JN
Executive Summary: The site applied for is infill and does not meet the criteria under CTY8.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Representations:		
Letters of Support		None Received
Letters of Objection		None Received
Number of Support Petitions and signatures		No Petitions Received
Number of Petitions of Objection and signatures		No Petitions Received
Description of Proposal		
<p>This is an outline planning application for a dwelling in an infill site located on lands 30m 200m SW of 211 Ardboe Road Moortown.</p> <p>The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 8 Ribbon Development.</p>		
Characteristics of the Site and Area		
<p>The site, which sits adjacent the Ardboe Rd, is located in the rural countryside, as depicted within the Cookstown Area Plan, just outside and at the edge of Ardboe settlement limits (see Fig: 1).</p>		
		
<p>Fig 1: Extract of eastern portion of Ardboe settlement limits taken from CAP 2010 with location of site identified in blue.</p>		

The site is a relatively flat square shaped plot. It comprising the western half of a larger agricultural roadside field bound on all four sides by a mix a mature hedgerow and tree vegetation. This vegetation bounds the site to the north, west and south. However as the site is cut from the host field, its eastern boundary is undefined.

The site which is to be accessed directly off the Ardboe Rd is located immediately east of an overgrown and partially hard cored / gravelled rectangular plot of lands within Ardboe settlement limits containing foundations for a new building and what appears to be the concrete footprint of an old outbuilding that at some point has been demolished. The site's host field is located immediately west of a single storey detached dwelling with a small ancillary detached garage located to it rear / east side.

Critical views of this site will be largely be limited until passing along the roadside frontage of the host field. There may be glimpses of the site when travelling north and south along the Kilmascally Rd just before passing its junction with the Ardboe Rd. This is due primarily to the flat topography of the area; the site's location along a straight stretch of road; the mature vegetation bounding the site; and existing development and vegetation within the wider vicinity.

The surrounding area is characterised primarily by detached roadside frontage dwellings within Ardboe settlement limits extending along both sides of the Kilmascally Rd to the west of the site; and agricultural lands in the rural countryside interspersed with single dwellings, ancillary building and farm holdings in the rural countryside to the north, west and south of the site. Ardboe abandoned airfield is also located a short distance to the north west of the site.

Planning Assessment of Policy and Other Material Considerations

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown 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.

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.

Relevant Planning History

On site - None

Adjacent site

- I/2005/1551/F - Housing Development of 14 units - 8 No semi-detached and 6 No detached dwellings - Land Alongside 218 Ardboe Rd Coagh Cookstown – Granted 16th October 2009.

The above application relates to the rectangular plot of land located with Ardboe settlement limits and immediately west of the site containing foundations for a new building and what appears to be the concrete footprint of an old outbuilding.

Consultees

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

Key Policy Considerations/Assessment

Cookstown Area Plan 2010 – the site lies in the rural countryside just outside and at the edge of Ardboe settlement limits.

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 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. It outlines 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 Policy CTY1 of PPS21.

One instance, and that which the applicant has applied under, is the development of a small gap site in accordance with Policy CTY8 - Ribbon Development.

Policy CTY8 states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 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 criteria. For the purposes of this policy the definition of a substantial built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

Having assessed the site and surround area I do not consider the site meets with the requirements of Policy CTY8. The site / host field is not located within an otherwise substantial and continuously built up frontage within the countryside. The host field is bound only to one side by a roadside plot containing a detached bungalow with a small

ancillary garage to its rear east side. The rectangular plot of land bounding the site to the west contains only foundations of a dwelling, which even if substantially completed alongside others approved on the site could not be considered to bookend the site, as they would occupy lands within Ardboe settlement limits.

Policy CTY 8 requires all buildings along the frontage to be substantially complete and located within the countryside. This is not the case here.

Given the opinion above, Planning on the 9th August 2021 via email asked the agent has all other cases for a dwelling in the countryside been explored? E.g. does the applicant farm, is there any investment and return from farming, does opportunity exist under Policy CTY 10 of PPS21 for a dwelling on a farm? If there is a possible farm case information should be submitted to demonstrate compliance with Policy CTY10 of PPS21. The information required was to be submitted to Mid Ulster District Council's Planning Department on a without prejudice basis by the 30th August 2021.

The agent responded via email on the 11th August 2021. He advised his clients intention to have a site approved now for his son to build on, and another in the future for a younger son (see Fig 2) whilst retaining a strip through the site for access to agricultural lands to its rear, narrowing the width of the '2 potential sites'. That he had anticipated the response regarding the lands to the west (housing development) not being significantly developed and on the 12th August 2021 forwarded photos he said showed works on the land to the west has resumed and by the time of a Committee Meeting would be further developed.

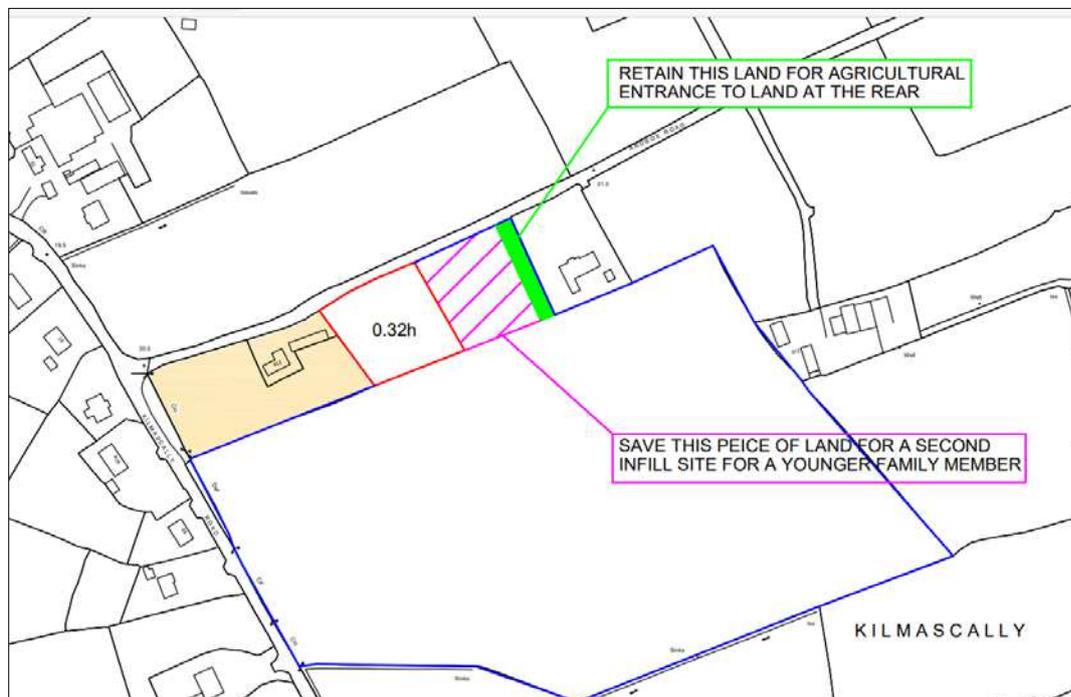


Fig 2: Applicant's intention map

Further to the above, I contacted the agent by phone on the 25th August 2021. I advised him that even if the building on lands to the west were substantially complete, which at present they are not, they could not be used under Policy CTY 8 to form a line of development in the countryside, as they are located within Ardboe settlement limits.

The agent subsequently asked Planning to consider planning application LA09/2016/1194/F when making a decision on this application. Advising similarities exist between the two in that this was also an application for a dwelling in a gap site adjoining Moortown settlement limits.

Taking account of the above, planning application LA09/2016/1194/F was approved on the back of outline planning permission LA09/2015/1163/O, which was presented to Committee twice as a refusal on the grounds that:

- The proposal does not meet the policy tests as contained in CTY 1 and CTY 8 of PPS 21 Sustainable Development in the Countryside in that the proposal relies on development inside a settlement limit and would create a ribbon extending from the settlement into the PPS 21 Sustainable Development in the Countryside in that the development if permitted would mar the distinction between the designated settlement limits and the surrounding countryside.

Planning's recommendation on LA09/2015/1163/O was overturned by Committee Members to an approval. As such, the dwelling under subsequent application LA09/2016/1194/F had already been established on the site in principle.

Whilst planning application LA09/2016/1194/F has been taken into consideration my opinion on the current application remains. There is no provision under Policy CTY 8 of PPS21 for a dwelling on the current site. Unlike application LA09/2015/1163/O and LA09/2016/1194/F this proposal does not rely on buildings within the settlement limits as there are none substantial complete on lands to the west. Additionally given the host field is bound only to the east, by one dwelling with ancillary garage and there is a gap between this dwelling and the site, the proposal will not result in ribbon development. However, like the previous applications this proposal is contrary to Policy CTY 15 of PPS 21 Sustainable Development in the Countryside in that the development if permitted would mar the distinction between the designated settlement limits of Ardboe and the surrounding countryside.

Additional considerations

In addition to checks on the planning portal Historic Environment Division (HED) and Natural Environment Division (NED), map viewers available online have been checked and whilst there are no built heritage features of significance on site, NED's map viewer shows the site to be within an area known to breeding waders. However, as this site is on improved grassland this proposal is unlikely to support or harm a European protected species in accordance with Policy NH 2 - Species Protected by Law European Protected Species.

Flood Maps NI indicate no flooding on the site / west half of host field but does show surface water flooding on east half of host field.

The site is located within SG Defence Estates relating to Met Office Radar however this proposal would be under the 15.2m height threshold for consultation to Defence Estates. The site is also located within an area of constraint on wind turbines however proposal is for a dwelling.

Recommendation: Refuse

The proposal is contrary to Policy CTY1 of PPS 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; and Policy CTY 15 of PPS 21 Sustainable Development in the Countryside in that the development if permitted would mar the distinction between the designated settlement limits of Ardboe and the

Neighbour Notification Checked

Yes

Summary of Recommendation

Refuse

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY 15 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the development if permitted would mar the distinction between the designated settlement limits of Ardboe and the surrounding countryside.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Paul McClean	
Application ID: LA09/2021/1547/F	Target Date: 17 December 2021
Proposal: Winning & Working of Minerals (sand & gravel) across phases 1 to 3 only and over a temporary period of 7 years and 6 months. The development includes the provision of a new access to Knockmany Road, Internal Haul Road and landscaped earth berms, with progressive restoration to agriculture at a lower level (re-advertisement)	Location: Lands To The East & West Of 53 Knockmany Road Augher Co Tyrone.
Applicant Name and Address: Campbell Contracts Ltd Letterbailey Quarry Tempo BT94 3FR	Agent name and Address: Chris Tinsley 10 Saintfield Road Crossgar BT30 9HY
Summary of Issues:	
Summary of Consultee Responses:	
Characteristics of the Site and Area The site is located at lands to the East & West of No. 53 Knockmany Road, Augher, Co Tyrone and covers an area of approximately 16ha. Knockmany Forest envelops the site along the western and northern boundaries, and the evergreen forestry rises north to the summit of Knockmany, where an ancient Passage Tomb and viewing area is located. To the east of the site is a dwelling, No 37 Knockmany Road, and to the south is low lying agricultural land, farm holdings and dispersed single dwellings.	

The site comprises 2 distinct areas, one to the west and one to the east, and these areas are dissected by a small farm holding, No. 53 Knockmany Road. The site narrows at No. 53 which is a single storey dwelling with associated outhouses and sheds and is road frontage. Land within the site is undulating, and is made up of mostly agricultural grazing fields which are bounded by mature deciduous tree lined hedgerows. Along the SE boundary, which is adjacent to Knockmany Road, there is a mature roadside hedge of approx.. 2m high, screening most of the site from the public road. The western portion of the site is the larger of the 2 areas.

Augher is located approx. 2 km to the SE of the site and Clogher approx. 2.5 km to the south. The Dungannon and South Tyrone Area Plan 2010 shows the site to be within an area of constraint on mineral development and within the open countryside outside any defined settlement area.

Description of Proposal

This is a Major Planning Application for Winning & Working of Minerals (sand & gravel) across phases 1 to 3 only and over a temporary period of 7 years and 6 months. The development includes the provision of a new access to Knockmany Road, Internal Haul Road and landscaped earth berms, with progressive restoration to agriculture at a lower level, and the application was accompanied with an Environmental Statment.

Deferred Consideration:

This application was deferred at the planning committee meeting in Jan 2023 for a site visit by members to examine visual impact of the proposal on the local area.

Cllrs Robinson, Glasgow and Mallaghan, along with myself and the case officer Paul McClean, were in attendance at the meeting held on 27th Jan 2023.

Members travelled to the site frontage and were provided with a summary of the critical views, the proposed phase 1 screening works, details of the depth of excavations and the details proposed in restoring the site post exhaustion of the minerals to be extracted under this time bound proposal. It was identified to members that within the area not to be extracted under this proposal a visual screen bund is provided across the site to soften approaching public views from the Augher approach. The approach from the opposing direction is softened by the presence of Knockmany forest itself.

The responses from NIEA in particular address the archaeological impacts of the proposal as below:

Historic Environment Division (Historic Monuments) has considered the additional visual impact assessment submitted with this application. The detailed assessment of the impact of the proposed development upon the setting of Knockmany Passage Tomb (TYR 059: 001) and the nearby scheduled rath within Carr townland (TYR 059: 024) indicates that there will be negligible impact provided during site works. HED (Historic Monuments) agrees with this conclusion.

To further integrate the proposed development into this landscape, particularly in the views from the scheduled monument to Knockmany, HED (Historic Monuments) suggests that some

additional buffer planting should be employed along the southern boundary of the site. If this measure can be introduced into the scheme then HED (Historic Monuments) is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works.

On the 25 Jan the agent for the application submitted the following points in support of the application:

During the course of the determination of the planning application, on 02/12/21 HED asked for a Visual Impact Assessment, with particular focus on the impact of the proposed development upon the wider setting of Knockmany passage tomb. This was provided (see attached) and on 13/05/2022 HED confirmed no objection- see attached.

- o Phase 1 of the proposed development shows that screening bunds will be erected along the south boundary (road frontage) of the site.
- o Existing topography and forestry screens views from surrounding area, phasing and direction of working have been prepared in order to allow for minimize area of disturbance as much as possible.
- o The site will be progressively restored so that the tops of the faces will be restored at the earliest opportunity in phase 2.
- o Env Health has confirmed no objection in terms of noise and dust- No processing of mineral is proposed- only machinery will be excavator and haulage vehicles. There will be 4 movements per hour- 2 arrivals and 2 departures and all vehicles will access the site via Augher.
- o Period of operation is for a limited period- 7.5 years only.
- o At planning committee meeting it was said that entrance to Knockmany Forest was 200m away. This is incorrect- its over 750m away from the proposed new site entrance with no intervisibility.

All in all, and having visited the site and considered the above observations, I find to reason to disagree with the recommendation of the case officers initial recommendation and would recommend approval as previously subject to those conditions previously listed.

Conditions/Reasons for Refusal:

Approval Conditions

Condition 1

The development hereby approved shall be commenced within 5 years from the date of this permission.

Reason: Time limit.

Condition 2

The extraction of minerals hereby approve shall be for a temporary period of 7 years and 6 months only, starting from the commencement of mineral extraction hereby approved.

Reason: To protect the visual amenity and character of this area of countryside.

Condition 3

The proposed area of extraction shall be limited to phases 1, 2 and 3 only, shown in drawings no. 03, 04 and 05 date stamp received 22.10.2021, and no extraction shall take place outside these phases.

Reason: In order to control the extent of the development and to safeguard visual amenity and rural character.

Condition 4

No commencement of mineral extraction hereby approved shall take place until all site preparatory works, including landscaping and screening bunds, have been put in place in accordance with details indicated on drawings No. 03 and 09 date received 22.10.2021, and as described in 4.8.1 of the Environmental Statement.

Reason: To safeguard visual amenity and rural character.

Condition 5

The developer shall notify Council in writing when commencement of mineral extraction begins on site.

Reason: To safeguard visual amenity and rural character.

Condition 6

Restoration works shall take place on a progressive basis in accordance with details indicated on drawings number 03, 04 and 05 date stamp received 22.10.2021.

Reason: To safeguard visual amenity and rural character.

Condition 7

All restoration works within phases 1, 2 and 3 indicated on drawings number 03, 04 and 05 date received 22.10.2021, shall be completed within 9 years of commencement of mineral extraction hereby approved, and shall be in accordance with details shown on drawings No. 03, 04, 05, 08 and 9 date stamp received 22.10.2021, including all proposed landscaping.

Reason: To safeguard visual amenity and rural character, and in the interest of biodiversity.

Condition 8

No extraction shall take place in phases 1, 2 and 3 shown in drawings No. 03, 04 and 05 date received 22.10.2021, below the cross-section and levels as detailed on drawings No. 03, 04, 05, 07 and 08 date stamp received 22.10.2021, where these levels relate to phases 1, 2 and 3 only, as no mineral extraction is hereby permitted in phase 4.

Reason: To safeguard visual amenity and rural character.

Condition 9

9. No processing of any kind shall take place anywhere on this site, including crushing,

screening or washing plant (except for wheel wash), within the red line as annotated on drawing number 01 date stamped 22nd October 2021, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect neighbouring residential amenity from excessive noise and to safeguard visual amenity and rural character.

Condition10

No quarrying activities or site operations, including the operation of any equipment or machinery, shall take place outside of the following hours:

0700 to 1800 hours Monday to Friday,
0800 to 1400 hours on Saturdays

There shall be no quarry activities or site operations, including the operation of any equipment or machinery at any time on Sundays or on Public Holidays.

Reason: To protect neighbouring residential amenity from excessive noise.

Condition11

The level of noise emitted from the approved site shall not exceed 48.5 dB(A) LAeq, 1hour (free field) when measured 3 metres from the façade of any noise sensitive dwelling in the vicinity of the quarry.

Reason: To protect neighbouring residential amenity from excessive noise.

Condition12

Phases 2 and 3, & Restoration as annotated on drawing numbers 04, 05, 06 & 07 which were date stamp received 22nd October 2021, shall not commence until the screening bunds as shown on Drawing Number 03 date stamped 22nd October 2021 are put in place as shown.

Reason: To protect neighbouring residential amenity from excessive noise.

Condition13

13. There shall be no rock hammering or blasting of rock with explosives anywhere within the approved site.

Reason: To protect neighbouring residential amenity from excessive noise.

Condition14

Within 4 weeks of a written request by Mid Ulster District Council following a reasonable noise complaint from the occupant of a dwelling which lawfully exists, the operator shall, at his/her expense, employ a suitably qualified and competent person, to assess noise levels from the approved quarry. Details of noise monitoring survey shall be submitted to Council for written approval prior to any monitoring commencing. The Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring. The Council shall then be provided with a suitable report detailing any necessary remedial measures. These remedial

measures shall be carried out to the satisfaction of Council within 4 weeks from the date of approval of the remedial report, and shall be permanently retained and maintained to an acceptable level thereafter, unless otherwise agreed in writing with Council.

Reason: To protect neighbouring residential amenity from excessive noise.

Condition15

The development hereby permitted shall not become operational until a Dust Management Plan is submitted to and agreed in writing with Mid Ulster District Council.

Reason: To protect neighbouring residential amenity from dust emissions.

Condition16

All open watercourses shall be protected with a 5m maintenance strip, and shall be protected from impediments (including any new tree planting, hedges, permanent fencing), land raising or any other development.

Reason: To safeguard the water environment and to ensure clear access and egress for any maintenance requirements.

Condition17

No development activity, including ground preparation or vegetation clearance, shall take place until a final Construction and Environmental Plan (CEMP) has been submitted to and approved in writing by Mid Ulster District Council. The approved CEMP shall be implemented in accordance with the approved details and all works shall conform to the approved CEMP, unless otherwise agreed in writing by Council. The CEMP shall include the following;

- construction methodology and timings of works;
- Pollution Prevention Plan: including suitable buffers between the locations of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, any watercourses or surface drains present on or adjacent to the site;
- Site drainage management Plan, including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;
- Spoil management Plan, including identification of spoil storage areas, management and handling spoils and details of the reinstatement of excavated soil/spoil;
- Details of updated badger surveys prior to the commencement of works and at the start of each phase. Checks for badgers prior to the removal of the screening bunds;
- mitigation to protect all priority and protected species at the site;
- Water Quality monitoring Plan;
- Environmental Emergency plan;
- Mitigation measures as detailed in the Environmental Statement;
- Details of the appointment of an Ecological Clerk of Works (ECoW) and their roles and responsibilities.

Reason: To protect Northern Ireland priority habitats and species, so safeguard the environment, and to ensure the implementation of mitigation measures identified within the Environmental Statement dated September 2021.

Condition18

No vegetation clearance, removal of hedgerows, tree or shrubs or demolition of buildings and structures shall take place between 1st March and 31st August inclusive, unless a suitably qualified ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. As such written confirmation shall be submitted to mid ulster Council within 6 weeks of any works hereby approved commencing.

Reason: To protect breeding birds.

Condition19

No development activity, including ground preparation or vegetation clearance, shall take place until a protection zone(s), clearly marked with posts joined with hazard warning tape, has been provided around each badger sett entrance at a radius of 25metres as shown in Figure 1- Badger Setts within or adjacent to the Application Site in the badger Survey Report by Woodrow APEM Group, dated 16.09.2021. No works, vegetation clearance, disturbance by machinery, dumping or storage of materials shall take place within the protection zone(s) without the consent of Mid Ulster Council, unless an appropriate Wildlife Licence has been obtained from NIEA. The protection zone(s) shall be retained and maintained until all construction activity has been completed on site.

Reason: To protect badgers and their setts on site.

Condition20

No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Mid Ulster District Council in consultation with Historic Environment Division, Department for Communities.

The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

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

Condition21

No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition No. 20.

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

Condition22

A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 20. These measures shall be implemented and a final archaeological report shall be submitted to Mid Ulster District Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Mid Ulster District Council.

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.

Condition23

The visibility splays of 4.5metres by 120 metres and the required forward sight distance of 120 metres at the junction of the proposed access with the public road, shall be provided in accordance with the Drawing No. 10 date stamp received 27 June 2022, prior to the commencement of any works or other development.

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

Condition24

The gradient of the access road shall not exceed 4% (1 in 25) over the first 20m 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.

Condition25

No mineral extraction shall take place until the first 20 metres of the access road measured from the nearest edge of the carriageway has been surfaced with concrete or asphalt.

Reason: In the interests of the safety and convenience of road users.

Condition26

The development hereby permitted shall not become operational until effective vehicle wheel washing facilities have been installed and brought into operation for the lifetime of the development hereby approved., details of which to be agreed in writing with Council prior to the commencement of any mineral extraction hereby approved.

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

Signature(s): Melvin Bowman

Date: 9 February 2023



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date: 9 January 2023	Item Number: 5
Application ID: LA09/2021/1547/F	Target Date: 17 December 2021
Proposal: Winning & Working of Minerals (sand & gravel) across phases 1 to 3 only and over a temporary period of 7 years and 6 months. The development includes the provision of a new access to Knockmany Road, Internal Haul Road and landscaped earth berms, with progressive restoration to agriculture at a lower level (re-advertisement)	Location: Lands To The East & West Of 53 Knockmany Road Augher Co Tyrone.
Referral Route: Approve is recommended Major Planning Application, report to Members.	
Recommendation: Approve	
Applicant Name and Address: Campbell Contracts Ltd Letterbailey Quarry Tempo BT94 3FR	Agent Name and Address: Chris Tinsley 10 Saintfield Road Crossgar BT30 9HY
Executive Summary:	

Case Officer Report**Site Location Plan**

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Consultations:

Consultation Type	Consultee	Response
	NIEA	Substantive: YResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBC
	Historic Environment Division (HED)	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: TBC
	Historic Environment Division (HED)	Substantive: TBCResponseType: PR
	NIEA	Substantive: TBC
	Rivers Agency	Substantive: TBC
Statutory Consultee	Rivers Agency	839828 - Final Response.pdf
Statutory Consultee	NIEA	
Statutory Consultee	DFI Roads - Enniskillen Office	26-08-2022.docx
Statutory Consultee	Geological Survey NI (DfE)	GSNI has read the Environmental Impact Assessment prepared by

		Quarryplan on behalf of Campbell Contracts Ltd. The GSNI Planning Team requests that in the section on geology (Section 5), an estimate should be provided of the volume, tonnage and grade of materials at the site, and their estimated extraction rates over the proposed lifetime of the quarry. These estimates should be based on empirical data gathered from site investigation boreholes.E3133 - Winning & working of Minerals over a 9 year period at 53 Knockmany Road, Auger, Co Tyrone..pdf
Non Statutory Consultee	Shared Environmental Services	LA09-2021-1547-F HRA_Stage_1_05102022.pdf
Statutory Consultee	Rivers Agency	495845 - Final Response.pdf
Statutory Consultee	Geological Survey NI (DfE)	E3173 - Sand and gravel quarry at Knockmany Road, Auger, Co. Tyrone.pdf
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		
Characteristics of the Site and Area		
<p>The site is located at lands to the East & West of No. 53 Knockmany Road, Augher, Co Tyrone and covers an area of approximately 16ha. Knockmany Forest envelops the site along the western and northern boundaries, and the evergreen forestry rises north to the summit of Knockmany, where an ancient Passage Tomb and viewing area is located. To the east of the site is a dwelling, No 37 Knockmany Road, and to the south is low lying agricultural land, farm holdings and dispersed single dwellings.</p>		

The site comprises 2 distinct areas, one to the west and one to the east, and these areas are dissected by a small farm holding, No. 53 Knockmany Road. The site narrows at No. 53 which is a single storey dwelling with associated outhouses and sheds and is road frontage. Land within the site is undulating, and is made up of mostly agricultural grazing fields which are bounded by mature deciduous tree lined hedgerows. Along the SE boundary, which is adjacent to Knockmany Road, there is a mature roadside hedge of approx.. 2m high, screening most of the site from the public road. The western portion of the site is the larger of the 2 areas.

Augher is located approx. 2 km to the SE of the site and Clogher approx. 2.5 km to the south. The Dungannon and South Tyrone Area Plan 2010 shows the site to be within an area of constraint on mineral development and within the open countryside outside any defined settlement area.

Description of Proposal

This is a Major Planning Application for Winning & Working of Minerals (sand & gravel) across phases 1 to 3 only and over a temporary period of 7 years and 6 months. The development includes the provision of a new access to Knockmany Road, Internal Haul Road and landscaped earth berms, with progressive restoration to agriculture at a lower level, and the application was accompanied with an Environmental Statment.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Planning Act 2011

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.

Area Plan

Dungannon and South Tyrone Area Plan 2010 (DSTAP)

The site is located in open countryside, outside any settlement limits, in an Area of Constraint on Mineral Development that stretches along the Clogher Valley Floor between Ballygawley and Fivemiletown.

Policy MN1 of DSTAP- Area of Constraint on Mineral Developments (ACMDs) state that proposals for the development of mineral resources within these areas will be determined in accordance with the provisions of prevailing regional planning policy. The plan also states that ACMDs are designated in order to safeguard the most valuable and vulnerable areas and features of the environment within Dungannon and South Tyrone Borough from the detrimental effects of mineral extraction. Their designation has taken account of nature conservation and earth science interest, the archaeological and built heritage, landscape quality and character and visual prominence.

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. However, it is clear that should the draft Plan Strategy be adopted in its current form that the proposal would be contrary to POLICY MIN 2 - EXTRACTION AND PROCESSING OF HARD ROCK AND AGGREGATES which states that in Areas of Constraint on Mineral development the extraction and processing of hard rock and aggregates will conflict with the Plan except for minor expansion of an existing mineral working or where it provides important benefits, such as the provision of stone for the restoration and maintenance of vernacular and other buildings of conservation interest.

In the justification and amplification of this policy, paragraph 14.16 states that new large scale commercial extraction in these areas would have a profound and irreparable impact on the heritage and scenic qualities of the landscape and therefore would be unacceptable. Within these areas of constraint, there are a few existing working quarries and it is not the intention of the Plan to prevent their operation, however it must be recognised that even minor expansion needs to be carefully assessed. Elsewhere there are also pockets of local stone, needed for the repair of vernacular buildings in the Sperrins and the Clogher Valley. Any proposals for extraction in these areas need to have minimal surface impact and need to be carefully assessed in relation to the size, scale and duration of the extraction.

Therefore it is clear that there would be no support for this proposal under the new plan, if adopted in its current form, as the proposal is for a new commercial quarry within an existing ACMD and it does not represent an expansion of an existing quarry nor does it represent the extraction of local stone. However, as stated above, the draft Plan Strategy does not yet carry determining weight.

The SPPS states that during the transitional period until new area plans are adopted that planning authorities will apply existing policy contained within retained regional Planning Policy together with the SPPS. 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.

Mineral policy contained within 'A Planning Strategy for Rural Northern Ireland' (PSRNI) is still applicable under the transitional arrangements. The SPPS does not introduce any new provisions in relation to these policies, therefore policies MIN 1 through MIN8 of PSRNI are the current prevailing regional planning policy applicable to this proposal.

Other Key relevant planning policies are listed below;
The Regional Development Strategy (RDS) (2010);
The Spatial Planning Policy Statement (SPPS) (2015);
Planning Policy Statements 21 Sustainable Development in the Countryside;
Planning Strategy for Rural Northern Ireland (PSRNI)(1993);
Dungannon and South Tyrone Area Plan 2010;

The emerging MUDC Local Development Plan Draft Plan Strategy (2019);
PPS2 Natural Heritage;
PPS15 Planning and Flood Risk (revised);
PPS3 Access, Movement and Parking;
PPS6 Planning Archaeology and the Built Heritage

Relevant Site Histories:

No relevant site history has been identified.

Representations:

No representations have been received on this proposal, including 3rd party objections.

Consideration

The main issue with this proposal is that the site is located within an Area of Constraint on Mineral Development (ACMD) as defined in the DSTAP. It is also worth noting that, should the draft Plan Strategy be adopted in its current form, the site would be located within the same designation which is carried through.

Policy MIN 3 of PSRNI states that if for visual, conservation or other reasons, areas require to be protected from mineral developments they will be identified as Areas of Constraint on Mineral Development in development plans.

This policy goes on to say that areas of constraint may form all or part of an AONB or be outside an AONB altogether. They may include or be part of areas designated, listed or otherwise protected for their scientific value or archaeological or historic interest. Within these Areas of constraint there will be a presumption against the granting of planning permission for the extraction and/or processing of minerals. Exceptions to this policy may be made where the proposed operations are short-term and the environmental implications are not significant. In such cases, on-site processing of the excavated material is unlikely to be permitted.

The ACMD where the site is located within the Clogher Valley is not designated as an AONB, however, it is clear that the designation was applied for visual, conservation or other reasons. The draft Area Plan 2030 states that the ACMD includes Clogher Valley and its escarpment because of its scenic value and earth science interest, and has been extended to include Slieve Beagh, which is also internationally important as a natural habitat.

While MIN 3 has a presumption against the granting of planning permission for the extraction and/or processing of minerals within ACMDs, the policy does say that there may be exceptions made where the proposed operations are short-term and the environmental implications are not significant.

There is no indication in policy MIN 3 as to what would constitute a suitable 'short-term' period in terms of meeting this policy. Similarly, there is no indication in the DSTAP as to what a suitable 'short-term' period of extraction would mean. The draft Plan Strategy 2030 does not prescribe what would constitute a suitable 'short-term' period. The draft Plan Strategy does state that any proposals for extraction in these areas need to have minimal surface impact and need to be carefully assessed in relation to the size, scale

and duration of the extraction. It is therefore a matter of judgement for MUDC to determine what would constitute a suitable short-term period should permission be granted. It is also clear that where it can be demonstrated that where environmental impacts are short-term and not significant that this may meet the exceptions to policy.

The agent in support of this application does recognise that this site lies within an ACMD, and has provided a detailed Environmental Statement that looks at the following headings;

Geology

Water Environment Water

Noise

Ecology Biodiversity

Landscape and Visual Landscape

Dust and Air Quality Air and Climate

Vehicle Movements and Highways

Material Assets

Cultural Heritage Cultural Heritage

Natural Resources Land and Soils

Socio-Economic Impacts

Population and Human Health Interactions

Conclusions

Within this report, the agent considers the extent of the existing mineral deposits, the processing and storage capabilities of the applicant, the environmental and human impacts of the proposal, the impacts of traffic movements on highways, the village of Augher and on the protected route, considers alternatives, and considers how best to mitigate against the negative impacts of the development and illustrates how the development will be restored on a progressive basis.

The agent sets out a detailed overview of the proposed development, that it will be undertaken across three main stages:

-Stage 1- Establishment

-Stage 2- Phased Extraction and Progressive Restoration

-Stage 3- Final Restoration

Stage 1 of the proposed development will see the creation of a site access along Knockmany Road, the erection of screening bunds, the creation of an internal haul road from the site access and creation of sumps in the northern parts of the site. The reason for starting development in the Northern part of the site, is so that the visual impacts of the development will be less, and progressive restoration can take place with the southern side of the northern banks re-sewn and graded so that there will be less detriment to the visual amenity of this area of countryside.

Stage 2 will see the site worked in a phased manner with extraction progressing from west to east. The works will comprise of the stripping of soils and overburden, followed by the extraction of the mineral, followed finally by the restoration of the site back to agricultural use. Overburden removal and storage will be managed on a progressive / rotational basis meaning that the change in the surface will be gradual. Sand and gravel will be extracted with the use of a 12m-reach 360 excavator and loaded into HGV's via a

loading shovel. Loaded HGV's will be dispatched off-site via the new site access on the Knockmany Road. It is anticipated that the site will be worked at a rate of 150,000 tonnes per annum. The proposed development is anticipated to be completed within 10 years from commencement. Given the mineral type, no blasting is required.

Stage 3 will see the site restored progressively as mineral extraction extends across the site. Much of the restoration will be undertaken over the course of the proposed development, with the restoration of the majority of the faces in the western parcel complete, prior to entering the eastern lands. Following the completion of extraction, the screening bunds would be deconstructed with the material used for the final part of the restoration of the site (i.e. the pit floor).

The final restoration concept will see the site restored to agricultural use with a woodland and species-rich grassland proposed. The proposed operations will take place in accordance with standard industry timing:

0700 - 1800 Monday to Friday and 0700 - 1400 Saturdays. There will be no working on Sundays or public holidays.

No ancillary buildings are proposed as part of the proposed development. As no mineral processing is proposed within the planning application no washing, screening or size reduction plant is required to be erected at the site. The proposed development plans have been prepared by geotechnical engineering specialists, Quarrydesign Ltd with input from various of the other specialist contributors to the ES expert project team. The designs have been prepared following site investigation works in the form of a programme of borehole drilling.

In summary the agent contends that the proposed development is considered be one such exceptions as:

- extraction will be for a short time only (9 years) therefore impacts associated with the development will be limited;
- it has been demonstrated that the proposed development would not result in any significant effects upon the environment; and
- no mineral processing is proposed at this site. The processing will take place at the applicants existing processing site which is approx.. 30 min drive by lorry from the proposed site.

Significant consultation was carried out on this proposal with comment on the ES sought from NIEA, Shared Environmental Services (SES), Historic Environment Division (HED), DfI Roads, DfI Rivers, Environmental Health, and Geological Survey for Northern Ireland (GSNI).

All consultees have no provided comment and they raise no objections to this proposal subject to conditions. All comments can be viewed on the Planning Portal.

While the Planning Department are somewhat put at ease with the fact that all consultees have now responded and do not raise any concern over this proposal in terms of potential impacts on the environment, some concern remains over the existing site area and the area for mineral extraction being proposed at 9 years. The site is road frontage, and is in an area of countryside that is relatively quiet, and is at the foot of Knockmany Forest, which is a Council maintained forest park. Comment was sought from the tourism department within Council on potential impacts of this proposal on the

forest facility, however no response was forthcoming.

Concern over the size of the site, and the proposed 9 year mineral extraction time was relayed to the agent. A meeting was set up and the agent and applicant came to the Council Offices in Magherafelt for further discussion on this proposal with Planning Officers. The agent laid out the applicants needs to Planning Officers, and looked at reserves in both the main areas of the application site, the area to the west of No. 53, and the area to the east. For operational and economic reasons, the agent said that out of the 2 areas, the western side (Phases 1-3 of proposed mineral extraction) would be the most critical of the 2 to develop, as this area had 7 ½ years deposits to cater for the clients needs, that the current deposits at his own site were beginning to be exhausted. This quarry is essential to ensure existing jobs are protected, and that building materials within this part of Mid Ulster and Fermanagh and Omagh were kept local to keep costs down for the building trade and to ensure local supply was kept local. The agent also stated that the eastern area only had 1.5 years deposits and that this would not be sufficient to cover the client's medium term operational needs.

The agent did look at increasing extraction levels, but that this may result in detrimental impacts of congestion within Augher, and may have detrimental impacts on the protected route and travel times. Plus, the applicant did not have the storage or processing capacity at his existing processing facility (located at Campbell Contracts Ltd, Coolcran, Tempo, Enniskillen BT94 3FR). If the extraction exceeded 150,000 tonnes per annum, as proposed. The agent also looked at other decisions and Council Areas and stated what he thought would be a reasonable short term period. While discussion around this was welcome, it can be given limited weight in this case as each site, area, context and Council Area may differ from one case to the next and each case will be taken on its own merit. So while a 9 year period of extraction may be considered acceptable in one case, does not necessarily mean that it will be acceptable in another, and no precedent can be set from one case to the next, unless expressly stated in an adopted Plan Strategy Policy for a particular Council Area.

The agent did seem open to reducing the overall area of extraction to the western portion of the site, and reducing the extraction period from 9 years to 7 ½ years. In my view, I think that this would go a long way in reducing the overall visual impact of this development in the landscape, and would secure restoration of the landscape in a more satisfactory timeframe than what was originally proposed. Plus, the impacts on this area of rural character would be shortened, as would traffic movements and site operations by 1.5 years. In my view, the principle of the reduced site area, and reduction in temporary period for extraction is now acceptable, and policy MIN 3 of PSRNI is met. The agent has also demonstrated that the environmental impacts of the proposal will not be significant. Mitigatory conditions will also ensure further environmental protection and mitigation against any significant environmental impacts or detrimental impacts on residential or visual amenity.

While the ES does focus on 4 phases of extraction over a 9 year period, it has been discussed and agreed that a condition limiting the extraction to phases 1-3 only under the current application is acceptable, and does not prejudice the overall application. It was agreed at group meetings that the agent did not need to reduce the overall red line of the site, as some visual bunding was being erected in the eastern area to limit the

visual impact of extraction in the western portion. The ES did not have to be amended to include only phases 1-3 as long as the description reflected the new proposal and reduced period of extraction, and re-advertisement carried out. This has been completed and the date for statutory comment has been complied with. No objections have been received.

I will now take the remainder of the Minerals Policy listed in PSRNI and assess the proposal, in its reduced capacity, against these policies.

MIN 1 Environmental Protection - To assess the need for the mineral resource against the need to protect and conserve the environment.

In the ES provided by the agent, Part 3.5 lays out the need for the development. Within this the agent states that economic data for the district shows that the Mid Ulster district is significantly more dependent on the construction and manufacturing sectors than the rest of Northern Ireland. For instance, 27.5% of all jobs in Mid Ulster are in manufacturing and 8% are in construction, compared to regional figures of 11% and 4.2% respectively (Census for Employment, NISRA, July 2014).

The Council's DPS6 describes how employment within the district is nearly twice as reliant on the construction industry and manufacturing sectors for employment as Northern Ireland as a whole. The applicant was part of a consortium of mineral operators within the district which made a joint representation to the LDP DPS consultation. The representation details how the consortium provides employment for over 1600 people with the collective value of the manufacturing businesses associated with the working of mineral in the district, amounting to over c. £217 Million.

This agent contends that this helps demonstrate the importance that the minerals industry has upon the local economy with employment in the district dependent upon minerals won and worked to produce the aggregates which in turn, facilitate manufacturing and construction. The statistic also demonstrates the importance of mineral to the value-added manufacturing process such as pre-cast concrete products manufacturing or road surfacing. This is a key employer within the district with its continued success explicitly linked to the supply of mineral from the Mid Ulster Resource.

Campbell Contracts provides employment for 97 people, with an annual wage bill of £2.01 million pounds. The company has a turnover of some £7.5 million. The proposed development will assist in sustaining the economic benefits generated by this existing, rural business and will help to underpin its recent investment in a new c.£2 Million processing plant at Letterbailey Quarry.

The agent goes on to say that it is imperative that a sufficient local supply of construction aggregate can be made available for the local market, and where appropriate the regional market area and beyond, to meet likely future development needs. MUDC has identified a 25% shortfall of between 9 and 19 million tonnes of sand and gravel over the LDP period. Following the submission of the joint representation referenced above, the application site is recognised by the Council as potentially contributing towards the land bank within the district. Minerals can only be won and worked where they are found.

The MUDC district is the largest producer of sand and gravel within Northern Ireland by some distance, producing c. 75% of all Sand and Gravel produced within Northern Ireland. The resource is therefore not only important at a local level but is also of importance to the wider region, which is reliant upon the mineral resource found in the Mid Ulster district.

The proposed development will make a direct contribution to the local economy via direct local employment and expenditure but of greater significance is downstream impact that the end use of the mineral will have in supporting regional employment in the construction and manufacturing sectors.

The agent then goes on to describe how the proposal will aim to protect and conserve the environment, details of which are also contained within Section 8 of the ES and within other parts of the wider report. It is clear from consultation responses, including those from NIEA, SES and HED that the proposal poses no risk of impact to any internationally or nationally designated sites. The proposed mitigation measures and restoration plan will reduce the potential for overall residual adverse impacts from long-term and permanent adverse significant impacts to short-term impacts that are significant at a local level, and which are considered to be neutral in the longer term, given that the site shall be restored to species rich grazing pasture and woodland.

Subject to the implementation of the proposed mitigation measures as referenced above, ES concludes that the proposed development will not result in any long term significant effects upon ecological receptors.

Whist quarrying activities have the potential to impact upon ground and surface water levels, flows and quality, the proposed development will not involve subwatertable working or dewatering, therefore there will be no drawdown-related impact upon water levels and flow. As such it is considered that the proposed development will cause no derogation in the quantity and quality of local water supplies.

Mitigation measures are proposed to ensure that there would be a negligible risk of interception the water table or of groundwater quality derogation. Any silt-laden runoff will collect at the lowest points in the working area. The suspended solids will settle out on the quarry floor or will be filtered out in the underlying sand and gravel. There is no risk of overflow/transfer of suspended solids from the working area into the local watercourses with silt traps/ fencing proposed along the northern margins of the site.

The development is classed as Water-Compatible in terms of fluvial flooding. Appropriate and practicable measures are available and will be applied for the dealing with the associated flood risk at the site.

In view of the findings of assessment and the planned approach to the proposed development, which includes specific measures for the protection of the water environment, the report(s) concludes that there are considered to be no overriding hydrogeologically or hydrologically based reasons why the planned development should not proceed in the manner described by the Application.

This ES and the accompanying technical appendices demonstrate that the development would not result in any adverse impacts to the local environment.

I am satisfied that there is sufficient information to demonstrate that policy MIN1 is met.
MIN2 Visual Implications

This Policy states that the Department (in this case, The Council) is "to have regard to the visual implications of mineral extraction".

Section 9 of the ES contains a detailed Landscape and Visual Impact Assessment (LVIA) of the site. Submitted plans also consider the phasing and progressive restoration of the project which will also limit visual impacts during mineral extraction phases. There is also screening and earthworks/bunding works to be carried out before the commencement of any mineral extraction (referred to as 'establishment works' in the ES) which will also help screen the development and limit its visual impact on the landscape.

I am content that through phasing, progressive restoration and establishment works that the proposal will have a limited impact on the visual characteristics of this area. Mitigating conditions will also assist in limiting this impact and safeguarding the visual amenity of this area of countryside.

MIN3 has been covered above. The reduction of the extraction area to phases 1 through 3 over a 7 ½ year period is found to be acceptable subject to associated conditions.

MIN 4 Valuable Minerals

This Policy relates to minerals which are limited in occurrence and with some uncommon or valuable properties which are particularly valuable to the economy. The proposed development does not propose the extraction of any valuable mineral and therefore this policy does not apply to this application.

Policy MIN 5 Mineral Reserves

This policy seeks to restrict surface development which would prejudice future exploitation of valuable mineral reserves. This policy is therefore not applicable to the development proposals.

MIN 6 Safety and Amenity

Policy MIN6 refers to the need for mineral development applications: "to have particular regard to the safety and amenity of the occupants of developments in close proximity to mineral workings".

The primary matters at the site in relation to amenity are considered to be the potential of the proposals to impact upon the amenity of those residing at the nearest residential properties by virtue of noise or dust emissions. Due to the mineral type, no blasting is required. There are a small number of residential properties located in the surrounding area, located to the east, west and south of the site.

The proposed hours of operation accord with the industry standard (0700-1800 Mon-Fri and 0700-1400 Sat). No working is proposed on Sundays or Bank Holidays.

The planning application is accompanied by a Noise Impact Assessment prepared by AONA, and impacts are covered in Section 7 of the ES.

The Environmental Health Department of Mid Ulster District Council have been consulted for comment on this proposal and in their response raise no concern with the

proposal subject to the inclusion of hours of operation condition, and noise level conditions. There is also the requirement for a Dust management Plan to be submitted before the commencement of development hereby approved. This condition should also be amended to state that the dust plan as agreed shall be implemented in accordance with that plan.

In terms of safety, the agent states that the proposed development has been designed by suitably qualified and experienced geotechnical engineers. The proposed designs have been prepared to comply with relevant health and safety legislation. Should there be an accident at the site, this will be investigated by the Health and safety Executive for Northern Ireland.

MIN7- Traffic

With respect to traffic this policy is intended to:

"take account of safety and convenience of road users and the amenity of the persons living on roads close to the site of proposed operations".

The impact of the development upon traffic and the highways has been assessed by SW Consultancy Highway Engineers. The conclusion of the assessment, as discussed at Section 11 of the ES is that following the assessment of traffic survey data and consideration of the additional development traffic, that the proposed development is not considered to result in any material effect on the local highway network.

Consultation was also carried with DfI Roads to comment on access and traffic information provided by the agent. DfI Roads have provided comment and are content with the findings of the information and suggest planning conditions which can be attached to any permission.

Given the above, I find the proposal to be in accordance with Policy MIN7 of the PSRNI.

MIN8- Restoration

Restoration of mineral workings is an important element of the quarrying life cycle and this is recognised in Policy MIN8, which states that;

"Restoration is required to make mineral workings fit for beneficial use and environmentally acceptable following extraction".

A Restoration Scheme is proposed for the site which will see it restored to agricultural use. The scheme will also include woodland and hedgerow planting, allowing the site to assimilate back into the local landscape. Stripped soils will be carefully stored and protected to be used in the progressive restoration of the site. As demonstrated on the submitted development plans, restoration will be progressive, allowing the worked faces to be restored at the earliest given opportunity.

Following final extraction, the final and full restoration as shown in the accompanying Restoration Plan will be completed. A schedule of appropriate tree and shrub planting is provided within the Restoration Plan. The restoration proposals will also provide the opportunity to provide routes for permissive paths. These for example could deliver a safe 'off road' route running parallel with Knockmany Road. The Restoration Plan offers the potential to connect into the existing Knockmany footpath network, delivering additional circular routes and significantly extending the recreational experience.

Delivery of the same would be subject to agreement with the Forestry Service and other stakeholders where relevant.

Given the above, the proposed development is considered to be in accordance with Policy MIN8 of the PSRNI.

Regional Strategic Objectives are listed in the SPPS in paragraph 6.152. There are;

- facilitate sustainable minerals development through balancing the need for specific minerals development proposals against the need to safeguard the environment;
- minimise the impacts of minerals development on local communities, landscape quality, built and natural heritage, and the water environment; and
- to secure the sustainable and safe restoration, including the appropriate re-use of mineral sites, at the earliest opportunity.

This application is accompanied by an ES. I am satisfied that it has been demonstrated that the proposal meets the regional strategic objectives for minerals development as set out in the SPPS. With appropriate mitigation and planning conditions, the proposal will result in a development that will not result in detrimental impact on the environment.

PPS15 Planning and Flood Risk (revised)

Chapter 6 of the ES considers the water environment, part of which considers flood risk and drainage. DfI Rivers Agency were consulted for comment on this aspect of the report and in July 2022.

In this response Rivers required a more detailed river model assessment to determine the exact extent of the flood plain as part of FLD1 consideration.

While part (g) of FLD1 lists extraction of mineral deposits as one of the exceptions to policy FLD1, paragraph 6.19 in the justification and amplification section states that this exception will only apply where the unit is located wholly in the flood plain or where the use of other land outside the flood plain would not be feasible and available.

In November 2022 I send a re-consultation to Rivers Agency advising that no extraction would now take place in phase 4 of the proposal. Rivers responded to say that they no longer held any concern in relation to policy FLD1 if that was the case.

Rivers Agency have no concern in relation to FLD 2 subject to a condition ensuring that no development shall take place within 5 m strip of an existing open watercourse. .

In relation to FLD3, Rivers Agency state the onus is on the developer to ensure the effectiveness and function of the proposed attenuation system, and ensure that it is constructed in accordance with current industry standards and specifications and have a long term maintenance programme in place to ensure its ongoing function. This can be conditioned.

All other policies of PPS15 either do not apply or are satisfied to the

PPS 2 (Natural Heritage)

I am satisfied that all policies are met, and it is clear from the ES and consultation carried out with NIEA and SES that the proposal will not result in detriment to the environment, subject to conditions.

PPS6 Planning Archaeology and the Built Heritage

The site is located to the foot of Knockmany, on top of which is an ancient burial site. Consultation has been carried out with historic Environment Division who are content that the proposal will not have a detrimental impact on the setting of this scheduled monument, subject to additional screening landscaping being carried out. This landscaping can be conditioned.

Standard archaeological conditions are also suggested which can be attached to any permission. I am satisfied that the proposal will not have a detrimental impact on any currently identified built heritage sites or monuments.

Other material considerations

No land contamination issues have been identified or indicated by any consultee.

Summary of Recommendation:

Approve is recommended

Approval.

Approval Conditions

Condition 1

The development hereby approved shall be commenced within 5 years from the date of this permission.

Reason: Time limit.

Condition 2

The extraction of minerals hereby approve shall be for a temporary period of 7 years and 6 months only, starting from the commencement of mineral extraction hereby approved.

Reason: To protect the visual amenity and character of this area of countryside.

Condition 3

The proposed area of extraction shall be limited to phases 1, 2 and 3 only, shown in drawings no. 03, 04 and 05 date stamp received 22.10.2021, and no extraction shall take place outside these phases.

Reason: In order to control the extent of the development and to safeguard visual amenity and rural character.

Condition 4

No commencement of mineral extraction hereby approved shall take place until all site preparatory works, including landscaping and screening bunds, have been put in place in accordance with details indicated on drawings No. 03 and 09 date received 22.10.2021, and as described in 4.8.1 of the Environmental Statement.

Reason: To safeguard visual amenity and rural character.

Condition 5

The developer shall notify Council in writing when commencement of mineral extraction begins on site.

Reason: To safeguard visual amenity and rural character.

Condition 6

Restoration works shall take place on a progressive basis in accordance with details indicated on drawings number 03, 04 and 05 date stamp received 22.10.2021.

Reason: To safeguard visual amenity and rural character.

Condition 7

All restoration works within phases 1, 2 and 3 indicated on drawings number 03, 04 and 05 date received 22.10.2021, shall be completed within 9 years of commencement of mineral extraction hereby approved, and shall be in accordance with details shown on drawings No. 03, 04, 05, 08 and 9 date stamp received 22.10.2021, including all proposed landscaping.

Reason: To safeguard visual amenity and rural character, and in the interest of biodiversity.

Condition 8

No extraction shall take place in phases 1, 2 and 3 shown in drawings No. 03, 04 and 05 date received 22.10.2021, below the cross-section and levels as detailed on drawings No. 03, 04, 05, 07 and 08 date stamp received 22.10.2021, where these levels relate to phases 1, 2 and 3 only, as no mineral extraction is hereby permitted in phase 4.

Reason: To safeguard visual amenity and rural character.

Condition 9

9. No processing of any kind shall take place anywhere on this site, including crushing, screening or washing plant (except for wheel wash), within the red line as annotated on drawing number 01 date stamped 22nd October 2021, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect neighbouring residential amenity from excessive noise and to safeguard visual amenity and rural character.

Condition 10

No quarrying activities or site operations, including the operation of any equipment or machinery, shall take place outside of the following hours:

0700 to 1800 hours Monday to Friday,
0800 to 1400 hours on Saturdays

There shall be no quarry activities or site operations, including the operation of any equipment or machinery at any time on Sundays or on Public Holidays.

Reason: To protect neighbouring residential amenity from excessive noise.

Condition11

The level of noise emitted from the approved site shall not exceed 48.5 dB(A) LAeq, 1hour (free field) when measured 3 metres from the façade of any noise sensitive dwelling in the vicinity of the quarry.

Reason: To protect neighbouring residential amenity from excessive noise.

Condition12

Phases 2 and 3, & Restoration as annotated on drawing numbers 04, 05, 06 & 07 which were date stamp received 22nd October 2021, shall not commence until the screening bunds as shown on Drawing Number 03 date stamped 22nd October 2021 are put in place as shown.

Reason: To protect neighbouring residential amenity from excessive noise.

Condition13

13. There shall be no rock hammering or blasting of rock with explosives anywhere within the approved site.

Reason: To protect neighbouring residential amenity from excessive noise.

Condition14

Within 4 weeks of a written request by Mid Ulster District Council following a reasonable noise complaint from the occupant of a dwelling which lawfully exists, the operator shall, at his/her expense, employ a suitably qualified and competent person, to assess noise levels from the approved quarry. Details of noise monitoring survey shall be submitted to Council for written approval prior to any monitoring commencing. The Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring. The Council shall then be provided with a suitable report detailing any necessary remedial measures. These remedial measures shall be carried out to the satisfaction of Council within 4 weeks from the date of approval of the remedial report, and shall be permanently retained and maintained to an acceptable level thereafter, unless otherwise agreed in writing with Council.

Reason: To protect neighbouring residential amenity from excessive noise.

Condition15

The development hereby permitted shall not become operational until a Dust Management Plan is submitted to and agreed in writing with Mid Ulster District Council.

Reason: To protect neighbouring residential amenity from dust emissions.

Condition16

All open watercourses shall be protected with a 5m maintenance strip, and shall be protected from impediments (including any new tree planting, hedges, permanent fencing), land raising or any other development.

Reason: To safeguard the water environment and to ensure clear access and egress for any maintenance requirements.

Condition17

No development activity, including ground preparation or vegetation clearance, shall take place until a final Construction and Environmental Plan (CEMP) has been submitted to and approved in writing by Mid Ulster District Council. The approved CEMP shall be implemented in accordance with the approved details and all works shall conform to the approved CEMP, unless otherwise agreed in writing by Council. The CEMP shall include the following;

- construction methodology and timings of works;
- Pollution Prevention Plan: including suitable buffers between the locations of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, any watercourses or surface drains present on or adjacent to the site;
- Site drainage management Plan, including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;
- Spoil management Plan, including identification of spoil storage areas, management and handling spoils and details of the reinstatement of excavated soil/spoil;
- Details of updated badger surveys prior to the commencement of works and at the start of each phase. Checks for badgers prior to the removal of the screening bunds;
- mitigation to protect all priority and protected species at the site;
- Water Quality monitoring Plan;
- Environmental Emergency plan;
- Mitigation measures as detailed in the Environmental Statement;
- Details of the appointment of an Ecological Clerk of Works (ECoW) and their roles and responsibilities.

Reason: To protect Northern Ireland priority habitats and species, so safeguard the environment, and to ensure the implementation of mitigation measures identified within the Environmental Statement dated September 2021.

Condition18

No vegetation clearance, removal of hedgerows, tree or shrubs or demolition of buildings and structures shall take place between 1st March and 31st August inclusive, unless a suitably qualified ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. As such written confirmation shall be submitted to mid ulster Council within 6 weeks of any works hereby approved commencing.

Reason: To protect breeding birds.

Condition19

No development activity, including ground preparation or vegetation clearance, shall take place until a protection zone(s), clearly marked with posts joined with hazard warning tape, has been provided around each badger sett entrance at a radius of 25metres as shown in Figure 1- Badger Setts within or adjacent to the Application Site in the badger Survey Report by Woodrow APEM Group, dated 16.09.2021. No works, vegetation clearance, disturbance by machinery, dumping or storage of materials shall take place within the protection zone(s) without the consent of Mid Ulster Council, unless an appropriate Wildlife Licence has been obtained from NIEA. The protection zone(s) shall be retained and maintained until all construction activity has been completed on site.

Reason: To protect badgers and their setts on site.

Condition20

No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Mid Ulster District Council in consultation with Historic Environment Division, Department for Communities.

The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

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

Condition21

No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition No. 20.

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

Condition22

A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 20. These measures shall be implemented and a final archaeological report shall be submitted to Mid Ulster District Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Mid Ulster District Council.

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.

Condition23

The visibility splays of 4.5metres by 120 metres and the required forward sight distance of 120 metres at the junction of the proposed access with the public road, shall be provided in accordance with the Drawing No. 10 date stamp received 27 June 2022, prior to the commencement of any works or other development.

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

Condition24

The gradient of the access road shall not exceed 4% (1 in 25) over the first 20m 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.

Condition25

No mineral extraction shall take place until the first 20 metres of the access road measured from the nearest edge of the carriageway has been surfaced with concrete or asphalt.

Reason: In the interests of the safety and convenience of road users.

Condition26

The development hereby permitted shall not become operational until effective vehicle wheel washing facilities have been installed and brought into operation for the lifetime of the development hereby approved., details of which to be agreed in writing with Council prior to the commencement of any mineral extraction hereby approved.

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

Case Officer: Paul McClean

Date: 19 December 2022

ANNEX	
Date Valid	22 October 2021
Date First Advertised	
Date Last Advertised	2 November 2021
Details of Neighbour Notification (all addresses) The Owner / Occupier 37 Knockmany Road Augher Tyrone BT77 0DE The Owner / Occupier 53 Knockmany Road Augher Tyrone BT77 0DE	
Date of Last Neighbour Notification	23 September 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Ref: LA09/2021/1547/F Type: F Status: PCO	
Ref: LA09/2021/0820/PAN Type: PAN Status: PANACC	
Ref: M/2012/0079/F Type: F Status: PG	
Ref: M/1974/0578 Type: H13 Status: PG	
Ref: M/1998/0543 Type: C Status: PG	
Ref: M/1974/0032 Type: H13 Status: PG	
Ref: M/2010/0726/F	

Type: F
Status: PG

Ref: M/2014/0011/F
Type: F
Status: PG

Ref: M/1989/0028
Type: F
Status: PCO

Ref: M/1998/0644
Type: O
Status: PCO

Summary of Consultee Responses

NIEA-Substantive: YResponseType: FR
Environmental Health Mid Ulster Council-Substantive: TBC
Historic Environment Division (HED)-Substantive: YResponseType: FR
DFI Roads - Enniskillen Office-Substantive: YResponseType: FR
DFI Roads - Enniskillen Office-Substantive: TBC
Historic Environment Division (HED)-Substantive: TBCResponseType: PR
NIEA-Substantive: TBC
Rivers Agency-Substantive: TBC
Rivers Agency-839828 - Final Response.pdf
NIEA-
DFI Roads - Enniskillen Office-26-08-2022.docx
Geological Survey NI (DfE)-GSNI has read the Environmental Impact Assessment prepared by Quarryplan on behalf of Campbell Contracts Ltd. The GSNI Planning Team requests that in the section on geology (Section 5), an estimate should be provided of the volume, tonnage and grade of materials at the site, and their estimated extraction rates over the proposed lifetime of the quarry. These estimates should be based on empirical data gathered from site investigation boreholes.E3133 - Winning & working of Minerals over a 9 year period at 53 Knockmany Road, Auger, Co Tyrone..pdf
Shared Environmental Services-LA09-2021-1547-F HRA_Stage_1_05102022.pdf
Rivers Agency-495845 - Final Response.pdf
Geological Survey NI (DfE)-E3173 - Sand and gravel quarry at Knockmany Road, Auger, Co. Tyrone.pdf

Drawing Numbers and Title

Proposed Plans	Plan Ref: 09
Proposed Plans	Plan Ref: 08
Proposed Plans	Plan Ref: 07
Proposed Plans	Plan Ref: 06
Proposed Plans	Plan Ref: 05
Proposed Plans	Plan Ref: 04
Proposed Plans	Plan Ref: 03
Proposed Plans	Plan Ref: 02
Site Location Plan	Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/1615/F/F	Target Date: <add date>
Proposal: Replacement Storage Shed	Location: Rear of 245 Washingbay Road, Coalisland
Applicant Name and Address: Mr Colin McCuskey 245 Washingbay Road Aughamullan Coalisland	Agent Name and Address: CMI Planners Ltd 38B Airfield Road Toomebridge BT41 3SG
Summary of Issues: This application is for a storage building in the countryside to replace agricultural buildings, it not beside existing industrial or commercial buildings or any established business.	
Summary of Consultee Responses: DFI Roads – no objections, sight lines and access to be provided as shown Historic Environment Division – no objections DETI - Geological Survey – no objections	
Characteristics of the Site and Area: The site is located in the rural countryside outside as depicted under the Dungannon and South Tyrone Area Plan 2010, approx. 3.5km east of Clonoe and 0.4km west of Lough Neagh. The site is a relatively squared shaped roadside plot containing no. 245 Washingbay Rd, a low ridge bungalow and its curtilage. The dwelling, which has a simple rectangular shaped floor plan and pitch roof construction with a chimney expressed along the ridge, has a dropped pitch front porch and rear return. It has white render walls, dark roof tiles and white window frames and door. A small derelict outbuilding sits almost immediately to the rear of the dwelling. A large garden exists to the front, east and rear of the	

dwelling; and a large hard-cored yard to the west of the dwelling.

The yard contains a large shed of agricultural / commercial appearance; a number of lorry containers; and a substantial number of stacks of bagged 'Evergreen Irish Multi-Purpose Compost' in green wrapping. The shed is divided into 3 compartments. The middle compartment, which is open to the front / east, houses a number of heavy-duty bulk bags of loose compost / peat.

A mix of low d-rail fencing, walls and hedging define the roadside frontage of the site; low hedging also defines the remaining boundaries of the site.

Views of the site are from the Washingbay Rd over a distance of approx. 130m and 80m on both the northwest and east approach respectively and passing along its roadside frontage. Open views of the site also exist from the Ballybeg Rd located to the northeast of the site.

The immediate area surrounding the site, which comprises relatively flat open topography typical of the Loughshore Area, has come under development pressure in recent years with a no. of dwellings and ancillary buildings lining stretches of the surrounding road network. A hipped roof two storey dwelling and its curtilage bounds the site to the east; an agricultural field approved for a dwelling bounds the site to the west (see 'Planning History' further below) and agricultural lands bound the site to the south. The Washing Bay Centre and Derrylaughan GAC grounds exist along the Ballybeg Rd just located to the northeast of the site.

Description of Proposal

This is a full planning application for a replacement storage shed to be located on lands to the rear of an existing dwelling, no. 245 Washingbay Rd Aughamullan Coalisland.

The existing shed, which is to be demolished, sits on a hard cored yard to the west side of no. 245 Washingbay Rd. It has a rectangular floor plan and pitch roof construction and measures approx. 13.5m in gable depth x 24m in length x 5.8m in height above finished floor level. Finishes include rusted green cladding panels to the roof and concrete to the walls.

The proposed shed, which is to site further south of the existing shed on a garden to the rear of no. 245 Washingbay Rd, has a rectangular floor plan and pitch roof construction and measures approx. 18m in gable depth x 29m in length x 5.8m in height above finished floor level. Finishes include green cladding panels to the roof and upper half of the walls, grey fair facing block to the lower half of the walls and green cladding panel sliding doors.

Deferred Consideration:

This application was before the Planning Committee in November 2022 and it was agreed to defer for a meeting with the Service Director. At the meeting it was indicated this is used for storage purposes associated with Evergreen Peat who operate from premises approx.. 400m to the east of the application site. The existing business has grown and even with a recent expansion there is no room on site to store the final products. The applicant has been using these buildings and yard to provide additional storage. Members should be aware that it has not been proven this has been used for 5 years or more which would mean it is immune from enforcement action.

Members will be aware there are no policies for off site expansion of existing businesses in the rural area and as such there is no policy support for this under Policy PED3 of Planning Policy Statement 4. The proposal could therefore be recommended for refusal and it is highly likely that a refusal under this policy could sustained at planning appeal.

That said, Policy CTY8- Ribbon Development in PPS21 makes allowance for infilling of a small gap site with an appropriate economic development proposal, provided it is of a scale appropriate to the surroundings and respects residential amenity. The exception in CTY8 even allows for light industrial uses to be approved where they do not adversely impact on neighbouring amenity. As members can see below (fig 1) the proposed site sits in a built up frontage with a group of agricultural buildings and a detached bungalow with unkempt garden area to the side and rear. To the north west is a small roadside frontage to the larger field at the rear, a detached bungalow with a shed at the rear north corner, a bungalow with a detached garage to the side of it then the Reenaderry Road and further development beyond this. To the south east is a lane to other development that is not seen with the frontage development and a low 2 storey stone dwelling with a garage and buildings to the rear.



Fig 1 – site in red and development either side



Fig 2 – bungalow and low 2 storey dwelling to south east



Fig 3 – view from south east



Fig 4 – view from north west

From the above it is quite clear there is a substantially built up frontage along Washingbay Road for the purposes on CTY8. While the policy does not deal with replacement of existing buildings, as is the case here, I consider it appropriate for members to consider the purpose and direction of the policy. The policy is to prevent ribbon development but where there already is development then it allows appropriate development in gaps within that development. As can be seen in Figs 5 & 6 the proposed shed is typical of the appearance of modern agricultural buildings. It is set to the rear of the plot and will, in my opinion read with the existing development along the road.

While the proposal is not compliant with CTY8 of PPS21, I consider the members could view this as being within the spirit of the policy and in principle could allow the proposed development.



Fig 5 – proposed location of new shed

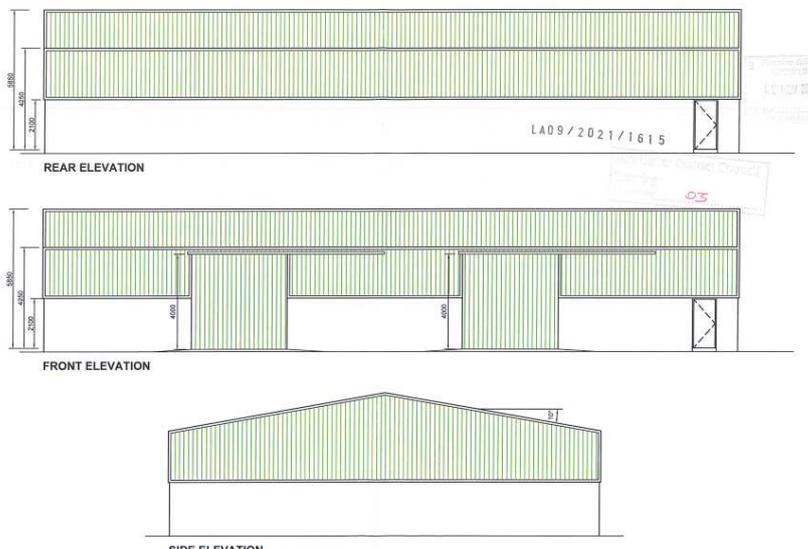


Fig 6 – appearance of the new shed

PPS4, Policy PED9 – General Principles is also a consideration for this proposal. The existing yard and the entire plot has good boundary hedges that have been cut back, however conditions can be added to augment the hedging with native species planting, replant hedges behind the sight lines and ensure they are allowed to grow up to a minimum of 3 metres in height to screen off any storage on the site. A condition limiting the height that any stored material may be stacked would, in my view, compliment the landscaping condition and assist in screening off the storage yard. Given there are residential properties close by I consider it appropriate to attach conditions relating to the use, activities and hours of operations in the site. I consider, in consultation with EHO that restricting the hours of operations to between 8am – 6pm Monday to Friday, 8am – 12noon on Saturdays and no activities on Sundays or Bank Holidays would ensure the protection of the amenity of the adjoining properties. To allow further consideration of any impacts I also consider it appropriate to restrict the use to Class B4 Storage only, as defined in the Planning (Use Classes) Order (NI) 2015 and that it is solely for the use of Evergreen Horticulture Ltd. Due to the roadside nature of the site and the limited vegetation cover I also consider it appropriate to ensure no HGVs, LGVs or trailers are stored here as this could, in my opinion have an adverse impact on the rural character of the area and is not an appropriate use or established use on the site.

In light of the above consideration I recommend to the members this application is approved with the attached conditions.

Conditions/Reasons for Refusal:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4m x 80.0m in both directions shall be provided in accordance with drawing No 02 bearing the stamp dated 08 NOV 2021. 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: In the interests of road safety.

3. The existing vegetation on all the boundaries of the site identified in red on drawing 01 bearing the stamp dated 09 NOV 2021, except those required for the provision of the sight lines referred to in condition 2, shall be retained, augmented with native species trees and hedging and allowed to grow to a minimum of 3 metres in height.

Reason: in the interests of visual amenity and to preserve the rural character of the area.

4. During the first available planting season following the provision of the sight lines as required by condition 2, a 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 lines and be allowed to grow to a height of at least 3 metres in height. If any of the hedge is removed, uprooted or destroyed or dies within 5 years from the date of planting it shall be replaced within the next planting season by hedging of a similar size and species in same location.

Reason: in the interests of visual amenity and to preserve the rural character of the area.

5. No machinery shall be operated, no process or activities shall be carried out and no deliveries taken at, or dispatched from the site outside the following times 8.00am - 18.00pm Monday to Friday, 8.00am - 12 noon on Saturdays nor at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the living conditions of residents in adjoining and nearby properties.

6. The site shall be used only for storage purposes by Evergreen Horticulture Ltd and for no other purpose in Use Class B4 of the Schedule to the Planning (Use Classes) Order (NI) 2015.

Reason: To prohibit a change to an unacceptable use within this Use Class.

7. There shall be nothing which, on its own or stacked, exceeds 3 metres in height stored in the yard area to the front of the development hereby approved.

Reason: in the interests of visual amenity and to preserve the rural character of the area.

8. There shall be no overnight parking or storage of HGVs, LGVs or trailers in the yard area to the front of the development hereby approved.

Reason: In the interests of visual amenity and to protect the rural character of the area.

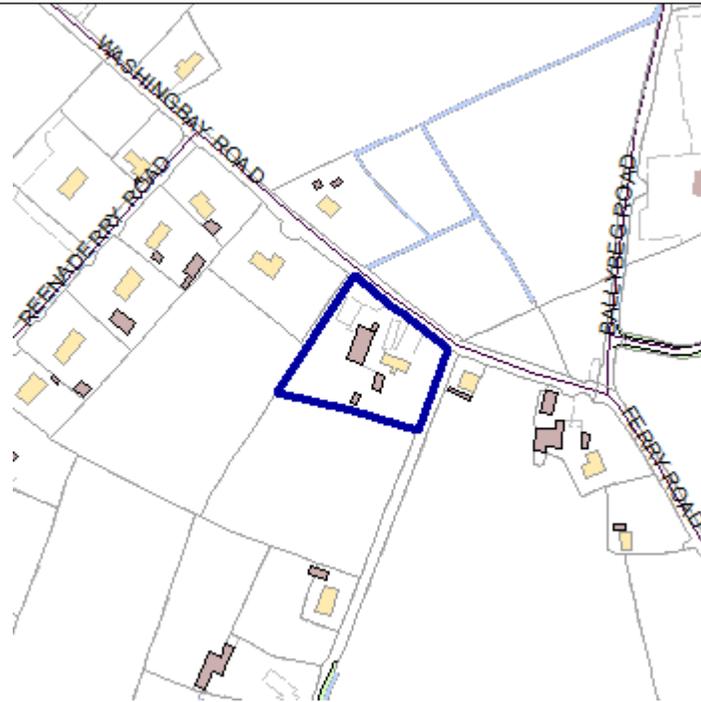
Signature(s)

Date:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.05
Application ID: LA09/2021/1615/F	Target Date: 3 January 2022
Proposal: Replacement storage shed	Location: Rear Of 245 Washingbay Road Aughamullan Coalisland
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Colin MC Cluskey 245 Washingbay Road Aughamullan Coalisland	Agent Name and Address: Cmi Planners Ltd 38B Airfield Road Toomebridge BT41 3SG
Executive Summary:	

Case Officer Report**Site Location Plan**

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Consultations:

Consultation Type	Consultee	Response
	DETI - Geological Survey (NI)	Substantive: TBCResponseType: FR
	Historic Environment Division (HED)	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR

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**Characteristics of the Site and Area**

The site is located in the rural countryside outside as depicted under the Dungannon and South Tyrone Area Plan 2010, approx. 3.5km east of Clonoe and 0.4km west of Lough Neagh.

The site is a relatively squared shaped roadside plot containing no. 245 Washingbay Rd, a low ridge bungalow and its curtilage. The dwelling, which has a simple rectangular shaped floor plan and pitch roof construction with a chimney expressed along the ridge, has a dropped pitch front porch and rear return. It has white render walls, dark roof tiles and white window frames and door. A small derelict outbuilding sits almost immediately to the rear of the dwelling. A large garden exists to the front, east and rear of the dwelling; and a large hard-cored yard to the west of the dwelling.

The yard contains a large shed of agricultural / commercial appearance; a number of lorry containers; and a substantial number of stacks of bagged 'Evergreen Irish Multi-Purpose Compost' in green wrapping. The shed is divided into 3 compartments. The middle compartment, which is open to the front / east, houses a number of heavy-duty bulk bags of loose compost / peat.

A mix of low d-rail fencing, walls and hedging define the roadside frontage of the site; low hedging also defines the remaining boundaries of the site.

Views of the site are from the Washingbay Rd over a distance of approx. 130m and 80m on both the northwest and east approach respectively and passing along its roadside frontage. Open views of the site also exist from the Ballybeg Rd located to the northeast of the site.

The immediate area surrounding the site, which comprises relatively flat open topography typical of the Loughshore Area, has come under development pressure in recent years with a no. of dwellings and ancillary buildings lining stretches of the surrounding road network. A hipped roof two storey dwelling and its curtilage bounds the site to the east; an agricultural field approved for a dwelling bounds the site to the west (see 'Planning History' further below) and agricultural lands bound the site to the south. The Washing Bay Centre and Derrylaughan GAC grounds exist along the Ballybeg Rd just located to the northeast of the site.

Description of Proposal

This is a full planning application for a replacement storage shed to be located on lands to the rear of an existing dwelling, no. 245 Washingbay Rd Aughamullan Coalisland.

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The proposed shed, which is to site further south of the existing shed on a garden to the rear of no. 245 Washingbay Rd, has a rectangular floor plan and pitch roof construction and measures approx. 18m in gable depth x 29m in length x 5.8m in height above finished floor level. Finishes include green cladding panels to the roof and upper half of the walls, grey fair facing block to the lower half of the walls and green cladding panel sliding doors.

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.

Key Policy Context

Regional Development Strategy

Dungannon and South Tyrone Area Plan 2010

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Policy Statement 4: Planning and Economic Development

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 6: Planning, Archaeology and the Built Heritage

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

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.

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

LA09/2020/1304/O - Dwelling and garage - Adjacent to 243 Washingbay Road

Aughamullan Coalisland - Granted 9th February 2021

There is no relevant planning history on site and the above application relates to lands

immediately west of the site approved for a dwelling with a 6m ridge height above existing ground level.

Consultees

1. Historic Environment Division (HED) were consulted as the site is located within buffer zone of archaeological site and monument (TYR047:030 a findspot of ring & possible enclosure). HED assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

2. 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 will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.

3. DETI Geological Survey (NI) were consulted as the site is located within an area of constraint on abandoned mines. DETI responded, having assessed the planning proposal in view of stability issues relating to abandoned mine workings, that a search of the Geological Survey of Northern Ireland "Shafts and Adits Database" indicates that the proposed site is not in an area of abandoned mines

Dungannon and South Tyrone Area Plan 2010 - The site is located in the rural countryside outside any settlement limit identified within the Plan.

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. I am content the SPPS has introduced no changes to the retained Planning Policy Statements most relevant to this proposal.

Planning Policy Statement 21 Sustainable Development in the Countryside - Policy CTY1 of Planning Policy Statement (PPS) 21 outlines a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan. All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

Two types of development outlined under Policy CTY1, which in principle are considered acceptable in the countryside and that will contribute to the aims of sustainable development are:

* Agricultural development in accordance with Policy CTY 12 of PPS 21; and

* Industry and business uses in accordance with PPS 4.

Policy CTY 12 of PPS 21 outlines planning permission will be granted for development on an active and established agricultural holding subject to a number of criteria.

PPS 4, Policy PED 2 'Economic Development in the Countryside' states proposals for economic development uses in the countryside will be permitted in accordance with the provisions of the following policies:

- * The Expansion of an Established Economic Development Use - Policy PED 3
- * The Redevelopment of an Established Economic Development Use - Policy PED 4
- * Major Industrial Development - Policy PED 5
- * Small Rural Projects - Policy PED 6

Economic development associated with farm diversification schemes and proposals involving the re-use of rural buildings will be assessed under the provisions of Planning Policy Statement 21 'Sustainable Development in the Countryside'. All other proposals for economic development in the countryside will only be permitted in exceptional circumstances.

Whilst I have outlined the above policies that allow for two separate types of development in the countryside which in principle may be considered acceptable insufficient information has been submitted to fully consider this proposal under either or any alternative policy that may be relevant. I have outlined Policy CTY 12 of PPS 21 solely based on the application being submitted with an agricultural fee and PPS 4, Policy PED 2 solely based on a site inspection whereby shed to be replaced appearance contained a number of heavy-duty bulk bags of loose compost / peat and the yard it sat within contained a number of lorry containers and a substantial number of stacks of bagged 'Evergreen Irish Multi-Purpose Compost' in green wrapping.

In order to fully assess this proposal against the provisions of Policy CTY 12 of PPS21 or PPS 4, Policy PED 2 or any alternative policy that may be relevant the agent was contacted on the 1st March 2022 via email and asked to provide the following information within 21 days:

- * Details of the existing store on site including what it is used for;
- * Details of what the replacement store is to be used for; and
- * Details of all proposed ground surfaces within the site (i.e. areas to be retained in grass / areas to be hard standing) clearly annotated on a revised block plan.

As the information requested above was not received the agent was reminded via an email on the 24th May 2022 that it was still required and given a further 21 days to submit it. Then as the information was still not submitted the agent was given a final reminder via an email on the 8th July 2022 if the information requested was not received the next 21 days the application may proceed to the next available committee meeting with a recommendation based on the information on file. The agent in this final reminder was also advised that during a site inspection it appeared the existing shed was being used to house / re-bag peat. He was asked to confirm if this is the activity taking place, if it is the nature for the proposed shed and to provide evidence as to where the peat is being sourced.

The information requested from the agent has not been received within the specified timeframe therefore I consider there to be insufficient information on file to determine this application and recommend refusal on these grounds.

Additional Considerations

In addition to checks on the planning portal Historic Environment Division (HED) and Natural Environment Division (NED) map viewers available online have been checked and whilst there are no built heritage assets of interest on site, NED's map viewer shows the site to be within Lough Neagh and Lough Beg Ramsar Site and an area known to breeding waders. Whilst I am content the site is located on improved grassland that would have limited value to breeding waders due to insufficient information on file I can not determine if this proposal would have any detrimental impact on the Ramsar Site.

Flood Maps NI indicate no flooding on site.

The proposal is under the 15.2m height thresholds in the area requiring consultation to Defence Estates relating to Met Office - Radar. Additionally, whilst the site is located within an area of constraint on wind turbines, this proposal is for a replacement storage shed.

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 insufficient information has been submitted to demonstrate that there are overriding reasons why this development is essential in this rural location and could not be located within a settlement.

Case Officer: Emma Richardson

Date: 18 October 2022

ANNEX	
Date Valid	8 November 2021
Date First Advertised	23 November 2021
Date Last Advertised	23 November 2021
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 248 Washingbay Road, Coalisland, Tyrone, BT71 5DS</p> <p>The Owner / Occupier 243 Washingbay Road, Coalisland, Tyrone, BT71 5DS</p> <p>The Owner / Occupier 249 Washingbay Road, Coalisland, Tyrone, BT71 5DS</p> <p>The Owner / Occupier 246 Washingbay Road, Coalisland, Tyrone, BT71 5DS</p>	
Date of Last Neighbour Notification	16 December 2021
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses	
<p>DETI - Geological Survey (NI)-Substantive: TBCResponseType: FR Historic Environment Division (HED)-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR</p>	

Drawing Numbers and Title

Proposed Floor Plans Plan Ref: 06
Cross Sections Plan Ref: 05
Proposed Floor Plans Plan Ref: 04
Proposed Elevations Plan Ref: 03
Site Layout or Block Plan Plan Ref: 02

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2022/0285/O	Target Date: <add date>
Proposal: Proposed dwelling on a farm	Location: Adjacent And West Of 81 Drumflugh Rd Benburb Dungannon
Applicant Name and Address: Stephen McKenna 81A Drumflugh Rd Benburb Dungannon BT71 7QF	Agent Name and Address: J Aidan Kelly Ltd 50 Tullycullion Rd Dungannon BT70 3LY
Summary of Issues: <p>No. 81 was within the blue line of the farm holding and the applicant's father lives here until he passed away this year. The applicant's father was the owner of the farm and the farm has now been transferred to Stephen McKenna in January 2022. No. 81 was inherited by the applicant's sisters who subsequently sold the property in August 2022. This is a sell-off from the farm holding within the past 10 year, however the applicant is now the farmer and wants to build a house on the farm. Had this been submitted prior to the applicants father passing then it would have been acceptable.</p>	
Summary of Consultee Responses: DFI Roads – sight lines of 2.4m x 65.0m and 65.0m forward sight lines necessary for safe access. DAERA – confirm this is an active and established farm	
Characteristics of the Site and Area: <p>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 semi-rural in character and is predominantly agricultural fields, single dwellings on large plots and groups of agricultural buildings. The site is accessed off a laneway where there are other</p>	

single storey dwellings and farm buildings. To the west of the application site is a single storey dwelling at No. 81 and another dwelling to the south at No. 81. The site itself is a corner portion of a larger agricultural field where the topography rises up from the roadside.

Description of Proposal

This is an outline application for proposed dwelling on a farm at land adjacent and west of 81 Drumflugh Rd, Benburb, Dungannon.

Deferred Consideration:

This application was before the Planning Committee in November 2022 and was deferred for an office meeting with the Service Director. At a meeting on 10 November, via zoom, the issues in relation to the land ownership and the transfer of the dwelling which belonged to the applicants father were discussed and additional information was sought for clarification.

Gus Campbell Solicitors provided a letter to advise of their dealings with this holding in relation to the last will and testament of the late Malachy McKenna. They confirmed that Mr McKenna bequeathed the lands to Mr Stephen McKenna (the applicant here) and the house to the deceased's daughters. The house was then sold to the deceased's grandson and his partner.

Members will be aware from the previous report that a suitably designed dwelling here would meet the requirements of CTY10 but for the fact the applicants fathers house has been transferred off the holding. In consideration of this proposal I would draw the members attention to the following information:

- the applicant has lived beside this site for 20 years and worked the farm with his father up until his fathers passing in January 2022
- this application was submitted on 3 March 2022
- the applicants father's house was bequeathed to the applicants sisters and land registry documents showing this transferred to them on 27 April 2022 and has since been sold on;
- criteria b of CTY10 states '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.'

The critical date for the consideration of when the lands were transferred is 10 years previous to the application being submitted, 3 March 2012. The information relating to the transfer of the house shows this was registered in land registry on 27 April 2022. There was a new folio set up for this property as previous to that it was all within the ownership of Malachy McKenna (deceased). Information presented states the house and the lands were transferred on Mr McKennas passing. There may be some argument that until the land is registered with land registry then it has not been transferred, unfortunately the policy does not provide any clarity or clarification in this respect.

The policy is clear that planning permission will be granted for a dwelling on an active and established farm once every 10 years. Had Mr Malachy McKenna not passed away then a dwelling would have been granted on this active and established farm under this policy.

The farm unit itself has not been altered, the entire holding except for the dwelling house, transferred to the applicant. While the proposal may not strictly meet with Policy CTY10, as I cannot be certain when the house transferred off the holding, there is a unique set of circumstances here that in my opinion would allow an exception to be made in favour of Mr Stephen McKenna being granted planning permission.

In light of the specific circumstances surrounding this case, it is my recommendation that an exception to CTY10 could be applied and that planning permission is granted.

Conditions:

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

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

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

3. Details of existing and proposed levels within the site, levels along the roadside, and the finished floor level of the proposed dwelling shall be submitted for approval at Reserved Matters stage. The dwelling shall be built in accordance with levels agreed at Reserved Matters stage.

Reason: To ensure that the dwelling integrates into the surrounding countryside.

4. A detailed landscaping plan shall be submitted and approved as part of the Reserved Matters application and shall identify the location, species and numbers of trees and hedges to be retained and planted. All existing boundaries shall be retained and augmented with trees and native species hedging. All new curtilage boundaries including both sides of any proposed access laneway shall also be identified by new planting, and shall include a mix of hedge and tree planting. The retained and proposed landscaping shall be indicated on a landscape plan, with details to be agreed at reserved matters stage. During the first available planting season after the commencement of development on site, all proposed trees and hedges indicated in the approved landscaping plan at Reserved Matters stage, shall be planted as shown and permanently retained thereafter, unless otherwise agreed by Mid Ulster Council in writing.

Reason: In the interest of visual amenity and to assist with integration.

5. 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 the Local Planning Authority, 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 the Local Planning Authority gives its written consent to any variation.

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

6. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the uploaded form RS1 including sight lines of 2.4m by 65.0m in both directions and a forward sight distance of 65.0m where the access meets the public road. The access as approved at Reserved Matters stage shall be constructed in accordance with the approved plans, prior to the commencement of any other development hereby approved.

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

Signature(s)

Date:

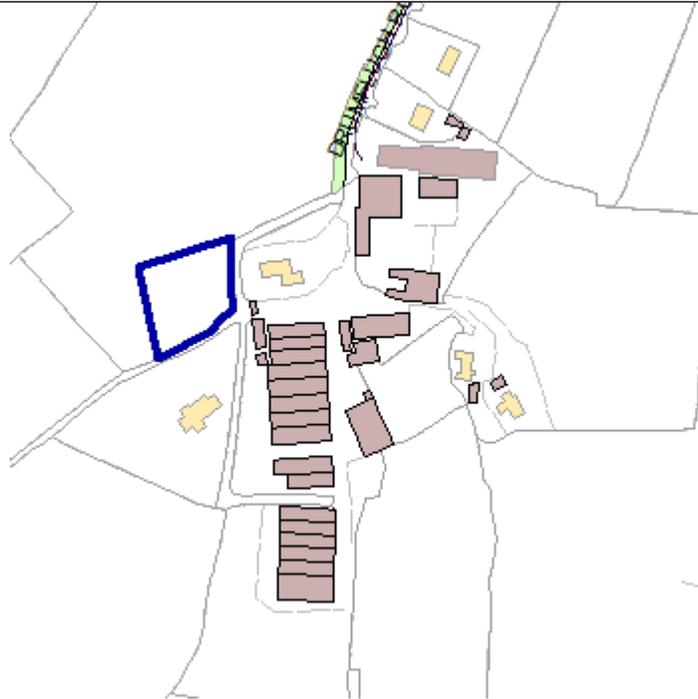


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.09
Application ID: LA09/2022/0285/O	Target Date: 28 April 2022
Proposal: Proposed Dwelling on a Farm	Location: Adjacent And West Of 81 Drumflugh Rd Benburb Dungannon
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Stephen McKenna 81A Drumflugh Rd Benburb Dungannon BT71 7QF	Agent Name and Address: J Aidan Kelly Ltd 50 Tullycullion Rd Dungannon BT70 3LY
Executive Summary: No. 81 was within the blue line of the farm holding and the applicant's father lives here until he passed away this year. The applicant's father was the owner of the farm and the farm has now been transferred to Stephen McKenna in January 2022. No. 81 was inherited by the applicant's sisters who subsequently sold the property to a third party in August 2022. I consider this is a sell-off from the farm holding within the past 10 years so the proposal does not meet all the criteria in CTY 10 in PPS 21.	

Case Officer Report

Site Location Plan



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Consultations:

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

Representations:

Letters of Support	1
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 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 semi-rural in

character and is predominantly agricultural fields, single dwellings on large plots and groups of agricultural buildings. The site is accessed off a laneway where there are other single storey dwellings and farm buildings. To the west of the application site is a single storey dwelling at No. 81 and another dwelling to the south at No. 81. The site itself is a corner portion of a larger agricultural field where the topography rises up from the roadside.

Description of Proposal

This is an outline application for proposed dwelling on a farm at land adjacent and west of 81 Drumflugh Rd, Benburb, 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

There are no planning histories 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 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. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes farm dwelling 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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In addition, other types of development will only be permitted where overriding reasons are submitted why the development is essential and could not be located within a settlement. As this proposal is for a dwelling on a farm CTY 10 is the relevant policy in the assessment.

DAERA confirmed the farm business ID as stated on the P1C form has been in existence for over 6 years and the farm is a Category 1 farm business. DAERA also confirmed the farm business has claimed farm subsidies for the past 6 years. I am content there is an active and established farm for the past six years.

The applicant supplied their 2022 farm boundary maps and I checked the histories of these fields. In an email dated 12th September 2022 the agent states the applicant lives at No.81A and has done so far for the past years. The applicant's father lived at No. 81 which is within the blue line of land owned within the farm holding. The applicant's father passed away this year and the applicant's sisters inherited No. 81A. It was confirmed this was sold to a third party in August 2022. I completed a land reg check and it shows on the 8th August 2002 No. 81 was transferred to Shane Murtagh and Teresa Murtagh who are now the full owners. In initial site location plans submitted the applicant showed No. 81 as within their blue land and they then submitted an amended site plan which showed No, 81 outside the blue land. I consider as No. 81 has been sold off from the farm holding to a third party within the past 10 years this is a sell-off and fails to meet this criteria in CTY10.

The applicant lives at No. 81A Drumflugh Road which is a dwelling immediately to the south of the site. The applicant Stephen McKenna has stated on the P1 and P1C form that he lives at this address and it is within the blue line. Mr McKenna has also submitted a number of invoices to show farming at the site. Although some of them do not demonstrate active farming they all have the address of the applicant as 81 Drumflugh Road. I am content there is an established group of buildings on the farm and the site is accessed via an existing laneway.

As there has been a sell-off from the farm holding I consider the proposal does not meet the case for a dwelling on a farm.

CTY 13 – Integration and Design of Buildings in the Countryside

The application site is situated along an existing laneway where there are a number of other dwellings and agricultural buildings. There is a slightly sloping topography from the roadside to the back of the site. The site is a portion of a larger agricultural land within the only boundaries along the southern and east boundaries and the rest is undefined. I feel it is appropriate to have a ridge height condition of 5.5m as the main house type along the lane is single storey dwellings. I am content the proposal will visually link with No. 81A. I consider a suitably designed dwelling

would integrate into the landscape.

CTY 14 – Rural Character

As the site is along an existing laneway, I am content another dwelling will not be detrimental to the rural character of the area. The ground at the site is elevated and as there is a single storey dwelling immediately to the south, I would recommend a single storey dwelling to protect the amenity of neighbouring dwellings.

PPS 3 – Access, Movement and Parking

AMP 2 – Access to Public Roads

As the site is along an existing laneway and is an intensification of the laneway DFI Roads were consulted. They responded with no concerns subject to visibility splays of 2.4m x 65m in both directions.

Other Considerations

Having checked the various websites I have not been made aware of any other NED, HED or flooding issues at the site.

Summary of Recommendation:

Refuse is recommended

Contrary to CTY 10 – Dwelling on a Farm in PPS 21 in that there has been a sell-off at No. 81 from the established farm holding within the past 10 years.

Refusal Reasons

Reason 1

Contrary to CTY 10 in PPS 21 in that a dwelling has been sold off from the farm holding within the past 10 years.

Signature(s): Gillian Beattie

Date: 13 October 2022

ANNEX	
Date Valid	3 March 2022
Date First Advertised	17 March 2022
Date Last Advertised	15 March 2022
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 69 Drumflugh Road Benburb Tyrone BT71 7QF The Owner / Occupier 77 Drumflugh Road Benburb Tyrone BT71 7QF The Owner / Occupier 73 Drumflugh Road Benburb Tyrone BT71 7QF The Owner / Occupier 67 Drumflugh Road Benburb Tyrone BT71 7QF The Owner / Occupier 69A Drumflugh Road Benburb Tyrone BT71 7QF The Owner / Occupier 83 Drumflugh Road Benburb Tyrone BT71 7QF The Owner / Occupier 79A Drumflugh Road Benburb Tyrone BT71 7QF The Owner / Occupier 81 Drumflugh Rd, Dungannon, BT71 7QF The Owner / Occupier 85 Drumflugh Road Benburb Tyrone BT71 7QF The Owner / Occupier 69 Drumflugh Road Benburb Tyrone BT71 7QF The Owner / Occupier 80 Drumflugh Road, Benburb, Tyrone, BT71 7QF The Owner / Occupier 70 Drumflugh Road Benburb Tyrone BT71 7QF The Owner / Occupier 83A Drumflugh Road, Benburb, Tyrone, BT71 7QF The Owner / Occupier 81B Drumflugh Road, Benburb, Tyrone, BT71 7QF The Owner / Occupier 71 Drumflugh Road, Benburb, Tyrone, BT71 7QF The Owner / Occupier 81A Drumflugh Road, Benburb, Tyrone, BT71 7QF</p>	
Date of Last Neighbour Notification	29 March 2022

Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses	
<p>DAERA - Omagh-Substantive: TBCResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR</p>	
Drawing Numbers and Title	
<p>Site Location Plan Plan Ref: 01</p>	
Notification to Department (if relevant)	
Not Applicable	



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2022/0414/F	Target Date: <add date>
Proposal: Proposed dwelling and domestic garage based on policy CTY8 nfill/gap site	Location: 65M North East Of 37 Liskittle Road Tullagh Beg Stewartstown
Applicant Name and Address: Mr Stephen Rodgers 33 Tullaghmore Road Tullagh Beg Stewartstown	Agent name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge Magherafelt BT41 3SG
Summary of Issues: This application was for a large house that did not respect the surrounding development in the gap, amendment plans have ben received that reduce the impact and make the proposal acceptable.	
Summary of Consultee Responses: DFI Roads – recommend conditions to be attached if the Council wish to approve	
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 applications on site as such the characteristics of the site and area remain largely as per LA09/2021/1142/O. The site is located in the rural countryside, as depicted within the Cookstown Area Plan, approx. 1.5km north west of Coalisland and approx. 230m east of Roughan Lough. It is situated north of the crossroads at Liskittle, Tullaghbeg and Tullaghmore Roads Brackaville, Stewartstown. The site is a rectangular shaped plot cut from the roadside frontage of a much larger field. It sits within an existing line of development extending along the west side of Liskittle Rd, a minor country road. Development within this line running south to north along the Liskittle Rd includes an agricultural building situated gable end onto the road; a	

new dwelling, no. 37 Liskittle Rd, including ancillary garage; and another agricultural building situated parallel to and immediately adjacent the roadside. The site is located within this line of development between the new dwelling located immediately to its south and the latter agricultural building located immediately to its north within the site's host field.

The site occupies a relatively elevated position in the surrounding landscape with the land within it and along the Liskittle Rd falling downwards from north to south.

The east (roadside) and south boundaries of the site are defined by a mature hedgerow, ranging from approx. 1 ½ m in height, bounding the host field. The remaining boundaries of the site are open onto the host field and agricultural shed within and the landform in the immediate area falls in a north to south direction along Liskittle.

Views of the site are limited from the Liskittle Rd until just before and passing along its roadside frontage due to the topography of the area, existing roadside development, and vegetation both on site and within the wider vicinity screening it on both approaches. Owing to the elevated nature of the site there will be some long distant views of it from the wider road network.

The area surrounding the site is predominantly rural in nature comprising undulating agricultural land interspersed with single dwellings, ancillary buildings and farm groups including no. 34 Liskittle Rd, a relatively new two storey dwelling with ancillary detached garage located on lands immediately north east of the site to the opposite side of the road.

Description of Proposal

This is a full planning application for a proposed dwelling and domestic garage to be located on lands located approx. 65m North East of 37 Liskittle Road Tullagh Beg Stewartstown.

There is a live outline planning application for a dwelling and domestic garage/store based on Policy CTY8 of PPS21 on this site; LA09/2021/1142/O granted on the 14th of October 2021.

Deferred Consideration:

This application was before the Planning Committee in October 2022 where it was deferred for a meeting with the Service Director to discuss the design of the proposed dwelling. A virtual meeting was held with the Planning Manager where the issues in relation to infill were discussed and the design is required to respect the surrounding context.

Amended plans have been received that reduce the ridge height of the proposed dwelling approx. 1m and the finished floor level by approx.. 1 metre resulting in the overall height reducing by nearly 2 metres. The proposed dwelling will now sit less than 1 metre above the level of the existing detached one and a half storey dwelling to the south and 1.5m above the single storey farm shed to the north. (See Fig 1).



Fig 1 – Proposed Streetscene

The applicant has also removed the stonework from the porch and is proposing this is now finished with smooth render to match the remainder of the main house.

In light of these changes, I consider the proposed dwelling now reflects the scale and character of the adjoining development and will not appear prominent in the street scene. As set out in the previous report, the proposed dwelling and garage are located within a gap site for the purposes of CTY8 and as the proposal now respects the scale and character I recommend approval.

Conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. Prior to commencement of any development hereby approved, the vehicular access, including visibility splays of 2.4m x 45.0m in both directions, shall be provided in accordance with the detailed on drawing 02 Rev 1 received 17 February 2023. 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.

3. All hard and soft landscape works as detailed on drawing no 02Rev 1 received on 17 February 2023 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 with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interest of visual amenity.

4. The dwelling hereby approved and the levels of the site shall be constructed in accordance with Drawing No 02 Rev 1 and 03 Rev received 17 February 2023.

Reason: In the interests of visual amenity and to respect rural character.

5. One dwelling only shall be constructed within the area of the site outlined in red on the approved drawing no 01 bearing the stamp dated 29 MAR 2022.

Reason: To control the number of dwelling on the site as this permission is in substitution for planning approval LA09/2021/1142/O and is not for an additional dwelling on this site.

Signature(s):

Date

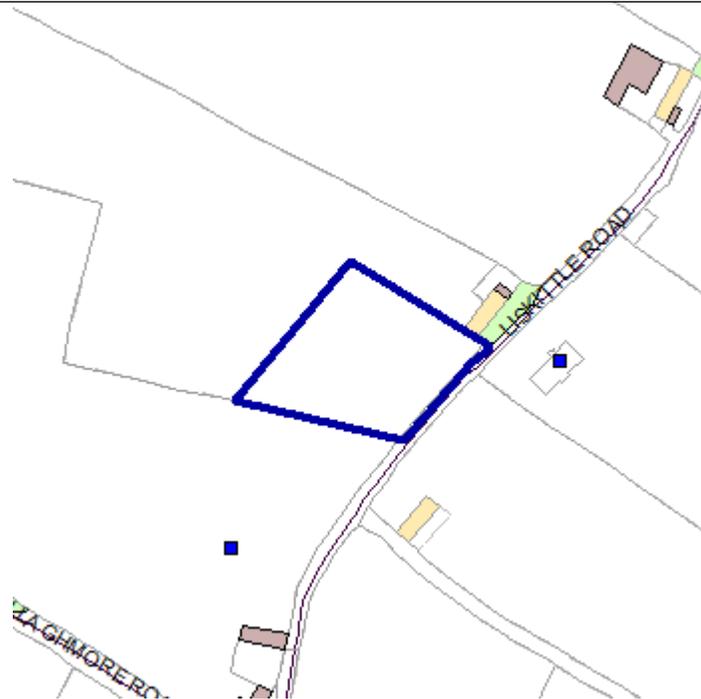


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 October 2022	Item Number: 5.10
Application ID: LA09/2022/0414/F	Target Date: 24 May 2022
Proposal: Proposed dwelling and domestic garage based on policy CTY8 infill/gap site	Location: 65M North East Of 37 Liskittle Road Tullagh Beg Stewartstown
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Stephen Rodgers 33 Tullaghmore Road Tullagh Beg Stewartstown	Agent Name and Address: Cmi Planners 38A Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	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

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 applications on site as such the characteristics of the site and area remain largely as per LA09/2021/1142/O.

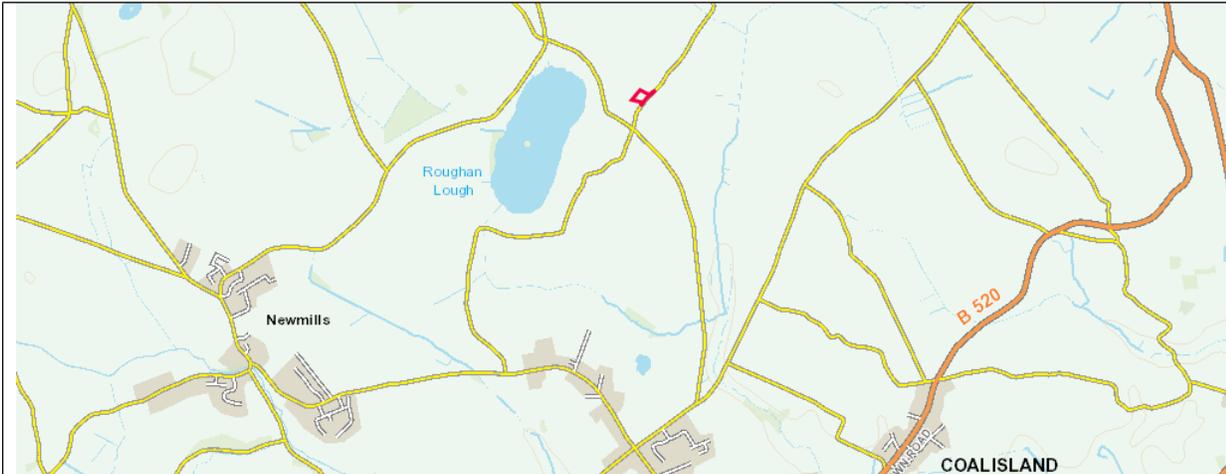


Fig 1: Site outlined red

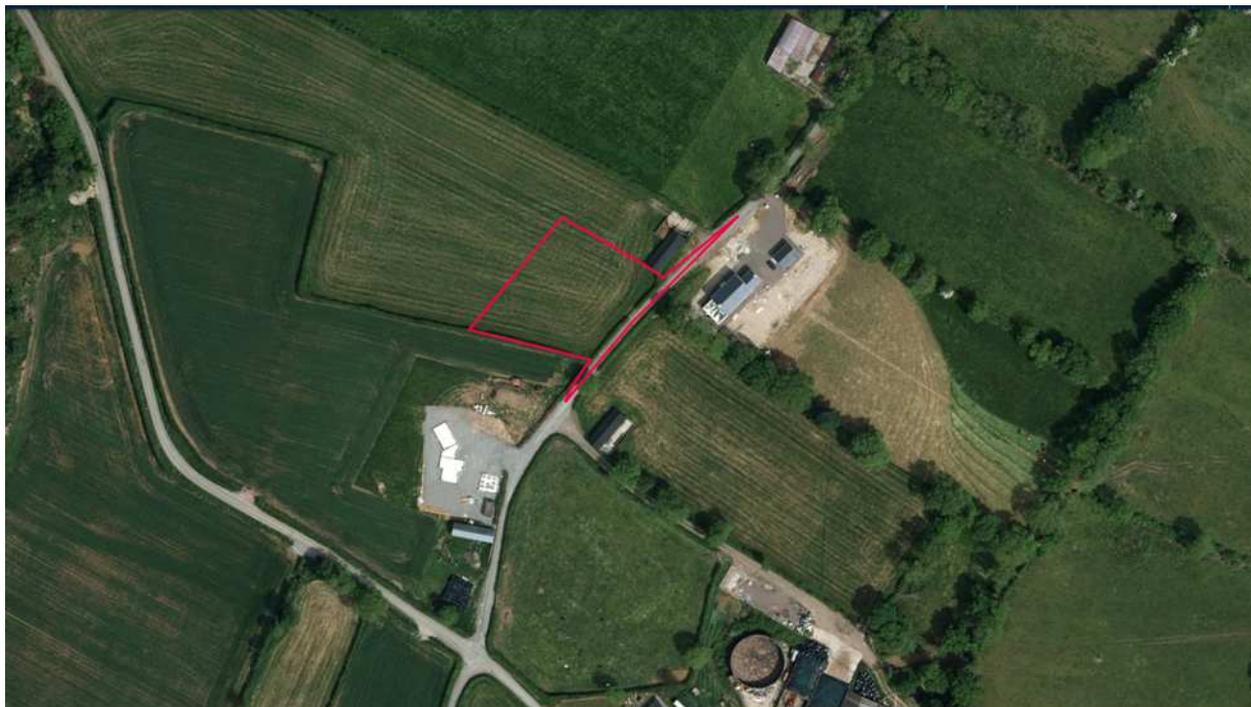


Fig 2: Site outlined red

The site is located in the rural countryside, as depicted within the Cookstown Area Plan, approx. 1.5km north west of Coalisland and approx. 230m east of Roughan Lough. It is situated north of the crossroads at Liskittle, Tullaghbeg and Tullaghmore Roads Brackaville, Stewartstown.

The site is a rectangular shaped plot cut from the roadside frontage of a much larger field. It sits within an existing line of development extending along the west side of Liskittle Rd, a minor country road. Development within this line running south to north along the Liskittle Rd includes an agricultural building situated gable end onto the road; a new dwelling, no. 37 Liskittle Rd, including ancillary garage; and another agricultural building situated parallel to and immediately adjacent the roadside. The site is located within this line of development between the new dwelling located immediately to its south

and the latter agricultural building located immediately to its north within the site's host field.

The site occupies a relatively elevated position in the surrounding landscape with the land within it and along the Liskittle Rd falling downwards from north to south. The east (roadside) and south boundaries of the site are defined by a mature hedgerow, ranging from approx. 1 ½ m in height, bounding the host field. The remaining boundaries of the site are open onto the host field and agricultural shed within and the landform in the immediate area falls in a north to south direction along Liskittle.

Views of the site are limited from the Liskittle Rd until just before and passing along its' roadside frontage due to the topography of the area, existing roadside development, and vegetation both on site and within the wider vicinity screening it on both approaches. Owing to the elevated nature of the site there will be some long distant views of it from the wider road network.

The area surrounding the site is predominantly rural in nature comprising undulating agricultural land interspersed with single dwellings, ancillary buildings and farm groups including no. 34 Liskittle Rd, a relatively new two storey dwelling with ancillary detached garage located on lands immediately north east of the site to the opposite side of the road.

Description of Proposal

This is a full planning application for a proposed dwelling and domestic garage to be located on lands located approx. 65m North East of 37 Liskittle Road Tullagh Beg Stewartstown.

There is a live outline planning application for a dwelling and domestic garage/store based on Policy CTY8 of PPS21 on this site; LA09/2021/1142/O granted on the 14th of October 2021.

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 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement 21: Sustainable Development in the Countryside in particular:
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.

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

On site

- LA09/2021/1142/O - dwelling and domestic garage/store based on Policy CTY8 of PPS21 - 65m NE of No37 Liskittle Rd Tullagh Beg Stewartstown - Granted 14th October 2021.

Adjacent site

- I/2005/1485/O - Site for dwelling and garage - 300m SW of no. 26 Liskittle Rd Newmills Coalisland - Granted 9th May 2006
- I/2007/0255/RM - New dwelling (5.5m Ridge Height) and garage - 300m SW of no. 26 Liskittle Rd Newmills Coalisland - Granted August 2007
- LA09/2017/0469/F - Change of house type from previously approved I/2007/0255/RM - 300m SW of no. 26 Liskittle Rd Newmills Coalisland - Granted 29th June 2017

The above applications relate to lands opposite / NE of the site containing a relatively new 2 storey dwelling, no. 34 Liskittle Rd.

- LA09/2017/0958/O - Replacement dwelling - At and NW of the crossroads at Liskittle Rd Tullaghbeg Rd and Tullaghmore Rd Brackaville Stewartstown - Granted 3rd October 2017
- LA09/2018/1699/F - Proposed dwelling and detached garage - At and NW of crossroads at Liskittle Tullaghbeg and Tullaghmore Rds Brackaville Stewartstown - Granted

The above applications relate to lands immediately S of the site containing a new 1 ½ storey dwelling, no. 37 Liskittle Rd.

- LA09/2021/1744/O - Dwelling on a farm - 70m North East of 34 Liskittle Rd Stewartstown - Granted 22 July 2022

The above application relate to lands further NE of the site to the opposite side of the road just north of no. 34 Liskittle Rd.

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 will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.

Consideration

Cookstown 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 and all other policies relevant to this proposal have been retained.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These instances are listed in Policy CTY1 of PPS21. One of these instances, which the applicant has applied under, is the development of a small gap site in accordance with Policy CTY8 - Ribbon Development.

It states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 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 criteria. For the purposes of this policy the definition of a substantial built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

I am content the principle of this development, a dwelling and domestic garage/store, has already been established on site under outline planning application LA09/2021/1142/O. This approval granted permission for a dwelling and garage/store under the provisions of CTY 8 of PPS 21 - a small gap site within an otherwise substantial and continuously built up frontage.

Whilst I am content the principle of this development ‘a dwelling and garage/store’ has already been accepted under planning application LA09/2021/1142/O this was subject to the dwelling and ancillary garage / store being of an appropriate size, scale and design with a ridge height no greater than 6.5m above FFL. The ridge height was conditioned at outline stage and design reserved for further consideration under any subsequent reserved matters application to ensure the dwelling and including garage/store respected the existing development pattern along the frontage in terms of size, scale. This ridge height took account of the heights of the building to either side and the sloping topography of the area.

This proposal has been submitted as a full rather than reserved matters application as it does not meet the ridge height condition set at outline and to help control the size and scale of the dwellings design for further consideration. I believe the increase to the

dwelling's ridge and subsequent size and scale would result in a dwelling on this site with a significantly greater visual impact, than that approved at outlined. Whilst the site has approval for a dwelling with a 6.5m ridge height above FFL I do not believe the site has the capacity to absorb the proposed dwelling with a 8m ridge height in accordance with Policy CTY13 and 14. The size, scale, and design of the dwelling including ridge height is inappropriate for the site and locality in that it would not respect the existing development pattern along the frontage it is to sit within when viewed from the Liskittle Rd. When passing along the frontage of the line of development the dwelling is to sit within it would occupy a position and have a ridge height significantly above no. 37 Liskittle Road the 1 ½ storey dwelling located on lower lands to its south; and the modest single storey outbuilding immediately to its north (see Fig 3, below).



Fig 3: Indicates position of site between the single storey outbuilding bounding it to the north (in foreground of photo) and 1 ½ storey dwelling no. 37 to the south (in background of photo)



Fig 4: Elevations of proposed dwelling

Accordingly, the agent was contacted via email (24th May 2022 and 8th July 2022) and advised Planning had initial concerns that the design of the dwelling is contrary to Policy CTY8 of PPS21 due to its size and scale. Accordingly, Planning would like to offer you the opportunity to submit:

- Additional information / drawings providing the context for the proposed dwelling as per the design guide, ‘Building on Tradition: A Sustainable Guide for the Northern Ireland Country, for infill sites; or
- a reduced scheme.

The agent subsequently submitted a supporting statement via email (26 August 2022). Noting Planning is content with the principle of a dwelling and garage on this site in terms of its ridge height, size and scale the agent outlined this is a typical design of dwelling approved many times by the Department all throughout Mid Ulster and beyond. It is a decent house/home that in no way could be described as being large or out of kilter with its surrounds. The agent included A number of photos to show two storey dwellings in the vicinity including nos. 26 and 34 Liskittle Rd located further northeast and opposite the site respectively to demonstrate the proposal is of similar size and scale. He has advised the ridge line and size and scale of the dwelling will be lower and lesser than of no.34. He advised he could offer to lower the ridge line by lowering the roof pitch to 30/32 degrees but that would be detrimental to the overall design and external appearance in that a dwelling with a low roof pitch simply does not look right, hence the reason I have not done that.

Whilst the supporting statement and accompanying photos were taken into consideration Planning’s opinion did not change, the proposal remains contrary to CTY8 in that the proposed dwelling does not respect the existing development pattern along the frontage in terms of size, scale. Whilst the agent has noted dwelling within the vicinity including one in close proximity opposite the site, no. 34 Liskittle Rd these dwelling are not located

with the line of development the proposed dwelling is to locate within. Policy CTY 8 clearly states that the proposed dwelling should respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental criteria. This frontage is the substantial line of development it sits within not development located in the wider vicinity. The ridge height, size and scale of the proposed building will does not respect the existing development pattern as detailed further above with the 1 ½ storey dwelling located on lower lands to its south; and the modest single storey outbuilding immediately to its north (Fig 3).

According, on the agent was contacted via email (8th September 2022) and offered one last opportunity to submit:

- Additional information / drawings providing the context for the proposed dwelling as per the design guide, 'Building on Tradition: A Sustainable Guide for the Northern Ireland Country, for 'Infilling Gaps and Frontage Development' i.e. a drawing showing the proposed dwelling located within the existing line of development, or
- a reduced scheme.

To date no further information has been received therefor this proposal is recommended for refusal.

Additional considerations

I believe a suitably designed scheme should not have any unreasonable impact on the neighbouring properties in terms of overlooking or overshadowing given separation distances that will be retained.

In additional to checks on the planning portal Natural Environment Map Viewer (NED) and Historic Environment Map (NED) map viewers available online have been checked and identified no natural heritage features of significance or built heritage assets of interest on site.

Flood Maps NI show no flooding on site.

Recommendation: Refuse

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policy CTY1 and CTY 8 of Planning Policy Statement 21,

Sustainable Development in the Countryside, in that the design of the dwelling is inappropriate for the site and its locality, and if permitted would not respect the existing development pattern along the Liskittle Road frontage it is to be located within in terms of its ridge height, size and scale.

Signature(s): Emma Richardson

Date: 21 September 2022

ANNEX	
Date Valid	29 March 2022
Date First Advertised	12 April 2022
Date Last Advertised	12 April 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 37 Liskittle Road, Stewartstown, Tyrone, BT71 5PT The Owner / Occupier 34 Liskittle Road, Stewartstown, Tyrone, BT71 5PT	
Date of Last Neighbour Notification	27 April 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR	
Drawing Numbers and Title Garage Plans Plan Ref: 04 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 Applicable	



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2022/0868/O	Target Date: <add date>
Proposal: Proposed dwelling	Location: Lands Immediately West And Adjacent To 115 Clonavaddy Road Galbally Dungannon
Applicant Name and Address: Blaine Nugent 115 Clonavaddy Road Galbally Dungannon	Agent Name and Address: McKeown & Shields Associates Ltd 1 Annagher Road Coalisland
Summary of Issues: This application was for a dwelling on a farm and has now been amended for assessment as a gap site under CTY8.	
Summary of Consultee Responses: DFI Roads – sight lines of 2.4m x 60.0m and forward sight distance of 60m required for safe access DAERA – confirm this is an active and established farm	
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 and is predominantly dwellings on single plots, groups of farm buildings and agricultural fields. There is minimal development pressure in the area from the construction of single dwellings. Adjacent to and west of the application site is the associated farm holding where there is a two-storey dwelling and agricultural sheds. The roadside portion of the site is an area of derelict land with established hedging along the roadside boundary. The northern part of the site is a cut-out of a larger agricultural field. The boundary treatment along the rear portion of the site is a post and wire fence.	

Description of Proposal

This is an outline application for a dwelling at lands Immediately West And Adjacent To 115 Clonavaddy Road, Galbally, Dungannon.

Deferred Consideration:

This application was before the Planning Committee in November 2022 and was deferred for an office meeting with the Service Director. At a meeting on 10 November, via zoom, it was accepted the farm case has been used and the applicant wished the proposal to be assessed as a gap site as allowed for in CTY 8 of PPS21.

Members will be aware that CTY8 allows for the infilling of a substantially built up frontage with a maximum of up to 2 houses where these respect the scale and character of the adjoining development. A substantially built up frontage is a line of 3 or more buildings along a road frontage without accompanying development to the rear. The application site here is set between a row of agricultural buildings and a 2 storey dwelling to the east and a large unroofed building with a large overgrown yard area to the front at the west side. (Figs 1, 2 & 3) The large building to the west is set back from the road, however it is visible from Clonavaddy Road and I consider it does have a frontage to the road. I am of the opinion this is a substantially built up frontage for the purpose of CTY8.



Fig 1 – site in red between the existing development



Fig 2 – dwelling and agricultural buildings to the east, with large building in background



Fig 3 – large building and yard to the west

The proposed dwelling will be sited within this line of development and as there is no defined scale or plot size for the adjoining development, in my view a dwelling here would not be out of character. The site is generous in terms of its size and there is no definite building line therefore I do not consider it necessary to impose any conditions on the siting or design. Issues in relation to impacts on the amenity of the adjoining development will be assessed at Reserved Matters stage.

In light of the above it is my recommendation that planning permission is granted as the proposal meets the exceptions in CTY8 for a dwelling in a gap site.

Conditions:

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

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

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

Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.

3. Details of existing and proposed levels within the site, levels along the roadside, and the finished floor level of the proposed dwelling shall be submitted for approval at Reserved Matters stage. The dwelling shall be built in accordance with levels agreed at Reserved Matters stage.

Reason: To ensure that the dwelling integrates into the surrounding countryside.

4. A detailed landscaping plan shall be submitted and approved as part of the Reserved Matters application and shall identify the location, species and numbers of trees and hedges to be retained and planted. All existing boundaries shall be retained and augmented with trees and native species hedging. All new curtilage boundaries including both sides of any proposed access laneway shall also be identified by new planting, and shall include a mix of hedge and tree planting. The retained and proposed landscaping shall be indicated on a landscape plan, with details to be agreed at reserved matters stage. During the first available planting season after the commencement of development on site, all proposed trees and hedges indicated in the approved landscaping plan at Reserved Matters stage, shall be planted as shown and permanently retained thereafter, unless otherwise agreed by Mid Ulster Council in writing.

Reason: In the interest of visual amenity and to assist with integration.

5. 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 the Local Planning Authority, 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 the Local Planning Authority gives its written consent to any variation.

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

6. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the uploaded form RS1 including sight lines of 2.4m by 60.0m and a forward sight distance of 60.0m where the access meets the public road. The access as approved at Reserved Matters stage shall be constructed in accordance with the approved plans, prior to the commencement of any other development hereby approved.

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

Signature(s)

Date:

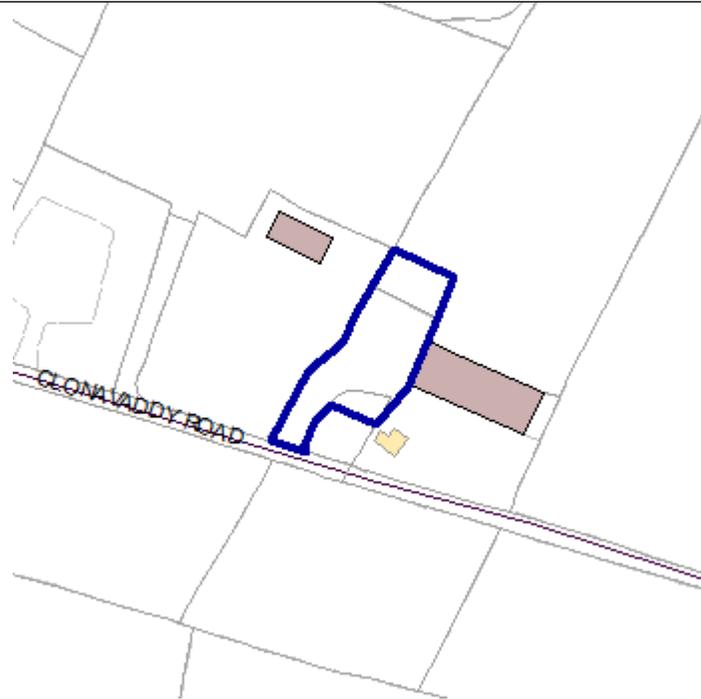


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.18
Application ID: LA09/2022/0686/O	Target Date: 9 September 2022
Proposal: Proposed Dwelling	Location: Lands Immediately West And Adjacent To 115 Clonavaddy Road Galbally Dungannon
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Blaine Nugent 115 Clonavaddy Road Galbally Dungannon	Agent Name and Address: McKeown & Shields Associates Ltd 1 Annagher Road Coalisland
Executive Summary: Development opportunity sold off from the farm on the 15th September 2021 which is within the past 10 years.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	LA09-2022-0686-O - 115 Clonavaddy Road - Response.docx LA09-2022-0686-O - 115 Clonavaddy Road - RS1 Form.doc
Non Statutory Consultee	DAERA - Omagh	LA09-2022-0686-O.DOCX See uploaded document

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 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 and is predominantly dwellings on single plots, groups of farm buildings and agricultural fields. There is minimal development pressure in the area from the construction of single dwellings. Adjacent to and west of the application site is the associated farm holding where there is a two-storey dwelling and agricultural sheds.

The roadside portion of the site is an area of derelict land with established hedging along the roadside boundary. The northern part of the site is a cut-out of a larger agricultural field. The boundary treatment along the rear portion of the site is a post and wire fence.

Description of Proposal

This is an outline application for a dwelling at lands Immediately West And Adjacent To 115 Clonavaddy Road, Galbally, 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 has been carried out in line with the Council's statutory duty. At the time of writing, no third-party objections were received.

Planning History

There are no planning histories 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 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. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes farm dwelling 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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In addition, other types of development will only be permitted where overriding reasons are submitted why the development is essential and could not be located within a settlement. As this proposal is for a dwelling on a farm CTY 10 is the relevant policy in the assessment.

CTY 10 – Dwelling on a Farm

DAERA confirmed the farm business ID as stated on the P1C form has been in existence for over 6 years and the farm has claimed farm subsidies for the past 6 years. Overall, I am content the farm business has been active for the past 6 years and is currently an active and established business.

The applicant provided 2021 DAERA farm boundary maps and I completed checks for any approvals on the farm holding. The current owners of M/2208/0734/RM are Blaine and Ryan Nugent and this was transferred from Ignatius and Siobhan Nugent on the 16th January 2012. As this transfer is outside the 10 year period from the date of this application on the 26th May 2022 I have no concerns.

LA09/2021/0566/F granted approval for a change of house type of M/2012/0433/F on the 8th July 2021. The principle of a live approval was confirmed in this 2012 permission. A land registry check showed this site was transferred to Francesa Glynn and Conal McGarrity on the 15th September 2021 and the previous landowner was Blaine Nugent. The applicant on LA09/2021/0566/F was Conal McGarrity. As this site is shown within the existing farm holding and has now been transferred to a third party, I consider this is a sell-off from the farm holding within the past 10 years and fails this criteria of CTY 10.

To the east of the site is the associated farm holding at No. 115 Clonavaddy Road. The farm has a roadside frontage onto Clonvaddy Road with no boundary treatment along the road. The farm holding comprises an existing two-storey dwelling and gravelled yard facing onto the road. To the rear of the dwelling are several agricultural sheds. The

applicant has indicated on the site location plan they wish to site the dwelling in the northern portion in the cut-out of the larger field. I am content siting the dwelling in this location will still cluster with the farm holding. The site will be accessed via an existing lane off the Clonvaddy Road, and I consider accessing the site through No. 115 would not be acceptable on health and safety grounds as this is through a busy farm yard.

Overall, I consider the proposal fails to meet all the criteria in CTY 10 for a dwelling on a farm.

CTY 13 – Integration and Design of Buildings in the Countryside

The application site is a portion of land to the west of the farm holding at No. 115. I consider it is appropriate to condition the siting and curtilage of the dwelling to the northern portion of the site. I am content a dwelling in this location will cluster with adjoining farm buildings and not have the potential to be a prominent feature in the landscape. I would recommend additional planting around the undefined boundaries to assist in integration. The design of the dwelling will be considered at the reserved matters stage.

On balance I consider this dwelling will integrate into the landscape and meets all the criteria for CTY 13.

CTY 14 – Rural Character

I am content the dwelling will not be a prominent feature as discussed earlier in the assessment. I consider the proposal will not result in a suburban style build-up of development as it is for a single dwelling beside an existing farm grouping and there is minimal development pressure in the surrounding area. Overall, the proposal will not have a detrimental impact on rural character.

PPS 3 Access, Movement and Parking

AMP 2 – Access to Public Roads

Their consultation response had no concerns subject to conditions about visibility splays of 2.4m x 60m in both directions.

Other Considerations

I have completed a check on the statutory map viewers, and I have no ecological, built heritage, flooding or residential amenity concerns.

Summary of Recommendation:

Refuse is recommended

The proposal is recommended for refusal as it fails to meet all the criteria in CTY 10 – Dwelling on a Farm in PP2S 21.

Refusal Reasons

Reason 1

Contrary to CTY 10 - Dwelling on a Farm in PPS 21 in that a development opportunity has been sold off to a third party within the past 10 years.

Signature(s): Gillian Beattie

Date: 13 October 2022

ANNEX	
Date Valid	27 May 2022
Date First Advertised	30 June 2022
Date Last Advertised	30 June 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier No Neighbours	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: M/1991/0349 Type: F Status: PCO</p> <p>Ref: M/2005/1128/O Type: O Status: PG</p> <p>Ref: M/2008/0734/RM Type: RM Status: PG</p> <p>Ref: M/2005/0490/O Type: O Status: APPRET</p> <p>Ref: LA09/2022/0686/O Type: O Status: PCO</p> <p>Ref: M/2006/0767/O Type: O</p>	

Status: PR

Ref: M/1980/0386

Type: H13

Status: PG

Ref: LA09/2020/0992/O

Type: O

Status: PDE

Ref: M/2004/0775/O

Type: O

Status: APPRET

Summary of Consultee Responses

DFI Roads - Enniskillen Office-LA09-2022-0686-O - 115 Clonavaddy Road -
Response.docxLA09-2022-0686-O - 115 Clonavaddy Road - RS1 Form.doc
DAERA - Omagh-LA09-2022-0686-O.DOCXSee uploaded document

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2022/1112/F	Target Date: <add date>
Proposal: Replacement Dwelling House with attached Garage and Carport	Location: 39 Drumaspil Road Drumaspil Dungannon BT71 6HZ
Applicant Name and Address: Mr Lee McFarland 17 Annaloughan Road Augher BT77 OBW	Agent name and Address: Mr Philip Caddoo 44 Rehaghey Rd Aughnacloy BT69 6EU
Summary of Issues: This application for the replacement of a non listed vernacular dwelling and whilst it is larger than the existing dwelling on the site, it is replacing a number of other buildings that overall will not result in a significant impact on the character of the area.	
Summary of Consultee Responses: DFI Roads – recommend conditions to be attached if the Council wish to approve	
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 land uses are predominantly agricultural fields, single rural dwellings, and groupings of farm buildings. There is minimal development pressure in the immediate area from the construction of new dwellings. The site has a roadside frontage onto Drumaspil Road which is a lightly trafficked road, and the topography of the road rises steeply from north to south. The application site comprises several buildings which have a frontage onto Drumaspil Road. Along the roadside there is a building to be replaced which is a single storey and has finishes of tin sheeting on the roof, stonework walls and wooden window frames. To the rear of the building are several sheds with tin sheeting.	

Description of Proposal

This is a full application for a replacement dwelling with attached Garage and Carport at 39 Drumaspil Road, Drumaspil, Dungannon.

Deferred Consideration:

This application was before the Planning Committee in December 2022 where it was deferred for a meeting with the Service Director. At a virtual meeting on 15 December 2022 the applicants indicated there are a number of buildings here that will be removed and the proposal will not have any greater visual impact than the original buildings. Figs 1 & 2 below show the existing and proposed development for comparison. The existing buildings are a mix of heights, types and finishes. The dwelling to the south has a finished floor level shown as 37.30m, the proposed dwelling has a finished floor level of 31.0m and a finished eaves level of 37.95m. The proposed dwelling will be set well below the level of the existing dwelling to the south. There is no clear view of these from the Drumaspil Road, especially when approaching from the higher ground to the south. Views from the north are also limited and long distance. Given the differences in the levels and the amount of development that will be removed, I do not consider the proposal will have any significantly greater visual impact than the existing buildings. (See photo 1).



Fig 1 & 2 – existing and proposed site plans



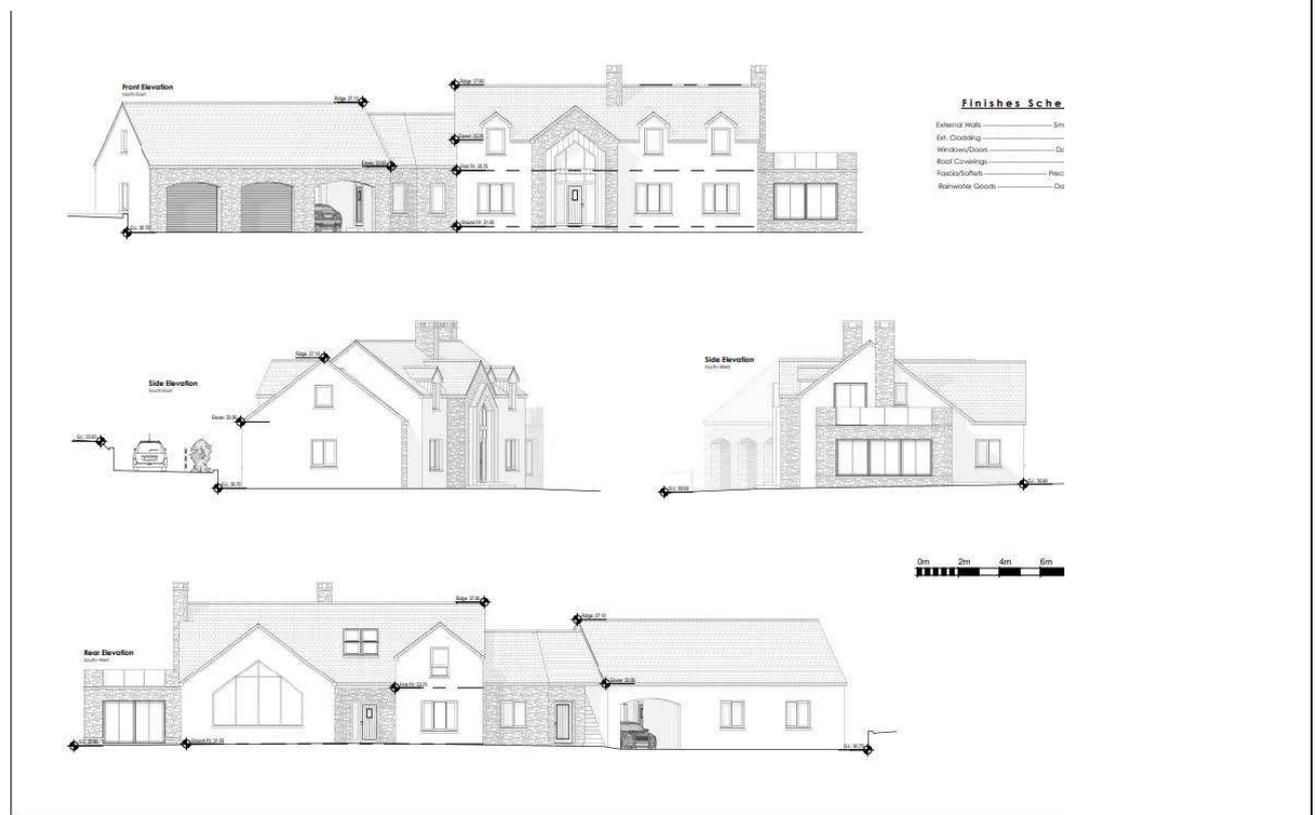
Photo 1 – zoomed view from minor road to the north, dwelling to be replaced indicated with the red arrow

The proposed dwelling is set back from the roadside and has the lower garage annex with its gable towards the road, similar to the dwelling to the south. The dwelling to the south has a finished floor level shown as 37.30m, the proposed dwelling has a finished floor level of 31.0m and the finished eaves level of 37.95m. The proposed dwelling will be set well below the level of the existing dwelling to the south. Given the differences in the levels, the orientation of the dwelling,

intervening laneway and vegetation, I do not consider the proposal will have any significant impacts on the amenity of the dwelling to the south.

The applicant was asked to consider incorporating the existing roadside vernacular property into the design. They have advised there are significant structural issues with the existing property that would make it uneconomic or viable to retain and convert. The policy does indicate that it is desirable to retain the old buildings to keep the historic fabric however it is not listed and could be demolished without any permission. As the policy does not expressly require the retention and the applicant has provided information to explain why it cannot be retained then I accept the existing buildings may be demolished.

I acknowledge it will be a shame to lose the existing vernacular cluster here, however there is no protection afforded to them. The proposed development will not, in my opinion, have any greater visual impact than the existing buildings, and will result in a reduction in the number of buildings on the site. The design is a modern linear form and I consider it is reflective of the design guide and as such I recommend this application is approved.



Conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. All hard and soft landscape works as detailed on drawing no 02 received on 4 July 2022 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practise. 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 with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interest of visual amenity.

3. The dwelling hereby approved and the levels of the site shall be constructed in accordance with Drawing No 02 and 05 Rev received 4 July 2022.

Reason: In the interests of visual amenity and to respect rural character.

Signature(s):

Date



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 December 2022	Item Number: 5.27
Application ID: LA09/2022/1112/F	Target Date: 17 October 2022
Proposal: Replacement Dwelling House with attached Garage and Carport	Location: 39 Drumaspil Road Drumaspil Dungannon BT71 6HZ
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Lee McFarland 17 Annaloughan Road Augher BT77 OBW	Agent Name and Address: Mr Philip Caddoo 44 Rehaghey Rd Aughnacloy BT69 6EU
Executive Summary: The proposal is recommended for refusal as it does not meet CTY3, CTY 13 and CTY 14 in PPS 21. The proposal will have a greater visual impact than the existing dwelling and is out of character for the surrounding area which are predominately single storey dwellings.	

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

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 land uses are predominantly agricultural fields, single rural dwellings, and groupings of farm buildings. There is minimal development pressure in the immediate area from the construction of

new dwellings. The site has a roadside frontage onto Drumaspil Road which is a lightly trafficked road, and the topography of the road rises steeply from north to south.

The application site comprises several buildings which have a frontage onto Drumspil Road. Along the roadside there is a building to be replaced which is a single storey and has finishes of tin sheeting on the roof, stonework walls and wooden window frames. To the rear of the building are several sheds with tin sheeting.

Description of Proposal

This is a full application for a replacement dwelling with attached Garage and Carport at 39 Drumaspil Road, Drumaspil, 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, one third-party representation has been received. This was not a formal email in support or objection, but the neighbour has raised queries in relation to the levels at the site.

A non-committal comment was received from the owner/occupier of the neighbouring dwelling to the south at No.37 who was Mr Courtney. It was stated he had no objection to the proposal but had questions about the ground levels and proposed ridge heights. Mr Courtney feels the proposal will have a visual impact on his property and asks will existing and proposed ground levels and proposed and existing ridge levels be to ordinance datum Belfast. Also, it is stated will the proposed ground levels and ridge heights be conditioned to any approval. In rebuttal, on all full and reserved applications the existing and proposed levels at points on the site are shown and the finished floor level of the dwelling.

Planning History

No planning histories 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 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. The site is not within any other zonings or designations as defined 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. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes replacement 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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In addition, other types of development will only be permitted where overriding reasons are submitted why the development is essential and could not be located within a settlement. As this proposal is to replace an existing dwelling CTY 3 is the relevant policy in the assessment.

CTY 3 – Replacement Dwellings

As shown in figure 1 below I am content the building has the appearance of a dwelling and exhibits all the essential characteristics of a dwelling. There is a chimney which projects from the ridgeline of the building, a small porch on the front elevation and windows on the front and back elevations of the buildings. I consider all the walls of the dwellings are substantially intact.



Figure 1 – Building to be Replaced

Overall, I am content there is a dwelling to be replaced for the purposes of CTY 3.

I consider the dwelling to be replaced has the appearance of non-listed vernacular dwelling as listed in Annex 2 of PPS 21. The dwelling has a long rectangular form and the depth of the house is less than 6m. The majority of the windows are on the front and back elevations and there is a small porch on the front elevation. I consider the dwelling makes an important contribution to the heritage and appearance of the area. The building is an example of a traditional cottage and as stated in 'Building on Tradition' design guidance there is a tendency to replace these rural dwellings instead of renovating and extending. As the building is along the roadside there are critical views in both directions along Drumapsil Road. In an email dated 12th October 2022 the agent submitted a supporting statement why the dwelling should not be retained. The agent states from their initial survey the dwelling is not reasonably capable of being made structurally sound. It is stated the roof instability would constitute complete removal, the external stonewalls have a large amount of damp and floors have been removed to expose saturation. The agent has stated other health and safety reasons why the building cannot be converted as the dwelling's location beside the road and proximity to nearby electricity poles. I consider as the dwelling to be replaced is a small building it is not sufficient for a modern family dwelling. Policy in CTY 3 states that the vernacular building should only be retained where it can be incorporated into the overall scheme with the new dwelling. I would not recommend retaining the building for use as a store or its current use as a dwelling. Also, I do not think the building could be retained as the dwelling needs to be removed to obtain visibility splays for the access.

Most of the proposed dwelling will be sited within the established curtilage, but a portion of the new dwelling and garden area will be in the existing agricultural field. The existing site is restricted to the rear and the proposed dwelling has a long frontage as it has an attached carport, so the proposal needs to use a portion of the field.

The dwelling to be replaced is a modest single storey dwelling as shown in figure 1 above. As shown in figure 2 the proposed dwelling has a ridge height of 6.95m and has a long frontage which encompasses the dwelling and attached garage. The dwelling will

have a slightly curved form and three dormers on the front elevation that extend from the wall plate. There is also a double height projection on the front elevation. The proposed external materials are white render and stonework walls, blue slate roof tiles, grey aluminium windows and doors. I have no concerns about the external materials. All the dwellings along this section of Drumaspil Road are single storey dwellings and I am of the opinion the proposed dwelling will have a greater visual impact than the existing dwelling. The proposal will involve the removal of all the buildings at the site so there will be no buildings for the proposed dwelling to cluster with. Even-though the site is at a lower ground level than No. 37 the dwelling will be visible in critical views from the south east and a portion of Drumaspil Road to the north.

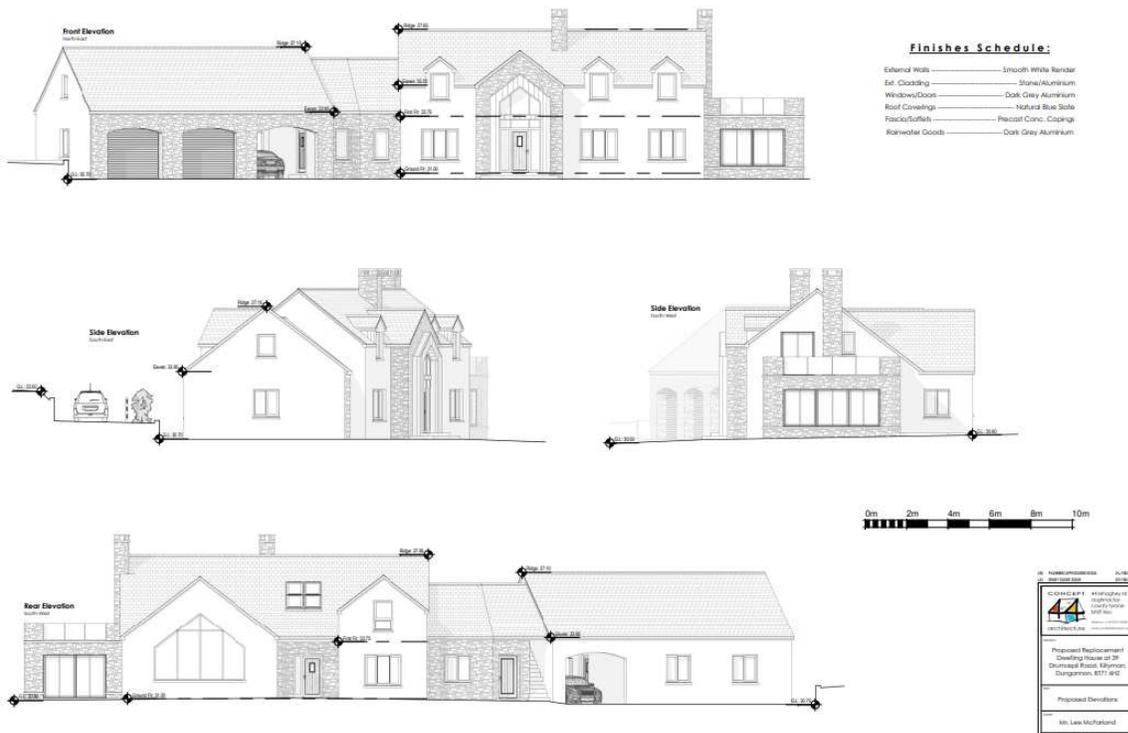


Figure 2 – Snapshot of the proposed dwelling

I would have concerns about the design of the dwelling as I consider it is not simple rural form. The dormers, balcony, double height projections and chimneys on the gable walls of the dwelling are not generally acceptable for a dwelling in the countryside. In a supporting statement dated 12th October 2022 the agent acknowledges that the new dwelling will be larger in size than the existing dwelling. It is stated this will be offset as the proposal is on a lower ground level than similar dwellings and is more set back from the road. The agent also feels the new building will landscape benefits as it will sit on the site where there are currently several dilapidated sheds and improve the character of the area.

Overall, I consider the proposal does not meet all the criteria in CTY 3.

CTY 13 – Integration and Design of Buildings in the Countryside

The proposal is for a one and half storey dwelling on land which is at a lower ground level than surrounding dwellings. I consider the proposal will be a prominent feature in the landscape as the scale, mass and design of the dwelling is out of character for the area and will dominate the landscape.

In terms of landscaping, the agent has shown new trees and hedging on the site boundaries.

CTY 14 – Rural Character

As stated earlier in the assessment, I consider the proposal will be prominent in the landscape as the scale and design is inappropriate for the site. I am of the opinion the proposed dwelling does not respect the traditional pattern of settlement in the area. I consider the proposal will be detrimental to rural character.

PPS 3 Access, Movement and Parking

AMP 2 – Access to Public Roads

I consider the proposal does not access onto a protected route, so I have no concerns.

As the proposal is for a replacement dwelling, there is no statutory requirement to upgrade the access. There is an access to the site, but the applicant is proposing a new access further along. DFI Roads were consulted and were content subject to visibility splays of 2.0m x 70m in both directions.

Other Considerations

I checked the statutory map viewers here are no other NED, HED or flooding issues at the site.

Summary of Recommendation:

Refuse is recommended

The proposal is recommended for refusal as it is contrary to CTY1, CTY13 and CTY14 in PPS 21 – Sustainable Development in the Countryside.

Refusal Reasons

Reason 1

Contrary to Policy CTY 1 in PPS 21 in that there is no overriding reason why the development is essential and cannot be located within a settlement.

Reason 2

Contrary to Policy CTY 3 - Replacement Dwellings in PPS 21 in that the overall size of the new dwelling does not integrate into the surrounding landscape and will have a visual impact significantly greater than the existing dwelling.

Reason 3

Contrary to Policy CTY 13 - Integration and Design of Buildings in the Countryside in PPS 21 in that the design of the building is inappropriate for the site and its locality and will be a prominent feature in the landscape.

Reason 4

Contrary to Policy CTY 14 - Rural Character in PPS 21 in that the proposal does not respect the traditional pattern of settlement in the area and will be detrimental to rural character.

Signature(s): Gillian Beattie

Date: 21 November 2022

ANNEX	
Date Valid	4 July 2022
Date First Advertised	21 July 2022
Date Last Advertised	21 July 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 39A Drumaspil Road Dungannon Tyrone BT71 6HZ The Owner / Occupier 43 Drumaspil Road Drumaspil Dungannon Tyrone BT71 6HZ The Owner / Occupier 37 Drumaspil Road Drumaspil Dungannon Tyrone BT71 6HZ The Owner / Occupier 39 Drumaspil Road Dungannon Tyrone BT71 6HZ	
Date of Last Neighbour Notification	14 September 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: M/2006/1192/F Proposals: Domestic garage / store Decision: PG Decision Date: 10-JUL-06 Ref: M/1991/0281 Proposals: Replacement dwelling Decision: PG Decision Date: Ref: M/1996/0638B Proposals: Proposed dwelling Decision: PG Decision Date: Ref: LA09/2022/1112/F Proposals: Replacement Dwelling House with attached Garage and Carport Decision:	

Decision Date:

Ref: M/2003/0520/F

Proposals: Erection of dwelling and garage

Decision: PG

Decision Date: 12-NOV-03

Ref: M/2007/0051/F

Proposals: Proposed rear extension to dwelling

Decision: PG

Decision Date: 12-APR-07

Ref: LA09/2018/1571/F

Proposals: Single storey rear extension to dwelling, attic conversion and alterations to existing site layout within curtilage

Decision: PG

Decision Date: 05-FEB-19

Ref: LA09/2016/0989/O

Proposals: Proposed site for farm dwelling and double domestic garage

Decision: PG

Decision Date: 02-DEC-16

Ref: LA09/2017/0083/RM

Proposals: Farm dwelling and double domestic garage

Decision: PG

Decision Date: 10-MAR-17

Ref: M/1992/4073

Proposals: Extension to Dwelling

Decision: PDNOAP

Decision Date:

Ref: M/1996/0638

Proposals: Site for dwelling

Decision: PG

Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Roads Consultation full approval.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 001
Site Layout or Block Plan Plan Ref: 002
Site Layout or Block Plan Plan Ref: 003
Proposed Floor Plans Plan Ref: 100
Proposed Elevations Plan Ref: 200

Notification to Department (if relevant)

Not Applicable