



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 April 2023	Item Number: 5.1
Application ID: LA09/2018/0703/F	Target Date: 16 July 2018
Proposal: Proposed 6 Semi detached houses	Location: Sites 20 22 24 26 28 And 30 Killyliss Manor Eglish Dungannon
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: PKJ Construction Ltd 31C Stilogo Road Eglish Dungannon	Agent Name and Address: J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary:	

Case Officer Report		
Site Location Plan		
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Consultations:		
Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: FR
	NI Water - Multiple Units West	Substantive: TBCResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	Rivers Agency	Substantive: TBCResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR
Statutory Consultee	DFI Roads - Enniskillen Office	12-01-2023.pdf
	DFI Roads - Enniskillen Office	Previously answered
Statutory Consultee	DFI Roads - Enniskillen Office	Conditions 13-03-2023.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Previously answered
Representations:		
Letters of Support	0	
Letters of Objection	1	
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 lies within the settlement limits of Eglish on the upper north west outskirts and</p>		

outside all others areas of constraint as depicted by the Dungannon and South Tyrone area Plan 2010. The site is accessed off the main Killyliss road and cuts through the first part of the Killyliss Manor development. This development consists of 8 pairs of semi detached dwellings all of the same size and design.

The red line then opens to the rear portion of the site which is an agricultural field, part of which is bare soil and the remainder grassed over. The north and west boundaries of the site are undefined on the ground and is joined to the portion of the field which is subject to planning ref LA09/2019/1065/F. There is a mix of hedgerow and fencing along the southern boundary, and the eastern boundary will be connected on to the rest of the development.

To the North and west, the site is surrounded by agricultural fields, to the east is the Killyliss Manor houses and to the south the site backs on to the rear of the dwellings in Roan park. Further to the rear is Eglish GAC grounds as well as the local primary school, with a local shop and st Patricks church at the junction with the Eglish Road.

Description of Proposal

The proposal seeks full planning permission for 6 semi detached houses.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Planning Assessment of Policy and Other Material Considerations

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

Area Plan

Dungannon and South Tyrone Area Plan 2010- within development limits of Eglish, no zoning. In the plan it states that housing development will normally be permitted provided the scale, layout and detailed design of the development are compatible with the scale and character of the settlement.

Representations

Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty. At the time of writing, two objections have been received from concerned Roan Close residents.

The main concerns they highlighted included;

- Dwellings proposed are in too close proximity to existing

- Road safety
- Increased traffic congestion
- Loss of privacy
- Loss of sunlight
- And loss of character

Assessment of objections

With regards to the first concern over the proximity of the dwellings to the existing dwellings in Roan Close, the closest dwelling is site number 30, which backs onto number 5B Roan Close. The back to back separation distance is 15 metres at the closest point and 8 metres between the back wall of the proposed dwelling and the rear boundary. The remainder of the dwellings have over 30 metres gap back to back, there is also a mature boundary along the property line.

With regards to the road safety aspect and the increased traffic congestion, since the time of the objections there has been a number of amended drawings, the final version of the PSD drawings has been stamped granted by DFI Roads and the new scheme involves an improved junction scheme at the junction of the Killyliss and Eglish Road. These extensive works will bring massive improvements to the road infrastructure and the general area, they will also improve rather than compromise the existing traffic congestion in the area. All the dwellings have two car parking spaces so there should be minimal on street parking.

With regards to the loss of light and privacy, the back to back distances to the dwellings in Roan close is not of concerns barring number 5B which is approx. 15metres back to back with site number 30. The position of the existing boundary hedge which will be retained will reduce any concerns of overlooking and with the position of the existing dwellings to the south there will be minimal loss of sunlight as the shadow will be cast from the existing dwellings to the proposed.

Finally, the site lies within the settlement limits of Eglish and is an extension of the newly built Killyliss Manor. In terms of layout, scale, proportions, massing and appearance of the buildings, the dwellings will be of the same as the existing. There will no impact of the character of the area.

Planning History

M/2005/0203/O – Housing development – Withdrawn

M2006/1618/F – 9 Dwellings - GRANTED – 22.10.2008

M/2007/0861/O – Housing development – GRANTED - 9.11.2007

M/2013/0449/F – 4 Dwellings – GRANTED – 15.6.2104

M/2014/0412/F – 16 Dwellings – GRANTED – 21.03.2016(layout below)

LA09/2017/1099/F – change of house types – GRANTED 11.12.2017

LA09/2019/1065/F – 12 dwellings – Current application

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. The Council are now preparing to submit the draft Plan Strategy to DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

SPPS - Strategic Planning Policy Statement for Northern Ireland: 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.

This residential proposal lies within the settlement limit of Eglish and therefore PPS 7, Quality Residential Environments is the relevant policy consideration.

PPS 7 states the development should respect the surrounding context and be 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;

It is my opinion that the proposal layout, purporting to 3 pairs of semi detached dwellings, respects the surrounding context and is appropriate in terms of layout and appearance of buildings and landscaped areas. The dwellings are of the same scale, proportions and design as the existing, they face North onto the area of open space and back onto the rear of the dwellings in Roan Close.

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

No features of the archaeological /built heritage have been identified in the application site.

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

The settlement limit of Eglish lies to the North of the application site. The northern boundary is open to the rest of the housing in the site including the area of open space directly to the north. The southern boundary which backs onto Roan Close is defined by the existing row of mature trees and will be further bolstered by the addition of the new fence line to the east.

(d) adequate provision is made for necessary local neighbourhood facilities, to be

provided by the developer as an integral part of the development;

The agent has submitted a proposal which includes a separate sewerage treatment plant. This has been seen, considered and agreed by both NIW and EHO.

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

A footpath runs along site frontage towards Eglish village, the proposal also involves the improvements at the junction of the Killyliss road and the main Eglish Road.

(f) adequate and appropriate provision is made for parking;

Transport NI have been consulted and have no concerns as each unit has been provided with two number in curtilage parking spaces.

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

The design of the dwellings is largely the same as the first phase which were previously approved under planning reference M/2014/0412/F. In my view the design is of a high quality and respects local traditions. See below image.

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

The surrounding land uses are primarily residential with a primary school, a local shop and a church just slightly further afield. This residential development will not conflict with those land uses with careful consideration given to dwellings south of the site in Roan Close to avoid any loss of amenity/overlooking.

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

The development would appear to be designed to deter crime and promote personal safety in that open areas are 'policed' in that nearby dwellings all front said areas and provide no alley ways or other areas for congregation and potential crime.

Other considerations

NIW have indicated that sewerage capacity within Eglish waste water treatment plant is not capable of accepting waste from this development. The agent has provided a private treatment plant to cater for this proposal along with technical specifications.

Environmental Health have provided comment on the package treatment plant and raise no objection subject to certain noise and odour levels being maintained, which I find

reasonable to attach as planning conditions so as to protect existing and proposed amenity in this area.

As the proposal complies with the relevant policy for this type of development in the settlement, Transport NI have no objection and all other consultees are satisfied I recommend this application be approved.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Condition 2

Condition 3

No other development hereby permitted shall be commenced until the junction improvement works have been completed as under approved planning application LA09/2022/0417/F.

REASON: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

Condition 4

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

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

Condition 5

No dwelling(s) shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of (each phase / the development.)

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

Condition 6

The dwellings hereby approved shall not be occupied until the road junction improvement works have been carried out in accordance with planning application LA09/2022/0417/F or as agreed in writing with the Council.

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

Case Officer: Peter Hughes

Date: 21 March 2023

ANNEX	
Date Valid	21 May 2018
Date First Advertised	7 June 2018
Date Last Advertised	6 June 2018
Details of Neighbour Notification (all addresses) The Owner / Occupier 1A , Roan Close, Dungannon, Tyrone, BT70 1NE, The Owner / Occupier 21 Killyliss Manor, Eglish, Tyrone, BT70 1UP, The Owner / Occupier 20 Killyliss Manor, Eglish, Tyrone, BT70 1UP, The Owner / Occupier 23 Killyliss Manor, Eglish, Tyrone, BT70 1UP, The Owner / Occupier 2 Roan Close, Dungannon, Tyrone, BT70 1NE, The Owner / Occupier 3 Killyliss Manor Eglish Tyrone BT70 1UP The Owner / Occupier 11 Killyliss Manor Eglish Tyrone BT70 1UP The Owner / Occupier 10 Killyliss Manor Eglish Tyrone BT70 1UP The Owner / Occupier 8 Killyliss Manor Eglish Tyrone BT70 1UP The Owner / Occupier 6 Killyliss Manor Eglish Tyrone BT70 1UP The Owner / Occupier 5 Killyliss Manor Eglish Tyrone BT70 1UP The Owner / Occupier 12 Killyliss Manor Eglish Tyrone BT70 1UP The Owner / Occupier 3-20 Killyliss Manor Eglish Tyrone BT70 1UP The Owner / Occupier 4 Killyliss Manor Eglish Tyrone BT70 1UP The Owner / Occupier 14 Killyliss Manor Eglish Tyrone BT70 1UP The Owner / Occupier 15 Killyliss Manor Eglish Tyrone BT70 1UP The Owner / Occupier 16 Killyliss Manor Eglish Tyrone BT70 1UP The Owner / Occupier 2 Killyliss Manor Eglish Tyrone BT70 1UP The Owner / Occupier	

18 Killyliss Manor Eglish Tyrone BT70 1UP
 The Owner / Occupier
 7 Killyliss Manor Eglish Tyrone BT70 1UP
 The Owner / Occupier
 19 Killyliss Manor Eglish Tyrone BT70 1UP
 The Owner / Occupier
 3 Roan Close Dungannon Tyrone BT70 1NE
 The Owner / Occupier
 4 Roan Close Dungannon Tyrone BT70 1NE
 The Owner / Occupier
 5 Roan Close Dungannon Tyrone BT70 1NE
 The Owner / Occupier
 5B Roan Close Dungannon Tyrone BT70 1NE

The Owner / Occupier
 104 Killyliss Road Dungannon Tyrone BT70 1LE
 The Owner / Occupier
 17 Killyliss Manor Eglish Tyrone BT70 1UP
 The Owner / Occupier
 1 Killyliss Manor Eglish Tyrone BT70 1UP
 The Owner / Occupier
 9 Killyliss Manor Eglish Tyrone BT70 1UP
 The Owner / Occupier
 103 Killyliss Road, Dungannon, Tyrone, BT70 1LE,
 The Owner / Occupier
 1 Roan Close, Dungannon, Tyrone, BT70 1NE,

Date of Last Neighbour Notification	31 May 2018
Date of EIA Determination	
ES Requested	<events screen>

Planning History

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Substantive: TBCResponseType: FR
 NI Water - Multiple Units West-Substantive: TBCResponseType: FR
 Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR
 Rivers Agency-Substantive: TBCResponseType: FR
 DFI Roads - Enniskillen Office-Substantive: YResponseType: FR
 DFI Roads - Enniskillen Office-Substantive: YResponseType: FR

DFI Roads - Enniskillen Office-Substantive: YResponseType: FR
DFI Roads - Enniskillen Office-Substantive: YResponseType: FR
DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR
DFI Roads - Enniskillen Office-12-01-2023.pdf
DFI Roads - Enniskillen Office-Previously answered
DFI Roads - Enniskillen Office-Conditions 13-03-2023.docx
DFI Roads - Enniskillen Office-Previously answered

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Block/Site Survey Plans Plan Ref: 06
Levels and Cross Sections Plan Ref: 05
Proposed Plans Plan Ref: 04
Site Layout or Block Plan Plan Ref: 03
Site Layout or Block Plan Plan Ref: 02A
Cross Sections Plan Ref: 07
Proposed Plans Plan Ref: 13B
Cross Sections Plan Ref: 14A
Proposed Plans Plan Ref: 15A

Notification to Department (if relevant)

Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 April 2023	Item Number: 5.2
Application ID: LA09/2019/1065/F	Target Date: 4 October 2019
Proposal: Proposed 12 No. Semi-Detached two storey houses and associated site works.	Location: Sites 21 23 25 27 29 31 32 33 34 35 36 & 38 Killyliss Manor Eglish Dungannon.
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: MSJ Contracts Ltd 7 Killyliss Manor Eglish Dungannon BT70 1UP	Agent Name and Address: J.Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
Executive Summary:	

Case Officer Report

Site Location Plan

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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	NI Water - Multiple Units West	Substantive: TBCResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
Statutory Consultee	DFI Roads - Enniskillen Office	12 01-2023.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Previously answered
Statutory Consultee	DFI Roads - Enniskillen Office	Conditions 13-03-2023.docx

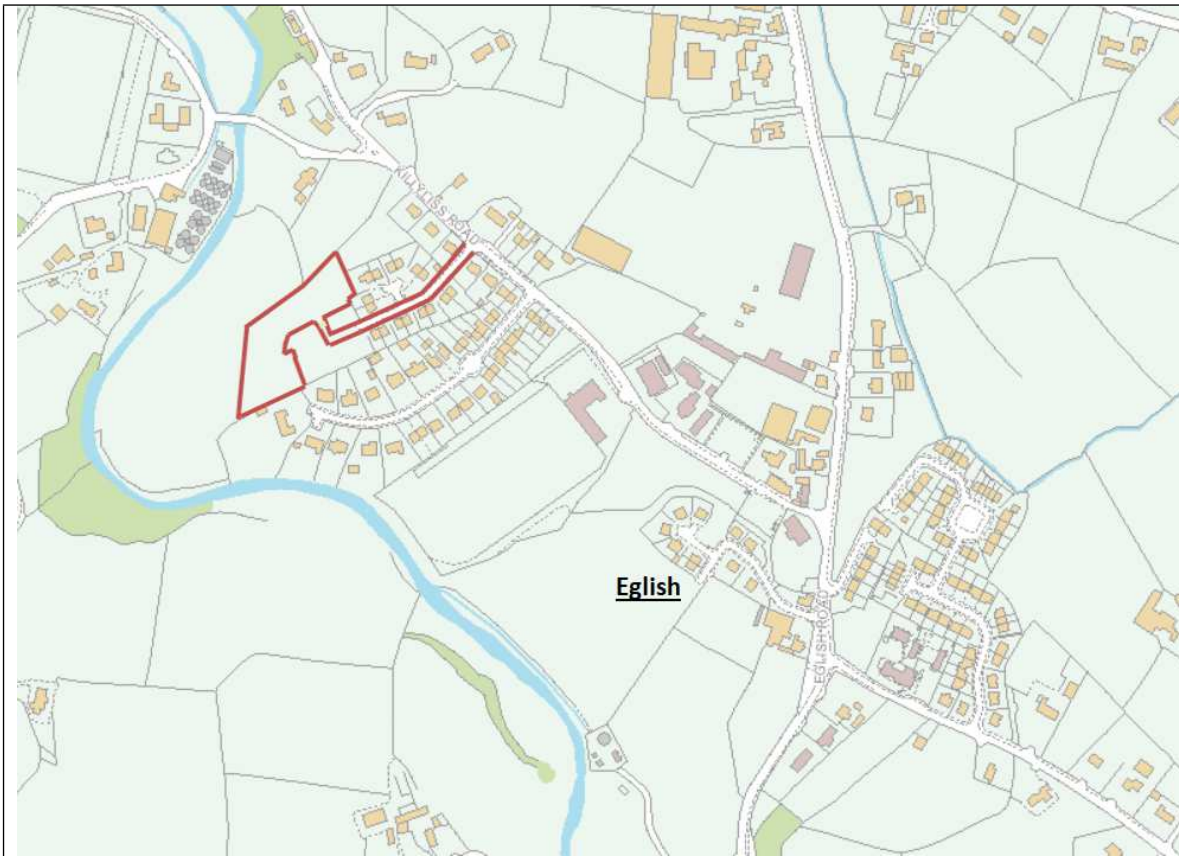
Representations:

Letters of Support	0
Letters of Objection	1
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 lies within the settlement limits of Eglis on the upper north west outskirts and outside all others areas of constraint as depicted by the Dungannon and South Tyrone area Plan 2010. The site is accessed off the main Killyliss road and cuts through the first part of the Killyliss Manor development. This development consists of 8 pairs of semi detached dwellings all of the same size and design.



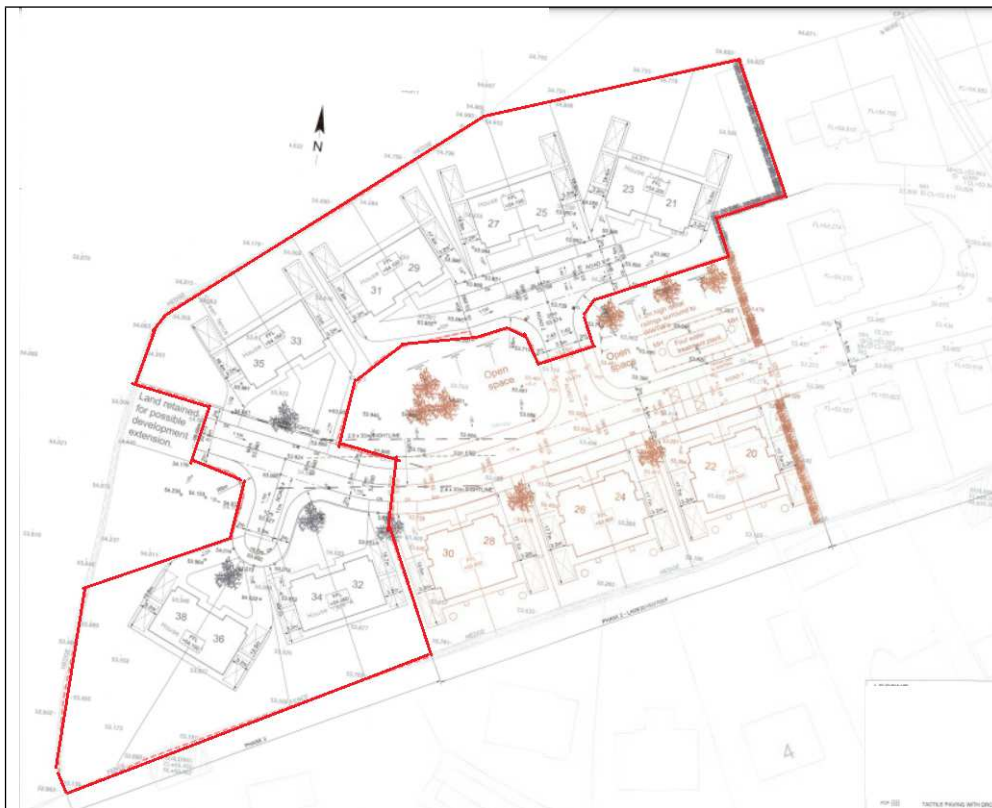
The red line then opens to the rear portion of the site which is an agricultural field, part of which is bare soil and the remainder grassed over. There is a mature hedgerow all along the north and east boundaries, there is a mix of hedgerow and fencing along the southern boundary, and the eastern boundary will be connected on to the rest of the development.



To the North and west, the site is surrounded by agricultural fields, to the east is the Killyliss Manor houses and to the south the site backs on to the rear of the dwellings in Roan park. Further to the rear is Eglis GAC grounds as well as the local primary school, with a local shop and st Patricks church at the junction with the Eglis Road.

Description of Proposal

The proposal seeks full planning permission for 12 No. semi-detached two storey houses and associated site works



Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Planning Assessment of Policy and Other Material Considerations

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

Area Plan

Dungannon and South Tyrone Area Plan 2010- within development limits of Eglis, no zoning. In the plan it states that housing development will normally be permitted provided the scale, layout and detailed design of the development are compatible with the scale and character of the settlement.

Representations

Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty. At the time of writing, one objection was received from a concerned Roan Close resident.

The main concerns they highlighted included;

- Dwellings proposed are in too close proximity to existing
- Road safety
- Increased traffic congestion

- Loss of privacy
- And loss of character

Assessment of objections

With regards to the first concern over the proximity of the dwellings to the existing dwellings in Roan Close, the closest dwelling is site number 36, which half sides and half backs onto number 9 Roan Close. The wall to wall separation distance is 20 metres at the closest point and 10 metres between the back wall of the proposed dwelling and the rear boundary. The remainder of the dwellings have a larger gap back to back, there is also a mature boundary along the property line and there is an additional fence line proposed.

With regards to the road safety aspect and the increased traffic congestion, since the time of the objection there has been a number of amended drawings, the final version of the PSD drawings has been stamped granted by DFI Roads and the new scheme involves an improved junction scheme at the junction of the Killyliss and Eglish Road. These extensive works will bring massive improvements to the road infrastructure and the general area, they will also improve rather than compromise the existing traffic congestion in the area. All the dwellings have two car parking spaces so there should be minimal on street parking.

With regards to the loss of light and privacy, the back to back distances to the dwellings in Roan close is not of concerns barring number 9 which is approx. 20 metres back to back with site number 36. The position of the existing boundary hedge which will be retained and the proposed fencing will reduce any concerns of overlooking and with the position of the existing dwellings to the south there will be minimal loss of sunlight as the shadow will be cast from the existing dwellings to the proposed.

Finally, the site lies within the settlement limits of Eglish and is an extension of the newly built Killyliss Manor. In terms of layout, scale, proportions, massing and appearance of the buildings, the dwellings will be of the same as the existing. There will no impact of the character of the area.

Planning History

M/2005/0203/O – Housing development – Withdrawn

M2006/1618/F – 9 Dwellings - GRANTED – 22.10.2008

M/2007/0861/O – Housing development – GRANTED - 9.11.2007

M/2013/0449/F – 4 Dwellings – GRANTED – 15.6.2104

M/2014/0412/F – 16 Dwellings – GRANTED – 21.03.2016 (layout below)



LA09/2017/1099/F – change of house types – GRANTED 11.12.2017

LA09/2018/0703/F – 6 Dwellings – current application

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. The Council submitted the Draft Plan Strategy to the Department for Infrastructure (DfI) on 28th May 2021 for them to carry out an Independent Examination. In light of this the draft plan cannot currently be given any determining weight.

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.

This residential proposal lies within the settlement limit of Eglish and therefore **PPS 7, Quality Residential Environments** is the relevant policy consideration.



PPS 7 states the development should respect the surrounding context and be 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;

It is my opinion that the proposal layout purporting to 6 pairs of semi detached dwellings, respects the surrounding context and is appropriate in terms of layout and appearance of buildings and landscaped areas. The dwellings are of the same scale, proportions and design as the existing.

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

No features of the archaeological /built heritage have been identified in the application site.

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

The settlement limit of Eglsh lies to the North of the application site. The northern boundary is therefore of greater importance, the proposal involves the erection of a fence and a native species hawthorn hedge along its entirety. The southern boundary is open to the rest of the housing in the site. There are also two decent sized areas of open space adjoining the site between this red line and that of the proposed 6

dwellings to the south.

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

The agent has submitted a proposal which includes a separate sewerage treatment plant. This has been seen, considered and agreed by both NIW and EHO.

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

A footpath runs along site frontage towards Eglish village, the proposal also involves the improvements at the junction of the Killyliss road and the main Eglish Road.

(f) adequate and appropriate provision is made for parking;

Transport Ni have been consulted and have no concerns as each unit has been provided with two number in curtilage parking spaces.

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

The design of the dwellings is largely the same as the first phase which were previously approved under planning reference M/2014/0412/F. In my view the design is of a high quality and respects local traditions. See below image.



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

The surrounding land uses are primarily residential with a primary school, a local shop and a church just slightly further afield. This residential development will not conflict with those land uses with careful consideration given to dwellings south of the site in Roan Close to avoid any loss of amenity/overlooking..

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

The development would appear to be designed to deter crime and promote personal safety in that open areas are 'policed' in that nearby dwellings all front said areas and provide no alley ways or other areas for congregation and potential crime.

Other considerations

NIW have indicated that sewage capacity within Eglisish waste water treatment plant is not capable of accepting waste from this development. The agent has provided a private treatment plant to cater for this proposal along with technical specifications. Environmental Health have provided comment on the package treatment plant and raise no objection subject to certain noise and odour levels being maintained, which I find reasonable to attach as planning conditions so as to protect existing and proposed amenity in this area.

As the proposal complies with the relevant policy for this type of development in the settlement, Transport NI have no objection and all other consultees are satisfied I recommend this application be approved.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Condition 2

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

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 6A bearing date stamp 25 January 2032.

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

Condition 3

No other development hereby permitted shall be commenced until the junction improvement works have been completed as approved planning application LA09/2022/0417/F.

REASON: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

Condition 4

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

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

Condition 5

No dwelling(s) shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of (each phase / the development.)

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

Condition 6

The dwellings hereby approved shall not be occupied until the road junction improvement works have been carried out in accordance with planning application LA09/2022/0417/F or as agreed in writing with the Council.

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

Signature(s): Peter Hughes

Date: 21 March 2023

ANNEX

Date Valid	9 August 2019
Date First Advertised	29 August 2019
Date Last Advertised	27 August 2019

Details of Neighbour Notification (all addresses)

The Owner / Occupier
104 Killyliss Road Dungannon Tyrone BT70 1LE
The Owner / Occupier
16 Killyliss Manor Eglish Tyrone BT70 1UP
The Owner / Occupier
5 Roan Close Dungannon Tyrone BT70 1NE
The Owner / Occupier
4 Roan Close Dungannon Tyrone BT70 1NE
The Owner / Occupier
3 Roan Close Dungannon Tyrone BT70 1NE
The Owner / Occupier
2 Roan Close Dungannon Tyrone BT70 1NE
The Owner / Occupier
1A Roan Close Dungannon Tyrone BT70 1NE
The Owner / Occupier
Cois Abhann 91 Killyliss Road Dungannon Tyrone BT70 1LE
The Owner / Occupier
19 Killyliss Manor Eglish Tyrone BT70 1UP
The Owner / Occupier
18 Killyliss Manor Eglish Tyrone BT70 1UP
The Owner / Occupier
17 Killyliss Manor Eglish Tyrone BT70 1UP
The Owner / Occupier
6 Killyliss Manor Eglish Tyrone BT70 1UP
The Owner / Occupier
15 Killyliss Manor Eglish Tyrone BT70 1UP
The Owner / Occupier
1 Roan Close Dungannon Tyrone BT70 1NE
The Owner / Occupier
1 Killyliss Manor Eglish Tyrone BT70 1UP
The Owner / Occupier
5B Roan Close Dungannon Tyrone BT70 1NE
The Owner / Occupier
2 Killyliss Manor Eglish Tyrone BT70 1UP
The Owner / Occupier
3 Killyliss Manor Eglish Tyrone BT70 1UP
The Owner / Occupier
4 Killyliss Manor Eglish Tyrone BT70 1UP

The Owner / Occupier
 5 Killyliss Manor Eglish Tyrone BT70 1UP
 The Owner / Occupier
 7 Killyliss Manor Eglish Tyrone BT70 1UP
 The Owner / Occupier
 8 Killyliss Manor Eglish Tyrone BT70 1UP
 The Owner / Occupier
 9 Killyliss Manor Eglish Tyrone BT70 1UP
 The Owner / Occupier
 10 Killyliss Manor Eglish Tyrone BT70 1UP
 The Owner / Occupier
 11 Killyliss Manor Eglish Tyrone BT70 1UP
 The Owner / Occupier
 12 Killyliss Manor Eglish Tyrone BT70 1UP
 The Owner / Occupier
 14 Killyliss Manor Eglish Tyrone BT70 1UP
 The Owner / Occupier
 6 Roan Close Dungannon Tyrone BT70 1NE
 The Owner / Occupier
 5 Oona Grove, Dungannon, Tyrone, BT70 1UB
 The Owner / Occupier
 14 Roan Park, Dungannon, Tyrone, BT70 1NB
 The Owner / Occupier
 11 Roan Park, Dungannon, Tyrone, BT70 1NB
 The Owner / Occupier
 4 Oona Grove, Dungannon, Tyrone, BT70 1UB
 The Owner / Occupier
 103 Killyliss Road, Dungannon, Tyrone, BT70 1LE
 The Owner / Occupier
 3-20 , Killyliss Manor, Eglish, Tyrone, BT70 1UP
 The Owner / Occupier
 23 Killyliss Manor, Eglish, Tyrone, BT70 1UP
 The Owner / Occupier
 20 Killyliss Manor, Eglish, Tyrone, BT70 1UP
 The Owner / Occupier
 13 Roan Park, Dungannon, Tyrone, BT70 1NB
 The Owner / Occupier
 21 Killyliss Manor, Eglish, Tyrone, BT70 1UP

 The Owner / Occupier
 12 Roan Park, Dungannon, Tyrone, BT70 1NB

Date of Last Neighbour Notification	21 August 2019
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Date of EIA Determination	
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ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Substantive: YResponseType: FR Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR NI Water - Multiple Units West-Substantive: TBCResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-12 01-2023.pdf DFI Roads - Enniskillen Office-Previously answered DFI Roads - Enniskillen Office-Conditions 13-03-2023.docx	
Drawing Numbers and Title Proposed Plans Plan Ref: 03 Site Layout or Block Plan Plan Ref: 02 Site Location Plan Plan Ref: 01 Proposed Plans Plan Ref: 4A Cross Sections Plan Ref: 5A Proposed Plans Plan Ref: 6A	
Notification to Department (if relevant) Not Applicable	



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 April 2023	Item Number: 5.3
Application ID: LA09/2020/0966/F	Target Date: 5 October 2020
Proposal: Housing development of 26 No Two storey dwellings (20 No semi-detached dwellings, 5 No Townhouses and 1 No Detached dwelling), site road and associated site works	Location: Lands 20M West Of 180 Battery Road Moortown
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Loughview Developments 76 Main Street Pomeroy	Agent Name and Address: Building Design Solutions 76 Main Street Pomeroy BT70 2QP
Executive Summary:	

Case Officer Report**Site Location Plan**

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Consultations:

Consultation Type	Consultee	Response
	NIEA	Substantive: YResponseType: FR
	Shared Environmental Services	Substantive: TBCResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	NI Water - Multiple Units West	Substantive: TBCResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	Rivers Agency	Substantive: TBCResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	NIEA	Substantive: YResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	Environmental Health Mid Ulster	Substantive:

	Council	TBCResponseType: PR
Statutory Consultee	DFI Roads - Enniskillen Office	Response Template.docx
Statutory Consultee	DFI Roads - Enniskillen Office	DFI Roads comments as per reply dated 14/11/2022. are still relevant. gerry
Statutory Consultee	DFI Roads - Enniskillen Office	
Statutory Consultee	DFI Roads - Enniskillen Office	Response Template - 7 dec 2022.docx
Statutory Consultee	DFI Roads - Enniskillen Office	
Statutory Consultee	Rivers Agency	
Statutory Consultee	NI Water - Multiple Units West	
Statutory Consultee	Shared Environmental Services	
Statutory Consultee	NIEA	
Statutory Consultee	Environmental Health Mid Ulster Council	
Statutory Consultee	DFI Roads - Enniskillen Office	DFI are awaiting revised PSD drawings. Please reconsult when drawings are received. Gerry

Representations:

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

Summary of Issues

Summary of Issues

Objections have been received to the planning application with the following issues of concern raised:

- Density of development is too high given the character of the area; The Cookstown Area Plan imposes a limit of 20 units on any new residential developments in Moortown; The scale of the proposal will undermine the settlement hierarchy in the District and main growth should be directed to main hubs;
When considering the context of the settlement of Moortown, including two other housing developments c.160m from the application site, I do not consider the proposed

density is too high. Although the Cookstown Area Plan states that residential developments in excess of twenty units will not normally be permitted, this does not preclude developments in excess of 20 units; The density of development is considered acceptable at this location within the settlement limits of Moortown.

- The proposal is contrary to the addendum of PPS 7 in that it does not respect the character of an established residential area;

I will deal with this later in the assessment of planning policy, however to note briefly in response it is considered the application is not in contradiction with PPS 7

- There is a farm immediately to the west of the application site and an approval will prejudice the future farming operations that have been established;

There are other single dwellings in close proximity to the application site and there are no known complaints having been raised by the existing residents to the agricultural operations at this address.

- Air quality, including odour has not been considered on the proposed dwellings and could give rise to odour complaints;

An Air Quality Impact Assessment was submitted by the applicant in July 2021. It concluded the maximum ground level odour concentration is predicted to be primarily confined to the immediate environs of the existing cattle sheds. Under the proposed layout the maximum 98th percentile of 1-hour ground level odour concentration at the worst effected residential property with no interest in the operation of the farm, is in accordance with the target limit value of 3ouE/m³ when taken as an average of the 5-year period or within any individual 1-year period. Having considered the report and the associated design of the dwellings, EHO offer no objection to the proposed application.

- Potential noise impact has not been fully considered and these could harm the residential amenity of the proposed dwellings;

Noise sources impacting the individual external amenity areas of each dwelling has been assessed in accordance with BS4142:2014. It was found that the predicted noise levels at these receptor locations were below the background noise level, and therefore as per BS4142, the impact was deemed to be low. Installing double glazing to each façade of the proposed dwellings and the implementation of a mechanical ventilation and heat recovery system will ensure that internal noise levels should not exceed those as stipulated within BS8233. Having reviewed the Noise Assessment, EHO have not offered any reasons for refusal.

- A 2m raised earth bund will not mitigate against the potential impact and the exact basal area is not indicated on the proposed plan and therefore cannot be properly considered. The proposed bund will interfere with the 5m wayleave required to access the culverted watercourse and therefore will not be delivered;

Having reviewed the plans, I do not find this to be the case. The 5m wayleave has been shown clear of the proposed bund and within the ownership of the applicant.

- An increase in flooding in the area arising as a result of an increase in hardstanding; Rivers Agency have not raised this as a concern.

- Impact on residential amenity of the residents of no 178b Battery Road;
Having considered both odour and noise previously, I do not consider this is to a warranted concern.

- Possible increase in flooding from the proposed development;
Rivers Agency have not raised this as a concern.

- The proposal is contrary to PED 8 of PPS 4 as the objector considers it is incompatible with the adjacent agricultural use;
I will address this in detail later in the report, however it is not consider this is the case.

- A Noise Assessment, Air Quality/Odour Assessment and Traffic Assessment should be submitted to address any potential conflicts with adjacent land uses.
A Noise Assessment and Air Quality Impact Assessment were both submitted and considered by EHO. A Transport Assessment Form was submitted with the application.

- Storm drainage runs through the site;
This has not been identified by Rivers Agency. The Drainage Assessment, subject to a Sch 6 consent was accepted by Rivers Agency. The DA addresses how the proposed surface water attenuation design has demonstrated that the required storage for a 100 year exceedance storm event could be installed within the site without having to revise the layout of the proposed development.

- The proposal constitutes backland development and will harm the residents of no 178b Battery Road, Coagh
This is not true. The application site fronts onto Battery Road and extends the entirety of the field within the settlement limits. There are two dwellings to the immediate rear of the application site, both are within the settlement limits of Moortown and both are accessed off a separate laneway along with a number of other dwellings.

Characteristics of the Site and Area

The application site is located within the development limits of Moortown as identified in the Cookstown Area Plan. The site is a large agricultural field and is relatively flat. To the immediate west of the site is an operational farm, of which there is a small petrol filling station on the opposite side of the Battery Road. To the north is a single dwelling and there are a number of single dwellings along the eastern boundary. The site fronts onto the Battery Road to the south with a single dwelling and an agricultural field on the opposite side of the road.

Description of Proposal

This is an application for a housing development of 26 No Two storey dwellings (20 No semi-detached dwellings, 5 No Townhouses and 1 No Detached dwelling), site road and associated site works.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Strategic Planning Policy Statement

Cookstown Area Plan 2010

Planning Policy Statement 3 - Access, Movement and Parking

Planning Policy Statement 4 - Planning and Economic Development

Planning Policy Statement 7 - Quality Residential Environments

Planning Policy Statement 15 - 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 and Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

The application is situated on white lands as identified in the Cookstown Area Plan 2010. In the CAP it states that local demand for housing within the village is likely to be high. Comprehensive development will normally be permitted provided the scale, layout and detailed design of the development are compatible with the scale and character of the settlement. Accordingly, residential developments in excess of twenty units will not normally be permitted. However, this does not preclude developments in excess of 20 units and I will turn to PPS 7 for more direction on this issue. PPS 7 is clear when it states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. There is a list of criteria that all proposals for residential development will be expected to conform with.

The development is located within the development limits of Moortown and is situated on a relatively flat site that falls gently away from south to north. The layout is comprised of one detached dwelling, 20 semidetached dwellings, some of which are dual frontage dwellings on corner sites and 5 townhouses situated to the rear of the application site. The design of the dwellings are considered acceptable in the context of the area. With an operational farm to the west of the application site there has been an agreement the area of open space can be located in the south western portion of the application site to allow a greater distance between the farm buildings and the new dwellings. This will benefit from informal surveillance from a number of dwellings in the development and the internal road network that runs alongside the area of open space.

There are 4 dwellings which do not have 70 square metres of private garden space, however all are in excess of 40 square metres and the average of the overall layout is well in excess of 70 square metres. Along the western boundary with the operational farm is a stream and a 5 metre working strip has been shown along this boundary as

required by DfI Rivers. There is also a wide strip of landscaping proposed to soften and eventually mitigate any adverse visual impact of the agricultural buildings. PPS 7 requires the provision of a minimum of 10% open space and the proposed area of open space is slightly in excess of this. There are no features of archaeological or built heritage or landscape features to be incorporated into the layout. Given the number of units and the location in the limits of Moortown I do not consider it necessary for the provision to be made for local neighbourhood facilities.

Following the submission of a number of amended drawings, at the request of DfI Roads, the layout is now considered acceptable in terms of parking and road layout. There are no public rights of way across the site and the site is close to identified. The local area is poorly served by public transport and there is a transport service to the surrounding secondary schools.

With regards to any potential conflict with adjacent land uses a concern has been raised by the owner of the operational farm. There are a number of residential properties in close proximity to the existing agricultural buildings. To date there are no known complaints of odour or noise by those residents to our Environmental Health Department. Given the intervening vegetation, the additional landscaping and earth bund, together with the separation distances this is not considered to be a concern.

Environmental Health were consulted during the course of the application. An Odour Impact Assessment has been received and on the basis of dwellings having been moved further away from the operational farm, I do not consider there to be any unacceptable adverse effect on existing properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

Consultations were issued as part of the application process.

Roads - No concerns with amended layout subject to a number of conditions

Rivers - No concerns subject to a Sch 6 consent being conditioned

NIW - Confirmed there is available capacity

SES - No concerns subject to a condition

NIEA - No concerns raised.

In conclusion I recommend an approval of the application subject to the conditions below.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Condition 2

The existing natural screenings as shown along the western boundary on drawing no 04/2, date stamp received 26 October 2022, shall be retained unless necessary to prevent danger to the public in which case a full expansion along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: : To safeguard the amenities of the new occupiers and in the interests of visual amenity.

Condition 3

The development hereby permitted shall not commence until the developer has received a written agreement from Rivers Agency for consent to discharge under Schedule 6 of the Drainage (NI) Order 1973.

Reason: In the interests of public safety.

Condition 4

A suitable buffer of at least 10 metres must be maintained between the locations of all construction refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoli etc and adjacent partially culverted watercourse.

Reason: To protect the hydrologically connected features of Lough Neagh and Lough BEg SPA/Ramsar from potential construction pollution.

Condition 5

The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No 10/4 bearing the date stamp 26 October 2022.

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

Condition 6

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

No part of the development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with details outlined in blue on Drawing No 10/4 bearing the date stamp 26 October 2022. The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C) and Article 32.

Reason: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

Condition 7

The visibility splays of 4.5m x 90m to the east and 4.5m x 80m to the west at the junction of the proposed access road with the public road shall be provided in accordance with Drawing No 10/4 bearing the date stamp 26 October 2022 prior to the commencement of any other works or other development. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the levels of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Condition 8

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

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

Condition 9

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

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

Condition 10

Prior to the commencement of any part of the development hereby approved the developer shall submit to the Council and receive approval in writing a landscape scheme for the overall layout. The landscape scheme shall comprise planting details including species, size at time of planting, siting and planting distances with a programme of planting. The scheme shall also include a Management and Maintenance schedule which includes the long-term objectives, performance indicators and management responsibilities for all landscaped areas.

Reason: To ensure there is a satisfactory standard of open space provided and maintained in perpetuity in accordance with the provisions of Policy OS 2 of Planning Policy Statement 8.

Condition 11

All hard and soft landscape works 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 in accordance with a programme to be agreed with the Council which should be approved prior to the commencement of any part of the development hereby approved.

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

Condition 12

No dwelling hereby approved shall be occupied until the Council agrees in writing that an acceptable Management and Maintenance agreement has been signed and put in place with an appropriate management company for all areas of public open space and landscaping. These areas shall be permanently retained as landscaped areas/open space.

Reason: To ensure that open space is provided, maintained and managed in accordance with Planning Policy Statement 7 and Planning Policy Statement 8.

Informative 1

The occupants of the new dwellings should be aware of a potential loss of amenity on occasion from noise, dust, odour and potentially vermin on occasion as a result of being located in close proximity to a working farm.

Case Officer: Karen Doyle

Date: 21 March 2023

ANNEX	
Date Valid	10 August 2020
Date First Advertised	17 January 2023
Date Last Advertised	25 August 2020
Details of Neighbour Notification (all addresses) The Owner / Occupier 175 Battery Road, Cookstown, Tyrone, BT80 0HS The Owner / Occupier 178B Battery Road Cookstown Tyrone BT80 0HS The Owner / Occupier 178A Battery Road Cookstown Tyrone BT80 0HS The Owner / Occupier 176A Battery Road Cookstown Tyrone BT80 0HS The Owner / Occupier 174 Battery Road Cookstown Tyrone BT80 0HS The Owner / Occupier 171 Battery Road, Cookstown, Tyrone, BT80 0HS	
Date of Last Neighbour Notification	13 April 2021
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses NIEA-Substantive: YResponseType: FR Shared Environmental Services-Substantive: TBCResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR NI Water - Multiple Units West-Substantive: TBCResponseType: FR Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR Rivers Agency-Substantive: TBCResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR NIEA-Substantive: YResponseType: FR Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR	

Environmental Health Mid Ulster Council-Substantive: TBCResponseType: PR
DFI Roads - Enniskillen Office-Response Template.docx
DFI Roads - Enniskillen Office-DFI Roads comments as per reply dated 14/11/2022. are still relevant.

gerry

DFI Roads - Enniskillen Office-
DFI Roads - Enniskillen Office-Response Template - 7 dec 2022.docx
DFI Roads - Enniskillen Office-
Rivers Agency-
NI Water - Multiple Units West-
Shared Environmental Services-
NIEA-
Environmental Health Mid Ulster Council-
DFI Roads - Enniskillen Office-DFI are awaiting revised PSD drawings. Please reconsult when drawings are received.

Gerry

Drawing Numbers and Title

Site Layout or Block Plan Plan Ref: 2549-d-014 A
Site Layout or Block Plan Plan Ref: 10 REV 1
Elevations and Floor PlansPlan Ref: 12
Road Access Plan Plan Ref: 2549-D-014(B)
Site Location Plan Plan Ref: 01
Proposed Plans Plan Ref: 05
Proposed Plans Plan Ref: 06
Proposed Plans Plan Ref: 07
Site Appraisal or Analysis Plan Ref: 02
Site Layout or Block Plan Plan Ref: 03
Proposed Plans Plan Ref: 04
Site Layout or Block Plan Plan Ref: 10
Road Access Plan Plan Ref: 11

Notification to Department (if relevant)

Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 April 2023	Item Number: 5.4
Application ID: LA09/2022/0230/O	Target Date: 20 April 2022
Proposal: Proposed site for dwelling and garage	Location: Lands Approx. 30M South East Of 99 Mullaghboy Road Bellaghy
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Hugh Glackin 99 Mullaghboy Road Bellaghy	Agent Name and Address: Cmi Planners Ltd 38 Airfield Road Toomebridge
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR
	DAERA - Coleraine	Substantive: TBCResponseType: FR
Non Statutory Consultee	DAERA - Coleraine	Consultee Response LA09-2022-0230-O (No. 2).DOCX

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

Proposal is contrary to policy

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits as per the Magherafelt Area Plan. The red line of the application site is the roadside portion of a larger agricultural field which is a flat agricultural field with some scrub hedges located within the field. The north eastern and south eastern boundaries are currently undefined. The south west and north western boundaries are defined by a low level hedge and post and wire fence with a shared laneway running between dwelling No.99 Mullaghboy and the application site. The surrounding area is a mix of land uses, with residential dwellings, business sheds and agricultural lands.

Representations

No third party written representations have been received.

Description of Proposal

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

Relevant Site History

LA09/2021/1583/O- Proposed site for dwelling and garage. Lands Approx. 30M South East Of 99 Mullaghboy Road Bellaghy. Application withdrawn.

LA09/2021/0213/F- Retrospective application for existing storage unit & associated works to include car parking. 55M Ne Of 99A Mullaghboy Road Bellaghy. Permission Granted.

LA09/2021/0214/F- Part retrospective application for existing offices, storage and associated works to include car park. 30M Ne Of 99A Mullaghboy Road Bellaghy. Permission Granted.

LA09/2021/0330/LDE- Existing offices and existing storage unit. 25M Ne Of 99A Mullaghboy Road Bellaghy. Permission Granted.

LA09/2022/0627/F- Application for storage unit and associated works. 25M North Of 99A Mullaghboy Road, Bellaghy. Permission Granted.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland (SPPS)

PPS 21: Sustainable Development in the Countryside

PPS3: Access, Movement and Parking

Mid Ulster Local Development Plan 2030- Draft Plan Strategy

The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. Development is controlled under the provisions of the SPPS and PPS 21 - Sustainable Development in the countryside.

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster' 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 dwellings on farms. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

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

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

(a) the farm business is currently active and has been established for at least 6 years;
(b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
(c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and the access should be taken from an existing lane.
Consideration may be given to a site located away from the farm complex where there are no other sites available on the holding and where there are either:-

- demonstrable health and safety reasons; or
- verifiable plans to expand the farm business at the existing building group.

The agent originally completed the application form in which they provided a farm business No. for a Ms. Kathleen Glackin and a consultation was issued to DAERA on this business ID who confirmed the business has been in existence for more than 6 years but that no claims have been made on the farm business in any of the last 6 years, No further evidence of farming/business activity was provided. It was then brought to the attention of the planning department that the business ID holder had passed away prior to this application being made, therefore we needed further information regarding the farm business. The agent then submitted further info with a new farm business ID assigned to Hugh Glackin of 6 Bells Terrace, Castledawson. (It should be noted that this is the same name as the applicant but a different address as provided in the application form.) DAERA were then reconsulted on this new business ID and confirmed it was

assigned on October 2022 as a category 3 and no payments have been claimed in any of the last 6 years. As it was only assigned in the last 6 months, the farm business has not been established for at least 6 years and no further information has been provided to indicate otherwise. Therefore, the proposal is contrary to CTY 10.

No dwellings or development opportunities have been sold off from the farm holding within the last 10 years. The farm business has only been established since October 2022.

With regards criteria C the agent has identified existing farm sheds at the rear of 99 Mullaghboy Road. However, there is extensive planning history for these buildings and surrounding which relate to the business identified as FG Plumbing & Heating. LA09/2021/0330/LDE sought a certificate of lawfulness for the existing business and subsequent applications were submitted and approved for the business here. As such from this there are no existing farm buildings which the proposed dwelling can visually link with or cluster with. Therefore, the proposal fails to meet criteria C of CTY 10.

Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. As this is an outline application, no design details have been provided however, I am content a dwelling with a maximum ridge height of 6m above finished floor level would not be a prominent feature in the landscape. A dwelling of this size would integrate into the landscape and the existing dwellings adjacent and the business to the rear of these dwellings provide a backdrop when travelling north west. Additional planting would be required but the site would not primarily rely on new landscaping for integration. As previously mentioned the dwelling is not visually linked or sited to cluster with an established group of buildings on a farm and fails Policy CTY 13.

Policy CTY 14 states, planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As this is an outline application, no design details were submitted. As previously mentioned a dwelling with a ridge height of no more than 6m would ensure it is not a prominent feature. However, criteria (d) refers to creating or adding to a ribbon of development which I feel if a dwelling was approved here it would extend a ribbon of development along the Mullaghboy Road. Therefore, the proposal fails to comply with CTY 8 and CTY 14 of PPS 21.

Other Material Considerations

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. 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.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the farm business ID provided has not been established for at least 6 years and, the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.

Reason 3

The proposal is contrary to Policy CTY 8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, would extend a ribbon of development along the Mullaghboy Road

Signature(s): Ciaran Devlin

Date: 21 March 2023

ANNEX	
Date Valid	23 February 2022
Date First Advertised	8 March 2022
Date Last Advertised	8 March 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 101B Mullaghboy Road Bellaghy Londonderry BT45 8JH The Owner / Occupier 101A Mullaghboy Road Bellaghy Londonderry BT45 8JH The Owner / Occupier 101 Mullaghboy Road Bellaghy Londonderry BT45 8JH The Owner / Occupier 99A Mullaghboy Road Bellaghy Londonderry BT45 8JH	
Date of Last Neighbour Notification	9 March 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: H/2003/1173/O Proposals: Site of replacement dwelling and garage. Decision: PG Decision Date: 23-MAR-04 Ref: H/2005/0370/O Proposals: Site of Dwelling and Garage Decision: PG Decision Date: 05-OCT-06 Ref: H/1986/0426 Proposals: SITE OF BUNGALOW MULLAGHBOY ROAD, MULLAGHBOY, BELLAGHY. Decision: HISAPP Decision Date: Ref: LA09/2021/0204/F Proposals: Existing offices & existing storage unit associated with established business. Decision: Decision Date: Ref: LA09/2021/0213/F Proposals: Retrospective application for existing storage unit & associated works to include car parking.	

Decision: PG

Decision Date: 31-MAR-22

Ref: H/2004/0463/O

Proposals: Site of New Dwelling and Garage.

Decision: PR

Decision Date: 24-NOV-05

Ref: LA09/2021/0214/F

Proposals: Part retrospective application for existing offices, storage and associated works to include car park.

Decision: PG

Decision Date: 31-MAR-22

Ref: LA09/2022/0230/O

Proposals: Proposed site for dwelling and garage

Decision:

Decision Date:

Ref: H/2004/0160/O

Proposals: Site of dwelling and garage.

Decision: PR

Decision Date: 28-NOV-05

Ref: H/2005/0107/F

Proposals: Dwelling and garage (amended house type from that approved under H/2002/0565/F)

Decision: PG

Decision Date: 05-JUL-05

Ref: LA09/2021/0725/F

Proposals: Change of house type & garage to previously approved site H/2009/0535/F with small extension of site curtilage.

Decision: PG

Decision Date: 17-AUG-21

Ref: LA09/2021/1583/O

Proposals: Proposed farm dwelling and Garage

Decision: PG

Decision Date: 02-FEB-22

Ref: H/2007/0220/RM

Proposals: Proposed replacement dwelling.

Decision: PG

Decision Date: 24-AUG-07

Ref: H/1998/0164

Proposals: EXTENSION TO DWELLING

Decision: PG

Decision Date:

Ref: H/2009/0535/F

Proposals: Re-positioning of replacement dwelling approved under H/2003/1173/O and H/2007/0220/RM and removal of foundations and re-instatement of land and proposed detached domestic garage

Decision: PG

Decision Date: 12-OCT-09
Ref: H/1979/0285
Proposals: BUNGALOW
Decision: PG
Decision Date:
Ref: LA09/2021/0330/LDE
Proposals: Existing offices and existing storage unit
Decision: PG
Decision Date: 03-MAR-22
Ref: H/2011/0550/F
Proposals: Proposed dwelling and garage for residential purposes
Decision: PG
Decision Date: 05-JUL-12
Ref: H/1993/0258
Proposals: SITE OF BUNGALOW
Decision: PR
Decision Date:
Ref: H/1989/0302
Proposals: DWELLING
Decision: PR
Decision Date:
Ref: H/2002/0565/F
Proposals: Dwelling and Garage
Decision: PG
Decision Date: 16-SEP-02

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR
DAERA - Coleraine-Substantive: TBCResponseType: FR
DAERA - Coleraine-Consultee Response LA09-2022-0230-O (No. 2).DOCX

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 April 2023	Item Number: 5.5
Application ID: LA09/2022/0314/F	Target Date: 5 May 2022
Proposal: Retention of 2 additional fun farm buildings with the reconfiguration of parking and turning areas approved under LA09/2017/1704/F and the proposed utilisation of the existing access lane, with improvements to the existing access, to serve the business (lane approved under LA09/2017/1704/F not to be built)	Location: 250M Ne Of 260 Drum Road Cookstown
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Martin McDonald 395 Crockaboy Road Creggan Omagh	Agent Name and Address: C.McIlvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown BT80 9LU
Executive Summary:	

Case Officer Report**Site Location Plan**

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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: TBC
	Historic Environment Division (HED)	Substantive: YResponseType: FR
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation full approval.docx

Representations:

Letters of Support	0
Letters of Objection	4
Letters Non Committal	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Issues raised

Four representations have been received in relation to this planning application and relate to the following:-

- o Traffic turning into the proposed entrance;

DfL Roads did not raise any concerns regarding the proposed access. If the proposed development were to be approved and conditioned that the access is widened to 6m for the first 20m as per the proposed site plan, then a car turning into the access meeting a lorry exiting the laneway, would have adequate space to safely stop clear off the public road without prejudicing the free flow of traffic and/or road safety.

- o Estimated vehicle usage;

DfL Roads did not raise any objections to the levels of traffic estimated to be attending the site as per Q25 on the application form.

- o Visitors to the fun farm turning to entrance to a private dwelling;

Council nor DfL Roads have any control over traffic stopping to turn at a private entrance. Therefore this is not an issue which can be addressed via this planning application.

- o The use of the existing lane to serve the fun farm business as it already serves a quarry and two separate agricultural holdings;

As discussed above, if the access to the laneway were to be widened as per the site plan, this would provide an area for vehicles to pass safely clear of the public road.

- o Full access has not been able to be viewed via the planning portal;

I viewed the application via Mid Ulster Council's public access system and am able to view all documents in connection with this proposed development.

- o Public safety in terms of the fun farm operating in the immediate vicinity of an active quarry;

Public safety within the perimeter of the quarry is a matter of concern for the owners/operators of that quarry. In my opinion, it would be incumbent on the owners/operators of the quarry to ensure that the quarry is secure and that it cannot, and is, not accessed by children.

- o The application is for a fun farm in the immediate vicinity of, and alongside the commercial quarry;

This is incorrect as the fun farm has already been approved under planning application La09/2017/1704/F. This application is for an extension to that with alterations to the approved access.

- o The objector and their planning advisors have concerns as to how the proposed development could comply with PPS3.

This is detailed in the report below.

Characteristics of the Site and Area

The site is located within an undulating landscape in the rural area and is accessed via an existing laneway. The lane accesses off the Drum Road which is a protected route with wide verges and a right turn lane in place. The laneway, which is a single track laneway, also provides access to a former sand and gravel pit which appears to be redundant in addition to third party farmlands. There are no passing bays on the laneway and this is bounded by mature trees to the south east and a semi-mature woodland/former landfill site to the north west. There is a steep drop of approximately 6m-8m from the laneway into the field to the south east which is the line of the previously approved laneway. The previously approved visibility splays would appear to be in place, however, at the time of site inspection, these were covered by tall uncut grass.

There is a modest 3 bay portal framed shed on the site with a small extension to the rear already in place. The shed has a roller shutter door at the gable end with a double

pedestrian doorway on the southern elevation which leads into a café/ice cream parlour area. This café ice cream parlour area accounts for approximately a third of the floorspace of the shed, with the remainder being used by inflatable bouncy castles etc. The café area has picnic type tables and chairs with a service area/counter with kitchen facilities and customer toilets.

There are two additional small buildings on site and are located to the south east of the main building towards the end of the car park. Both of these buildings are used as animal shelter for pigs, rabbits and hamsters with hay and a quad bike and other accessories are also parked in the buildings. A hardcored pathway extends southwards from the car park to provide access to animal pens on either side of the path. The path extends to the mature hedge along the southern boundary from where there is an access into the adjoining field. A large poly tunnel measuring 12m x 8m exists in the adjoining field to the south west of the animal pens and is used for storage of quad trailers, wheel barrows etc. in association with the fun farm. There are limited critical views of the poly tunnel from the main Drum Road, however the main fun farm buildings are more well screened by the intervening hedgerow.

The laneway previously approved under LA09/2017/1704/F has not been provided and sits approximately 6m - 8m below the level of the existing access laneway. The reception building as approved under LA09/2017/1704/F has also not been provided. The access works as required under LA09/2017/1704/F, which included the widening of the first 20m to a width of 8.0m as per Condition 05, have not been provided.

Description of Proposal

Proposed alterations and additions to fun farm approved under LA09/2017/1704/F. Proposed utilisation of existing access lane to serve business (lane approved under LA09/2017/1704/F not to be built). Reconfiguration of parking and turning areas approved under LA09/2017/1704/F. Retention of two additional fun farm buildings.

The two buildings proposed measure 6.1m x 6.0m with 4.0m ridge height and a 3.2m eaves height and 5.6m x 4.6m with a mono-pitched roof falling from 3.1m to 2.3m. The external finishes of the sheds are concrete blockwork with corrugated/profiled iron cladding and timber boards spaced.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Under the provision of Section 6 (4) of the Planning Act (NI) 2011 the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

The Strategic Planning Policy Statement (SPPS) provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing

planning policy documents, with the exception of PPS 1, 5 and 9 as these policies are cancelled by the introduction of the SPPS.

The proposal accords with the Cookstown Area Plan 2010 insofar as it is linked to a farm diversification scheme for a registered a farm business. The farm diversification business was approved under LA09/2017/1704/F.

The main policy considerations in the assessment of this application are:-

PPS 3 - Access, Movement and Parking;

Transport NI were consulted and advised that PPS 3 Policy AMP 3: Access to protected routes and its consequential amendment under PPS 21 is a material consideration for this planning application in addition to PPS 3 Policy AMP 2 Access to Public Roads. In the event that PPS 21 being considered applicable it is proposed to make use of an existing access onto a protected route.

In the event that Council consider this application to be compliant with PPS 3 Policy AMP 3 then the suggested conditions would be appropriate.

PPS 21 CTY 11 - Farm Diversification has a presumption in favour of farm or forestry diversification projects where it has been demonstrated that the proposal will be run in conjunction with the agricultural operations on the farm. The following criteria need to be addressed:-

- o The farm business is currently active and is established;
- o It is appropriate in terms of character and scale;
- o It will not have a detrimental impact on nearby residential properties by way of noise, smell and pollution.

However, proposals will only be acceptable where they involve the reuse or adaptation of existing farm buildings. Although a new building may be acceptable where there are no existing buildings available either because they are required for the existing farm enterprise, are unsuitable for adaptation or reuse or other agency requirements render them unsuitable. Any new building must achieve a suitable degree of integration with existing farm buildings.

The proposal is for an extension to an approved farm diversification project. The original diversification scheme was approved as it was linked to the farm business and was to supplement the income of the applicant, who is the farmers son and who is involved in the existing farm business. He proposed to take over the running of the farm business from his father who was retiring. Given the distance the site is located off the public road and the existing mature vegetation, it is acceptable in terms of the visual impact as the site is well screened when viewed from the public road. Furthermore, the mature hedgerows between the road and the site effectively screen the site from public view and so there is little perception of the existing building and/or the proposed buildings.

PPS 3 - Access, Movement and Parking

Policy AMP 2 - Access to Public Roads

States that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where:

- a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and
- b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

This proposal involves the intensification of an existing access onto a protected route and is therefore subject to the tests in policy AMP 3. The existing access appears to be used to access a sand and gravel quarry, approved under I/1998/0436, and also to serve the surrounding farmland.

Policy AMP 3 advises that the Department will restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes as follows:-

On other protected routes outside settlement limits planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access for some categories of development other than dwellings. In such cases approval may be justified for other developments which would meet the criteria for development within a Green Belt or Countryside Policy Area where access cannot reasonably be obtained from an adjacent minor road.

DfI Roads advised that in the event of Planning considering the proposal to be compliant with Policy AMP 3 then the suggested condition would be appropriate.

The proposal is to use an existing access point onto a protected route. That access point is the same access point which the initial diversification project was approved to use. There is no alternative road which the existing fun farm business can access onto. Therefore the proposal is compliant with PPS 3 Policies AMP 2 and AMP 3.

Consideration

Therefore on balance it is my considered opinion that, the proposal is considered to be acceptable and the application should be approved subject to the conditions listed below:-

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

Reason: This is a retrospective application.

Condition 2

The use of the buildings hereby approved shall be used only for Use Class B1: Business, in connection with the applicant's farm diversification project and for no other purpose in the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015.

Reason: To prohibit a change to an unacceptable use within the Use Classes Order.

Condition 3

The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 02/1 bearing the date stamp 24th October 2022 within 3 months of the date of this decision. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Case Officer: Malachy McCrystal

Date: 21 February 2023

ANNEX	
Date Valid	10 March 2022
Date First Advertised	22 March 2022
Date Last Advertised	22 March 2022
Details of Neighbour Notification (all addresses)	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses	
DFI Roads - Enniskillen Office-Substantive: TBC Historic Environment Division (HED)-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Roads Consultation full approval.docx	
Drawing Numbers and Title	
Site Layout or Block Plan Plan Ref: 02 Site Layout or Block Plan Plan Ref: 02/1 Site Location Plan Plan Ref: 01 Proposed Plans Plan Ref: 03	
Notification to Department (if relevant)	
Not Applicable	



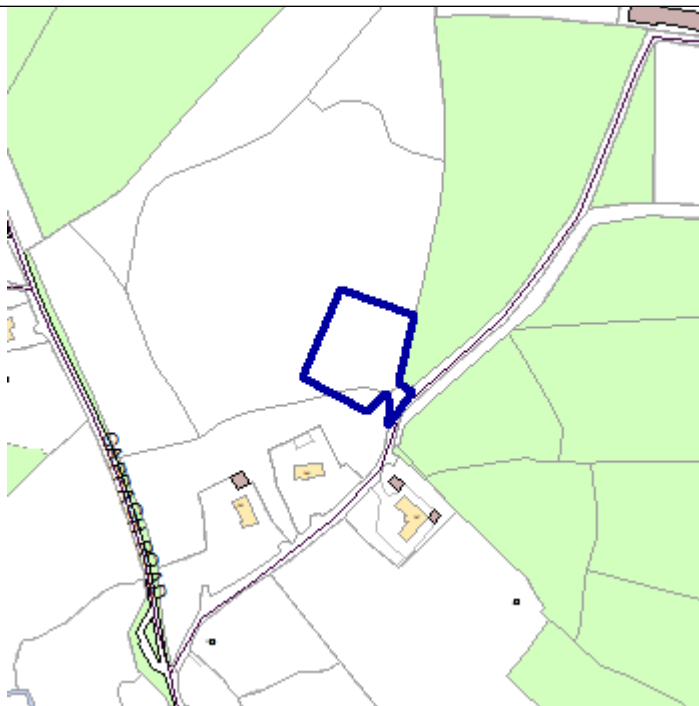
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 April 2023	Item Number: 5.6
Application ID: LA09/2022/0385/F	Target Date: 18 May 2022
Proposal: Proposed retention of garage and container units for the safe storage of plant machinery	Location: Entrance To Quarry Site Located Off The Lurgylea Road (South West Of The Church Of The Immaculate Conception) 100M N.E. Of 141 Cappagh Road Galbally Dungannon
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Terry Donnelly 66 Gortindarragh Road Dungannon	Agent Name and Address: MC Keown And Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
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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 approx. 1.2km northwest of Cappagh settlement limits as defined within the Dungannon and South Tyrone Area Plan 2010.

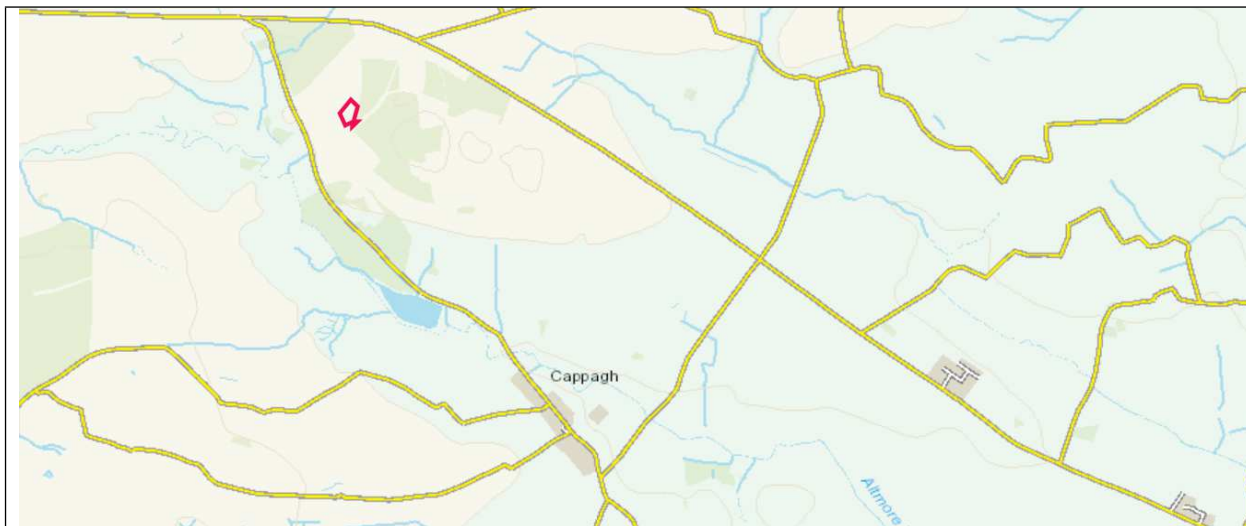


Fig 1: Site outlined red



Fig 2: Site outlined red



Fig 3: Site outlined red

The site is a relatively small irregular shaped gravel plot cut from the frontage of a much larger unauthorised quarry covered in piles of stone and aggregate. The entrance to the site, and wider quarry that runs to its north and west, is via a gated access off the Lurgylea Road.

The site contains a large garage and container unit, both the subject of this application. The garage has a rectangular shaped floor plan and low-pitched roof construction. The container unit, which sits immediately adjacent the southwest gable of the garage, has a rectangular shaped floor plan and a flat roof construction. Both the garage and the container unit have a corrugated metal finish.

Whilst there is a short distant view into the site, and of the garage and container unit on it, when passing along its access off Lurgylea Road the wider host quarry is largely screened to views by mature corpuses of trees bounding it.

The wider area surrounding the site is rural in character comprising undulating agricultural lands interspersed with detached dwelling, ancillary buildings, and farm groups. In the immediate vicinity two detached roadside dwellings are located at the same side of the Lurgylea Road directly southwest of the site and one further detached roadside dwelling on the opposite side of the Lurgylea Road just south the site.

Description of Proposal

This is a full planning application for the retention of a garage and container unit for the safe storage of plant machinery located at the entrance to a quarry site located off the Lurgylea Road (SW of The Church of the Immaculate Conception) 100m NE of 141 Cappagh Road Galbally Dungannon.



Fig 4: Site plan and site location plan of garage and container unit to be retained

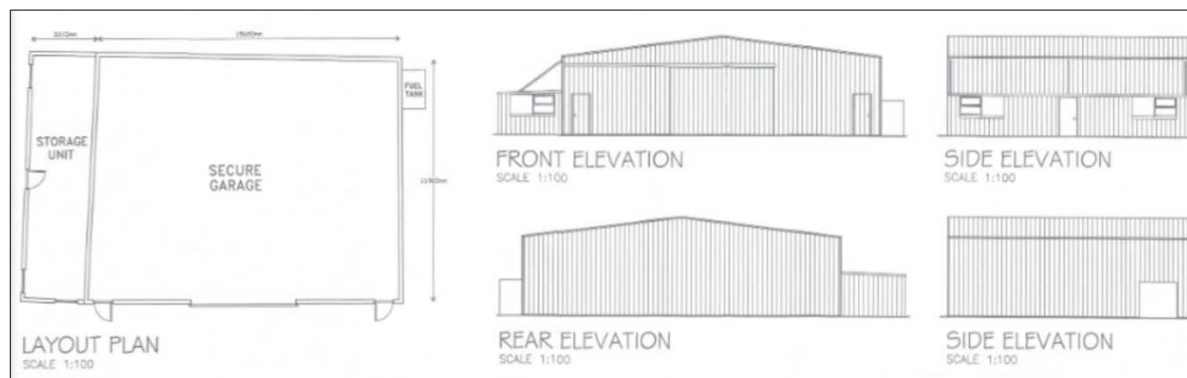


Fig 5: Floor plan and elevations of garage and container unit to be retained

The garage to be retained has a rectangular shaped floor plan and low-pitched roof construction. It measures approx. 16m (gable frontage length) x 12m (depth) x 4.9m (height above EGL).

The container unit to be retained sits immediately adjacent the southwest gable of the garage. It has a rectangular shaped floor plan and a flat roof construction. It measures approx. 3.3m (frontage length) x 12m (depth) x 2m (height above EGL).

Both the garage and the container unit have a corrugated metal finish.

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 and guidance for the determination of this application:

Regional Development Strategy 2030

Dungannon and South Tyrone Area Plan 2010

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 4: Planning and Economic Development

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

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

Planning Policy Statement (PPS) 21: Sustainable Development in the Countryside

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

Planning History

- M/1998/0149 - Excavation of rock and removal of chattel and surplus mineral material and the formation of 3 public road intervisible passing bays - Cappagh Road Altmore Dungannon - Granted 9th February 1998 subject to conditions.
- LA09/2016/1728/DETEI - Reinstatement of disturbed lands - north of Barracktown House Cappagh Road - Environmental Statement Not Required letter issued 22nd June 2017
- LA09/2016/0003/CA - Unauthorised working and winning of Minerals (quarrying operations) - Land North of Barracktown House Cappagh Road Cappagh Co Tyrone - Ongoing
- LA09/2020/0136/CA - Unauthorised Building - Off the Lurgylea Road Cappagh (South West Of The Church Of The Immaculate Conception) Tyrone - Ongoing

LA09/2016/0003/CA above relates to enforcement action on the

unauthorised quarry hosting the garage and container unit sought to be retained under the current application. LA09/2020/0136/CA above relates to enforcement action on the garage and container unit sought to be retained under the current application.

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.

Dungannon and South Tyrone Area Plan 2010 – the Plan identifies the site as being located in the rural countryside approx. 1.2km northwest of Cappagh settlement limits.

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

The aim of the SPPS is to facilitate the economic development needs of Northern Ireland in ways consistent with the protection of the environment and the principles of sustainable development. The guiding principle for policies and proposals for economic development in the countryside is to facilitate proposals likely to benefit the rural economy and support rural communities, while protecting or enhancing rural character and the environment. It outlines that alongside farm diversification and the re-use of rural buildings that redevelopment and expansion proposals for industrial and business purposes normally offer the greatest scope for sustainable economic development in the countryside. And that such proposals may occasionally involve the construction of new buildings, where they can be integrated in a satisfactory manner.

The SPPS retains the policy provisions of the following key Planning Policy Statements (PPS's) relevant to this proposal detailed below.

Planning Policy Statement (PPS) 21: Sustainable Development in the Countryside – Policy CTY 1 of PPS 21 'Development in the Countryside',

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.

One type of development outlined in PPS21 which in principle is considered acceptable in the countryside and that will contribute to the aims of sustainable development: is industry and business uses in accordance with Planning Policy Statement (PPS) 4: Planning and Economic Development.

Planning Policy Statement (PPS) 4: Planning and Economic Development – Policy PED 2 of PPS 4 - 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.

Having carried out a site visit and planning history check on site as detailed above (see 'Planning History') and based on the information submitted at the outset I did not regard this proposal as satisfying any of the types of development outlined in Policy PED 2 of PPS 4 - Economic Development in the Countryside as there was no established economic development use on site to expand or redevelop, this is not a major industrial development or a small rural project.

To fully assess this proposal against the provisions of PPS 4 as detailed above the agent was contacted via email on the 8th February 2023 and advised Planning requires the following additional information to be submitted on a without prejudice basis within 14 days from the date of the email.

- Is this development associated with an active and approved quarry? What policy context is it to be considered against?

The agent subsequently emailed on the 28th February 2023 to advise that the adjacent quarry is currently the subject of an Enforcement Notice which has resulted in the cessation of all activities on this site for the present time. It's the intention of the same applicant to lodge a new planning application to deal with all the issues associated with the quarrying operation in the very near future. However, "in the meantime," he is seeking permission for the retention of the garage and portable container unit for the safe storage of some of his plant, tools and equipment associated with his former quarry business. Given the recent upsurge in robberies from farmyards, building sites and quarries etc., he needs some secure building to safely store his valuable equipment in. The applicant doesn't own any other land or buildings anywhere that would be suitable for this particular purpose.

Whilst I have taken into consideration the additional information submitted by the agent in support of the retention of the garage and portable container on site, I still do not consider this proposal satisfies any of the types of development listed within PPS 4. The garage and portable container to be retained is to be used for storage in connection with an unauthorised quarry that is the subject of enforcement action. The garage and portable container to be retained is also the subject of enforcement action. Whilst the agent has advised it is the intention of the same applicant to lodge a new planning application to deal with all the issues associated with the quarrying operation in the very near future to date no application has been received.

Additional consideration

No consultation was carried out with DfI Roads upon clarification of the uses of the garage and container unit as the principle of the development has not been accepted.

In addition 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 identified no flooding on site.

Recommendation: Refuse

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

This proposal is contrary to the Strategic Planning Policy Statement for NI, Planning Policy Statement 21 Sustainable Development in the Countryside and Planning Policy Statement 4 Planning and Economic Development in that the proposed development fails to accord with any of the exceptions to development in Planning Policy Statement 4 and promotes a standalone storage building in the countryside.

Signature(s): Emma Richardson

Date: 22 March 2023

ANNEX	
Date Valid	23 March 2022
Date First Advertised	5 April 2022
Date Last Advertised	5 April 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> Ref: LA09/2022/0385/F Proposals: Proposed retention of garage and container units for the safe storage of plant machinery Decision: Decision Date: Ref: LA09/2016/1728/DETEI Proposals: Reinstatement of Disturbed Lands North of Barracktown House, Cappagh Road, Co Tyrone Decision: ESNR Decision Date: 22-JUN-17 Ref: M/1998/0149 Proposals: Excavation of Rock and Removal of Chattel and Surplus Mineral Material, and the formation of 3 public road intervisible passing bays Decision: PG Decision Date:	
Summary of Consultee Responses -	

Drawing Numbers and Title

Proposed Plans Plan Ref: 01

Notification to Department (if relevant)

Not Applicable

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 April 2023	Item Number: 5.7
Application ID: LA09/2022/1145/F	Target Date: 2 November 2022
Proposal: Erection of an office building with associated access, vehicle and cycle parking, drainage infrastructure, hard & soft landscaping and bin storage & external plant within fenced enclosure.	Location: Lands At Tobermore Road, Opposite 15-17 Cherry Hill And Approximately 50M South Of 58 Largantogher Park, Largantogher, Maghera
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: BSG Civil Engineering Ltd 6 Bank Square Maghera BT46 5AZ	Agent Name and Address: Mr KIERAN CARLIN The Courtyard 380C Belmont Road Belfast BT4 2NF
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	NI Water - Strategic Applications	Consulted in Error. Resend to NI Water - Strategic Applications.
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation full approval 2.docx
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09 2022 1145 F Office Tobermore Road Maghera.doc
Non Statutory Consultee	Shared Environmental Services	
Non Statutory Consultee	NI Water - Strategic Applications	
Statutory Consultee	NI Water - Strategic Applications	
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation full approval.docx Roads Consultation full approval.docx DC Checklist.doc

Non Statutory Consultee	Environmental Health Mid Ulster Council	response attached
Statutory Consultee	Rivers Agency	686797- Final Response.pdf
Statutory Consultee	NIEA	PRT LA09-2022-1145-F.PDFPRT LA09.pdf
Non Statutory Consultee	Shared Environmental Services	Holding Response.pdf
Non Statutory Consultee	NI Water - Strategic Applications	Holding response - An assessment of the sewerage network is currently being conducted by NI Water to determine whether the site can be served.
	NI Water - Strategic Applications	
Statutory Consultee	NI Water - Strategic Applications	
Statutory Consultee	NI Water - Strategic Applications	
Statutory Consultee	NI Water - Multiple Units West	Not Multi Units West. Resend to Strategic Applications.
Statutory Consultee	NI Water - Strategic Applications	

Representations:

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

Summary of Issues

No representations have been received in respect of the proposed development.

Characteristics of the Site and Area

The site comprises a large rough field of approximately 0.9ha and sited adjacent to the former High School site which is now a brownfield site since the former school buildings have been demolished. The site sits below the level of the Tobermore Road with a steep embankment along the rear of the public footpath and access via a farm lane leading

along the south western boundary to additional farm lands. The site slopes gradually from the West towards the East.

The site is bounded by the Tobermore Road to the West, Largentogher Park housing estate to the North, the former High School site and an industrial facility to the South, with agricultural lands to the East.

The north western portion of the site is covered by overgrown shrubbery, while the central portion of the site is very wet underfoot and previously contained more shrubbery which has been cleared. There is a paved pathway extending through the site, from the adjacent Largentogher Wood and joining onto the farm lane at the south west. This path would have extended through the former school site but for the existence of a security fence. There are a number of mature beech trees and a low stone wall along this path, however a number of these trees have sustained fire damage and are in a poor state. There is a band of mature trees along the western/south western boundary, while the south eastern boundary is undefined as it extends through the area of cleared ground. There is a copse of mature trees close to the south eastern corner. A small stream/water course runs along the north eastern boundary before turning southwards just beyond the sites southern boundary.

The site is designated as a committed housing site MA 03/05 in the Magherafelt Area Plan 2015 which in turn is set within the much larger LLPA South of Maghera. The site is located around 300m from Maghera Town Centre as defined within the Magherafelt Area Plan 2015.

Description of Proposal

Erection of an office building with associated access, vehicle and cycle parking, drainage infrastructure, hard & soft landscaping and bin storage & external plant within fenced enclosure.

The proposed building is a two storey building with a double pitched roof with an eaves height of 7.9m and a ridge height 11.51m of above ground level. The footprint of the building measures approximately 44.3m x 17.8m, providing in excess of 1500 sqm of floorspace over the two floors and has the following external finishes:-

Walls – Ground floor – facing brick

First floor – render finish

Roof – Roofing tiles with PV panels

Windows – PPC aluminium window system

Doors – PPC aluminium sliding door entrance door system with metal cladding

PPC aluminium door system

PPC louvre panel over to secondary doors and selected windows

PPC louvre cladding to bin and external plant store

PPC aluminium rainwater downpipes

The proposed building is sited closer to the southern end of the north-eastern boundary and backs onto an area of mature trees along the north eastern boundary located between the site and Largantogher Park. A large car park is positioned to the front of the building with accommodation for 48 vehicles and served by a loop road. The site is to be secured by a paladin fence along the north east, north west and south east, with the south western boundary already secured by a similar fence along the boundary with the former High School site.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

The main policy considerations in the assessment of this application are:-

Under the provision of Section 6 (4) of the Planning Act (NI) 2011 the determination must be made in accordance with the Plan unless material considerations indicate otherwise.

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

The Strategic Planning Policy Statement (SPPS) provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9 as these policies are cancelled by the introduction of the SPPS. The SPPS gives provision for Economic Development, Industry and Commerce subject to a number policy provisions. It does not present any change in policy direction with regards to industrial development in settlements. As such, existing policy will be applied (ie) Policies PED 1 and PED 9 of PPS 4.

Magherafelt Area Plan 2015

PPS 3 - Access, Movement and Parking

PPS 4 - Planning and Economic Development

Magherafelt Area Plan 2015

The site is within the urban area and is located within the settlement development limits of Maghera. The site is part of a larger designated housing zoning MA 03/05 known as Lands south of Largantogher Park, which extends further south-east than the site boundary and covers 1.85ha. The Area Plan recognises that the site is a committed site

with approval or potential for over 10 dwellings. The plan does not however stipulate key site requirements for this site.

The site has an extant outline planning approval for 33 dwellings granted under LA09/2017/1303/O and renewed under LA09/2022/0377/O. However, the site remains undeveloped at present.

Policy SETT 2 states that ‘planning permission will only be granted on zoned sites for development proposals that comply with the specified use’.

Favourable consideration will only be given to development proposals within settlement development limits, including zoned sites within towns provided that the proposal is sensitive to the size and character of the settlement in terms of scale, form, design and use of materials.

The Plan does not set out specific policies for employment uses proposed to be located outside of town centres.

Given the above policy tests, the proposal would appear to be contrary to policy. However, the applicant has stated that although they acknowledge that the proposed development is not in accordance with the Magherafelt Area Plan, there are important material considerations which need to be taken into account. Consequently they have presented the following which they feel justify the alternative use on this site;

1. Over supply of land zoned for housing in Maghera; and
2. Physical constraints that do not lend this site to housing development – illustrated by the lack of development over the last 10 years.

There is a significant quantum of land zoned for housing within the Magherafelt Area Plan

2015. A review of the zoned sites shows that approximately 70% of the sites zoned for housing within Maghera remain undeveloped, this is supported by the figures contained within the Housing Allocation Position Paper, which is considered in further detail below.

The Draft Plan Strategy advises that the major focus of housing development will be located in Cookstown, Dungannon and Magherafelt, supported by Maghera and Coalisland. The Regional Development Strategy set a target that 60% of all housing should be within urban centres of 5,000 or more. The housing growth indicators show that Mid-Ulster require 10,300 new homes over the plan period. The existing housing commitments and zonings within the District accounts for 57% of the required homes. The Housing Allocations Paper (July 2015) that accompanies the draft Plan Strategy advises that Maghera will be allocated a 3.15% share which equates to 325 dwellings.

The applicant also suggested that there are 555 committed units which are still to be developed and therefore there is no need for additional housing land. However, the most recent Housing Monitor Report 2019-2020 indicates that as of 1st April 2020 there is the remaining potential of 425 units on monitorable sites. Therefore whilst these figures may differ from those presented by the applicant, they still indicate that there is more land available within the settlement of Maghera that what is required to accommodate the need over the plan period. In my opinion there is a justifiable reason for allowing the

release of the subject lands from the housing zoning and to allow it to be developed for the proposed use.

PPS 4 – Planning and Economic Development.

Policy PED 1 deals with Economic Development in Settlements. This is the relevant policy as the site is located within the settlement of Maghera. PED 1 states that; A development proposal for a Class B1 business use will be permitted in a city or town centre (having regard to any specified provisions of a development plan) and in other locations that may be specified for such use in a development plan, such as a district or local centre.

The policy goes on to state that Class B1(a) office use will only be permitted in an industrial/ employment area when specified in a development plan. Elsewhere in cities and towns a development proposal for a Class B1 business use will only be permitted where all the following criteria are met:

1. there is no suitable site within the city or town centre or other location specified for such use in the development plan;

The applicant has undertaken a review of available sites/buildings within Maghera, as required by planning policy. The result of the review is that there are no sites or buildings which could accommodate or provide the required floorspace of 1500m² and the review states that this has been the position for the past 4-5 years. All the premises considered have been ruled out as being unsuitable as they are either too small, have no car parking or the existing use enhances the vitality of the town centre.

The applicant considers that there are no suitable commercial properties to purchase or to let within the town centre or on the periphery. Two additional sites, both of which are within the wider settlement of Maghera, were considered. Both sites lie between 150m and 275m from the town centre boundary, are significantly smaller in area than the proposed site and do not offer direct access onto an A Class Road (within the settlement development limits). Both of those sites are predominantly surrounded by residential dwellings, which has the potential to result in amenity issues.

The Magherafelt Area Plan also identifies three opportunity sites within Maghera Town Centre. All three have been discounted as a review of the sites indicate that MA17 (0.18ha) and MA19 (0.04ha) were too small and MA18 is not available. MA18 (0.31ha) was also discounted as the proposed building/access/parking/bin storage/cycle storage and circulation space will require a minimum area of 0.35ha. The suitability of a site is also dependent on its shape, orientation and ability to provide a suitable vehicular access in accordance with DCAN 15. MA18 accesses directly onto St Lurach's Road which is heavily congested and does not benefit from direct access onto an A Class Road. It is located in close proximity to residential dwellings which could result in amenity issues. The adjacent Council owned public

car park is the only public car park in Maghera, therefore it would be detrimental to the retailers in the Town Centre to have office workers parking there all day. The car park is very much needed for shoppers and visitors to the town. Searches and enquiries have confirmed that the site is not available.

2. it is a firm rather than a speculative development proposal for business use;

This is a firm proposal for a local business which has been located in Maghera for over 30 years, is presently located within the town centre of Maghera and employs over 70 staff. The applicant's current office arrangement is fragmented and is no longer fit for purpose which has the knock on effect of hindering the current operations and the further growth of the company.

The company is seeking to develop new office accommodation (inc. storage and ancillary space) within its home town of Maghera as the only alternative would be to relocate to another settlement outside of Maghera or possibly outside Mid-Ulster District.

3. the proposal would make a substantial contribution to the economy of the urban area.

As discussed above, the applicants business is committed to its home town of Maghera where it has been based for in excess of 30 years. During the past three years, staffing levels have increased by 40% and it is envisaged that over the next five years that the workforce will continue to grow by around 10% per year. The current levels of employment have undoubtedly been a benefit to the local area and will continue to be so with the knock-on effects of increased spending in the local economy and improving the vitality of Maghera Town centre. The company has a turnover in excess of £30m which is significant in the context of the local economy.

Where a development proposal for Class B1 business use satisfies the above criteria, applicants will be expected to demonstrate that an edge of town centre location is not available before a location elsewhere in the urban area is considered.

The proposed site has had planning approval since planning application H/2004/1134/O was approved for a site for 25 dwellings in 2006 and still has extant planning approval under LA09/2022/0377/O for 33 dwellings as this was a renewal of LA09/2017/1303/O. The site was zoned for housing development as a result of the extant planning approval at the time of the Magherafelt Area Plans adoption. The site was on the market in 2012 but failed to sell. The applicant is of the opinion that as the site has remained undeveloped and the limited demand for housing within the Maghera area, supports the development for an alternative use with more suitable sites being zoned for housing in the future.

PED 9 of PPS 4 sets out general criteria for Economic Development and states that a proposal, in addition to other policy provisions of this PPS, will be required to meet a range of criteria which are addressed below.

(a) it is compatible with surrounding land uses;

This proposal is compatible with surrounding land uses, namely;

1. to the south - the vacant site of the former High School which is currently the subject of a planning application LA09/2017/0024/O for 'Outline planning application to support future mixed use and enterprise centre/ business units which will be subject to Reserved Matters Planning Applications submitted by purchasers of plots from Mid Ulster District Council';
2. woodland with pedestrian pathway to the north;
3. residential dwellings to the north west, on the opposite side of the Tobermore Road; and
4. the remainder of the zoned lands to the south east and extending to the settlement development limits with agricultural lands beyond.

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

The proposed building will be in excess of 50m from the existing dwellings in Largantogher Park and over 100m from the proposed dwellings fronting onto Tobermore Road or the existing dwellings within Cherry Hill. It is my view that the separation distance is adequate to ensure that the proposal does not impact on neighbouring amenity by reason of loss of light, overshadowing or visual intrusion.

(c) it does not adversely affect features of the natural or built heritage

The site abuts designation MA13, a Local Landscape Policy Area South of Maghera which extends along much of the southern boundary of the settlement limit.

Development within a Local Landscape Policy area is assessed under Policy CON 2 of the Magherafelt Area Plan below.

NIEA, Natural Environment Division (NED) has considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, has no concerns subject to recommended conditions. There are no built heritage features in the immediate vicinity.

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

The proposal is not located in an area at flood risk nor will it cause or exacerbate flooding elsewhere.

(e) it does not create a noise nuisance;

Environmental Health did not raise any issues of concern relating to noise nuisance.

Therefore noise emanating from the proposed development is not deemed to be an issue.

(f) it is capable of dealing satisfactorily with any emission or effluent

The proposal is for a new office block which will not produce emissions or effluent. No concerns regarding emissions or effluent have been raised by Environmental Health. Therefore the proposed development is acceptable in this regard.

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

DfI Roads advised that they have no objection to the proposal;

(h) adequate access arrangements, parking and manoeuvring areas are provided
DfI Roads suggested that the applicant may wish to consider/relocating the access further north to maximise stagger distance with any future pedestrian island crossing as proposed and indicated under the live applications for the Maghera High School site to facilitate easier right turn movements into the site. A relocation slightly northwards would be more consistent with the proposed access location for the housing application on the same site.

The applicant considered DfI Roads suggestion to move the access further north, however, considers that this is not ideal due to the site levels. The proposed site access utilises the levels at the southern end of the site and moving the access further north will require a substantial earth embankment given site levels. It is also considered that the pedestrian island (as indicated under the former Maghera High School application) is not serving any pedestrian desire line and that the island would be better relocated closer to and slightly north of the new Largantogher Walkway. This will make safer provision for any pedestrians coming from Craigadick Road or the Fairhill wishing to cross the A29 to access the Largantogher Walkway or the High School Site. Overall, the applicant feels that the proposed access is in the most appropriate location.

I would concur with this assessment of the access issue as the differing levels would require not only substantial infilling at the access point but would also require the removal of a large section of the mature tree lined boundary along the site frontage.

The proposed layout also provides for adequate car parking with 48 spaces being provided to the front of the building. An access loop road is proposed which will provide acceptable access and exit from the site.

Consequently, DfI Roads recommended that the applicant should be content that right turning movements into the site and left turning movements out of the site can be facilitated by the largest vehicles expected to the site with the presence of the crossing island as proposed under LA09/19/0025. Suggested approval conditions were provided without any further objections.

(i) a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport
As the site is located within the existing settlement, provisions are already in place to enable walking and cycling to the site along the public road/footpath.

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

The site layout and building design are appropriate for the proposed use and are considered acceptable. Landscaping in the form of planting native species tree is proposed and will help to soften the impact of the proposed building, and assist in the promotion of sustainability and biodiversity.

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

The site already benefits from mature tree planting and screening along both the northern and southern boundaries in addition to a mature tree lined hedge along the rear of the public footpath at the site frontage. The existing trees/hedgerows along the northern and southern boundaries should be conditioned to be retained as should the hedgerow along the site frontage unless it is required to be removed for access purposes. The only outside storage proposed is the bin and plant enclosure which is positioned to the eastern side of the building and will not be visible to the public.

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

It is in the applicant's interest to guard against crime and with the provision of the proposed paladin security fence in addition to the existing palisade fence along the southern boundary, the site should be secure.

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

The site is located within an urban area and therefore the issue of integration is not a consideration.

PPS 3 - Access, Movement and Parking

DFI Roads were consulted and their advice is discussed at bullet point (h) above.

In light of the above, it is my considered opinion, that whilst DfI Roads have suggested a preferred location for the access, they did not suggest that the position of the proposed access is unacceptable and have provided suggested conditions should MUDC recommend approval of the proposed development. Therefore the location of the proposed access is acceptable.

Consultees

DFI Roads – although an alternative access point was suggested, the proposed access location was not considered unacceptable and appropriate conditions were suggested.

Environmental Health – Concerns were initially raised by EHD with regard to potential odour impact from the nearby WWTW on the earlier housing application on the subject site (LA09/2017/1303/O). EHD recommended that Planning Department obtain the view of Northern Ireland Water (NIW) regarding the cordon sanitaire around the works and the necessity of any odour impact assessment. Planning permission was granted further to consultation with NIW. Given that odour has been previously considered and deemed acceptable for the subject site, EHD have no objections to the proposed development.

DfI Rivers requested that the working strip is protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or any future development by way of a planning condition. Access to and from the maintenance strip should be available at all times. The requested maintenance strip has been shown on the site plan and is clear of all impediments. Rivers also advised that as the drainage assessment

states that this is a preliminary drainage design, therefore Rivers requests that the planning authority conditions the submission of a final drainage assessment be submitted prior to the construction of the drainage network.

NIEA's Water Management Unit is concerned that the sewage loading associated with the proposal has the potential to cause an environmental impact if transferred to Maghera Waste Water Treatment Works (WWTW). Water Management Unit would therefore recommend that the Case Officer consult with Northern Ireland Water Limited (NIW) to determine if both the WWTW and associated sewer network will be able to cope with the additional load or whether they would need to be upgraded. If NIW indicate that the WWTW and associated sewer network is able to accept the additional load, with no adverse effect on the WWTW or sewer network's ability to comply with their Water Order Consents, then Water Management Unit would have no objection to this aspect of the proposal. If NIW advise it is not possible to connect the proposed development to mains sewer then alternative arrangements will be required and a Discharge Consent issued under the terms of the Water (NI) Order 1999 will be required for the discharge of sewage effluent from the proposed development.

NIW were consulted on 23rd September 2022 regarding the proposed development and on 7th November 2022 provided a holding response advising that an assessment of the sewerage network is currently being conducted by NI Water to determine whether the site can be served. NIW were reconsulted and asked if they have considered the fact that the proposed site has extant planning approval (LA09/2017/1303/O) for 33 dwellings. NIW's consultation response on LA09/2017/1303/O advised that there is a 150mm diameter public foul sewer within Tobermore Road which can serve this proposal. NIW have yet to advise on this fact.

As the proposed site has extant approval for 33 dwellings which if occupied by the Mid-Ulster average family of 2.6 persons would have a capacity of 86 persons as opposed to the proposed building which is designed for 35 employees and 5 visitors daily. Therefore the proposed building would have a lesser loading on the public foul sewerage network than the 33 dwellings approved.

Therefore, given the above scenario, it is my opinion that the proposed development could be approved with the condition requiring the submission of a satisfactory method for sewage disposal to be submitted to and agreed with Mid Ulster District Council in consultation with NI Water, prior to the building hereby approved becoming operational.

Recommendation – Approve subject to the conditions listed below:-

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

Reason: Time Limit.

Condition 2

The finished floor levels of the building hereby approved shall be as indicated on drawing no.BSG-TOD-ZZ-ZZ-DR-A-4002 Revision P01.

Reason: In the interest of residential amenity, to prevent over-looking and to ensure a satisfactory form of development.

Condition 3

The roofing tiles or slates shall be blue/black or dark grey in colour and shall be flat and non-profiled.

Reason: In the interest of visual amenity and to ensure the proposed building does not detract from the setting of the Local Landscape Policy Area.

Condition 4

All proposed planting as indicated on the stamped approved drawing no. BSG-TOD-ZZ-ZZ-DR-A-1003 Revision P03 shall be undertaken during the first available planting season following occupation of the building hereby approved.

Reason: To ensure a high standard of landscaping and in the interests of visual amenity.

Condition 5

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

Reason: To ensure a high standard of landscaping and in the interests of visual amenity.

Condition 6

If any retained hedge/tree is removed, uprooted or destroyed or dies within 5 years from the date of the development hereby approved, becoming operational another hedge/tree or trees shall be planted at the same place and that hedge/tree(s) shall be of such size and species and shall be planted at such time as may be specified by Mid Ulster District Council.

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

Condition 7

The vehicular access including 4.5 x 90 metre visibility splays shall be provided in accordance with the approved drawing (C106-BSG-ZZ-XX-DR-Z-0500 Dated 18/11/2022) prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Condition 8

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

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

Condition 9

No operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved Site Plan BSG-TOD-ZZ-ZZ-DR-A-1003 P03 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

Condition10

A 5m wide maintenance strip shall be provided along the watercourse on the north eastern boundary and shall be protected from impediments (including new tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development and access to and from the maintenance strip should be available at all times.

Reason: To ensure that access is available to the watercourse for maintenance purposes.

Condition11

Prior to the construction of the drainage network, the applicant shall submit a Final

Drainage Assessment, compliant with FLD 3 & Annex D of PPS 15, to be agreed with the Council which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, in a 1 in 100 year event.

Reason: To safeguard against flood risk to the development and from the development to elsewhere.

Condition12

The building hereby approved shall be occupied until a satisfactory method for sewage disposal has been submitted to and agreed with Mid Ulster District Council in consultation with NI Water.

Reason: In the interests of residential amenity and to ensure there is a satisfactory means of sewage disposal.

Condition13

Prior to works commencing on site, all existing trees as mentioned in the PEA as being retained shall be protected by appropriate fencing in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations. No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority.

Reason: To protect the biodiversity value of the site, including protected species.

Condition14

During construction, a buffer of at least 10m must be established and maintained between any drainage ditches and the location of all refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. Storage must be on an impermeable surface to catch spills. Any construction work carried out at the site must demonstrate adherence to the precepts contained in the relevant Pollution Prevention Guidelines (PPGs) and Guidance for Pollution Prevention (GPPs).

Reason: To protect the aquatic environment of Lough Neagh & Lough Beg designated sites.

Signature(s): Malachy McCrystal

Date: 22 March 2023

ANNEX	
Date Valid	20 July 2022
Date First Advertised	2 August 2022
Date Last Advertised	2 August 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 4 Cherry Hill Maghera Londonderry BT46 5LS The Owner / Occupier 28 Tobermore Road Maghera Londonderry BT46 5DR The Owner / Occupier 15 Cherry Hill Maghera Londonderry BT46 5LS The Owner / Occupier 17 Cherry Hill Maghera Londonderry BT46 5LS	
Date of Last Neighbour Notification	23 September 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: LA09/2021/0957/F Proposals: Proposed development of existing brown field site for development of new internal access road/footpaths, improved access include right hand turning lane, alteration of existing levels to provide platforms for future development, installation of utilities, installation of site fencing, clearance of undergrowth vegetation and associated site works to support future mixed use and enterprise centre/business units Decision: Decision Date: Ref: LA09/2022/1145/F Proposals: Erection of an office building with associated access, vehicle and cycle parking, drainage infrastructure, hard & soft landscaping and bin storage & external plant within fenced enclosure. Decision: Decision Date: Ref: LA09/2018/0796/PAN Proposals: Proposed development of existing brown field site for development of new access road and associated site works, to support future mixed - use and enterprise - centre units. Decision: PANACC Decision Date: 15-DEC-20	

Ref: LA09/2017/1783/PAD

Proposals: Proposed development of existing brown field site to industrial units with development of access road and associated works

Decision: PAD

Decision Date: 01-JAN-18

Ref: H/2006/0630/F

Proposals: Provision of Hypochlorite Storage Area (detached, flat roofed store with roller shutter door)

Decision: PG

Decision Date: 27-NOV-06

Ref: LA09/2018/0795/PAD

Proposals: Proposed development of existing brown field site for development of new road access and associated site works, to support future mixed-use and enterprise-centre units.

Decision:

Decision Date:

Ref: H/2006/0206/F

Proposals: Proposed Installation of 3no.Solar Panels.

Decision: PG

Decision Date: 26-JUN-06

Ref: LA09/2021/1753/PAD

Proposals: Development plans for lands at Tobermore Road, Maghera.

Decision:

Decision Date:

Ref: LA09/2022/0377/O

Proposals: Housing development- the erection of 33 units- Renewal of planning permission LA09/2017/1303/O

Decision: PG

Decision Date: 24-AUG-22

Ref: LA09/2017/1303/O

Proposals: Housing Development (33 units)

Decision: PG

Decision Date: 17-APR-19

Ref: H/2009/0513/O

Proposals: Site of new housing development with alteration of existing entrance onto Tobermore Road (previously approved under H/2004/1134/O)

Decision: PG

Decision Date: 15-DEC-09

Ref: H/2004/1134/O

Proposals: 25 units with mix of detached, semi-detached and townhouse

Proposed mixed private housing development with alteration of existing entrance onto Tobermore Road.

Decision: PG

Decision Date: 27-SEP-06

Summary of Consultee Responses

NI Water - Strategic Applications-Consulted in Error. Resend to NI Water - Strategic Applications.

DFI Roads - Enniskillen Office-Roads Consultation full approval 2.docx

Environmental Health Mid Ulster Council-LA09 2022 1145 F Office Tobermore Road Maghera.doc

Shared Environmental Services-

NI Water - Strategic Applications-

NI Water - Strategic Applications-

DFI Roads - Enniskillen Office-Roads Consultation full approval.docxRoads Consultation full approval.docxDC Checklist.doc

Environmental Health Mid Ulster Council-response attached

Rivers Agency-686797- Final Response.pdf

NIEA-PRT LA09-2022-1145-F.PDFPRT LA09.pdf

Shared Environmental Services-Holding Response.pdf

NI Water - Strategic Applications-Holding response - An assessment of the sewerage network is currently being conducted by NI Water to determine whether the site can be served.

NI Water - Strategic Applications-

NI Water - Strategic Applications-

NI Water - Strategic Applications-

NI Water - Multiple Units West-Not Multi Units West. Resend to Strategic Applications.

NI Water - Strategic Applications-

Drawing Numbers and Title

Notification to Department (if relevant)

Not Applicable



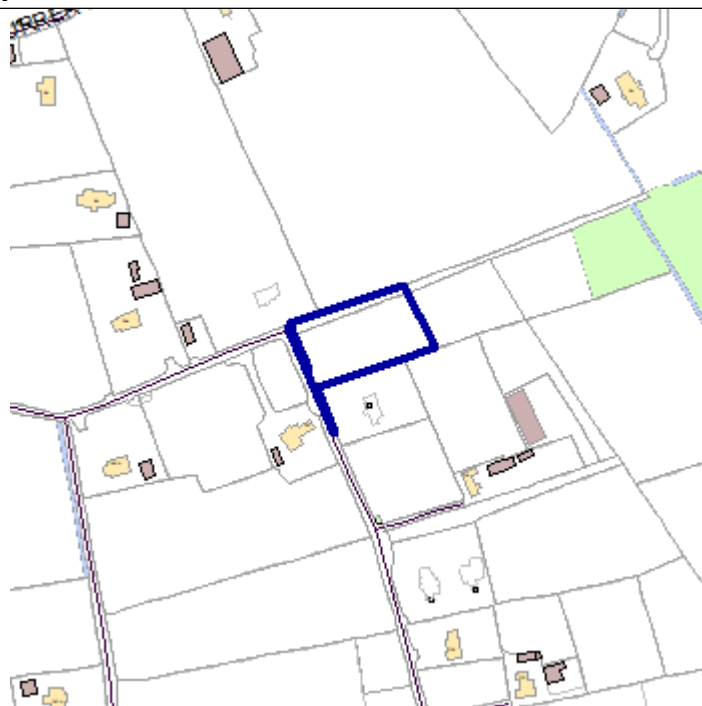
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 April 2023	Item Number: 5.8
Application ID: LA09/2022/1408/O	Target Date: 4 January 2023
Proposal: Proposed infill dwelling and domestic garage as policy cty8	Location: 70M NE of 107 Drummerrer Lane Coalisland
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr JOHN MC CABE 97 DRUMMERRER LANE COALISLAND BT71 4QJ	Agent Name and Address: Mr AUSTIN MULLAN 38b AIRFIELD ROAD TOOMEBRIDGE BT41 3SG
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	FORM RS1 STANDARD.docRoads outline.docx
Non Statutory Consultee	Geological Survey NI (DfE)	3248 MUDC Planning. 70m West Of 107 Drummerr Lane Coalisland.doc

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, as defined by the Dungannon and South Tyrone Area Plan 2010, approx. 1.2 mile west of Lough Neagh and 1.3 miles east of Annaghmore village.



Fig 1: Site outlined red



Fig 2: Site outlined red

The site is a relatively flat rectangular shaped plot comprising the eastern half and roadside frontage of a large agricultural field situated adjacent a right-angled bend in, and accessed off, a minor road known as Drummurre Lane. The site is bound to the north by a mix of mature hedgerow and trees. The roadside boundary is defined by some light vegetation but largely open onto Drummurer Lane. The southern boundary is defined by post and wire fencing and low hedging enclosing the curtilage of a neighbouring 1 ½ storey dwelling of bungalow appearance. The eastern boundary is open onto the host field. An agricultural access and lane run along the inside of the northern boundary of the site.

The site is located just outside of a right-angled bend in Drummurrer Lane. It is bound by a large, detached garage to the northwest and the detached 1 ½ storey dwelling with ancillary double detached garage, no. 108 Drummurrer Lane to the south.

Views of a dwelling on this site would be on the western and southern approach along Drummurrer Lane and passing along its roadside frontage. From these views the mature vegetation bounding the site alongside topography, vegetation and development in the wider vicinity would help to enclose and provide a dwelling on it with a backdrop.

Whilst the surrounding area is rural in character with the site's host field backing onto a small copse of trees it has come under some development pressure in recent years with a number of dwellings with ancillary buildings located adjacent and set back from the Drummurrer Lane in the immediate vicinity.

Description of Proposal

This is an outline planning application for a dwelling and domestic garage to be located on lands 70m northeast of 107 Drummurrer Lane Coalisland. The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 8 Ribbon Development.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

Regional Development Strategy 2030
Strategic Planning Policy Statement for Northern Ireland
Dungannon and South Tyrone Area Plan 2010
Planning Policy Statement 3: Access, Movement and Parking
Development Control Advice Note 15: Vehicular Standards
Planning Policy Statement 21: Sustainable Development in the Countryside
Supplementary Planning Guidance for PPS21 - 'Building on Tradition' A Sustainable Design Guide for the 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

- M/2003/0634/O - Proposed dwelling - 146m South West of 86 Drummurrer Lane Coalisland - Granted June 2003
- M/2006/1433/RM- Proposed dwelling and garage - 146m South West of 86 Drummurrer Lane Coalisland - Granted 14th August 2007

The above applications relate to lands immediately northwest of the current site. These lands contain a large, detached garage and the foundations of a dwelling (see Fig 3, below). Whilst the foundations of the dwelling appear generally in the location approved under M/2003/0634/O and M/2006/1433/RM the pre-commencement access arrangements do not appear to have been carried out and the garage on site is not the garage approved, nor is it in the location approved nor can my own checks of historical orthophotography confirm it has been in place for 5 years and therefore immune to enforcement. See drawings approved under M/2006/1433/RM further below (Figs 4, 5 & 6)



Fig 3: Lands immediately northwest of the current site circled yellow containing a large, detached garage and the foundations of a dwelling.

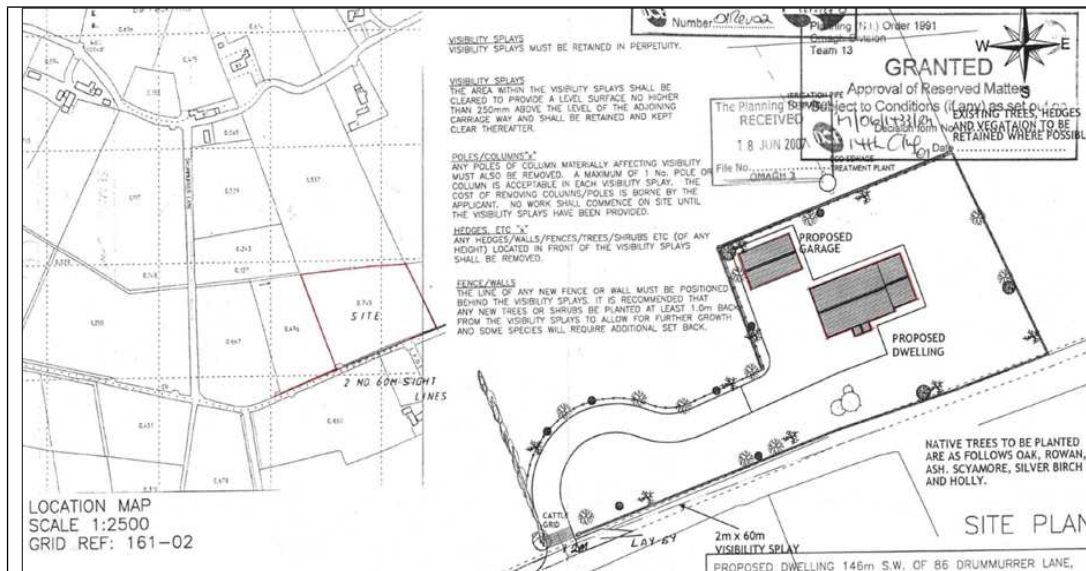


Fig 4: Site location and block plan approved under M/2006/1433/RM



Fig 4: Floor plan and elevations of dwelling approved under M/2006/1433/RM

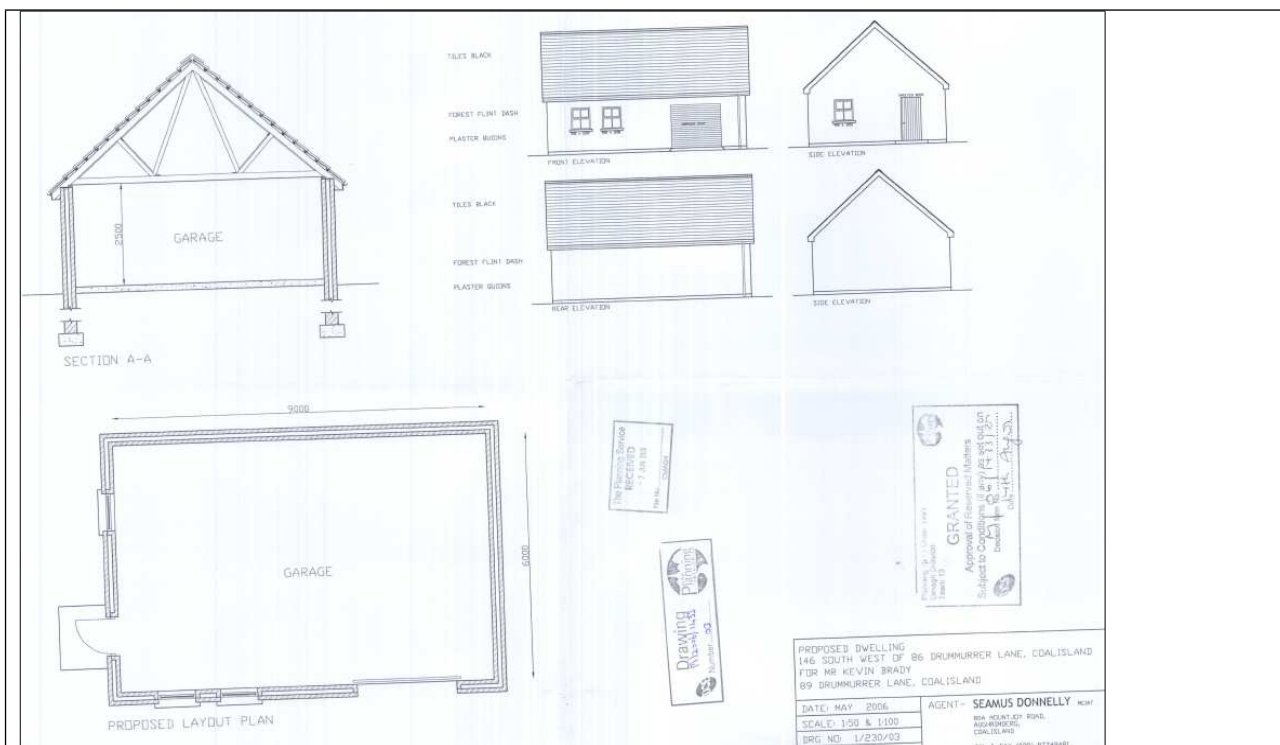


Fig 5: Floor plan and elevations of garage approved under M/2006/1433/RM

LA09/2023/0032/CA - Unauthorised garage / possibly a small dwelling - Adjacent and East of the foundations of 106 Drummurrer Lane Coalisland Tyrone - Under investigation

Consultees

1. DFI Roads were consulted in relation to access, movement and parking arrangements and had no objections to the proposal subject to standard conditions and informatives, which could be applied to any subsequent decision notice to comply with the requirements of Planning Policy Statement 3: Access, Movement and Parking.
2. DETI Geological Survey of Northern Ireland (GSNI) were consulted as the site is located within an area of constraint on abandoned mines. GSNI responded that having assessed the above planning proposal in view of stability issues relating to abandoned mine workings they had no objection. A search of the GSNI's "Shafts and Adits Database" indicates that the proposed site is not in an area of known abandoned mine working.

Consideration

Dungannon and South Tyrone Area Plan 2010 – the site lies in the rural countryside outside any designated settlement.

The Strategic Planning Policy Statement for Northern Ireland advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained.

Planning Policy Statement 21 (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. It has been submitted the current proposal falls under one of these instances, 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.

I do not consider this application in principle acceptable under CTY8. It is my opinion that the current site does constitute a small gap site suitable to accommodate a dwelling within an otherwise substantial and continuously built-up frontage. Whilst at face value it could be considered on balance that it is located within a line of 3 buildings with a common frontage and similar plot size onto Drummurrer Lane given the dwelling and double detached garage located on lands to the south and the large garage (and foundations of a dwelling) on lands to the northwest I am not content the garage (and foundations of a dwelling) to the northwest are lawful and can be considered for the purposes of Policy CTY 8. The garage (and foundations of a dwelling) is currently the subject of investigation by Planning's Enforcement Team. See 'Planning History further above.'

This proposal is contrary to Policy CTY 8 of PPS 21 in that when read in conjunction with the dwelling and double detached garage located on lands to the south it will result in the extension of ribbon development north along Drummurrer Lane leading to a further erosion of the areas rural character.

Additional considerations

I consider that had the garage to the northwest of the site benefitted from planning permission or being immune to enforcement action the site would have on balance been acceptable under policy CTY8 of PPS21 and a suitably designed scheme would not have had any unreasonable impact on the neighbouring properties amenities in terms of overlooking or overshadowing given the existing vegetation bounding the site and substantial separations distances that can be retained.

In addition 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 identified no flooding on site.

Recommendation: Refuse

Summary of Recommendation:
Refuse is recommended
Refusal Reasons
Reason 1 The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
Reason 2 The proposal is contrary to Policy CTY8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the extension of ribbon development along Drummurrer Lane leading to a further erosion of the areas rural character.
Signature(s): Emma Richardson
Date: 22 March 2023

Refuse is recommended

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policy CTY8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the extension of ribbon development along Drummurrer Lane leading to a further erosion of the areas rural character.

Signature(s): Emma Richardson

Date: 22 March 2023

ANNEX	
Date Valid	21 September 2022
Date First Advertised	28 February 2023
Date Last Advertised	4 October 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 108 Drummurrer Lane Coalisland Tyrone BT71 4QJ The Owner / Occupier 107 Drummurrer Lane Coalisland Tyrone BT71 4QJ The Owner / Occupier 106 Drummurrer Lane Coalisland Tyrone BT71 4QJ	
Date of Last Neighbour Notification	20 February 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: M/2003/1623/O Proposals: Proposed Dwelling - Renewal of Outline Permission M/2000/0758/O Decision: PG Decision Date: 02-MAR-04 Ref: M/2006/1433/RM Proposals: Proposed dwelling and garage Decision: PG Decision Date: 17-AUG-07 Ref: M/1994/4050 Proposals: Extension to Dwelling Decision: PDNOAP Decision Date: Ref: M/2009/1043/F Proposals: Proposed two storey extension to side of dwelling including new entrance to public road Decision: PG Decision Date: 07-JUL-10 Ref: M/2003/0634/O Proposals: Proposed dwelling Decision: PG Decision Date: 10-JUN-03	

Ref: LA09/2022/1408/O

Proposals: Proposed infill dwelling and domestic garage as policy cty8

Decision:

Decision Date:

Ref: M/1975/0110

Proposals: IMPROVEMENTS TO DWELLING HOUSE

Decision: PG

Decision Date:

Ref: M/1975/0069

Proposals: 11 KV O/H LINE

Decision: PG

Decision Date:

Ref: M/2001/1054/O

Proposals: Site for dwelling.

Decision:

Decision Date:

Ref: M/2007/0202/RM

Proposals: Proposed dwelling

Decision: PG

Decision Date: 05-APR-07

Ref: M/2000/0758/O

Proposals: Site for dwelling

Decision: PG

Decision Date: 11-JAN-01

Summary of Consultee Responses

DFI Roads - Enniskillen Office-FORM RS1 STANDARD.doc
Roads outline.docx
Geological Survey NI (DfE)-3248 MUDC Planning. 70m West Of 107 Drummerr Lane
Coalisland.doc

Drawing Numbers and Title

Site Location Plan Plan Ref: L01

Notification to Department (if relevant)

Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 April 2023	Item Number: 5.9
Application ID: LA09/2022/1473/O	Target Date: 20 January 2023
Proposal: Dwelling and garage	Location: 60M NW Of 55 Annaghmore Road Castledawson
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Alvin McMullan Esq 55 Annaghmore Road Castledawson BT45 8DU	Agent Name and Address: Russell Finlay 350 Hillhead Road Knockcloghrim Magherafelt BT45 8QT
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Non Statutory Consultee	NIEA	PRT LA09-2022-1473-O.PDF

Representations:

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

Summary of Issues

4 letters of objection have been received. All points made within these objections have been considered as part of this planning application.

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits as per the Magherafelt Area Plan. The site has no other designations. It is located within part of a larger agricultural field at the rear of 53a Annaghmore Road. The site is accessed by an existing laneway where a dwelling is currently under construction nearing completion which has the address registered as 55A. Views from the site are limited from a public point of view with the eastern boundary defined by newly planted trees and the dwellings 53 & 53a screening the site from the road. The southern boundary is currently defined by the building site where 55A is being constructed and the northern boundary undefined. The western boundary is defined by a mixture of trees and hedges. The land of the application site rises and sits at a level above the road and those dwellings adjacent to the roadside. The surrounding area is mainly residential in nature with a large number of dwellings surrounding the site and beyond.

Description of Proposal

This is an outline planning application for a dwelling and garage.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside.

Policy CTY 1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access and road safety. A number of examples are provided in CTY 1 detailing the different cases, which would allow for planning permission in the countryside, one of these being a dwelling sited

within an existing cluster of buildings in accordance with Policy CTY 2a.

Significant consideration has been given to application LA09/2018/1128/O which was recommended as a refusal by planners but subsequently overturned by members at a planning committee where they were content Policy CTY2a was complied with.

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

- *The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings.*

I am content there is a cluster of development which consists of more than four dwellings. These consist of Nos. 59, 57, 55, 55A, 53A, 53 & 51 Annaghmore Road.

- *The cluster appears as a visual entity in the local landscape*

I am content that whilst travelling along the Annaghmore Road in both directions this cluster appears as a visual entity in the local landscape. Objectors have raised the point with regarding the above two criteria that the development style in the area is 'roadside development' The policy does not specify what style of development is considered in a cluster and as such, I am content there is a cluster and it is a visual entity in the local landscape.

- *The cluster is associated with a focal point such as a social / community building/ facility or is located at a cross-roads.*

The agent has identified a community hall located approximately 140m North East of the application site. This can be considered a focal point in which the cluster is associated with. Objectors have raised concerns regarding this and believe it is not associated with the development in the area. However, following discussion with the service director the community hall is an appropriate focal point. Application LA09/2018/1128/O which was approved directly south and adjacent to the site was approved by the planning committee after being assessed as a cluster where it was deemed to have met the criteria of CTY2a. As this site is slightly closer to the community hall and there is a limited view of the community hall from the site I am content the cluster is associated with this focal point and complies with the policy.

- *The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster.*

The site is bounded to the south by the recently constructed dwelling at 55a (LA09/2018/1128/O) and to the east by dwellings 53 and 53A. Objectors claim the site is not bounded but I am content the site is bound on at least two sides and a suitable degree of enclosure is achieved at this site given the build up of development.

- *Development of the site can be absorbed into the existing cluster through*

rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside.

As the development is bounded on two sides, I am content this site can be absorbed into the existing cluster, and it will not visually intrude into the open countryside. There is an existing laneway which accesses the site to the south. A number of objections relate to the impact the development would have on the character of the area. It was agreed when the application LA09/2018/1128/O (No.55a) that as the site is well screened by existing dwellings that it would not negatively impact the character of the area. I am content this is the same in this case as the dwellings along the road would screen the site and ensure it does not visually intrude into the open countryside. As per the previous approval LA09/2018/1128/O the principle of the cluster was acceptable and as that dwelling has now been built, the cluster of development is existing, and this proposal respects the existing character of the immediate area.

- *Development would not adversely impact on residential amenity.*

Objections raised concerns regarding the development and the potential overlooking of the new dwelling on existing properties. As this is an outline, detailed plans were not provided however a concept plan was requested from the agent to address these concerns. Having reviewed these and discussed with the service director, I am content that a single storey dwelling would not adversely impact on residential amenity. This can be assessed further at Reserved Matters stage when detailed plans are submitted.

Policy CTY 13 of PPS 21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design. As this is an outline application, no design details have been submitted. However, I am content a well-designed dwelling at this location would not be a prominent feature in the landscape and would visually integrate into the surrounding landscape with additional planting along the western boundary to aid integration. A ridge height condition of 5.5m above finished floor level should be applied to any approval.

Policy CTY 14 states planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As stated, the proposed dwelling would not appear unduly prominent in the landscape if kept to a restricted ridge height. As mentioned I do not believe a dwelling here would erode the rural character of the area. The proposed dwelling is located within an existing and established cluster of development and is screened by existing development within this cluster, so the impact on the rural character would be minimal. In terms of the traditional pattern of settlement exhibited in the area, it has been raised by objectors that it is mainly roadside dwellings with no development to the rear. However, No.55a was approved and subsequently built to the rear of No.55 and whilst travelling along the Annaghmore Road there are different styles of development within the area including development to the rear of roadside dwellings. I am content the proposed size of the dwelling and curtilage is in keeping with those within the area.

PPS 3: Access, Movement and Parking

DfI Roads were consulted on the proposal and offered no objection subject to access being provided in accordance with the RS1 form attached. Concerns were raised by objectors relating to road safety but as DfI Roads have not raised any concerns regarding this I am content.

Other Material Considerations

Objectors raised concerns regarding impact on wildlife and nature. A biodiversity checklist was completed and an ecological statement was submitted in which it found no protected sites or no protected habitats are present and no further ecological survey work is required. NIEA were consulted and offered no further comment on the application.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. 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.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

Application for approval of the reserved matters shall be made to Mid Ulster District 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 Mid Ulster District 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 Mid Ulster District Council.

Condition 3

The dwelling hereby permitted shall have a ridge height of not greater than 5.5 metres above finished floor level, designed and landscaped in accordance with the Department of Environment Building on Tradition Sustainable Design Guide for the Northern Ireland Countryside.

Reason: In the interests of visual amenity and to ensure the proposed dwelling is not prominent in the landscape.

Condition 4

The depth of under-building between finished floor level and existing ground level shall not exceed 0.45 metres at any point.

Reason: In the interest of visual amenity.

Condition 5

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 Mid Ulster District Council.

Reason: To ensure the dwelling integrates into the landform.

Condition 6

No development shall take place until full details of all proposed tree and shrub planting and a programme of works, have been submitted to and approved by Mid Ulster District Council, and all tree and shrub planting shall be carried out in accordance with those details and at those times.

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

Condition 7

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 attached form RS1.

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

Condition 8

The dwelling should be sited in general accordance with approved plan drawing No 2.

Reason: To ensure the dwelling is integrated into the landscape

Signature(s): Ciaran Devlin

Date: 21 March 2023

ANNEX	
Date Valid	7 October 2022
Date First Advertised	18 October 2022
Date Last Advertised	18 October 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 52 Annaghmore Road Castledawson Londonderry BT45 8DU The Owner / Occupier 58 Annaghmore Road Castledawson Londonderry BT45 8DU The Owner / Occupier 59 Annaghmore Road Castledawson Londonderry BT45 8DU The Owner / Occupier 57 Annaghmore Road Castledawson Londonderry BT45 8DU The Owner / Occupier 53 Annaghmore Road Castledawson Londonderry BT45 8DU The Owner / Occupier 51 Annaghmore Road Castledawson BT45 8DU The Owner / Occupier 53A Annaghmore Road Castledawson Londonderry BT45 8DU The Owner / Occupier 55 Annaghmore Road Castledawson Londonderry BT45 8DU	
Date of Last Neighbour Notification	1 March 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: H/1984/0409 Proposals: HOUSE AND GARAGE Decision: PG Decision Date: Ref: H/2014/0091/F Proposals: Proposed 2no. Infill Dwellings Decision: PG Decision Date: 22-SEP-14 Ref: LA09/2017/1517/F Proposals: Proposed change of house type for 2 dwellings and detached garages from that approved under H/2014/0091/F	

Decision: PG
Decision Date: 05-FEB-18
Ref: H/2014/0406/F
Proposals: Proposed new dwelling and garage as part of an existing cluster
Decision: PR
Decision Date: 24-APR-15
Ref: LA09/2020/1221/RM
Proposals: Dwelling and garage
Decision: PG
Decision Date: 15-JAN-21
Ref: LA09/2018/1128/O
Proposals: Dwelling and garage
Decision: PG
Decision Date: 07-NOV-18
Ref: LA09/2022/1473/O
Proposals: Dwelling and garage
Decision:
Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Outline resp.docx
NIEA-PRT LA09-2022-1473-O.PDF

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



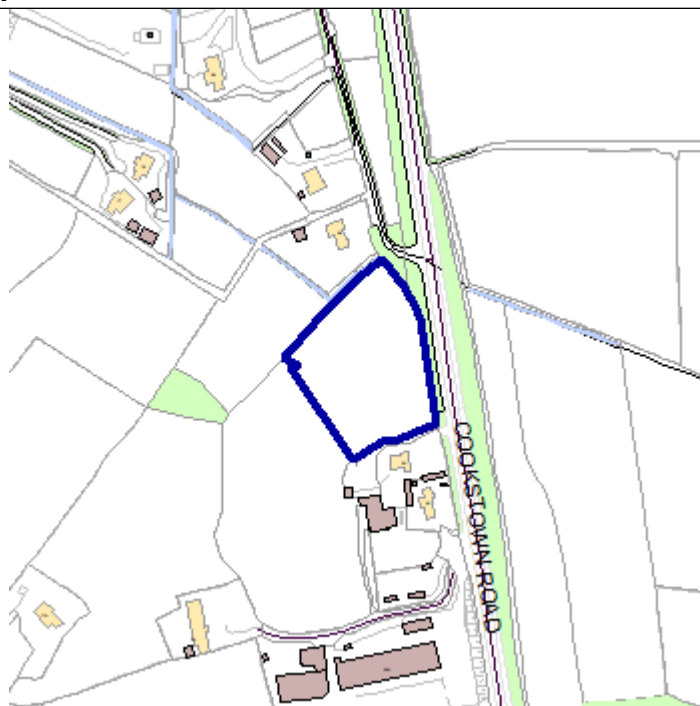
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 April 2023	Item Number: 5.10
Application ID: LA09/2022/1563/O	Target Date: 17 February 2023
Proposal: Dwelling and domestic garage on infill site (Planning Policy CTY8)	Location: Lands 68M South Of 90 Cookstown Road Dungannon
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Darryl Rafferty 97 Augherainey Road Dungannon BT70 3NF	Agent Name and Address: Mr Chris Mullan 11 Dunnamore Rd Cookstown Belfast BT80 9NR
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	24-02-2023.docx
Statutory Consultee	DFI Roads - Enniskillen Office	
Statutory Consultee	DFI Roads - Enniskillen Office	Already responded to.docx

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 any settlement defined under the Cookstown Area Plan 2010. It sits adjacent and to the west of the Cookstown Road / A29, a heavily trafficked protected route between Cookstown and Dungannon. It also

sits adjacent and south of a narrow slip road junction, the Drumconnor Road junction, adjoining the Cookstown Road.



Fig 1: Site outlined red



Fig 2: Site outlined red

The site is a large relatively rectangular shaped plot comprising the eastern half and roadside frontage of a large agricultural field. It sits at a lower level to the Cookstown Road and Drumconnor Rd located to its east and north respectively. A mix of post and wire fencing and d-rail fencing bounds the site to the north, east and south with some mature hedging also running along the northern boundary. The site is open to the west onto the host field.

Two detached single storey roadside dwellings, nos. 90 & 92 Cookstown Road, respectively extend along the Drumconnor Road (the slip road) immediately to the north

of the site; and two detached single storey roadside dwellings, nos. 88 & 86 Cookstown Road, respectively extend along the Cookstown Road immediately to the south of the site. Nos. 88 & 86 are largely screened to view by mature vegetation. Extending further along the Cookstown Road to the south of nos. 88 & 86 are a number of buildings in association with two businesses, 'Construction Fasteners' and 'McQuaid Engineering'. Views into this site are open from the Cookstown Road over a short distance on the south approach to it and over a longer distance of approx. 100m on the northern approach to it and passing along its roadside frontage. Views into this site are also open from the Drumconnor Rd just before and at its junction with the Cookstown Road.



Fig 3: Google street view of site on south approach just before passing its roadside frontage and whilst passing the access to no. 88 Cookstown Road.



Fig 4: Google street view of site on north approach just before passing its roadside frontage. Nos. 90 & 92 Cookstown Road can be seen to the right of the view, respectively extending along the Drumconnor Road (the slip road) immediately to the north of the site.

Whilst the surrounding area is largely rural in character with the site backing onto agricultural lands and overlooking agricultural lands to the opposite side of the Cookstown Road the area has come under some development pressure in recent years with a number of dwellings with ancillary buildings and a garden centre located to the

north of the site and a couple of dwellings and number of buildings in association with two businesses, 'Construction Fasteners' and 'McQuaid Engineering', located to the south of the site.

Description of Proposal

This is an outline planning application for a dwelling and domestic garage to be located on lands 68m South of 90 Cookstown Road. The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 8 Ribbon Development.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

Regional Development Strategy 2030
Strategic Planning Policy Statement for Northern Ireland
Dungannon and South Tyrone Area Plan 2010
Planning Policy Statement 3: Access, Movement and Parking
Development Control Advice Note 15: Vehicular Standards
Planning Policy Statement 21: Sustainable Development in the Countryside

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

N/A

Consultees

1. DFI Roads were consulted in relation to access, movement and parking arrangements and advised the site access is off a minor road and in close proximity with the junction onto the A29 Cookstown Road which is a Protected Route. DfI Roads recommend refusal for the following reasons:
 - The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the proposed access is located in close proximity to a road junction where the slowing down and turning movements of vehicles entering and leaving the access would conflict with traffic movements at the junction.
 - The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since adequate forward sight distance of 45 metres is not available in a northerly direction, on the public road, at the proposed access in accordance with the standards contained in the Department's Development Control Advice Note 15.

Further to DfI Roads response above the agent suggested three options for the access to this site directly to Roads via email on the 24th February 2023 DfI Roads advised the agent directly via email on the 27th February 2023 that options 2 & 3 are out onto the A29 Cookstown Road and are not acceptable as they are onto a Protected Route. Option 1 is onto the minor road (Drumconnor slip road) but needs to be twice the radius distance from the junction with the A29, as per "Creating Places" page 124 para 16.25 and 16.26. As these three options were not viable the agent emailed option 4 to Planning on the 27th February 2023, to access the dwelling off the A29 Cookstown Road via an existing access to the south side of, and new lane looping around the rear of, nos. 86 & 88 Cookstown Rd.

As the principal of this proposal has not been accepted DfI Roads were not re-consulted for formal comment on options 1-3 above or option 4 however I would note that whilst this is not a new access like options 2 & 3 out onto the A29 Cookstown Road, it is still the intensification of an existing access onto a Protected Route.

Consideration

Dungannon and South Tyrone Area Plan 2010 – the site lies in the rural countryside outside any designated settlement.

The Strategic Planning Policy Statement for Northern Ireland advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained.

Planning Policy Statement 21 (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. It has been submitted the current proposal falls under one of these instances, 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.

I do not consider this application in principle acceptable under Policy CTY8. Whilst I acknowledge there is development to both the north and south of the site as detailed in 'Characteristics of the Site and Area' the gap is too large and is a visual break that helps retain the rural character of the area and should be protected. It could accommodate more than 2 dwellings taking account of the pattern of development including plot sizes to both its north and south.

The agent was advised of the above opinion via a telephone conversation on the 17th February 2023 and asked if any other opportunities for a dwelling existed i.e. if the applicant had a farm case.

The agent subsequently on the 8th March 2023 submitted a Design Statement to supplement the Design and Access Statement provided at the outset of the application and to justify that the site is suitable for an infill dwelling and domestic garage under Policy CTY8. As part of the justification the agent analysed the frontage lengths of development to the north and south of the site and concluded the site could accommodate 2 dwellings, one now and one in the future, with similar frontages lengths (see Figs 5 and 6); and identified a number approved planning applications within Mid Ulster deemed suitable infill sites, which he considered had comparable frontages to the current proposal.

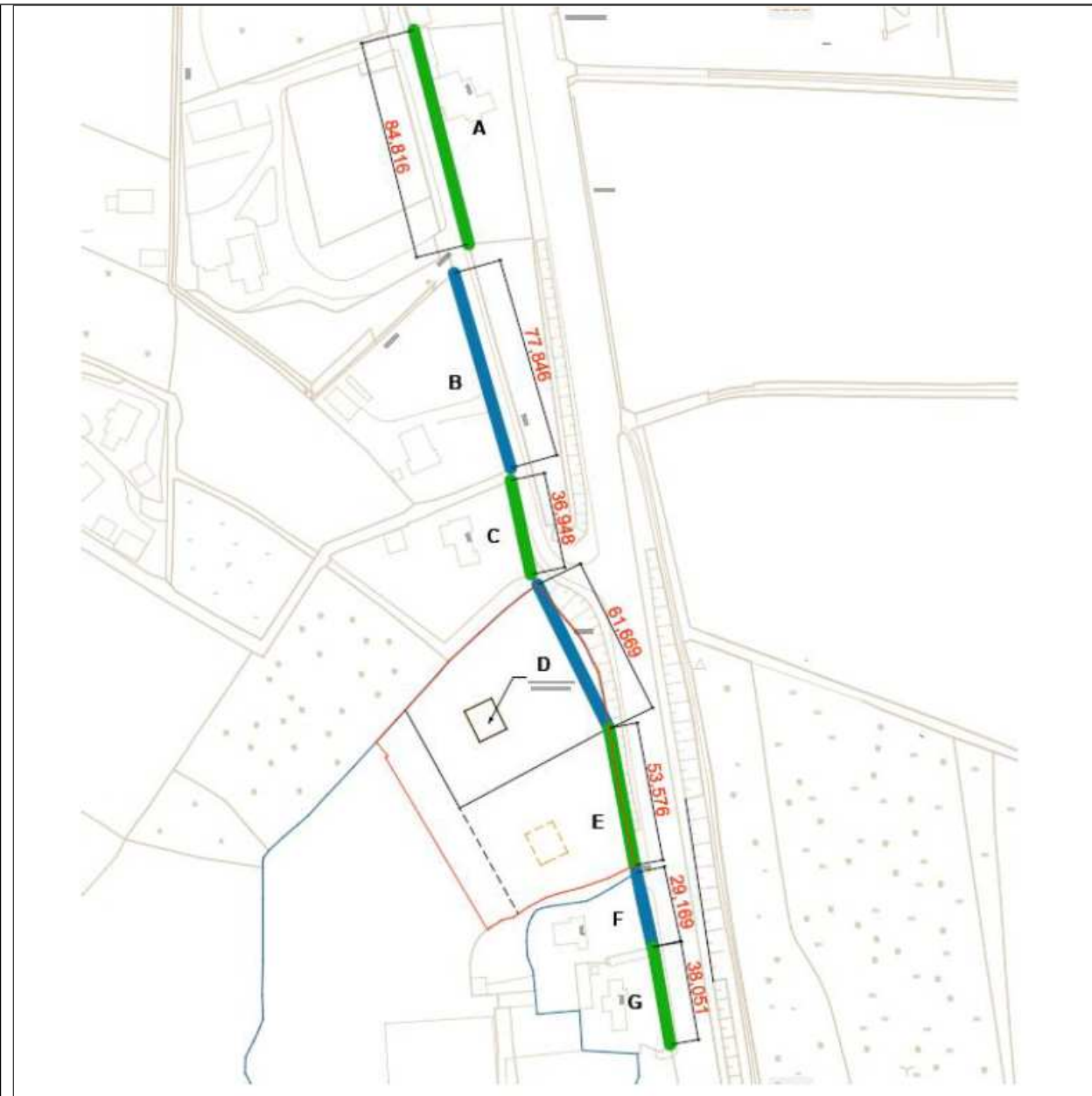


Fig 5: Frontage analysis plan 'Fig 1' within supplementary Design Statement provided by agent

2. Existing Frontages

Figure 01 indicates the following approx. existing frontages to 5 neighbouring dwellings on the Cookstown Road,

- Dwelling A (93 Cookstown Road) – approx. 85m
- Dwelling B (92 Cookstown Road) – approx. 78m
- Dwelling C (90 Cookstown Road) – approx. 37m
- Dwelling F (88 Cookstown Road) – approx. 29m
- Dwelling F (86 Cookstown Road) – approx. 38m
-

3. Proposed Frontages

Figure 01 indicates the following approx. proposed frontages to

- Dwelling D (Proposed Dwelling) – approx. 62m
- Dwelling E (Proposed 'Future' Dwelling) – approx. 54m

The average (mean) frontage of the 5 no. existing dwellings to the road is approx. 53m. The above analysis confirms that the proposed frontage to dwellings D & E are comparable to the neighbouring context.

Fig 5: Frontage analysis details corresponding to 'Fig 1' (as seen above in Fig 4) within supplementary Design Statement provided by agent

I have considered the justification provided within the Design Statement provided by the agent however my opinion remains that in this instance the gap is too large and is a visual break that helps retain the rural character of the area and should be protected. I would disagree that the average mean frontage of the existing dwellings extending to the north and south of the site along the west side of the Drumconnor Road and Cookstown Road is approx. 53m. Dwelling A (93 Cookstown Road) within the analysis with a frontage of approx. 85m is located to the opposite side of the Drumconnor Road to the line of development the site is within as such should not be included in the analysis and agricultural lands to the north and outside of Dwelling B's (92 Cookstown Road) curtilage has been included in its frontage of approx. 78m provided when it should be approx. 37m. These adjustments would make the average mean frontage of the existing dwellings extending to the north and south of the site along the west side of the Drumconnor Road and Cookstown Road approx. 35m. As such the site with a frontage of 116m could comfortably accommodate 3 dwellings. 3 dwellings with a 35m frontage each would have an entire frontage length of 105m.

This proposal is contrary to Policy CTY 8 and CTY 14 of PPS 21 in that when read in conjunction with existing development located on lands to its north and south it will result in the extension of ribbon development along the Drumconnor Road and / or Cookstown Road leading to a further erosion of the areas rural character.

Additional considerations

In addition 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 identified no flooding on site.

Recommendation: Refuse

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policy CTY8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the extension of ribbon development along the Drumconnor Road and / or Cookstown Road leading to a further erosion of the areas rural character.

Reason 3

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the proposed access is located in close proximity to a road junction where the slowing down and turning movements of vehicles entering and leaving the access would conflict with traffic movements at the junction.

Reason 4

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since adequate forward sight distance of 45 metres is not available in a northerly direction, on the public road, at the proposed access in accordance with the standards contained in the Department's Development Control Advice Note 15.

Signature(s): Emma Richardson
Date: 22 March 2023

ANNEX	
Date Valid	4 November 2022
Date First Advertised	15 November 2022
Date Last Advertised	15 November 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 88 Cookstown Road Dungannon Tyrone BT71 4BS The Owner / Occupier 90 Cookstown Road Dungannon Tyrone BT71 4BS	
Date of Last Neighbour Notification	16 November 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: M/1996/0268 Proposals: 11 kv Rural Spur Decision: PG Decision Date: Ref: M/1979/0802 Proposals: EXTENSION TO DWELLING Decision: PG Decision Date: Ref: M/2007/0633/F Proposals: Proposed front extensions to bedroom and livingroom (including bay window) Decision: PG Decision Date: 17-AUG-07 Ref: LA09/2022/1563/O Proposals: Dwelling and domestic garage on infill site (Planning Policy CTY8) Decision: Decision Date: Ref: M/2006/1598/F Proposals: Conversion of garage to bedroom with en-suite and new domestic garage Decision: PG Decision Date: 16-NOV-06 Ref: M/2005/0543/F Proposals: 11 KV domestic	

(04/05914)

Decision: PG

Decision Date: 10-JUN-05

Summary of Consultee Responses

DFI Roads - Enniskillen Office-24-02-2023.docx

DFI Roads - Enniskillen Office-

DFI Roads - Enniskillen Office-Already responded to.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Notification to Department (if relevant)

Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 April 2023	Item Number: 5.11
Application ID: LA09/2022/1568/O	Target Date: 17 February 2023
Proposal: site for dwelling & garage	Location: Lands Approx 140 Mts South East Of No 84 Lisacclare Road Stewartstown
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr EDWARD COYLE LOWER HOUSE - TROUT STREAM WAY LOUDWATER , RICKMNSWORTH WD3 4JN	Agent Name and Address: Mr BRENDAN MONAGHAN 38b AIRFIELD ROAD THE CREAGH TOOMEBRIDGE BT41 3SQ
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation outline approval.docxRS1 Form a (1).doc
Statutory Consultee	Historic Environment Division (HED)	
Non Statutory Consultee	DAERA - Omagh	LA09-2022-1568-O.docx
Non Statutory Consultee	DAERA - Omagh	LA09-2022-1568-O - (2).docx

Representations:

Letters of Support	0
Letters of Objection	1
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, as depicted within the Cookstown Area Plan, approx. ½ way between Stewartstown to the northwest and Killeen to the southeast.

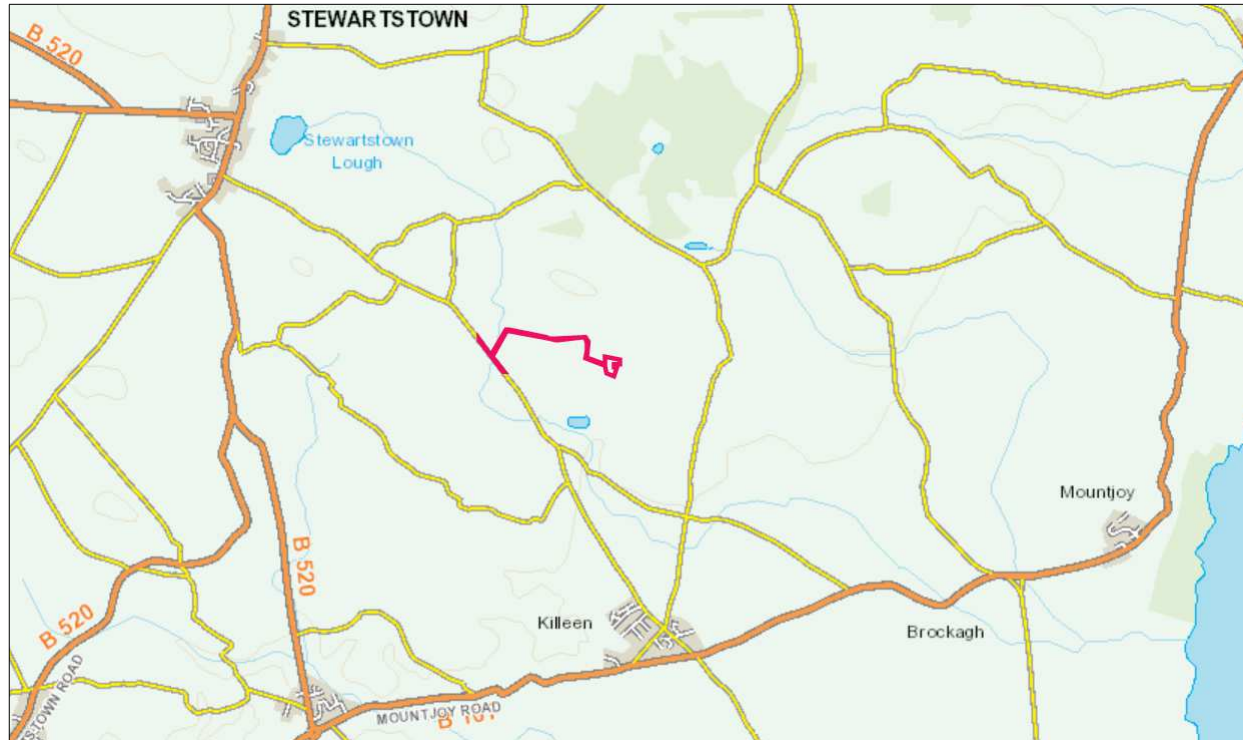


Fig 1: Site outlined red

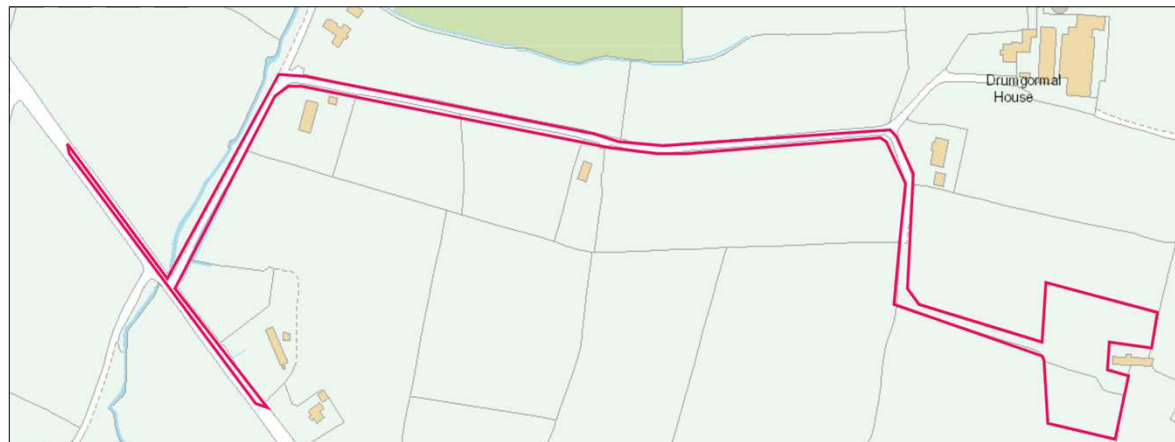


Fig 2: Site outlined red

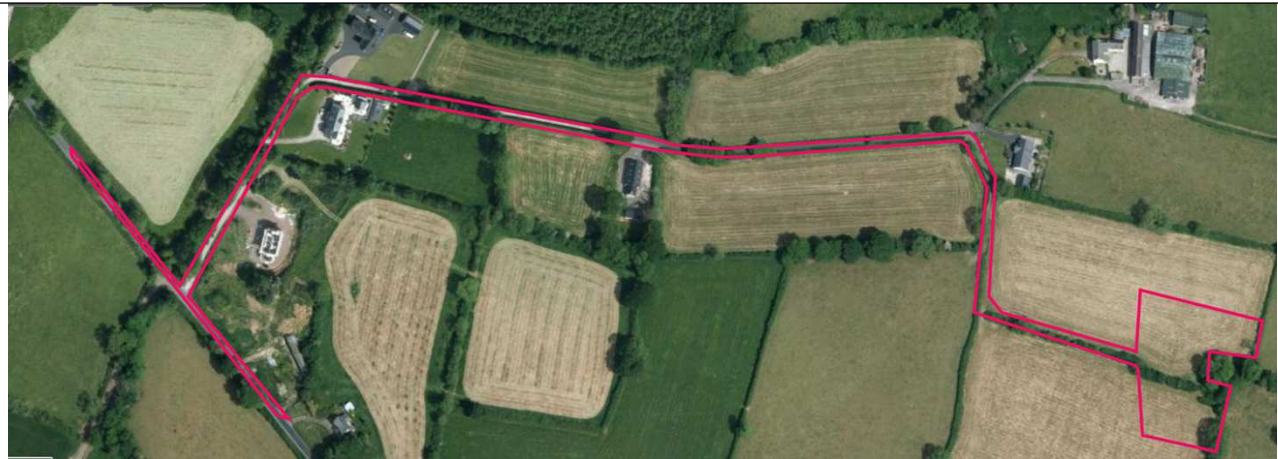


Fig 3: Site outlined red

The site is a relatively rectangular shaped plot cut from the eastern side of two neighbouring fields sited one above the other. Its sits just west of what appears to be the remains of a derelict house with adjoining outbuilding overgrown with vegetation.

The site is set well back from and accessed off the Lisaclare Rd, via an existing concrete lane serving a small no. of dwellings, approx. 7 in total. At the entrance to the last properties at the end of the lane, nos. 84 and 86 Lisaclared Road located just north of the site, an agricultural lane continues south towards the site breaking into the north host field and following it party hedgerow boundary with the south host field.

The lane serving the site is bound by a mix of vegetation and fences. The main body of the site is defined to the east by mature vegetation bounding the host fields. A lines of mature hedging, the party boundary of the host fields also runs horizontally through the middle if the site. The remaining boundaries of the site are open to the north, south and east onto the host fields.

Whilst the site is elevated, with lands falling away relatively towards the Lisaclare Rd, critical views of a dwelling on this site are limited from the Lisaclare Rd and surrounding road network to a glimpse from elevated lands on the northwest approach to its access point off the road. This is due to the sense of enclosure, screening and backdrop provided by the site's substantial set back from the public Lisaclare Road and surrounding road network; the mature vegetation on site; and the topography, vegetation and development in the wider vicinity providing it with a sense of enclosure and back drop.

The surrounding area is characterised primarily by agricultural lands interspersed with detached dwellings, ancillary buildings and farm groups.

Description of Proposal

This is an outline planning application for a dwelling and garage on a farm. The site is located on lands approx. 140m Southeast of no. 84 Lisaclare Road Stewartstown.

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

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

Planning Policy Statement 21: Sustainable Development in the Countryside

Development Control Advice Note 15: Vehicular Standards

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

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

Relevant Planning History

N/A

Consultees

1. DFI Roads were consulted in relation to access, movement and parking arrangements and had no objections to the proposal subject to standard conditions and informatives, which will be applied to any subsequent decision notice to comply with the requirements of PPS 3 Access, Movement and Parking.
2. Historic Environment Division (HED) were consulted as the site is located within the buffer zone of 2 archaeological sites and monuments (TYR047:004 and TYR047:004). HED Historic Monuments assessed the application and were content that the proposal is satisfactory to SPPS and PPS6 archaeological policy requirements.
3. Department of Agriculture, Environment and Rural Affairs (DEARA) were consulted with a P1C Form and Farm maps submitted alongside the application.

DAERA advised the farm business identified on the updated P1C Forms received 20th December 2022 and Farm maps was established on the 22nd November 2022 and no farm business has claimed payments through the Basic Payment Scheme or Agri Environment scheme on this site.

Cookstown Area Plan 2010

The site lies in the rural countryside outside any designated settlement with the Plan.

The Strategic Planning Policy Statement for Northern Ireland (SPPS)

The SPPS advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained.

Planning Policy Statement (PPS) 21 Sustainable Development in the Countryside

PPS 21 is the overarching policy for development in the countryside. Policy CTY1 of 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 aim of sustainable development. These include dwellings on farms in accordance with Policy CTY 10 of PPS 21.

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

- the farm business is currently active and has been established for at least 6 years,

DAERA advised the farm business identified on the updated P1C Forms received 20th December 2022 and Farm maps was established on the 22nd November 2022 and no farm business has claimed payments through the Basic Payment Scheme or Agri Environment scheme on this site.

Whilst consultation with DEARA was unable to confirm the applicant's farm business was established at least 6 years and is currently active, I am reasonably content that it has been established at least 6 years and is currently active. This is based on the farm maps submitted alongside this application which show 2 fields the applicant has stated he owns; the lands on the date of site visit were in good agricultural condition; DAERA confirming his business was registered in 2022; a con acre agreement and no. of invoices submitted to show activity for a 6 year period. The invoices included but were not limited for the supply of fertiliser on the 4th April 2016; 1 for works to install water piping and drinking trough in two fields on the 10th August 2017; 1 for ploughing, cultivating and seeding grass pasture on the 14th March 2018; 1 to supply and sow fertiliser, mow, 2 turns, row and bale on the 17th July 2019; 1 to supply and sow fertiliser on the 19th March 2020; 1 to trim and flail hedges on the 17th September 2020; 1 for new barbed wire fencing on the 16th March 2021. As such, I am content Criterion (31) of CTY 10 has been met.

- 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 or

since PPS 21 was introduced on 25th November 2008,

There is no evidence to indicate that any dwellings or development opportunities out-with settlement limits have been sold off from Mr Coyle's farm holding within the last 10 years from the date of the application. Criterion (2) of CTY 10 has been met.

- the new building is visually linked or sited to cluster with an established group of buildings on the farm.

The new dwelling will be located immediately west of what appears to be the remains of a derelict house with adjoining outbuilding overgrown with vegetation on the applicant's farm lands as such I am content the proposed dwelling and garage will visually link and cluster with these established buildings and Criterion (3) of CTY 10 has been met.

Policy CTY 10 also states 'planning permission granted under this policy will only be forthcoming once every 10 years' and I am content checks have not identified any previous such permissions for Mr Coyle or this farm holding.

I believe a dwelling of an appropriate size, scale and design should integrate into this site with minimal disruption to the rural character of the area. As detailed in the 'Characteristics of the Site and Area' whilst the site is elevated, with lands falling away relatively towards the Lisacclare Rd, critical views of a dwelling on this site are limited from the Lisacclare Rd and surrounding road network to a glimpse from elevated lands on the northwest approach to its access point off the road. This is due to the sense of enclosure, screening and backdrop provided by the site's substantial set back from the public Lisacclare Road and surrounding road network; the mature vegetation on site; and the topography, vegetation and development in the wider vicinity providing it with a sense of enclosure and back drop.

As this is an outline application the details of the siting, size, scale and design of the dwelling can be considered further under any subsequent reserved matter application. I believe a suitably designed scheme should not have any unreasonable impact on the neighbouring properties in terms of overlooking or overshadowing given the substantial separation distances that will be retained.

Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, 1 objection had been received from Mr McGuckin the owner / occupier of no 82 Lisacclare Road, a dwelling located approx. halfway and to the south side of the lane proposed to serve the site. The objector outlined the site is to be served via a single lane that already serves the houses on the lane, will serve another house to be built and has enough traffic as it stands and raised the following issues: inadequate access; inadequate parking provision; increase in traffic; loss of privacy; noise nuisance; and over development.

The objection raised above has been taken into consideration however the opinion remains to recommend the approval of this proposal, which complies with the relevant policy provisions, for the reasons detailed above in the main body of this report. Whilst

concerns have been raised regarding the access lane serving the site DFI Roads were consulted and raised no concerns regarding the proposal subject to standard conditions accordingly I am content it should not prejudice road safety or significantly inconvenience the flow of traffic. As detailed above a dwelling on this site should not have any unreasonable impact on the neighbouring properties in terms of overlooking or overshadowing given the substantial separation distances that will be retained. Whilst there may be some noise during construction the nature of this proposal would not give rise to any significant noise concerns.

Additional considerations

In addition 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 indicate some pluvial and fluvial flooding along the initial stretch of the already developed concrete lane serving the site off the Lisacclare Road it would appear emanating from an adjacent watercourse running to the west side of the lane.

Recommendation: Approve

Summary of Recommendation:

Approve is recommended

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 and detailed plans 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 proposed dwelling and its curtilage shall be sited in the area shaded brown on Drawing No. 01 bearing the date stamp received 04 Nov 2022.

Reason: In the interests of visual amenity.

Condition 5

The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.35 metres at any point.

Reason: In the interest of visual amenity.

Condition 6

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: In the interest of residential amenity.

Condition 7

The existing natural screenings of this site, as indicated in yellow on Drawing No. 01 bearing the date stamp received 04 Nov 2022, shall be permanently retained except where it is required to provide access and / or sight lines. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Council, unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing at the earliest possible moment.

Reason: In the interests of visual and residential amenity.

Condition 8

A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development hereby approved at the Reserved Matters stage. The scheme shall include a native species hedgerow to be planted along all new boundaries as indicated in green on Drawing No. 01 bearing the date stamp received 04 Nov 2022. Any trees or shrubs which may be damaged or die within a period of 5 years from the date of planting shall be replaced by plants of similar species and size at the time of their removal. All landscaping shall take place within the first available planting season after the

commencement of the development.

Reason: In the interests of visual and residential amenity.

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 attached form RS1 and shall include sight splays of 2.4m x 110m in both directions onto the public road and a 110m forward sight distance. 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): Emma Richardson

Date: 23 March 2023

ANNEX	
Date Valid	4 November 2022
Date First Advertised	15 November 2022
Date Last Advertised	15 November 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 92 Lisaclore Road Stewartstown Tyrone BT71 5QJ The Owner / Occupier 80 Lisaclore Road Stewartstown Tyrone BT71 5QH The Owner / Occupier 90 Lisaclore Road Stewartstown Tyrone BT71 5QJ The Owner / Occupier 86 Lisaclore Road Stewartstown Tyrone BT71 5QH The Owner / Occupier 78 Lisaclore Road Stewartstown Tyrone BT71 5QH The Owner / Occupier 92 Lisaclore Road Stewartstown Tyrone BT71 5QJ The Owner / Occupier 88 Lisaclore Road Stewartstown Tyrone BT71 5QH The Owner / Occupier 82 Lisaclore Road Stewartstown Tyrone BT71 5QH The Owner / Occupier 82 Lisaclore Road Stewartstown Tyrone BT71 5QH The Owner / Occupier 84 Lisaclore Road Stewartstown Tyrone BT71 5QH The Owner / Occupier 94 Lisaclore Road Stewartstown Tyrone BT71 5QH The Owner / Occupier 74 Lisaclore Road Stewartstown Tyrone BT71 5QH The Owner / Occupier 76 Lisaclore Road Stewartstown Tyrone BT71 5QH	
Date of Last Neighbour Notification	2 December 2022
Date of EIA Determination	
ES Requested	<events screen>

Planning History

Ref: LA09/2020/0067/F

Proposals: Proposed Dwelling and Garage and an amendment to a previously approved access under LA09/2016/1707/O

Decision: PG

Decision Date: 01-JUN-20

Ref: I/1996/4037

Proposals: Extension to Dwelling

Decision: PDNOAP

Decision Date:

Ref: LA09/2020/0671/F

Proposals: Proposed replacement dwelling and garage

Decision: PG

Decision Date: 05-NOV-20

Ref: I/1993/0209

Proposals: Bungalow and Garage

Decision: PG

Decision Date:

Ref: I/2007/0121/RM

Proposals: Proposed dwelling House

Decision: PG

Decision Date: 16-MAY-07

Ref: I/2000/0697/O

Proposals: Site for Dwelling

Decision: PG

Decision Date: 20-NOV-00

Ref: I/2006/1260/RM

Proposals: Site for dwelling and garage with 1st floor loft storage

Decision: PG

Decision Date: 18-JUN-07

Ref: I/2004/1405/O

Proposals: Proposed dwelling house

Decision: PG

Decision Date: 12-JAN-05

Ref: LA09/2021/1298/F

Proposals: Proposed infill dwelling and domestic double garage as policy CTY8

Decision: PG

Decision Date: 01-DEC-21

Ref: I/2003/0964/O

Proposals: Renewal of Outline planning permission I/2000/0697/O

Decision: PG

Decision Date: 16-DEC-03

Ref: I/2013/0034/F

Proposals: Proposed replacement dwelling previously approved under I/2007/0641/F and

domestic garage
 Decision: PG
 Decision Date: 28-MAY-13
 Ref: I/2007/0641/F
 Proposals: Proposed replacement dwelling house
 Decision: PG
 Decision Date: 18-FEB-08
 Ref: LA09/2021/1302/F
 Proposals: Proposed replacement dwelling and domestic double garage
 Decision:
 Decision Date:
 Ref: LA09/2021/0780/F
 Proposals: Change of house type from that approved under LA09/2020/0067/F.
 Decision: PG
 Decision Date: 05-AUG-21
 Ref: LA09/2016/1707/O
 Proposals: Site for Farm Dwelling and Garage
 Decision: PG
 Decision Date: 20-MAR-17
 Ref: I/2005/0201/O
 Proposals: Proposed dwelling house
 Decision: PG
 Decision Date: 28-APR-05
 Ref: I/2009/0004/F
 Proposals: Replacement dwelling house and garage with first floor loft
 Decision: PG
 Decision Date: 15-FEB-10
 Ref: I/2005/1226/O
 Proposals: Replacement dwelling house.
 Decision: PG
 Decision Date: 10-JAN-06
 Ref: I/2008/0320/RM
 Proposals: Proposed dwelling house & twin garage with first floor loft storage area
 Decision: PG
 Decision Date: 21-OCT-08
 Ref: LA09/2022/1568/O
 Proposals: site for dwelling & garage
 Decision:
 Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Roads Consultation outline approval.docxRS1 Form a (1).doc
 Historic Environment Division (HED)-
 DAERA - Omagh-LA09-2022-1568-O.docx
 DAERA - Omagh-LA09-2022-1568-O - (2).docx

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

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 April 2023	Item Number: 5.12
Application ID: LA09/2022/1692/O	Target Date: 21 March 2023
Proposal: Dwelling and garage under policy Cty 2A	Location: Lands 50M West of 160B Washingbay Road, Coalisland
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr COLIN MCCUSKEY 10A FERRY ROAD COALISLAND BT71 4QT	Agent Name and Address: CMI Ltd 38 Airfield Road 38B AIRFIELD ROAD toomebridge BT41 3SQ
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx

Representations:

Letters of Support	0
Letters of Objection	1
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 red line of the site includes a roadside portion of a larger agricultural field, located to the West of 160B Washingbay Road, Coalisland. The lands to the north and west are outlined in blue, indicating ownership. The lands rise from the roadside towards the north of the site and the boundaries are made up with post and wire fencing along the roadside, hedging between the site and the adjacent property to the east with the

remainder of boundaries currently undefined. The surrounding area includes a number of roadside residential properties and there is Derrytresk playing fields approx 400m SE of the site where the crow flies. Beyond that lands are rural in nature scattered with single dwellings and their associated outbuildings.

Description of Proposal

Outline planning permission is sought for dwelling and garage under policy CTY 2A.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 160b, 153, 159, 161, 163, 160c and 162b Washingbay Road.

At the time of writing, one objection was received. The main issues raised within the objection include:

- Close to adjoining properties
- Increase in traffic
- Overdevelopment

The objection notes they are concerned about both exits being used at the same time, noting there is a brow on the hill and a bend in the road. DfI Roads are the competent authority for ensuring there is a safe means of access to and from the site. I have consulted with them and they have raised no concerns, subject to condition. In relation to the closeness of properties, no information relating to the proposed siting has been provided. At RM stage, if permission is to be forthcoming, these details can be looked at in more depth however I am content that a dwelling could be sited within the red line appropriately without causing concern for neighbouring properties.

Planning History

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

Planning Assessment of Policy and Other Material Considerations

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

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

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

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

In line with planning policy held within CTY 2a of PPS 21 permission will only be granted for a dwelling at an existing cluster of development provided the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwelling. This proposal site lies outside of a farm and consists of more than 4 buildings thus adhering to this criteria. The cluster appears easily as a visual entity in the local landscape. Derrytresk Football fields is located approx. 400m South East of the application site and although not directly associated with the site, it is our view that the application site is in line with the spirit of the policy. The identified site is bounded on two sides by development and it is my consideration that the proposed development could be absorbed into the existing cluster without significantly altering the existing character or adversely impacting on the residential amenity. I am content a dwelling could be designed within the red line of the site which would avoid issues such as privacy or overlooking concerns with neighbouring properties. Figure 1 below shows the site in relation to the playing fields.



Figure 1 – Site in relation to playing fields

It is also necessary for the proposal to be considered against the requirements of CTY 13 and CTY 14 of PPS 21, whereby it states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. This proposal is for an outline application thus no design has been stipulated at this time however given the character of the area

and noting that the dwellings in the surrounding area are generally two storey, I don't feel a ridge height restriction is needed at this site. The existing hedging will be conditioned to be retained where possible with full details of proposed landscaping along the remainder of the boundaries to also be included with the RM application.

Having considered all of the above and noting that the proposal site is within an identifiable cluster of development an approval should be recommended with suitable conditions.

Summary of Recommendation:

Approve is recommended

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 Mid Ulster District 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

Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.4m x 100m in both directions and a 100m forward sight line and other details as set out in the attached form RS1, shall be provided in accordance with the 1:500 site plan submitted as part of the reserved matters application. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

and the convenience of road users.

Condition 4

A detailed scheme of structured landscaping for the site including along all site boundaries, shall be submitted at Reserved Matters stage at the same time as the dwelling to include details of species, numbers, sizes, siting and spacing of trees and hedge plants. The planting as approved shall be implemented in full during first available planting season after the occupation of the dwelling which is hereby approved.

Reason: In the interests of visual and residential amenity.

Condition 5

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 Mid Ulster District Council.

Reason: To ensure the dwelling integrates into the landform.

Signature(s): Sarah Duggan

Date: 20 March 2023

ANNEX	
Date Valid	6 December 2022
Date First Advertised	20 December 2022
Date Last Advertised	20 December 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 153 Washingbay Road Coalisland Tyrone BT71 4QE The Owner / Occupier 159 Washingbay Road Coalisland Tyrone BT71 4QE The Owner / Occupier 161 Washingbay Road Coalisland Tyrone BT71 4QE The Owner / Occupier 163 Washingbay Road Coalisland Tyrone BT71 4QE The Owner / Occupier 160C Washingbay Road Coalisland Tyrone BT71 4QE The Owner / Occupier 162B Washingbay Road Coalisland Tyrone BT71 4QE The Owner / Occupier 160B Washingbay Road Coalisland Tyrone BT71 4QE	
Date of Last Neighbour Notification	14 December 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Outline resp.docx	

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



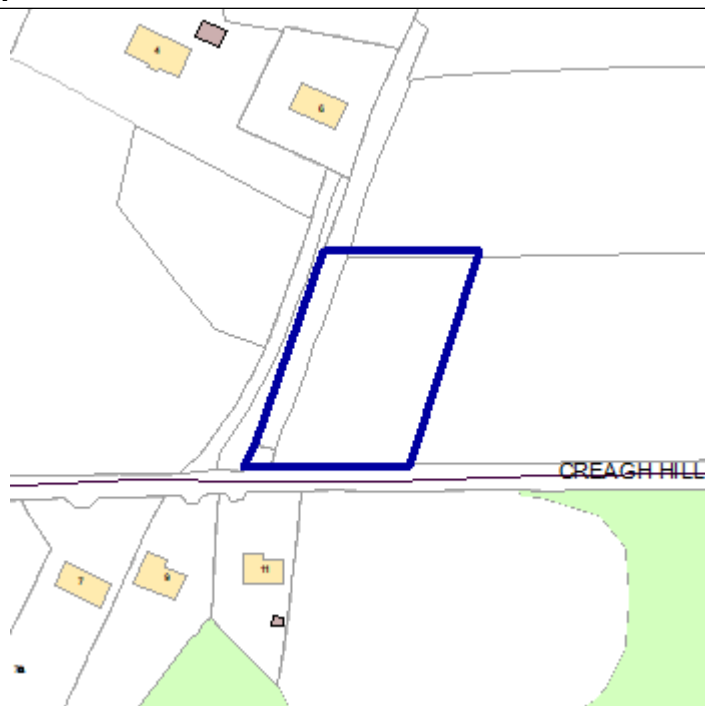
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 April 2023	Item Number: 5.13
Application ID: LA09/2022/1697/O	Target Date: 21 March 2023
Proposal: Dwelling and garage under CTY 2A	Location: 60 m NE of 11 Creagh Hill Castledawson
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mrs ANNE MCGROGAN 154 Creagh Road Castledawson BT45 8EY	Agent Name and Address: CMI Planners Ltd 38B Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary: The current application is presented as a refusal, having failed to meet the requirements of policy CTY 2A - New Dwellings in Existing Clusters.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx

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 application site is located at lands 60m north-east of No. 11 Creagh Hill, Castledawson. The site occupies a roadside corner portion of a larger agricultural field. The front (southern) and western boundaries are defined by an established hedgerow with scattered trees. As the application site is part of a larger field, the remaining

boundaries are undefined.

Lands to the north and east of the site are agricultural in nature. There is a laneway running along the western boundary providing access to two houses set back from the roadside. Lands west of the application site have been approved under LA09/2021/1204/O for a dwelling and garage within a cluster site. A subsequent full application was approved under LA09/2021/1810/F as it did not comply with all conditions set at outline stage. During the site visit on 17/02/2023, it was noted that works on this site had not commenced. To the south, there is a row consisting of five detached dwellings.

Representations

Two neighbour notification letters were issued in relation to this application however, no objections have been received to date.

Consultations

- DfI Roads were consulted in relation to this application and responded on 30/12/2022 advising they had no objection subject to compliance with conditions.

Planning History

- LA09/2019/0760/O - 65MTS Northeast of No.11 Creagh Hill
Castledawson - Proposed site for a dwelling and domestic garage/store under policy CTY 2A – Permission Refused 07.11.2019

Description of Proposal

This is an outline application for a dwelling and garage under policy CTY 2A at lands 60m north-east of No. 11 Creagh Hill, Castledawson.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015

The site falls within the open countryside, approximately 1.8km east of the settlement limits of Castledawson and 1.3km northwest of the settlement limits of Creagh as defined in the Magherafelt Area Plan 2015. There are no other specific designations or zonings on this site.

Strategic Planning Policy Statement for Northern Ireland (SPPS)

The Strategic Planning Policy Statement provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local

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

Planning Policy Statement 21 – Sustainable Development in the Countryside

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the Countryside. The application to be considered is for a dwelling and garage under the provisions of policy CTY 2a – New Dwellings in Existing Clusters.

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

The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;

The application site lies outside of a farm with no development to the north or east. To the west, a dwelling has been approved, however as development has not yet commenced, this does not count as a building. There is a detached dwelling across the road from the application site to the south. I am not content that the proposal meets this criterion.

The cluster appears as a visual entity in the local landscape;

The existing group of five detached dwellings on the opposite side of the road from the application site can be read together as a cluster. The proposed site does not read with this existing line of residential development as it is located on the opposite side of the road and forms part of a larger agricultural field. The proposal therefore does not meet this criterion.

The cluster is associated with a focal point such as a social / community building / facility, or is located at a crossroads;

The application site is not located close to any focal points and therefore does not meet this criterion. It should be noted that under application reference LA09/2019/0760/O which was refused, the agent had proposed ‘The Thatch Inn’ as the focal point however it was deemed to be too far removed from the application site (approximately 313m) to be considered acceptable.

The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;

There is no development to the north or east of the site. Whilst planning permission has

been granted for a dwelling to the west of the application site, development has not yet commenced therefore cannot be considered under this application. There is a bungalow across the road, to the south however as this is only along one boundary, the proposal does not meet this criterion.

Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside;

As the proposal site would be breaking into a larger agricultural field with no existing development to the north, east or west, I am of the opinion that a dwelling in this location would alter the existing character of the area and visually intrude into the open countryside therefore the proposal does not meet this criterion.

Development would not adversely impact on residential amenity.

I am content that the proposal would not adversely impact on residential amenity should an approval be granted in this location.

CTY 13 – Integration and Design of Buildings in the Countryside

Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

A new building will be unacceptable where;

- (a) It is a prominent feature in the landscape; or*
- (b) The site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; or*
- (c) It relies primarily on the use of new landscaping for integration; or*
- (d) Ancillary works do not integrate with their surroundings; or*
- (e) The design of the building is inappropriate for the site and its locality; or*
- (f) It fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop; or*
- (g) In the case of a proposed dwelling on a farm (see Policy CTY 10) it is not visually linked or sited to cluster with an established group of buildings on a farm.*

A dwelling could be accommodated on the proposed site however, it lacks the long-established boundaries suitable to provide a degree of enclosure for the building to integrate into the landscape. The site would rely primarily on new landscaping for integration and therefore fails to meet the criteria of CTY 13.

CTY 14 – Rural Character

Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

A new building will be unacceptable where:

- (a) It is unduly prominent in the landscape; or*
- (b) It results in a suburban style build-up of development when viewed with existing and approved buildings; or*
- (c) It does not respect the traditional pattern of settlement exhibited in that area; or*
- (d) It creates or adds to a ribbon of development (see Policy CTY 8); or*
- (e) The impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.*

I am not content that the proposed site is within the existing cluster and feel that the approval of this application would result in a suburban style build up and therefore erode rural character. The proposal fails to meet the criteria of CTY 14.

It is evident that there has been no change to the proposed development which was refused under LA09/2019/0760/O.

For the above reasons, the proposal fails under policy CTY 2A, CTY 13 and CTY 14 and I would therefore recommend refusal for this application.

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

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

Habitats Regulations Assessment

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

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policy CTY 2A of Planning Policy Statement 21 - New Dwellings in Existing Clusters in that the cluster is not associated with a focal point, the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure.

Reason 3

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

Reason 4

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

Signature(s): Zoe Douglas

Date: 21 March 2023

ANNEX	
Date Valid	6 December 2022
Date First Advertised	20 December 2022
Date Last Advertised	20 December 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 9 Creagh Hill Castledawson Londonderry BT45 8EU The Owner / Occupier 11 Creagh Hill Castledawson Londonderry BT45 8EU	
Date of Last Neighbour Notification	13 December 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: H/2003/0797/F Proposals: New 33kv Overhead Electric Line and alterations to existing lines. Decision: Decision Date: Ref: H/2012/0003/F Proposals: Proposed infill dwelling Decision: PR Decision Date: 17-OCT-12 Ref: LA09/2022/1697/O Proposals: Dwelling and garage under CTY 2A Decision: Decision Date: Ref: H/1982/0315 Proposals: SITE OF DWELLING HOUSE Decision: PG Decision Date: Ref: H/2013/0450/O Proposals: Single Dwelling Decision: PG Decision Date: 20-JAN-15 Ref: LA09/2019/1409/F Proposals: Proposed 2 storey dwelling garage and domestic equestrian facilities including sand	

arena and stables

Decision: PG

Decision Date: 11-FEB-20

Ref: H/1981/0223

Proposals: BUNGALOW

Decision: PG

Decision Date:

Ref: H/1984/0418

Proposals: SITE OF DWELLING

Decision: PG

Decision Date:

Ref: H/1986/0034

Proposals: BUNGALOW

Decision: PG

Decision Date:

Ref: LA09/2020/1032/F

Proposals: Dwelling and garage within a cluster

Decision: PG

Decision Date: 15-DEC-20

Ref: LA09/2020/0001/O

Proposals: Outline planning permission for dwelling within a cluster.

Decision: PG

Decision Date: 13-MAY-20

Ref: H/2008/0519/F

Proposals: Proposed replacement dwelling.

Decision: PG

Decision Date: 12-DEC-08

Ref: H/1993/0296

Proposals: EXTENSION TO DWELLING AND GARAGE

Decision: PG

Decision Date:

Ref: H/2006/0838/F

Proposals: Extension to rear of dwelling and detached garage

Decision: PG

Decision Date: 28-DEC-06

Ref: H/1978/0058

Proposals: SITE OF DWELLING

Decision: PR

Decision Date:

Ref: H/1976/0291

Proposals: SITE OF FARM DWELLING

Decision: PR

Decision Date:

Ref: H/2004/0683/F

Proposals: New dwelling and garage.

Decision: PG
Decision Date: 18-FEB-05
Ref: H/2005/0071/Q
Proposals: dwelling
Decision: ELR
Decision Date: 22-FEB-05
Ref: H/2001/0653/O
Proposals: Site Of Dwelling & Garage.
Decision: PG
Decision Date: 17-OCT-01
Ref: H/1998/0015
Proposals: DWELLING AND GARAGE
Decision: PG
Decision Date:
Ref: H/1998/0677
Proposals: NEW ACCESS TO APPROVED DWELLING
Decision: PG
Decision Date: 08-DEC-99
Ref: H/1973/0172
Proposals: SITE OF BUNGALOW
Decision: PR
Decision Date:
Ref: H/1991/0388
Proposals: UNDERGROUND SEWAGE PUMPING STATION WITH CONTROL KIOSK
AND SURROUNDING FENCE
Decision: PG
Decision Date:
Ref: LA09/2021/1810/F
Proposals: Proposed one and a half storey dwelling and garage within a cluster site
Decision: PG
Decision Date: 09-MAR-22
Ref: LA09/2021/1204/O
Proposals: Proposed dwelling and garage within a cluster site
Decision: PG
Decision Date: 17-NOV-21
Ref: H/1994/0457
Proposals: UNDERGROUND PUMPING STATION WITH CONTROL KIOSK AND
SURROUNDING FENCE
Decision: PG
Decision Date: 15-DEC-94
Ref: LA09/2019/0760/O
Proposals: Proposed site for a dwelling and domestic garage/store under policy CTY 2A
Decision: PR
Decision Date: 07-NOV-19
Ref: H/1983/0215

Proposals: HV O/H LINE (BM 5888)
Decision: PG
Decision Date:
Ref: H/1997/0528
Proposals: SITE OF DWELLING AND GARAGE
Decision: PG
Decision Date:
Ref: H/2014/0431/O
Proposals: Site for Infill Dwelling
Decision: PR
Decision Date: 13-MAR-15
Ref: H/1974/0413
Proposals: SUBSIDY BUNGALOW
Decision: PG
Decision Date:
Ref: H/1996/0050
Proposals: EXTENSION TO DWELLING
Decision: PG
Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Outline resp.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



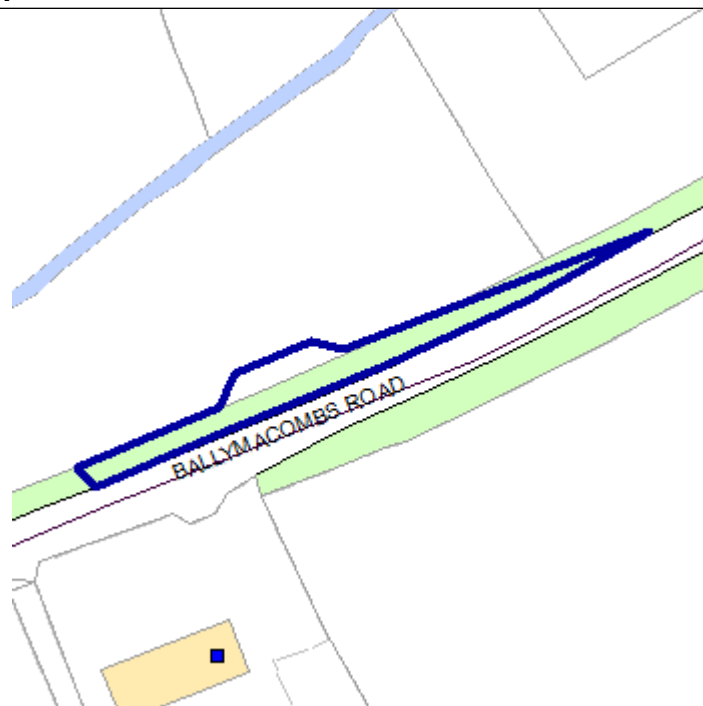
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 April 2023	Item Number: 5.14
Application ID: LA09/2022/1699/F	Target Date: 22 March 2023
Proposal: New Access	Location: 23 Ballymacombs Road Portglenone BT44 8NQ
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr JAMES DONNELLY & SONS 23A BALLYMACOMBS ROAD PORTGLENONE BT44 8NQ	Agent Name and Address: Mr AUSTIN MULLAN 38b AIRFIELD ROAD TOOMEBRIDGE BT41 3SG
Executive Summary: This application is brought to the planning committee with a recommendation for approval. Two no. objection letters have been received which point to road safety concerns and also a drainage concern. Both DfI Roads and DfI Rivers have been consulted and provided no objections to the proposed. The proposed access complies with Policy AMP 2 of PPS 3: Access, Movement and Parking.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	Rivers Agency	138234 - Final Response.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Full Resp.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Dfi Roads responded on 27/01/2023, No revisions attached?
Statutory Consultee	DFI Roads - Enniskillen Office	Full Resp.docx

Representations:

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

Summary of Issues

This application is brought to the planning committee with a recommendation for approval. Two no. objection letters have been received which point to road safety

concerns and also a drainage concern. Both DfI Roads and DfI Rivers have been consulted and provided no objections to the proposed. The proposed access complies with Policy AMP 2 of PPS 3: Access, Movement and Parking.

Characteristics of the Site and Area

The application site is located in the rural countryside, 0.5 miles south east and outside of the Clady settlement limit, as defined in the Magherafelt Area Plan 2015. The site is located along the Ballymacombs road (with access via the same), not far from Portglenone. The site consists of a storage and distribution centre with a number of large units all fronting onto the Ballymacombs Road and enclosed by security fencing. The primary access consists of a large gated entrance leading to a concrete yard which provides for parking, turning, loading and off-loading. The proposed is for a new access which serves the same distribution centre. The site has a flat topography and neighbours include nos. 25 and 28 Ballymacombs Road.

Description of Proposal

This is a full application for a new access.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Magherafelt Area Plan 2015

The application site is located in the rural countryside, 0.5 miles south east and outside of the Clady settlement limit, as defined in the Magherafelt Area Plan 2015.

Relevant Histories

LA09/2020/1519/F – 23 Ballymacombs Road Portglenone – Proposed storage and distribution centre for finished electrical products – Permission Granted – 19/02/2021.

Other Constraints

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

This site is not located within or adjacent to any listed buildings / structures.

The site lies within the strategic fluvial flood plain of the Lower Bann, which is a controlled river. See Consideration of PPS 15: Planning and Flood Risk, below.

Representations

Three no. objection letters have been received against the application proposal. Many of the issues raised in the three letters relate to a previous planning approval for a storage and distribution centre at the site in the form of a new industrial shed unit (planning ref. LA09/2020/1519/F). One comment provides that the shed is allegedly not built in accordance with the approved plans, while another provides that the landscaping has not been implemented as approved. It is advised that such issues are a matter for planning enforcement and are not a material consideration in this application for the new access.

With regard to the issues in the objection letters pertaining to road safety and drainage, these comments are considered below against PPS 3 and PPS 15 respectively.

Mid Ulster District Council Draft Plan Strategy 2030

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

SPPS – Strategic Planning Policy Statement for Northern Ireland

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

Planning Policy Statement 3: Access, Movement and Parking

LA09/2020/1519/F granted approval for a proposed storage and distribution centre for finished electrical products. The access was approved through the existing access which serves the existing industrial units at the site. This proposal is for a new access. This access does not adjoin a protected route so there are no concerns with this policy.

The new access will consist of splays of 4.5m x 120m in both directions, relocating the acoustic barrier behind these splays, with proposed hedgerow to be planted in front of the acoustic fence and behind the line of the visibility splays. The agent has shown additional landscaping of trees around the roadside of the access which will over time block direct views of the access. I am content another access at this site is necessary given the recent approval of the new industrial unit (Unit D). It is taken that a new access at this location would not change the existing character of the area. The proposed landscaping will assist in integrating the access at this site.

DfI Roads were consulted as the statutory authority, who have provided no objection to the proposed access, subject to condition. DfI Roads were also asked to provide comment on the matters raised in the objection letters related to road safety. DfI Roads have emphasized that the proposed visibility splays can be achieved and that this is within the guidelines in DCAN 15 for a

safe access onto Ballymacombs Road Portglenone. The issue of ‘security lighting’ and ‘noise pollution’ was raised in the objection letters. It is worth noting that the proposed includes acoustic solutions and the existing streetlights at the site are to be moved to the rear of the newly created visibility splays. This is also acknowledged by DfI Roads.

In light of the above, I am content that the issues relating to road safety, light and noise pollution, have been considered. I am satisfied that the proposed complies with Policy AMP 2 of PPS 3: Access, Movement and Parking.

Planning Policy Statement 15: Planning and Flood Risk

The Flood Hazard Map (NI) indicates that the site lies within the strategic fluvial flood plain of the Lower Bann, which is a controlled river. One of the issues raised in the objections letters relates to a drainage. A consultation was issued to DfI Rivers and in their response it is provided that a topographic survey was submitted for the previous planning approval at the site (planning ref. LA09/2020/1519/F), which provides that the site does not lie within the 1 in 100 year fluvial flood plain and that ground levels at the site give an appropriate freeboard. DfI Rivers have therefore provided no objections to the proposed development.

In light of the above, I am content that the proposed complies with Policy FLD 1 of PPS 15.

Planning Policy Statement 21: Sustainable Development in the Countryside

As the proposed access will run alongside an existing boundary I am content the proposal will integrate into the landscape. The applicant has also proposed new hedgerow along the roadside boundary which will assist in integration. Overall, I am content the proposal meets all the criteria in CTY 13 and CTY 14 in PPS 21.

Recommendation

Having assessed the proposed I am content that it satisfies the relevant policy criteria under PPS 3, PPS 15 and PPS 21. I have considered the issues raised in the letters of objection and consulted both DfI Roads and DfI Rivers on these matters. With the findings before me, I am content to recommend to the planning committee that this application be approved.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Condition 2

The vehicular access including visibility splays 4.5 x 120 metres and a 120 metre forward sight distance, shall be provided in accordance with Drawing No. 01 & 02 bearing the date Nov 2022 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Condition 3

All landscaping comprised in the approved details of landscaping on Drawing No. 02 bearing the date Nov 2022, shall be carried out in the first planting season following the commencement of the construction of the development hereby approved.

Reason: To ensure the development integrates into the countryside.

Signature(s): Benjamin Porter

Date: 16 March 2023

ANNEX	
Date Valid	7 December 2022
Date First Advertised	20 December 2022
Date Last Advertised	20 December 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 23 Ballymacombs Road Portglenone Londonderry BT44 8NQ The Owner / Occupier Unit 5 23 Ballymacombs Road Portglenone Londonderry BT44 8NQ The Owner / Occupier Unit B 23C Ballymacombs Road Portglenone Londonderry BT44 8NQ The Owner / Occupier 25 Ballymacombs Road Portglenone Londonderry BT44 8NQ The Owner / Occupier 28 Ballymacombs Road Portglenone Londonderry BT44 8NQ	
Date of Last Neighbour Notification	14 December 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: H/2010/0426/F Proposals: Proposed extension to existing industrial yard to provide 2no additional units with parking and turning area Decision: PR Decision Date: 10-MAR-11 Ref: H/2013/0272/F Proposals: Construction of a carpark in connection with an established business Decision: PR Decision Date: 15-MAY-14 Ref: LA09/2018/1375/F Proposals: Retention of inert material deposited on agricultural land for the purposes of improved drainage Decision: PG Decision Date: 12-AUG-19	

Ref: LA09/2022/1699/F

Proposals: New Access

Decision:

Decision Date:

Ref: LA09/2015/0549/F

Proposals: Proposed shed extension to supersede previously approved unit ref H/2012/0168/F

Decision: PG

Decision Date: 20-APR-17

Ref: LA09/2017/0572/F

Proposals: Proposed extension to existing Kindercraft Buisness to provide storage for raw materials, packaging and finished products

Decision: PG

Decision Date: 08-NOV-17

Ref: H/2008/0494/F

Proposals: Retention of hardcore area used for turning area, parking and storage area to existing industrial units

Decision: PG

Decision Date: 28-MAY-09

Ref: LA09/2020/1519/F

Proposals: Proposed storage & distribution centre for finished electrical products

Decision: PG

Decision Date: 19-JAN-22

Ref: LA09/2018/1209/F

Proposals: Extension to existing Kindercraft business to provide storage for raw materials, packaging and finished products

Decision: PG

Decision Date: 12-AUG-19

Ref: LA09/2016/1755/F

Proposals:

Replacement of toilet / changing block and relocation of lorry wash at 23 Ballymacombs Road, Portglenone

Decision: PG

Decision Date: 08-NOV-17

Summary of Consultee Responses

Rivers Agency-138234 - Final Response.pdf

DFI Roads - Enniskillen Office-Full Resp.docx

DFI Roads - Enniskillen Office-DfI Roads responded on 27/01/2023, No revisions attached?

DFI Roads - Enniskillen Office-Full Resp.docx

Drawing Numbers and Title
Site Location Plan Plan Ref: 01 Site Layout or Block Plan Plan Ref: 02
Notification to Department (if relevant)
Not Applicable

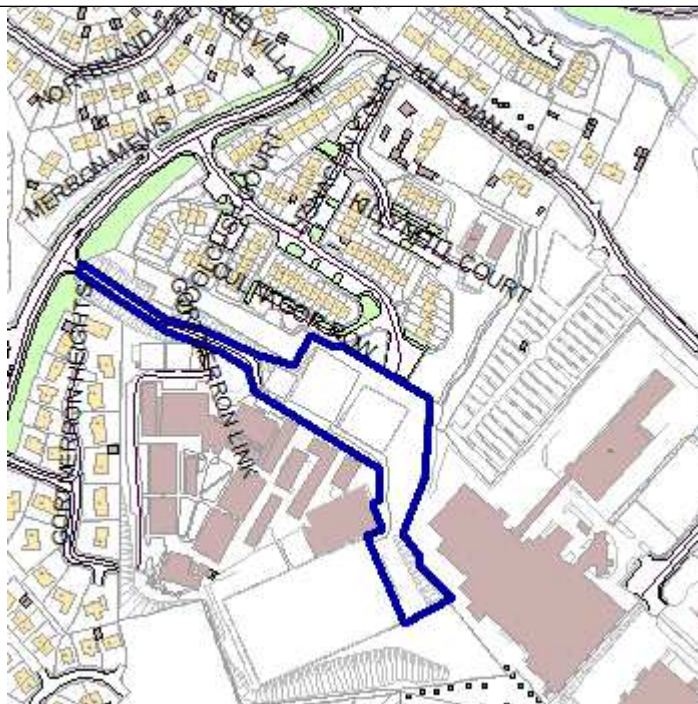


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 April 2023	Item Number: 5.15
Application ID: LA09/2022/1702/F	Target Date: 5 July 2023
Proposal: Temporary mobile classroom and school meals accommodation, hard play area, LPG gas compound, substation, retaining walls, underground drainage system and all associated ground work required for the operation of IC Dungannon during the construction and redevelopment of the College. Temporary permission is required until the new college becomes operational	Location: Integrated College Dungannon 21 Gortmerron Link Road Dungannon
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Board of Governors of Integrated College 21 Gortmerron Link Road Dungannon BT71 6LS	Agent Name and Address: Resolve Planning Forthriver Business Park 385 Springfield Road Belfast BT12 7DG
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation.docxDC Checklist.doc
Statutory Consultee	NI Water - Strategic Applications	
Statutory Consultee	Rivers Agency	20554 - Final reply.pdf
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09-22-1702 F Intergrated College Dungannon 21 Gortmerron Link Road Dungannon.doc
Statutory Consultee	NI Water - Strategic Applications	LA09-2022-1702-F.xlsm
Statutory Consultee	NIEA	PRT LA09-2022-1702-F.PDF
Statutory Consultee	Health And Safety Executive For NI	CN202302-0008 - Integrated College, 21 Gortmerron Link, Dungannon BT71 6LS.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	
<p>Characteristics of the Site and Area</p> <p>The site is located within the settlement limit of Dungannon as per the Dungannon and South Tyrone Area Plan 2010 (DSTAP).</p> <p>Access is taken from the Gortmerron Link Road and leads upwards of the road to the existing campus of Dungannon Integrated College. The main campus consists of a reception building, single storey temporary buildings which house the classrooms, associated car parking and hard cored playing areas. To the south of the site, there is a large 3g pitch.</p> <p>The site is elevated above the Gortmerron Link Road and falls away considerably to the south towards the aforementioned 3g pitch.</p> <p>The surrounding land use is predominantly residential with high density housing located immediately adjacent to the NW boundary. There is a large area of industrial land immediately to the south east with Grenier Packaging located adjacent to the site.</p> <p>The southern and south eastern parts of the site towards the 3g pitch are zoned as Existing Recreation and Open Space with the remainder of the site having no designation / zoning (white land).</p>	
<p>Description of Proposal</p> <p>Temporary mobile classroom and school meals accommodation, hard play area, LPG gas compound, substation, retaining walls, underground drainage system and all associated ground work required for the operation of IC Dungannon during the construction and redevelopment of the College. Temporary permission is required until the new college becomes operational, following a redevelopment project.</p>	
<p>Planning Assessment of Policy and Other Material Considerations</p> <p><u>Policy Consideration</u></p> <p>The larger site is currently in use as a school and this is clearly an established use on this site. The principle of the development therefore is well established and not subject of</p>	

debate as part of this application. The main discussion points in relation to this application are general planning principles such as impact on nearby amenity, traffic / parking implications, any impact on biodiversity. It is also important to assess the loss of zoned open space which will result from this application.

The following policy documents / Plans are relevant;

- o Dungannon and South Tyrone Area Plan 2010
- o SPPS (Strategic Planning Policy Statement
- o PPS 8 - Open Space, Sport and Outdoor Recreation
- o PPS 1 - General Principles
- o PPS 3 - Access, Movement and Parking

DUNGANNON AND SOUTH TYRONE AREA PLAN

The southern half of the site is designated as Recreation and Open Space as per map no. 61a of the DSTAP. The proposal will therefore have to be assessed against PPS 8 - Outdoor Space and Recreation and this assessment is included below.

STRATEGIC PLANNING POLICY STATEMENT (SPPS)

Para 6.201 states that existing open space should be safeguarded and that when bringing forward Local Development Plans, these must operate a policy assumption which is against the loss of open space to competing land uses.

PPS 8 - OPEN SPACE OUTDOOR SPORT AND RECREATION

Policy OS 1 of PPS 8 states that development that would result in the loss of existing open space or land zoned for the provision of open space. The presumption against the loss of open space will apply irrespective of its physical condition or appearance. The policy goes on to state that where the proposal in question is capable of delivering substantial community benefits that outweigh the impacts of the loss of open space, then this may be treated as an exception to the presumption against the loss of open space. The J&A of OS 1 states that where the proposal will deliver community benefits that outweigh the loss of open space, the agent or the developer must demonstrate that this proposal has public support. In their Design and Access Statement, the agent has shown that despite 74 engagements with the PAN process, no written objections were received and they argue that this demonstrates a level of community support for, or at the very least a lack of opposition to, the proposal.

In this case, the proposal will undoubtedly deliver community benefits in that it will enable the long term re development of an existing school which is a central part of the local community. Like a lot of integrated school sites, this campus is characterised by temporary classroom buildings and is in need of redevelopment in the longer term.

In addition, the part of the open space zoning which is to be used for temporary classroom provision consists of hard cored tennis court / cage type areas which are used by pupils at break time (in use during my site visit) but which are not typical of the type of open space which is used by the wider community outside of the school community / school opening hours. The main part of the open space zoning is unmistakably, the large 3g football pitch which is used by the school but also by the wider community and this facility will still be accessible as normal.

Additionally, the areas of hard play which will be lost to this proposal will be compensated by the provision of new hard play area near to the 3g Pitch.

It is therefore my view that this policy is not contrary to policy OS1 for the following reasons;

- o The proposal will deliver community benefits which outweigh the minimal loss of open space
- o The open space which will be lost is not critical to the reason for zoning this area as an area of open space. The main element of the zoning is the large 3g pitch which will not be lost or affected by this proposal.
- o The area of hard play which will be lost to the temporary classrooms will be compensated by the provision of new areas of hard play.

PPS 1 - General Principles

Environment Health were consulted due to the proximity of nearby houses and also the proximity of nearby industry which could impact the amenity of the school. They have no objections to this proposal in relation to impact on residential amenity either to the nearby houses or in relation to the impacts on the school from the existing business. HSENI have also been consulted in relation to the LPG compound and its close proximity to the COMAH site near Moy Park Factory, part of the nearby area of zoned existing industrial land. HSENI offer no objection in terms of health and safety.

NI WATER have been consulted on the proposal and have no objections subject to conditions.

PPS 3 - Access, Movement and Parking

DFI roads have been consulted and have no objections to the proposed access

arrangements. They expressed concern at the level of parking available during construction phase and the agent has assuaged these concerns by providing additional parking near the new hard play area, which will mitigate the displacement of parking spaces as a result of the construction phase of the development.

DFI therefore, have no objections to this proposal.

Other Material Considerations

No third party objections received in relation to this proposal.

Summary of Recommendation:

Approve is recommended

Given all of the above, I recommend that this proposal is approved, subject to the following conditions;

Approval Conditions

Condition 1

The development hereby approved is temporary and, in the event that application LA09/2023/0164/F is granted planning permission, shall be removed completely from the site within 6 weeks of the new permanent school development becoming operational.

REASON: To ensure the temporary nature of this development.

Condition 2

During the construction works hereby permitted, hard surfaced areas shall be provided to provide adequate facilities for parking, servicing and circulating within the site, in accordance with drawing 04 rev 1. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

Condition 3

During construction a buffer of at least 10m must be established and maintained between the drainage ditch east of the site and the location of all refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. Storage must be on an impermeable surface to catch spills.

Reason: to protect the aquatic environment

Signature(s): Colin McKeown

Date: 20 March 2023

ANNEX

Date Valid	7 December 2022
Date First Advertised	22 December 2022
Date Last Advertised	22 December 2022

Details of Neighbour Notification (all addresses)

The Owner / Occupier
6 Coolcush Court Dungannon Tyrone BT71 6BW
The Owner / Occupier
7 Coolcush Court Dungannon Tyrone BT71 6BW
The Owner / Occupier
8 Coolcush Court Dungannon Tyrone BT71 6BW
The Owner / Occupier
9 Coolcush Court Dungannon Tyrone BT71 6BW
The Owner / Occupier
10 Coolcush Court Dungannon Tyrone BT71 6BW
The Owner / Occupier
11 Coolcush Court Dungannon Tyrone BT71 6BW
The Owner / Occupier
1 Culnagor Row Dungannon Tyrone BT71 6EN
The Owner / Occupier
2 Culnagor Row Dungannon Tyrone BT71 6EN
The Owner / Occupier
3 Culnagor Row Dungannon Tyrone BT71 6EN
The Owner / Occupier
4 Culnagor Row Dungannon Tyrone BT71 6EN
The Owner / Occupier
5 Culnagor Row Dungannon Tyrone BT71 6EN
The Owner / Occupier
6 Culnagor Row Dungannon Tyrone BT71 6EN
The Owner / Occupier
7 Culnagor Row Dungannon Tyrone BT71 6EN
The Owner / Occupier
8 Culnagor Row Dungannon Tyrone BT71 6EN
The Owner / Occupier
9 Culnagor Row Dungannon Tyrone BT71 6EN
The Owner / Occupier
10 Culnagor Row Dungannon Tyrone BT71 6EN
The Owner / Occupier
11 Culnagor Row Dungannon Tyrone BT71 6EN
The Owner / Occupier
21 Culnagor Row Dungannon Tyrone BT71 6EN
The Owner / Occupier
1 Gortmerron Heights Dungannon Tyrone BT71 6LT

The Owner / Occupier
Grenier Packaging, Killyman Road Industrial Estate, Killyman Rd, Dungannon BT71 6LN

Date of Last Neighbour Notification	17 January 2023
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Date of EIA Determination	
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ES Requested	<events screen>
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Planning History

Ref: M/1995/0155

Proposals: Housing Development

Decision: PG

Decision Date:

Ref: M/1992/0545

Proposals: Erection of Dwelling

Decision: PG

Decision Date:

Ref: M/1994/0006

Proposals: Erection of Dwelling

Decision: PG

Decision Date:

Ref: M/1977/0310

Proposals: 11KV O/H LINE

Decision: PG

Decision Date:

Ref: M/1981/0221

Proposals: HOUSING SCHEME

Decision: PG

Decision Date:

Ref: M/1988/0653

Proposals: Housing Development

Decision: PG

Decision Date:

Ref: M/1998/0585

Proposals: Erection of detached domestic garage including utility and store rooms

Decision: PG

Decision Date:

Ref: M/1996/0143

Proposals: Access to Proposed School

Decision: PG

Decision Date:

Ref: M/2008/1170/F

Proposals: Proposed fencing to part of site boundary

Decision: PG

Decision Date: 15-DEC-08

Ref: M/2003/0838/F

Proposals: Canopy covered walkways

Decision: PG

Decision Date: 03-SEP-03

Ref: M/1994/0543

Proposals: Provision of 2 no access roads

Decision: PG

Decision Date:

Ref: LA09/2018/0856/F

Proposals: Sunroom to Rear of Dwelling and Detached Garage

Decision: PG

Decision Date: 19-SEP-18

Ref: M/2000/1019/F

Proposals: Domestic garage

Decision: PG

Decision Date: 28-NOV-00

Ref: M/2004/0931/RM

Proposals: Pair of semi-detached dwellings

Decision: PG

Decision Date: 13-APR-06

Ref: M/2003/1038/A41

Proposals: Rear ground floor shower room extension to dwelling

Decision: 205

Decision Date: 02-SEP-03

Ref: LA09/2018/1641/F

Proposals: Provision of prefabricated accommodation to provide 2 classrooms and associated ancillary spaces

Decision: PG

Decision Date: 08-FEB-19

Ref: M/2006/1246/F

Proposals: Proposed 4No apartments and alterations to existing carpark for 10 carparking space

Decision: PG

Decision Date: 01-JUN-07

Ref: M/2008/0313/F

Proposals: Proposed 4 no.apartments to existing carpark for 10 carparking spaces.

Decision: PG

Decision Date: 21-JUL-08

Ref: M/2010/0547/F

Proposals: Proposed 2 no terrace dwellings

Decision: PG

Decision Date: 18-OCT-10

Ref: LA09/2015/0716/F

Proposals: Proposed two terrace dwellings

Decision: PG

Decision Date: 07-DEC-15

Ref: M/2005/1659

Proposals: Proposed housing development

Decision: 461

Decision Date: 22-SEP-05

Ref: M/2005/1969/F

Proposals: 10 no. additional dwellings and change of house types to sites 64, 65, 86, 90, 93, 94 and 112 to recently approved housing development M/2002/1026/F.

Decision: PG

Decision Date: 19-DEC-06

Ref: M/2012/0013/F

Proposals: Proposed change of house type on site 2, 109 and 112 from detached HT3 to semi detached HT33 at housing development off Gortmerron Link Road, Dungannon

Decision: PG

Decision Date: 22-AUG-12

Ref: M/2007/0508/F

Proposals: 10 no. additional dwellings to phase 4&5 to recently approved housing development and change of house types to sites now numbered, 117-123, 134-145, 151-153, 161-168, 176-187 and 187.

Decision: PR

Decision Date: 24-JAN-08

Ref: M/2002/1026/F

Proposals: Proposed Housing Development

Decision: PG

Decision Date: 22-DEC-04

Ref: M/2003/0663

Proposals: Proposed housing development

Decision: 461

Decision Date: 05-AUG-03

Ref: M/1976/010901

Proposals: HOUSING DEVELOPMENT FOR 104 HOUSES

Decision: PG

Decision Date:

Ref: M/1976/0109

Proposals: HOUSING DEVELOPMENT FOR 104 HOUSES

Decision: PG

Decision Date:

Ref: M/1993/0120

Proposals: Dwelling

Decision: PG

Decision Date:

Ref: M/1993/0217

Proposals: Dwelling House

Decision: PG

Decision Date:

Ref: M/2005/1852/F

Proposals: Consisting of 44 no. apartments including 3 and 4 storey blocks, and 18 no. 3 storey townhouses and associated site works and right hand turning lane.

Decision: PG

Decision Date: 02-APR-08

Ref: M/1986/0508

Proposals: ERECTION OF SINGLE DWELLING AND ACCESS ROAD

Decision: PG

Decision Date:

Ref: M/2012/0056/F

Proposals: Change of house type sites 19 - 62 inclusive to previously approved planning ref: M/2005/1852/f

Decision: PG

Decision Date: 22-OCT-13

Ref: M/2007/0173/F

Proposals: Extension to dwelling- providing bedroom & ensuite over existing roof and providing dormers to front & rear.

Decision: PG

Decision Date: 05-APR-07

Ref: M/1988/0345

Proposals: 3 NO STOREY DWELLINGS

Decision: PG

Decision Date:

Ref: M/1986/0428

Proposals: EXTENSION AND ALTERATION TO DWELLING

Decision: PG

Decision Date:

Ref: M/2011/0576/F

Proposals: Replacement of existing two storey dwelling with a new two storey semi detached residential unit with associated site works

Decision: PG

Decision Date: 14-MAR-12

Ref: M/1978/0383

Proposals: HOUSING DEVELOPMENT

Decision: PG

Decision Date:

Ref: M/1976/0183

Proposals: ERECTION OF BUNGALOW

Decision: PG

Decision Date:

Ref: M/1980/0415

Proposals: GARAGE EXTENSION TO EXISTING DWELLING

Decision: PG

Decision Date:

Ref: M/2008/1081/F

Proposals: Change of house type site 1 to 18 inclusive to previously approved planning Ref: M/2005/1852/F

Decision: PG

Decision Date: 19-MAY-09

Ref: M/2008/0480/F

Proposals: Change of use from dwelling to 2no. apartments including galvanised staircase gable end of building

Decision:

Decision Date:

Ref: M/2011/0370/F

Proposals: Sunroom and utility extension to rear and provision of carport to side

Decision: PG

Decision Date: 04-JUL-11

Ref: M/1991/6001

Proposals: Superstore Gortmerron Heights Dungannon

Decision: QL

Decision Date:

Ref: M/1994/6049

Proposals: Surplus properties Nortland Terrace and Coolhill Dungannon.

Decision: QL

Decision Date:

Ref: M/1986/0334

Proposals: 2 NO DWELLINGS (SEMI-DETACHED)

Decision: PG

Decision Date:

Ref: M/1999/0410

Proposals: Domestic Garage

Decision: PG

Decision Date:

Ref: M/1987/0653

Proposals: DWELLING

Decision: PG

Decision Date:

Ref: LA09/2022/1025/PAN

Proposals: Temporary mobile classroom accommodation, hard play area and all associated work for use during future construction of new redeveloped college.

Decision: PANACC

Decision Date: 22-JUL-22

Ref: LA09/2022/1702/F

Proposals: Temporary mobile classroom and school meals accommodation, hard play area, LPG gas compound, substation, retaining walls, underground drainage system and all associated

ground work required for the operation of IC Dungannon during the construction and redevelopment of the College. Temporary permission is required until the new college becomes operational

Decision:

Decision Date:

Ref: LA09/2022/1506/PAN

Proposals: Redevelopment of Dungannon Integrated College to provide a new integrated post primary school to accommodate circa. 700 pupils (as existing). Proposed works to include demolition of existing buildings, phase construction of

new school accommodation and extension to existing sports block. Other works include new grass pitches, tennis

courts, hard play areas, cycle and car parking areas, landscaping and all associated site works.

Vehicular and

pedestrian access to the main school site will be maintained off Gortmerron Link Road. In addition to this a new

access point is proposed through to Stevenson Park Rugby grounds, to facilitate pedestrian and vehicular access

to the southern pitches.

Decision: PY

Decision Date: 02-NOV-22

Ref: M/1983/0527

Proposals: ESTATE LOCATION SIGNS

Decision: CROWN

Decision Date:

Ref: M/2013/0157/HSC

Proposals: Amended Proposal - Application for Hazardous Substance Consent for the storage of 120 tonnes of Part A, Entry 18. Part and Entry refer to The Planning (Hazardous Substances) Regulations (Northern Ireland) 1993 as amended by S.R. 2009/399 at Moy Park

Decision: CG

Decision Date: 03-NOV-14

Ref: M/2005/0134/F

Proposals: Water chiller plant structure

Decision: PG

Decision Date: 17-MAY-05

Ref: M/2009/0774/F

Proposals: Proposed energy reclaim scheme involving installation of 5 no external cooling plant units on galvanised steel framed platforms and new rear boundary fencing

Decision: PG

Decision Date: 10-FEB-10

Ref: M/2007/0156/F

Proposals: Demolition of existing warehouse and proposed new high bay pallet store and link extension and associated site works.

Decision: PG

Decision Date: 05-JUN-07

Ref: M/2003/1020/F

Proposals: Proposed 2 No new. silos

Decision: PG

Decision Date: 16-OCT-03

Ref: M/2001/0274/F

Proposals: Proposed extension to factory store (Phase 1)

Decision: PG

Decision Date: 22-MAY-01

Ref: M/2007/0583/F

Proposals: Proposed 3no. stainless steel cylindrical storage silos

Decision: PG

Decision Date: 18-SEP-07

Ref: M/1997/0488

Proposals: Extension to Factory to provide Office Accommodation

Decision: PG

Decision Date:

Ref: M/1988/0543

Proposals: EXTENSION TO FACTORY

Decision: PG

Decision Date:

Ref: M/1996/0407

Proposals: Extension to factory to provide toilets and canteen

Decision: PG

Decision Date:

Ref: M/2006/1532/F

Proposals: New high bay pallet storage extension linking existing factory buildings and
demolishment of existing front office building to create new arrival/dispatch loading bays.

Decision: PG

Decision Date: 28-NOV-06

Ref: M/1974/0437

Proposals: ERECTION OF FACTORY FOR PLASTICS MOULDING

Decision: PG

Decision Date:

Ref: M/1985/0187

Proposals: ERECTION OF 10 FT ELECTRIC OVERHEAD TRAVELLING CRANE AND SUPPORTING GANTRY

Decision: PG

Decision Date:

Ref: M/1981/0191

Proposals: EXTENSION TO FACTORY

Decision: PG

Decision Date:

Ref: M/1978/0751

Proposals: PROPOSED STORE

Decision: PG

Decision Date:

Ref: M/1995/0052

Proposals: Erection of first floor offices and link corridor

Decision: PG

Decision Date:

Ref: M/2002/1355/F

Proposals: Proposed 2 No. new Silos

Decision: PG

Decision Date: 12-MAR-03

Ref: M/2005/0133/F

Proposals: Proposed extension to store

Decision: PG

Decision Date: 06-APR-05

Ref: M/2005/0143/F

Proposals: 2 No new silos

Decision: PG

Decision Date: 23-APR-05

Ref: M/1995/0011

Proposals: Extension to processing plant

Decision: PG

Decision Date:

Ref: M/1990/4107

Proposals: Extension to industrial building

Decision: PDNOAP

Decision Date:

Ref: M/1994/0223

Proposals: Erection of cooling tower and associated equipment

Decision: PG

Decision Date:

Ref: M/1993/0490

Proposals: Extension To Factory To Create New Digest Room

Decision: PG

Decision Date:

Ref: M/1975/053501

Proposals: FACTORY FOR PHARMACEUTICAL GLAND PREPARATION FOR MEDICINAL EXTRACTION

Decision: PG

Decision Date:

Ref: M/1994/0392

Proposals: Erection of effluent treatment plant building

Decision: PG

Decision Date:

Ref: M/1975/0535

Proposals: FACTORY FOR PHARMACEUTICAL GLAND PREPARATION FOR MEDICINAL EXTRACTION

Decision: PG

Decision Date:

Ref: LA09/2019/0286/F

Proposals: Proposed change of house type of semi detached dwelling (part of approval M/2012/0013/F) to house type 20

Decision: PG

Decision Date: 02-MAY-19

Ref: M/1974/0265

Proposals: 33KV, 11KV AND KV O/H LINES

Decision: PG

Decision Date:

Ref: M/1976/0253

Proposals: PUBLIC AUTHORITY HOUSING

Decision: PG

Decision Date:

Ref: M/2008/0155/F

Proposals: Proposed emergency exit ramp

Decision: PG

Decision Date: 23-APR-08

Ref: M/1995/0225

Proposals: Erection of New Integrated College

Decision: PG

Decision Date:

Ref: M/1997/0142

Proposals: Erection of new 500 pupil integrated college on vacant site

Decision: PG

Decision Date:

Ref: M/2000/0038/F

Proposals: New school meals accommodation and amendment (reduction) to classroom Block 1 previously approved under Application No; M/97/0142, retention of temporary accommodation associated hard landscape works to playground.

Decision: PG

Decision Date: 24-MAR-01

Ref: M/2011/0729/F

Proposals: It is proposed to provide 2.4m Weld Mesh (Powder Coated Green) fencing along southern , south western and south eastern boundaries

Decision: PG

Decision Date: 05-JAN-12

Ref: LA09/2022/0577/PAD

Proposals: Redevelopment of Dungannon Integrated College to provide a new Integrated post Primary School to accommodate circa 700 pupils (As Existing)

Decision: PAD

Decision Date: 09-NOV-22

Ref: M/2014/0514/F

Proposals: New sports hall, changing rooms, office, drama studio, storage and new 3G pitch with surrounding fence and floodlighting

Decision: PG

Decision Date: 24-FEB-15

Ref: LA09/2020/0999/PAD

Proposals: Option 1 - Redevelopment of Dungannon Integrated College

Decision: PAD

Decision Date: 01-FEB-21

Ref: LA09/2018/1407/PAD

Proposals: New classroom accommodation to the rear and additional bus parking at the entrance of the site

Decision: PAD

Decision Date: 16-JAN-19

Ref: M/1982/038601

Proposals: PHASE 2 OF HOUSING DEVELOPMENT

Decision: PG

Decision Date:

Ref: M/1982/0386

Proposals: PHASE 2 OF HOUSING DEVELOPMENT

Decision: PG

Decision Date:

Ref: M/1991/0273

Proposals: 11KV Line

Decision: PG

Decision Date:

Ref: LA09/2020/1279/F

Proposals: Renewal of planning application LA09/2015/0716/F (2 no terraced dwellings)

Decision: PG

Decision Date: 01-MAR-21

Ref: M/1990/0430

Proposals: Domestic garage

Decision: PG

Decision Date:

Ref: M/1982/0303

Proposals: WIDENING EXISTING ACCESS ROAD AND PROVISION OF TURNING HEAD

Decision: PG

Decision Date:

Ref: LA09/2018/0921/F

Proposals: The Provision of prefabricated accommodation to provide two science classrooms ,a technology classroom and a general classroom and associated ancillary spaces

Decision: PG

Decision Date: 10-AUG-18

Ref: M/1995/6116

Proposals: Integrated College Temp Accommodation Gortmerron Link Dungannon

Decision: QL

Decision Date:

Ref: M/2000/0784/F

Proposals: Extension to dwelling

Decision: PG

Decision Date: 26-SEP-00

Ref: M/1991/0098

Proposals: Erection of switchroom

Decision: PG

Decision Date:

Ref: M/1973/0092

Proposals: ERECTION OF 7,000 SQ FT FACTORY

Decision: PG

Decision Date:

Ref: M/1984/0428

Proposals: EXTENSION TO EXISTING FACTORY

Decision: PG

Decision Date:

Ref: M/1987/0521

Proposals: EXTENSION TO FACTORY

Decision: PG

Decision Date:

Ref: M/2013/0075/F

Proposals: Erection of a metal boundary fence on perimeter of property

Decision: PG

Decision Date: 28-MAY-13

Ref: M/1980/0438

Proposals: GROUNDS MAINTENANCE DEPOT

Decision: PG

Decision Date:

Ref: M/1997/0233

Proposals: Proposed change of use from N.I.H.E Depot to 2 No
Industrial Units and Firing Range

Decision: PG

Decision Date:

Ref: M/1975/0453

Proposals: PUBLIC AUTHORITY HOUSING

Decision: PG

Decision Date:

Ref: M/1975/045301

Proposals: PUBLIC AUTHORITY DWELLINGS

Decision: PG

Decision Date:

Ref: M/1992/0621

Proposals: Erection of Dwelling

Decision: PG

Decision Date:

Ref: M/1993/0143

Proposals: New Dwelling
Decision: PG
Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Roads Consultation.docxDC Checklist.doc
NI Water - Strategic Applications-
Rivers Agency-20554 - Final reply.pdf
Environmental Health Mid Ulster Council-LA09-22-1702 F Intergrated College
Dungannon 21 Gortmerron Link Road Dungannon.doc
NI Water - Strategic Applications-LA09-2022-1702-F.xlsm
NIEA-PRT LA09-2022-1702-F.PDF
Health And Safety Executive For NI-CN202302-0008 - Integrated College, 21
Gortmerron Link, Dungannon BT71 6LS.pdf

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Location Plan Plan Ref: 02
Site Layout or Block Plan Plan Ref: 03
Site Layout or Block Plan Plan Ref: 04
Site Layout or Block Plan Plan Ref: 05
Site Layout or Block Plan Plan Ref: 06
Site Layout or Block Plan Plan Ref: 07
Site Layout or Block Plan Plan Ref: 08
Site Layout or Block Plan Plan Ref: 09
Proposed Plans Plan Ref: 10
Existing Plans Plan Ref: 11
Site Layout or Block Plan Plan Ref: 12
Site Layout or Block Plan Plan Ref: 13
Proposed Floor Plans Plan Ref: 15
Proposed Elevations Plan Ref: 16
Proposed Plans Plan Ref: 17
Proposed Plans Plan Ref: 18
Cross Sections Plan Ref: 19
Existing Plans Plan Ref: 20
Existing Plans Plan Ref: 21
Existing Plans Plan Ref: 22

Notification to Department (if relevant)

Not Applicable



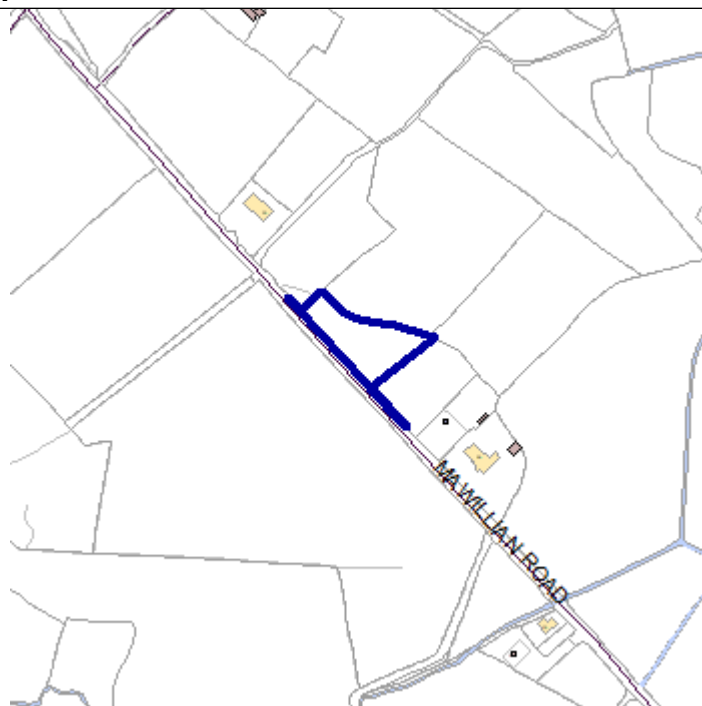
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 April 2023	Item Number: 5.16
Application ID: LA09/2022/1761/F	Target Date: 5 April 2023
Proposal: (infill / gap) sites for 2 no. dwellings and domestic garages as policy CTY 8	Location: 90M NW of 28 Mawillian Road Moneymore
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr PADDY CAMPBELL 28 MAWILLIAN ROAD MONEYMORE BT45 7XM	Agent Name and Address: Mr AUSTIN MULLAN 38b AIRFIELD ROAD TOOMEBRIDGE BT41 3SG
Executive Summary: This application is brought before the planning committee with a recommendation for refusal. The proposed is contrary to Policies CTY 8 and CTY 14 of PPS 21 in that it is not located within a substantial and continuously built up frontage and if approved would create a ribbon of development.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	
Non Statutory Consultee	NI Water - Single Units West	LA09-2022-1761-F.pdf
Non Statutory Consultee	Rivers Agency	14391 - Final Response.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

This application is brought before the planning committee with a recommendation for refusal. The proposed is contrary to Policies CTY 8 and CTY 14 of PPS 21 in that it is not located within a substantial and continuously built up frontage and if approved would create a ribbon of development.

Characteristics of the Site and Area

The site is located in the rural countryside approximately 2 miles south east and outside of the Moneymore settlement limit as defined in the Cookstown Area Plan 2010. The site is a 0.23 hectare area agricultural field sited adjacent to the Mawillian Road, with a field gate providing the current access to the site along the same road. The field is sited next to no. 26 Mawillian Road. The site has a flat topography and is irregular in shape. The principle roadside boundary is marked by mature hedgerow, picket fencing and scatterings of trees. The rear boundary provides a backdrop of mature trees and is also marked by picket fencing. The south eastern boundary is marked by picket fencing without any vegetation and the north western boundary is defined by a thick line of mature trees. There is a small corrugated iron shed sited at this end of the field which is not visible from the road, within the curtilage of this proposal. The application site as a whole is well screened from the road, most notably from the north western approach. The field is most viewable from the road when approaching from the south east adjacent to no. 26. Other nearby dwellings include no. 28 south east and adjacent to no. 26, and no. 22 which is sited 50m north west of the application site. The wider surrounding environment consists mostly of agricultural fields and a low and dispersed pattern of development dotted along the Mawillian Road.

Description of Proposal

This is a full application for a proposed (infill / gap) site for 2 no. dwellings and domestic garages under policy CTY 8.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Relevant Histories

I/2014/0009/O – Dwelling on family land for member of landowners family under Policy CTY10 of PPS21 – 120m north west of 28 Mawillian Road Moneymore Magherafelt BT 45 7XH – Application withdrawn

I/2006/0252/O – Proposed site for new dwelling and garage – approximately 100m north west of 28 Mawillian Road, Moneymore – Permission Refused

I/2003/0948/O – New dwelling – 270m south east of no 20 Mawillian Road, Coagh – Application withdrawn

Representations

To date no third party representations have been received.

Cookstown Area Plan 2010

The site is located in the rural countryside approximately 2 miles south east and outside of the Moneymore settlement limit as defined in the Cookstown Area Plan 2010.

Mid Ulster District Council Draft Plan Strategy 2030

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

SPPS – Strategic Planning Policy Statement for Northern Ireland

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

Planning Policy Statement 3 – Access, Movement and Parking

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. The proposal involves the creation of a new access onto the public road. A consultation was made to DfI Roads who provided no objection to the proposed. In light of this, I am content that the proposed complies with PPS 3.

PPS 21 – Sustainable Development in the Countryside

PPS 21 is the overarching document for assessing development proposals in the countryside. Policy CTY 1 states that planning permission will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8. This application is therefore considered under CTY 8 – Ribbon

Development.

In terms of the plot size, I am content that the site would be able to accommodate the two dwellings that are proposed. For the purposes of this policy, the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. I am satisfied that nos. 26 and 28 Mawillian Road to the south east of the site are buildings which provide a substantial and built up frontage along the road. This application relies on the shed at the other side of the application site as being the third building along the road frontage. It is my view that the shed does not amount to a building that is substantial, nor does it lend itself to the built up frontage provided by nos. 26 and 28. The shed in question is small and not visible from the public road, and therefore provides no meaningful visual presence which could merit a gap site opportunity between it and the two dwellings to the south east. The shed does not appear as a permanent structure and it is questionable as to whether the shed is even a building. It is not known how long this shed has been at the site as it is screened from view and therefore cannot be confirmed with google street view / historical ortho imagery. There is no record of any planning permission / CLUD for the shed to demonstrate its lawfulness. Given the above, it is my view that the proposal adds to a ribbon of development and therefore fails to meet Policy CTY 8 of PPS 21.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The two proposed dwellings for the site are like-for-like. Both dwellings have a principal ridge height of 6 metres from finished floor levels, which is in keeping with the ridge heights of nos. 26 and 28 Mawillian Road. Finished materials include white smooth render and natural stone elements to the walls and blue / black slates to the roofs. It is considered that the design of the proposed dwellings are appropriate for the site and its locality and they would not be prominent features in the landscape. Site boundaries are strong in the form of hedging along the roadside edge and scatterings of trees throughout, most notably along the north western and rear boundaries, providing a suitable backdrop for the proposed dwellings. The existing trees should be retained and new landscaping implemented. From this I am content that the application is able to comply with Policy CTY 13.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. As provided above, the proposed dwellings would not appear prominent in the landscape. However, given the proposal creates a ribbon of development, the proposed does not comply with Policy CTY 14.

PPS 15 – Planning and Flood Risk

Dfl Flood Maps(NI) indicate that the site lies within an area of predicted pluvial flooding. Dfl Rivers were consulted and in their response provide that a drainage assessment is required for new buildings and /or hard surfacing exceeding 1000sqm, as per Policy FLD3 of PPS 15. In this instance, the 2 no. proposed dwellings and hardstanding measure 1040sqm. A drainage assessment is required for this application. However, given that the proposal fails to meet Policies CTY 8 and CTY 14 of PPS 21, the drainage

assessment is not requested at this time.

Other Constraints

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

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

Recommendation

Having carried out an assessment of the planning policy and other material considerations pertaining to this proposal, I recommend that this application is refused on the grounds that it does not meet Policies CTY 8 and CTY 14 of PPS 2 in that it would create a ribbon of development if approved.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policy CTY 8 and Policy CTY 14 of PPS 21 in that it is not located within a substantial and continuously built up frontage and if approved would create a ribbon of development.

Signature(s): Benjamin Porter

Date: 16 March 2023

ANNEX	
Date Valid	21 December 2022
Date First Advertised	10 January 2023
Date Last Advertised	10 January 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 26 Mawillian Road Moneymore Londonderry The Owner / Occupier 22 Mawillian Road Moneymore Londonderry BT45 7XH	
Date of Last Neighbour Notification	9 January 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: I/2002/0181/F Proposals: Bungalow and Garage Decision: PG Decision Date: 22-FEB-03 Ref: I/2003/0030/O Proposals: Site for dwelling and garage (2 storey) Decision: PG Decision Date: 15-MAR-03 Ref: I/2004/1415/O Proposals: Dwelling & Garage Decision: Decision Date: Ref: I/2008/0792/F Proposals: Erection of dwelling and garage (full permission in Substitution for Reserved Matters on outline per I/2005/1300/0) Decision: PG Decision Date: 19-MAY-09 Ref: I/2005/1300/O Proposals: Proposed dwelling house Decision: PG Decision Date: 10-JAN-06 Ref: I/1997/0096	

Proposals: Site for Dwelling

Decision: PG

Decision Date:

Ref: I/1997/0096B

Proposals: Erection of Dwelling

Decision: PG

Decision Date:

Ref: I/2003/0948/O

Proposals: New Dwelling

Decision:

Decision Date:

Ref: LA09/2019/0291/RM

Proposals: Proposed new dwelling and garage

Decision: PG

Decision Date: 10-MAY-19

Ref: LA09/2017/1336/O

Proposals: Proposed new dwelling and garage

Decision: PG

Decision Date: 17-OCT-18

Ref: I/2006/0252/O

Proposals: Proposed Site for New Dwelling & Garage

Decision: PR

Decision Date: 18-DEC-06

Ref: I/2014/0009/O

Proposals: Dwelling on Family Land for member of landowners family under Policy CTY10 of PPS21.

Decision:

Decision Date:

Ref: I/2002/0726/O

Proposals: Site of dwelling and garage

Decision: PG

Decision Date: 30-DEC-02

Ref: I/1982/0080

Proposals: ERECTION OF BUNGALOW

Decision: PG

Decision Date:

Ref: I/1999/0570/F

Proposals: Garage and alterations dwelling

Decision: PG

Decision Date: 08-JAN-00

Ref: LA09/2022/1761/F

Proposals: (infill / gap) sites for 2 no. dwellings and domestic garages as policy CTY 8

Decision:

Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-
NI Water - Single Units West-LA09-2022-1761-F.pdf
Rivers Agency-14391 - Final Response.pdf

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Proposed Floor Plans Plan Ref: 03
Proposed Elevations Plan Ref: 04
Garage Plans Plan Ref: 05

Notification to Department (if relevant)

Not Applicable



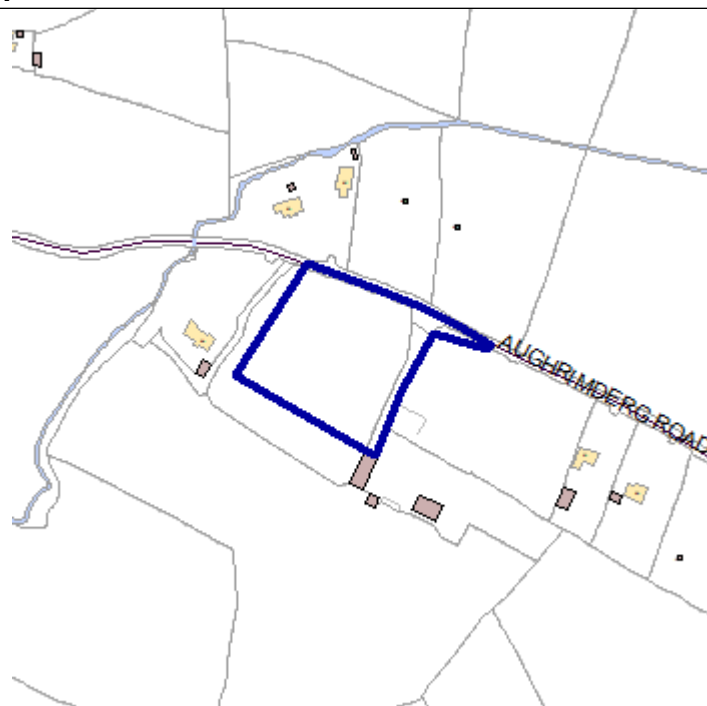
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 April 2023	Item Number: 5.17
Application ID: LA09/2023/0036/O	Target Date: 5 May 2023
Proposal: Two storey dwelling and garage	Location: 40M East of 98 Mountjoy Road Coalisland
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mrs David and Marissa Canavan 98 Mountjoy Road Coalisland BT71 5EF	Agent Name and Address: No Agent
Executive Summary: This application is presented to Committee as the applicant, Mrs Marissa Canavan, is Strategic Director of Organisation Development, Strategy and Performance within Mid Ulster Council.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Non Statutory Consultee	DAERA - Omagh	LA09-2023-0036-O.docx

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, as depicted within the Dungannon and South Tyrone Area Plan, approx. 0.5km northeast of the small settlement of Killeen and 2.5km west of the

shores of Lough Neagh.

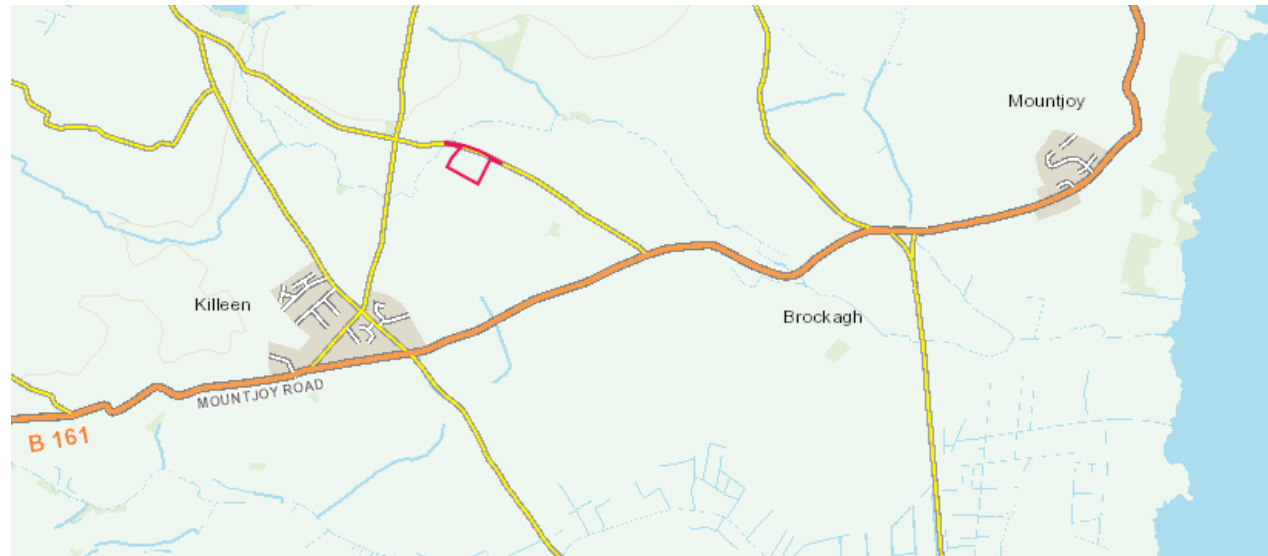


Fig 1: Site outlined red



Fig 2: Site outlined red

The site is a large rectangular shaped roadside field. It is located immediately east of the applicant's home, no. 98 Mountjoy Rd, a hipped roof bungalow with ancillary garage set back from the Mountjoy Road. Two existing lanes off the Mountjoy Road, serving agricultural lands and buildings within the applicant's ownership, bound the site to either side. One lane runs along the inside of the site's western boundary and the other lane along the inside of the site's eastern boundary. A mix of mature hedging defines the north (roadside), west and east boundaries of the

site. Post and wire fencing defines the south (rear) boundary of the site.

Whilst the area surrounding the site is largely characterised by agricultural land, a dispersed settlement pattern and farm holdings the area has come under some development pressure in recent times. A line of four detached dwellings, two single and two 2-storey, run along the north side of the Mountjoy Rd immediately opposite the site. Two substantial lines of dwellings also run along both sides of the Mountjoy Rd just a short distance southeast of the site.

Views of a dwelling and garage on this site would be limited until passing along its roadside frontage due to the topography of the area which alongside existing vegetation and development bounding it and within the wider vicinity help enclose and screen it from view. From the limited views the same vegetation and development would provide it with a backdrop.

Description of Proposal

This is an outline planning application for a two storey dwelling and garage on a farm. The site is located on lands approx. 40m East of 98 Mountjoy Road Coalisland.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Dungannon and South Tyrone Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

Supplementary Planning Guidance for PPS21 - 'Building on Tradition' A Sustainable Design Guide for the 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

- M/1981/0323 - Erection of 2 dwellings - Aughminderg Mountjoy Coalisland - Granted
- M/1990/0142 - Site for Dwelling - Approx. 300m East of Ballygittle Rd Aughrimderg Stewartstown - Withdrawn
- M/1993/0454 - 11 KV Rural Spur - Townland of Aughrimderg in the District of Dungannon - Granted
- M/2001/1162/O - Site for dwelling & domestic garage - Land east of and adjacent to 98 Mountjoy Rd Aughrimderg Coalisland - Refused

Consultees

1. DFI Roads were consulted in relation to access, movement and parking arrangements and had no objections to the proposal subject to standard conditions and informatives, which will be applied to any subsequent decision notice to comply with the requirements of PPS 3 Access, Movement and Parking.
2. Department of Agriculture, Environment and Rural Affairs (DEARA) were consulted with a P1C Form and Farm maps submitted alongside the application. DAERA advised the farm business identified on the P1C Forms and Farm maps was established on the 15th April 2008 however the site is located on land that is not under the control of the farm business identified on the P1 and the land was claimed by another business in 2022.

Consideration

Dungannon and South Tyrone Area Plan 2010 – the site lies in the rural countryside outside any designated settlement.

The Strategic Planning Policy Statement for Northern Ireland advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside is the overarching policy for development in the countryside. Policy CTY1 of PPS21 outlines a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aim of sustainable development. These include dwellings on farms in accordance with Policy CTY 10 of PPS21.

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

- the farm business is currently active and has been established for at least 6 years,

DAERA advised the farm business identified on the P1C Forms and Farm maps was established on the 15th April 2008 however the site is located on land that is not under the control of the farm business identified on the P1 and the land was claimed by another business in 2022.

Whilst consultation with DEARA confirmed the applicant's farm business has been established in excess of 6 years it was not able to establish that it is currently active. I am reasonably content that it is currently active as on the date of my inspection the applicants farmlands appeared to be in good agricultural condition and additional info was submitted by the applicant including a letter dated the 10th January 2023 addressed to the applicant at 98 Mountjoy Road outlining conformity with the Northern Ireland Farm Quality Assurance Scheme; and an invoice from Capper Trading dated 21st November 2022 addressed to the applicant at 98 Mountjoy Road for calf grower. As such, I am content Criterion (a) of CTY 10 has been met.

- 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 or since PPS 21 was introduced on 25th November 2008,

There is no evidence to indicate that any dwellings or development opportunities out-with settlement limits have been sold off from the applicants' farm holding within the last 10 years from the date of the application. I carried out a history check on the applicant's farmlands and maps submitted and whilst there was dwelling granted to the immediate north of the site to the opposite side of the Mountjoy Rd under planning application M/2004/0167/O and M/2007/0699/RM respectively, a land registry check confirmed these lands were not on or sold off the applicants holding within 10 years of the date of this application. I note that another planning and land registry check identified that the applicant had bought a site with planning permission on it for a dwelling under planning application M/2006/0487/O, got a reserved matters approval on it under M/2009/0507/RM then sold it on 28th May 2014. Whilst this site was sold within 10 years of the date of this application it was bought with planning permission for a dwelling, was not located on the applicant's farm holding at Mountjoy Road but some 16km west of it along the Gortindarragh Road as such is not considered a sell off from the farm holding. Criterion (2) of CTY 10 has been met.

- the new building is visually linked or sited to cluster with an established group of buildings on the farm.

I am content a new dwelling and garage located in the western half of the site would visually link and cluster with an established group of buildings on the farm. The dwelling in the western half of the site would visually link and cluster with the applicant's house and garage located immediately west of the site. Criterion (3) of CTY 10 has been met. I also note there is an existing laneway along the boundary of the applicants dwelling which can be used to access this proposed dwelling.

Policy CTY 10 also states 'planning permission granted under this policy will only be forthcoming once every 10 years' and I am content checks have not identified any previous such permissions for the applicants or this farm holding.

I believe a dwelling of an appropriate size, scale and design located to the western half of the site visually link with the applicants dwelling and garage on the farm holding should integrate into this site with minimal disruption to the rural character of the area. As detailed in the 'Characteristics of the Site and Area' critical views of a dwelling and garage on this site would be limited until passing along its roadside frontage due to the topography of the area which alongside existing vegetation and development bounding it and within the wider vicinity help enclose and screen it from view. From the limited views the same vegetation and development would provide it with a backdrop.

As this is an outline application the details of the siting, size, scale and design of the dwelling can be considered further under any subsequent reserved matter application. I believe a suitably designed scheme should not have any unreasonable impact on the neighbouring properties in terms of overlooking or overshadowing given the substantial separation distances that will be retained and vegetation bounding the site.

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 identified no built heritage assets of interest or natural heritage features of significance on site.

Flood Maps NI indicate the site is not subject to Flooding.

Recommendation: Approve

Summary of Recommendation:

Approve is recommended

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 and detailed plans 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 proposed dwelling and its curtilage shall be sited in the area shaded brown on Drawing No. 01 Rev 02 bearing the date stamp received 20 MAR 2023.

Reason: In the interests of visual amenity.

Condition 5

The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.35 metres at any point.

Reason: In the interest of visual amenity.

Condition 6

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: In the interest of visual amenity.

Condition 7

The existing natural screenings of this site, as indicated in yellow on Drawing No. 01 Rev 02 bearing the date stamp received 20 MAR 2023, shall be permanently retained except where it is required to provide access and / or sight lines. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Council, unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing at the earliest possible moment.

Reason: In the interests of visual and residential amenity.

Condition 8

A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development hereby approved at the Reserved Matters stage. The scheme shall include a native species hedgerow to be planted to the rear of the site splays and along all new curtilage boundaries. Any trees or shrubs which may be damaged or die within a

period of 5 years from the date of planting shall be replaced by plants of similar species and size at the time of their removal. All landscaping shall take place within the first available planting season after the occupation of the development.

Reason: In the interests of visual and residential amenity.

Condition 9

A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access off the existing lane to be constructed in accordance with the attached form RS1 and shall include sight splays of 2.4m x 60m in both directions onto the public road and a 60m forward sight distance. 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): Emma Richardson

Date: 23 March 2023

ANNEX	
Date Valid	20 January 2023
Date First Advertised	31 January 2023
Date Last Advertised	31 January 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 96 Mountjoy Road Coalisland Tyrone BT71 5EF The Owner / Occupier 96A Mountjoy Road Coalisland Tyrone BT71 5EF The Owner / Occupier 94 Mountjoy Road Coalisland Tyrone BT71 5EF The Owner / Occupier 96B Mountjoy Road Stewartstown Tyrone BT71 5EF The Owner / Occupier 98 Mountjoy Road Coalisland Tyrone BT71 5EF	
Date of Last Neighbour Notification	31 January 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: LA09/2015/0618/F Proposals: Proposed domestic dwelling and garage Decision: PG Decision Date: 13-OCT-15 Ref: M/2000/0615/O Proposals: Site for dwelling Decision: PG Decision Date: 16-JAN-01 Ref: M/2004/0041/RM Proposals: Dwelling House Decision: PG Decision Date: 23-JUN-04 Ref: M/2003/0903/O Proposals: Dwelling House Decision: PG Decision Date: 16-OCT-03 Ref: M/2001/0859/F	

Proposals: Proposed Dwelling House

Decision: PG

Decision Date: 15-NOV-01

Ref: LA09/2023/0036/O

Proposals: Two storey dwelling and garage

Decision:

Decision Date:

Ref: M/2003/0002

Proposals: Proposed Extension to Waste Management Yard with Temporary Office
Accommodation & New Weighbridge

Decision:

Decision Date:

Ref: M/2001/0996/O

Proposals: Proposed dwelling

Decision:

Decision Date:

Ref: M/1992/0573

Proposals: Erection of Dwelling

Decision: WITHDR

Decision Date:

Ref: M/2004/0887/O

Proposals: Proposed Dwelling - Living Accommodation

Decision: PR

Decision Date: 27-OCT-04

Ref: M/1993/0454

Proposals: 11 KV Rural Spur

Decision: PG

Decision Date:

Ref: M/2001/1162/O

Proposals: Site for dwelling & domestic garage.

Decision: PR

Decision Date: 28-FEB-02

Ref: M/1990/0142

Proposals: Site for Dwelling

Decision: WITHDR

Decision Date:

Ref: M/1981/0323

Proposals: ERECTION OF 2 NO DWELLINGS

Decision: PG

Decision Date:

Ref: M/2004/0167/O

Proposals: proposed dwelling

Decision: PG

Decision Date: 04-JUN-04

Ref: M/2007/0699/RM

Proposals: Proposed dwelling.

Decision: PG

Decision Date: 17-AUG-07

Ref: M/2013/0252/O

Proposals: One dwelling house and a domestic garage

Decision: PG

Decision Date: 27-AUG-13

Ref: M/2012/0227/PREAPP

Proposals: Proposed site for 1 or 2 houses

Decision: ELR

Decision Date: 28-MAY-12

Ref: LA09/2021/0070/F

Proposals: Proposed single storey DDA bathroom extension

Decision: PG

Decision Date: 25-FEB-21

Ref: M/2013/0123/PREAPP

Proposals: Proposed site for 1 or 2 houses

Decision: PREA

Decision Date: 02-MAY-13

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Outline resp.docx

DAERA - Omagh-LA09-2023-0036-O.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Site Location Plan Plan Ref: 01 Rev 01

Site Location Plan Plan Ref: 01 Rev 02

Notification to Department (if relevant)

Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 April 2023	Item Number: 5.18
Application ID: LA09/2023/0105/O	Target Date: 17 May 2023
Proposal: Proposed site for dwelling and domestic garage based on policy CTY10 dwelling on a farm	Location: 60M East of 32 Drummuck Road Maghera
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Grainne and Tommy Quigley 19 Tullynure Road Lissan Cookstown BT80 9XH	Agent Name and Address: Austin Mullan 38B Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DAERA - Coleraine	Consultee Response LA09-2023-0105-O.DOCX
Non Statutory Consultee	DAERA - Omagh	DAERA response already issued on 03/03/2023
	DFI Roads - Enniskillen Office	Outline resp.docx

Representations:

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

Summary of Issues

The proposal is contrary to policy

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits or any other designations as per the Magherafelt Area Plan. The red line of the application site is a front portion of a larger agricultural field which extends further north. This portion is a roadside piece of the field, with existing mature boundaries on the roadside and west. The eastern boundary is partly bounded by sparsely populated trees which provide some screening to the site with the northern boundary currently undefined with the land rising in this direction. The surrounding area is mainly agricultural lands with a third party dwelling located west and adjacent to the red line.

Description of Proposal

This is an outline planning application for a proposed site for dwelling and domestic garage based on policy CTY10 dwelling on a farm.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland (SPPS)

PPS 21: Sustainable Development in the Countryside

PPS3: Access, Movement and Parking

Mid Ulster Local Development Plan 2030- Draft Plan Strategy

The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. Development is controlled under the provisions of the SPPS and PPS 21 - Sustainable Development in the countryside.

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster' 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 dwellings on farms. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

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

PPS 21.

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

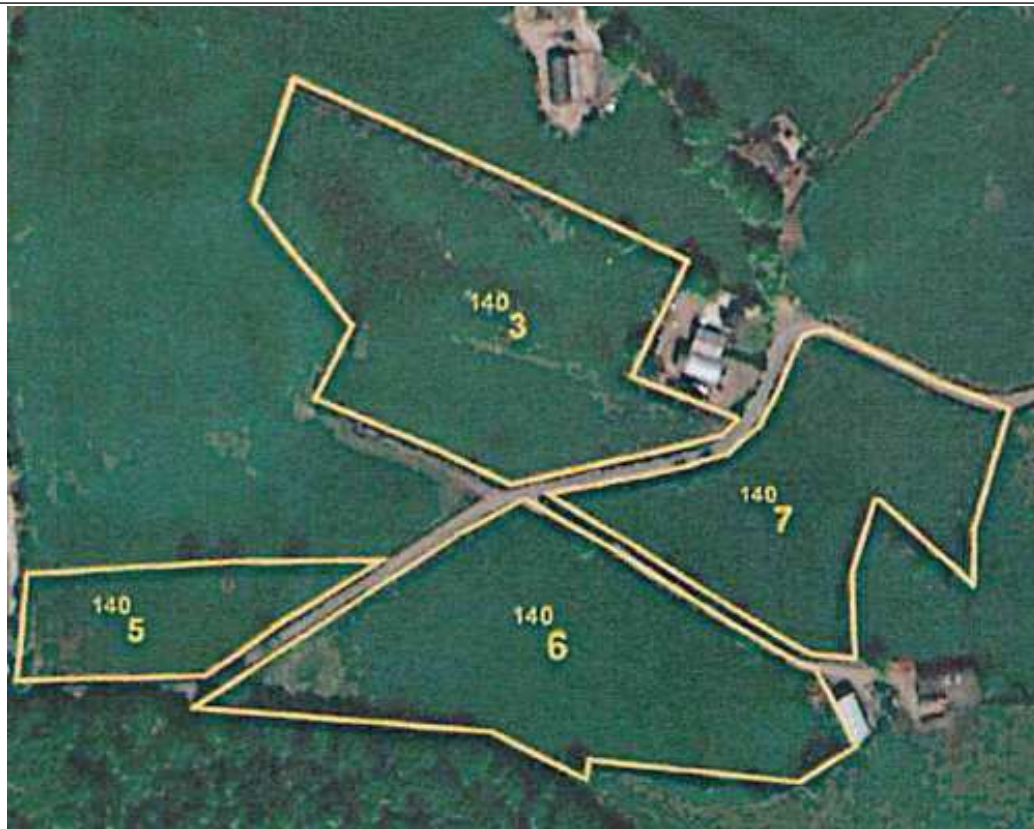
- (a) the farm business is currently active and has been established for at least 6 years;
 - (b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
 - (c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and the access should be taken from an existing lane.
- Consideration may be given to a site located away from the farm complex where there are no other sites available on the holding and where there are either:-

- demonstrable health and safety reasons; or
- verifiable plans to expand the farm business at the existing building group.

The agent provided farm details which were sent to DAERA who confirmed the farm business ID has been established for more than 6 years and that single farm payments have been claimed in each of the last 6 years. From this I am content the farm business is currently active and established.

Following a search on the MUDC Planning Portal I am content that no dwellings or development opportunities have been sold off within 10 years of the date of the application.

The new building is not visually linked or sited to cluster with an established group of buildings on the farm. The policy allows for consideration to be given to a site located away from the farm complex where there are no other sites available on the holding. Having reviewed the farm provided by the agent it showed farm lands surrounding a dwelling and associated farm buildings located at 21 Tullynure Road, Lissan. A land registry search was carried out on this address and the owner is listed as Thomas Quigley who is the applicant in this case.



From this, it would appear another site is available on the holding. The agent was asked to provide a statement of case to justify the proposed siting away from the existing holding in which they responded;

“The applicant here has his main farm in Lissan and an outlying farm in Gulladuff. The Gulladuff lands extend to 25 acres and were once owned by Grainne’s family. There is 14 miles between these farms and no buildings at the Gulladuff location. On purchasing these lands, it shows a clear intent to expand their holding and it is the intention their son will live here and look after the holding. The chosen site is well enclosed with mature trees to provide a suitable amount of integration.”

No demonstrable health and safety reasons have been provided or any plans shown on the expansion of the farm at the holding. Although the agent contends it is an expansion of the holding at the proposed application site there are no approved farm buildings associated near this site, and as such the proposal fails to comply with criteria C of CTY 10.

Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. As this is an outline application, no design details have been provided however, I am content a dwelling with a maximum ridge height of 6m above finished floor level would not be a prominent feature in the landscape. A dwelling of this size would integrate into the landscape and the existing dwelling adjacent and the mature trees which should be retained will provide a backdrop. As previously mentioned the dwelling is not visually linked or sited to cluster with an established group of buildings

on a farm and fails Policy CTY 13.

Policy CTY 14 states, planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As this is an outline application, no design details were submitted. As previously mentioned, a dwelling with a ridge height of no more than 6m would ensure it is not a prominent feature. However, criteria (d) refers to creating or adding to a ribbon of development which I feel if a dwelling was approved here it would create a ribbon of development along the Drummuck Road. Therefore, the proposal fails to comply with CTY 8 and CTY 14 of PPS 21.

PPS 3: Access, Movement and Parking

DfI Roads were consulted on the application and offered no objection subject to the access being provided in accordance with the RS1 form.

Other Material Considerations

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. 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.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policy CTY 10 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.

Reason 3

The proposal is contrary to Policy CTY 8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, would create a ribbon of development along the Drummuck Road.

Signature(s): Ciaran Devlin

Date: 21 March 2023

ANNEX	
Date Valid	1 February 2023
Date First Advertised	14 February 2023
Date Last Advertised	14 February 2023
Details of Neighbour Notification (all addresses) The Owner / Occupier 32 Drummuck Road Maghera Londonderry BT46 5ES	
Date of Last Neighbour Notification	6 February 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: H/2014/0195/RM Proposals: Replacement dwelling and garage Decision: PG Decision Date: 26-SEP-14 Ref: H/2011/0349/O Proposals: Replacement single dwelling and garage Decision: PG Decision Date: 14-DEC-11 Ref: LA09/2023/0105/O Proposals: Proposed site for dwelling and domestic garage based on policy CTY10 dwelling on a farm Decision: Decision Date:	
Summary of Consultee Responses DAERA - Coleraine-Consultee Response LA09-2023-0105-O.DOCX DAERA - Omagh-DAERA response already issued on 03/03/2023 DFI Roads - Enniskillen Office-Outline resp.docx	

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