



28 June 2022

Dear Councillor

You are invited to attend a meeting of the Planning Committee to be held in The Chamber, Magherafelt and by virtual means Council Offices, Ballyronan Road, Magherafelt, BT45 6EN on Tuesday, 05 July 2022 at 19:00 to transact the business noted below.

A link to join the meeting through the Council's remote meeting platform will follow.

Yours faithfully

Adrian McCreesh
Chief Executive

AGENDA

OPEN BUSINESS

1. Notice of Recording
This meeting will be webcast for live and subsequent broadcast on the Council's You Tube site [Live Broadcast Link](#)
2. Apologies
3. Declarations of Interest
Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.
4. Chair's Business

Matters for Decision

Development Management Decisions

5. Receive Planning Applications 7 - 276

	Planning Reference	Proposal	Recommendation
5.1.	LA09/2018/1384/F	Demolition of existing building to erect 7 based primary school (single unit), nursery (single unit)	APPROVE

		and playground. The access road is existing to the site and will form part of another planning application submitted by Mid Ulster Council, Site fronts onto Gortgonis Road adjacent to sports field on existing Community Centre site Gortgonis, Coalisland, for Gaelscoil Uni Neill.	
5.2.	LA09/2020/0557/F	Retention of filtration unit for a plasma cutter including its proposed enclosure at 51 and 55 Knockanroe Road, Cookstown, for Reid Engineering Ltd.	APPROVE
5.3.	LA09/2020/0729/F	5 detached dwellings and garages (inclusion of footpath along public road), at 40m W of 16 Annaghmore Road, Coalisland, for Mr Conor Tennyson.	APPROVE
5.4.	LA09/2020/1235/F	Double site for dwellings and garages at 31m SE of 11 Magheracastle Loanin Brockagh Coalisland, for John Hagan.	APPROVE
5.5.	LA09/2021/0268/F	Replacement of existing turbine (approved I/2014/0394/F) with an EWT DW54 250KW turbine with 40m hub height and blade span of 27m (overall tip height of 67m). (amended description), at approx 210m SE of 40 Gortagammon Road, Cookstown, for Arena Capital	REFUSE
5.6.	LA09/2021/0634/F	Sand and gravel washing unit, associated fixed plant and new filtration/settlement pond, within existing sand and gravel washing quarry at 320m N of 17 Brackaghlislea Road, Draperstown, for Mclvor Sand & Gravel.	APPROVE
5.7.	LA09/2021/0818/F	Replacement of previously approved detached dwelling to with a pair of semi-detached dwellings at site at 29 Tullybrae Manor, Caledon Road, Aughnacloy, for S & J Developments.	APPROVE

5.8.	LA09/2021/0860/O	Dwelling and garage at site adjacent to 27 Waterfoot Road, Ballymaguigan, for Jim O'Neill.	REFUSE
5.9.	LA09/2021/0907/F	Residential development of 6 detached dwellings, garages and associated works at land adjacent to & to the rear of 24 Mullan Road, Ballinderry, Coagh for Mr George Buick.	APPROVE
5.10.	LA09/2021/1098/F	Change of house type from previously approved red: H/2005/0910/F & A/1062/PAC, & garage with alterations to previously approved access & laneway at approx. 180m SE of 28 Broagh Road, Knockloughrim, for Rory McPeake.	APPROVE
5.11.	LA09/2021/1149/F	New access at 11a Strawmore Lane, Doon, Draperstown, for E.Kelly Esq.	REFUSE
5.12.	LA09/2021/1284/F	Dwelling at rear of 123 Creagh Road, Newbridge, Magherafelt for Emma Gribbin	REFUSE
5.13.	LA09/2021/1352/RM	Dwelling & Garage at 60m W of 28 Dirnan Road, Cookstown, for Greg Donaghy.	APPROVE
5.14.	LA09/2021/1372/F	Retention of lean-to shed to the high bay area to facilitate kit assembly & retention of extension to the docking area at 7 Corchoney Road, Cookstown for Meteor Electrical.	APPROVE
5.15.	LA09/2021/1408/F	Retrospective application for erected farm building and cattle crush at lands opposite 63 Oldtown Road, Bellaghy for Mr Pascal Diamond.	REFUSE
5.16.	LA09/2021/1519/F	Extension to existing campervan park to provide 6 shepherds huts styled sleeping accommodation with carparking using existing approved access onto Garvagh Road at lands 60m N of 10 Kilrea Road, Swatragh, for Friel's Bar and Restaurant.	APPROVE
5.17.	LA09/2021/1618/F	Storage shed, yard repositioning of existing saw and associated ancillary works adjacent to 51 Knockanroe Road, Cookstown , for Reid Engineering Ltd.	APPROVE

5.18.	LA09/2021/1657/F	General purpose storage unit & associated works in association with an established business at 25m NE of 9 Farlough Road Dungannon, for Terramac Fabrication Ltd.	REFUSE
5.19.	LA09/2021/1672/F	Change of house type and relocation of dwelling and domestic garage (approved M/2013/0414/F) at approx. 100m N of 34 Ferry Road, Coalisland, for Mr Patrick and Mrs Lisa Trainor.	REFUSE
5.20.	LA09/2021/1678/F	Two storey dwelling and attached garage at S of 179 Coash Road, Killyman, Dungannon, for Stephen Mc Aliskey.	REFUSE
5.21.	LA09/2021/1757/O	Dwelling & garage on a farm at 25m NW of 155 Gulladuff Road, Bellaghy for Mr Silis Overend.	REFUSE
5.22.	LA09/2021/1780/O	Domestic dwelling and garage in a farm at 30m N of 2 Gortinure Road, Maghera, for Mary Louise Jackson	APPROVE
5.23.	LA09/2021/1801/O	Dwelling and garage on a farm at 140m SW of 8 Lurganagoose Road, Knockloughrim, Magherafelt for Mr N Mc Lean.	APPROVE
5.24.	LA09/2022/0097/O	Site for a dwelling and domestic garage at site 50m S of 105 Culnady Road, Maghera for Mr Thomas Patterson.	REFUSE
5.25.	LA09/2022/0144/F	Dwelling on approved site (LA09/2016/0999/O) at approx 80m SW of 39 Mountjoy Road Dungannon, for Killen Developments.	APPROVE
5.26.	LA09/2022/0186/O	Dwelling & garage at 25m SW of 12a Gortnahurk Road, Draperstown for Marie Scullin.	REFUSE
5.27.	LA09/2022/0381/F	Double infill for dwellings and garages at 170m SW of 219 Dungannon Road, Cabragh for Brendan Goan.	REFUSE
5.28.	LA09/2022/0545/F	Single Storey rear extension to dwelling 21 Ballynacross Road, Knockloughrim, for Carol Garland.	APPROVE

6. Receive Deferred Applications

277 - 312

	Planning Reference	Proposal	Recommendation
6.1.	LA09/2020/1570/O	Site for dwelling and garage, 20m SW of 128 Lisaclare Road, Lisaclare, Dungannon for Joe Quinn.	APPROVE
6.2.	LA09/2021/1228/O	Site for new dwelling on a farm, to rear of 45 Kinturk Road, Coagh, Cookstown for Mr Brian O'Hara	APPROVE
6.3.	LA09/2022/0062/O	Infill dwelling and domestic garage at site W of 35 Drummurrer Lane, Coalisland for Mr Michael Corr.	REFUSE

7. Receive Review of Scheme of Delegation

313 - 322

Matters for Information

- 8 Minutes of Planning Committee held on Tuesday 7 June 2022 323 - 344

Items restricted in accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014. The public will be asked to withdraw from the meeting at this point.

Matters for Decision

9. Receive Report on Local Development Plan

10. Receive Enforcement Report

Matters for Information

11. Minutes of Planning Committee Confidential Minutes of Meeting held on Tuesday 7 June 2022



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2018/1384/F	Target Date:
Proposal: Demolition of existing building to erect 7 based primary school (single unit), nursery (single unit) and playground. The access road is existing to the site and will form part of another planning application submitted by Mid Ulster Council.	Location: Site fronts onto Gortgonis Road adjacent to sports field on existing Community Centre site Gortgonis Coalisland BT71 4JJ. Grid Reference: 284750/366000.
Referral Route: Major Application, one objection	
Recommendation:	Approval
Applicant Name and Address: Gaelscoil Uni Neill 104 Washing Bay Road Coalisland Dungannon BT7 1NR	Agent Name and Address: Knox & Clayton Architects 2a Wallace Avenue Lisburn BT27 4AA
Executive Summary: The proposal is for a new school and nursery within the Gortgonis area of Coalisland, on the site of Gortgonis Fitness Suite and children play area. Recommendation to approve.	
Signature(s):	

Case Officer Report

Site Location Plan



Representations:

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

Summary of Issues

Road Safety issues raised. Objector states that the existing situation of road safety is bad at this area of Gortgonis Road at present, and that this development will make the situation worse.

Description of proposal

A full planning application has been submitted for the demolition of an existing building to erect 7 based primary school (single unit), nursery (single unit) and playground. The access road is existing to the site and will form part of another planning application submitted by Mid Ulster Council.

The other application referred to in the description is LA09/2018/1329/F- Proposed enabling works to allow future development of a new leisure centre and primary school on the Gortgonis site. Enabling works for Leisure centre include a new vehicular entrance, temporary accommodation and relocation of the existing play area, Enabling works for the proposed school includes modification and improvement of existing vehicular entrance. This application was recommended as an approval at June 22 Planning Committee, and Members agreed with the recommendation and the application is approved.

Another application was granted at June 22 Committee on the adjoining lands, LA09/2019/1016/F- Redevelopment of Gortgonis leisure centre and playing fields comprising of the demolition and general site clearance of existing facilities and erection of a new leisure centre on the Gortgonis site. The proposed leisure centre will house a community hall, gym, day care facilities and associated ancillary accommodation. It is proposed to replace the existing pitch with a floodlit 3G synthetic pitch and 6 lane running track with outdoor play areas. The site works to the new centre and recreation facilities include modification and improvement of the existing vehicular entrance, the addition of a right hand turn land, car parking, pavements, fencing and amenity lighting.

Characteristics of Site and Area

The site is located within the limit of development for Coalisland as defined in the Dungannon and South Tyrone Area Plan 2010. On site is Gortgonis Fitness Suite building, a substantial kids play area to the side and rear, a tarmac carpark to the front, and a small area zoned as community Woodland to the NE of the site. Most of the site is zoned as existing recreational open space with a portion of white land to the SE.

This site is adjacent to two playing fields, one large grass pitch and a smaller 5 a side type facility. In addition, the larger playing field is surrounded by a surfaced running track. To the NE is a large area of woodland which was designated within the Area Plan as Community Woodland (CCW 01). Planting has taken place, as proposed, to allow for passive recreational purposes. Within the site also exists pedestrian links to Gortgonis Road, canal footpath and existing community centre.

Access to the site is proposed from the Gortgonis Road by way of an existing entrance.

Land use adjacent to the site includes;

To the North and North East the canal footpath, canal and housing development beyond.

To the North West, residential estates.

To the South, community facilities.

To the South, on the opposite side of Gortgonis Road, residential estates.

Planning Assessment of Policy and Other Material Considerations

Planning Act 2011

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

Area Plan

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 site lies within the defined limits of Coalisland as defined within the Dungannon and South Tyrone Area Plan 2010. Most of the site area is identified as Existing Recreation and Open Space, with a small portion to the south, indicated as white land, and a small portion of land along the NE boundary falling within designated Community Woodland. Within the area designated as existing open space is a tarmac carpark which serves Gortgonis Fitness Suite, and a kids play area to the rear. The fitness suite building is within white land, and the area of Community Woodland to the north stretches to Coalisland Canal (Historic Walkway).

This application will be assessed under the following policies:

Dungannon and South Tyrone Area Plan 2010 (DSTAP)

-SETT1 Settlement Limits

-COM1 Community Uses

-AGRI1 Community Woodlands

-ROS1 Recreation and Open Space Zonings

SPPS Strategic Planning Policy Statement for Northern Ireland

PPS 3 Access, Movement and Parking

PPS 6 Planning, Archaeology and The Built Heritage

PPS8 Open Space, Sport and Outdoor Recreation

PPS 15 Planning and Flood Risk

Relevant Site Histories:

The recent relevant site histories identified are;

LA09/2018/1404/PAN, A Pre Application Notice for this application. Considered acceptable 20/12/18.

LA09/2017/0478/PAD- Gortgonis Master Plan - new sports facility. Pad concluded. Letter on portal noncommittal however minutes of PAD meeting were attached.

LA09/2017/1695/PAD- 7 base primary school, single unit, access road and playground. Pad concluded. Letter on portal noncommittal however minutes of PAD meeting were attached. The first point made by the Planning Department was that the site falls mostly within an area of open space and in accordance with policy OS1 an explanation is needed as to why the application should be treated as an exception to the presumption against the loss of existing open space. It was made clear that the onus lay with the applicant to set out the exceptions and how these will outweigh the loss of open space.

LA09/2018/1329/F- Proposed enabling works to allow future development of a new leisure centre and primary school on the Gortgonis site. Enabling works for Leisure centre include a new vehicular entrance, temporary accommodation and relocation of the existing play area, Enabling works for the proposed school includes modification and improvement of existing vehicular entrance. This application was recommended as an approval at June 22 Planning Committee, and Members agreed with the recommendation and the application granted. The decision was still to issue at the time of writing this report.

LA09/2019/1016/F- Redevelopment of Gortgonis leisure centre and playing fields comprising of the demolition and general site clearance of existing facilities and erection of a new leisure centre on the Gortgonis site. The proposed leisure centre will house a community hall, gym, day care facilities and associated ancillary accommodation. It is proposed to replace the existing pitch with a floodlit 3G synthetic pitch and 6 lane running track with outdoor play areas. The site works to the new centre and recreation facilities include modification and improvement of the existing vehicular entrance, the addition of a right hand turn land, car parking, pavements, fencing and amenity lighting. Permission was granted at June 22 Committee, and the decision yet to issue at time of writing this report.

Representations:

One representation was received by a local resident who was a past Councillor in Dungannon. The objection raises concern that the traffic from the new school would add to an already dangerous situation at this part of Gortgonis Road, and would increase the risk of road traffic accidents.

Consideration

ROS1 Recreation and Open Space Zonings of the Area Plan states that proposals will be determined in accordance with the provisions of prevailing regional planning policy. The first point made by the Planning Department of Mid Ulster Council under the Pre Application Discussion process on this proposal was that the site falls mostly within an area of open space. Policy OS1 of PPS8 has a presumption against the loss of open space and will not permit development that would result in the loss of existing open space or land zoned for the provision of open space, unless in exceptional circumstances.

It was made clear at the PAD stage that the onus lay with the applicant to set out the exceptions and demonstrate how these will outweigh the loss of open space. The exceptions are set out in policy OS1.

A supporting letter which was jointly prepared by the agent and the Education Authority sets out the substantial community benefits;

- Community, parental and family involvement in the school will bring a range of benefits and, in particular, can have a positive impact on the educational achievement of children and young people within the local area. The Department of Education (DE) /Education Authority (EA) is therefore committed to building stronger links between the school and the community they serve;

- Article 140 of the Education Reform (NI) order 1989 enables that the school will make provision for wider community usage of their premises when not otherwise required for education purposes. DE/EA will encourage the school to do so through programmes such as extended schools, 'full service' programmes and the school improvement policy, 'Every School a Good School';

- The new school will make their premises available for use by members of the community served by the school. This will provide modern fit for purpose community facilities for the wider local community in the Coalisland area and ensure that Gaelscoil Ui Neil is a sustainable school in the wider area.

It is my view that this school will bring substantial community benefits for the this area and the wider area of Coalisland. The proposal also includes a nursery, which will provide a safe and secure educational environment for young children in this area,

providing an essential source of child care and will provide substantial community benefit.

While demonstrating substantial community benefits to overcome the loss of open space is one of the exceptions contained within policy OS1, there are also other exceptions. Another exception to OS1 will also be permitted where it is demonstrated that the loss of open space will have no significant detrimental impact on the amenity, character or biodiversity of an area and where an area of open space of 2 hectares or less, alternative provision is made by the developer which is at least as accessible to current users and at least equivalent in terms of size, usefulness, attractiveness, safety and quality.

The area of open space being lost is less than 2 ha, and contains a substantial kids playing area that contains slides, swings, climbing frames/areas, soft play areas etc. The adjacent application, LA09/2019/1016/F, which is being assessed alongside this proposal, is for a new Community, Health and Well Being Hub for Gortgonis and the wider Coalisland Community, and includes a new leisure centre, running track, links to the Canal and Canal Walk, a new children's play area which will be formally laid out with different areas for different ages and vehicular access improvements. This proposal was granted permission at June 2022 Planning Committee. Council plans to deliver this scheme are well advanced and there is no reason at this stage to believe that the scheme will not be delivered. I am satisfied that the area of open space that will be lost will be adequately compensated for in the adjacent planning application which will be as accessible to current users and at least equivalent in terms of size, usefulness, attractiveness, safety and quality. I am satisfied that the amenity, character and biodiversity in the will not suffer detriment from this redevelopment, and these will be assessed in more detail later in this report.

It is my view that there is sufficient information to demonstrate that the policy constraints of OS1 of PPS8 can be satisfactorily overcome in this instance.

The immediate area is a densely populated residential area. The proposed new school means that locals can walk to the school and nursery, reducing the reliance on the private motor vehicle. There will be good pedestrian links, this location for a school will feed into the aims and objectives of Sustainable Development as laid out in the SPSS and RDS. There are also a pedestrian link from the Canal to the new development.

Policy SETT1 of the DSTAP states that favourable consideration will be given to development proposals within development limits provided they are sensitive to the size and character of the settlement in terms of scale, form, design and use of materials. This proposal for the Gaelscoil onto this site is in keeping with the character of the area. It is not introducing an unacceptable use to the area. The new buildings are acceptable in terms of their scale and design and they will not detract from the character of the area.

COM1 Community Uses also permits community uses such as schools, within settlement limits provided certain criteria are met. The school and nursery will not have a significant detrimental impact on amenity, will not prejudice the comprehensive development of zoned land, will not conflict with any recognised conservation interests, is in keeping with the size and character of this area of Coalisland, has sufficient infrastructure, has adequate access, parking and sewage disposal arrangements, and, is in accordance with prevailing regional planning policies, and requirements and guidance contained within the Plan.

AGRI1 Community Woodlands states that favourable consideration will be given to proposals for ancillary development at these sites that will compliment or facilitate the provisions of the Community Woodland. This proposal for the new school will take in only a small part of the community woodland zoning. While no direct links are provided to the community woodland from this site, there are pedestrian links provided through the adjacent development for the Community, Health and Well Being Hub. The proposal for the new school also provides additional landscaping to augment existing woodland and to compensate for some tree loss through this development. A secure and continuous boundary is required around this new development for obvious reasons, and I find that overall, with links provided via the adjacent development, that this proposal is acceptable.

Environmental Health have provided comment and do not raise any concerns or objections in relation to this proposal. Children playing at break and lunch time will occur from time to time, and cars dropping and collecting children may cause some amenity impacts from time to time but these will be only for a brief period and will not continue constantly throughout the day. Given the community benefits that this proposal will bring in this location, I find these impacts to be acceptable and will not cause prolonged periods of significant detrimental impacts to nearby residential amenity.

There is adequate sewage provision for the school to connect and this is confirmed by NIW.

DfI Roads do not raise any concern over parking and access subject to a condition that no works commence on this proposal until the enabling works granted under LA09/2018/1329/F have been put in place, including visibility splays, forward sight distances and right hand turning lanes. These works will significantly improve the safety of road users along this stretch of road, which the objector claims is currently very dangerous. As there will be an improvement in road safety the objectors concern in relation to road safety issues are not determining in this case and I am satisfied that the policies contained within PPS3 are met.

The school is of an acceptable design for this area, and given the existing building that will be replaced, will not look out of place on this site or in this area. Historic Environment Division confirm that the proposal will not have any detrimental impacts on the Coalisland Canal close to the site which is a historic monument. No works are proposed to the canal an schedule monument consent is not required in this case. As such, the proposal does not offend any policies contained within PPS6.

NIEA and Shared Environmental Services were consulted in relation to the proposal and do not raise any objections. I am content that the proposal will not have any significant negative environmental impacts.

SES have assessed the proposals potential impact on Special Protection Areas, Special Areas of Conservation and Ramsar sites in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). Having considered the nature, scale, timing, duration and location of the project it is concluded that, provided mitigation is conditioned in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

Rivers Agency were consulted on the proposal and confirm that the site is not impacted by any flood plain, however required a Drainage Assessment due to the size of the development. A Drainage Assessment was supplied and Rivers Agency confirm that the conclusions of the DA are acceptable and that a Schedule 6 Drainage Consent to Discharge has been granted for this site. Policies contained within PPS15 Planning and Flood Risk have been met.

Other material considerations

This application being categorised as major has complied with the requirements of the Planning (Development Management) Regulations (Northern Ireland) 2015.

The site is located within an area designated as having abandoned mines. GSNI were consulted and do not raise any concerns in terms of land stability.

No land contamination has been identified.

In conclusion I am satisfied that this is a high quality development that will provide a positive contribution to the local community of this area of Coalisland, and delivers on the aims and objectives of sustainable development.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That planning permission be granted subject to the following conditions;

Conditions

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

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

2. Prior to works commencing on site, all existing trees shown on drawing No. 09 date stamp received 18/10/2018, shall be protected by appropriate fencing in accordance with British Standards 5837:2012. 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 be carried out on any retained tree other than in accordance with the approved plans or particulars, without the approval of the Planning Authority. All retained trees shall be permanently retained thereafter, unless otherwise agreed.

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

3. All proposed landscaping shall be carried out in accordance with details indicated on drawing No. 09 date stamp received 18/10/2018 within the first available planting season from the commencement of development hereby approved, and shall be permanently thereafter, unless otherwise agreed with Council.

Reason: To enhance and safeguard existing biodiversity in the area, and in the interest of visual amenity.

4. The development hereby approved shall not commence until the vehicular accesses, including visibility splays, any forward sight distance and right turn lanes, have been provided in accordance with application LA09/2018/1329/F, Drawing No. 06 Rev 1 bearing the date stamp 04 March 2022, and shall be permanently retained thereafter. 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 permanently retained and kept clear thereafter.

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

Informatives

1.This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.

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

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

Signature(s)

Date:

ANNEX	
Date Valid	18th October 2018
Date First Advertised	1st November 2018
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 17 Gortgonis Road Coalisland Tyrone The Owner/Occupier, 19 Gortgonis Road Coalisland Tyrone The Owner/Occupier, 2 Torrent Drive Coalisland Tyrone The Owner/Occupier, 20 Gortevin Terrace, Dungannon, BT71 4LX. The Owner/Occupier, 21 Gortgonis Road Coalisland Tyrone The Owner/Occupier, 26 Gortgonis Road, Coalisland, Tyrone, BT71 4QF The Owner/Occupier, 28 Gortgonis Road, Coalisland, Tyrone, BT71 4QF The Owner/Occupier, 3 Derryowen Place, Coalisland, Tyrone, BT71 4ST, The Owner/Occupier, 4 Derryowen Place Coalisland Tyrone The Owner/Occupier, 6 Gortevin Terrace, Dungannon, BT71 4LX. Joe Quinn No Address Given	
Date of Last Neighbour Notification	
Date of EIA Determination	24th October 2018
ES Requested	No
Notification to Department (if relevant) Date of Notification to Department: Response of Department:	



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

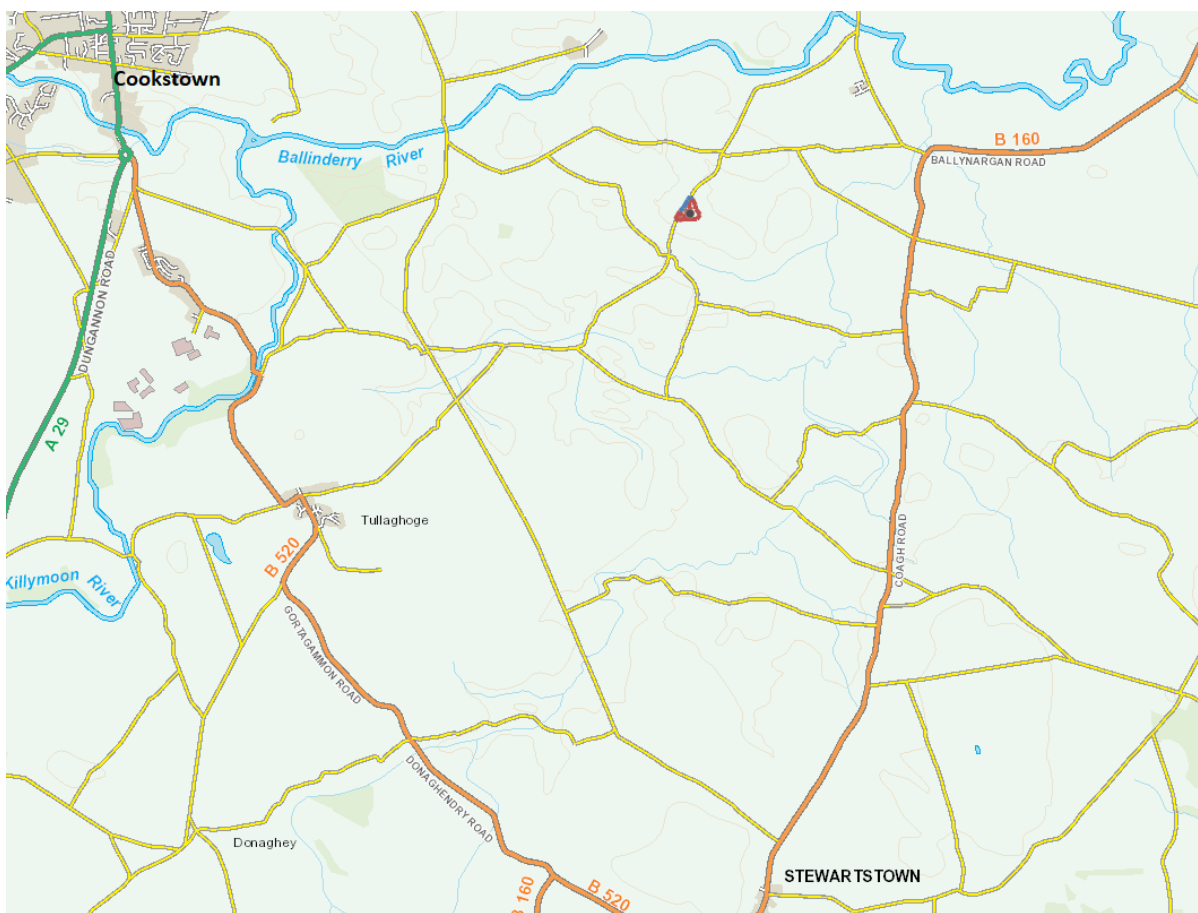
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0557/F	Target Date:
Proposal: Retention of filtration unit for a plasma cutter including its proposed enclosure (Additional Information Noise Assessment Provided)	Location: Premises at 51 and 55 Knockanroe Road Cookstown
Referral Route: 1. Objections from a third party.	
Recommendation:	Approval
Applicant Name and Address: Reid Engineering Ltd 55 Knockanroe Road Cookstown	Agent Name and Address: Ross Planning 9a Clare Lane Cookstown BT80 8RJ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice

Representations:

Letters of Support	None Received
Letters of Objection	4
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Characteristics of the Site and Area

The site lies in the open countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding countryside is rural in character and is characterised by agricultural fields, detached dwellings on single plots

and farm complexes. The site comprises a small shed at the Reid Engineering site, the extended blue line includes the rest of the site and a number of dwellings which have a roadside frontage.

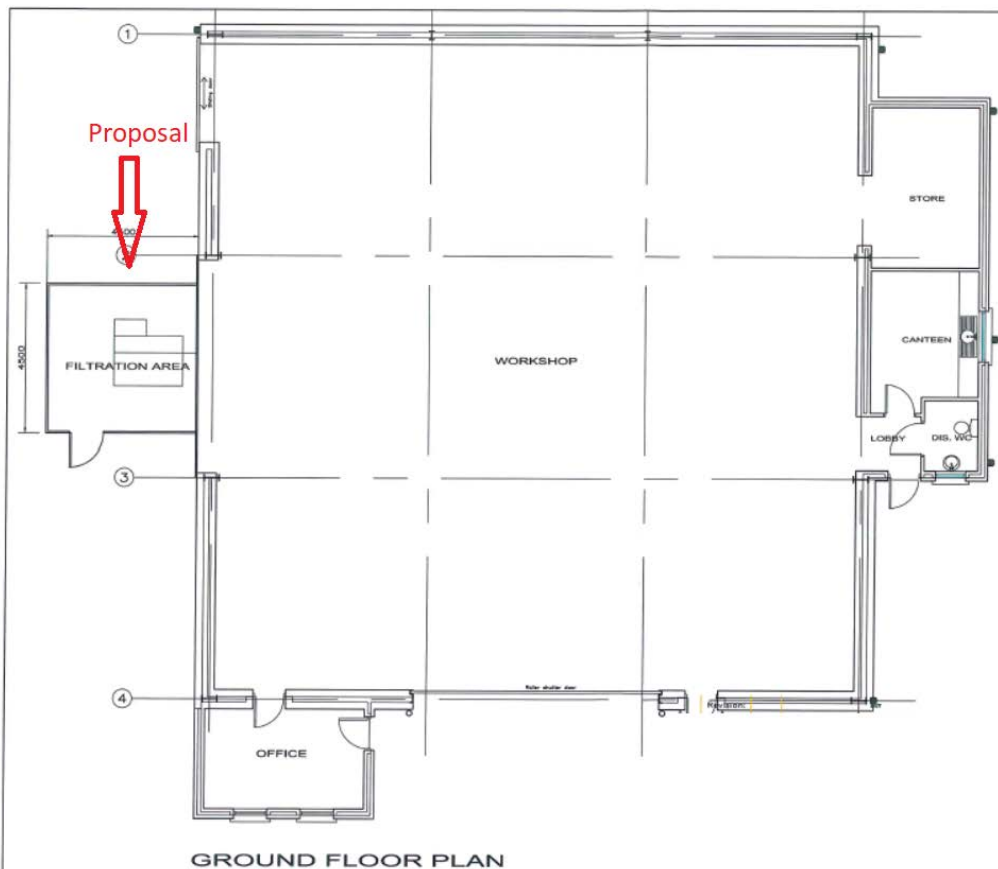


The small square shaped shed is the subject of this application and is finished in grey metal sheeting on the walls to match the existing larger shed (see below). There is a yard area surrounding the shed and is accessed via a sweeping access road off Knockanroe Road.



Description of Proposal

This is a full application for the retention of filtration unit for a plasma cutter including its proposed enclosure at premises at 51 and 55 Knockanroe Road, Cookstown.



Planning Assessment of Policy and Other Material Considerations

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

Representations

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

At the time of writing, a number of third party objections were received from Ms Reid who owns a property abutting the boundary of the site for Reid Engineering.

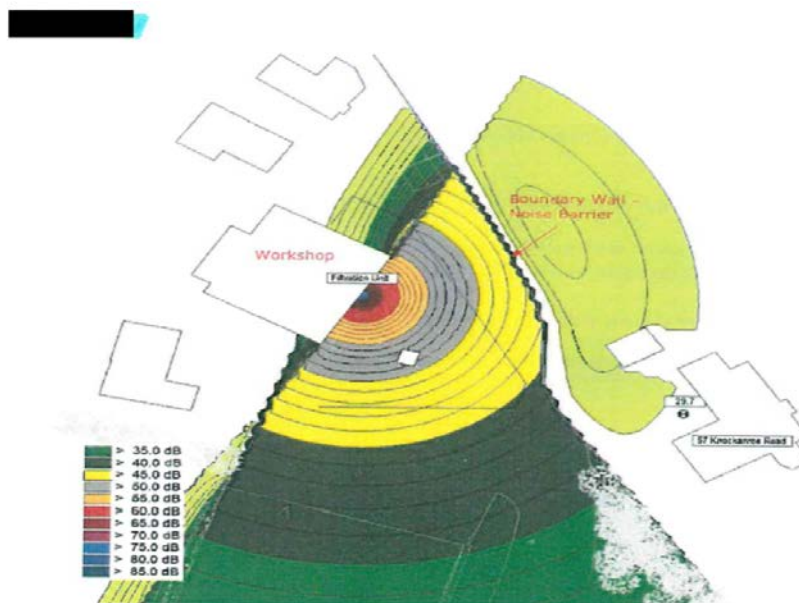
The first objection letter was received by email on the 9th July 2020. The main issues related to the description of 'extension to existing engineering shed' and there is no mention of the filtration area inside the shed. The objector stated this description was not accurate as it did not mention the filtration unit inside the building and questioned whether Environmental Health had been consulted.

The second objection letter was received on the 23rd September 2020. The main issue states that the filtration unit was not permitted development as condition 2 of planning

approval I/2014/0246/F states no further openings or roller shutter doors shall be constructed in the interests of neighbouring residential amenity. In addition condition 15 of I/2014/0246/F states that under the 2015 PD regulations there shall be no additional plant or machinery shall be operated in any open space outside of a building. The objector also states the roller shutter doors are routinely open. Also in the objector's opinion there is already a plasma cutter with a filtration system but has never been operational. In this letter the objector also states the proposed siting of the filtration unit and shed will encroach onto a lorry turning circle detailed in planning approval I/2014/0246/F. The objector is of the opinion since the original approval this is the 2nd extension to the shed since 2019 and there is a piecemeal approach to the site and there is an ongoing negative impact on amenity/noise.

The third objection letter was received on the 2nd December 2020. The main issue states the application is for the shed only and does not reference the filtration system which does not have planning permission. Again, the objector reiterates the proposal is in breach of conditions of planning approval I/2014/0246/F.

The fourth objection letter was received on the 12th May 2021. The main issue in this objection relates to the AONA Environmental BS 4142 noise assessment conducted as per Environmental Health's consultation response. In the EH response it is stated the noise from the filtration system is 3.3 dB below existing background noise levels which would not impact residential amenity. The objector states that the noise assessment is not accurate as it is claimed the filtration unit is not just operating a few hours a day as stated by the applicant but is operating all day every day sometimes up to 10pm at night. The AONA noise assessment states the filtration unit's predicted noise level is 29.7db at 1.5m in height at the receiver location. The drawing prediction shows no noise beyond the boundary wall. The objector referenced a previous noise assessment by Lester acoustics as part of planning approval LA09/2017/1426/F. In this assessment the effectiveness of the boundary wall was measured and the ground floor window is at a height of 1.8m and the boundary wall does not provide a noticeable reduction. Also the first floor window is at a height of 4.5m and the boundary wall provides no protection at all. The objector has stated the AONA noise assessment does not take into account the cumulative impact of the noise at the site.



The fifth objection was received on the 23rd of August 2021. The issues raised were surrounding the validity of the Noise impact assessment, and suggests it does not consider the cumulative impact. The objection also suggests that this extension will cause an intensification of use on the site, and the site can no longer accommodate this piecemeal development.

A sixth objection was received on the 14th of December 2021. This objection outlined further concerns with the AONA noise impact assessment and suggested EHO carry out their own assessment of noise levels. The objection also raises concerns the machine is operating out of business hours as well as concerns relating to the accuracy of the P1 form.

A seventh Objection was received on 13th April 2022 and again questions the accuracy of the undertaken noise impact assessment, it reports increased levels of noise from the site and suggests conditions in the event of approval and also reiterates previous concerns. This objection was accompanied by a Council noise report from the site and a video of the site from the window of the neighbouring property.

Planning History

I/2010/0091/LDE - Storage and fabrication of structural steel and associated items - 55 Knockinroe Road, Cookstown, BT80 8RX – Permitted Development

I/2010/0253/F – Proposed extension and alterations to existing engineering workshop/store & ancillary accommodation - 55 Knockinroe Road, Cookstown, BT80 8RX – Permission Granted 30.11.2010

I/2013/0110/F - Proposed retention of offices for engineering works - 55, Knockanroe Road, Stewartstown –Permission Granted 05.07.2013

I/2014/0074/F - Proposed alteration of existing access and laneway - To the rear of 51 Knockanroe Road Stewartstown Dungannon BT71 5LX – Permission Granted 30.06.2017

I/2014/0246/F - Proposed retention of engineering workshop to include store and ancillary accommodation and storage yard - 55, Knockanroe Road, Cookstown – Permission Granted 28.06.2017

LA09/2017/1426/F - Proposed retention of boundary wall and the alteration of ground levels to provide concrete finish to hardcored yard (acoustic assessment received) - 55 Knockanroe Road, Cookstown – Permission Granted 17.02.2020

LA09/2016/1015/F - Proposed reorganisation of general industrial site including the retention and extension of the existing metal fabrication shed, the construction of 2 No. sheds for spraying and storage of metal, proposed acoustic walls, new landscaping and associated works (agent's rebuttal to objectors NIA) - Reid Engineering Site, lands at 51 and 55 Knockanroe Road, Cookstown – Permission Refused 19.12.2017

Consultees

Environmental Health were consulted and as the proposal is for the retention of a filtration unit in a new shed a Noise Assessment was required. Subsequently this was submitted

and the assessment stated the noise level from the filtration unit is 3.3db which is at level which would not impact on residential amenity. Numerous consultations with EHO were carried out and their final response gave consideration to all the objections and the acoustic information submitted. Their comment stated 'The acoustic consultancy has shown that noise from the filtration system is not contributing to the noise emanating from within the blue line as shown on drawing number 01 date stamped 6th May 2020. As noise due to the filtration system is more than 10 dB below existing noise levels then EHO have no objection to this proposal.'

DFI roads were consulted and are content there is no intensification of use at the site and require visibility splays of 2.4m x 60m in both directions at the access.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Cookstown Area Plan 2010

The plan offers no specific policy relevant to this application as the site lies outside any settlement limits or other designations as defined in the Cookstown Area Plan 2010.

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

Planning Policy Statement 4 – Planning and Economic Development

Policy PED3– Expansion of established economic development use in countryside

The proposal is for the retention of an extension to the existing shed and the extension is modest in scale and massing. The building is 20m², 4.5m in height with a lean to roof. The external finishes will match the existing shed. The building is proposed to serve as a filtration unit. On balance I am content the scale, massing and use will not detract from the character of the site or the surrounding area. There are no critical views of the proposed extension from the public road and there is no major increase in the site area.

PPS 4 – Policy PED 9 General Criteria for Economic Development

The extension is for a filtration unit and as the building is attached to an existing engineering workshop, I am content this is compatible with the surrounding land use. It is my opinion that the proposal will not cause significant harm to the amenity of nearby residents. A thorough noise impact assessment was carried out and assessed by the EHO who also gave substantial consideration to the objectors concerns and their conclusion is

that the noise create by the proposal below existing levels and therefore they offer no objection to this proposal.

There are dwellings surrounding the site, and in particular no.57, but as the proposal is modest in scale I am content there will not be an unacceptable impact on neighbour amenity in terms of noise, pollution, loss of light. There are no issues with emissions or effluent. The proposal will have no impact on the existing access. It is stated on the P1 form there is no expected increase in persons or vehicles attending the site. The objector raised a query surrounding the validity of this point, however, I visited the site on three occasions and did not witness any exceeding levels of vehicle movement. In addition DFI visited and assessed the site and did not offer any objection. A movement pattern was not required. There is no outside storage as part of the proposal.

Neighbour Notification Checked Yes

Summary of Recommendation:

The proposal is recommended for approval as it complies with all the relevant policies in PPS 4.

Conditions

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

Reason: This is a retrospective application.

2. The hours of operation for the proposal shall be as follows

Monday to Friday	08:00 – 18:00 hours
Saturday	08:00 – 14:00 hours
Sundays	No operations

Reason: To protect nearby residential amenity

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report

Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0729/F	Target Date:
Proposal: Proposed site for 5 no detached dwellings and garages (inclusion of footpath along public road) (additional plans received re footpath provision)	Location: 40m West of 16 Annaghmore Road Coalisland
Referral Route: Recommendation to approve, with objections.	
Recommendation:	Approve
Applicant Name and Address: Mr Conor Tennyson 39 Cloghog Road Coalisland BT71 5EH	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge Magherafelt BT41 3SG
Executive Summary: Recommendation to approve, meets planning policy, there are a number of objections.	
Signature(s):	

Case Officer Report**Site Location Plan****Representations:**

Letters of Support	None Received
Letters of Objection	15
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

In summary, concern has been raised by objectors in the following areas;

- detrimental impact on the environment;
- detrimental impact on visual and residential amenity;
- contrary to planning policy and rural planning policy;

- proposal will cause damage to private property, increase risk of accidents, 3rd party land may be required;
- road safety issues;
- maintenance concerns;
- accuracy of plans;
- procedural concerns including neighbour notification.

These concerns will be considered later in my report.

Description of Proposal

This is a full planning application for 5 no detached dwellings and garages with the inclusion of a footpath along public road.

Characteristics of the Site and Area

The site is located within the development limits of Annaghmore, a small village located approx.. 1.7km east of Coalisland, as defined in the Dungannon and South Tyrone Area Plan 2010.

At present the site is an agricultural field used for rough grazing. There is a mature tree lined hedgerow along the southern boundary. The western boundary is adjacent to a small public road that loops from Gortgonis Road to Annaghmore Road, and this boundary is defined by an agricultural field gate that provides access to the field, a small grass verge behind which grows and tree lined hedgerow.

The northern boundary is shared with 2 private detached dwellings to the north, and is defined by a patchy tree lined hedgerow, and some fencing.

The eastern boundary, where it is proposed to access the new development, is defined by some trees and hedging.

To the south of the site is open countryside where there is a character of dispersed single dwellings and small farm holdings, with land being used mostly for agricultural purposes. To the NW of the site there are some industrial development along Gortgonis Road. To the north is the village of Annaghmore, which has its own local services and businesses, and there is a primary school nearby, however the predominant landuse within the village is residential of a mix variety, including detached single and 2 storey, semi-detached 2 storey, and terraced dwellings.

Planning Assessment of Policy and Other Material Considerations

Planning Act 2011

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

determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

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.

Area Plan

Dungannon and South Tyrone Area Plan 2010- The site is located within the development limits of Annaghmore, just within the edge of the development limits. Land is not zoned for any specific use. As the site is for housing policies SETT1 and PPS7 apply.

In the area Area Plan it is outlined that housing development would normally be permitted provided the scale, layout, details and finishes are compatible with the scale and character of the settlement. Accordingly housing development in excess of 15 units will not normally be permitted.

Key Planning Policy

RDS 2035

SPPS- Strategic Planning Policy Statement

PPS7 Quality Residential Developments

PPS3 Access, Movement and Parking

PPS2 Natural Heritage

Design Guides

Creating Places

3rd party objections

A number of 3rd party objections have been received in relation to this development and the concerns are listed as follows;

- would lead to an unacceptable increase in traffic;
- increase road safety risk, would stop grandchildren walking to school down a lane;
- resident told that area was greenbelt and that no development would take place on the site, can't understand how housing could be approved on site;
- concern that the footpath along the road frontage that will link into the existing public footpath network will cause damage to the front boundary hedge and wall of existing property;
- that pedestrians crossing in front of existing driveways will increase road safety risk and will create additional dangers that do not currently exist;
- that the foot path provision will require part of private land;
- where will existing poles be relocated?
- concern raised over information on drawing showing footpath and private street provision;
- A number of questions posed to clarify information on drawings;
- details of wall construction, appearance and maintenance not properly provided;
- concern raised over the proposed construction of the footway and associated road safety issues;
- a number of questions are also posed that if a footpath is built, who would maintain it, who would maintain any retaining structures, details of accommodation works at the entrance of 109 for a pedestrian vehicle conflict or legalities of damage/accidents if they were to occur? Who would be responsible for the hedge if it dies? Etc.
- a question is raised over how finished floor levels of 109 was obtained;
- concerns raised over neighbour notification and procedural aspects of case;
- detrimental impact on horizon and landscape character of area;
- Views would be lost;
- detrimental impact on private rear amenity, increase in traffic noise;
- development proposed on a dangerous corner;
- due to narrowness of road at this point, lorries mount verge to allow passing traffic, the creation of a footpath would be dangerous as large vehicles would mount to allow other vehicles to pass, this would cause road safety issues;
- the access to the proposed development will conflict with an oil delivery business opposite, creating further road safety concerns;

- development will lead to an urbanisation of the area;
- No need for additional in this area of Annaghmore and the site is not within the traditional housing zone of Annaghmore;
- by approving this may lead to additional houses on adjacent land;
- proposal will have a detrimental impact on house price;
- an elevated housing development in this area will have a detrimental impact on the character of this area;
- would create ribbon development;
- detrimental impact on local wildlife;
- development would lead to loss of trees, and view would be replaced with housing;
- by approving this development would demonstrate Planning Authorities disregard for countryside policy areas and greenbelt areas;
- concern over if the impact on protected trees, hedges and local eco-system have been considered;
- proposal would demonstrably harm the amenities enjoyed by existing residents, including safety for kids to play, valuable green space, privacy and the right to enjoy a quiet and safe residential environment;

All concerns have not been listed exhaustively, however they can be grouped as follows;

- detrimental impacts on residential and visual amenity;
- road safety concerns;
- housing in this area not needed;
- unacceptable development in the countryside;
- procedural concerns raised over neighbour notification and requirement of plans to be described in greater detail;
- impact on environment and tree loss;
- potential detrimental impact/damage to private property.

Planning History

No relevant site history

Consideration

This residential proposal lies within the development limits of Annaghmore, a small village close to Coalisland. Objectors claim that this site is within an area of greenbelt/countryside and that rural planning policy should apply and be considered. This is not the case, it is clear in the Dungannon and South Tyrone Area Plan that this site is located within development limits. Concerns raised over ribbon development and other rural planning policies cannot be considered in this case, as the site is not located in the countryside. The proposal is located within defined development limits and planning policies SETT1 of the Area Plan and PPS7 Quality Residential Developments are applicable in this case.

PPS 7 - Quality Residential Environments.

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

The village of Annaghmore is defined by industrial and residential development. Throughout the settlement there are quite large residential parks, and the area has become quite urbanised. There are a vast mix of housetypes in the area and throughout the village. This site is located on the edge of development limits, with countryside to the south. It is proposed to plant a 5m landscape buffer to the eastern boundary and retain a mature tree lined boundary to the south. This will help define the boundary between village and countryside. The design of the dwellings are traditional in nature, with vertical emphasis in window openings, front projection on the doorway, off the wall dormer windows, chimney centrally on the ridge and symmetrical roof pitch. Given the proximity to the open countryside, this is a sensitive design type that is in keeping with the design of dwellings in the area, and respects its setting on the edge of the development limits. The design, scale and massing respect the character of the area. I do not believe that this is an overly elevated site within Annaghmore and that 2 storey dwellings will spoil the visual character of this area, and the objectors concerns in this regard are not determining in this respect.

-Second Criteria. Features of the archaeological and built heritage, and landscape features should be identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;

No archaeological or built heritage interests have been identified in this area, and no constraints are indicated on our spatial search or in the Area Plan. Historic Environment Division were not consulted on this proposal. Objectors do not raise any concerns in this regard.

Existing trees along the southern and western boundaries will be retained. Some trees along the eastern boundary will be removed to allow for access provision, however, a

new 5m wide landscape buffer will be planted along the eastern boundary to compensate for this loss. The site is not located within any environmentally protected areas, and the agricultural field itself is thought to be of low biodiversity value. Boundary hedging, where possible, will be retained.

-Third Criteria. PPS 7 QD1 also requires that 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;

A communal area of open space is proposed along the northern boundary of the site. There is also adequate private rear amenity space provided for each of the dwellings which is in keeping with Creating Places. A landscape buffer of 5m wide will be planted along the eastern boundary and this will help differentiate between village limits and the open countryside to the east and south of the site. I am satisfied that there will be adequate landscaping to soften the impact of these dwellings in this location.

Objectors raise concern that removal of trees on this site will interrupt views, and that houses in this prominent site will be development on the horizon and will ruin the character of this area. It is my view that sufficient landscaping will be retained to provide a backdrop for development, and new buffer landscaping will also limit the impact of these houses within Annaghmore Village. There is no policy restricting development on the horizon within urban areas, however consideration has to be given to impact on character and visual amenity. I am satisfied that the proposal will not have a detrimental impact on this area of Annaghmore.

Criteria four requires that adequate provision shall be made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;

The site is located close to local convenience shops and local village services. In my view, given its location and size, this development does not require its own local neighbourhood facilities.

QD1 also requires 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;

While the access road into the development will be private, DfI Roads raised concern that there would be no safe passage for occupiers of this development to walk into the village of Annaghmore, or indeed gain safe access to the nearby primary school on foot. I share these views and the agent was asked to look at how to provide a footpath that would link into the existing footpath network of the Village. From the proposed access to this development, and along Annaghmore Road towards the village, there is a grass verge, including to the front of No. 109 Gortgonis Road. This verge is in control of DfI Roads. Behind the verge is a hedgerow belonging to No. 109. There is also a verge between No. 109 and the junction of Annaghmore Road and Gortgonis Road. On the opposite side of the junction there is existing footway provision. The agent has carried out survey work, and claims to be able to provide road widening, and acceptable footway provision between his site entrance and the Gortgonis T Junction to the NW. DfI Roads have been consulted on this and on the sixth revision, are content with the footway that is being provided. DfI Roads do not say if any private land will be required for this footpath.

Objections have been received from No. 109, as they are concerned that the footpath may give rise to potential accidents at the entrance to their property, and that the footpath may cause damage to their hedge or garden area. While these are valid concerns, should 3rd party land be required then this will be an issue that will have to be settled between the interested parties. Should damage to 3rd party property be caused by the developer then this will be a civil issue.

The developer seems confident that he has control of adequate land to put the footpath in place as per the plans, to carry out road widening, and to construct the footpath and dwarf kerbing without damaging any private property. Cross-sections have been provided to show that the footpath can be put in place without damaging the existing hedgerow. I raised 3rd party concern with the agent, and they are aware that there are objections to this proposal. Given the level of objection, it would be remiss of the developer not to ensure that they have the required land to put the footpath in place. Should any damage be caused to 3rd party property then this will have to be settled as a civil matter between the interested parties. DfI Roads are content with the construction, and should the footpath be built in accordance with approved plans they will adopt the public footway and will be responsible for its upkeep.

Neighbours were notified and I am content that all adjoining notifiable neighbours were notified.

Another criteria is that the design of the development must draw upon the best local traditions of form, materials and detailing;

I consider that the proposal does reflect the surrounding design context for this village area.

Second last criteria is that 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;

5 two storey detached dwellings with associated single store detached garages are proposed. The developer proposes to raise ground level to the rear of No. 95 Gortgonis Road to provide a level building surface. This will raise the ground level by less than 1 meter. Initially it was proposed that a 2 storey dwelling would be sited adjacent to the shared boundary of No. 95. This would have left a separation distance between the rear of No. 95 and the proposed gable of a proposed new dwelling of just over 15m. This would have left a very dominant impact on the existing rear garden area of No. 95. Through negotiation with the agent, the layout was amended, so that the single storey garage would be re-sited to be adjacent to the rear boundary of No. 95, and the 2 storey dwelling set back approx. 7m from the boundary of No. 95, leaving a separation distance of approximately 20m. The first floor window in the new dwelling facing No. 95 is an en-suite bathroom window, and this can be conditioned by opaque so that no overlooking will occur.

A row of 3 x 2 storey detached dwellings will face towards the rear and side amenity space of No.s 95 and 109 Gortgonis Road to the north. There is a separation distance between existing dwellings and these proposed dwellings of over 30m. An area of communal open space is proposed between the new access road into the proposed development and the rear of No. 109, which will separate traffic from directly behind the rear garden area of that property. Plus a 1.8m high rendered block wall is proposed to the private rear garden areas of No. 95 and 109. I am satisfied that the layout will not result in demonstrable detrimental impacts to existing or proposed residential amenity. The block walls will also reduce noise, travel of headlights, and secure privacy for existing dwellings. Environmental Health were consulted on this proposal and raise no residential amenity concerns, I find the objectors' concerns in relation to loss of privacy and amenity to be not determining in this case.

Adequate provision is provided for rear private garden areas to the proposed dwellings, and I am satisfied that there will be no overlooking or overshadowing of neighbouring properties.

The Environmental Health Department were consulted on this proposal. There are some industrial development in the area. Environmental Health has considered the existing noise environment of the area and any current planning conditions in place to protect

residential amenity from nearby noise sources. They are satisfied that sufficient control is in place to ensure that the residential amenity of future occupants will not be impacted, therefore, the Environmental Health department offer no objection to this proposal.

The final criteria is that the development is designed to deter crime and promote personal safety;

The development is considered to be designed to deter crime and promote personal safety. Areas of open space are overlooked by surrounding housing, there are no hidden or secluded areas that would attract anti-social behaviour, and the rear properties of boundaries are secured with appropriate boundary fencing and/or walls.

Policy SETT1

The proposal is also in keeping with policy SETT1 of the Dungannon and South Tyrone Area Plan, in that it is found to be an acceptable form of development within this village area, and is in keeping with the village setting and character of the area. All the policy points of SETT1 are covered in this report.

PPS3 Access, Movement and Parking

I am satisfied that a safe and satisfactory access to this proposed development can be achieved. The access provision will improve visibility at the corner on which it is situated, which will improve sight visibility and road width for all road users. The provision of the footway will also provide safe access for pedestrians who choose to walk towards the village and the primary school, including for the occupiers of No. 109. In curtilage parking is proposed for the 5 no. detached dwellings. The policy provisions of PPS3 have been met.

PPS2 Natural Heritage

In considering the impact of this proposal on the natural environment and existing biodiversity it is my view that there will be no negative impacts as the site is agricultural of low biodiversity value. The proposal would not be likely to have a significant effect on the features of any European site. There are no open watercourses nearby, and the site is not located within any European Designation. Boundary vegetation will be retained where possible, and compensatory replacement planting will be carried out along the eastern boundary.

Other considerations

No issues of land contamination have been identified on this site.

From the Strategic Flood Maps NI the site does not appear to be within a flood plain or be affected by pluvial ponding. A development of this size does not require a drainage assessment. No open watercourses are being culverted. It is the responsibility of the developer to ensure that acceptable drainage for the site can be achieved, that all drainage consents are in place and that drainage from the site will not have a detrimental impact on neighbouring property. I am satisfied that the policy provisions of PPS15 Planning and Flood Risk are met.

Concern was raised by an objector on how finished floor levels were arrived at. A cross-section drawing has been provided by the agent, along with a block plan which shows difference in levels between existing and proposed development. I find these levels to be acceptable from an amenity impact point of view. There are also levels shown at the access to the proposed site. I am content that there is sufficient information to control levels within the site, and I find this relationship between existing and proposed development to be acceptable. Should the development not be carried out in accordance with levels shown, and this is reported to Council's Planning Department, then it will be at the discretion of our Enforcement Team if this complaint should be investigated and how best to deal with the alleged breach.

I am satisfied that all objectors concerns have been covered and the proposed development will result in a quality residential environment that will not have a negative impact on surrounding property, or village character, road safety or the environment. I am satisfied that the plans are clear and are descriptive on how the development shall be carried out.

No evidence has been presented to suggest that 3rd party land is required for the footpath or visibility splay provision, and the developer is aware of the objections raised in connection with this. All neighbours have been notified in accordance with legislative requirements. Should it be the case that 3rd party land will be required to implement any part of the development, or 3rd party land is damaged during the construction process, or an accident occurs during or after construction then this will be a civil matter between the interested parties to sort out. The Planning Authority does not have the necessary expertise or jurisdiction to adjudicate in such matters, and these are ultimately matters for the Court to decide.

I am satisfied that objector's concerns in relation to this development are not determining in this case, and that this proposal for 5 detached 2 storey dwellings within the limits of

Annaghmore Village is acceptable at this site and locality and will not result in any significant environmental or amenity damage.	
Neighbour Notification Checked	Yes
Summary of Recommendation: That planning permission be granted subject to the following conditions;	
Conditions 1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. 2. The development hereby approved shall be carried out in accordance with levels and cross sections indicated on drawings No. 02 rev6 date received 18/01/2022, No. 10 rev1 date received 17/12/2020, and, No. 12 date received 10/05/2022, unless otherwise agreed in writing with Mid Ulster council. Reason: To ensure a quality residential environment and to protect existing and proposed residential amenity. 3. Prior to the occupation of any dwelling hereby approved, the area of open space shall be put in place and sewn out with grass seed, unless otherwise agreed. Reason: In the interest of visual amenity and to ensure a quality residential environment. 4. Prior to the occupation of any dwelling hereby approved, a document shall be submitted to Council for agreement detailing how the area of open space will be managed and maintained, and this shall include the maintenance of the 1.8m and 1.2m high rendered wall, indicated in drawing No. 02 rev6 date received 18/01/2022 as BW1 and BW2. The agreed management and maintenance plan shall be carried out in	

accordance with that plan thereafter, by an agreed Management and Maintenance Company, unless otherwise agreed in writing.

Reason: In the interest of visual amenity and to ensure a quality residential environment.

5. No dwelling hereby approved shall be occupied until a signed contract with an agreed Management and Maintenance Company for all areas of public open space and communal walls has been put in place, and details of which agreed with Council. All areas of communal open space shall be managed and maintained by that agreed management company thereafter, unless otherwise agreed.

Reason: To ensure that the open space provided is managed and maintained, in perpetuity, in accordance with the Department's Planning Policy Statement 7 (PPS7)-Quality Residential Environments, and Planning Policy Statement 8 (PPS8)-Open Space, Sport and Outdoor Recreation.

6. Prior to the occupation of any dwelling hereby approved, the boundary wall indicated as BW1 and Bw2 on drawing No. 02 rev 6 date received 18/01/2022 and details shown on drawing No. 11 date received 30/09/2020 shall be put in place and permanently retained thereafter.

Reason: To protect existing and proposed residential amenity, and to create a quality residential environment.

7. All boundary treatments within each individual site, including boundary wall and/or fence provision, shall be put in place in accordance with details indicated on drawing No. 02 rev 6 date received 18/01/2022 and details shown on drawing No. 11 date received 30/09/2020 prior to the occupation of that dwelling on that site, and shall be permanently retained thereafter.

Reason: To assist in the provision of a quality residential environment and to safeguard private residential amenity.

8. The existing hedgerow and vegetation along the western and southern boundaries of the site, as indicated on drawing No. 02 rev 6 date received 18/01/2022 shall be permanently retained unless otherwise agreed in writing. 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 amenity and biodiversity.

9. Within the first available planting season from the commencement of development hereby approved, the 5m wide buffer planting along the eastern boundary and indicated on drawing No. 02 rev6 date stamp received 18/01/2022 shall be put in place and permanently retained thereafter, unless otherwise agreed in writing. 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 amenity and biodiversity, and to mark the distinction between village and countryside.

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

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

11. The first floor window in house type 03, shown on drawings No. 07 and 08 date received 24/06/2020, shall be of opaque glass.

Reason: To safeguard existing and proposed private amenity.

12. Prior to the commencement of any development hereby approved, the vehicular access, including visibility splays of 2.4m by 65m to the North West, and 2.4m by 70m to the South East, and any forward sight distance, shall be provided in accordance with Drawing No. 02 Rev 6 bearing the date stamp 18 January 2022, and shall be permanently retained thereafter. 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.

13. The gradient 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.

14. No dwelling hereby permitted shall be occupied until the footway indicated on Drawing No 02 Rev 6 bearing the date stamp 18 January has been fully completed in accordance with the approved plans, and shall be permanently retained thereafter, unless otherwise agreed.

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

Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
4. DfI Roads advise the following;

The applicant must apply to the DfI Roads for a licence indemnifying the Department against any claims arising from the implementation of the proposal.

The developer, future purchasers and their successors in title should note that the access way and parking areas associated with this development are, and will remain, private. The Department has not considered, nor will it at any time in the future consider, these areas to constitute a "street" as defined in The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

Responsibility for the access way and parking areas rests solely with the developer.

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

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

It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

The developer is required to enter into a licence agreement with the Department for Infrastructure, Roads for the carrying out of the road works approved, prior to the commencement of any works to the public road network.

Signature(s)

Date:

ANNEX	
Date Valid	24th June 2020
Date First Advertised	7th July 2020
Date Last Advertised	23rd February 2021
Details of Neighbour Notification (all addresses) Brenda & Isobel O'Neill 105 Gortgonis Road, Coalisland, Tyrone, BT71 4QQ Mr & Mrs Ryan O'Neill 107 Gortgonis Road, Coalisland, Tyrone, BT71 4QQ Magdala O'Neill 107 Gortgonis Road, Coalisland, Tyrone, BT71 4QQ The Owner/Occupier, 109 Gortgonis Road Coalisland Tyrone Stephen McCann & Sharon Trainor 109 Gortgonis Road, Coalisland, Tyrone, BT71 4QQ Sharon Trainor 109 Gortgonis Road, Coalisland, Tyrone, Northern Ireland, BT71 4QQ Sharon Trainor & Stephen McCann 109 Gortgonis Road, Coalisland, Tyrone, Northern Ireland, BT71 4QQ Stephen McCann and Sharon Trainor 109 Gortgonis Road, Coalisland, Tyrone, BT71 4QQ Shane _ Kerri McCann 10A ANNAGHMORE ROAD, COALISLAND, TYRONE, BT71 4QZ Seamus & Lucia McCann 12 Annaghmore Road, Coalisland, Tyrone, BT71 4QZ The Owner/Occupier,	

<p>16 Annaghmore Road Coalisland Tyrone</p> <p>Finbar & Eimear Hughes</p> <p>16 Annaghmore Road, Coalisland, Tyrone, BT71 4QZ</p> <p>Gillian McGrath</p> <p>31 Annaghmore Road, Coalisland, Tyrone, BT71 4QZ</p> <p>Pete & Frank O'Neill</p> <p>35a Annaghmore Hill, Coalisland, Co Tyrone, BT71 4QQ</p> <p>The Owner/Occupier,</p> <p>95 Gortgonis Road Coalisland Tyrone</p> <p>Malachy Hughes</p> <p>95 Gortgonis Road, Coalisland, Tyrone, BT71 4QQ</p> <p>Michael & Teresa Campbell</p> <p>99 Gortgonis Road, Coalisland, Tyrone, BT71 4QQ</p> <p>The Owner/Occupier,</p> <p>Annaghmore Primary School, 10 Annaghmore Road, Coalisland, Tyrone, BT71 4QZ</p> <p>Sharon & Stephen Trainor & McCann</p> <p>EMAIL</p> <p>The Owner/Occupier,</p> <p>McCann Fuels, 12 Annaghmore Rd, Coalisland, Dungannon BT71 4QZ</p>	
Date of Last Neighbour Notification	4th February 2022
Date of EIA Determination	
ES Requested	No
<p>Notification to Department (if relevant): NA</p> <p>Date of Notification to Department:</p> <p>Response of Department:</p>	



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1235/F	Target Date:
Proposal: Proposed double site for dwellings and garages	Location: 31m South East of 11 Magheracastle Loanin Brockagh Coalisland
Referral Route: Approval contrary to HED	
Recommendation: Approve	
Applicant Name and Address: John Hagan 142 Mountjoy Road Brockagh Coalisland	Agent Name and Address: Seamus Donnelly 80A Mountjoy Road Aughrimderg Coalisland BT71 5EF
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received
Statutory	Historic Environment Division (HED)	Advice
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Characteristics of the Site and Area		
<p>The site is located inside and at the edge of the development limits of Brockagh / Mountjoy as defined in the Dungannon and South Tyrone Area Plan 2010. It sits just north west of St Brigid's Primary School.</p> <p>Brockagh / Mountjoy is located close to the western shores of Lough Neagh, approx.7 km east of Coalisland. It had comprised largely of single dwellings and farm buildings, but in recent times, has seen some in-depth development to the west of Ballybeg Rd. and to the north of Mountjoy Rd. Some such development located to the north of Mountjoy Rd include Maghercastle Close, Maghercastle Avenue and Maghercastle Loanin, 3 well-established housing developments comprising a mix of detached dwellings.</p> <p>The site, a relatively flat rectangular plot (approx. ha), is cut from the roadside frontage of a much larger agricultural field bound on all sides by a mix of mature tree and hedgerow vegetation. This field is located immediately to the northwest of the aforementioned housing developments, Maghercastle Avenue and Maghercastle Loanin as such approx. 5 dwellings within Maghercastle Avenue back onto it and 1 dwellings within Maghercastle Loanin is orientated gable end onto it.</p> <p>As the site, is cut from a larger field it is bound only along its roadside frontage and northwest boundaries by the vegetation bounding the host field, the southwest and east boundaries are open onto the host field. Quite a deep grass verge runs along the frontage of the site / host field. The host field is accessed of the adjacent road via an agricultural gate to east of the site.</p> <p>The field / site which sits adjacent and to be accessed off the Magheracastle Loanin Rd (2 separate side-by-side accesses proposed, one for each dwelling) sits in a slight hollow in the landscape after passing the adjacent housing developments. However beyond the field / site the lands rises steeply upwards, to the northwest, to the elevated ruins of an old castle, 'Mountjoy Castle', bound by a dwelling and large group of farm buildings. A bungalow sits to the south side of the ruins adjacent a small associated car park.</p>		

The site and surrounding area is characterised largely by its edge of settlement limit location, as although development in Brockagh / Mountjoy is visible to the south, the area retains a rural feel due to the predominantly undulating agricultural lands interspersed with single dwellings and farm groups located to its north and east. Having said that, it is noted, to the east of the site just beyond the development limits exist a couple of occupied dwellings and number of others under construction, which creates a relatively built up appearance.

Description of Proposal

This is a full application for two 2-storey dwellings and two single storey ancillary garages to be located on lands 31m South East of 11 Magheracastle Loanin, Brockagh Coalisland.

The dwellings are to be sited in a line (gable facing gable) fronting onto the adjacent Magheracastle Loanin Road, which they are to be accessed off via 2 separate side-by-side accesses and driveways that run parallel between the properties, serving the respective garages to be located to their rear.

The dwellings and garages are identical. The dwellings have a simple rectangular shaped floor plan and a pitched roof construction, with only a single chimney expressed on their ridgeline offset to their northwest gable, and small single storey pitched roof front porch. Similarly, the garages, which have a single roller shutter door in their elevation fronting the Magheracastle Loanin Road, have a simple rectangular shaped floor plan and a pitched roof construction. The dwellings and garages are finished to match.

Finishes include:

- Roof: Black tiles
- Walls: Smooth plaster painted with brick to front elevation, quoins and base of dwellings and garages

Planning Assessment of Policy and Other Material Considerations

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

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

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 6: Planning, Archaeology and The Built Heritage

Planning Policy Statement 7: Quality Residential Environments

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

Creating Places

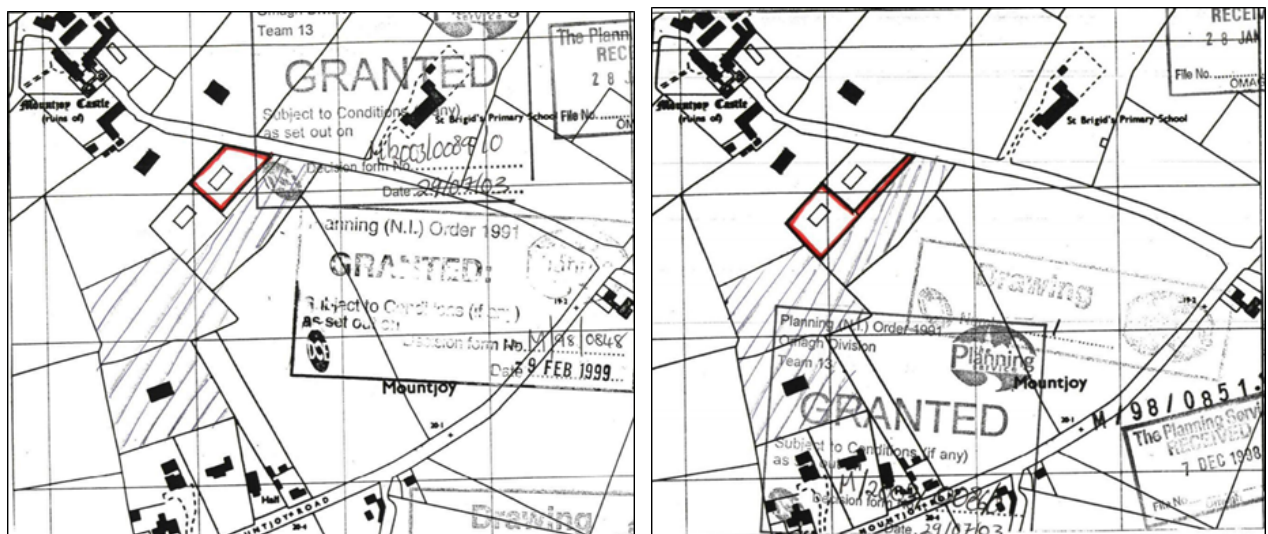
Development Control Advice Note 8 Housing in Existing Urban Areas

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

Relevant History on Site

- M/1998/0848 – Proposed Dwelling – Adjacent to 170 Mountjoy Rd Magheralamfield Dungannon – Granted 9th February 1999
- M/1998/0851 – Proposed Dwelling – Adjacent to 170 Mountjoy Rd Magheralamfield Dungannon – Granted 9th February 1999
- M/2002/0086/O – Dwelling (renewal of M/1998/0851) – Granted 29th July 2003
- M/2002/0087/O – Dwelling (renewal of M/1998/0848) – Granted 29th July 2003

The above applications, which have expired, related to two dwellings to be located within the same host field one at the roadside adjacent the northwest boundary and the second also located adjacent the northwest boundary, tucked behind the first. See Figs 1& 2 below just for info.



Figs 1 & 2: Granted site location plans of previous but since expired applications on site M/2002/0086/O & M/2002/0087/O.

Consultees

1. DFI (Roads) were consulted in relation to access, movement and parking arrangements for the proposal. Subject to revised Drawing No. 01(Rev.01) bearing the date stamp 21 MAY 2021, Roads had no objection to the proposal subject to standard conditions and informatives. As such, I am content the proposal meets the requirements of Planning Policy Statement 3: Access, Movement and Parking.
2. NI Water (Multi Units West) were consulted and raised no objections, that there is available capacity for the proposed development at the receiving Waste Water Treatment Works.

3. Historic Environment Division (HED) were consulted as the site is located within the buffer of an archaeological site and monument (Mountjoy Castle, Reference: TYR047:002). HED (Historic Monuments) in order to make an informed and reasonable planning decision responded to request an archaeological evaluation report as per Policy BH 3 of PPS 6. An archaeological evaluation report was subsequently requested, received and forwarded on to Historic Monuments for further comment. Historic Monuments responded to advise they had considered the archaeological evaluation report submitted and accept the findings and recommendations presented within it. That on the basis of the information provided HED Historic Monuments is content that the proposal can be made satisfactory to SPPS and PPS 6 archaeological policy requirements with provisions on ridge height, design and planting. This provision to ensure that the proposed dwellings integrate into the setting of the regionally important State Care Monument include:
- The proposed dwellings are of low ridge height (no higher than 1 ½ storeys) and vernacular design style and finish to ensure that they integrate into the rural setting of the adjacent monument.
 - Boundary treatment/planting: Any new boundary treatment or augmentation of the existing boundaries should be undertaken using locally prominent native species.

As detailed above Historic Monuments accepted the findings and recommendations presented within the archaeological evaluation. With regards to bullet point 2 above, the existing mature hedgerow along the northwest boundary of the site is to be retained and augmented; and a new hedgerow is to be planted to the rear of the visibility splays. Any additional planting will be conditioned to be native species. In relation to bullet point 1, this is a full application for two 2 storey dwellings (approx. 7.9m ridge height above FFL) to be located within the settlement limits of Brockagh / Mountjoy, whereby there are a mix of house types including ridge heights, designs and finishes. Many of the aforementioned dwellings, which have brick detailing, and a red brick finished Primary School read in the foreground of Mountjoy Castle from the Mountjoy Road / Magheracastle Lonin Road junction and on the approach from the Magheracastle Lonin Road. In my opinion, the dwellings and garages proposed have simple rectangular shaped floor plans and pitch roof constructions with only the addition of a small single storey front porch and chimney expressed along the ridgeline of the dwellings. The dwellings will benefit from their location in a hollow in the landscape significantly below Mountjoy Castle with the mature hedgerow along the northwest boundary of the site, to be augmented, and the land rising up to the Castle providing them with a soft backdrop to views, enclosing them and visually separating them from the Castle. Overall, I consider the site has the capacity to integrate these two 2-storey dwellings and garages without adverse impact to Mountjoy Castle, as per PPS 6. The dwelling have simple designs and whilst they have brick frontages are located within the settlement limits whereby brick is in the locality. I do not consider the proposed dwellings with a 7.9m ridge would have any significantly greater impact on Mountjoy Castle than a 1 ½ storey

dwelling i.e. 6 / 7 metres as requested by Historic Monuments noting such properties in the immediate vicinity in the foreground of the castle are urban in nature with roof dormers.

The Dungannon and South Tyrone Area Plan (2010) identifies the site as being within the settlement limits of Brocagh / Mountjoy.

The Plan defines the settlement limits and allows for development within these limits provided it meets with regional policy requirements of Policy SETT 1, including Part 3 of the Plan.

Part 3 of the Plan, gives favourable consideration to housing development in Brocagh / Mountjoy, provided the scale, layout, and detailed design of the development are compatible with the scale and character of the settlement. Accordingly, it outlines developments in excess of five units will not normally be permitted and in order to reinforce local identity, all proposals should be guided and informed by the traditional rural built forms in the locality. Housing developments should reflect the essentially informal rural character of the settlement and not lead either individually or cumulatively to largescale suburban estate type layouts. The use of designs and materials unrelated to the surrounding rural locality will not be acceptable.

Policy SETT 1 sets out 6 criteria and a general criteria to meet with regional policy. I consider that if the development meets with regional policies contained in PPS 3 – Access, Movement and Parking, PPS7 – Quality Residential Environments; and PPS 6: Planning, Archaeology and The Built Heritage it will meet the requirements of SETT1 including Part 3 of the Plan.

Strategic Planning Policy Statement for Northern Ireland – The SPPS has superseded PPS 1 (General Principles). The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The SPPS gives specific provision for Housing in Settlements subject to a number policy provisions. It does not present any change in policy direction with regards to residential development in settlements. As such, existing policy will be applied i.e. PPS 7 and the Addendum to PPS 7.

Planning Policy Statement 3 – Access, Movement and Parking – The dwellings proposed are to be accessed directly off the adjacent Magheracastle Loanin Road, via 2 separate side-by-side accesses. I am content this proposal is in compliance, with the policy provisions of Planning Policy Statement 3, in that DFI (Roads) raised no objections to it, subject to standard conditions and informatives; and in-curtilage parking for 2 vehicles, to each property, has been provided.

PPS 7 – Quality Residential Environments – PPS 7 is the relevant material planning policy for this type of development within a settlement. All proposals for residential

development will be expected to conform to a number of criteria laid out in the policy. I will deal with these as they appear in the policy.

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

I am content the proposed dwellings are of an appropriate size, scale, design (including finishes) and layout for the site and locality. That they should integrate on to the site, respecting their surrounding residential context and the character and topography of the site. The development in my opinion will benefit from its location in a relatively flat hollow in the landscape; the vegetation bounding the site, host field and wider vicinity; and land rising to its northwest, which combine to help enclose and provide it with a soft backdrop. I am also content that the proposed development should integrate and not have an adverse impact on the setting of the regionally important State Care Monument Mountjoy Castle located to its northwest as per PPS 6 (see 'Consultees' above).

- (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;

I have am content in this regard. Whilst Historic Environment Division) requested amended drawings of a dwelling with a reduced ridge and vernacular design I am content that the proposed development should integrate and not have an adverse impact on the setting the setting of the regionally important State Care Monument Mountjoy Castle located to its northwest as per PPS 6 (see 'Consultees' above).

- (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;

Public open space is not a requirement for this type of proposal and I am content that private amenity space in excess in excess of the 70m² average promoted in Creating Places has been provide within the curtilage of each property. The existing mature tree and hedgerow vegetation along the northwest boundary of the site is to be retained and whilst the eastern boundary will have to be removed to provide for access arrangements, a timber fence and small no. of trees are to be placed behind the visibility splays. The aforementioned proposed trees within the site alongside the existing vegetation along the north west boundary, to be reinforced with further planting, will help soften the visual impact of the development, assisting its integration. PPS 7 highlights the integration of development at the edges of settlements, as is the case here, is important and buffer planting, generally of indigenous species (around 8-10 metres in depth), will be required to help assimilate and soften its impact on the countryside. Bearing this guidance in mind I am content the existing mature hedgerow and tree vegetation along the northwest boundary, adjacent the settlement edge, which is to be augmented with additional planting is sufficient to assimilate and soften its impact on the countryside. Given views of the site on the approach from the countryside are from elevated lands at and on the

approach from Mountjoy Castle to the north west any additional planting in my view, would offer limited additional benefit. It would not create any significantly greater integration or screening to the site.

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

I am dealing with an application in which local neighbourhood facilities in their own right would not be required.

- (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;

There are no footway links provided between this development and services located within Brocagh / Mountjoy. Given the peripheral nature of the development on the outskirts of the settlement approx. 30m from a footpath leading to services within, I consider private car access is sufficient.

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

Adequate in-curtilage parking has been provided. Additionally DFI Roads were consulted on this proposal and raised no concerns in respect of in-curtilage parking.

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

The design and finishes of the proposed dwelling and garage are considered acceptable to the site and locality.

- (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; and

There are no existing dwellings in close proximity to the site to be adversely impacted by the proposal in terms of overlooking or overshadowing. The closest properties being located within Maghercastle Avenue Maghercastle Loanin, approx. 20m to the southeast and on lands further to the northwest at the opposite side of the road. That said it is worth noting the lands within the host field are located within the settlement limits of Brockagh / Mountjoy and may be developed in the future. Paragraph 7.16 of Creating Places advises that there should be a minimum separation distance of 10m between the rear of new houses and the common boundary. I am content that whilst there are currently no dwellings located to the rear of the site, this distance has been provided and will protect the amenity of the proposed properties and any future properties to their rear. In terms of overlooking, the properties have only a 1st floor bathroom windows in one of their gables, the northern which poses no concern in terms given they are not main serving windows. Timber fencing has been proposed to the currently undefined boundaries of the site to help enclose the properties curtilages and alongside a new

hedgerow to be planted between the properties this will again will help protect the proposed properties and any future properties, amenity.

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

The proposal raises no concerns in relation to crime or personal safety and I am satisfied that the dwelling is in an area where there are enough dwellings close enough by to deter crime to some degree.

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

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

I am satisfied that this proposal complies with Policy LC 1 of the Addendum to PPS 7, Protecting Local Character, Environmental Quality and Residential Amenity, in that the proposal will not result in a significantly higher residential density in this area., unit size is not less than recommended in Annex A of this policy and design can be considered under any subsequent reserved matters application.

Other Policy / Material Considerations

In addition to checks on the planning portal DAERA's Natural Environment Division Map Viewer available online has been checked and no natural heritage features of significance were identified on site.

Flood Maps NI indicate no flooding on site.

The proposal for further consideration under any subsequent reserved matters should be under the 15.2m height threshold in the area requiring consultation to Defence Estates relating to Met Office – Radar. Additionally, whilst the site is located within an area of constraint on wind turbines, this proposal is for 2 dwellings.

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

Neighbour Notification Checked

Yes

Summary of Recommendation

Approve

Conditions

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

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

2. The existing mature trees and vegetation along the northwest boundary of the site shall be retained as detailed on Drawing No. 01(Rev.01) bearing the date stamp 21 MAY 2021. 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 amenity.

3. All proposed landscaping as detailed on Drawing No. 01(Rev.01) bearing the date stamp 21 MAY 2021, shall be of local native species and carried out during the first available planting season following the occupation of the development hereby approved. Any trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

4. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work (Doc.1) bearing the date stamp received 21 JUL 2022.

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

5. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work (Doc.1) bearing the date stamp received 21 JUL 2022. These measures shall be implemented and a final archaeological report shall be submitted to Mid Ulster District Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Mid Ulster District Council.

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

6. The vehicular access, including visibility splays of 2.4 metres by 45 metres and any forward sight distance, shall be provided in accordance with Drawing No. 01(Rev.01) bearing the date stamp 21 MAY 2021, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

7. 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

Informatives

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
4. This permission authorises only private domestic use of the proposed garages and does not confer approval on the carrying out of trade or business there from.
5. Department for Infrastructure (Roads) comments:

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

The applicant should contact the Department for Infrastructure Roads Service's Maintenance Section in order that an agreement may be reached regarding maintenance costs and incurred expenses in consequence of any damage caused to the public road.

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

It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

6. Please see NI Water consultation response dated and scanned to the planning portal on the 23rd November 2020 for information purposes.

7. Please see Historic Environment Division (HED) consultation response dated and scanned to the planning portal on the 6th May 2022 for information purposes.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster

Local Planning Office

Mid-Ulster Council Offices

50 Ballyronan Road


Magherafelt

BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0268/F	Target Date:
Proposal: Proposed replacement of existing turbine approved under I/2014/0394/F with an EWT DW54 250KW turbine comprising of 40m hub height and blade span of 27m (overall tip height of 67m). (amended description)	Location: Approximately 210m South East of 40 Gortagammon Road Cookstown
Referral Route: Committee	
Recommendation:	Refusal
Applicant Name and Address: Arena Capital Partners Dublin Airport Business Pk 107 Swords Road Santry Dublin	Agent Name and Address: TC Town Planning Unit C12 The Business Centre 80-82 Rainey Street Magherafelt BT45 5AJ
Executive Summary:	
Signature(s):	

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Case Officer Report		
Site Location Plan		
		
Consultations:		
Consultation Type	Consultee	Response
Statutory	NIE - Enniskillen	Advice
Statutory	NIEA	Advice
Statutory	Shared Environmental Services	Error
Statutory	Historic Environment Division (HED)	Advice
Statutory	Environmental Health Mid Ulster Council	Additional Information Required
Non Statutory	Belfast International Airport	Substantive Response Received
Non Statutory	National Air Traffic Services	
Non Statutory	Royal Society for the Protection of Birds - Headquarters	Substantive Response Received
Non Statutory	Eircom UK Limited	No Objection
Non Statutory	N.I Water - Windfarms	No Objection
Non Statutory	Ofcom Northern Ireland	
Non Statutory	P.S.N.I. Information And Communications Services	Substantive Response Received
Non Statutory	UK Crown Bodies - D.I.O. LMS	Considered - No Comment Necessary
Statutory	Environmental Health Mid Ulster Council	

Non Statutory	Environmental Health Mid Ulster Council	
Statutory	NIE - Enniskillen	
Statutory	Historic Environment Division (HED)	Error
Statutory	Historic Environment Division (HED)	
Statutory	NIE - Enniskillen	
Statutory	Historic Environment Division (HED)	
Non Statutory	National Air Traffic Services	
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
REFUSAL		
Characteristics of the Site and Area		
<p>The site is located approximately 210m South East of 40 Gortagammon Road, Cookstown and is accessed via a farm lane, which also serves the dwelling at no.40 Gortagammon Road. Currently on site is a single turbine with 31 m hub height , 29 m rotor diameter, granted under I/2014/0394/F.</p> <p>The lane way access is from the Gortagammon Road. The site is elevated from the road (sitting at approx. 81.93m), in a large, irregularly shaped agricultural field. While the wider boundary of the field is bounded with hedgerows and stock fencing, it is at a lower level to where the turbine is located and there is no vegetation immediately surrounding the Wind turbine. The surrounding area is predominantly rural.</p>		
Description of Proposal		
Proposed replacement of existing turbine approved under I/2014/0394/F with an EWT DW54 250KW turbine comprising of 40m hub height and blade span of 27m (overall tip height of 67m). (amended description)		
Planning Assessment of Policy and Other Material Considerations		
<p>Planning Act 2011</p> <p>Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to</p>		

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.

Cookstown Area Plan 2010: The site is located outside settlement limits and is located in the open 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. The Council are now preparing to submit 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.

Key Planning Policy

SPPS Strategic Planning Policy Statement for NI

PPS21 Sustainable Development in the Countryside

PPS18 Renewable Energy

PPS2 Natural Heritage

Guidance

Best Practice Guidance to PPS 18 'Renewable Energy'

Wind Energy Development in Northern Ireland Landscapes

Relevant Planning History

Reference	Location	Proposal/Complaint	Status	Date
LA09/2017/0073/F	210m East/South East of 40 Gortagarr	Remove Condition No's 4 and 5 of Planning Approval I/2013/0375/F	PERMISSION GRANTED	02.05.2017
LA09/2021/0268/F	Approximately 210m South East of 40 Gortagarr	Proposed replacement of existing turbine approved under Planning Approval I/2013/0375/F	VALID APPLICATION RECEIVED	
I/2013/0375/F	314m east/north east of 40 Gortagarr	Proposed erection of a wind turbine with a 30m hub height	PERMISSION GRANTED	13.05.2014
I/2014/0394/F	210m east/south east of 40 Gortagarr	Relocation of previously approved wind turbine application	PERMISSION GRANTED	10.03.2015
LA09/2017/0038/CA	210m East/South East Of 40 Gortagarr	Blade on Turbine is not as approved on application I/2014/0394/F	ENFORCEMENT CASE CLOSED	26.10.2017

3rd Party Objections

NIE objected to the application, NIE networks high voltage overhead lines in very close proximity to the site of the proposed wind turbine. The proposed turbine would infringe on the required NIE Networks safety clearance.

The appropriate advertisement and neighbour notification has been carried out in accordance with Council's statutory duties.

Key Planning Policy

The proposal is for development in the countryside and falls for consideration under PPS21. Policy CTY1 of PPS21 states that Planning Permission will be granted for non-residential development that comply with the relevant PPS. This includes renewable energy projects in accordance with PPS18.

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

the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS.

The weight attached to the environmental, economic and social benefits that might occur as a result of a renewable energy proposal has changed with the introduction of SPPS. Planning Policy Statement 18 Renewable Energy, RE1 stated that the wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given significant weight in determining whether planning permission should be granted. Whereas in relation to renewable energy the SPPS states that appropriate weight should be given.

Therefore only appropriate weight can be given to any environmental, economic and social benefits that might occur as a result of the proposal rather than the significant weight as had been under PPS18 and this proposal will be assessed accordingly.

This proposed turbine has a hub height 9m higher than what is currently insitu (31m hub) and blade length of 27m compared to 29m. This was amended from what was originally submitted with the application in response to NIE networks consultation response, the original size submitted was 50m hub height and 27m blade span.

PPS 18 - Renewable Energy.

There are a number of factors specific to wind turbines that need to be considered when determining an application for planning permission:

Nature Conservation.

No European, National or Local environmental designations on or close to this site. NIEA and Shared Environmental Services do not raise any objections to this proposal.

The potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and Ramsar sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features of any European site.

Landscape and Visual Impact:

Wind Energy Development in Northern Ireland's Landscapes:

The supplementary planning guidance 'Wind Energy Development in Northern Ireland's Landscapes' has been taken into account in assessing this wind turbine proposal. The site lies within Landscape Character Area 42: Cookstown Farmlands, as defined within the NIEA publication 'Wind Energy Development in Northern Ireland's Landscapes' where it describes the scenic quality as moderate with an overall sensitivity to wind energy development being high to medium.

The proposed turbine will have a significantly greater visual impact than the existing turbine on site. I find this increase in size and scale to be detrimental to the visual character of this area of landscape. The public road network in this area is of a winding nature, the views of this turbine are consistent over long distances. The turbine is placed on the high point of an agricultural field. I find the visual impact of this turbine at this location to be unacceptable. The applicant has submitted a landscape and visual impact assessment with the application which states that the changes in the turbine model and dimensions will result in only a minor adverse effect on the overall characteristics of the Cookstown Farmlands LCA (no 42) and minor to moderate adverse effects on the nearest receptors. However, the planning department would disagree with this, as the existing turbine is already prominent in the local area any increase would result in an unacceptable level of prominence and a detrimental impact on the locality and neighbouring amenity. Due to the nature of the redline of the site it was not possible to neighbour notify the

nearest receptors. Photo 1 below shows the view from the dwelling located at 54 Gortagammon Road.



The viewpoint from Main street Tullyhogue, Shankey Road, Newmills Road, Annaghphone road, submitted with the landscape and visual impact assessment (Figure 5b,6b, 7b, 8b,) are deemed to be prominent as it stands any further increase in size would result in an unacceptable detrimental impact on the surrounding area and neighbouring amenity.

Other policy considerations:

Ground Water Conditions/Geology:

It is not thought that the turbine will have any impact on the ground water conditions/geology in the area. Land in the area is stable agricultural land and the foundations of the existing turbine are intact with the surrounding land being in a stable condition. NIEA have not raised any concern in this regard.

Archaeology and the Built Heritage:

HED raised concerns that the replacement turbine will provide an adverse impact upon the setting of nearby historic monuments and historic garden sites; on public views from them and on any functional relationship between them. An archaeology and architectural Heritage Assessment Impact Assessment was submitted on 22.02.2022 and HED have been re consulted, at the time of writing this report HED had not responded again, however the Planning Manager was content to proceed to committee based on the grounds for refusal and this would not be impacted on by HED. If a response is received in the interim it will be presented at the Committee meeting.

Noise & Low Frequency Noise:

Environmental Health have been consulted on the Noise Impact Assessment which was submitted along with the application. Additional noise information was required and this has not yet been supplied by the applicant.

Safety:

PPS 18 considers that for small individual turbines, the fall over distance (i.e. the height of the turbine to the tip of the blade) plus 10% is often used as a safe separation distance from a road or building. The location of the turbine ensures that there are no properties or roads within the fall distance of the turbine.

Proximity to Road and Railways:

The turbine is located outside the recommended safe fall distance to any public road or railway.

Proximity to power lines.

NIE objected to the application, NIE networks high voltage overhead lines in very close proximity to the site of the proposed wind turbine. The proposed turbine would infringe on the required NIE Networks safety clearance. NIE were reconsulted on the amended proposal, however despite reminders being issued they still had not responded at the time of writing this report. The Planning Manager was content to proceed to committee at this stage. If a response is received in the meantime it will be presented at the committee meeting.

Electromagnetic Production:

The interference of tv reception/radio interference is unlikely in this single turbine proposal. No objection has been raised by UK Crown Bodies. No objections have been received on the existing turbine in terms of interference on existing electromagnetic links. JRC did not raise any concerns and cleared the turbine at this location.

Aviation interests:

There are no civilian or military air fields in close proximity to the proposal. No objection from National Air Traffic Safety. PPS 18 lays responsibility on the applicant to consult with the relevant bodies prior to submitting the application.

Shadow flicker:

Within the Best Practice Guidance to PPS 18 'Renewable Energy' it is recommended that properties should not experience more than a total of 30hr per year or 30 min per day threshold of shadowflicker from any turbine. In the UK, only properties 10 times the rotor diameters of the proposed siting of a turbine and 130 degrees either side of north will experience the effects of shadowflicker. The agent has carried out a shadowflicker assessment and has identified a number of properties that will experience impacts of shadowflicker. The results of the assessment show that receptors 3, 4, 5 were identified as potentially experiencing in excess of 30 hours of shadow flicker effect each year, as well as potentially in excess of 30 minutes of mean shadow flicker effect each day. When the results were adjusted for cloud cover and expected sun hours, no receptors within the 540m study area are expected to experience greater than 30 hours of shadow flicker per year or mean daily shadowflicker effects of more than 30minutes per day. These results were based on the original dimensions submitted (hub height 50m, Rotor diameter 54m and blade tip height 77m), an amended report has not been submitted with the revised plans therefore it is not possible to determine if the impact will have changed with the amendments.

Ice throw

This is not usually an issue in Northern Ireland. However, given the distance to neighbouring properties this is thought not to be an issue.

Reflected Light

Turbines are now usually designed with a matt finish to counter reflected light. Given the distance to properties I find this not to be an issue.

Appropriate environmental, economic and social benefits

While there may be some social and economic benefits associated with the new turbine, the visual and environmental impacts of the proposal are believed to result in significant detrimental impact on this area. After discussion with both the Principle Planner and the Planning Manager it was agreed that this proposal would be unacceptable.

Other Considerations

The site is not subject to flooding. There are no contamination issues identified on the site and no other issues have been raised by any other consultees.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That permission is refused

Conditions/Reasons for Refusal:

Reasons for Refusal:

1. Visual intrusion on the locality and detrimental impact on the neighbouring amenity.
2. Insufficient information submitted for Environmental Health to consider.

Signature(s)

Date:

ANNEX	
Date Valid	19th February 2021
Date First Advertised	9th March 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 40 Gortagammon Road, Tullyhogue, Cookstown, Tyrone, BT80 8UY	
Date of Last Neighbour Notification	21st April 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0073/F Proposal: Remove Condition No's 4 and 5 of Planning Approval I/2014/0394/F (relating to Radar Mitigation Scheme) Address: 210m East/South East of 40 Gortagammon Road, Cookstown, Decision: PG Decision Date: 02.05.2017 Ref ID: LA09/2021/0268/F Proposal: Proposed replacement of existing turbine approved under I/2014/0394/F with an EWT DW54 250KW turbine comprising of a 50m hub height and blade span of 27m (overall tip height of 77m) Address: Approximately 210m South East of 40 Gortagammon Road, Cookstown, Decision: Decision Date: Ref ID: I/2013/0375/F Proposal: Proposed erection of a wind turbine with a 30m hub height and a 30m rotor diameter with a max output not exceeding 250kw Address: 314m east/north east of 40 Gortagammon Road, Cookstown BT80 8UY, Decision: PG Decision Date: 13.05.2014 Ref ID: I/2014/0394/F	

Proposal: Relocation of previously approved wind turbine application (I/2013/0375/F) with a 31m hub height and 29m rotor diameter and output not exceeding 250 kw.
Address: 210m east/south east of 40 Gortagammon Road, Cookstown BT80 8UY,
Decision: PG
Decision Date: 10.03.2015

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

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Status: Submitted

Drawing No.
Type:
Status: Submitted

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

Drawing No. 03
Type: Proposed Plans
Status: Submitted

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

Notification to Department (if relevant)

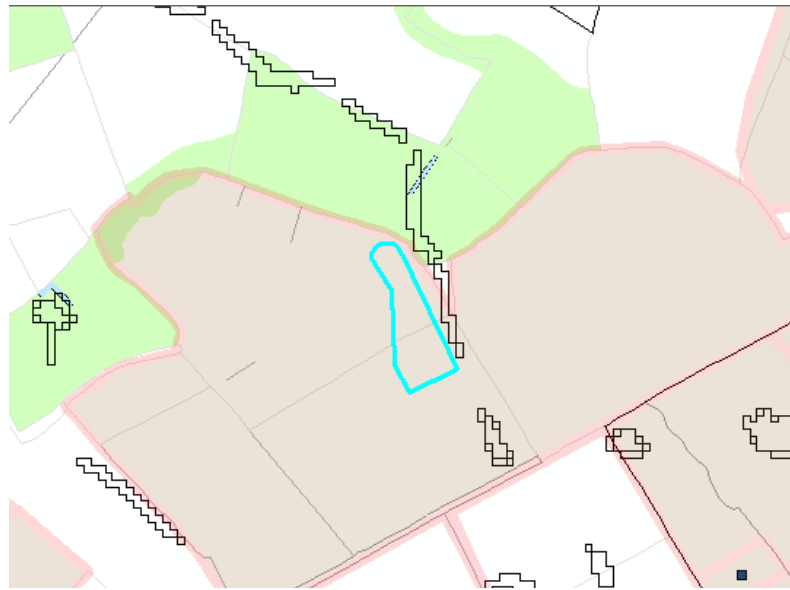
Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0634/F	Target Date:
Proposal: Proposed Sand and gravel washing unit, associated fixed plant and new filtration/settlement pond	Location: Within existing sand and gravel Quarry 320m North of Nr.17 Brackaghlistea Road Draperstown
Referral Route: Committee	
Recommendation:	Approval
Applicant Name and Address: McIvor Sand and Gravel 13 Gortahurk Road Draperstown BT45 7JY	Agent Name and Address: OJQ Architecture The Gadda Building 89 Main Street Garvagh BT51 5AB
Executive Summary:	
Signature(s):	

Case Officer Report**Site Location Plan****Consultations:**

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Content
Statutory	Environmental Health Mid Ulster Council	Additional Information Required
Statutory	Environmental Health Mid Ulster Council	
Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	NIEA	Error

Representations:

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

Summary of Issues

Recommended Approval - NIEA (Water Management Unit), Shared Environmental Services (SES) and the Council's Environmental Health Department, and HED were consulted on this application. NIEA (Water Management Unit) raised concern, therefore being presented to committee.

All Material considerations, including policy considerations, have been addressed within the determination of this application.

Characteristics of the Site and Area

The application site is located within an existing sand and gravel quarry, 320m North of No. 17 Brackaghislea Road, Draperstown.

The site is located outside the designated settlement limits as defined in the Magherafelt Area Plan 2015.

Description of Proposal

This application seeks full planning permission for a sand and gravel washing unit, associated fixed plant and new filtration / settlement pond.

Planning Assessment of Policy and Other Material Considerations

Magherafelt Area Plan 2015: the site is located outside an Area of Constraint on Mineral Development. The site is located in the open countryside on unzoned land.

Relevant Planning History-

Reference	Location	Proposal/Complaint	Status	Date
LA09/2019/1324/F	260m NW of No 11 Brackaghislea Road	Variation of Condition 2 of Planning Approval H/2006/C	PERMISSION GRANTED	20.12.2019
LA09/2021/0634/F	Within existing sand and gravel Quarry	Proposed Sand and gravel washing unit, associated fixed plant and new filtration / settlement pond	VALID APPLICATION RECEIVED	
H/2006/0213/F	260m North West of No 11 Brackaghislea Road	Extension of Sand & Gravel extraction, processing by mobile plant	PERMISSION GRANTED	29.08.2008

Key Planning Policy

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

Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) is a retained policy document under SPPS and provides the appropriate policy context. Policy CTY1 of PPS21 sets out the types of development that are considered to be acceptable in the countryside. One of these is minerals development in accordance with the MIN policies of A Planning Strategy for Rural Northern Ireland.

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

be subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan.

Policy MIN 1 Environmental Protection.

The proposal is not located within any environmentally designated area. NIEA (Water Management Unit) were consulted to comment on potential impacts on the built and natural environment they responded to say that the supporting information provided was insufficient to enable a full assessment of the potential impacts of the proposal. However, Shared Environmental Services responded to say that there did not appear to be any watercourses evident on or near the site and it is assumed that all existing infrastructure is feasible for use, if required and No conceivable effects.

Historic Monuments Unit were consulted on the proposal and responded to say that they content that the proposal is satisfactory to SPPS and PPS6 archaeological policy requirements. This is due to the scale of the development on greenfield as proposed. HED (Historic Monuments) requests consultation on any further applications for this site as larger scale development here may require archaeological mitigation.

Environmental Health were consulted on the proposal and said in there last response dated 8th March 2022, that they have no objection to this proposal provided conditions are attached.

Policy MIN2 Visual Implications

The site is low lying in the landscape when viewed from surrounding public road networks and public views are limited. The existing site is well bunded and therefore I am satisfied that the visual impact of the proposal will not have a detrimental impact on the visual amenity and landscape character of this area of countryside.

Policy MIN 3 Areas of Constraint

The site is not located within an Area of constraint on Mineral Development as defined in the Magherafelt Area Plan 2015.

Policy MIN4 Valuable Minerals

The proposal does not involve the mining of valuable minerals (as defined by policy, eg. oil, gas, lignite).

Policy MIN5 Mineral Reserves

The proposal does not involve surface development which would prejudice future exploitation of valuable mineral reserves.

Policy MIN6 Safety and Amenity

Mid Ulster District Council Environmental Health where consulted on this proposal with the submitted noise report and had no objection.

The Health and Safety Executive for Northern Ireland (HSENI) did not require to be consulted as it did not fall within their criteria to provide comment. The onus will be on the developer to provide H&E cover for those on site under relevant Quarries Legislation.

Policy MIN7 Traffic

The site is set well back from the public road and a considerable distance from the nearest occupied dwelling. Therefore traffic movements, stopping/starting of engines, opening and closing of doors, will not be of a frequency that will cause a detrimental impact to existing residential amenity.

Conclusion

Although NIEA(Water Management Unit) raised concern, as Shared Environmental Services are content that there are no watercourses on or near to the site, and the proposed system is a closed system which continually recycles the water from the settlement pond and does not discharge into a watercourse as shown on drawing No 02, date stamped 22.02.2021, there is no reason to suspect that this proposal will impact. The new settlement pond will catch sediment and any change to this operation process would be subject to a separate discharge consent under the supervision of NIEA. Therefore i recommend that planning permission is granted subject to conditions.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve, subject to conditions

Conditions:

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

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

2. The approved washing equipment shall be located as annotated on drawing numbers 01 & 02 date stamped 22nd April 2021.

Reason: To protect residential amenity from noise emissions.

3. Within 4 weeks of a written request by the Council following a reasonable noise complaint from the occupant of a dwelling which lawfully exists, the operator shall, at his/her expense, employ a suitably qualified and competent person, to assess compliance with noise levels listed in Figure 12 of the noise impact assessment date stamped 4th February 2022 and provide a report in writing to the Council. Details of the noise monitoring survey shall be submitted to Council for written approval prior to any monitoring commencing. The Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring. The Council shall then be provided with a suitable report detailing any necessary remedial measures. These remedial measures shall be carried out to the satisfaction of Council within 8 weeks from the date of approval of the remedial report, and shall be permanently retained and maintained to an acceptable level thereafter, unless otherwise agreed in writing with Council.

Reason:To protect nearby residential amenity from noise

Informatives

1. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by Mid Ulster District Council or other statutory authority.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. .This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development
4. HED (Historic Monuments) requests consultation on any future applications for this site as larger scale development here may require archaeological mitigation.

Signature(s)

Date:

ANNEX	
Date Valid	22nd April 2021
Date First Advertised	4th May 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 12 Brackaghlistlea Road Draperstown Londonderry The Owner/Occupier, 12a Gortahurk Road Draperstown The Owner/Occupier, 14 Gortahurk Road Draperstown Londonderry The Owner/Occupier, 16 Gortahurk Road Draperstown Londonderry The Owner/Occupier, 17 Brackaghlistlea Road Draperstown Londonderry	
Date of Last Neighbour Notification	6th September 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2019/1324/F Proposal: Variation of Condition 2 of Planning Approval H/2006/0213/F (to extend extraction for an additional 10 years until 31st Dec 2030. Address: 260m NW of No 11 Brackaghlistlea Road, Draperstown., Decision: PG Decision Date: 20.12.2019 Ref ID: LA09/2021/0634/F Proposal: Proposed Sand and gravel washing unit, associated fixed plant and new filtration/settlement pond Address: Within existing sand and gravel Quarry, 320m North of Nr.17 Brackaghlistlea Road, Draperstown, Decision: Decision Date: Ref ID: H/2006/0213/F Proposal: Extension of Sand & Gravel extraction, processing by mobile dry screener and creation of new vehicular access to Draperstown Road, Draperstown, Magherafelt	

Address: 260m North West of No 11 Brackaghlislea Road, Draperstown, Magherafelt
 Decision:
 Decision Date: 29.08.2008

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.

Type:

Status: Submitted

Drawing No.

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Status: Submitted

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Type:

Status: Submitted

Drawing No.

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Status: Submitted

Drawing No.

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Status: Submitted

Drawing No.

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Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 03

Type: Proposed Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 05/07/2022	Item Number:
Application ID: LA09/2021/0818/F	Target Date:
Proposal: Previously approved detached dwelling to be replaced with a pair of semi-detached dwellings	Location: Site at 29 Tullybrae Manor Caledon Road Aughnacloy BT69 6AR
Referral Route: 1. Three objections from a third party. 2. Agent is a Mid Ulster Council employee.	
Recommendation:	Approval
Applicant Name and Address: S & J Developments 1 Tullybrae Manor Caledon Road Aughnacloy BT69 6HP	Agent Name and Address: Sam Smyth Architecture Unit 45 DGN Enterprise Centre 2 Coalisland Road Dungannon BT71 6JT
Executive Summary: The proposal is for the change of house type from a single detached dwelling to a pair of semi-detached dwellings. I have no concerns about the scale, massing and design of the dwellings as they are similar in character to what currently exists at the development.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Standing Advice

Representations:

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

Characteristics of the Site and Area

The site is within the settlement limit of Aughnacloy as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is semi-rural in character and is predominantly residential with cul-de-sacs and new developments of detached and semi-detached dwellings. The site is within the housing development of Tullybrae Manor which mainly comprises semi-detached dwellings. The topography of the road in front of the site rises up steeply from east to west but the levels at the site itself slopes downwards from the roadside.

Description of Proposal

This is a full application for a previously approved detached dwelling to be replaced with a pair of semi-detached dwellings Site at 29 Tullybrae Manor, Caledon Road, Aughnacloy.

Planning Assessment of Policy and Other Material Considerations

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

Representations

Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty. At the time of writing, three third party objections were received.

All objections were received from Mr Cathal Kelly at 9 Tullybrae Manor Aughnacloy which is directly across the road and north from the site. The objections were received on the 28th April 2022, 2nd and 6th May 2022 after amended plans had been received.

In the first objection Mr Kelly just stated he objected to the proposal and was asked to provide further reasons for this objection. The main issues in the following objection letters were that there were not enough car parking spaces at the proposed dwellings and there could be potentially up to 8 cars in the area. Mr Kelly stated this was unsafe for children in the development who wanted to play with cars parked everywhere.

In rebuttal to the issues raised the applicant has shown parking space for two cars to the side of No. 29 and at No. 29A to the rear. The proposal is for 2no. three bedroom dwellings and according to Mid Ulster Parking Standards Guidance a three bedroom semi-detached dwelling should have two car parking spaces. At the beginning of the guidance it states there should be space for a car at 2.4m x 4.8m. I am content this has been achieved and other semi-detached dwellings within the development also only have space for two cars along the side of the dwellings. Therefore I consider the proposed parking fits with what currently exists at the development and the proposal meets the standards. If on occasions there are extra cars at the proposed dwellings this is not within the control of the Council.

Planning History

M/2006/2175/F - Proposed residential development (25 units) comprising 20No semi-detached & 5NO detached dwellings - Lands to the south of no.47a Caledon Road, Aughnacloy – Permission Granted 13.05.2008

M/2008/1227/F - Variation of condition 2 of planning permission M/2006/2175/F lands south of no 47 Caledon Road Aughnacloy - Lands south of no 47 Caledon Road Aughnacloy - Permission Granted 08.07.2009

Strategic Planning Policy Statement for Northern Ireland - sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

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

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010

The site is within the settlement limit of Aughnacloy as defined in the Dungannon and South Tyrone Area Plan 2010 so SETT 1 is the relevant policy which applies. I am content as the proposal complies with all the criteria in PPS 7 it will also comply with SETT 1.

The principle of development has already been established through planning approvals M/2006/2175/F and M/2008/1227/F. M/2006/2175/F was granted on the 13th May 2008 so the development would have to have been started by the 13th May 2013 to have an extant permission. I completed a check on OSNI Spatial NI which showed foundations on the 1st September 2010 so I am content there is a fall-back position.

PPS 7 – Quality Residential Environments

QD1 – Quality in New Residential Developments

The proposal is to substitute a previously approved detached dwelling with a pair of semi-detached dwellings. In initial plans submitted the dwellings are at the same level as adjacent dwellings and I addressed concerns with the agent whether retaining walls would be needed at the rear of the site. To address this issue the agent submitted revised plans which step the dwellings as shown in figure 1 below.

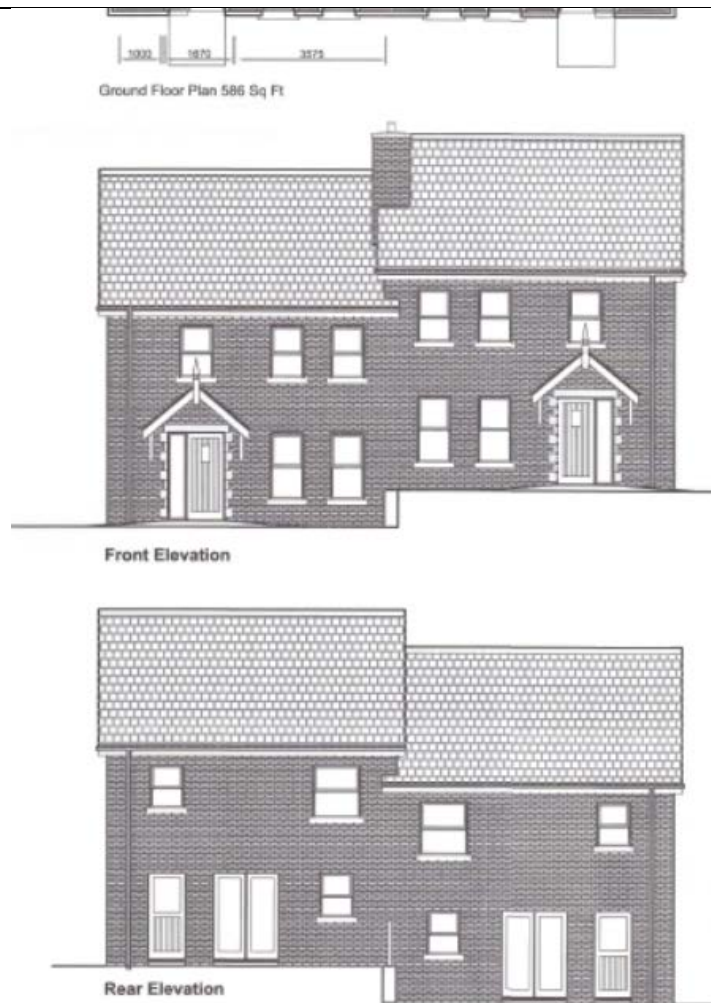


Figure 1 – snapshot of the proposed dwellings

Within the immediate area semi-detached dwellings are the predominant house type and as the proposal is for a semi-detached house I am content this will fit with the pattern of settlement in the area. The dwellings have proposed external materials of red brick and slate roof tiles which will match the existing dwellings so I have no concerns. The agent has shown on the plans that no retaining walls are needed as the dwellings are now stepped and along the roadside boundary the boundary treatment is a low red brick wall.

There are no archaeological or built heritage features at the site.

I am content the proposal was not previously a designated open space within the development as there was an approval for a two storey detached dwelling at the site. The proposed dwelling at 29A has 75sqm of garden area and No. 29 has 73sqm of garden area. According to the guidance in Creating Places the average space for a dwelling in a development should be 70sqm and I am content this standard has been met in this application. Within other semi-detached dwellings already built in this development there are similar sized gardens so I am content this matches the gardens that already exist.

There is no need for the provision of neighbourhood facilities due to the small scale nature of the proposal.

The site is on the edge of the limits of Aughnacloy so I am content there is a adequate provision for access to the shops and local facilities.

I am content the design of the dwelling matches other dwellings within the area and the development.

I am content there is at least 12m separation distance between the proposed dwellings and the nearest rear boundary as stated in Creating Places where the guidance states it should be at least 10m. There is a large full length window on the side elevation of both dwellings but this window design is located on the sides of dwellings currently built at the development. I consider there will not be greater overlooking or loss of privacy than other dwellings than currently exist.

There are no specific features to deter crime within the proposal.

I am content all the criteria in QD1 in PPS 7 have been met.

PPS 3 – Access, Movement and Parking
AMP 2 – Access to public road

DFI Roads were consulted as the proposal includes two new accesses as opposed to the single access in M/2006/2175/F. After seeking amendments to the block plan Roads were content with the access arrangements. As previously discussed I am content the proposal has met the guidance in Parking Standards for a three bedroom dwelling.

Other Considerations

NI Water were consulted as I consider there is an intensification of the sewage capacity at the site as the proposal is going from one dwelling to 2no. three bedroom dwellings. NI Water were consulted and had no objections stating there was available capacity at the waste water treatment works in Aughnacloy. However this goes against other housing planning applications where it is stated there are sewage capacity issues in Aughnacloy. There is an extant approval M/2006/2175/F at the site. I consider it is appropriate to condition the sewage issue that no works can commence till NI Water have agreed a connection to the public sewer network.

Neighbour Notification Checked Yes

Summary of Recommendation:

The proposal is recommended for approval as it meets all the criteria in QD1 in PPS 7 – Quality Residential Environments.

Conditions

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

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

2. The development hereby permitted shall not commence until such time as the applicant has provided adequate evidence to the Council that NI Water will allow connection to the

public sewer and this condition has been discharged and received written confirmation that the Council has agreed discharge of this condition.

Reason: In the interests of public health.

3. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 02 Rev 1 bearing the date stamp 7 April 2022, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

4. Prior to the occupation of each individual dwelling hereby approved, the boundary treatments defining each curtilage shall be constructed as detailed on drawing no. 03 Rev 1 received 07 APR 2022.

Reason: To ensure that boundary treatments are provided in a timely manner to assist in the provision of a quality residential environment in accordance with the Departments Policy Statement PPS 7 - Quality Residential Environments.

5. All hard and soft landscaping works shown on the approved plans shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape to aid the integration of the development into the local landscape in a timely manner and to assist in the provision of a quality residential environment in accordance with PPS7 Quality Residential Development and PPS8 Open Space, Sport and Outdoor Recreation.

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

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

7. The finished floor level of the dwellings shall be in accordance with levels shown on the approved plan No 02 rev1 date stamp received 07 APR 2022, unless otherwise agreed in writing by Mid Ulster Council.

Reason: To safeguard visual and residential amenity.

The Private Streets (Northern Ireland) Order 1980.

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.17 bearing the date stamp 10-MAR-2008.

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.

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 commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number 17 bearing the date stamp 10-MAR-2008. The Department 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).

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.

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.

Informatives

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. The decision notice relating to this planning application should be read in conjunction with the conditions / informatives associated with previous approval Application Reference M/2009/0289/F and all other approvals for this site.
4. This application does not require a determination under The Private Streets Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992 as the street was previously determined under Application Reference M/2009/0289/F.
5. Under the above Order the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal

for himself and his successors in title with the Department to make the roads and sewers in accordance with the Private Streets Construction Regulations.

6. In order to ensure that the laying of ducts and the erection of columns for street lighting is coordinated with the construction of the streets, the applicant should contact the Roads Service Street Lighting section at Main Road, Moygashel before any construction work commences.

7. Details of any retaining walls required shall be submitted to and approved in writing by the DRD under the Technical Approval Scheme prior to any construction work being undertaken. The necessary TAS 1 forms to be obtained from the DRD's Roads Service.

8. Water Management Unit of the NIEA recommends:

In order to decrease the risk of the incorrect diversion of foul sewage to drains carrying rain/surface water each building shall be provided with such sanitary pipework, foul drainage and rain water drainage as may be necessary for the hygienic and adequate disposal of foul water and rain water separately from that building. The drainage system should also be designed to minimise the risk of wrongly connecting the foul sewage system to the rain water drainage system, once the building are occupied.

The buildings associated with this planning application should not be occupied unless the necessary sewerage infrastructure is in place to transfer foul sewage to a DRD Water Service sewer or a wastewater treatment facility consented by EHS. It should be noted that EHS does not favour existing sewerage infrastructure being utilised in such a way as to act as a temporary cesspit. Where a temporary cesspit is to be utilised, it should be designed in accordance with the current best practice and any transfer or movement of sewage, by tanker or other means, shall be carried out in accordance with the Controlled Waste (Duty of Care) Regulations (NI) 2002.

The new dwellings should be completely plumbed to prevent wrong connections by residents to any storm system.

The storm drainage of the site should be designed and constructed according to the principals of Sustainable Urban Drainage Systems (SuDS) in order to minimise the polluting effects of storm water on waterways.

Construction of SuDS should comply with the standards in the design manual for Scotland and Northern Ireland (CIRIA C521)

Any oil tanks serving the new dwellings should be bunded. Pollution Prevention Guideline (PPG2).

The applicant complies with the attached Pollution Prevention Guideline (PPG 5 and 6) in order to minimise the impact of the construction phase of the project on the environment. It should be noted that several SuDS features may be useful pollution prevention measures during the construction phase.

Should a sewage pumping station be required for this development then the applicant must apply to EHS WMU for a Water Order (1999) consent for an "emergency overflow".

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

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

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster

Local Planning Office

Mid-Ulster Council Offices

50 Ballyronan Road

Magherafelt

BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: July 2022	Item Number:
Application ID: LA09/2021/0860/O	Target Date:
Proposal: Proposed dwelling and garage	Location: Site adjacent to 27 Waterfoot Road Ballymaguigan Magherafelt
Referral Route: Committee- REFUSAL	
Recommendation:	Refusal
Applicant Name and Address: Jim O'Neill 242 Shore Road Ballymaguigan Magherafel	Agent Name and Address: Mc Cartan Muldoon Architects Studio One Marina Centre 135a Shore Road Ballyronan Magherafelt BT45 6JA
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The application site is located adjacent to 27 Waterfoot Road, Magherafelt and is located outside the designated settlement limits as defined in the Magherafelt Area Plan, 2015. The site is currently a vacant plot of rectangular agricultural land located to the rear of No 27 Waterfoot Road, Magherafelt. The proposed access utilises an existing farm laneway on to the Waterfoot Road.

The surrounding area is predominantly rural in nature.

Description of Proposal

The applicant seeks outline permission for a dwelling and garage under Policy CTY 2A.

Planning Assessment of Policy and Other Material Considerations

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

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

Planning History

Reference	Location	Proposal/Complaint	Status	Date
LA09/2021/0860/O	Site adjacent to 27 Waterfoot Road, B.	Proposed dwelling and garage	VALID APPLICATION RECEIVED	
H/2004/1169/O	40m South West of 29 Waterfoot Road	Site of Dwelling and Garage.	PERMISSION REFUSED	12.05.2006
H/2004/0029/F	Adjacent to 29 Waterfoot Road, Castle	Dwelling and garage.	PERMISSION GRANTED	25.08.2004
H/2000/0454/O	50m (Approx) South West of 29 Waterf	Site of dwelling and garage	APPLICATION WITHDRAWN	15.12.2000
H/2000/0900/O	Adjacent To 29 Waterfoot Road, Castl	Site Of Dwelling And Garage	PERMISSION GRANTED	21.02.2001
H/2000/0194/Q	Adjacent to 29 Waterfoot Road, Castle	Housing Development	PRE APPLICATION ENQUIRY - RE	
H/2001/0436/O	Adjacent to 29 Waterfoot Road, Castle	Site of dwelling and garage	PERMISSION REFUSED	18.01.2002

Representations

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

Assessment

The Strategic Planning Policy Statement (SPPS) for Northern Ireland-Planning for Sustainable Development, is a material consideration. The SPPS sets out that planning authorities should be retained under transitional arrangements. The SPPS sets out that planning authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Until a Plan Strategy for the whole of the Council area has been adopted planning applications will be assessed against existing policy.

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

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

Planning Assessment of Policy and Other Material Considerations:

The application is considered against the following:

SPSS

The Magherafelt Area Plan 2015,

PPS 21 Sustainable Development in the Countryside

PPS 3 Access, Movement and Parking.

Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. It goes on to state that planning permission will be granted for an individual dwelling house in the countryside in six cases. One of these is a dwelling sited within an existing cluster of buildings in accordance with Policy CTY2a.

The principle of the application is considered under PPS 21, CTY 2a, New Dwellings in Existing Clusters and all criteria must be met.

a) 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;

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

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

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

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

f) Development would not adversely impact on residential amenity.

Whilst the proposed dwelling could be absorbed into the existing landscape, the proposal fails a number of the above criteria under PPS 21, CTY2a, namely b, c and d. The application site is too far removed from the crossroads to be used as a focal point. The crossroads junction of Waterfoot road with Ballyronan road is located approx. 300 m east of the site and the site is located behind an existing dwelling, No. 27. The site is not bounded on at least two sides with other development in the cluster. The agent has suggested that an existing stone vernacular roadside building was used as a shop/post office in the past (see photo 1 & 2 below). However, the building is vacant and appears to have been for many years as it is derelict. There is no evidence provided to confirm that this building was ever used as a shop or post office. The building has no significant features to suggest that it was once a shop/Post office and could potentially have been a dwelling house.

Photo 1 old stone building, which agent suggest as a focal point



Photo 2 Old stone building which Agent suggests as a focal point



PPS 3 Access, Movement and Parking

DFI Roads were consulted on this proposal and responded to say they had no objections subject to conditions being added.

Conclusion

In conclusion I consider the proposal to be unacceptable as it is contrary to PPS 21, Policy CTY2A and recommend permission is refused.

Neighbour Notification Checked	Yes
Summary of Recommendation: Refuse	
Refusal Reasons: 1. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point. 2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed site is not bounded on at least two sides with other development in the cluster.	
Signature(s) Date:	

ANNEX	
Date Valid	7th June 2021
Date First Advertised	22nd June 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 27 Waterfoot Road Magherafelt Londonderry The Owner/Occupier, 29 Waterfoot Road Magherafelt Londonderry The Owner/Occupier, 4 St. Treas Villas Magherafelt Londonderry The Owner/Occupier, 5 St. Treas Villas Magherafelt Londonderry The Owner/Occupier, 6 St. Treas Villas Magherafelt Londonderry	
Date of Last Neighbour Notification	29th June 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/0860/O Proposal: Proposed dwelling and garage Address: Site adjacent to 27 Waterfoot Road, Ballymaguigan, Magherafelt, Decision: Decision Date: Ref ID: H/2004/1169/O Proposal: Site of Dwelling and Garage. Address: 40m South West of 29 Waterfoot Road, Ballymaguigan. Decision: Decision Date: 12.05.2006 Ref ID: H/2004/0029/F Proposal: Dwelling and garage. Address: Adjacent to 29 Waterfoot Road, Castledawson. Decision: Decision Date: 25.08.2004	

Ref ID: H/2000/0454/O

Proposal: Site of dwelling and garage

Address: 50m (Approx) South West of 29 Waterfoot Road, Castledawson

Decision:

Decision Date: 15.12.2000

Ref ID: H/2000/0900/O

Proposal: Site Of Dwelling And Garage

Address: Adjacent To 29 Waterfoot Road, Castledawson

Decision:

Decision Date: 21.02.2001

Ref ID: H/2000/0194/Q

Proposal: Housing Development

Address: Adjacent to 29 Waterfoot Road, Castledawson

Decision:

Decision Date:

Ref ID: H/2001/0436/O

Proposal: Site of dwelling and garage

Address: Adjacent to 29 Waterfoot Road, Castledawson

Decision:

Decision Date: 18.01.2002

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0907/F	Target Date:
Proposal: Proposed residential development of 6 detached dwellings, garages and associated works.	Location: Land adjacent to & to the rear of 24 Mullan Road Ballinderry Coagh.
Referral Route: Contrary to Non Statutory Consultee – NI Water	
Recommendation:	Approval
Applicant Name and Address: Mr George Buick 20 Mullan Road Ballinderry Coagh BT80 0JE	Agent Name and Address: Kee Architecture Ltd 9a Clare Road Cookstown BT80 8RJ
Executive Summary: Proposal complies with relevant prevailing planning policy. No letters of representation received.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DfI Roads – Enniskillen	Advice
Non Statutory	NI Water – Multi Units West	Substantive Response
Non Statutory	Environmental Health Mid Ulster	Substantive Response
Statutory	DfI Roads – Enniskillen	Content

Representations:

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

Characteristics of the Site and Area

The proposal site is located within the settlement limits of Ballinderry as defined in the Cookstown Area Plan 2010. The site encompasses the land adjacent to and to the rear of No. 24 Mullan Road, Ballinderry and an agricultural field which surrounds it to the rear and SE. The surrounding land is characterised by residential uses with rural agricultural land to the east. The site is on un-zoned white land. The character of the surrounding area is reflective of a small rural village. There is a mix of small scale housing development within the area and detached dwellings on large plots. The topography of the site is relatively flat. The northern boundary is defined by a mature hedgerow and intermittent trees; east boundary is defined by a thick row of shrubbery and a mix of

deciduous mature trees; southern boundary (Road side) is defined with a low cut hedgerow.

Description of Proposal

This application seeks full planning permission for 6 detached dwellings, garages and associated works located on lands adjacent to & to the rear of 24 Mullan Road, Ballinderry.

Planning Assessment of Policy and Other Material Considerations

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

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

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland
- Cookstown Area Plan 2010
- PPS 7 - Quality Residential Environments
- PPS 3 - Access, Movement and Parking
- Planning Policy Statement 15 - Planning and Flood Risk
- Creating Places

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.

History on Site

LA09/2018/0043/O - Proposed residential development of 6 dwellings and garages and associated works - On Lands adjacent to and to the rear of 24 Mullan Road, Ballinderry, Coagh- Permission Granted 14/05/18

I/2012/0448/RM - Proposed housing development, consisting of detached, semi-detached and terraced housing (17 units in total) with temporary bio treatment plant - 22a, Mullan Road, Ballinderry, Coagh – Permission Granted 14/03/14

I/2006/0039/O- 2 storey dwelling & detached garage - 40 metres East of 24 Mullan Road, Coagh - Permission Granted 21/06/06

Representations

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

Key Policy Considerations/Assessment

The site sits within the designated settlement limits of Ballinderry located on urban Whiteland land with no specific zoning or designation within Cookstown Area Plan 2010. The principle of development has already been established in the granting of outline planning permission for 6 residential units and garages on the 14th May 2018. Planning permission LA09/2018/0043/O considered the principle of development to be acceptable and in keeping with the Area Plan and this is not a matter for reconsideration under this planning application. Condition 1 of the outline planning approval required :

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.

This full application was submitted on 14th June 2021 which is one month over the conditioned period for submission of a reserved matters application however within 5 years of the date of the outline permission. The proposed development has previously been considered under the planning policy provisions of SPPS and PPS7 which remain unchanged and the principle of development are not a matter for reconsideration. As this is a full planning application, the full particulars including siting, design, access and landscaping of the proposal will be considered.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. SPPS sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

Paragraph 4.12 of the SPPS states other amenity considerations arising from development, that may have potential health and well-being implications, include design considerations, impacts relating to visual intrusion, general nuisance, loss of light and overshadowing. Adverse environmental impacts associated with development can also include sewerage, drainage, waste management and water quality. However, the above mentioned considerations are not exhaustive and planning authorities will be best placed to identify and consider, in consultation with stakeholders, all relevant environment and amenity considerations for their areas. Design and layout considerations will be considered further in this report. Consultation with NIW confirmed that there are no Waste Water Treatment Facilities at Ballinderry WWTW currently available to serve this proposal. However it is noted that outline planning permission for the proposal was granted on 14th May 2018 and it does not appear that a response was received from NI Water prior to the determination. This was considered at internal group with the Principal Planner and it was considered given the outline planning approval on the site, this application should be treated as an exception and the associated full planning

permission granted. However, it will be necessary to attach an appropriately worded condition to any forthcoming planning approval restricting development on site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW).

The SPPS gives specific provision for Housing in Settlements subject to a number policy provisions. It does not present any change in policy direction with regards to residential development in settlements than that provided under PPS7. This proposal seeks full planning permission for 6 residential dwelling units and associated garages and works. Drawing 02 date stamped 14th June 2021 provides details on the proposed siting, design, scale and access arrangements. Planning Policy Statement 7: Quality Residential Environments (PPS 7) is a retained policy document under the SPPS and provides the appropriate policy context. Policy QD 1 of PPS 7 sets out the policy framework under which applications of this nature should be assessed. The proposal has been considered against all criteria outlined under Policy QD1.

- a) The proposal is located on urban Whiteland with no specific zoning or designation within the settlement limits of Ballinderry. As considered under the previous application the layout, scale and proportions of the proposed development are sympathetic to the surrounding context. It is noted that the surrounding area is predominantly residential with varying densities and designs, it is considered the proposal is an acceptable reflection of the surrounding built form. The development is not dominated by hard surfacing with all dwellings having in-curtilage parking and adequate private amenity space. The existing land uses surrounding the site are predominantly residential and as such I do not consider that the proposal will give rise to any impact in this regard. The proposal will be compatible with existing land uses within the immediate surroundings.
- b) No protected archaeological or built heritage features of significance have been identified within the site or in close proximity thus it is not considered that the proposal would have a significant impact on any local landscape features of built/archaeological interests.
- c) Each dwelling has adequate private amenity space in excess of the 70m² recommended in Creating Places. It is noted that new planting is proposed as well as the retention of existing planting along the site boundaries. The provision of a landscape buffer along the northern boundary and retention of mature vegetation along the roadside boundary will adequately soften the visual impact of the development and assist in its integration with the surrounding area.
- d) The proposal site is situated within the settlement limits of Ballinderry thus existing neighbourhood facilities are available in the locality. It is not considered the proposed development would significantly intensify or place unnecessary demands on the existing neighbourhood provisions and amenities within the area and the scale of development does not merit the provision of its own standalone facilities.
- 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, and provides adequate and convenient access to public transport. As the site is

within an urban settlement there is an existing movement pattern (e.g.) foot paths and bus routes. It is noted that a footpath runs along the north of the site which leads into Ballinderry settlement. DfI Roads have been consulted and have no objection to the proposal subject to standard PSD conditions. Having considered the proposed access arrangements and given DfI Roads have offered no road safety objections, it is considered the proposal also complies with Policy AMP2.

- f) I considered that adequate provision has been made for the provision of parking on the site. Drawing 02 indicates each dwelling has in-curtilage parking spaces for 2 vehicles, as well as a garage. This is in line with Parking Standards Guidance.
- g) The design of the proposed dwellings are considered acceptable and reflect some rural character which is considered appropriate given this is a rural type village. It is considered the proposal includes an appropriate variety of house design and it is noted the front dwellings positioned at the entrance include a dual frontage.
- h) This proposal is residential in nature, there is a mix of land uses in the surrounding area and I do not consider the proposal will conflict with adjacent land uses. The application proposed to demolish the existing residential property at No. 24 and introduce a new access to the site. The proposed layout included shows that the existing vegetation along the site boundary will be retained. Generally, residential developments by their nature do not generate an unacceptable level of noise, odours or emissions which would detrimentally impact on residential amenity. It is noted there is a residential development Cleneyrade immediately adjacent to the north and a detached dwelling No.26 to the south. In terms of overlooking, loss of light and overshadowing, it is considered there is adequate separation distance from neighbouring properties and adequate boundary treatment is existing and proposed. I do not foresee any unacceptable adverse impact on neighbouring amenity as a result of this proposal. Environmental Health were consulted and have raised no objections to the proposal however they recommend a condition is imposed requiring the sewerage system connecting the proposed development to the mains network to be constructed to a standard which is capable of being approved by Northern Ireland Water (NIW). As previously stated, given the outline approval on the site approval is recommended should Members consider this appropriate however it is considered necessary to include a condition to any forthcoming approval requiring the method of sewage disposal to be agreed prior to any development to ensure that a satisfactory, permanent means of sewage disposal is achieved.
- i) The proposal seeks permission for a small housing development proposal of 6 units, each with off street parking and private amenity space. I have no significant concerns in terms of crime or health and safety with respect the proposed design.

PPS 7 (Addendum) Safeguarding the Character of Established Residential Areas -I am satisfied that, in principal, this proposal complies with Policy LC 1, Protecting Local Character, Environmental Quality and Residential Amenity, in that the proposal will not result in a significantly higher residential density in this locality. In terms of keeping with the established character of the area, the proposal is residential in nature which is acceptable in the surrounding context. I consider the proposal is in keeping with existing

pattern of development and the design and scale would not have an impact on the overall character and environmental quality of this area. All proposed dwellings are in excess of the acceptable size as set out in Annex A of this policy.

I conclude that the proposal accords with the extant Area Plan and all prevailing planning policy provisions highlighted above therefore I recommend approval.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approval subject to the below conditions is recommended.

Conditions

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

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

2. The existing mature trees and vegetation along boundaries of the site as indicated on Drawing 02 date stamped 14th June 2021 shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: In the interests of visual amenity.

3. If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of completion of the development it shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Council.

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

4. All planting and boundary treatment comprised on Drawing 02 date stamped 14th June 2021 shall be carried out prior to the occupation of any of the dwellings hereby approved and any trees or shrubs which, within a period of 5 years from the occupation of the dwellings, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual amenity and to ensure the protection of residential amenity.

5. No development hereby permitted shall commence on site until such time as the applicant has provided adequate evidence to the Council that a suitable method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) and written confirmation that the Council has agreed discharge of this condition has been received. Should adoption of the sewerage system within the

development by NIW not be feasible, then an adequate and effective maintenance programme shall be put in place for a period not less than 20 years. The programme should be submitted and agreed for approval by Mid Ulster District Council prior to the construction of any of the dwellings hereby approved.

Reason: To ensure that a satisfactory, permanent means of sewage disposal is achieved and in the interest of safeguarding residential amenity and public health.

6. 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. 03 Rev 2 bearing the date stamp 13 April 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.

7. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.
No other development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined in blue on Drawing No 03 Rev 2 bearing the date stamp 13 April 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).

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.

8. The visibility splays of 2.4 metres by 40 metres and 2.4 metres by 60 metres at the junction of the proposed residential access road with the public road, shall be provided in accordance with Drawing No 03 Rev 2 bearing the date stamp 13 April 2022, prior to the commencement of any other works or other development.

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

9. 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

10. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order, no buildings, walls or fences shall be erected, nor hedges, nor formal rows of trees grown in (verges/service strips) determined for adoption.

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

11. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order, no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 500mm shall be carried out in (verges/service strips) determined for adoption.

Reason: In order to avoid damage to and allow access to the services within the service strip.

Informatives

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
4. The applicant's attention is drawn to NI Water Consultation Response dated 29th June 2021.
5. Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from DfI Roads Street Lighting Consultancy, Marlborough House, Central Way, Craigavon, BT64 1AD. The Applicant is advised to contact DfI Roads Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980.

Signature(s)

Date:

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1098/F	Target Date:
Proposal: Change of house type from previously approved Ref: H/2005/0910/F & A/1062/PAC, & garage with alterations to previously approved access & laneway	Location: Approx 180 SE of 28 Broagh Road Knockloughrim
Referral Route: Objections received Applicants father is an elected Councillor for Mid Ulster District Council	
Recommendation:	Approval
Applicant Name and Address: Mr Rory McPeake 266 Hillhead Road Magherafelt	Agent Name and Address: CMI Planners Ltd 38B Airfield Road Toomebridge BT41 3SG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

Letters of Support	1
Letters of Objection	2
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

2 written objections have been received from a third party. The issues raised in these objections all relate to land ownership disputes which are civil matters and outside the control of the planning department. However, the planning department has to satisfy itself that the correct certificate has been completed as part of the planning application and relevant notice has been served on any owner of third party lands contained within the red line.

From the evidence provided from both parties the planning department are content that the relevant notice has been served on third parties and any further issues with landownership are civil matters outside the control on the Planning Department.

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits or other designated sites as per the Magherafelt Area Plan 2015. The site is located approximately 180m east of the public road with the access taken from an existing access. At the time of the site visit it was apparent works had commenced on site with the site being cleared, stones laid along the access and there was a small garage built to the north of the red line. The site is relatively flat with the site gently sloping south. There are existing boundaries to the north and east of the site where the dwelling is to be located with public views of the site quite limited. The immediate area is a mix of agricultural land uses and residential dwellings located.

Description of Proposal

This is a full planning application for a proposed change of house type from previously approved ref: H/2005/0910/F & A/1062/PAC, & garage with alterations to previously approved access & laneway.

Planning Assessment of Policy and Other Material Considerations

Magherafelt Area Plan 2015
Strategic Planning Policy Statement (SPPS)
PPS 21: Sustainable Development in the Countryside
Local Development Plan 2030 - Draft Plan Strategy

The site is located outside any defined Settlement Limit. The site has no other zonings or designations related to the site.

The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. It notes the importance of sustainable development in the countryside, which promotes high standards in the design, siting and landscaping.

The principle of development was agreed under the previous application. Permission was granted for a proposed dwelling and garage from the appeal reference 2007/A1062 after planning reference H/2005/0910/F was refused. The PAC decision was made on 20th July 2009 and condition 4 required the development to be begun before the expiration of five years from the date of the permission. Therefore, permission was required to be begun by 19th July 2014. Evidence was submitted in the form of a letter from building control to confirm excavations commenced on site on 27th June 2014 and further evidence provided from invoices dated 27th June 2014 for concrete delivered to the site. Therefore I am content all pre commencement conditions were commenced prior to the expiry date. There was no pre-commencement condition in relation to the access and visibility splays other than the existing visibility splays were to be retained permanently. I am content following a site visit the visibility splays appeared to be in place. This application also deals with amendments to the access. Therefore, this application will focus on the design details of the dwelling and amendments to the original planning application.

Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The site is well screened and views from the public road will be very limited. The proposed design is of a high quality and is appropriate to the countryside setting. The dwelling is proposed to be a two storey dwelling with a ridge height of 8.8m above finished floor level with the finishes to be sooth render finish with natural stone on part of the front elevation and the sun lounge to the side. A condition should be applied to any approval to ensure the stone used is

grey natural stone only. I am content it will not be a prominent feature in the landscape and will blend with the local landscape.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I am content the proposed change of design will not cause a detrimental change to, or further erode the rural character of the area. It is considered that the proposal would not create or add to a ribbon of development.

PPS 3: Access, Movement and Parking

DfI Roads were consulted as the applicant was proposing alteration to the existing access, namely the visibility splays being changed to 2.4 x 45 metres and a 45 metre forward sight distance. DfI Roads have no objections and have viewed the written representations submitted.

Other Material Considerations

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

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Approval subject to conditions

Conditions

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

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

2. This permission is granted solely as a substitute for the permission for a dwelling and garage on the site under H/2005/0910/F on 20th July 2009 and only one dwelling shall be constructed on the site.

Reason: To ensure that only one dwelling is constructed on site.

3. All landscaping comprised in the approved details of landscaping on the drawing No.02 Rev 02 date stamped 16th February 2022 shall be carried out in the first planting season following the commencement of any further development or other works hereby approved.

Reason: To ensure the development integrates into the countryside.

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

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

5. The existing mature trees and vegetation identified in drawing No.02 Rev 02 date stamped received 16 February 2022 shall be retained except where it is required to provide sight lines.

Reason: To ensure the maintenance of screening to the site.

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

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

7. The vehicular access including visibility splays 2.4 x 45 metres and a 45 metre forward sight distance, shall be provided in accordance with Drawing No 02 rev 02 bearing the date stamp 16 Feb 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.

8. The proposed stone work shall only be locally quarried grey natural stone only.

Reason: In the interest of visual amenity and to maintain the rural character of the area.

Informative

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
4. This permission authorises only private domestic use of the proposed garage and does not confer approval on the carrying out of trade or business there from.
5. Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the DfI Roads consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is Loughrey Campus, 49 Tullywiggan Road, Cookstown, BT80 8SG. A monetary deposit will be required to cover works on the public road.

6. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site. This planning approval does not give authority to discharge any drainage into a DfI Roads drainage system.
7. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

Signature(s)

Date:

ANNEX	
Date Valid	28th July 2021
Date First Advertised	10th August 2021
Date Last Advertised	7th December 2021
Details of Neighbour Notification (all addresses) The Owner/Occupier, 26 Broagh Road Knockcloghrim Magherafelt The Owner/Occupier, 27 Broagh Road Knockcloghrim Magherafelt The Owner/Occupier, 28 Broagh Road Knockcloghrim Magherafelt The Owner/Occupier, 29 Broagh Road Knockcloghrim Magherafelt The Owner/Occupier, 30 Broagh Road Knockcloghrim Magherafelt Bernadette Mulholland Solicitor 37 King Street, Magherafelt, BT45 6AR Richella Rooney Bernadette Mulholland Solicitors, 37 King Street, Magherafelt, BT45 6AR Sean McPeake Email	
Date of Last Neighbour Notification	26th January 2022
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/1098/F Proposal: Change of house type from previously approved H/2005/0910/F & garage Address: Approx 180 SE of 28 Broagh Road, Knockloughrim, Decision: Decision Date: Ref ID: LA09/2019/1543/F Proposal: Change of house type and garage from approved dwelling under H/2014/0441/F Address: 20m South East of 29 Broagh Road, Knockloughrim, Decision: PG Decision Date: 06.08.2020 Ref ID: LA09/2019/0765/O Proposal: Proposed dwelling and garage Address: 50m NE of 28 Broagh Road Knockloughrim, Decision: PG Decision Date: 04.09.2019	

Ref ID: LA09/2019/1562/RM
Proposal: Dwelling & garage
Address: 50m NE of 28 Broagh Road, Knockloughrim,
Decision: PG
Decision Date: 11.08.2020

Ref ID: LA09/2020/1125/NMC
Proposal: Removal of external stone work 33m forward sight distance
Address: 20n S.E. of 29 Broagh Road, Knockloughrim,
Decision: WITHDR
Decision Date: 01.04.2021

Ref ID: LA09/2016/0575/LDE
Proposal: Substantial works for garage and access have commenced
Address: 20m S.E. of 29 Broagh Road, Knockloughrim,
Decision: PG
Decision Date:

Ref ID: H/2005/0910/F
Proposal: Proposed dwelling and garage.
Address: 180m South East of 28 Broagh Road, Knockloughrim.
Decision:
Decision Date:

Ref ID: H/2009/0540/RM
Proposal: Proposed dwelling & garage
Address: 240m North East of no.29 Broagh Road, Knockloughrim
Decision:
Decision Date: 13.11.2009

Ref ID: H/2007/1019/RM
Proposal: Private dwelling and garage
Address: Approx. 20m North East of 28 Broagh Road, Knockloughrim
Decision:
Decision Date: 23.05.2008

Ref ID: H/2005/0117/O
Proposal: Site Of Dwelling & Garage
Address: 240 Metres North East Of 29 Broagh Road, Knockloughrim
Decision:
Decision Date: 19.09.2006

Ref ID: H/2011/0286/RM
Proposal: Proposed dwelling and garage
Address: 20m South East of 29 Broagh Road, Knockloughrim,
Decision:
Decision Date: 15.11.2011

Ref ID: H/2005/0291/O
Proposal: Site of Dwelling and Garage.
Address: 20m South East of No. 29 Broagh Road, Knockloughrim
Decision:
Decision Date:

Ref ID: H/1993/0148

Proposal: SITE OF CHALET DWELLING AND GARAGE
 Address: ADJACENT TO 30 BROAGH ROAD KNOCKLOUGHRIM
 Decision:
 Decision Date:

Ref ID: H/2004/1362/O
 Proposal: Site of dwelling and garage
 Address: Approximately 20m North East of, 28 Broagh Road, Knockloughrim
 Decision:
 Decision Date:

Ref ID: H/1994/0148
 Proposal: DWELLING
 Address: ADJ TO 30 BROAGH ROAD KNOCKLOUGHRIM
 Decision:
 Decision Date:

Ref ID: H/2010/0352/F
 Proposal: Proposed 1? storey rear extension to extend 1st floor bedroom and provision of games room on ground floor
 Address: 28 Broagh Road, Knockloughrim
 Decision:
 Decision Date: 09.09.2010

Ref ID: H/2010/0523/F
 Proposal: Amended access onto existing laneway to that previously approved under H/2007/1019/RM
 Address: Approx 20m North East of 28 Broagh Road, Knockloughrim, Co. Derry, BT45 8QX,
 Decision:
 Decision Date: 18.04.2011

Ref ID: H/2014/0441/F
 Proposal: Dwelling (change of house type from previous approval H/2011/0286/RM)
 Address: 20m SE of 29 Broagh Road, Knockloughrim,
 Decision: PG
 Decision Date: 21.05.2015

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 01 REV 02
Type: Site Location Plan
Status: Submitted

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

Drawing No. 03 REV 01
Type: Proposed Plans
Status: Submitted

Drawing No. 04 REV 01
Type: Garage Plans
Status: Submitted

Drawing No. 05 REV 02
Type: Road Access Plan
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster

Local Planning Office

Mid-Ulster Council Offices

50 Ballyronan Road

Magherafelt

BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 th July 2022	Item Number:
Application ID: LA09/2021/1149/F	Target Date:
Proposal: New access	Location: 11a Strawmore Lane Doon Draperstown
Referral Route: Committee	
Recommendation:	Refusal
Applicant Name and Address: E Kelly Esq 11a Strawmore Lane Doon Draperstown	Agent Name and Address: Russell Finlay 350 Hillhead Road Magherafelt BT45 8QT
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The application site is located at 11a Strawmore Lane, Doon Road, Draperstown and is located outside the designated settlement limits as defined in the Magherafelt Area Plan, 2015 and is located within an Area of Outstanding Natural Beauty.

The Topography of the area rises up from the Doon Road towards no.11 before falling towards the entrance to the site of No 11a. The landform continues to rise towards the

south before falling away again towards the public road. The surrounding area is predominantly rural.

Description of Proposal

The proposal is a full application for a New Access

Planning Assessment of Policy and Other Material Considerations

Magherafelt Area Plan, 2015
Strategic Planning Policy Statement (SPPS)
PPS 3 Access, Movement and Parking
PPS 21 Sustainable Development in the Countryside
DCAN 15 Vehicular Access Standards

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

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The Magherafelt Area Plan does not contain any specific policies relevant to the application or the site within which it sits. The principal planning policies are therefore provided by PPS 21 and the SPPS.

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

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

The policy test for this application is Planning Policy Statement 3:- Access, Movement and Parking.

DFI Roads were consulted on the application and responded to say that the visibility splays as proposed on drawing 02 dated 06 Aug 2021 will not provide a safe access onto Strawmore Lane Draperstown due to the location of the Doon Bridge range wall on the Northern side of the access which is within the proposed visibility splays.

The proposed access will not meet the DCAN 15 minimum standard of 2.0 x 30 metres due to the close proximity (18.0m) to the location of Doon Bridge range wall.

The approved access for this dwelling (LA09/2018/1262/F) onto Doon Road is the most appropriate and safe access to the public road network.

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the visibility splays of 2.4 metres x 45 metres from the proposed access cannot be provided in accordance with the standards contained in the Departments Development Control Advice Note 15. DfI Roads recommend a refusal for the above application.

With this in mind I consider the proposed access arrangements to be unacceptable and in contrary to the provisions of PPS 3 - Access, Movement and Parking

Conclusion

The proposed access is clearly unacceptable and contrary to the provision of PPS 3 and DCAN 15 and therefore refusal is recommended

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

Reasons for refusal:

1. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the visibility splays of 2.4 metres x 45 metres from the proposed access cannot be provided in accordance with the standards.
2. The proposed access will not meet the DCAN 15 minimum standard of 2.0 x 30 metres due to the close proximity (18.0m) to the location of Doon Bridge range wall.

3. The approved access for this dwelling (LA09/2018/1262/F) onto Doon Road is the most appropriate and safe access to the public road network.

Signature(s)

Date:

ANNEX	
Date Valid	6th August 2021
Date First Advertised	24th August 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 11 Strawmore Lane Draperstown Londonderry The Owner/Occupier, 11b Strawmore Lane, Draperstown, Londonderry, BT45 7JJ The Owner/Occupier, 14 Strawmore Lane Draperstown Londonderry	
Date of Last Neighbour Notification	25th August 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2018/1262/F Proposal: Change of house type from 1.5 storey to bungalow utilizing the existing footings as previously constructed under H/2006/1003/RM. Address: 70m SSW of 11 Strawmore Lane, Draperstown., Decision: PG Decision Date: 10.05.2019 Ref ID: LA09/2021/1149/F Proposal: New access Address: 11a Strawmore Lane, Doon, Draperstown, Decision: Decision Date: Ref ID: LA09/2017/1188/RM Proposal: New dwelling and garage Address: 80m S.E. of 11 Strawmore Lane, Draperstown, Decision: PG Decision Date: 16.11.2017	

Ref ID: LA09/2018/0177/F

Proposal: Extension to dwelling and conversion of garage to home gym

Address: 11 Strawmore Lane, Doon Road, Draperstown,

Decision: PG

Decision Date: 07.06.2018

Ref ID: H/2003/0562/O

Proposal: Site of dwelling and garage.

Address: Approx 280 SE of No 10 Strawmore Lane, Moneyneena, Draperstown.

Decision:

Decision Date: 19.01.2004

Ref ID: H/2004/0965/RM

Proposal: Dwelling and garage

Address: 280m South East of, 10 Strawmore Lane, Moneyneena, Draperstown

Decision:

Decision Date: 03.08.2005

Ref ID: H/2012/0159/O

Proposal: Proposed dwelling and garage

Address: 30m South East of 11 Strawmore Lane, Draperstown. Access via Doon Road,

Decision: PR

Decision Date: 18.03.2014

Ref ID: H/2006/1003/RM

Proposal: Dwelling and garage

Address: 300m South East of 10 Strawmore Lane, Draperstown

Decision:

Decision Date: 24.04.2007

Ref ID: H/2003/0561/O

Proposal: Site of dwelling and garage.

Address: Approx 300m SE of No 10 Strawmore Lane, Moneyneeny, Draperstown.

Decision:

Decision Date: 19.01.2004

Ref ID: H/2003/0014/O

Proposal: Site of dwelling and garage.

Address: Approx. 200m South of 10 Strawmore Lane, Moneyneeny, Draperstown.

Decision:

Decision Date: 18.03.2003

Ref ID: H/2006/0065/RM

Proposal: Proposed New Dwelling & Garage

Address: 200m South Of 10 Strawmore Lane, Moneyneena

Decision:

Decision Date: 10.05.2006

Ref ID: H/2002/0407/O

Proposal: Site for Dwelling & Garage.

Address: 200m south of 10 Strawmore Lane, Moneyneany, Draperstown.

Decision:

Decision Date: 09.09.2002

Ref ID: LA09/2015/0085/O

Proposal: Dwelling and garage

Address: 80m South East of 11 Strawmore Lane, Draperstown, Access via Doon Road,

Decision: PG

Decision Date: 04.11.2016

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1284/F	Target Date:
Proposal: Proposed dwelling under PPS 21 policy CTY 2a - New dwellings in existing clusters.	Location: Rear of 123 Creagh Road Newbridge Magherafelt.
Referral Route: To Committee - Refusal - Contrary to CTY 1, 2a, of PPS 21.	
Recommendation:	
Applicant Name and Address: Emma Gribbin 123 Creagh Road Newbridge Magherafelt BT45 8EY	Agent Name and Address: John Kearney Architecture 115 Oldtown Road Castledawson BT45 8BZ
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	Historic Environment Division (HED)	Content

Representations:

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

Summary of Issues

To Committee - Refusal - Contrary to CTY 1, 2a, of PPS 21.

Characteristics of the Site and Area

The site is located approximately 1km north west of the development limits of Creagh and it is designated to be within the open countryside as per the Magherafelt Area Plan 2015. The site is located to the rear of No. 123 Creagh Road where the intention is to use the existing access of No. 123. The red line covers a portion of land currently used as a paddock for the housing of one horses. The immediate area is defined by a mix of residential, commercial and agricultural with the wider being predominately agricultural.

Representations

Four Neighbour notifications were sent out however no representations received in connection with this application.

Description of Proposal

This is a full application for dwelling under PPS 21 policy CTY 2a - New dwellings in existing clusters, the site is identified as rear of 123 Creagh Road, Newbridge, Magherafelt.

Planning Assessment of Policy and Other Material Considerations

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

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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. I note that this application has been applied for under CTY 2a. As such CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;
- The cluster appears as a visual entity in the local landscape;
- The cluster is associated with a focal point such as a social/community building/facility, or is located at a cross-roads,
- The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;
- Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and
- Development would not adversely impact on residential amenity.

With regards to the first criteria, I am content that the cluster lies outside a farm and consists of four or more buildings in that at least three of these are dwellings. Furthermore I am content that the cluster appears as a visual entity. I am content that the old 'Gribbin House' factory building is able to provide a focal point however I hold the view that it is too far detached from the cluster to be considered as associated.

In terms of suitable degree of enclosure I am content that the site is able to bound with No. 123 on the western boundary, capable of bounding with No.119a along the southern boundary therefore I am content that there is suitable bounding. Given the location of the dwelling I am content that it will be fully absorbed into the cluster. Finally, given the size and location of the dwelling I am content that this dwelling is unlikely to result in an adverse impact on neighbouring amenity.

As such I hold the view that the application has failed under CTY 2a given the issue over the association with the focal point.

I note that no other case has been put forward by the applicant, in that there is no replacement or conversion opportunity, no farm case provided, not considered an infill. Finally there has been no personal and domestic circumstances provided nor any case for a dwelling for non-agricultural business.

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. Upon review of the proposed design I am content that it is acceptable and the dwelling will be able to successfully integrate into the landscape. I am content that the application is able to comply under CTY 13.

In terms of policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I am content that the proposed development complies under CTY 14 as the dwelling will not result in an adverse impact of the rural character of the area.

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

PPS 3 - Access, Movement and Parking;
DFI Roads were consulted and responded to state that there were content subject to conditions, I am content that this has shown compliance under PPS 3.

A consultation was also sent to HED, who confirmed that they were content with the proposal.

I have no flooding, ecological or residential amenity concerns.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

Refusal

Reasons for Refusal:

<p>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.</p>
--

2.The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point or it is not located at a cross-roads.

Signature(s)

Date:

ANNEX	
Date Valid	2nd September 2021
Date First Advertised	14th September 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 115a Creagh Road Castledawson The Owner/Occupier, 117 Creagh Road Castledawson Londonderry The Owner/Occupier, 119 Creagh Road Castledawson Londonderry The Owner/Occupier, 121 Creagh Road Castledawson Londonderry	
Date of Last Neighbour Notification	14th September 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/1284/F Proposal: Proposed dwelling under PPS 21 policy CTY 2a - New dwellings in existing clusters. Address: Rear of 123 Creagh Road, Newbridge, Magherafelt., Decision: Decision Date: Ref ID: H/1991/0066 Proposal: BUNGALOW Address: REAR OF 121 CREAGH ROAD CASTLEDAWSON Decision: Decision Date: Ref ID: H/1994/0082 Proposal: SITE OF FARMWORKERS DWELLING Address: CREAGH ROAD CASTLEDAWSON Decision: Decision Date: Ref ID: H/1990/0123 Proposal: SITE OF BUNGALOW Address: BEHIND NO 121 CREAGH ROAD CASTLEDAWSON	

Decision:
Decision Date:

Ref ID: H/1991/0387

Proposal: UNDERGROUND SEWAGE PUMPING STATION WITH CONTROL KIOSK

Address: ADJ TO 121 CREAGH ROAD, ANNAHORISH CASTLEDAWSON

Decision:
Decision Date:

Ref ID: H/1990/0356

Proposal: SITE OF BUNGALOW

Address: REAR OF 121 CREAGH ROAD CASTLEDAWSON

Decision:
Decision Date:

Ref ID: H/1990/0273

Proposal: SITE OF BUNGALOW

Address: BESIDE 121 CREAGH ROAD CASTLEDAWSON

Decision:
Decision Date:

Ref ID: H/1993/6146

Proposal: SITE OF DWELLING CREAGH ROAD CASTLEDAWSON

Address: CREAGH ROAD

Decision:
Decision Date:

Ref ID: H/1995/0172

Proposal: DWELLING AND GARAGE

Address: BETWEEN 119 & 121 CREAGH ROAD CASTLEDAWSON

Decision:
Decision Date:

Ref ID: H/1993/0158

Proposal: SITE OF DWELLING

Address: BETWEEN 119 AND 121 CREAGH ROAD CASTLEDAWSON

Decision:
Decision Date:

Ref ID: H/2014/0435/F

Proposal: New 33kv 3x200mm AAAC system reinforcement between Creagh Sub Station and Tobermore. Overhead line will consist of single wood pole structures and double wood pole structures (H Poles)

Address: From: 122 Creagh Road Castledawson (VIA) Creagh Annaghmore Killyneese Aghagaskin Glenmaquill Grange Dromore Drumsamney Moyasset To 42 Desertmartin Road Tobermore,


Decision: PG
Decision Date: 15.12.2016

Summary of Consultee Responses
Drawing Numbers and Title
<p>Drawing No. 01 Type: Site & Detailed Drawings Status: Submitted</p> <p>Drawing No. 02 Type: Elevations and Floor Plans Status: Submitted</p>
Notification to Department (if relevant)
<p>Date of Notification to Department: Response of Department:</p>



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1352/RM	Target Date:
Proposal: Proposed dwelling and garage	Location: 60m West of 28 Dirnan Road Cookstown BT80 9XL
Referral Route: Objection Received	
Recommendation:	Approval
Applicant Name and Address: Mr Greg Donaghy 18 Dirnan Road Cookstown	Agent Name and Address: Peter Hampsey 35 Old Rectory Park Cookstown BT80 9XR
Executive Summary:	
Signature(s):	

Case Officer Report		
Site Location Plan		
		
Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	NIEA	
Representations:		
Letters of Support	None Received	
Letters of Objection	1	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
<p>One letter of objection has been received in relation to this application. All issues have been fully considered as part of this planning application. A summary of issues are contained below:</p> <ul style="list-style-type: none"> - The dwelling with result in disturbance, habitat loss and endangerment of Curlew species. - The proposal includes a new laneway instead of using an existing laneway, which will impact on the character of the area within the AONB. - The proposed laneway will run through existing drainage ditches. 		

- Concerns over the size of the dwelling and that it will be a prominent feature in the landscape.
- Results in overdevelopment of the AONB.

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits as per the Cookstown Area Plan, it is also located within part of the Sperrins Area of Outstanding Natural Beauty. The red line of the application includes an access lane from the public road, travelling north west for approximately 300m until it reaches the site for the dwelling. The land rises gently from the road, until a relatively undefined site, with the northern boundary being defined by trees and hedges with the remainder of the site undefined. The area is agricultural in nature with agricultural buildings located adjacent to the site with single dwellings located further beyond the site.

Description of Proposal

This is a reserved matters application for a proposed dwelling and garage.

Planning Assessment of Policy and Other Material Considerations

Cookstown Area Plan 2010
Strategic Planning Policy Statement (SPPS)
PPS 21: Sustainable Development in the Countryside
PPS 3: Access, Movement and Parking

When outline planning permission was granted re. LA09/2018/0362/O the principle of development at this location was agreed, including the use of a new laneway through at the location shown. There were a number of conditions were imposed and I am content that the conditions set out have been complied with.

The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. The general planning principles with respect to this proposal have been complied with.

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. In particular, Policy CTY 13 - Integration and Design of Buildings in the Countryside and Policy CTY 14 - Rural Character of PPS 21 are relevant to this proposal. These policies require development to be appropriately designed and integrated into the surrounding landscape to ensure the rural character of the area is not harmed.

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. I am content that the dwelling will not be a prominent feature within the landscape, and the established boundaries at the site and along the road will ensure the dwelling integrates into the landscape. Although the proposed laneway is not an existing established laneway, it does show signs of being used by farm vehicles to access the wider fields and I am content that access will not have a negative impact on the surrounding area. I am content that the design of the building is appropriate for the site and its locality. The dwelling will blend with the natural

landform and is visually linked with and sited to cluster with the established group of buildings on the farm as agreed in the outline planning application.

Policy CTY 14 states that, "planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area." As previously mentioned the new dwelling will not be unduly prominent in the landscape. It will not result in a suburban style build-up of development. As The design of the proposed dwelling respects the pattern of development within the area. I am content that the ancillary works will not damage the rural character of the area.

PPS 3- Access, Movement and Parking

DfI Roads were consulted and area content with the proposal subject to conditions.

Other Material Considerations

The objector raised concerns over the developments impact on protected and priority species and habitats. As a result, the agent submitted a completed habitats checklist and an ecological statement was submitted with this and determined it would have no impact on any of these. NIEA were consulted to review the habitats checklist and provide feedback. Following the consultation NED offered no objection and is content the proposal is unlikely to significantly impact breeding waders. NED have provided a condition to be attached relating to the removal of hedgerows and stating these should not take place between 1st March & 31st August in order to protect breeding birds.

SES were informally consulted as the objector raised concerns that the development of the access lane would run over drainage ditches. SES confirmed formal consultation is not required as although there may be the possibility that local watercourses indirectly connect into Lough Neagh & Lough Beg SPA/Ramsar site they are located 14.5KM east as the crow flies. Any potential connection to these European sites would be of an even greater distance.

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.

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Approval subject to conditions

Conditions

1. The development to which this approval relates must be begun by whichever is the later of the following dates:-
 - i. The expiration of a period of 5 years from the grant of outline planning permission; or
 - ii. The expiration of a period of 2 years from the date hereof.

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

2. All landscaping comprised in the approved details of landscaping on stamped drawing No.02 date stamped 08th September 2021 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.

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

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

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

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

5. The vehicular access including visibility splays 2.4 x 60 metres and any forward sight distance, shall be provided in accordance with Drawing No 03 Rev 01 bearing the date stamp 22nd March 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.

6. No removal of hedgerows or trees shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance and provided written confirmation that no nests are present / birds will be harmed and / or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.

Reason: To protect breeding birds.

Informative

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Planning Authority or other statutory authority.

4. Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the DfI Roads consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is Loughrey Campus, 49 Tullywiggan Road, Cookstown, BT80 8SG. A monetary deposit will be required to cover works on the public road.
5. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site. This planning approval does not give authority to discharge any drainage into a DfI Roads drainage system.
6. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc. deposited on the road as a result of the development, must be removed immediately by the operator/contractor.
7. The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:
 - kill, injure or take any wild bird; or
 - take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
 - at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
 - obstruct or prevent any wild bird from using its nest; or
 - take or destroy an egg of any wild bird; or
 - disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
 - disturb dependent young of such a bird.
 Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.
 It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.

Signature(s)

Date:

ANNEX	
Date Valid	6th September 2021
Date First Advertised	28th September 2021
Date Last Advertised	23rd November 2021
Details of Neighbour Notification (all addresses) The Owner/Occupier, 27 Dirnan Road Cookstown Londonderry The Owner/Occupier, 29 Dirnan Road Cookstown Londonderry The Owner/Occupier, 30 Dirnan Road Cookstown Londonderry Malachy A. Donaghy 32 Dirnan Road, Cookstown, BT80 9XL	
Date of Last Neighbour Notification	20th January 2022
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/1352/RM Proposal: Proposed dwelling and garage Address: 60m West of 28 Dirnan Road, Castledawson, Decision: Decision Date: Ref ID: LA09/2018/0362/O Proposal: Proposed dwelling and garage Address: 60m W of no. 28 Dirnan Road, Cookstown, Decision: PG Decision Date: 26.09.2018	
Summary of Consultee Responses	
Drawing Numbers and Title	

<p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p> <p>Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted</p> <p>Drawing No. 03 Rev 01 Type: Road Access Plan Status: Submitted</p> <p>Drawing No. 04 Type: Elevations and Floor Plans Status: Submitted</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department: Response of Department:</p>



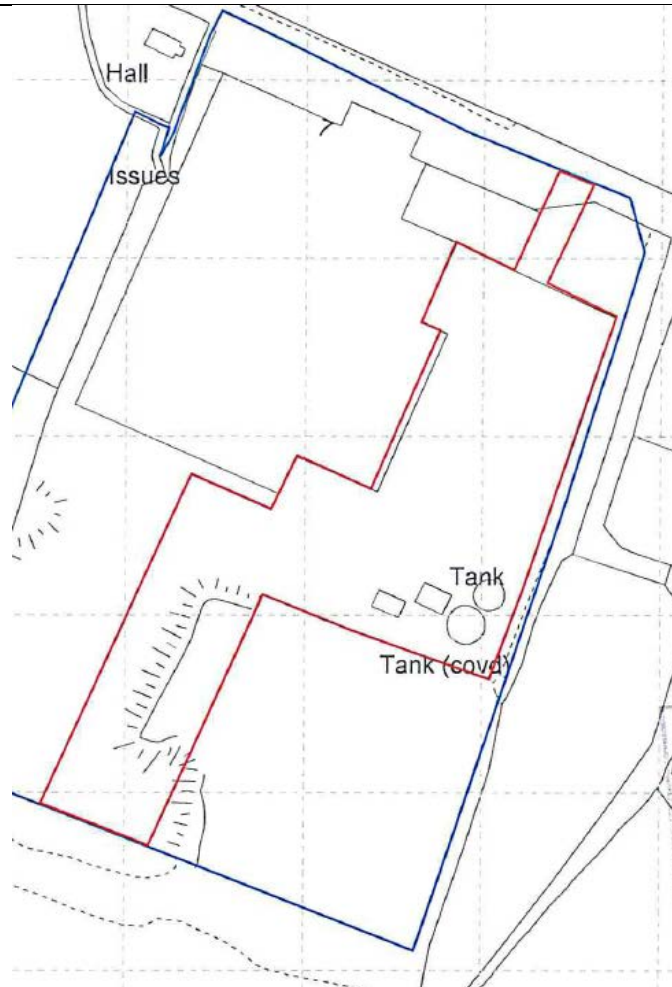
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1372/F	Target Date:
Proposal: Retention of lean to shed to the high bay area to facilitate kit assembly & retention of extension to the docking area	Location: Meteor 7 Corchoney Road Cookstown
Referral Route: 2no. Objections Received	
Recommendation:	Approval
Applicant Name and Address: Meteor Electrical 7 Corchoney Road Cookstown BT80 9HU	Agent Name and Address: TA Gourley Moveagh House 35 Moveagh Road Cookstown
Executive Summary: Proposal considered against relevant prevailing planning policy below. 2 letters of representation received and considered below.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health	Substantive Response
Statutory	DFI Roads - Enniskillen	Content
Statutory	Historic Environment Division	Content
Statutory	DFI Roads - Enniskillen	Advice
Non Statutory	Environmental Health	No objection

Representations:

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

Characteristics of the Site and Area

The site is located outside any defined settlement development limits as identified in the Cookstown Area Plan 2010. The site encompasses a portion of a large electrical wholesales business which has a 140m frontage onto the Corchoney Road. The business has an office/administration building with visitor parking to the front and large warehouse/storage facilities to the rear. The majority of the site is secured by paladin

fencing security. The site is accessed via an existing hardcored entrance onto the Corchoney Road. The site is relatively flat however it is noted that the ground levels rise significantly beyond the red line to the north. The surrounding area is rural in nature and located on a minor road, however the main A505 is located in close proximity and there are public views of the established business when travelling in either direction of this road network. The proposed works consolidate and are viewed in association with Meteor's overall site and associated buildings.

Description of Proposal

This planning application seeks retrospective planning permission for the retention of lean to shed to the high bay area to facilitate kit assembly and retention of extension to the docking area at Meteor, 7 Corchoney Road, Cookstown.

Planning Assessment of Policy and Other Material Considerations

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

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

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland
- Cookstown Area Plan 2010
- PPS 3 - Access, Movement and Parking
- PPS 4 - Planning and Economic Development
- 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 and Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight

Representations

Press advertisement and neighbour notification has been carried out in line with the Council's statutory duty. At the time of writing, two objections were received from Doris and McMahon Solicitors on behalf of their clients Michael and Ann McNally, the content of these letters are summarised and considered below:

- *Existing operations impact on residents particularly 11 Corchoney Road which has approval for a replacement dwelling and is located 95m from the loading dock. The objection questions has a noise risk assessment been undertaken. The extensive use of the site 24 hours a day, 7 days a week, 52 weeks a year is in excess of acceptable environmental health levels in terms of noise and light pollution.*

Environmental Health Department (EHD) were consulted on this application and had no concerns. Following receipt of the two objection letters, I asked EHD to provide a further response considering the objectors comments. EHD have advised a noise or light impact assessment is not necessary however have requested a condition attached to any forthcoming approval requiring the submission of a noise survey following a reasonable noise complaint from the occupant of a dwelling which lawfully exists. It is considered that this is appropriate and would adequately safeguard residential amenity from the proposed works. It is noted that this is an existing established business and the proposal relates solely to a lean to shed extension for kit assembly and extended docking area. It is not considered that the proposed works would detrimentally impact residential amenity to warrant refusal. Should existing established operations be causing detrimental noise or pollution which is negatively impacting on residential amenity, this should be reported to Mid Ulster Council Environmental Health to investigate.

- *The objector refers to a right of way over a laneway granted to Meteor in 2011 which was designed for agricultural purposes. The objector states Surefreight are operating out of the rear of the premises and the laneway is not suitable to facilitate large HGV vehicles, with no passing bays. The sub-letting to Surefreight and the continuous HGV traffic is an extension of use which does not have planning permission. Surefreight have not been operating out of the premises for the relevant time scale to grant the Certificate of Lawful Development.*

The laneway and use of the rear of premises referred to fall outside the red line of this application and are currently subject to a Certificate of Lawful Development application. It is noted there is also currently an enforcement investigation on the premises. The lawfulness of the works referred to do not form part of this application and therefore are not to be considered under this application. It is noted that the agent has provided a letter from the Commercial Director of Surefreight stating they do deliver and collect from the Meteor site behalf of third part clients however they do not have property rented or purchased from meteor or any connected party of meteor and do not run 24 hours a day 7 days a week.

- *The objector states planning permission I/2006/0969/F was for an extension to a storage facility and not for road haulage distribution, assembly or an articulated trailer docking/storage area. Objection questions if kit assembly is another extension of use for which the requisite planning permission is not in place. Meteor electric limited was a small scale distribution depot using mid-sized vans and at no stage did they ever use HGV's for their distribution requirements. Current business operation includes the storage and docking of articulate trailers.*

It should be noted that storage use falls under Class B4: storage or distribution of the Planning (Use Classes) Order (Northern Ireland) 2015. Therefore the distribution operations the objector refers to would fall under the same use class without requiring a change of use planning application. The agent has provided a supporting statement which details a time line of operations on the site. He has argued that manufacturing and distribution was first established on the site in 1983 with Park Cookers manufacturing/engineering. Following this the applicant began manufacturing mirrors in 1991, then began to manufacture and package meter control panel kits and then the business expanded into assembling electrical components, packaging them into orders/kits and distributing. The agent argued the size of the fleet was of a scale that permission

I/2007/0132/F was required to provide a specific building to carry out the repair and maintenance of fleet vehicles. Having considered the agents arguments around kit assembly and distribution operations on the site at internal group with the Principal Planner, it is considered on the basis of information provided that the proposed kit assembly use would not be a new use on the established premises and is considered acceptable.

- The objector has provided the below aerial photograph stating the actual use is in stark contrast to the theoretical use submitted. The site is overcrowded and overdeveloped without acceptable visibility splays, road edges, turning and parking for the extensive number of vehicles present. Traffic on site has increased significantly from the original approval for storage facilities and a Transport Assessment Form should have been submitted for the change to a HGV distribution depot use of the site. This extension of use has caused significant damage to road verges, their client's fence and HGV vehicles and trailers are continually parked along the road verge obstructing visibility splays presenting a danger to road users.*



DFI Roads were consulted initially and again on the receipt of the objections and they did not request a transport assessment form or outline any concerns with respect access arrangements or road safety. It is noted on the P1 Form that there is an expected increase of 15 vehicles to the site as a result of this application. On the basis of the information submitted along with this application and DFI Roads response it is not considered the proposal will prejudice road safety. The agent has provided a supporting statement arguing that the proposed extensions will provide additional space for storage which will allow greater space for parking and turning. It is accepted that the proposed works would assist with consolidating operations on the site. With respect the objections reference to damage to verges and fences, this is civil matter and falls outside the remit of planning.

History on Site

LA09/2021/1270/LDE – Construction of yard, laneway and access onto public road and use of same for commercial storage ,parking and turning - 7 Corchoney Road, Cookstown – Valid application received

LA09/2021/0007/CA - Alleged change of use of land and building(s) - 7 Corchoney Road (Meteor), Cookstown, Tyrone – Enforcement Investigation

I/2007/0132/F - Single storey steel framed portal building for the repair and maintenance of fleet vehicles- Meteor Electrical LTD, 239 Drum Road, Cookstown – Permission granted 24/10/08

I/2006/0969/F - Extension to Existing Storage Building & Use of Automated Pallet Racking System (amended drawings and information)- Meteor Electrical LTD, 239 Drum Road, Cookstown – Permission granted 23/03/09

I/2004/1122/F - Extension to existing storage building and use of automated pallet racking system – Permission Granted 21/06/05

Key Policy Considerations/Assessment

Cookstown Area Plan 2010– The site lies in the rural countryside outside any designated settlement with no other specific designations or zonings.

The Strategic Planning Policy Statement for Northern Ireland states that 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, consistent with strategic policy elsewhere in the SPPS. 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. SPPS does not introduce any new policy considerations which would impact on the assessment of this proposal, as such existing policy will be applied.

Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) is a retained policy document under SPPS and provides the appropriate policy context. Policy CTY1 of PPS21 sets out the types of development that are considered to be acceptable in the countryside. One of these is Industry and Business uses in the countryside that are in accordance with policies contained within PPS4- Planning and Economic Development. I am content there is an established economic business on the site, therefore the proposal is for the extension of an established economic use in the countryside and Policy PED3 of PPS4 applies.

PPS4 - Policy PED 3 Expansion of an Established Economic Development Use in the Countryside states permission will be granted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of enterprise. In exceptional circumstances a major expansion will be granted where it is demonstrated that;

- relocation of the enterprise is not possible for particular operational or employment reasons;
- the proposal would make a significant contribution to the local economy; and
- the development would not undermine rural character.

The application seeks permission for the retention of lean to shed to the high bay area to facilitate kit assembly and extension to the docking area. Having considered the supporting statement provided by the agent and observations on the site visit, I am content the existing buildings are at capacity and the proposed works are required and cannot be accommodated through the reuse of existing buildings. The floor space of buildings on site is increasing by approx. 2400 m² to a total floor space of approx. 14470 m². It is considered the proposed extensions to existing buildings will consolidate with the existing built form on site; is in proportion to existing buildings; and will integrate with the existing established building on site. It is considered the proposed development is acceptable in this instance, will not undermine the rural character of the area and does not constitute a major expansion. It is noted that there will be public views of the site from the Corchoney Road and main A505 Road. However, in my view the proposal groups with the existing established buildings on site located behind existing buildings. It is considered the proposed development will integrate without significant visual impact.

As well as the policy requirements of Policy PED 3, it is also necessary for the proposed development to comply with Policy PED 9.

Policy PED9: General Criteria for all Economic Development lists 13 criteria proposals should meet;

a) the proposal is compatible with surrounding land use;

There is an existing established business on the site. The proposed extensions are minor in nature in comparison to the existing built development on site and will be similar in terms of operations carried out on site, as reflected in the P1 form. It is considered the proposal is compatible for this site and locality.

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

There is an existing established business on the site and the proposal relates to a lean to shed for kit assembly and extension to docking area. Environmental Health are content that the proposal will not have a detrimental impact on nearby neighbours. However, they have requested a condition that should they receive a valid complaint from a nearby resident that a noise assessment should be submitted for consideration. I am content the proposal will not harm the amenities of nearby residents.

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

There are no natural heritage designations in the area which would be adversely affected as a result of this proposal. The proposal is located in proximity to a designated archaeological site/monument therefore HED were consulted. HED assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

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

The site is not in area of recognised flood risk therefore it is not considered the proposal will exacerbate flooding.

e) it does not create a noise nuisance;

Environmental Health have not raised any concerns that the proposal will create a noise nuisance to nearby residents. In light of this, it is considered this criteria is met.

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

The P1 Form has not provided any emissions or effluent from the proposal and EHD have raised no concerns 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;

h) adequate access arrangements, parking and manoeuvring areas are provided;

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;

The P1 states that there will be an increase of 15 no. vehicles and 20 no. people attending the site daily. The proposal is within an established business site and will use existing access arrangements. DfI Roads were consulted on this application and have responded with no objections or concerns regarding access, parking and manoeuvring of vehicles within the site or when entering and existing the site therefore I am content with the road safety aspect of this proposal. It is considered that space remains within the site for private car use for employee parking, visitors and HGV movement and circulation. In light of DfI Roads response, it is considered the proposal complies with Policy AMP 2 of PPS 3. Due to its countryside location and the nature of the business, access to this site is usually by private car, van or HGV. Therefore, there is little scope to provide a movement pattern of walking, cycling or convenient access to public transport. It is the responsibility of the developer to respect existing public rights of way and have the necessary provision in place for those with impaired mobility.

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, building design, associated infrastructure and landscape arrangements are acceptable for this site given the existing established business on site. The proposal relates to two extensions to existing buildings, it is considered the design and finishes are typical to the type of use and respect the existing built form. The design of the proposed unit is considered proposed and is compatible with the surrounding built form. The proposed floor space area of the units is approx. 240m² with a height of 5m. The proposed development is within an established business and will integrate with the existing buildings.

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

Given the siting within an established business, the existing boundary treatment is considered acceptable means of enclosure in this instance.

i) is designed to deter crime and promote personal safety; and

It is the responsibility of the developer to ensure that the proposal is designed to deter crime and promote personal safety. There is an existing security fencing surrounding the site.

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

The proposal will satisfactorily integrate into the countryside as it will read with existing buildings.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having considered the prevailing planning policy and all material considerations outlined above, I am of the opinion that the proposed development is acceptable in this instance and approval was recommended subject to the below conditions.

Conditions

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

Reason: This is a retrospective application.

2. Hard surfaced areas shall be constructed and permanently marked in accordance with the approved drawing No 02 bearing date stamp 20 Sept 2021 within 3 months from the date of this permission to ensure 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.

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

Reason: To protect residential amenity from noise

Informatives

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

2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
4. Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the DfI Roads consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is Loughrey Campus, 49 Tullywiggan Road, Cookstown, BT80 8SG. A monetary deposit will be required to cover works on the public road.
5. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site. This planning approval does not give authority to discharge any drainage into a DfI Roads drainage system.
6. Artificial lighting should be such that it does not give rise to nuisance conditions at neighbouring properties. Light pollution generated by artificial illumination of the development can be controlled by careful siting of lighting stanchions and use of appropriate lighting systems.
7. It is recommended that any lighting to the proposed is designed having consideration to the Institution of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light GN01:2011. The guidance provides advice on the design and installation of floodlighting when assessed against the relevant environmental zones.
8. In accordance with the Clean Neighbourhood's and Environment Act (NI) 2011, the applicant is advised to ensure all plant and equipment used in connection with the development is so situated, operated and maintained as to prevent the transmission of noise, dust, odour and fumes to nearby residential receptors.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1408/F	Target Date:
Proposal: Retrospective application for erected farm building and cattle crush	Location: Lands opposite 63 Oldtown Road Bellaghy
Referral Route: Recommended refusal – contrary to PPS21 Policy CTY12 3no. Objections	
Recommendation:	Refusal
Applicant Name and Address: Mr Pascal Diamond 1 Ballydermot Road Castledawson BT45 8BX	Agent Name and Address: CMI Planners Ltd 38B Airfield Road Toomebridge BT41 3SG
Executive Summary: Proposal considered against prevailing planning policy - insufficient information has been provided to demonstrate the proposal complies with Policy CTY1 and CTY12 of PPS21. 3no. letters of objections received and considered below.	
Signature(s): <div style="height: 40px; border: 1px solid black;"></div>	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads – Enniskillen Office	Content
Statutory	DAERA	Advice
Non Statutory	NI Water	Substantive Response
Non Statutory	Environmental Health	Standing Advice

Representations:

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

Characteristics of the Site and Area

The proposal site is located on the roadside of Oldtown Road, approximately 2 km south west of Bellaghy in the open countryside as defined by the Magherafelt Area Plan 2015. The application site comprises a portion of an agricultural field with the subject agricultural building constructed and present on the site. The surrounding area is rural in

character and the predominant land use is agricultural fields with a presence of dispersed dwellings and farm holdings in the immediate locality. There is a large grass verge on the roadside boundary and mature vegetation which screens views into the site. The topography of the site is relatively flat. There is an agricultural gate currently providing access to the site. Vegetation defines the southeast boundary and the north boundary has some post and wire fencing. There is limited public views from Oldtown Road.

Description of Proposal

This application seeks retrospective planning permission for the retention of an erected farm building and cattle crush on lands opposite 63 Oldtown Road, Bellaghy.

The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 12 Agricultural and Forestry Development.

Planning Assessment of Policy and Other Material Considerations

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

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

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland
- Magherafelt Area Plan 2015
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 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 and 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, 3no. Third party objections were received, 2 of these objections are from No.60 Oldtown Road and the third is from No.56 Oldtown Road. The content of these letters are summarised and considered below:

- *Not receiving neighbour notification;*
- *Overlooking from the applicant and other people in the site/at the shed on a daily basis;*
- *Loss of privacy from the removal of hedging from field boundary;*
- *Reference to a previously withdrawn infill application on the same site;*

- *Increased noise from farm machinery and livestock;*
- *The subject building being used to house cattle all winter not only machinery and storage.*

In response to the comments raised by the objectors, No.56 Oldtown Road was not eligible for neighbour notification as set out under Article 8 (1)(b) of the Planning (General Development Procedure) Order (NI) 2015. It is noted the objector has referred to the removal of hedging from the field, however the removal of hedgerow does not itself require planning permission. Drawing 02 provides details on existing hedgerow which could be conditioned to be retained to any forthcoming planning approval. Notwithstanding, the principle of development which will be considered in greater detail below the proposal is located over 90 metres from the objectors properties. It is not considered a modest farm building would result in detrimental overlooking or loss of privacy to warrant refusal. The application is considered against the relevant policy criteria set out in PPS21 relating to agricultural buildings. It is noted that there was a previous application for an infill dwelling which was subsequently withdrawn and this would have been assessed under a different policy within PPS 21. It is considered that the noise associated with the farm building would be typical to that of agricultural uses in a rural location. Environmental Health were consulted and they have raised no objections or concerns with respect to noise subject to a condition attached restricting the use to storage only. Whilst no animals were present on site on the date of my site inspection, I note that the objector has advised that shed was used to house cattle. No details have been provided to indicate the shed would be used for livestock. Should members consider granting planning approval, I consider a condition restricting the use to storage of agricultural machinery and feed stuff storage only is appropriate.

History on Site

LA09/2020/0053/O - Proposed infill site for dwelling and garage - 35m South of 58 Oldtown Road, Bellaghy – Application Withdrawn 19/06/20

LA09/2020/0160/CA - Alleged unauthorised construction of a building - Lands Opposite, 63 Oldtown Road & Adjacent To 60 Oldtown Road, Bellaghy, Londonderry, BT45 8LQ - Enforcement Investigation

Key Policy Considerations/Assessment

Magherafelt Area Plan 2015 – the site lies in the rural countryside outside any designated settlement with no other specific designations or zonings.

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. The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. The general planning principles with respect to this proposal have been complied with.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. Policy CTY 12 Agricultural and Forestry Development states that planning permission will be granted for development on an active and established agricultural or forestry holding where the proposal satisfies all the stated criteria. Therefore, it is necessary to first consider if the

farm business is both active and if it has been established for more than the required period of 6 years. DAERA were consulted and have advised the farm business was allocated on 14/05/19 and no claims have been made. Therefore, the applicant has failed to demonstrate the farm business is both active and established for the required time and it is considered therefore the proposal is contrary to Policy CTY12. I will consider the proposal against the additional policy tests of CTY12 below.

a) The proposed development is necessary for the businesses efficient use;

The proposed shed was built without the benefit of planning permission and this application was submitted following enforcement action. No supporting information accompanied the application and the agent was asked to provide details on the need for the proposed shed on 18th February 2022 however to date no supporting information has been provided. In the absence of any further information, it has not been sufficiently demonstrated that the building is necessary for the efficient use of the farm business.

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

The surrounding area is rural in character with the predominant land use being agricultural fields. The proposed farm shed is typical of an agricultural building in terms of its design, size, scale and materials and does not appear out of keeping with the rural location.

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

The proposal is located on a roadside agricultural field. However given the existing mature vegetation, public views will be limited from the roadside and it is considered the proposal could integrate into the local landscape.

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

No built or natural heritage interests have been identified on or in close proximity of the site which may to be impacted by this proposal. EHD have recommended, should planning permission be granted, a condition is attached restricting the use to only machinery and farm storage and no livestock. This is considered acceptable and appropriate as no details have been provided which indicate the shed is to be used for livestock and this would require further consideration on natural heritage impacts and require consultation with NIEA.

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

Environmental Health were consulted and advised that the proposal is approximately 70-100m from the nearest third party sensitive receptors and with this separation distance they do not expect any loss of amenity associated with the proposal provided satisfactory farm management practices are employed and a condition restricting the use of the farm building for storage purposes only. In light of their response, I do not consider the proposal will have a detrimental impact on the amenity of residential dwellings to warrant refusal.

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

the applicant has no buildings on the holding that can be used;

On 18th February 2022, the agent was asked to clarify that there are no suitable existing buildings on the holding that could be used however to date no response had been received. From an aerial view it appears there is a group of buildings at the applicants address stated on the P1 and P1C form and therefore it is unclear whether the applicant has existing buildings which could be used. In the absence of any further information, this criterion has not been met.

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

The design and materials are typical of an agricultural shed and are considered acceptable to its rural setting.

the proposal is sited beside existing farm or forestry buildings.

The subject shed is sited beside an existing small farm structure which does not appear to have the benefit of planning permission however appears to have been on site for over five years. The applicant has failed to provide any supporting information for the siting of the shed. As previously stated, from an aerial review it was noted that the applicant appears to have a group of buildings at his home address however when clarification was sought on this matter from the agent no response was received.

Policy CTY 13 Integration and Design of Buildings in the Countryside and Policy CTY 14 Rural Character of PPS 21 are also relevant to this proposal. These policies require development to be appropriately designed and integrated into the surrounding landscape to ensure the rural character of the area is not harmed. It is considered the design and materials are traditional to farm buildings and are acceptable in that respect. Given the existing mature trees and vegetation to the roadside boundary, it is considered the proposal will integrate into the locality without detrimental impact and will not appear overly prominent or result in a suburban style build-up of development when viewed with existing and approved buildings.

Planning Policy Statement 3 (PPS 3 Revised Feb 2005) -The proposal utilises an existing agricultural access onto Oldtown Road. DfI Roads were consulted and have responded with no objections subject to standard conditions. I am therefore content the proposal meets DfI Roads requirements and PPS3 Access, Movement and Parking.

Neighbour Notification Checked

Yes

Summary of Recommendation:

As provided for within Section 40 of the Planning Act (Northern Ireland) 2011, the applicant has failed to provide sufficient information to enable Mid Ulster District Council to determine this proposal. This is in respect of an adequate statement showing compliance with Policy CTY 12 of PPS 21. Refusal is therefore recommended.

Reasons for Refusal:

1. As provided for within Section 40 of the Planning Act (Northern Ireland) 2011, the applicant has failed to provide sufficient information to enable Mid Ulster District Council to determine this proposal. This is in respect of an adequate statement showing compliance with all criteria contained within Policy CTY 12 of PPS 21.

2. The proposal is contrary to Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been adequately demonstrated that

- this is an active and established agricultural holding;
- the proposal is necessary for the efficient use of an active and established agricultural holding; and
- there are no suitable existing buildings on the holding or enterprise that can be used.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Mid-Ulster

Local Planning Office

Mid-Ulster Council Offices

50 Ballyronan Road

Magherafelt

BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1519/F	Target Date:
Proposal: Extension to existing campervan park to provide of 6no shepherds huts styled sleeping accommodation with car parking using existing approved access onto Garvagh Road	Location: Lands 60m north of No 10 Kilrea Road Swatragh
Referral Route: Committee - APPROVAL	
Recommendation:	Approval
Applicant Name and Address: Friels Bar & Restaurant 2 - 4 Kilrea Road Swatragh BT46 5QD	Agent Name and Address: Gerard McPeake Architectural Ltd 31A Main Street Limavady BT49 0EP
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Water - Strategic Applications	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	Historic Environment Division (HED)	Content
Statutory	Environmental Health Mid Ulster Council	Content

Representations:

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

Summary of Issues

Application to be approved as an exception to policy regarding NI Water comments.

Characteristics of the Site and Area

This site is located on the edge of Swatragh village and immediately adjacent to the settlement development limits, albeit the site is outside the settlement and in the rural area as defined in the Magherafelt Area Plan 2010.

The site consists of part of a hard standing area, and extends into the adjoining agricultural field, with a shared access directly onto the A29 Garvagh Road (Protected Route). The access is shared with a single detached dwelling at 10 Kilrea Road, which is the applicants

own dwelling. The site sits approximately 1.0 - 2.5m below the level of the adjoining road and is bounded along the rear of the public footpath by a post and rail fence with a semi-mature thorn hedge along the northern boundary. The site was approved under a previous application, LA09/2020/0669/F for Provision of 6 No campervan/ caravan parking spaces and provision of 6 No tents.

Description of Proposal

This application seeks full permission for an extension to existing campervan park to provide 6no shepherds huts styled sleeping accommodation with car parking using existing approved access onto Garvagh Road

Planning Assessment of Policy and Other Material Considerations

Planning Assessment of Policy and Other Material Considerations

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

Strategic Planning Policy Statement (SPPS)

Magherafelt Area Plan, 2015

PPS16 Tourism

PPS 11 Planning and Waste Management

PPS 3 Access, Movement and Parking

There is no conflict or change in policy direction between the provisions of the SPPS and those of PPS 16 in respect of the proposal. The policy provisions within PPS16 remain applicable in terms of assessing the acceptability of the proposal.

Planning History

Reference	Location	Proposal/Complaint	Status	Date
H/1987/0170	2-4 KILREA ROAD SWATRAGH	IMPROVEMENTS TO DWELLING ACCOMMODATION	PERMISSION GRANTED	
H/1991/0005	2-4 KILREA ROAD SWATRAGH	ALTERATIONS AND EXTENSION TO EXISTING B&F	PERMISSION GRANTED	
H/2005/0623/Q	Lands At Garvagh Road, Swatragh	Disposal of Surplus Land.	PRE APPLICATION ENQUIRY - NO	
H/2001/0839/D	Lands Encompassing the Northern Co.	Site of Housing Development	PERMISSION REFUSED	03.12.2008
H/1992/6078	SWATRAGH	SITE OF HOUSING DEVELOPMENT SWATRAGH		
LA09/2018/0533/PAD	Lands to the rear of Friel's Bar, 2 and 4	Proposed erection of a 30 bedroom hotel including func	PAD CONCLUDED	
LA09/2020/0669/F	Lands 90m North Of 2-4 Kilrea Road, of	Provision of 6 No. camper van/ caravan parking space	PERMISSION GRANTED	21.09.2020
LA09/2021/0439/F	2-4 Kilrea Road, Swatragh BT46 5QD..	Provision of outside covered seating area within the exi	PERMISSION GRANTED	04.06.2021
LA09/2020/1281/F	2-4 Kilrea Road, Swatragh,	Change of use from private residential dwelling above th	CONSULTATION(S) ISSUED	
LA09/2020/1283/LBC	2-4 Kilrea Road, Swatragh,	Change of use from private residential dwelling above th	CONSULTATION(S) ISSUED	
LA09/2015/0827/A	120m West of 29 Garvagh Road , Swe	Free standing replacement sign	PERMISSION GRANTED	17.12.2015
H/2005/0030CA	Corner of Drumbane Road and Money's	Advertisement	ENFORCEMENT CASE CLOSED	
2004/A301	Lands opposite 16 Garvagh Road exte		APPEAL DISMISSED	05.04.2005

Representations

Neighbour notification and press advertisement have been carried out in line with the Council's statutory duty. Ni Water made comment to refuse the proposal.

Assessment

The Strategic Planning Policy Statement for Northern Ireland (SPPS) states that a transitional period will operate until such times as a Plan Strategy for the whole of the

Council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents, together with the SPPS.

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

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 site is located in the open countryside as defined by the Magherafelt Area Plan 2015. The proposal for the extension to existing campervan park to provide 6no shepherds huts styled sleeping accommodation with car parking using existing approved access onto Garvagh Road would fall to be assessed under PPS 16 Tourism.

Appendix 1 of PPS 16 sets out the Glossary of terms and includes the following definition of a holiday park;

For the purposes of PPS 16, a holiday park is defined as a caravan site licensed under the Caravans Act (NI) 1963, which in addition to static caravans, may also contain holiday chalets or cabins, pitches for touring caravans, motor homes and tenting.

Therefore, the proposed extension to existing campervan park to provide 6no shepherds huts, clearly fall within the definition of a Holiday Park and shall be assessed under the relevant Policies.

TSM 6 provides for a presumption in favour of the following development;

- 1) where a new holiday park or an extension to an existing facility where it is demonstrated that the proposal will create a high quality and sustainable form of tourism development.
- 2) The location, siting, size, design, layout and landscaping of the holiday park proposal must be based on an overall design concept that respects the surrounding landscape, rural character and site context.

The proposed site is set below the level of the public road and this will provide an acceptable degree of screening from the public viewpoint. This will be further aided by the proposed boundary fence and hedgerow along the southern boundary of the extension and the existing hedge is to be retained as shown on drawing number 02, date stamped 15.10.2021 and will provide the site with an acceptable degree of integration. The proposed site is a simple agricultural field to provide 6 shepherds huts, part of this site was approved under application LA09/2020/0669/F for pitch tents.

The proposal meets the criteria of Policy TSM 2- Tourists amenities in the countryside, extension of an existing tourist amenity.

In addition to the above, the proposal also meets the criteria of Policy TSM 7 -Criteria for Tourism Development. Although the site is outside the settlement development limit of

Swatragh and the access is directly onto the protected route, this part of the A29 Garvagh Road is within the settlement development limit and therefore the access is acceptable. DFI Roads were consulted on the proposal and have advised that the Garvagh Road is a protected route and PPS3 AMP 3 is applicable. The proposal however is utilising an existing access within the development limits. Subject to Council being satisfied that the proposal is in compliance with PPS 3 AMPS Dfi Roads offered conditions and informatives to be attached.

HED were consulted on the application and responded to say that HED (Historic buildings) has considered the effects of the proposal on the listed buildings HB08/01/001 and on the basis of the information provided, is content that the proposal satisfies PPS6 BH11 and SPSS(NI) para 6.12, without conditions.

HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPSS and PPS 6 archaeological policy requirements.

Environmental Health were consulted on the proposal and advised that their response was based on desktop information and that no site visit has been undertaken. They stated that the proposal has the potential to give rise to unreasonable noise levels from the occupants of the huts or amplified music resulting in noise complaints from 3rd party receptors. For this reason they requested that a condition be attached.

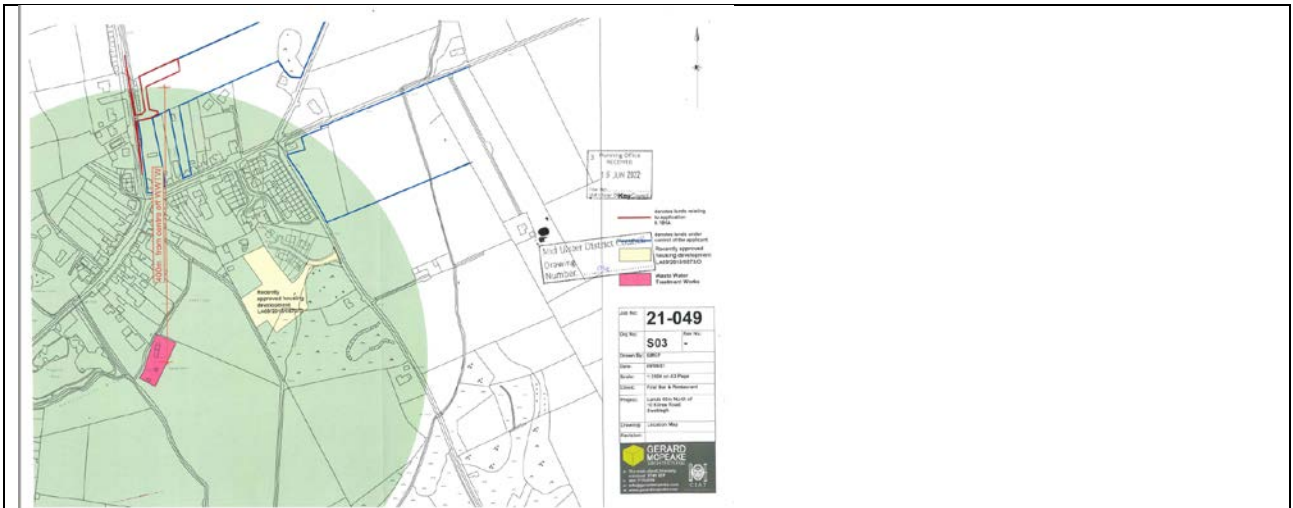
NI Water were consulted on the proposal and recommended that the proposal be refused *'WwTW-04: For the reasons detailed below NI Water recommend that this application for planning approval should be Refused.'*

The proposed development may experience nuisance due to its proximity to the operations of the existing Wastewater Treatment

Works. Before NI Water would be prepared to recommend approval of this application confirmation that the requirements of Planning Policy Strategy PPS11, particularly Policy WM5, can be satisfied.

As the site is located wholly or partially within the Wastewater Treatment Work's 400m odour consultation zone boundary an Odour Encroachment Assessment is required to determine the compatibility of these proposals with the existing operation of the Wastewater Treatment Works. Depending on circumstances this may also require the procurement of an Odour Dispersion Model to NI Water specification.'

After discussion with the Planning Manager, it was agreed that the application could be treated as an exception to policy, as the site is located on the other side of the village and it is not for permanent residential habitation. Environmental Health did not raise any concerns regarding odours in their consultation. The agent also provided a drawing to show that the application site is located 400m from the centre of the WWTWs, ref drawing No 04 date stamped, 16.06.2022. Also, as stated above a portion of this application site had pitch tents approved under application LA09/2020/0669/F, NI Water were content with this application subject to conditions being attached.



Recommendation

That planning permission should be treated as an exception to policy regarding NI water's response and approved subject to the following conditions laid out below.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve, subject to conditions

Conditions

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

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

2. All proposed planting as indicated on the stamped approved drawing no. 02 date stamped 15th October 2021, shall be undertaken during the first available planting season following the development hereby becoming operational.

Reason: To ensure the proposal is in keeping with the character of the rural area and in the interests of visual amenity.

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

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

4. The existing natural screenings along the northern boundary 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 the development integrates into the countryside and to ensure the maintenance of screening to the site.

5. 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.

6. The vehicular access including minimum visibility splays of 2.4 x 70 metres, shall be provided in accordance with Drawing No 02 bearing the date stamp 15th October 2021 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.

7. Prior to development commencing, the applicant should submit in writing a noise management plan for the site which shall be agreed in writing by Mid Ulster District Council. The agreed noise management plan shall remain in place for the duration of the development and shall be reviewed and updated at the request of Mid Ulster District Council.

Reason: To protect the amenity of nearby residential properties.

Informatives

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

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

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

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

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

6. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site. This planning approval does not give authority to discharge any drainage into a DfI Roads drainage system.

7. The applicant should be aware that the proposal may require a site licence under the Caravans Act (N.I.) 1963. The legislation also lays down standards for the conditions and facilities to be provided on sites. The applicant should liaise at an early stage with the Environmental Health Department. Further information is available at <https://www.midulstercouncil.org/online-services/caravan-camping-site-licence>

8. The proposal must satisfy the requirements of the Health & Safety at Work (N.I.) Order 1978 and the Regulations made thereunder. The applicant should liaise at an early stage with the Environmental Health Department in relation to these matters.

9. A Consent to Discharge Sewage Effluent being obtained from Water Management unit, The Northern Ireland Environment Agency, as required by the Water (Northern Ireland) Order 1999.

10. Any new or existing septic tank unit being a minimum of 15 metres from the proposed development or any other habitable dwelling/building such as an office or such dwelling/building in the course of construction or the subject of a planning approval.

11. A legal agreement being obtained in relation to lands used in connection with any septic tank/drainage arrangement where such lands are outside the ownership of the applicant or outside the area marked in red which is the subject of this application. This agreement must ensure that the lands in question will always be available for the intended purpose and also that any occupier/owner of the proposed development will have access to these lands for maintenance/improvement works as required. Such legal agreement should be included in any planning approval as a planning condition.

12. The applicant ensuring that the proposal does not compromise any existing drainage arrangements serving existing neighbouring premises or developments not completed/commenced which are the subject of a planning approval.

13. Planning department receiving confirmation from Northern Ireland Water that a mains water supply is available and that it is feasible for the proposed development to be connected to same. Where mains water supply is not available, the applicant/agent is strongly advised to contact this department before any detailed plans are prepared.

Signature(s)

Date:

ANNEX	
Date Valid	18th October 2021
Date First Advertised	2nd November 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 Garvagh Road,Swatragh,Londonderry,BT46 5QE The Owner/Occupier, 10 Kilrea Road,Swatragh,Londonderry,BT46 5QF The Owner/Occupier, 12 ,Kilrea Road,Swatragh,Londonderry,BT46 5QF The Owner/Occupier, 12 Kilrea Road,Swatragh,Londonderry,BT46 5QF The Owner/Occupier, 12A, Garvagh Road, Swatragh, Londonderry, BT46 5QE The Owner/Occupier, 14 Garvagh Road Swatragh Londonderry The Owner/Occupier, 16 Garvagh Road Swatragh Londonderry The Owner/Occupier, 18 Garvagh Road, Swatragh, Londonderry, BT46 5QE The Owner/Occupier, 2-4 ,Kilrea Road,Swatragh,Londonderry,BT46 5QF The Owner/Occupier, 3 Friels Terrace,Swatragh,Londonderry,BT46 5QD The Owner/Occupier, 4 Friels Terrace,Swatragh,Londonderry,BT46 5QD The Owner/Occupier, 6 Kilrea Road,Swatragh,Londonderry,BT46 5QF The Owner/Occupier, Church Of Ireland,8 Kilrea Road,Swatragh,Londonderry,BT46 5QF	
Date of Last Neighbour Notification	2nd November 2021
Date of EIA Determination	
ES Requested	Yes /No

Planning History

Ref ID: LA09/2021/1519/F

Proposal: Extension to existing campervan park to provide of 6no shepherds huts styled sleeping accommodation with car parking using existing approved access onto Garvagh Road

Address: Lands 60m north of No 10 Kilrea Road, Swatragh,

Decision:

Decision Date:

Ref ID: H/2003/1118/O

Proposal: Site of proposed retail shops and housing development.

Address: Lands opposite 16 Garvagh Road extending to Lismoyle Road, Swatragh.

Decision:

Decision Date:

Ref ID: H/1990/0582

Proposal: ALTS & ADDS TO BAR

Address: 2-4 KILREA ROAD SWATRAGH

Decision:

Decision Date:

Ref ID: H/1993/0201

Proposal: ALTS & ADDS TO LICENSED PREMISES

Address: THE RAFTERS BAR AND LOUNGE 2-4 KILREA ROAD SWATRAGH

Decision:

Decision Date:

Ref ID: H/1993/0202

Proposal: ALTS AND ADDS TO LICENSED PREMISES (LBC)

Address: RAFTERS BAR AND LOUNGE 2-4 KILREA ROAD SWATRAGH

Decision:

Decision Date:

Ref ID: H/1987/0170

Proposal: IMPROVEMENTS TO DWELLING ACCOMMODATION

Address: 2-4 KILREA ROAD SWATRAGH

Decision:

Decision Date:

Ref ID: H/1991/0005

Proposal: ALTERATIONS AND EXTENSION TO EXISTING BAR

Address: 2-4 KILREA ROAD SWATRAGH

Decision:

Decision Date:

Ref ID: H/2005/0623/Q
Proposal: Disposal of Surplus Land.
Address: Lands At Garvagh Road, Swatragh
Decision:
Decision Date:

Ref ID: H/2001/0839/O
Proposal: Site of Housing Development
Address: Lands Encompassing the Northern Counties Co-op light industrial estate, Garvagh Road, Swatragh
Decision:
Decision Date: 03.12.2008

Ref ID: H/1992/6078
Proposal: SITE OF HOUSING DEVELOPMENT SWATRAGH
Address: SWATRAGH
Decision:
Decision Date:

Ref ID: LA09/2018/0533/PAD
Proposal: Proposed erection of a 30 bedroom hotel including function room and associated car parking
Address: Lands to the rear of Friel's Bar, 2 and 4 Kilrea Road, Swatragh,
Decision:
Decision Date:

Ref ID: LA09/2020/0669/F
Proposal: Provision of 6 No. camper van/ caravan parking spaces and provision of 6 No. tents (Amended address)
Address: Lands 90m North Of 2-4 Kilrea Road, opposite 14 & 16 Garvagh Road Swatragh,
Decision: PG
Decision Date: 21.09.2020

Ref ID: LA09/2021/0439/F
Proposal: Provision of outside covered seating area within the existing yard to the rear of the Bar & Restaurant to provide food & beverages for family recreational & facilitate tourism within the Mid Ulster District while maintaining social distancing under current Covid Guidelines.
Address: 2-4 Kilrea Road, Swatragh BT46 5QD.,
Decision: PG
Decision Date: 04.06.2021

Ref ID: LA09/2020/1281/F

Proposal: Change of use from private residential dwelling above the existing public bar to provide memorabilia viewing area outlining the history of 2-4 Kilrea Road over the last 100 years. In addition removal of flat roof to the rear & replace with pitched roof

Address: 2-4 Kilrea Road, Swatragh,

Decision:

Decision Date:

Ref ID: LA09/2020/1283/LBC

Proposal: Change of use from private residential dwelling above the existing public bar to provide memorabilia viewing area outlining the history of 2-4 Kilrea Road over the last 100 years. In addition removal of flat roof to the rear & replace with pitched roof

Address: 2-4 Kilrea Road, Swatragh,

Decision:

Decision Date:

Ref ID: LA09/2015/0827/A

Proposal: Free standing replacement sign

Address: 120m West of 29 Garvagh Road , Swatragh,

Decision: CG

Decision Date: 17.12.2015

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No. 03
Type: Proposed Plans
Status: Submitted

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

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

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



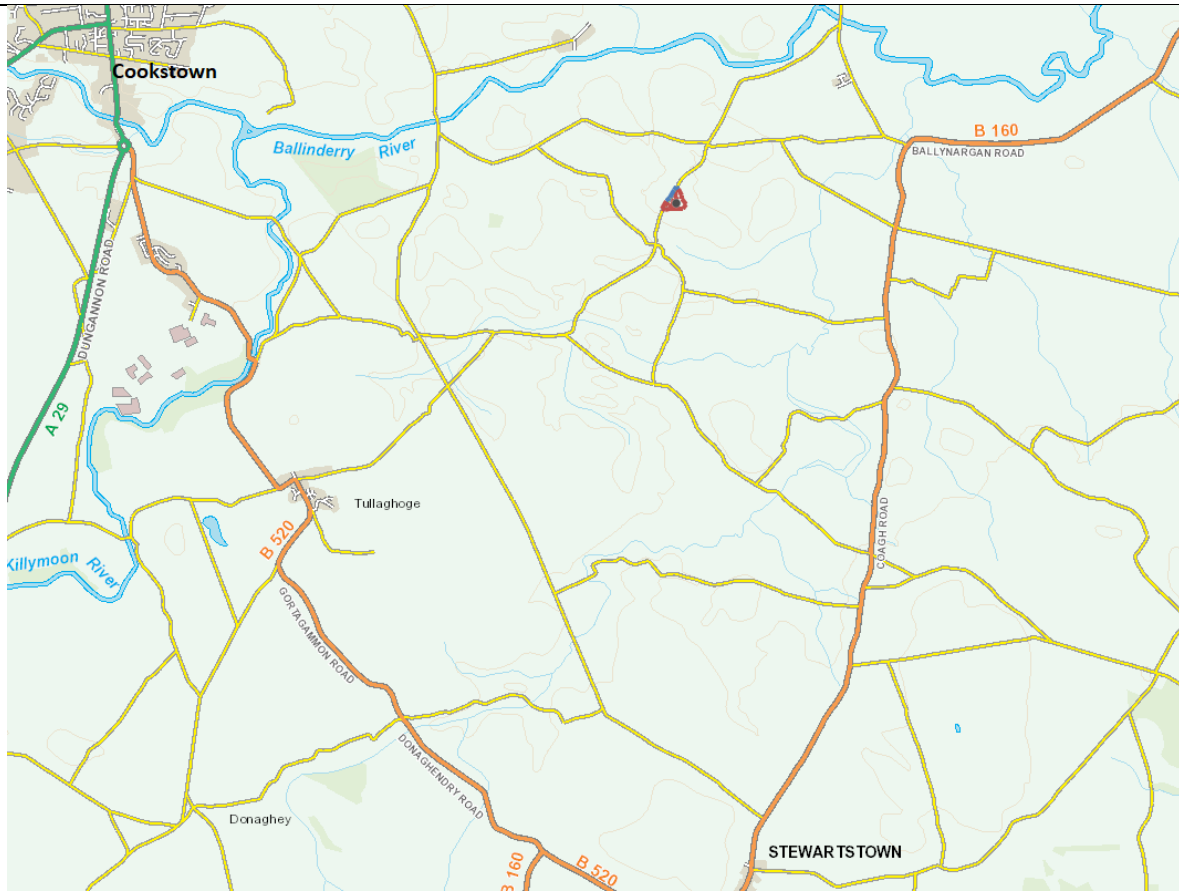
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1618/F	Target Date:
Proposal: Proposed storage shed, yard repositioning of existing saw and associated ancillary works	Location: Adjacent to 51 Knockanroe Road Cookstown
Referral Route: Objections received	
Recommendation:	Approval
Applicant Name and Address: Reid Engineering LTD 55 Knockanroe Road Cookstown	Agent Name and Address: Les Ross Planning 14 King Street Magherafelt BT45 6AR
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received

Representations:

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

Characteristics of the Site and Area

The site lies in the open countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding countryside is rural in character and is characterised by agricultural fields, detached dwellings on single plots and farm

complexes. The site comprises a shed at the Reid Engineering site as well as the extended yard area and existing access.

The site access is off the Knockanroe Road is positioned in the south west corner of the site. It sweeps up in a northern curve and enables entrance to the yard area where there is an existing shed in the north corner.



The yard area is a mix of finishes and there were some items being stored externally surrounding the main shed. There is a large boundary wall along the northern and north eastern side and there were a number of cars parked in the central parking area.

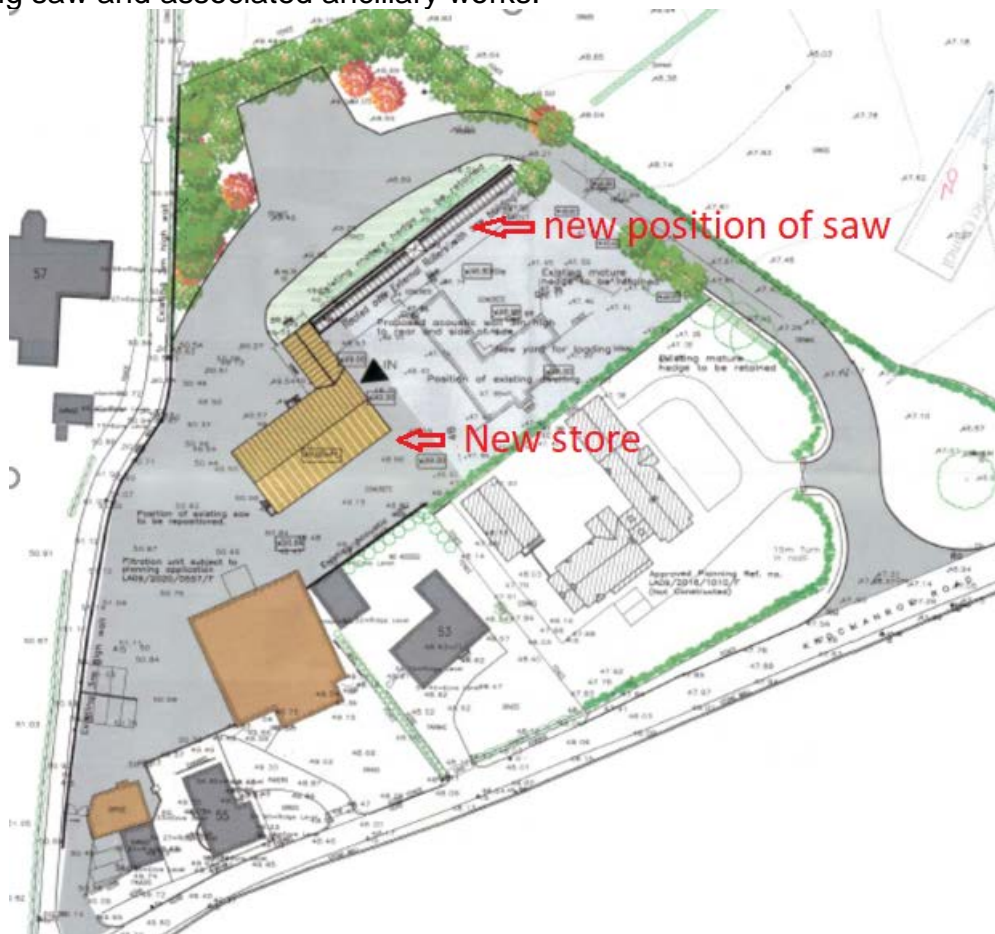


There are two existing dwellings within the blue line to the west which front onto the main road and there are plans for a new dwelling approved within the site. There is also a neighbouring property namely no.57 in close proximity to the East.



Description of Proposal

The proposal seeks full planning permission for a new storage shed, yard repositioning of existing saw and associated ancillary works.



Planning Assessment of Policy and Other Material Considerations

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

Representations

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

At the time of writing, a number of third party objections were received from Ms Reid who owns a property abutting the boundary of the site for Reid Engineering.

The first objection was received on the 21st December 2021. The main concerns outlined were surrounding inaccuracies of the proposed application, namely the intended use as storage, lack of turning and parking areas for vehicles, incomplete noise impact assessment, lack of elevations for all parts of the proposal.

A second objection was received on the 13TH April 2022. This representation offered additional concerns including; alterations to the access, inaccurate figures provided in terms of travel onto the site, creation of piecemeal expansion of the site, lack of information of traffic flow through and around the site, out of hour usage of the site and a cumulative impact of increased noise.

Since the time of writing and agreement on this report a further representation was received from the objector.

These further comments raise a number of concerns;

The first concern was surrounding the idea of 'betterment' in the EHO response, arguing that there was still a significant adverse impact. As discussed in the report above, there may still be an adverse impact on the amenity at number 57, however, the noise is resulting from a use and buildings that already lawfully exist, EHO has suggested that this proposal will result in a betterment therefore it will not have any further negative impact on the residential amenity.

Again states that the piecemeal development of the site is eroding residential amenity. The same response is appropriate to this point in that there will be no further negative impact on the residential amenity resulting from this development.

In addition, concerns were raised with regards the wording of the conditions suggested by EHO. The condition states 'following a reasonable noise complaint from the occupant of a dwelling'. However, the objector suggests the word reasonable is not clear and the wording of occupant is prejudice against the owner. I have discussed this concern in group and it was agreed to include the word owner as well as occupier.

Finally, the objection requests the shed be conditioned for storage only. This will be conditioned in any approval notice.

Planning History

I/2010/0091/LDE - Storage and fabrication of structural steel and associated items - 55 Knockinroe Road, Cookstown, BT80 8RX – Permitted Development

I/2010/0253/F – Proposed extension and alterations to existing engineering workshop/store & ancillary accommodation - 55 Knockinroe Road, Cookstown, BT80 8RX – Permission Granted 30.11.2010

I/2013/0110/F - Proposed retention of offices for engineering works - 55, Knockanroe Road, Stewartstown –Permission Granted 05.07.2013

I/2014/0074/F - Proposed alteration of existing access and laneway - To the rear of 51 Knockanroe Road Stewartstown Dungannon BT71 5LX – Permission Granted 30.06.2017

I/2014/0246/F - Proposed retention of engineering workshop to include store and ancillary accommodation and storage yard - 55, Knockanroe Road, Cookstown – Permission Granted 28.06.2017

LA09/2017/1426/F - Proposed retention of boundary wall and the alteration of ground levels to provide concrete finish to hardcored yard (acoustic assessment received) - 55 Knockanroe Road, Cookstown – Permission Granted 17.02.2020

LA09/2016/1015/F - Proposed reorganisation of general industrial site including the retention and extension of the existing metal fabrication shed, the construction of 2 No. sheds for spraying and storage of metal, proposed acoustic walls, new landscaping and associated works (agent's rebuttal to objectors NIA) - Reid Engineering Site, lands at 51 and 55 Knockanroe Road, Cookstown – Permission Refused 19.12.2017

LA09/2020/0557/F – Proposed retention of filtration unit for a plasma cutter including its proposed enclosure at premises at 51 and 55 Knockanroe Road, Cookstown. –
CURRENT

Consultees

Environmental Health were consulted on two occasions and as the proposal is for the erection of a new shed a Noise Assessment was required. The initial response from EHO raised questions about the assessment, namely the locations of vehicle movements as well as confirmation of the acoustic performance of Kingspan KS1000 and clarification on other points. Subsequently these questions were answered in correspondence received 29th March 2022, and upon further inspection EHO replied satisfied that the modelling submitted fully considers movement of vehicles around the site. The response also states that the noise levels will have a significant adverse impact at the objectors house, however, an overall noise reduction of 3dB can be achieved compared to the existing noise conditions and therefore betterment in terms of noise impact. EHO also goes on to recommend a number of conditions, namely hours of operation, noise levels, and noise assessment if a reasonable complaint is received.

DFI roads were consulted and have responded that they have no objections to the use of the existing unaltered access. There is no intensification of use at the site and adequate visibility splays are in place.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Cookstown Area Plan 2010

The plan offers no specific policy relevant to this application as the site lies outside any settlement limits or other designations as defined in the Cookstown Area Plan 2010.

The Strategic Planning Policy Statement for Northern Ireland sets out the Departments Regional Planning Policies and provides guidance for the Councils to take into account in their Local Development Frameworks. Until the Council has adopted its own LDP, current regional policy as set out in the suite of Published Planning Policy Statement provides the planning policies for consideration unless the SPPS provides a

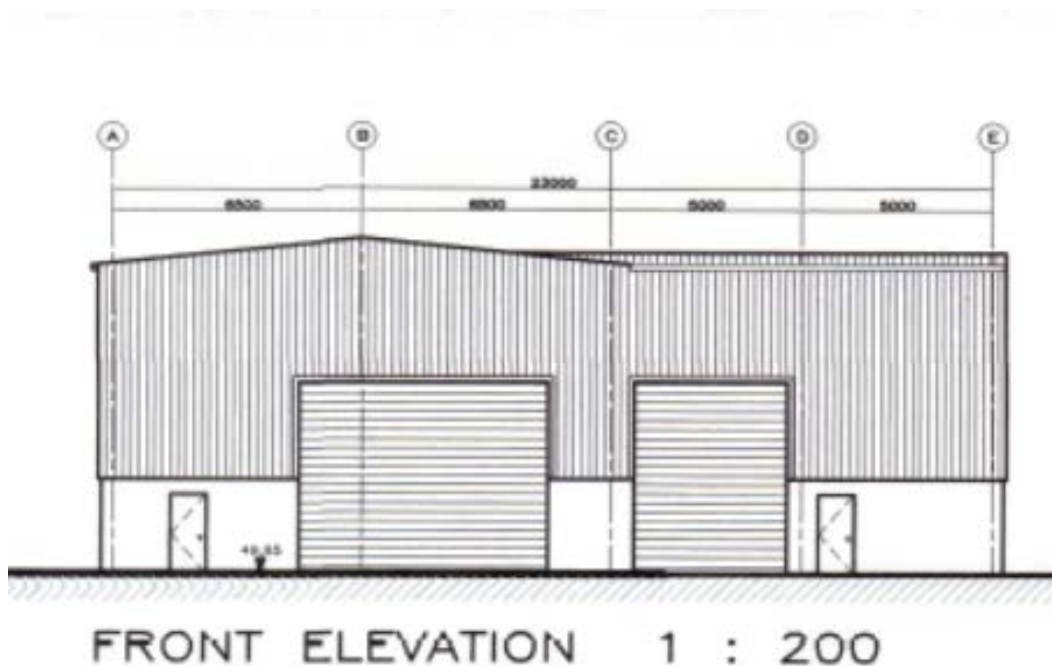
different policy direction or offers clarification, and then the policy in the SPSS is given determining weight. I do not consider the SPSS has changed any policies in relation to economic development within the countryside.

Planning Policy Statement 4 – Planning and Economic Development

Policy PED3 – Expansion of established economic development use in the countryside

The proposal is for the erection of a storage shed, yard repositioning of existing saw and associated ancillary works. The building is 394m² approx. 9m in height with two roller shutter doors on the NE elevation. The external finishes will match the existing shed, concrete base and cladding upper walls and roof. The building is proposed as a large storage area, with the existing saw moving further to the North East. The nearest point of the saw was approx. 28 metres from number 57 in its current position, the new position will mean the nearest part of the saw is now 34 metres away, and therefore, it is my opinion that there will not be a significant change.

On balance I am content the scale, massing and use will not detract from the character of the site or the surrounding area. There are limited critical views of the proposed extension from the public road and there is no major increase in the site area.



PPS 4 – Policy PED 9 General Criteria for Economic Development

The extension is for the erection of a storage shed, yard repositioning of existing saw and associated ancillary works, I am content this is compatible with the surrounding land use. It is my opinion that the proposal will not cause significant harm to the amenity of nearby residents. A thorough noise impact assessment was carried out and assessed by the EHO who also gave substantial consideration to the objectors concerns and their conclusion is that an overall noise reduction of 3dB can be achieved compared to the existing noise conditions and therefore betterment in terms of noise impact. EHO also goes on to recommend a number of conditions, namely hours of operation, noise levels, and noise assessment if a reasonable complaint is received. Therefore they offer no objection to this proposal.

It is my opinion that the proposal is acceptable in terms of scale and massing, the intended use as storage is acceptable given the growing nature of the site, and it is important that this use will be conditioned, the repositioning of the saw does not raise significant issues and I am content there will not be an unacceptable impact on neighbour amenity in terms of noise, pollution, loss of light. There are no issues with emissions or effluent. The proposal will have no impact on the existing access. It is stated on the P1 form there is no expected increase in persons or vehicles attending the site. The objector raised a query surrounding the validity of this point, however, again I visited the site on three occasions and did not witness any exceeding levels of vehicle movement. In addition DFI visited and assessed the site and did not offer any objection. A movement pattern was not required. There is no outside storage as part of the proposal.

Conditions

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.

The hours of operation of the business shall be as follows

Monday to Friday	08:00 – 18:00 hours
Saturday	08:00 – 14:00 hours
Sundays	No operations

Reason: To protect nearby residential amenity

The noise level(s) ($L_{Aeq, 1 \text{ hour}}$) from the area outlined in red on drawing number 01 date stamped 9th November 2021 shall not exceed 50 dB(A) when measured 3 metres from the façade and 1.5 metres above ground of No. 57 Knockanroe Road.

Reason: To protect nearby residential amenity

Within 4 weeks of a written request by the Council following a reasonable noise complaint from the owner or occupant of a dwelling which lawfully exists, the operator shall, at his/her expense, employ a suitably qualified and competent person, to assess compliance with predicted noise levels stated within Table 3 of the submitted noise impact assessment date stamped 9th November 2021. Details of any noise monitoring shall be submitted to Council for written approval prior to any monitoring commencing. The Council shall then be notified a minimum of 2 weeks in advance of the date of commencement of the noise monitoring. The council shall then be provided with a suitable report relating to the noise monitoring exercise and detail any necessary remedial measures. Any remedial measures required shall be carried out to the satisfaction of the Council within 4 weeks of approval of the remedial report, and shall be permanently maintained to an acceptable level thereafter, unless otherwise agreed in writing with Council.

Reason: To protect nearby residential amenity

The building hereby approved shall be used only for the purposes of storage in association with the established use on this site and for no other purpose in Use Class B4 of the Schedule to the Planning (Use Classes) Order (NI) 2015.

Reason: To protect the amenity of the adjoining residential premises and committed sites.

Neighbour Notification Checked **Yes**

Signature(s)

Date:

ANNEX	
Date Valid	9th November 2021
Date First Advertised	23rd November 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 49 Knockanroe Road,Dungannon,Tyrone,BT71 5LX The Owner/Occupier, 51 Knockanroe Road,Dungannon,Tyrone,BT71 5LX The Owner/Occupier, 53 Knockanroe Road,Dungannon,Tyrone,BT71 5LX The Owner/Occupier, 55 Knockanroe Road,Cookstown,Tyrone,BT71 5LX The Owner/Occupier, 55a ,Knockanroe Road,Dungannon,Tyrone,BT71 5LX The Owner/Occupier, 57 Knockanroe Road Dungannon Tyrone The Owner/Occupier, 57a ,Knockanroe Road,Dungannon,Tyrone,BT71 5LX Julie Reid E-mail Address Julie Reid Email Address	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2021/1618/F Proposal: Proposed storage shed, yard repositioning of existing saw and associated ancillary works Address: Adjacent to 51 Knockanroe Road, Cookstown, Decision: Decision Date: Ref ID: LA09/2017/1419/DC Proposal: Discharge of Condition No.4 of approval I/2014/0246/F Address: 51 Knockanroe Road, Cookstown, Decision: Decision Date:	

Ref ID: LA09/2019/1219/PAD

Proposal: Proposed shed , repositioning of saw, acoustic wall and extension to yard area

Address: Engineering yard at 51 and 55 Knockanroe Road, Stewartstown,

Decision:

Decision Date:

Ref ID: LA09/2016/1015/F

Proposal: Proposed reorganisation of general industrial site including the retention and extension of the existing metal fabrication shed, the construction of 2 No. sheds for spraying and storage of metal, proposed acoustic walls, new landscaping and associated works (agent's rebuttal to objectors NIA)

Address: Reid Engineering Site, lands at 51 and 55 Knockanroe Road, Cookstown,

Decision: PR

Decision Date: 19.12.2017

Ref ID: LA09/2016/1010/F

Proposal: Proposed replacement and repositioning of existing dwelling and garage and extension of site curtilage (amended plans / description)

Address: 51 Knockanroe Road, Cookstown,

Decision: PG

Decision Date: 20.07.2018

Ref ID: LA09/2019/1015/LDE

Proposal: Existing office extension to workshop.

Address: Land at 55 Knockanroe Road, Stewartstown, BT71 5LX.,

Decision: PG

Decision Date:

Ref ID: LA09/2017/1426/F

Proposal: Proposed retention of boundary wall and the alteration of ground levels to provide concrete finish to hardcored yard (acoustic assessment received)

Address: 55 Knockanroe Road, Cookstown,

Decision: PG

Decision Date: 17.02.2020

Ref ID: LA09/2020/0557/F

Proposal: Retention of filtration unit for a plasma cutter including its proposed enclosure (Additional Information Noise Assessment Provided)

Address: Premises at 51 and 55 Knockanroe Road, Cookstown,

Decision:

Decision Date:

Ref ID: I/2001/0426/O

Proposal: Proposed One and a Half Storey Residential Dwelling

Address: Site Opposite 48 Knockanroe Road, Ardtrea, Stewarttown

Decision:

Decision Date: 10.01.2002

Ref ID: I/2000/0194/O

Proposal: Storey and half house and domestic garage.

Address: 30 metres East of 48 Knockanroe Road, Cookstown.

Decision:

Decision Date: 26.05.2000

Ref ID: I/1993/0212

Proposal: 11KV Rural Spur

Address: KNOCKAROE ROAD TIEVENAGH COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2010/0091/LDE

Proposal: Storage and fabrication of structural steel and associated items

Address: 55 Knockinroe Road, Cookstown, BT80 8RX

Decision:

Decision Date:

Ref ID: I/2000/0297/O

Proposal: Replacement Dwelling

Address: 59 Knockanroe Road, Tievenagh, Cookstown

Decision:

Decision Date: 28.07.2000

Ref ID: I/2003/0601/RM

Proposal: Replacement Dwelling

Address: 59 Knockinroe Road Tievenagh Cookstown

Decision:

Decision Date: 17.09.2003

Ref ID: I/2005/0707/O

Proposal: Proposed site for dwelling and garage (domestic)

Address: 100 metres (approx) North West of 59 Knockinroe Road, Tievenagh, Cookstown

Decision:

Decision Date: 01.02.2006

Ref ID: I/2008/0061/F

Proposal: Site for dwelling-amendment to condition No.7 in relation to Outline planning permission ref no: I/2005/0707/O to increase ridge height to 6 metres.

Address: 100 metres (approx) North West of 59 Knockinroe Road, Tievenagh, Cookstown

Decision:

Decision Date: 16.04.2008

Ref ID: I/2009/0017/RM

Proposal: Proposed dwelling and garage

Address: 100m North West of 59 Knockinroe Road, Cookstown

Decision:

Decision Date: 18.08.2009

Ref ID: I/2004/0597/O

Proposal: Proposed Dwelling

Address: 90m South East of 53 Knockanroe Road, Cookstown

Decision:

Decision Date: 15.09.2004

Ref ID: I/2005/0301/O

Proposal: Proposed dwelling

Address: 90m SE of 53 Knockanroe Road, Cookstown

Decision:

Decision Date: 09.05.2005

Ref ID: I/2005/0634/O

Proposal: Proposed dwelling

Address: 90m SE of 53 Knockanroe Road, Cookstown

Decision:

Decision Date: 16.06.2005

Ref ID: I/2004/0913/O

Proposal: proposed dwelling

Address: 90m S.E. of 53 Knockanroe Road, Cookstown

Decision:

Decision Date: 25.01.2005

Ref ID: I/2006/0661/RM

Proposal: Dwelling & garage

Address: 150metres (approx) NW of 59 Knockinroe Road, Cookstown

Decision:

Decision Date: 19.12.2006

Ref ID: I/2003/0807/O

Proposal: Dwelling and Garage

Address: 150 metres (approx) north west of 59 Knockinroe Road, Cookstown. BT80 8SR

Decision:

Decision Date: 13.11.2003

Ref ID: I/2008/0420/RM

Proposal: Single storey dwelling and garage

Address: 90m south east of 53 Knockanroe Road, Ardtrea

Decision:

Decision Date: 21.10.2008

Ref ID: I/2003/0814/O

Proposal: Proposed dwelling

Address: Lands 70m East of 48 Knockanroe Road Ardtrea Cookstown

Decision:

Decision Date: 29.03.2004

Ref ID: I/2004/0831/O

Proposal: Site for dwelling & garage

Address: 150 Metres (approx) South East of 55 Knockinroe Road, Tievenagh,
Cookstown

Decision:

Decision Date: 14.04.2005

Ref ID: I/2004/0999/RM

Proposal: Dwelling & garage

Address: 90 Metres (approx) South East of 55 Knockinroe Road, Tievenagh, Cookstown

Decision:

Decision Date: 30.12.2004

Ref ID: I/2010/0447/F

Proposal: Alterations to previous approval ref: I/2008/0420RM including relocation of access

Address: 90m South East of 53 Knockanroe Road, Ardtrea, Stewartstown

Decision:

Decision Date: 10.12.2010

Ref ID: I/2013/0357/F

Proposal: Steel and timber store for Engineering works (Amended Plans and Supporting Statement)

Address: To the rear of 57 Knockinroe Road, Dungannon,

Decision: AGREE

Decision Date: 08.12.2014

Ref ID: I/2014/0246/F

Proposal: Proposed retention of engineering workshop to include store and ancillary accommodation and storage yard

Address: 55, Knockanroe Road, Cookstown,

Decision: PG

Decision Date: 28.06.2017

Ref ID: I/2002/0703/O

Proposal: Dwelling and Garage

Address: 90 Metres (approx) South East of 55 Knockinroe Road, Tievenagh, Cookstown

Decision:

Decision Date: 16.05.2003

Ref ID: I/2005/0705/F

Proposal: Extension to dwelling with disabled adaptations.

Address: 51 Knockinroe Road, Cookstown

Decision:

Decision Date: 26.09.2005

Ref ID: I/1994/0158

Proposal: Site for Dwelling

Address: OPPOSITE 41 KNOCKADOO ROAD MONEYMORE

Decision:

Decision Date:

Ref ID: I/1998/0529

Proposal: Proposed dwelling & garage

Address: ADJACENT TO 53 KNOCKINROE ROAD COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1992/0403

Proposal: Bungalow

Address: ADJACENT TO 55 KNOCKANROE ROAD ARDTREA COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2002/0680/F

Proposal: Proposed dwelling and garage

Address: Adjacent to 55 Knockanroe Road, Stewartstown

Decision:

Decision Date: 30.12.2002

Ref ID: I/1990/0016

Proposal: Dwelling and Garage

Address: ADJACENT TO 55 KNOCKANROE ROAD ARDTREA COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1999/0058

Proposal: Dwelling and Garage

Address: 50M SOUTH EAST OF 55 KNOCKANORE ROAD TIEVENAGH
COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2010/0253/F

Proposal: Proposed extension and alterations to existing engineering workshop/store &
ancillary accommodation

Address: 55 Knockinroe Road, Cookstown, BT80 8RX

Decision:

Decision Date: 30.11.2010

Ref ID: I/2013/0110/F

Proposal: Proposed retention of offices for engineering works

Address: 55, Knockanroe Road, Stewartstown,

Decision: PG

Decision Date: 05.07.2013

Ref ID: I/1993/0185

Proposal: Domestic Garage

Address: 55 KNOCKANROE ROAD, TIEVENAGH, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1991/0300

Proposal: Improvements to Dwelling

Address: 55 KNOCKANROE ROAD TIEVENAGH COOKSTOWN

Decision:

Decision Date:

Ref ID: LA09/2015/0013/F

Proposal: Extension and alterations to existing dwelling

Address: 51 Knockanroe Road, Stewartstown, Dungannon, BT71 5LX,

Decision: PG

Decision Date: 09.07.2015

Ref ID: I/2014/0074/F

Proposal: Proposed alteration of existing access and laneway

Address: To the rear of 51 Knockinroe Road Stewartstown Dungannon BT71 5LX,

Decision: PG

Decision Date: 30.06.2017

Ref ID: LA09/2015/0528/PAD

Proposal: New shed and ancillary works

Address: Adjacent to 50 Knockanroe Road, Stewartstown,

Decision:

Decision Date:

Drawing Numbers and Title

Drawing No. 04

Type: Proposed Plans

Status: Submitted

Drawing No. 03

Type: Proposed Plans

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 05

Type: Existing Plans

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



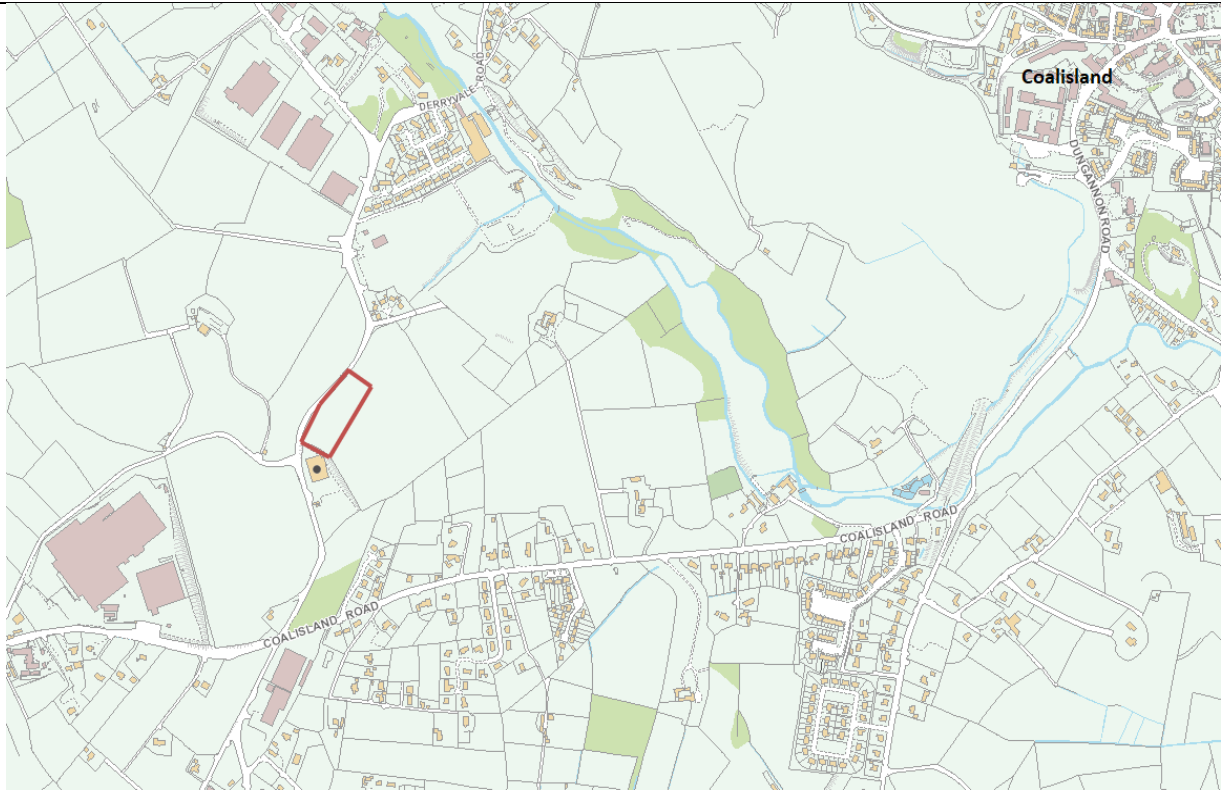
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1657/F	Target Date:
Proposal: Proposed general purpose storage unit & associated works in association with an established business - Terramac Fabrication Ltd	Location: 25m North East of No 9 Farlough Road Dungannon
Referral Route: Contrary to policy	
Recommendation:	Refusal
Applicant Name and Address: Terramac Fabrication Ltd 81 Gortgonis Road Coalisland Dungannon BT71 4QF	Agent Name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge BT41 3SQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

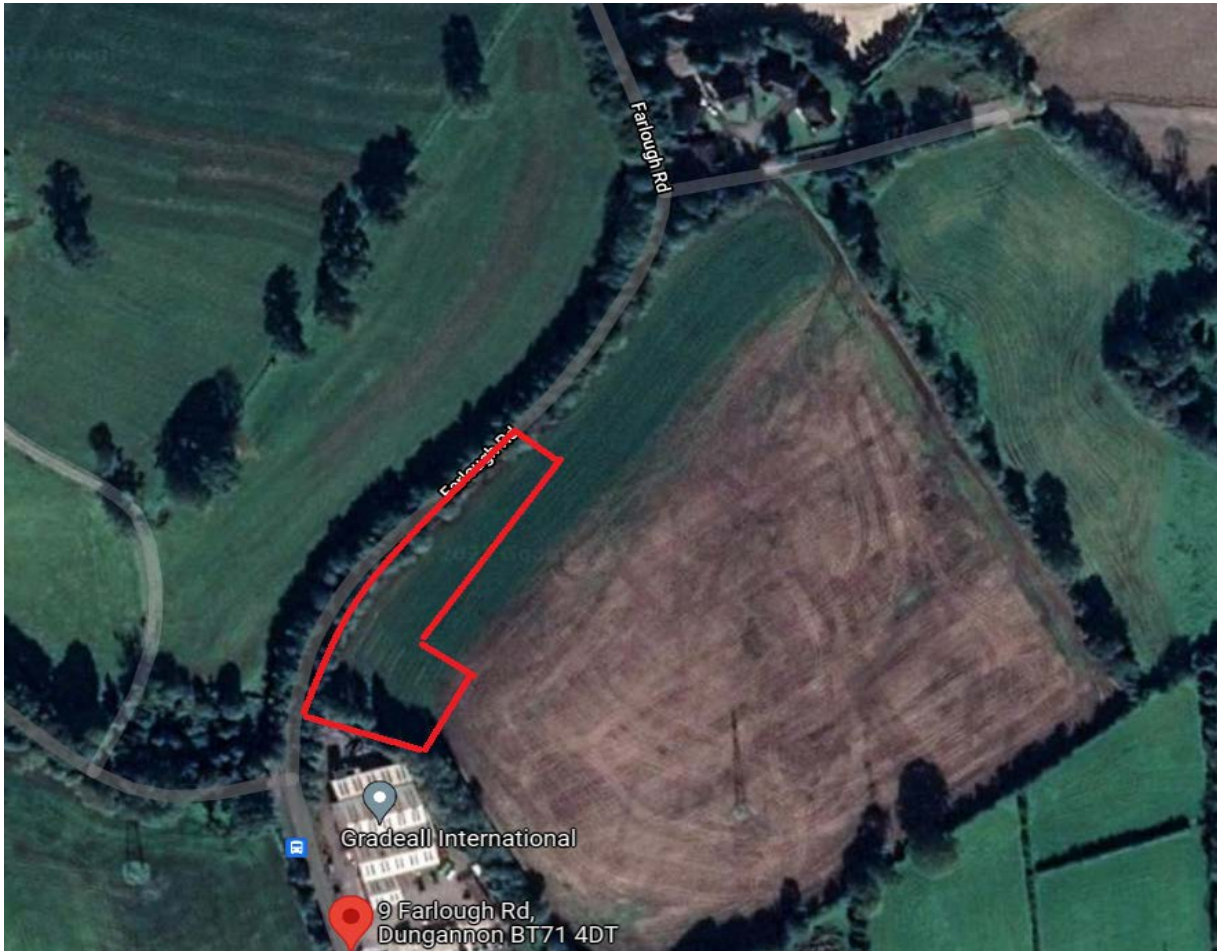
Contrary to PPS21 CTY1, PPS4 PED2 & PED9

Characteristics of the Site and Area

The site lies in the open countryside just outside the settlement limits of Coalisland and also outside all other areas of constraint as depicted within the DSTAP 2010. The area is predominantly rural in nature with the site surrounded by agricultural land on three

sides, however, just a short distance to the south along the main Coalisland road the area is a lot more built up with a mix of industrial and residential.

The red line of the site is situated just to the north of No.9 Farlough road, and consists of a rectangular shaped cut out in the western corner of a large agricultural field. The site is undefined on the ground to the north and east, with a low cropped hedgerow and a scattering of trees along the roadside west and the existing industrial units to the south.



Description of Proposal

The proposal seeks full planning permission for a general purpose storage unit & associated works in association with an established business - Terramac Fabrication Ltd



Planning Assessment of Policy and Other Material Considerations

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

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

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland
- DSTAP 2010
- Planning Policy Statement 21 - Sustainable Development in the Countryside
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 4: Planning and Economic Development

Mid Ulster Development Plan 2030 – Draft Plan Strategy

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft

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

Representations

Press advertisement and neighbour notification has been carried out in line with the Council's statutory duty. At the time of writing, there has been no third party representations.

History on Site

There is no previous planning history on this site. There is planning approval for the redevelopment of a factory adjacent to what is now the Gradeall factory site, this was approved in 2005 under planning ref; M/2003/1631/F

Key Policy Considerations/Assessment

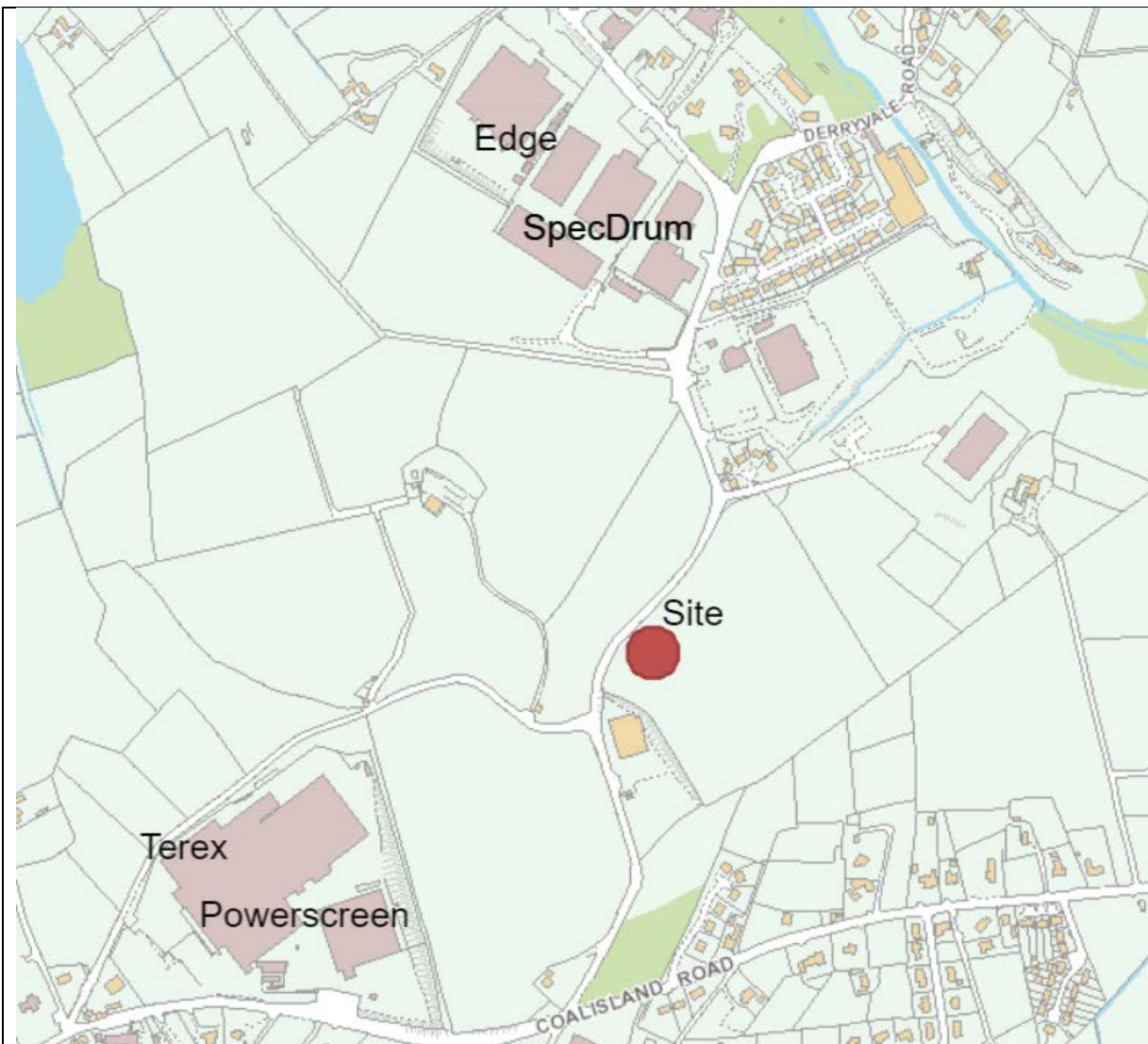
DSTAP - This site is located outside any settlement defined in the DSTAP 2010. It is not subject to any area plan designations or zonings and the plan does not have any policies for this type of development in a rural location. As such, existing planning policy will be applied (i.e.) PPS 4.

The SPPS retains the policy provisions of PPS21, PPS4 and PPS3.

PPS21, Policy CTY 1 - 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 Departments published guidance.

There is no history of this type of industrial development on the site, the site is in the rural area and not on land allocated for industrial development in the plan, and the applicant has provided no justification as to why this type of development is essential and could not be located within the settlement. It must be noted that the site adjacent to and south of proposed site is current used by Gradeall LTD which manufacture large scale industrial machinery. There is also an industrial area to the North which includes Edge and SpecDrum and to the south west a further industrial area which includes Terex and Powerscreen. (see below)

Information justifying the need for the proposed site as opposed to expanding the existing site has been sought on 13th April and 16th May and no response was received.



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 PPS 4 (currently under review)

As this proposal is for a new industrial shed within the countryside and is not an extension to an already established economic development use Policies PED 2 and PED 9.

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

The Expansion of an Established Economic Development Use – Policy PED 3

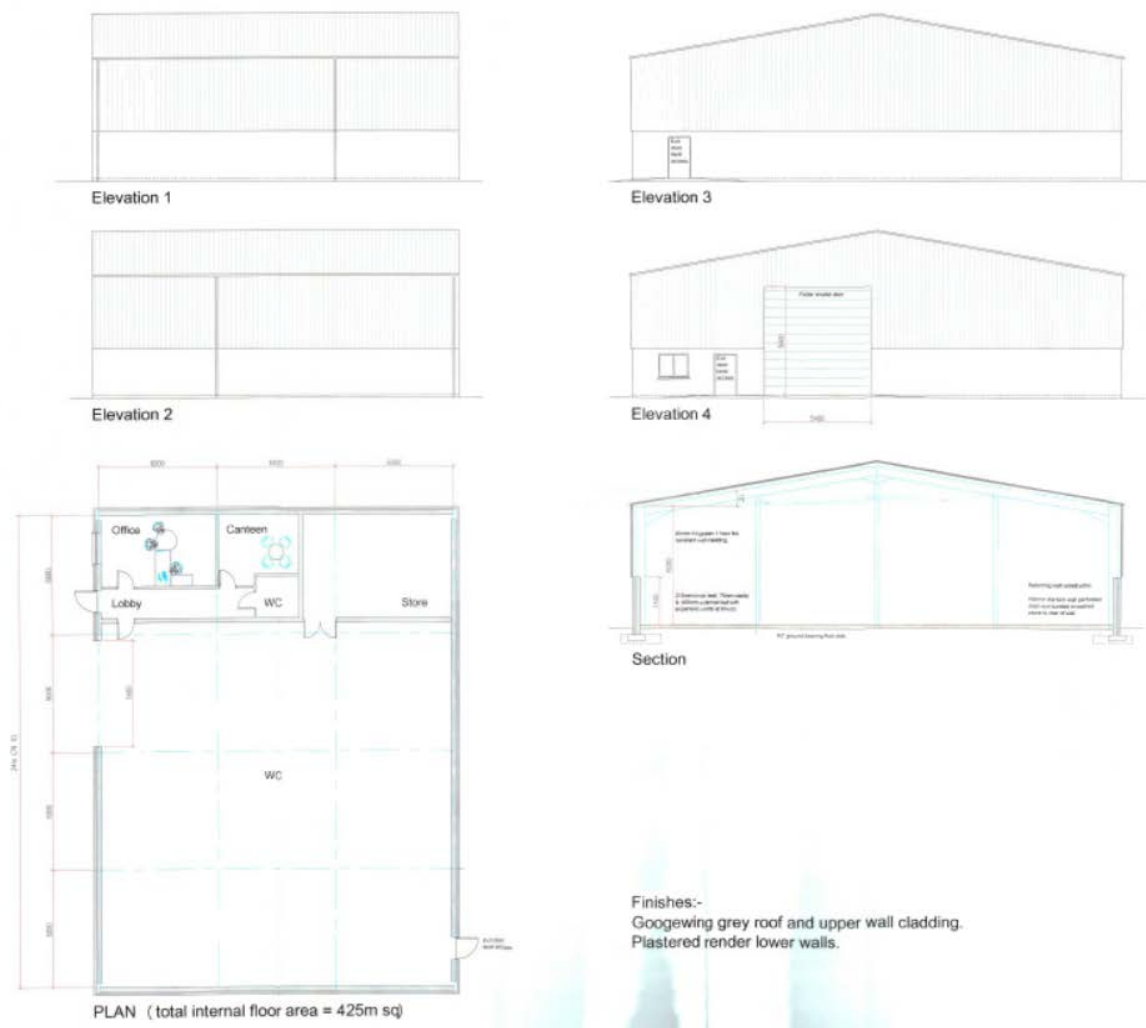
The Redevelopment of an Established Economic Development Use – Policy PED 4

Major Industrial Development – Policy PED 5

Small Rural Projects – Policy PED 6

This application is not for an expansion or redevelopment of an established site, it is not considered a major industrial development or a small rural project, or an economic development associated with farm diversification schemes. All other proposals for

economic development in the countryside will only be permitted in exceptional circumstances, therefore this proposal is not compliant with PED2.



Policy PED 9 - General Criteria for Economic Development

In addition to Policy PED 2, this proposal is required to meet the requirements of Policy PED 9;

I consider the proposal is contrary to PPS 4 Policy PED 9 for the following reasons;

this proposal is not considered compatible with the surrounding land uses, it is noted that there is an industrial use to the South, however, this site is detached from that, and given that the site is an open field which is also surrounded by agricultural lands to the North, East and West, residential dwellings also further to the north.

This development site is in a rural area with dwellings located immediately a short distance to the North, a proposed industrial shed of this size would result in a loss of amenity to the nearest neighbouring receptor via noise nuisance.



In conclusion, the proposal if approved would introduce a new industrial development to the rural area with no supporting information to justify as to why it is essential and cannot be located within the settlement or indeed the confines of the existing industrial site associated with the applicants existing business. As can be seen below the applicant Terramac Fabrications has an existing site a few miles to the east and has provided no justification as to why this site cannot house the proposed additional storage shed nor why a completely new separate site is needed.



In addition to the above, this application would be contrary to PPS 4 PED 2 in that it does not meet any of the policy provisions and has given no justification as to why it should be considered an exceptional case. And also contrary to PED 9 in that it would if permitted fail to meet the following criteria, (a) it is compatible with surrounding land uses, (b) it does not harm the amenities of nearby residents, (e) it has the potential to create noise nuisance.

Recommendation Refusal

Neighbour Notification Checked

Yes

Refusal Reasons

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

2. The proposal is contrary to the Council's Planning Policy Statement 4, PED 2 in that the site is located within the open countryside and no exceptional circumstances have been demonstrated to justify relaxation of the strict planning controls exercised in this area.

3. The proposal is also contrary to Policy PED9 of PPS4 as it would, if approved, fail to meet the following criteria, (a) it is compatible with surrounding land uses, (b) it does not harm the amenities of nearby residents, and (e) it has the potential to create noise nuisance.

Signature(s)

Date:

ANNEX	
Date Valid	18th November 2021
Date First Advertised	30th November 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 16 Farlough Road,Dungannon,Tyrone,BT71 4DT The Owner/Occupier, 3 Farlough Road,Farlough,Dungannon,Tyrone,BT71 4DT The Owner/Occupier, 4 Farlough Road,Farlough,Dungannon,Tyrone,BT71 4DT The Owner/Occupier, 9 Farlough Road,Dungannon,Tyrone,BT71 4DT The Owner/Occupier, 9 Farlough Road,Dungannon,Tyrone,BT71 4DT	
Date of Last Neighbour Notification	17th December 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: M/1996/0259 Proposal: Proposed extension to existing industrial site to provide factory accommodation for engineering works (Amended Proposal) Address: GRADEAL INTERNATIONAL FARLOUGH ROAD DUNGANNON Decision: Decision Date: Ref ID: M/2003/1631/F Proposal: Proposed re-development of existing factory to include for new factory/office block and plant room and associated site works Address: Gradeall International, Farlough Road, Newmills, Dungannon Decision: Decision Date: 08.11.2005 Ref ID: M/1985/0513 Proposal: RETENTION OF OFFICES Address: 9 FARLOUGH ROAD, DUNGANNON Decision: Decision Date:	

Ref ID: M/1978/0330
 Proposal: MANUFACTURE AND SALE OF GENERATORS
 Address: GORTIN, COALISLAND
 Decision:
 Decision Date:

Ref ID: LA09/2021/1657/F
 Proposal: Proposed general purpose storage unit & associated works in association with an established business - Terramac Fabrication Ltd
 Address: 25m North East of No 9 Farlough Road, Dungannon,
 Decision:
 Decision Date:

Drawing Numbers and Title

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

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

Drawing No. 03
 Type: Proposed Plans
 Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
 Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1672/F	Target Date:
Proposal: Proposed change of house type and relocation of dwelling and domestic garage from that originally approved under M/2013/0414/F and domestic garage	Location: Approx. 100m North of 34 Ferry Road Coalisland Dungannon
Referral Route: Refuse	
Recommendation: Refuse	
Applicant Name and Address: Mr Patrick And Mrs Lisa Trainor 4 Ferry Road Coalisland Dungannon	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Shared Environmental Services	Substantive Response Received
Statutory	NIEA	Advice
Representations:		
Letters of Support		None Received
Letters of Objection		None Received
Number of Support Petitions and signatures		No Petitions Received
Number of Petitions of Objection and signatures		No Petitions Received

Description of Proposal

This is a full planning application for the proposed relocation and change of house type of a dwelling and garage previously approved and deemed to have commenced on site under planning application M/2013/0414/F.

Planning application M/2013/0414/F on the 14th October 2014 granted permission for a dwelling and garage on a farm in the southwest body of the current site (see Fig 1, below). Works under the aforementioned permissions were to have commenced prior to the 14th October 2019.

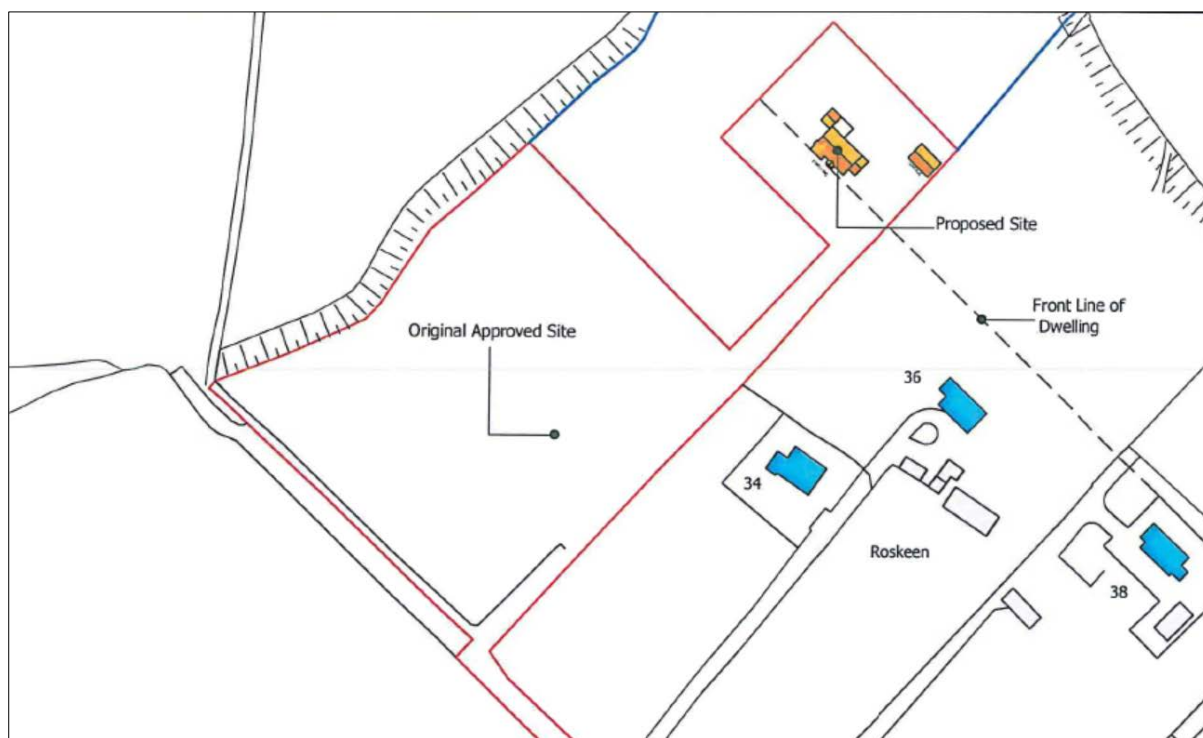


Fig 1: Current site location plan showing approx. location of previously approved dwelling and garage; and location of the change of house type including garage proposed.

Works on site would appear to have commenced in accordance with M/2013/0414/F. The access into the site and foundations of the garage appear to have been put in place within the specified timeframe as approved; and building control confirmed they carried out an inspection of the foundations on the 25th September 2019, as per a Building Control letter and invoice submitted alongside this application.

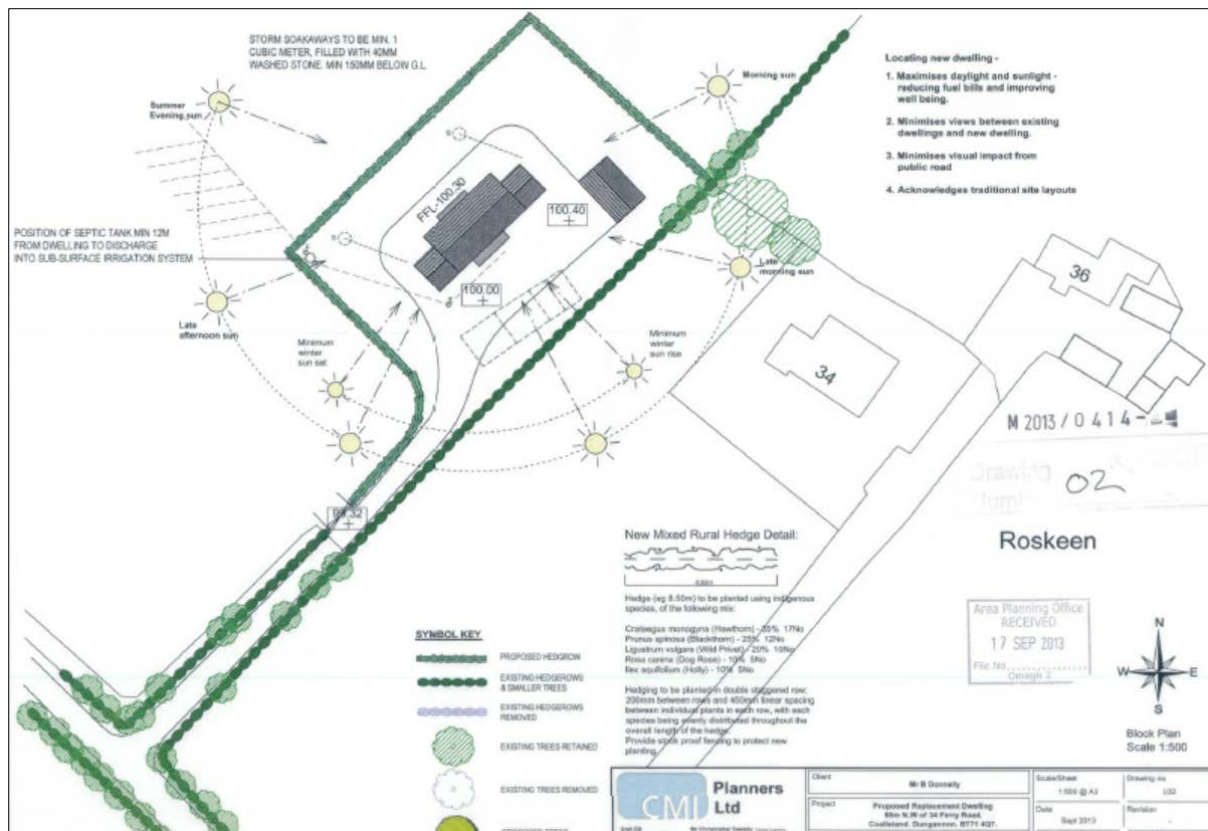


Fig 2: Block plan of dwelling and garage approved under M/2013/0414/F

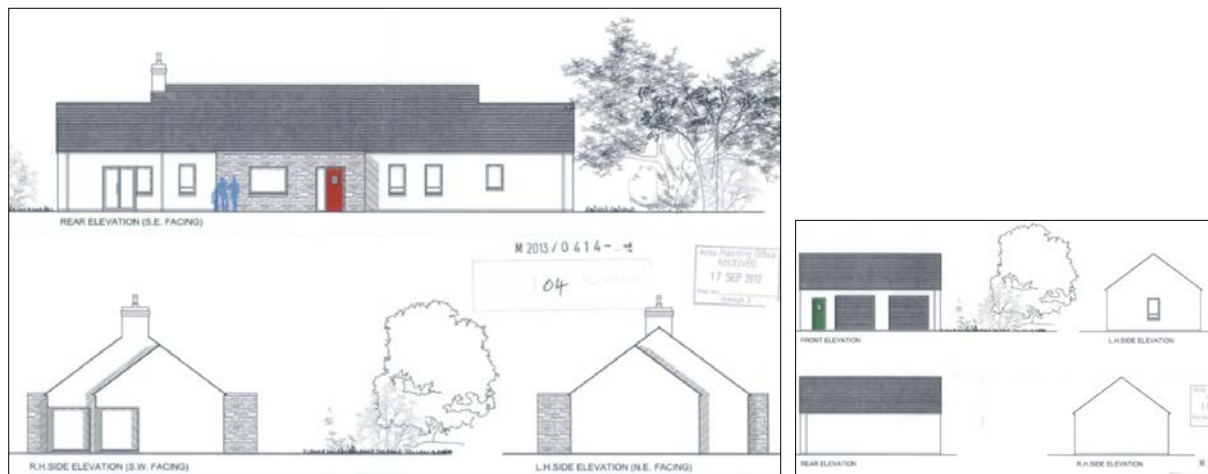


Fig 3: Elevations of dwelling and garage approved under M/2013/0414/F



Fig 4: Block plan of dwelling and garage currently proposed



Fig 5: Floor plans and elevations of dwelling and garage currently proposed

As seen above in Figs 1, 2, 3, 4 & 5 above the previously approved scheme was for a modest single storey dwelling and single storey detached garage whilst the new proposal is for a substantial two-storey dwelling and single storey detached garage. The previous scheme was located in the southwest body of the current site on lower enclosed lands whilst the new scheme is to be located in the northeast body of the current site on elevated open lands.

Characteristics of the Site and Area

The site is located in the rural countryside outside any defined settlement limit designated under Dungannon and South Tyrone Area Plan 2010, approximately 2km southeast of Killeen. Lough Neagh lies approx. 200 – 300m to the north and northeast of the site.

The site in effect comprises two relatively square shaped plots, one larger southwest plot and one smaller northeast plot cut from the same much larger rectangular shaped host field. The larger southwest plot, previously approved for a dwelling and a garage under planning application M/2013/0414/F, comprises the overgrown foundations of a garage and a pre-fabricated modular building in use as a dwelling. The smaller northeast plot is where the current application seeks to relocate the previously approved scheme with a change of house type including garage. The site is set back approx. 450m from and accessed off the Ferry Rd via an existing gravelled laneway. A mix of native hedgerows and vegetation bounds the host field, which sits above the level of the adjacent lough shores. The boundaries of the site within the host field are undefined. The land rises through the site from southwest to northeast as such the smaller northeast plot sits substantially elevated above the larger southwest plot.

Critical views of the site are from the Ferry Rd around its access off the road and on the approach to it from the lane serving it. From these views, the vegetation bounding the host field and land rising within it would provide a dwelling on the lower southwest plot with a sense of enclosure and backdrop. However, from these views a dwelling on the higher northeast plot, as currently proposed, is likely to sit in the skyline and be unduly prominent in the landscape, as it is bound only to one side.

The area surrounding the site is predominantly agricultural land interspersed with detached dwellings, ancillary buildings and farm groups. Significant peat operations exist in the area along the lane leading to the site.

Planning Assessment of Policy and Other Material Considerations

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

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

Regional Development Strategy 2030

Dungannon and South Tyrone Area Plan 2010

Strategic Planning Policy Statement for Northern Ireland

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 has been carried out in line with the Council's statutory duty. At the time of writing, no third party representations were received.

Relevant Planning History

On Site

- M/2002/0984/O - Replacement Dwelling House - 100m West of 34 Ferry Rd Coalisland - Withdrawn 1st March 2003 it would appear as there was no justification for it in a countryside policy area; and the dwelling did not meet replacement criteria.
- M/2005/0520/O - One dwelling - 100m West of 34 Ferry Rd Coalisland - Withdrawn 23rd September 2005 it would appear as there was no justification for it in a countryside policy area
- M/2013/0414/F - Farm dwelling and garage - 50m NW of 34 Ferry Rd Coalisland - Granted 14th October 2014
- LA09/2021/0063/CA - Alleged unauthorised modular building - 32 Ferry Road Coalisland - Assessment of enforcement case

Adjacent

- LA09/2020/1443/O - Proposed dwelling on a farm (CTY 10) - Adjacent to 34 & 36 Ferry Rd Dungannon - Granted
- LA09/2021/1784/RM - Proposed dwelling & garage - Adjacent to 34 & 36 Ferry Rd Dungannon - Granted

The above applications relate to lands to the rear of no. 34 Ferry Rd and immediately southeast of where the dwelling and garage under the current application is proposed to be sited. The dwelling approved under the above applications was 1 ¾ storey with a 7.5m ridge height above FFL.

Consultees

1. Dfi Roads were consulted in relation to access arrangements and have raised no objections to this proposal, subject to standard conditions and informatives. Accordingly, subject to these conditions and informatives I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.
2. Shared Environmental Services (SES) were consulted in relation to any potential hydrological link from the development to a European site as the site is located within Lough Neagh Ramsar Site; the applicant intends to use a package treatment plant for foul sewage; and both foul & storm drainage is to be taken to an existing open stream boundary.

SES have carried out a Habitats Regulation Assessment (HRA) report responded that having considered the nature, scale, timing, duration and location of the project, concluded it would not be likely to have a significant effect on any European site, either alone or in combination with any other plan or project and therefore an appropriate assessment is not required. In reaching this conclusion, no account was taken of measures intended to avoid or reduce potential harmful effects of the project on any European site. No likely significant effect is predicted due to the scale/nature of the proposed development, the presence of existing development in the vicinity and the quality of the habitat that will be lost to facilitate the proposed development.

Mid Ulster District Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by SES, dated 24th March 2022. This found that the project would not be likely to have a significant effect on any European site.

3. NIEA were consulted in relation to any potential hydrological link from the development to a European site as the site is located within Lough Neagh Ramsar Site; the applicant intends to use a package treatment plant for foul sewage; and both foul & storm drainage is to be taken to an existing open stream boundary.
- Water Management Unit (WMU) and Inland Fisheries – WMU has considered the impacts of the proposal on the surface water environment and is content with the proposal subject to conditions, any relevant statutory permissions being obtained and the applicant referring and adhering to DAERA Standing advice. Inland Fisheries is content.
 - Natural Environment Division (NED) - Noted no ecological information had been submitted with the application and advised they required further information to fully assess the likely impacts on natural heritage interests. Based on aerial photography and the proposal drawings it appears that the site is likely to contain significant natural heritage interest. NED considers that a Preliminary Ecological Appraisal (PEA) is required to assess the potential impacts. A PEA will provide direction as to whether more detailed and/or targeted surveys should also be carried out. NED notes that the site contains suitable habitat for breeding birds and considers that site vegetation clearance works should not be undertaken during the birdbreeding season (which extends from 1st March to 31st August) unless an appropriate survey has been carried out by a suitably experienced ecologist which confirms the absence of active nests.

With regards NED's response above, I note it was a desk-based response, the lands within the site comprise improved grassland and existing vegetation bounding the site could be conditioned to be retained, should any development be accepted

Consideration

Dungannon and South Tyrone Area Plan 2010 - is the statutory local development plan for the application site. The site is located outside any development limit and the development plan offers no specific policy or guidance in respect of the proposal.

The Strategic Planning Policy Statement for Northern Ireland - Retains the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside.

Planning Policy Statement 21: Sustainable Development in the Countryside - is the overarching policy for development in the countryside. It provides certain instances where the development of a dwelling is considered acceptable in the countryside subject to criteria. These instances are listed in Policy CTY1 of PPS21.

I am content the principle of this development, a dwelling and garage, has been established on site through the previous approval M/2013/0414/F and the subsequent commencement of development. As detailed in 'Description of Proposal' further above works on site would appear to have commenced in accordance with M/2013/0414/F. The access into the site and foundations of the garage appear to have been put in place within the specified timeframe as approved (prior to the 14th October 2019); and building control confirmed they carried out an inspection of the foundations on the 25th September 2019, as per a Building Control letter and invoice submitted alongside this application.

The above said with respect to the relocation and design of the dwelling and garage proposed it must still comply with Policies CTY 13 and 14 of PPS 21. CTY 13 states that the proposed development must be able to visually integrate into the surrounding landscape and be of an appropriate design. Policy CTY 14 allows for a building in the countryside where it does not cause detrimental change to or further erode the rural character of the area.

In this instance, I do not believe the site has the capacity to absorb the proposed dwelling in accordance with Policy CTY13 and 14 in that the proposed site has only one established (eastern) boundary and therefore is unable to provide a suitable degree of enclosure for the building to integrate into the landscape. Furthermore, the size, scale, and massing of the dwelling in my opinion is inappropriate for the site and locality and if permitted would be a prominent feature in the landscape when viewed from the surrounding vantage points (see 'Characteristics of the Site and Area') leading to a detrimental change to the rural character of the area.

Whilst the previous dwelling was a low ridge bungalow of modest size and scale on lower more enclosed lands, the proposed dwelling is a substantial 2-storey dwelling (ridge height approx. 8.7m above FFL) on more elevated open lands, which in my opinion would have a significantly greater visual impact when viewed from surrounding vantage points. I would also note that the previously approved scheme was relatively simplistic in design and consistent with simple rural form whereas the new dwelling has two large front projections not considered typical of simple rural form.

Accordingly, the agent was contacted via email on the 12th May 2022 and advised Planning did not consider the design of the dwelling to be consistent with simple rural

form; and that due to its size, scale and location on an elevated and open site it would not integrate and appear prominent in the landscape. The agent was offered the opportunity to submit the following additional information for further consideration within 21 days from the of the email i.e. the 2nd June 2022:

- An amended design showing the size and scale of the property reduced;
- An amended block to show the dwelling moved lower down the field onto lower lands near the position of the previously approved dwelling; and
- A few existing (from a fixed point i.e. on the public road) and proposed spot levels.

To date no additional information for consideration has been received.

Other Policy/Considerations

Whilst the location and design of the dwelling including garage is not considered acceptable I had no concerns regarding it impacting the amenity of any existing or potential (see Planning History LA09/2020/1443/O & LA09/2021/1784/RM) neighbouring properties to any unreasonable degree owing to its location and the separation distances retained.

In addition to checks on the planning portal Historic Environment Division map viewer available, online has been checked and identified no built heritage assets of interest on site or within the immediate vicinity.

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

The development is under the 15.2m height threshold in the area requiring consultation to Defence Estates relating to Met Office - Radar. The development is located within an area of constraint on wind turbines; the development is not for a turbine.

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

Neighbour Notification Checked	Yes
Summary of Recommendation:	Refuse

Reasons for Refusal:

1. The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; and the design of the dwelling is inappropriate for the site and its locality due to its size, scale and massing, and if permitted it would be a prominent feature in the landscape.
2. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if

permitted be unduly prominent in the landscape and would therefore result in a detrimental change to the rural character of the countryside.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 05/07/2022	Item Number:
Application ID: LA09/2021/1678/F	Target Date:
Proposal: Proposed two storey family dwelling and attached garage	Location: South of 179 Coash Road Killyman Dungannon
Referral Route: 1. Contrary to policy in CTY 8 – Ribbon Development in PPS 21 in that the development if permitted does not respect the existing development pattern in terms of size and scale of the dwelling. 2. Contrary to policy in CTY 13 – Integration and Design of Buildings in the Countryside in PPS 21 in that the development if permitted would be a prominent feature in the landscape and the design of the building is inappropriate for the locality. 3. Contrary to policy in CTY 14 – Rural Character in PPS 21 in that the development if permitted would not respect the traditional pattern of settlement in the area.	
Recommendation:	Refusal
Applicant Name and Address: Stephen Mc Aliskey 179 Coash Road Killyman Dungannon BT71 6RD	Agent Name and Address: C McIlvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown BT80 9LU
Executive Summary: The proposal is for a dwelling with a 7.5m ridge height and a T-shaped form. The proposed dwelling has a contemporary finish with a mix of brick, stone and wood cladding as external finishes. The other dwellings along the row are modest single storey with the appearance of rural dwellings. I consider the proposal does not fit with the existing pattern of development along the row and will be prominent in the landscape.	

Signature(s):

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Characteristics of the Site and Area

The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character with agricultural fields, interspersed with groups of farm buildings and single dwellings. The majority of dwellings in the immediate area are modest single storey dwellings on small plots with a roadside frontage onto Coash Road which is a moderately trafficked minor road.

The application site is a portion of a larger agricultural field between other dwellings and has a flat topography. The land at the site sits at a slightly higher level than the road level. Along the roadside boundary is a post and wire fence and the east and west boundaries are characterised by established hedging.

Description of Proposal

This is a full application for a proposed two storey family dwelling and attached garage at South of 179 Coash Road, Killyman, Dungannon.

Planning Assessment of Policy and Other Material Considerations

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

Representations

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

Planning History

No recent planning histories at the application site.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010

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

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

Planning Policy Statement 21

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In addition, other types of development will only be permitted where overriding reasons are submitted why the development is

essential and could not be located within a settlement. As this proposal is for an infill dwelling CTY 8 is the relevant policy in the assessment.

CTY 8 – Ribbon Development

The application site is a portion of a larger agricultural field with a roadside frontage onto Coash Road. Abutting the southern boundary is a dwelling at No.183 with a garden area to the front of the dwelling and I am content No. 183 has a frontage to the road. Abutting the northern boundary is a dwelling at No. 179 and to the north of No.179 is another dwelling at No. 173. I am content both No. 179 and No. 173 have garden areas which front onto the road. I am content there proposal is a small gap site within a substantial frontage of 3 or more buildings along Coash Road.

The application site has a roadside frontage of 35m and No. 183 has a frontage of 60m but this is around a bend in the road. To the north No, 179 has a frontage of 33m and No. 173 has a frontage of 37m. There are varying frontages along this stretch of road but I am content the application site can only accommodate up to 2 dwellings. The proposal is for only 1 dwelling at the site. I am content the proposed site has a frontage which is in character with the surrounding frontages and is capable of accommodating not more than 2 dwellings.

The predominant house type along this stretch of road are modest single storey dwellings and the applicant has proposed a two storey/one and half storey dwelling. The proposed dwelling has the form of two long buildings perpendicular to each other in a T shape. The design is contemporary in a barn style with varying sizes of long windows. The proposed external materials are grey profiled metal on the roof, grey aluminium windows and doors, natural stone on the ground floor, brick and wood cladding on sections of the upper floor. In comparison the scale and massing of the surrounding dwelling is simple rural dwelling with slate roof tiles and pebble dash or render walls.

The level of the site is at a higher level than the road level and the site is level with dwellings on either side. In discussions with the agent and the senior planner the applicant was asked to reduce change the design to fit with the surrounding dwellings. The dwelling has been pushed further back on the site and the ridge height reduced. The agent states that the dwelling will cut into the ground as shown in figures 1 and 2 below.

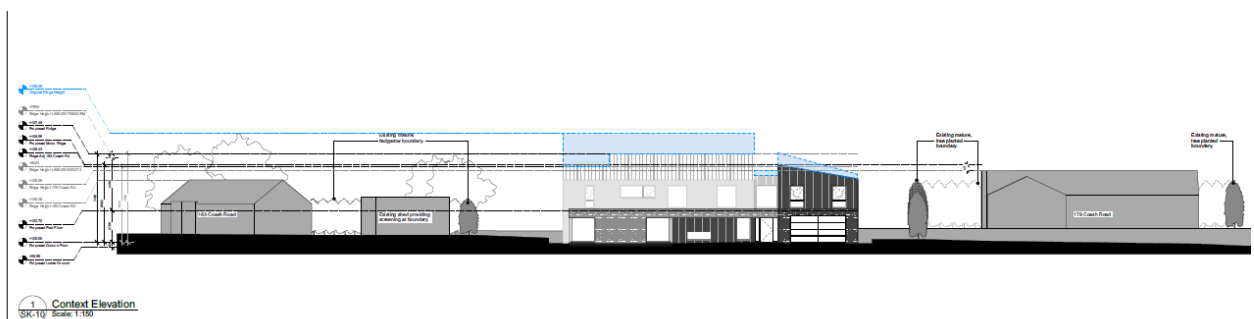


Figure 1 – Street scene of proposed dwelling in context of surrounding dwellings

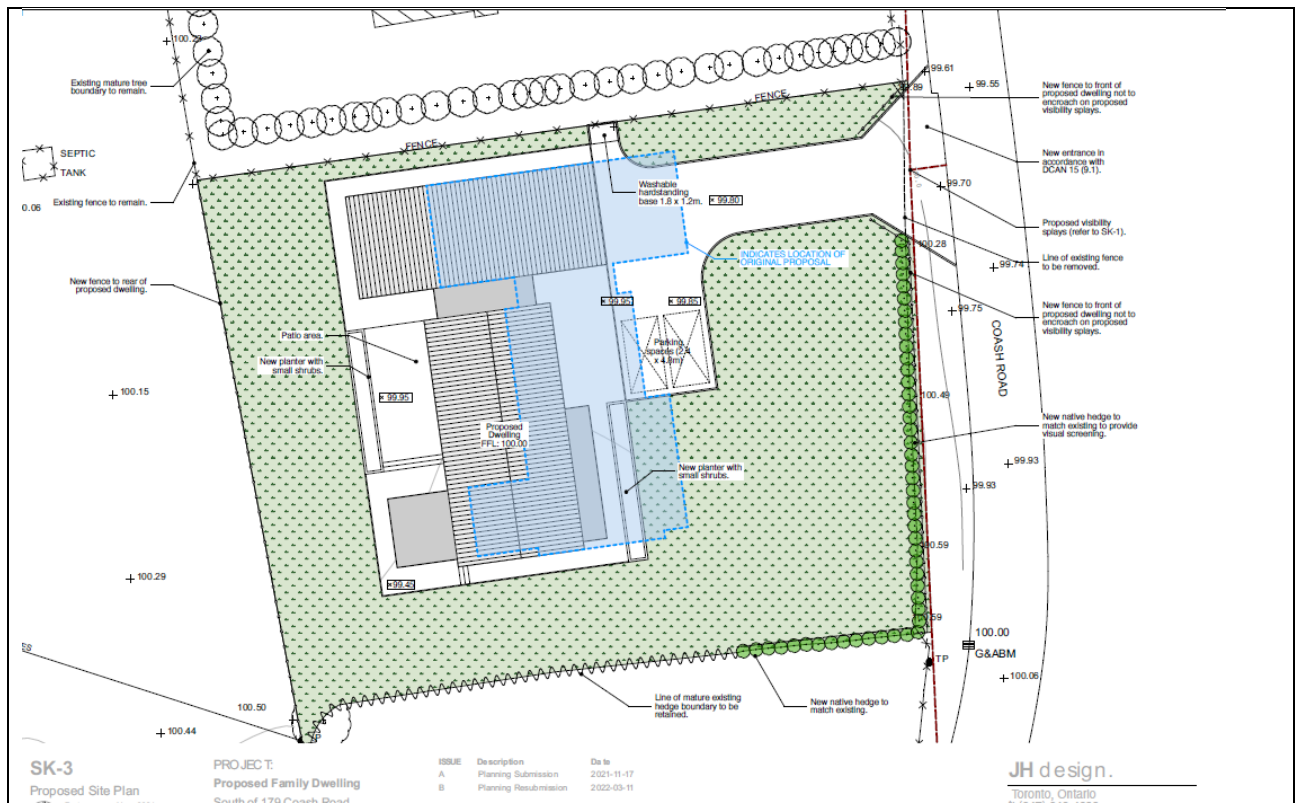


Figure 2 – Site Plan of the dwelling pushed further back

Even-though the ridge height of the dwelling has been reduced I still consider the scale and massing of the dwelling does not fit with the size and scale of nearby dwellings. The policy in CTY 8 states the proposal should respect the existing development pattern and this is not the case with this proposal. Figure 3 shows the proposed roadside elevation in comparison with what currently exists as shown in figure 4.

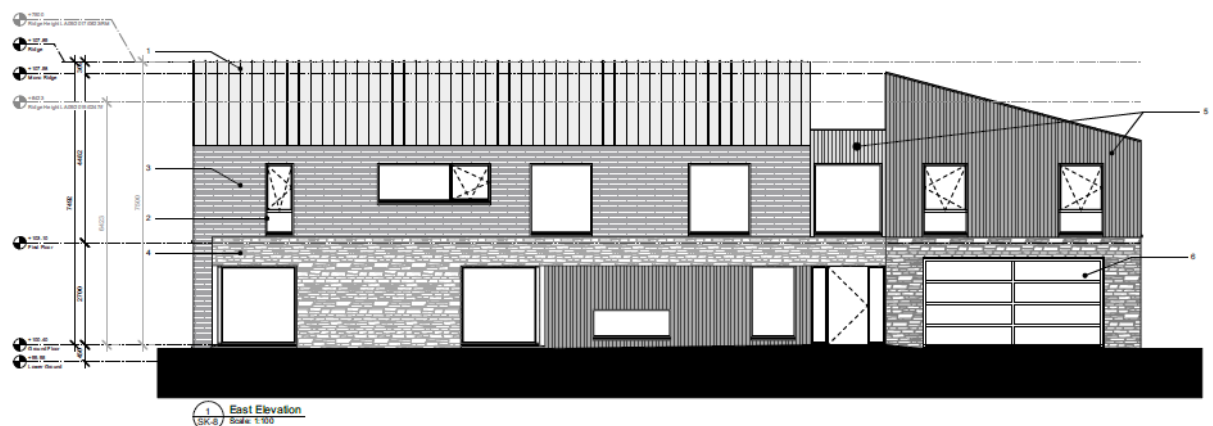


Figure 3 – Snapshot of roadside view of proposed dwelling



Figure 4 – Photos of other dwellings along the row

Overall I consider the proposal does not meet the criteria in CTY 8.

CTY 13 – Integration and Design of Buildings in the Countryside

The application site is a portion of a larger field with a flat topography and the dwelling has been pushed further back on the site. I am of the opinion the scale and massing of the dwelling is out of character when compared with what currently exists along the row and the building will be prominent. There are established boundaries along the north and south of the site and new hedging has been proposed along the roadside boundary. I have no concerns about a sense of enclosure at the site as there are other buildings along the row.

CTY 14 – Rural Character

I consider the proposal will be prominent and does not respect the traditional pattern of settlement in the immediate area.

PPS 3 – Access, Movement and Parking

Policy AMP 2 – Access to Public Roads

I consulted DFI Roads as a new access is proposed. In their consultation response, they stated they had no objections subject to conditions and informatives.

Other Considerations

I am satisfied there are no other ecological, historical or flooding issues at the site.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

The proposal is recommended for refusal as it does not meet the criteria in CTY8, CTY13 and CTY14 in PPS 21.

Reasons for Refusal:

1. Contrary to policy in CTY 8 – Ribbon Development in PPS 21 in that the development if permitted does not respect the existing development pattern in terms of size and scale of the dwelling.

2. Contrary to policy in CTY 13 – Integration and Design of Buildings in the Countryside in PPS 21 in that the development if permitted would be a prominent feature in the landscape and the design of the building is inappropriate for the locality.

3. Contrary to policy in CTY 14 – Rural Character in PPS 21 in that the development if permitted would not respect the traditional pattern of settlement in the area.

Signature(s)

Date:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1757/O	Target Date:
Proposal: Dwelling & garage on a farm	Location: 25m NW of 155 Gulladuff Road Bellaghy
Referral Route: To Committee - Refusal - Contrary to CTY 1 and 10 of PPS 21.	
Recommendation:	
Applicant Name and Address: Mr Silis Overend 14 Loughinsholin Park Castledawson BT45 8EF	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

To Committee - Refusal - Contrary to CTY 1 and 10 of PPS 21.

Characteristics of the Site and Area

The proposed site is located approximately 1.1km north west of the development limits of Bellaghy, as such the site is located within the open countryside as per defined by the Magherafelt Area Plan 2015. The red line covers a roadside agricultural field that proposes to upgrade the existing access onto the Gulladuff Road. I note that the field is bounded by a line of mature hedging along all boundaries with a line of mature trees along the western boundary. The surrounding and immediate area are dominated by agricultural land uses with a scattering of residential properties with a nursing home in close proximity.

Representations

Only one neighbour notification was sent out however no representations were received.

Description of Proposal

This is an outline application for a proposed dwelling & garage on a farm, the site is located 25m NW of 155 Gulladuff Road, Bellaghy.

Planning Assessment of Policy and Other Material Considerations

Mid Ulster Local Development Plan 2030 - Draft Plan Strategy
 Strategic Planning Policy Statement (SPPS)
 Magherafelt Area Plan 2015
 PPS 1 - General Principles
 PPS 3 - Access, Movement and Parking
 PPS 21 - Sustainable Development in the Countryside
 Building on Tradition - A Sustainable Design Guide for Northern Ireland Countryside
 CTY 1 - Development in the Countryside
 CTY 10 - Dwellings on the Farm

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

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

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

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

With respect to (a), a consultation was sent to DAERA with regards to the Farm Business, in their response stated that their was no business number identified on the P1C. Further clarification was sought from the agent but the only thing submitted was a series of receipts. On balance of the information submitted I hold the view that insufficient information has been submitted to demonstrate as an active and established farm business as per required by policy.

With respect to (b), upon review of the farm I note that there is no business to check on but the farm apparently only contains this one field and this appears to be the only application applied

for on this field.

With respect to (c), upon review of the submitted plans it appears that the farm only consists of one field wherein there are no buildings on the site. I note that the registered address of the farm is located within the development limits of Castledawson. However given the issue over the farm business I hold the view that the application fails under CTY 10.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I am content that an appropriately designed dwelling will not appear as visually prominent given the screening provided. I note that as much of the existing landscaping should be retained and supplemented with additional landscaping, with such any dwelling would be able to successfully integrate. Given the landform and surrounding development I feel it necessary to restrict any ridge height to 6m. From which, I am content that the application is able to comply under CTY 13.

In terms of policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I am content that a dwelling in this location would respect the pattern of development in the area and is unlikely to cause detrimental change to the character of the area, complying under CTY 14.

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

PPS 3 - Access, Movement and Parking;

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

I have no ecological or residential amenity concerns.

The proposal accords with the policy requirements of SPPS and PPS 21, therefore I recommend approval for this development.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

Reasons for Refusal:

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

2. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an

exceptional case in that it has not been demonstrated that the farm business is currently active and has been established for at least six years.

Signature(s)

Date:

ANNEX	
Date Valid	8th December 2021
Date First Advertised	28th December 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 155 Gulladuff Road, Bellaghy, Londonderry, BT45 8LW	
Date of Last Neighbour Notification	13th January 2022
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: H/2014/0425/F Proposal: Conservatory to side of dwelling Address: 155 Gulladuff Road, Bellaghy, Decision: PG Decision Date: 27.02.2015 Ref ID: H/2005/0964/O Proposal: Site of Proposed Dwelling and Garage Address: Adjacent to 155 Gulladuff Road, Bellaghy Decision: Decision Date: 22.02.2007 Ref ID: H/2004/1437/F Proposal: 11 KV Supply Address: 154 Gulladuff Road, Bellaghy. Decision: Decision Date: 18.03.2005 Ref ID: LA09/2021/1757/O Proposal: Dwelling & garage on a farm Address: 25m NW of 155 Gulladuff Road, Bellaghy, Decision: Decision Date:	

Summary of Consultee Responses
Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Submitted
Notification to Department (if relevant) Date of Notification to Department: Response of Department:



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1780/O	Target Date:
Proposal: Proposed domestic dwelling and garage in a farm	Location: 30m North of 2 Gortinure Road Maghera
Referral Route: Objection received	
Recommendation:	Approval
Applicant Name and Address: Ms Mary Louise Jackson 56 Carhill Road Garvagh	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Summary of Issues

One objection has been received from No.4 Gortinure Road, which is opposite the application site. The objector raised their displeasure at two separate planning approvals being granted along the Gortinure Road (SW of the application site) The objector raised concerns regarding the small stream and the potential of flooding and water running onto the road.

Having reviewed the above objection it appears the stream being referenced is adjacent to No.4, which is approximately 50m west of the edge of the red line of this application and on the other side of the road. Any development of this site would not have any impact on this stream and the site is not located in an area of flood risk. DfI Roads were also consulted and responded to the representation received stating an informative is attached to all applications that a method of drainage for dealing with surface/storm water is designed and installed adjacent to the access in order to prevent water flowing from or into the property. Responsibility and maintenance of the drainage system remains with the property owner.

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits or other designations as per the Magherafelt Area Plan 2015. The red line of the application is a portion of a larger agricultural field which rises in a northern direction. The site has strong boundaries along the roadside and to the west with mature trees and hedges. The northern and eastern boundaries are currently undefined. The surrounding area is a mix of land uses with agricultural fields and residential dwellings within close proximity as well as an old church and burial ground to the south west.

Description of Proposal

This is an outline planning application for a proposed domestic dwelling and garage in a cluster.

Planning Assessment of Policy and Other Material Considerations

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

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.

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 within the locality of the site that includes 6 dwellings.

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

Whilst travelling along the Gortinure Road the cluster appears in 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 contends that the cluster of development is associated with a Church and Graveyard (which is in ruins). Following internal group meetings with the principle planner it was agreed that this could be considered a focal point as it would be a well known local landmark. Although the building is in ruins, it still has elements of walls in place and was visible at the time of the site visit with a new dwelling and garage being constructed to the north on the same side of the road.

- *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 on the north western boundary by the dwelling and curtilage of No.3 and is bounded on the southern boundary by No.2 and associated outbuildings which run along the road frontage.

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

I am content that the proposed dwelling can be absorbed into the existing cluster through rounding off and consolidations and it will not alter the existing character of the area.

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

I am satisfied that a dwelling at this location would not adversely impact on residential amenity. Although no siting details have been provided as this is an outline planning application, I am satisfied that a dwelling within the site is far enough away from nearby dwellings it will not affect neighbouring dwellings.

I am content that the proposal complies with the policy criteria of Policy CTY 2a.

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that this is only an outline application therefore, no design details has been submitted however, I am of the opinion that an appropriately designed dwelling will not appear prominent in the landscape. I am content that a dwelling at this location does not rely solely on new planting for integration, although additional planting would benefit the integration of the dwelling. Any existing boundaries should be retained where possible to ensure a dwelling integrates at this location. I am content ancillary works will integrate with their surroundings and an appropriately designed dwelling would blend with the landform and other natural features.

Policy CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I am content that an appropriately designed building will not appear prominent in the landscape. I am content that this development can be viewed as rounding off and that a dwelling at this site would not change the character of the area. A siting condition should be attached to any approval to ensure the curtilage of the dwelling respects the character of the area given how large the red line is in comparison to other neighbouring dwellings.

PPS 3- Access, Movement and Parking:

DfI Roads were consulted and in their response stated they had no objection subject to a condition being attached requesting access details to be provided in accordance with the attached RS1 Form.

Other Policy and Material Considerations The Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. All valid representations received will be subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan.	
Neighbour Notification Checked	Yes/No
Summary of Recommendation: Approval	
Conditions 1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:- i. the expiration of 5 years from the date of this permission; or ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved. Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011. 2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced. Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council. 3. Full particulars, detailed plans and sections of the reserved matters required in Conditions 01 and 02 shall be submitted in writing to the Council and shall be carried out as approved. Reason: To enable the Council to consider in detail the proposed development of the site. 4. 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. 5. A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development, hereby approved, at the Reserved Matters stage. 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 amenity. 6. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the 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.

7. The proposed dwelling shall be sited in the area shaded green on the approved plan 01 which was received on 15th December 2021.

Reason: To ensure that the development is integrated into the landscape.

Informatives

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

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

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

Signature(s)

Date:

ANNEX	
Date Valid	15th December 2021
Date First Advertised	11th January 2022
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Gortinure Road Maghera Londonderry The Owner/Occupier, 2 Gortinure Road Maghera Londonderry The Owner/Occupier, 3 Gortinure Road Maghera Londonderry Leslie McClean 4 Gortinure Road Maghera Londonderry	
Date of Last Neighbour Notification	13th January 2022
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: H/1990/6079 Proposal: SITE OF DWELLING GORTINURE ROAD MAGHERA Address: GORTINURE ROAD Decision: Decision Date: Ref ID: LA09/2021/1780/O Proposal: Proposed domestic dwelling and garage in a farm Address: 30m North of 2 Gortinure Road, Maghera, Decision: Decision Date:	
Summary of Consultee Responses	
Drawing Numbers and Title	
Drawing No. 01 Type: Site Location Plan Status: Submitted	
Notification to Department (if relevant) Date of Notification to Department: Response of Department:	



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1801/O	Target Date:
Proposal: Proposed dwelling and garage on a farm	Location: 140m South West of 8 Lurganagoose Roaf Knockloughrim Magherafelt
Referral Route: To Committee - Approval - Exception to Policy.	
Recommendation:	
Applicant Name and Address: Mr N Mc Lean 12 Lurganagoose Road Knockloughrim Magherafelt	Agent Name and Address: W M McNeill 30 Knowehead Road Broughshane Ballymena BT43 7LF
Executive Summary: Approval	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	DAERA - Coleraine	Substantive Response Received
Statutory	Historic Environment Division (HED)	Advice

Representations:

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

Summary of Issues

To Committee - Approval - Exception to Policy.

Characteristics of the Site and Area

The proposed site is located just outside the development limits of Knockloughrim, within the LLPA and open countryside as per defined by the Magherafelt Area Plan 2015. The site is identified as 140m South West of 8 Lurganagoose Road, Knockloughrim, Magherafelt, in which the red line covers a portion of a much larger agricultural field. The surrounding and immediate area are dominated by a mix of development to the south of the site is characterised by agricultural land uses with a scattering of residential properties with the development limits of Knockloughrim to the north.

Representations

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

Description of Proposal

This is an outline application for a proposed farm dwelling and garage, the site is located 140m South West of 8 Lurganagoose Road, Knockloughrim, Magherafelt.

Planning Assessment of Policy and Other Material Considerations

Mid Ulster Local Development Plan 2030 - Draft Plan Strategy
 Strategic Planning Policy Statement (SPPS)
 Magherafelt Area Plan 2015
 PPS 1 - General Principles
 PPS 3 - Access, Movement and Parking
 PPS 21 - Sustainable Development in the Countryside
 Building on Tradition - A Sustainable Design Guide for Northern Ireland Countryside
 CTY 1 - Development in the Countryside
 CTY 10 - Dwellings on the Farm

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

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

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

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

With respect to (a), a consultation was sent to DAERA with regards to the Farm Business, in their response stated that the business has been allocated on the 1991. Went on to confirm that the business has made claims in each of the last 6 years, from such I am content that the business is active and established as per required by policy.

With respect to (b), upon review of the farm business I note that after reasonable checks were done I am content that no other approval for a farm dwelling have been attained in the last ten years nor has there been any development opportunities sold off in this time.

With respect to (c), I note that the registered address of the farm business and the farm buildings lie within the development limits of Knockloughrim where I am content that there is an established group of buildings. I note that there are also three fields of the farm located beside this group however upon further review of these, these could not be developed due to size and proximity to farm buildings which would give rise to amenity issues. From this I hold the view that the proposed site has been carefully chosen, to be the next best option where there is still a level of visual linkage with this group. With this in mind I am content that this complies under this policy.

The policy states that where practicable to use an existing laneway for access, I note that the intention is to upgrade an existing agricultural access which I find acceptable.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I am content that an appropriately designed dwelling will not appear as visually prominent given the screening provided. I note that as much of the existing landscaping should be retained and supplemented with additional landscaping. I note that in the location plan the agent showed substantial landscaping, with such any dwelling would be able to successfully integrate. Given the landform and surrounding development I feel it necessary to restrict any ridge height to 6m. From which, I am content that the application is able to comply under CTY 13.

In terms of policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I am content that a dwelling in this location would respect the pattern of development in the area. I note that there was a concern over whether or not this would impact on the marring of the distinction between the countryside and development limits, however given that this is the most practical site under CTY 10 that it would prejudice this policy to refuse under CTY 15. In addition to this the agent has provided a level of landscaping to act as a visual gap to help to define the line between the development limits and countryside. Therefore on balance it is unlikely to cause detrimental change to the character of the area, complying under CTY 14.

Given the concerns over the marring of the distinction between the countryside and development limits, it has been agreed that this application can be an exception to the policy and must go to committee as a result.

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

PPS 3 - Access, Movement and Parking;

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

A consultation was also sent to HED who confirmed that they had no objections to the proposal.

I have no ecological or residential amenity concerns.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve

Conditions:

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

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

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

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

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

3. The proposed dwelling shall exhibit the traditional elements of rural design particularly in form, proportion and finishes, as set out in the Department of Environment's Sustainable Design guide for the Northern Ireland countryside, 'Building on Tradition?.

Reason: To ensure the dwelling is in keeping with the character of the rural area.

4. The proposed dwelling shall have a ridge height of less than 6 metres above the finished floor level of the site and a low angle of roof pitch not exceeding 40 degrees.

Reason: To ensure that the development is not prominent and satisfactorily integrated into the landscape.

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

Reason: In the interest of visual amenity.

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: To ensure the dwelling integrates into the landform.

7. During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development and details of a native species hedge to be planted to the rear of the of the visibility splays. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

8. The existing natural screenings of the site shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

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

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

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

10. 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.

11. The proposed dwelling shall be sited in the area shaded Yellow on the drawing No. 01 stamp date 20th December 2021.

Reason: To ensure that the development is integrated into the landscape

Informatives

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

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

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

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

5.The applicant's attention is drawn to form RS1 and the statement regarding an accurate, maximum 1:500 scale survey which must be submitted as part of the Reserved Matters application.

Signature(s)

Date:

ANNEX	
Date Valid	20th December 2021
Date First Advertised	11th January 2022
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Lurganagoose Road Knockcloghrim Magherafelt The Owner/Occupier, 10c ,Lurganagoose Road,Knockcloghrim,Magherafelt,Londonderry,BT45 8QS The Owner/Occupier, 8 Lurganagoose Road Knockcloghrim Magherafelt The Owner/Occupier, 8C Lurganagoose Road, Knockcloghrim, Magherafelt, Londonderry, BT45 8QS The Owner/Occupier, 8b Lurganagoose Road Knockcloghrim	
Date of Last Neighbour Notification	28th January 2022
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2021/1801/O Proposal: Proposed dwelling and garage on a farm Address: 140m South West of 8 Lurganagoose Roaf, Knockloughrim , Magherafelt, Decision: Decision Date:	
Summary of Consultee Responses	
Drawing Numbers and Title	
Drawing No. 01 Type: Site Location Plan Status: Submitted	

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



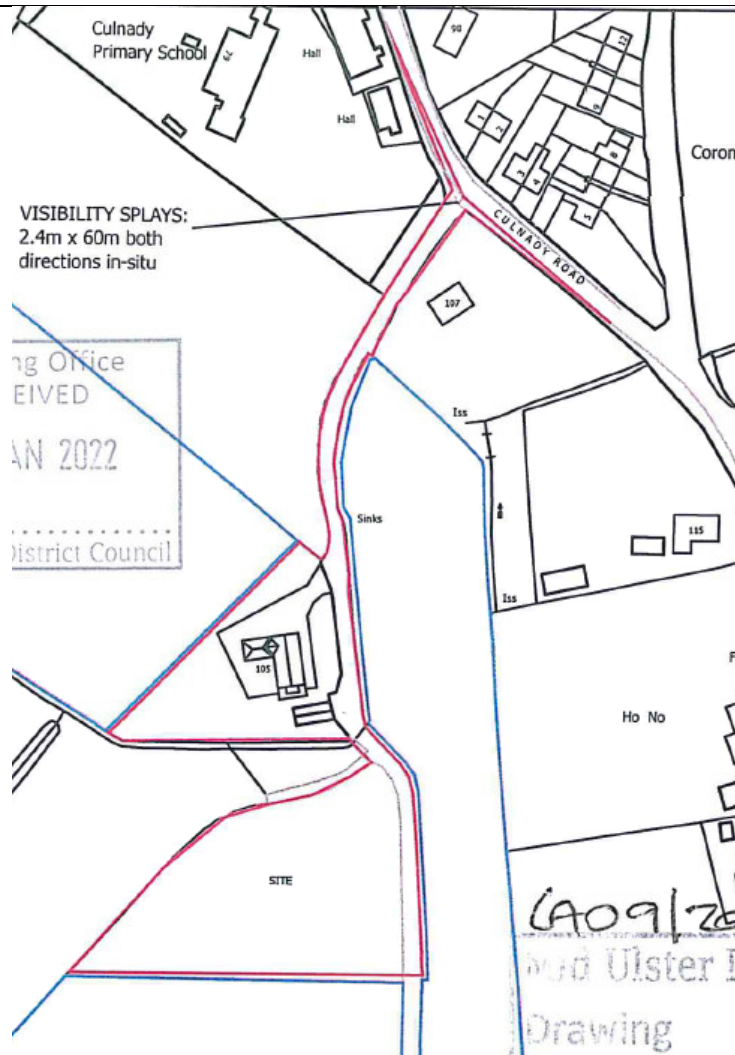
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2022/0097/O	Target Date:
Proposal: Proposed site for a dwelling and domestic garage based on Policy CTY10 (dwelling on a farm)	Location: Site 50m South of 105 Culnady Road Maghera
Referral Route: Recommended refusal – contrary to PPS21 Policy CTY10	
Recommendation:	Refusal
Applicant Name and Address: Mr Thomas Patterson 105 Culnady Road Upperlands Maghera	Agent Name and Address: CMI Planners Ltd 38b Airfield Road The Creagh Toomebridge
Executive Summary: Proposal considered against prevailing planning policy - insufficient information has been provided to demonstrate the proposal complies with Policy CTY1 and CTY10 of PPS21. No objections received.	
Signature(s): <div style="height: 40px; border: 1px solid black;"></div>	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads – Enniskillen Office	Content
Statutory	DAERA	Advice

Representations:

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

Characteristics of the Site and Area

The application site is located approximately 120m south of the development limits of Culnady and as such the site is located in the open countryside as per the Magherafelt Area Plan 2015. The site comprises an agricultural field, access to the site is via an existing private laneway onto Culnady Road. The site is set back from the public road approx. 180m therefore public views of the site are minimal. The ground level falls when travelling on the private lane from the public road. There is an existing single storey

dwelling and small shed located immediately north of the site. The southern boundary of the site is undefined, whilst the remaining boundaries of the site are defined by trees and vegetation. The immediate area is rural in character dominated by agricultural land, with greater development pressure north of the site within the settlement of the Culnady.

Description of Proposal

This application seeks outline planning permission for a dwelling and detached domestic garage on lands approximately 50m South of 105 Culnady Road, Maghera.

The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 10 Dwelling on a Farm.

Planning Assessment of Policy and Other Material Considerations

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

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

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland
- Magherafelt Area Plan 2015
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 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 and 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.

History on Site

H/2014/0180/O – Proposed dwelling and garage within an established cluster - Approx. 50 m north east of 105 Culnady Road Upperlands Maghera – Application Withdrawn 25/02/15

Key Policy Considerations/Assessment

Magherafelt Area Plan 2015 – the site lies in the rural countryside outside any designated settlement with no other specific designations or zonings. The settlement limits of Culnady are in close proximity to the North.

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. The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. The general planning principles with respect to this proposal have been complied with.

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. The current proposal falls under one of these instances, the development of a dwelling on a farm in accordance with Policy CTY10 – Dwellings on Farms.

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

With respect to (a) the applicant has provided details surrounding their farm business in the accompanying P1C form. DAERA have confirmed the business ID quoted on the P1C has not been in existence for more than 6 years, allocated 15/11/21, and advised no claims have been made on the lands. The agent advised that the farm business was owned by the applicants father (Mr William Hugh Patterson) and when he died his farm ID was closed and another allocated to the applicant. However, this was verified with DAERA and they have advised that Mr William Hugh Patterson's Farm Business is not closed and the applicant Mr Thomas Patterson was allocated a Farm Business ID in Nov 2021 to enable him to keep a pet lambs in the garden to the rear of his dwelling and this business is not a direct continuation of the fathers business. At this time, no other farm business ID has been provided and as the farm business being relied on has not been established for more than 6 years and has not been demonstrated to be active the proposal must fail on this criterion.

With respect to (b) the agent has provided the farm maps relating to the applicant's father Mr William Hugh Patterson farm business. From a review of these maps and a planning history check, no records have been identified which indicate that any dwellings or development opportunities out with the settlement limits have been sold off from this farm holding within 10 years of the date of this application. However, as stated above, DAERA have confirmed the applicant's farm business ID being relied on is not a direct continuation of the farm business which these farm maps relate. Clarification was sought from the agent on 23/05/22 whether the applicant owns the land included on the farm

maps and also clarification was the farm land divided when the applicant's father died however to date I have received no response. No development opportunities appear to be sold off within the land outlined in blue on the site location plan.

With respect to (c), the application site is adjacent to the applicants existing dwelling and outbuilding. It is considered the proposal will have a visual linkage with these existing buildings and the proposal will utilise the existing laneway. It is considered the proposal satisfies this criterion of CTY 10 policy.

This proposal should also be assessed against the requirements of Policy CTY 13 - Integration and Design of Buildings in the Countryside and Policy CTY14 Rural Character. , 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 is an outline application therefore there are no details regarding the size, scale and design of the proposed dwelling have been submitted. The proposal is located on an existing laneway set back from the public road therefore there will be minimal public views of the site. Given the surrounding built form, I consider a condition restricting the ridge height to 6 metres is appropriate to any forthcoming approval to ensure integration. Should members consider granting planning approval; additional landscaping should also be conditioned to be shown at Reserved Matters stage to aid with integration at this site. I do not consider the proposal would appear unduly prominent in the landscape and I do not consider the additional of a dwelling on the site would detrimentally change the rural character. As such the proposal adheres to the requirements of CTY13 and CTY 14 of PPS21.

Planning Policy Statement 3 (PPS 3 Revised Feb 2005) Access, Movement and Parking advises that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety or significantly inconvenience the flow of traffic; and the proposal does not conflict with Policy AMP 3 Access to Protected Routes. DfI Roads have been consulted and have no objection subject to standard conditions. I am content the proposal meets DfI Roads requirements and PPS3 Access, Movement and Parking.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

The proposal is recommended for refusal, as it does not comply with the SPPS and CTY1 of Planning Policy Statement 21.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside, and does not merit being considered as an exceptional case, in that it has not been demonstrated that the farm business is currently active and has been established for at least 6 years.

Signature(s)
Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

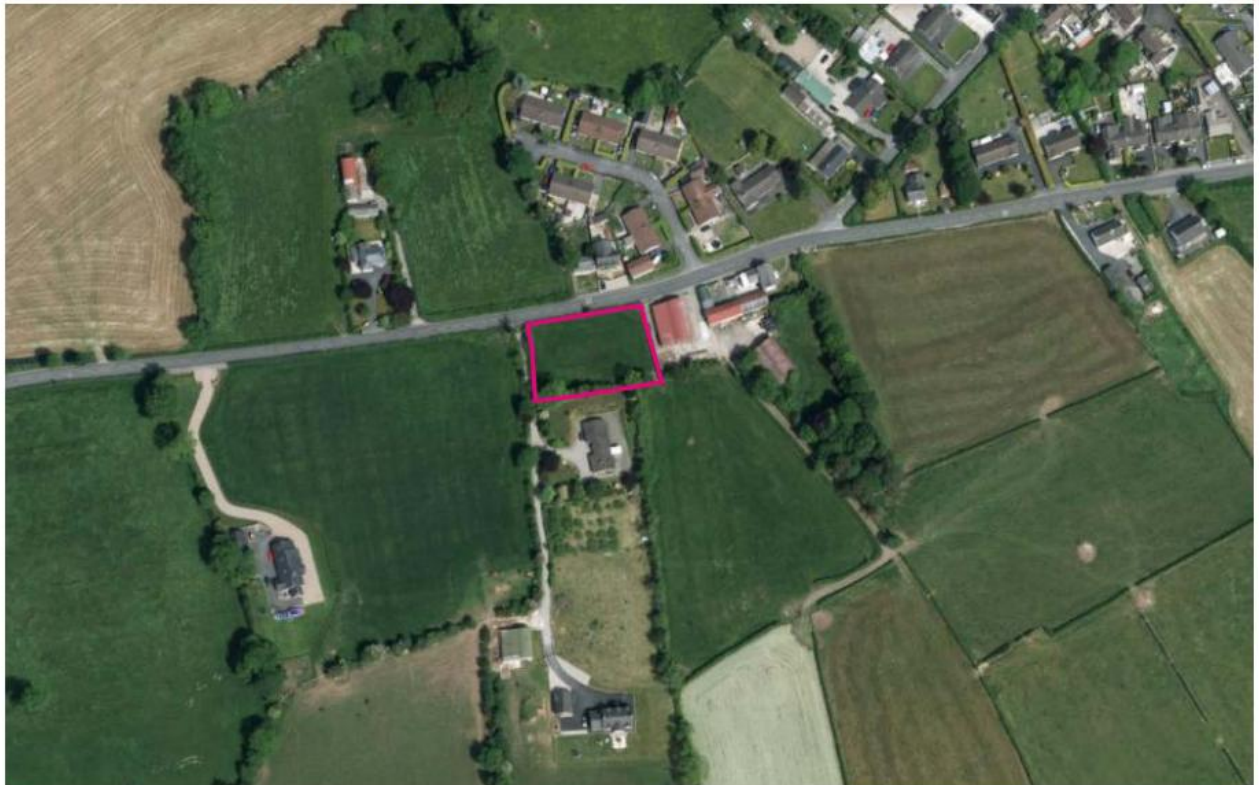
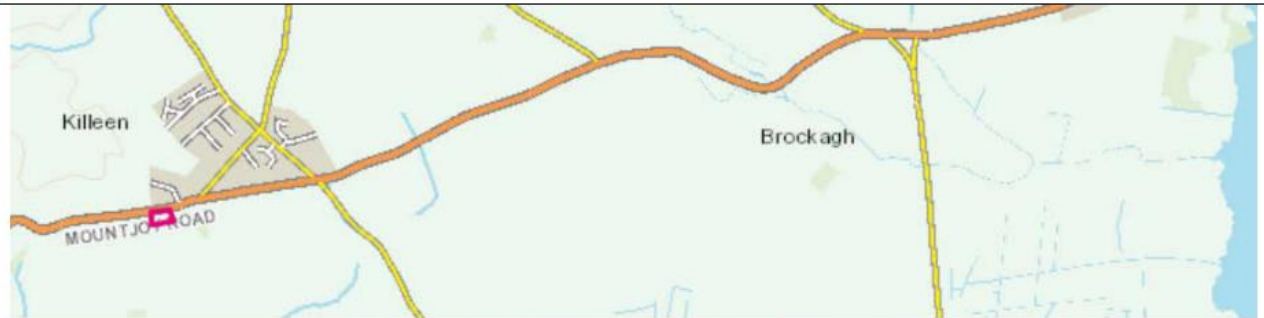
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

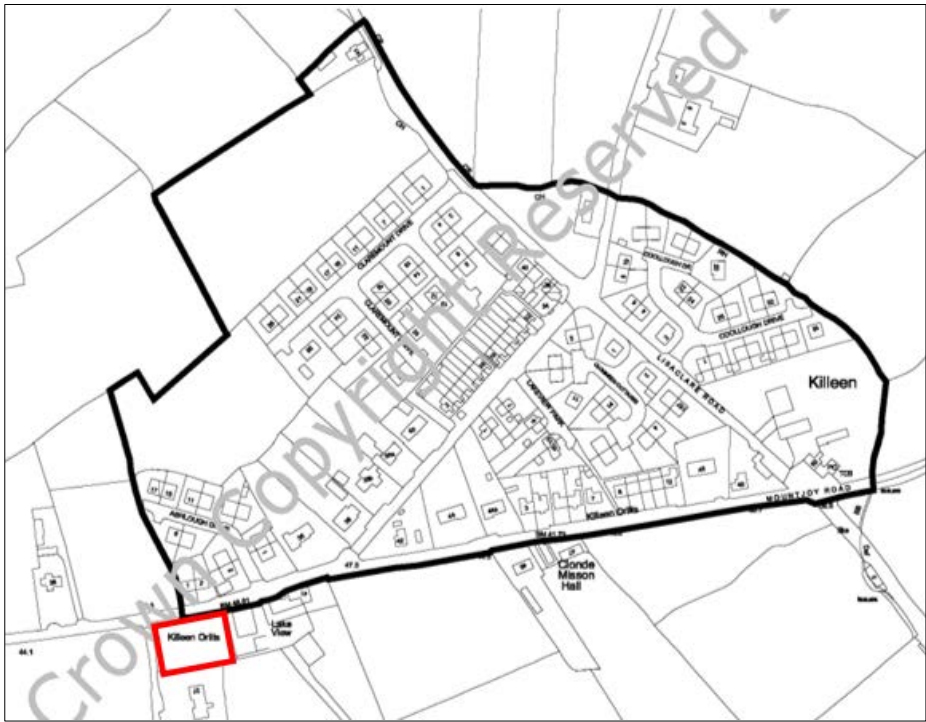
**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2022/0144/F	Target Date:
Proposal: Proposed Dwelling on approved site (LA09/2016/0999/O)	Location: Approximately 80m SW of 39 Mountjoy Road Dungannon
Referral Route: Full application for dwelling on back of outline application.	
Recommendation: Approve	
Applicant Name and Address: Killen Developments 11 Mountjoy Road Coalisland BT71 5DQ	Agent Name and Address:
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Representations:		
Letters of Support		None Received
Letters of Objection		None Received
Number of Support Petitions and signatures		No Petitions Received
Number of Petitions of Objection and signatures		No Petitions Received
Description of Proposal This is a full planning application for a proposed dwelling to be located on lands approximately 80m SW of 39 Mountjoy Road Dungannon. Lands previously approved for a dwelling on a farm under outline application LA09/2016/0999/O on the 8 th February 2017.		
Characteristics of the Site and Area There does not appear to be any significant changes on site or in the immediate vicinity from the previous outline application on site, as such the characteristics of the site and area remain largely as before.		
		
<p>Fig 1: Killen Settlement Limits with site highlighted red</p> <p>The site, a rectangular shaped roadside field, is located adjacent to the southwest limit of development for the settlement limit of Killen, as defined in the Dungannon Area Plan 2010 (see Fig 1, above). Access to the site is off the Mountjoy Road, which bounds it to the north. A block wall defining the curtilage of an adjacent farm group including 2-storey dwelling bounds the site to the east. A strong fence and mature trees bounds the site to the south. A mature hedge bounds the western boundary of the site. A laneway, off the Mountjoy Road, runs along the outside of the western boundary. A low mature hedge bounds the northern roadside boundary of the site. The ground level within the site is similar to that of Mountjoy Road, dipping slightly to the west.</p>		

On the opposite side of the road, to the north of the site, are a number of residential properties and a sign business. Further west, on the same side of the road to the site, is an open field then a detached dwelling. To the south of the site is a detached dwelling and beyond that is agricultural land.

Planning Assessment of Policy and Other Material Considerations

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

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

Regional Development Strategy 2030
Dungannon and South Tyrone Area Plan 2010
Strategic Planning Policy Statement for Northern Ireland
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 has been carried out in line with the Council's statutory duty. At the time of writing, no third party representations were received.

Relevant Planning History

LA09/2016/0999/O - Dwelling on a farm - Approx. 80m SW of 39 Mountjoy Rd
Dungannon - Granted 8th February 2017

Consultees

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

Consideration

Dungannon and South Tyrone Area Plan 2010 - is the statutory local development plan for the application site. The site is located outside any development limit and the development plan offers no specific policy or guidance in respect of the proposal.

The Strategic Planning Policy Statement for Northern Ireland - Retains the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside.

Planning Policy Statement 21: Sustainable Development in the Countryside - is the overarching policy for development in the countryside. It provides certain instances where the development of a dwelling is considered acceptable in the countryside subject to criteria. These instances are listed in Policy CTY1 of PPS21.

The principle of development had been established on this site under outline planning application LA09/2016/0999/O. This approval on the 8th February 2017 granted permission for a dwelling on a farm under the provisions of CTY 10 of PPS 21 'Dwellings on Farms'. As required by Section 62 of the Planning Act (Northern Ireland) 2011, condition 1 of this outline application was that the:

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.

I consider that this development benefits from outline approval. An approval, which ran out as the reserved matters application was not submitted within the 3-year timeframe specified. However, had the reserved matters application been submitted, the applicant / developer would have had until the 7th February 2022 to commence development. The current application was submitted on the 2nd February 2022 prior to the 7th February 2022. Accordingly, in relation to original farm, a site has been sold-off. The applicant acquired the site in good faith and though a dwelling on it will extend the build up outside the settlement limits of Killeen, this will read as a cluster and will have no impact on the rural character of the area (see Fig 1, further above).

This proposal complies with the planning conditions set at outline stage under LA09/2019/1004/O. That said the proposed development must still comply with Policies CTY 13 and 14 of PPS 21. CTY 13 states that the proposed development must be able to visually integrate into the surrounding landscape and be of an appropriate design. Policy CTY 14 allows for a building in the countryside where it does not cause detrimental change to or further erode the rural character of the area.

I am content that the size, scale, siting, orientation and design (including material finishes) of the dwelling are acceptable for the site and locality, that it should integrate on site and into the landscape without significant impact to the character of the area. As such, this proposal should not offend policies CTY 13 or CTY 14 of Planning Policy Statement 21.

The dwelling is simplistic and reflective of traditional rural design and in keeping with the rural design principles set out in 'Building on Tradition' A Sustainable Design Guide for the Northern Ireland Countryside. From critical views, passing the roadside frontage of the site and from the Lakeview Park / Mountjoy Road junction just northeast of the site, the dwelling will benefit from the existing mature vegetation bounding the site, providing it with a backdrop and sense of enclosure.

The dwelling, which has a rectangular shaped floor plan and pitched roof construction (2-storey with approx. 8.6m ridge height above FFL), has a dropped pitch eastern gable extension (1 ¾ storey with approx. 7.7m ridge height above FFL) incorporating a ground floor garage and 1st floor bedroom and a small centrally located flat roof front porch. The finishes to the proposed dwelling include:

- Slates to roof
- Smooth render painted to walls
- Plaster bands around windows
- Upvc windows

Other Policy/Considerations

I have no concerns regarding the proposed dwelling impacting the amenity of neighbouring properties to any unreasonable degree in terms of overlooking or overshadowing owing primarily to the existing vegetation and walls enclosing the site; and the separation distances that are to be retained.

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 interests of significance on site.

Flood Maps (NI) indicate the site is not subject to flooding

Whilst the site is located within an area of constraint on abandoned mines, in view of stability issues, a search of the Geological Survey for NI "Shafts and Adits Database" indicates no known abandoned mine workings are in the vicinity of the site.

Recommendation

Approve

Neighbour Notification Checked	Yes
Summary of Recommendation:	Approve

Conditions

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

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

2. The existing natural screenings of this site indicated in yellow on approved Drawing No. 01 bearing the date stamp received 2 FEB 2022, shall be permanently retained intact unless necessary to provide access and / or visibility splays; or prevent danger to the public in which case a full explanation shall be

given to the Council in writing prior to their removal.

Reason: In the interests of visual and residential amenity.

3. All proposed landscaping as detailed on Drawing No. 01 bearing the date stamp received 2 FEB 2022, shall be carried out during the first available planting season following the occupation of the development hereby approved. Any trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of visual and residential amenity.

4. The vehicular access, including visibility splays of 2.4m x 80m in both directions and any forward sight distance shall be provided in accordance with on Drawing No. 01 bearing the date stamp received 2 FEB 2022, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

5. 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 users.

Informatives

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
4. This permission authorises only private domestic use of the proposed garage and does not confer approval on the carrying out of trade or business there from.

5. DfI Roads comments:

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

The applicant should contact the Department for Infrastructure's Roads Service Maintenance Section in order that an agreement may be reached regarding maintenance costs and incurred expenses in consequence of any damage caused to the public road.

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

It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2022/0186/O	Target Date:
Proposal: Dwelling & garage under CTY6 (personal & domestic circumstances)	Location: 25m SW of No 12a Gortnahurk Road Draperstown
Referral Route: Recommended refusal – contrary to PPS21 Policy CTY6	
Recommendation:	Refusal
Applicant Name and Address: Marie Scullin 12a Gortnahurk Road Draperstown	Agent Name and Address: C McIlvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown
Executive Summary: Proposal considered against prevailing planning policy - insufficient information has been provided to demonstrate the proposal complies with Policy CTY1 and CTY6 of PPS21. No objections received.	
Signature(s): <div style="height: 40px; border: 1px solid black;"></div>	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads – Enniskillen Office	Content

Representations:

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

Characteristics of the Site and Area

The application site is located in the open countryside outside any defined settlement limits as per the Magherafelt Area Plan 2015. The site is located approximately 1.8km southeast of the development limits of Draperstown. The site comprises a portion of enclosed land currently finished with gravel. The site is directly in front of the dwelling No.12a Gortnahurk Road which is at a higher ground level. There is an existing access on to the public road which adjoins No.12a Gortnahurk Road. The ground level rises when travelling from west to east along this stretch of road. The north and rear boundary is defined by mature hedging. The south east boundary is defined by post and wire fencing and the roadside boundary is partially defined by planting. The immediate area is dominated by agricultural land uses with dispersed dwellings, a small quarry is located in proximity to the west.

Description of Proposal

This application seeks outline planning permission for a dwelling and garage on lands approximately 25m SW of No 12a Gortnahurk Road, Draperstown.

The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 10 Dwelling on a Farm.

Planning Assessment of Policy and Other Material Considerations

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

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

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland
- Magherafelt Area Plan 2015
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 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. All valid representations received will be subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan.

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.

History on Site

H/2001/0276/O – Site of Dwelling and garage – 160m SE of 10 Gortahurk Road, Draperstown - Permission Granted 15/11/01

Key Policy Considerations/Assessment

Magherafelt Area Plan 2015 – the site lies in the rural countryside outside any designated settlement with no other specific designations or zonings. The settlement limits of The Loup are in close proximity to the North.

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. The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. The general planning principles with respect to this proposal have been complied with.

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. In this case the applicant has put forward a case on the basis of Personal & Domestic Circumstances and the relevant policy is CTY6. This allows the Council to grant planning permission for a dwelling where genuine

hardship will be caused if planning permission were refused and there are no alternative solutions. The agent has provided supporting information with respect the applicant's health. The agent has advised that the applicant relies to some degree on her son, however would like to have independence in the form of a separate home with two spare bedrooms for guests. Having carefully considered the supporting information submitted at internal group, it is not considered that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused. The proposal site is separate from the applicant's existing dwelling No.12a Gortnahurk Road, located immediately to the southwest on an enclosed portion of land. It is noted that No.12a Gortnahurk has a generous curtilage and existing garage. It is considered that alternative solutions exist which would meet the applicant's circumstances in the conversion of the garage or alternatively the erection of an annex/extension to the existing dwelling which could be carefully designed in a way to allow for privacy and not result in impacts on amenity. Insufficient evidence has been provided which would suggest these alternatives could not work and it is considered this would be a more appropriate solution.

The applicant has failed to demonstrate refusal would cause demonstrable hardship, and there are clear alternative solutions rather than the erection of a new dwelling, therefore in my opinion this is contrary to PPS21 CTY6.

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. It is considered that a dwelling could blend in successfully with its immediate and wider surroundings if it were of a design, size and scale that is comparable to existing dwellings in the locality. The site has a degree of boundary vegetation which will assist integration and enclosure. It is considered appropriate to condition that the retention of existing vegetation and additional planting will also be required for sufficient integration and this can be conditioned appropriately. Should members consider the principal of development acceptable, I consider it necessary that a condition is attached to any forthcoming approval restricting the ridge height of the dwelling to 6 metres to conform with the surrounding built form and given the siting to the roadside and to the front of No.12a.

Policy CTY 14 states that planning permission will 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. The application site is currently finished in hard core gravel and the land rises approx. 1.5metres to the NE beyond the red line of the site. I do not consider the additional of a single dwelling on the site, which is modest in scale and designed in accordance with Building on Tradition Design Guide, would detrimentally alter the rural character of this area or appear unduly prominent.

Planning Policy Statement 3 (PPS 3 Revised Feb 2005) Access, Movement and Parking advises that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety or significantly inconvenience the flow of traffic; and the proposal does not conflict with Policy AMP 3 Access to Protected Routes. DfI Roads have been consulted and have no objection subject to standard conditions. I am content the proposal meets DfI Roads requirements and PPS3 Access, Movement and Parking.

Neighbour Notification Checked	Yes
Summary of Recommendation: The proposal is recommended for refusal, as it does not comply with CTY1 and 6 of Planning Policy Statement 21.	
Reasons for Refusal: <ol style="list-style-type: none"> 1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. 2. The proposal is contrary to Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case. 	
Signature(s) Date:	

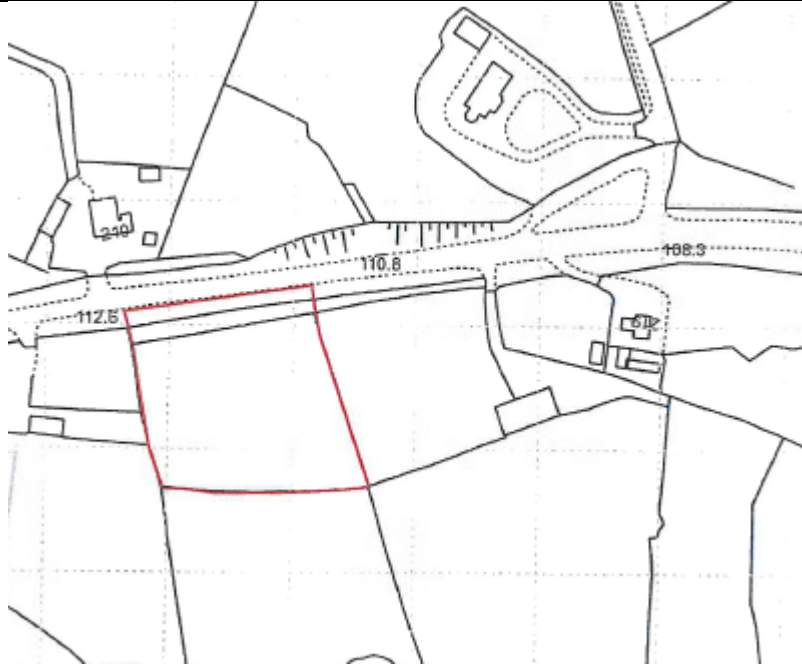


**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2022/0381/F	Target Date:
Proposal: Proposed double infill for dwellings and garages	Location: 170m South West of 219 Dungannon Road Cabragh
Referral Route: Refusal – contrary to CTY 8 of PPS 21.	
Recommendation:	Refusal
Applicant Name and Address: Brendan Goan 27 Ackinduff Road Cabragh Dungannon	Agent Name and Address: Sam Smyth Architecture Unit 45D Dungannon Enterprise Centre 2 Coalisland Road Dungannon BT71 6JT
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Rivers Agency	Substantive Response Received

Representations:

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

Summary of Issues

No representations received. Considered to be contrary to CTY 8 of PPS 21.

Characteristics of the Site and Area

The site is located approx. 170m South West of 219 Dungannon Road, Cabragh and is located within the open countryside as identified within the Dungannon and South Tyrone Area Plan 2010. The site sits adjacent to the south of the A4 Dungannon – Ballygawley Road, a former protected route. The site is generally quite flat throughout and the boundaries appear mostly undefined at present. The surrounding area is largely made up of agricultural fields, with a number of existing dwellings within close proximity and Sandvik is located just NW of the site.

Description of Proposal

Full planning permission is sought for proposed double infill for dwellings and garages.

Planning Assessment of Policy and Other Material ConsiderationsRepresentations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 210 and 211 Dungannon Road. At the time of writing, no representations were received.

Planning History

LA09/2020/0718/O - 80m West of 219 Dungannon Road, Cabragh - Proposed dwelling and garage on a farm - PERMISSION GRANTED

LA09/2021/0301/RM - 80m West of 219 Dungannon Road, Cabragh - Dwelling & garage on a farm – PERMISSION GRANTED

Planning Assessment of Policy and Other Material Considerations

- Dungannon and South Tyrone Area Plan 2010
- Strategic Planning Policy Statement (SPPS)
- PPS 21: Sustainable Development in the Countryside
- PPS 3: Access, Movement and Parking
- PPS 15: Planning and Flood Risk
- 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 May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

The Dungannon and South Tyrone Area Plan identifies the site as being outside any defined settlement limits. The site has no other zonings or designations within the plan.

The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations.

Policy CTY 1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access and road safety. A range of examples are set out in CTY 1 detailing different cases which would allow for planning permission in the countryside, one of these being the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with CTY 8.

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

It is considered that the proposed site does not meet the policy test in that there is a continuous built up frontage along this road. At present, there is a dwelling which was under construction during the site visit and had been built up to the first floor level and is located to the east of the site. The site plan which was approved for this application is shown below (figure 1). In figure 1, it is evident that the frontage this dwelling will have to the road when complete is at the access point only. The remainder of the lands which sites to the front of the dwelling will be agricultural use and cannot be considered as part of the frontage of the dwelling. Therefore, taking into consideration what is on the ground at present, I am not satisfied that there is a line of three or more buildings along this road frontage and therefore the proposal does not meet this policy requirement. I am content that the gap would be sufficient to accommodate no more than two dwellings; however this does not negate the issue of the lack of road frontage of the dwelling under construction. To the west of the site there is a further two dwellings which each share a frontage to the road.

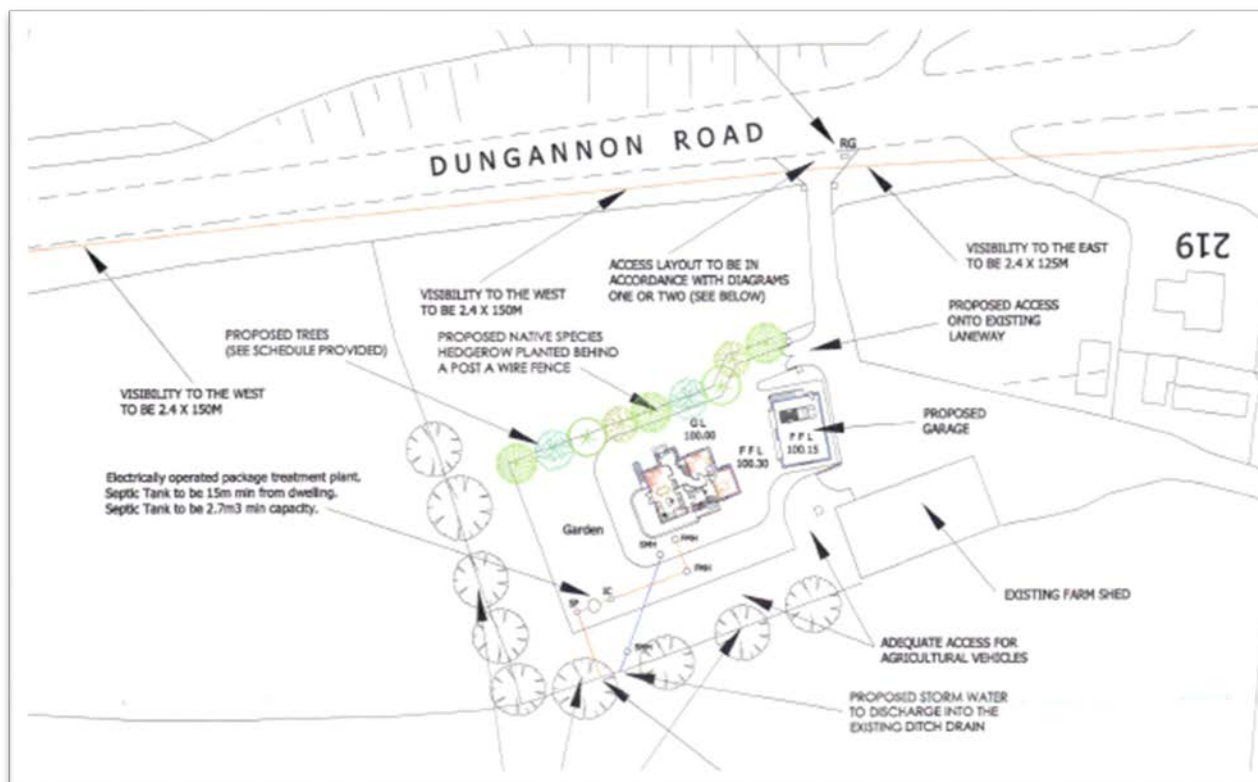


Figure 1 – Approval for dwelling east of site under LA09/2021/0301/RM (it is considered this dwelling will not have frontage to road when works are completed).

Policies CTY 13 and CTY 14 are also applicable in relation to the proposal. Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The design of two dwellings are identical and this would not normally be acceptable in the countryside, as noted in email to the agent, we would not be requesting any change in design at this stage given we don't feel the proposal is acceptable in principle as set out beforehand.

The proposal intends to create a paired access onto Dungannon Road. DfI Roads were consulted and noted no concerns subject to conditions and informatives.

Rivers Agency were consulted on the proposal and have also responded with no concerns in relation to the proposal.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

Refusal is recommended.

Conditions/Reasons for Refusal:

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

2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal is not located within a small gap site within an otherwise substantial and continuously built up frontage.

Signature(s)

Date:

ANNEX	
Date Valid	23rd March 2022
Date First Advertised	5th April 2022
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 210 Dungannon Road,Dungannon,Tyrone,BT70 1TH The Owner/Occupier, 211 Dungannon Road,Dungannon,Tyrone,BT70 1TH	
Date of Last Neighbour Notification	22nd April 2022
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/0301/RM Proposal: Dwelling & garage on a farm Address: 80m West of 219 Dungannon Road, Cabragh, Decision: PG Decision Date: 15.06.2021 Ref ID: LA09/2020/0718/O Proposal: Proposed dwelling and garage on a farm Address: 80m West of 219 Dungannon Road, Cabragh, Decision: PG Decision Date: 08.01.2021 Ref ID: LA09/2022/0381/F Proposal: Proposed double infill for dwellings and garages Address: 170m South West of 219 Dungannon Road, Cabragh, Decision: Decision Date:	
Summary of Consultee Responses DfI Roads: content Rivers Agency: content	

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

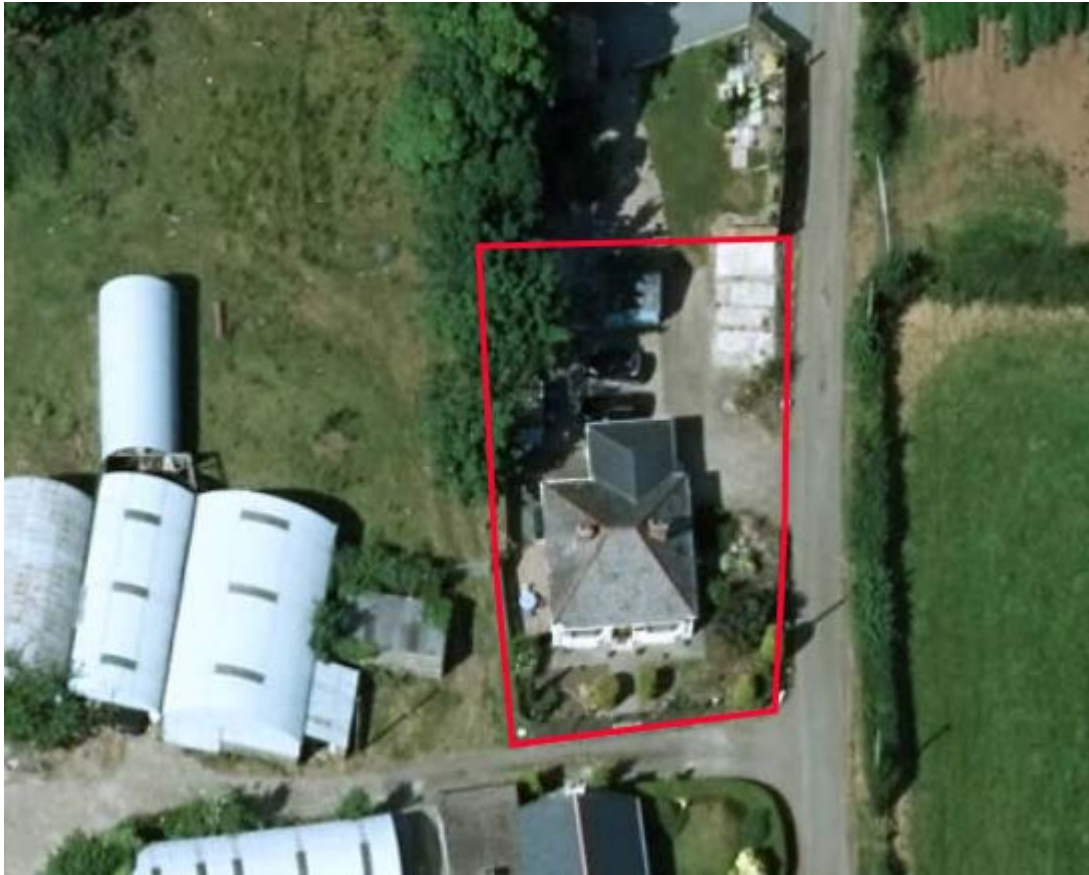


**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2022/0545/F	Target Date:
Proposal: Single storey rear extension to dwelling to provide new bedroom, bathroom and kitchen extensions plus utility room	Location: 21 Ballynacross Road Knockcloghrim Magherafelt
Referral Route: The agent's spouse is a member of MUDC Planning Department	
Recommendation:	Approval
Applicant Name and Address: Mrs Carol Garland 21 Ballynacross Road Knockcloghrim Magherafelt	Agent Name and Address: Gordon Arbuthnot 6 Culnady Road Upperlands Maghera BT46 5TN
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	

Summary of Issues

No issues identified.

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 2015. The red line of the application includes the roadside dwelling 21 Ballynacross Road and the existing curtilage and small outbuildings. The existing dwelling is a single storey detached dwelling, which faces onto the public road and has its main curtilage on the northern side of the site with garden areas and planting around the house. The surrounding area is a mix of agricultural land uses with a farm located within close proximity with single dwellings located sporadically throughout the countryside.

Description of Proposal

This is a full planning application for a Single storey rear extension to dwelling to provide new bedroom, bathroom and kitchen extensions plus utility room

Planning Assessment of Policy and Other Material Considerations

Magherafelt Area Plan 2015
Strategic Planning Policy Statement (SPPS)
Addendum to PPS 7- Residential Extensions and Alterations

The SPPS provides a regional framework of planning policy that will be taken into account of in 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. Paragraph 6.137 of the SPPS advises that residential extensions should be well designed.

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

- (a) The scale, massing, design and external material of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area
- (b) The proposal does not unduly affect the privacy or amenity of neighbouring residents;
- (c) The proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and
- (d) Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

I am content that the scale and massing of the proposed extension are acceptable in that it will not dominate the existing building and will not detract from the appearance or character of the surrounding area as it matches the height and design of the existing building, extending the footprint of the house to the North.

I am satisfied that the proposal will not unduly affect the privacy or amenity of the neighbouring residents given the extension is to the north of the site and the nearest third party dwelling is south of the existing property.

The proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features, which contribute significantly to local environmental quality.

I am content that sufficient space will remain within the curtilage for recreational and domestic purposes including parking and manoeuvring of vehicles.

Other Material Consideration

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.

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Approval

Conditions

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

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

Informatives

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

2. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.

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

Signature(s)

Date:

ANNEX	
Date Valid	26th April 2022
Date First Advertised	10th May 2022
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 19 Ballynacross Road, Knockcloghrim, Magherafelt, Londonderry, BT45 8PY The Owner/Occupier, 23 Ballynacross Road Knockcloghrim Magherafelt The Owner/Occupier, 25 Ballynacross Road Knockcloghrim Magherafelt The Owner/Occupier, 27 Ballynacross Road Knockcloghrim Magherafelt	
Date of Last Neighbour Notification	12th May 2022
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: H/2005/0898/O Proposal: Dwelling and Garage Address: 30m North West of 21 Ballynacross Road, Knockloughrim Decision: Decision Date: 20.11.2005 Ref ID: LA09/2020/1026/F Proposal: 2 single storey extensions one to provide an artists studio to RHS and one to provide utility/shower room and rear porch to LHS Address: 23 Ballynacross Road, Knockcloghrim, Decision: PG Decision Date: 10.11.2020 Ref ID: LA09/2022/0545/F Proposal: Single storey rear extension to dwelling to provide new bedroom, bathroom and kitchen extensions plus utility room Address: 21 Ballynacross Road, Knockcloghrim, Magherafelt, Decision: Decision Date:	
Summary of Consultee Responses	
Drawing Numbers and Title	

Drawing No. 01
Type: Proposed Plans
Status: Submitted

Drawing No. 02
Type: Existing Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/1570/O	Target Date: <add date>
Proposal: Proposed site for dwelling and garage.	Location: 20m South West of 128 Lisclare Road, Lisclare, Dungannon
Applicant Name and Address: Joe Quinn 128 Lisclare Road Lisclare Dungannon	Agent Name and Address: Seamus Donnelly 80A Mountjoy Road Aughrimderg Coalisland BT71 5EF
Summary of Issues: Dwelling on a farm, the applicant does not have a business ID issued by DAERA. Information has been submitted to show receipts for materials associated with works to the lands and a letter from a farmer who has carried out maintenance to the hedges for payment and takes the land for baling and grazing.	
Summary of Consultee Responses: DFI Roads - access to be improved to provide sight lines on 2.4m x 85.0m and forward sight lines of 85.0m	
Characteristics of the Site and Area: The site is located at lands 20m South West of 128 Lisclare Road. The red line of the site includes a roadside portion of a larger agricultural field. There are lands to the east which are outlined in blue indicating ownership. The boundaries of the site are mainly bounded by post and wire fencing with low lying hedging in parts also. The surrounding area includes a number of residential dwellings to the west and to the north the lands are largely rural in nature. Killeen settlement is located to the south which is generally made up with high density residential dwellings.	

Description of Proposal

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

Deferred Consideration:

This application was before the Planning Committee in October 2021 and it was deferred to allow a meeting with the Planning Manager. At a zoom meeting on 14 October 2021 the applicants personal circumstances were fully discussed but did not appear to warrant an exception under Policy CTY6 of PPS21. The agent identified the lands that are owned by the applicant and was asked to provide details about what happens to these lands to allow consideration of a case under policy CTY10 of PPS21, Dwellings on Farms.

Members will be aware that Policy CTY10 refers to the farm business having to be active and established. Farming activity can take many different forms, the SPPS refers to Regulation (EU) No 1307/2013 for the definition of agricultural activity. In this case the applicant owns 0.9ha of land, including the dwelling and outbuildings to the east of the proposed site. There is 0.7ha of land here that is currently use for farming purposes. There is no defined area within the policy that sets out how large a farm must be. Policy CTY12, for farm buildings also does not have any definition of what a farm size has to be. The only reference to a farms size is set out in The Planning (General Permitted Development) Order (NI) 2015, in it planning permission is not granted for farm buildings if they are on agricultural land less that 0.5ha in area. I conclude that it is therefore reasonable to consider if this agricultural land is over 0.5ha then it would be a farm and the proposal may be assessed against the other elements of the policy in CTY10.

Following the meeting additional information has been submitted for consideration in respect of whether or not the farm business is currently active and has been established for 6 year. Members will be aware the view on farm business is not that it is registered with DAERA but that it can be demonstrated there is a business is on-going and that it is related to agricultural. The normal interpretation of a business is there is a level of investment for a return on that investment. In support of this being a business the following must be considered:

A letter has been provided that advises the applicant has engaged a local farmer to cut the hedges and carry out general maintenance carried to the lands for the last 7 – 8 years, payment for carrying out these activities is by way of allowing the farmer to graze the land and take round bales off the land. I have confirmed that the farmer is registered with DAERA and has a beef herd.

Receipts have been provided for the following:

- 2014 – sale of a tractor
- 2018 – fence posts, gate posts and staples
- 2019 – gate and 6ft round posts
- 2020 – electric fence and posts

While there does not appear to have been any monetary exchange between the 2 parties, there is an exchange of services which I consider to be a business arrangement. It is quite clear the land is being farmed and is also in good condition and as such I consider this is an active and established farm for the purposes of criteria a in CTY10.

A check of the land has not identified any other sites or dwellings sold off the land or any other permission granted within the last 10 years. The applicants house was approved initially in 2006 under reference M/2005/0647/O, as such I consider criteria b has been met.

The applicant lives in 128 Lisacclare Road, the 2 storey house and garage immediately to the east of the application site. There are no other buildings on the farm holding. 2 buildings is not considered to be a group in respect of criteria c in policy CTY 10 and as such the proposal cannot meet this part of the policy. I do not consider the exception in policy CTY10 can be applied here as it also relies on a group of buildings.

Members may refuse this application as it fails to meet the policy, however there some other factors that I feel should be considered in this case. The existing dwelling to the east have permitted development rights to extend or build an additional building or buildings within its grounds. If the applicant erects a small building under PD Rights, this would make a group of building and it would then be to decide if the proposed site clustered or visually linked with them. In my opinion, a modest dwelling in the east corner of the site would be visually linked with the existing buildings. Critical views of the site would be from the immediate frontage of the site, though a new hedge has been planted which will not be impacted by sight lines due to the wide verge. (Photo 1) The site will be well screened in views from the north or south by the existing vegetation along the north boundary of the application site (Photo 2) and along the road frontage and laneway of the applicants dwelling to the south (Photo 3). In my view a low dwelling, set back from the road and with an access lane along the south east boundary of the site would be well integrated into the landscape and would not be highly visible or adversely impact the rural character here.



Photo 1 - site from front



Photo 2 – view of the site from the north, existing hedge in foreground



Photo 3 – view from laneway to applicants dwelling to south

For the avoidance of doubt, I do not consider this application fully meets with the criteria c in policy CTY10, due to the lack of a group of farm buildings. I do however consider it would be unduly harsh to refuse planning permission for the sake of the applicants not having an additional building, that could be erected without the need for planning permission. For this reason I recommend that an exception to policy could be made in these specific circumstances.

It is my opinion that an exception to policy may be made for this development for the reasons already set out and that planning permission could be granted for this dwelling with the conditions attached below.

Conditions:

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

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

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

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

3. The proposed dwelling shall be sited in the area identified in yellow on drawing no 01/1 bearing the stamp dated 21 FEB 2022, its curtilage shall not extend outside that area and the access laneway shall be located along the south east boundary of the site. The remainder of the field shall be retained for agricultural purposes.

Reason: In the interests of visual amenity and to ensure that the amenities incidental to the enjoyment of the dwelling will not adversely affect the countryside.

4. The proposed dwelling shall have a ridge height not exceeding 5.5m in height above finished floor level and the underbuild shall not exceed 0.25m above the existing ground levels.

Reason: In the interests of visual amenity and to ensure the dwelling will not adversely affect the countryside.

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

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

6. A detailed landscaping plan shall be submitted and approved as part of the Reserved Matters application and shall identify the location, species and numbers of trees and hedges to be retained and planted. All existing boundaries as identified in green on drawing No 01/1 bearing the stamp dated 21 FEB 2022 shall be retained and augmented with trees and native species hedging. All new curtilage boundaries including both sides of any proposed access laneway shall also be identified by new planting, and shall include a mix of hedge and tree planting. The retained and proposed landscaping shall be indicated on a landscape plan, with details to be agreed at reserved matters stage. During the first available planting season after the commencement of development on site, all proposed trees and hedges indicated in the approved landscaping plan at Reserved Matters stage, shall be planted as shown and permanently retained thereafter, unless otherwise agreed by Mid Ulster Council in writing.

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

7. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the

opinion of the Local Planning Authority, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.

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

8. 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 including sight lines of 2.4m by 85.0m in both directions and a forward sight distance of 85.0m. 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.

Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Signature(s)

Date:



LOCATION MAP

PROPOSED SITE FOR DWELLING AND GARAGE
20m SOUTH-WEST OF 128 LISACLARE ROAD, LISACLARE,
DUNGANNON BT71 5QJ.
FOR MR JOE QUINN
128 LISACLARE ROAD, LISACLARE, DUNGANNON BT71 5QJ.

DATE: NOVEMBER 2020

SCALE: 1:2500

DRG NO: JQ/01

GRID PLAN 142-11

AGENT- **SEAMUS DONNELLY** MCAT

80A MOUNTJOY ROAD,
AUGHRIMBERG,
CO. LUSITANIA

TEL (028) 87748481

Email: seamusdonnelly80a@btinternet.com

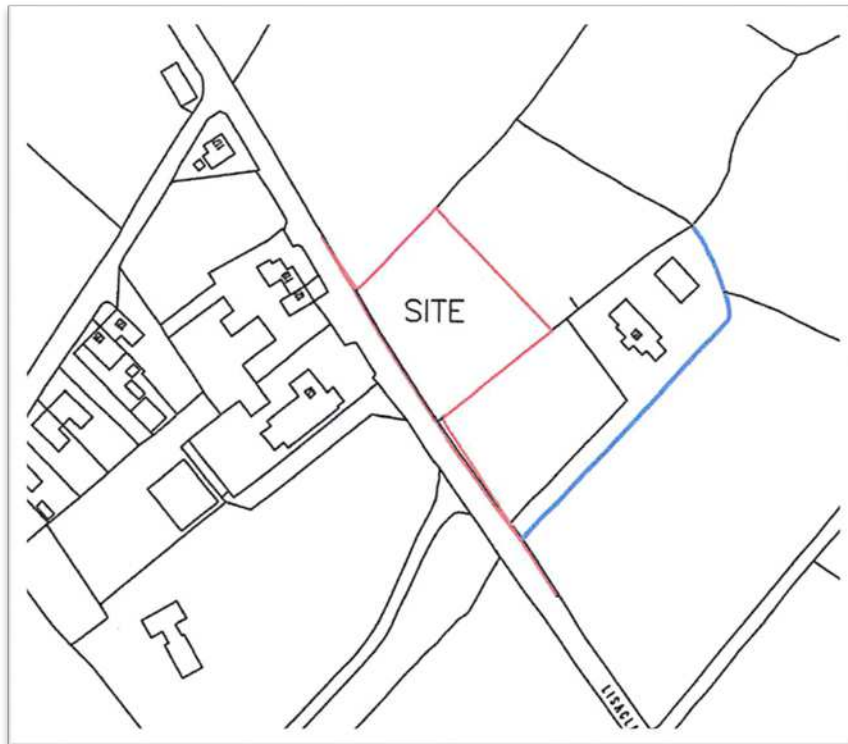


**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1570/O	Target Date:
Proposal: Proposed site for dwelling and garage	Location: 20m South West of 128 Lisacclare Road Lisacclare Dungannon
Referral Route: Refusal – contrary to CTY 6 of PPS 21.	
Recommendation:	Refusal
Applicant Name and Address: Joe Quinn 128 Lisacclare Road Lisacclare Dungannon	Agent Name and Address: Seamus Donnelly 80A Mountjoy Road Aughrimderg Coalisland BT71 5EF
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
No representations received.		
Characteristics of the Site and Area		
<p>The site is located at lands 20m South West of 128 Lisacclare Road. The red line of the site includes a roadside portion of a larger agricultural field. There are lands to the east which are outlined in blue indicating ownership. The boundaries of the site are mainly bounded by post and wire fencing with low lying hedging in parts also. The surrounding area includes a number of residential dwellings to the west and to the north the lands are largely rural in nature. Killeen settlement is located to the south which is generally made up with high density residential dwellings.</p>		
Description of Proposal		
Outline planning permission is sought for a proposed dwelling and garage.		
Planning Assessment of Policy and Other Material Considerations		
<u>Planning History</u>		
There is not considered to be any relevant planning history associated with this site.		
<u>Representations</u>		
Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 119, 121, 128 and 137 Lisacclare Road. At the time of writing, no third party representations have been received.		
<u>Planning Assessment of Policy and Other Material Considerations</u>		
<ul style="list-style-type: none"> • Dungannon and South Tyrone Area Plan 2010 • Strategic Planning Policy Statement (SPPS) • PPS 21: Sustainable Development in the Countryside • PPS 3: Access, Movement and Parking⁷⁶ • Local Development Plan 2030 - Draft Plan Strategy 		
<p>The Dungannon and South Tyrone Plan 2010 identifies the site as being in the rural countryside, located North of Killeen. There are no other zonings or designations within the Plan.</p>		

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

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

Policy CTY1 of PPS 21 provides clarification on which types of development are acceptable in the countryside. Policy CTY 6 of PPS 21 permits a dwelling in the countryside for the long-term needs of the applicant, where there are compelling and site specific reasons for this related to the applicants personal or domestic circumstances and provided the following criteria are met:

- The applicant can provide evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused, and
- There are no alternative solutions to meet the particular circumstances of the case, such as an extension to the existing dwelling, the conversion or reuse of an existing building within the site curtilage, or the use of a temporary mobile home for a limited period of time to deal with immediate short term circumstances.

The agent has submitted a statement in support of this application which details why the applicant is applying under Policy CTY 6. Medical evidence has been provided by way of letter from the applicant himself, his Doctor's surgery and a letter detailing the results of MRI Scan. Due to the sensitive nature of the applicant's personal circumstances, the specifics of the supporting information and reports will not be detailed in this report. We are satisfied with the evidence and information provided from the agent that the applicant has special circumstances which may mean they would suffer genuine hardship if planning permission were to be refused.

It is considered that this proposal fails on criterion (b) of CTY 6, where are alternative solutions to meet the particular circumstances of the case. We feel that an extension or annex attached to the existing dwelling would be a possibility in this instance. The curtilage of the existing dwelling which Mr Quinn resides at is large and would be able to accommodate this with ease. The supporting statement refers to the applicant not having the financial means to build an extension and is intending to use the sale of his existing two storey property at 128 Lisacclare Road to fund this proposed bungalow. The agent was asked if the applicant has tried to apply for any funding or grants that may be available to him. The agent responded noting that they have not went down the route of grant aid for adaption for his needs, as the applicant wants to downsize completely as the present house is too large and for him difficult to manage.

In this instance, although we remain empathetic towards the applicants circumstances, we feel that there are alternative available to the applicant and thus the proposal fails criterion (b) of CTY 6 and as such must be recommended for refusal. We have teased out any other possible policies within PPS 21 including CTY 10 and CTY 2a, but to no avail.

CTY 13 and CTY 14 deal with rural character and the integration and design of buildings in the countryside. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be granted. The land is generally flat throughout and a dwelling should not appear prominent at this site if approval were to be forthcoming, especially given that the applicant has noted they would be proposing a bungalow. The site benefits from some existing landscaping along its boundaries, however the red line of the site is essentially just a cut out of an open field. Therefore, it is considered the proposal would be contrary to the criterion held within CTY 13 and CTY 14 where the proposal would result in suburban style build-up of development and the existing landscaping would not be able to provide a suitable degree of enclosure for the site to allow for integration for any proposed dwelling.

DfI Roads were consulted in relation to the proposal and have raised no concerns, subject to condition.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal is recommended.

Conditions/Reasons for Refusal:

1. The proposal is contrary to Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.

2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries/is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and the proposed building relies primarily on the use of new landscaping for integration. The proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.

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

Signature(s)
Date:

NNEX	
Date Valid	9th December 2020
Date First Advertised	22nd December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 119 Lisclare Road Stewartstown Tyrone The Owner/Occupier, 121 Lisclare Road Stewartstown Tyrone The Owner/Occupier, 128 Lisclare Road, Stewartstown, Tyrone, BT71 5QJ The Owner/Occupier, 137 Lisclare Road Stewartstown Tyrone	
Date of Last Neighbour Notification	8th January 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/1570/O Proposal: Proposed site for dwelling and garage Address: 20m South West of 128 Lisclare Road, Lisclare, Dungannon, Decision: Decision Date: Ref ID: M/1994/0194 Proposal: Site for dwelling Address: OPPOSITE 117 LISACLARE ROAD, COALISLAND, CO TYRONE. Decision: Decision Date: Ref ID: M/2008/0477/F Proposal: Minor amendments to previously approved house design Address: Opposite 137 Lisclare Road, Stewartstown Decision: Decision Date: 16.07.2008	

Ref ID: M/2007/0618/O

Proposal: Proposed variation to condition 4 of previous outline planning application M/2005/0647 for extension of green area

Address: Opposite 137 Lisacclare Road, Stewartstown

Decision:

Decision Date: 06.07.2007

Ref ID: M/2007/0964/RM

Proposal: 1no. two storey dwelling and detached double garage

Address: Opposite 137 Lisacclare Road, Stewartstown

Decision:

Decision Date: 17.09.2007

Ref ID: M/2005/0647/O

Proposal: Proposed site for dwelling

Address: Opposite 137 Lisacclare Road, Stewartstown

Decision:

Decision Date: 07.03.2006

Summary of Consultee Responses

Dfl Roads – Content.

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/1228/O	Target Date: <add date>
Proposal: Proposed site for new dwelling on a farm	Location: to rear of 45 Kinturk Road Coagh Cookstown
Applicant Name and Address: Mr Brian O'Hara 45 Kinturk Road Coagh Cookstown	Agent Name and Address: Gibson Design and Build 23 Ballinderry Bridge Road Coagh Cookstown BT80 0BR
Summary of Issues: This application is for a dwelling on a farm, as site was approved over 10 years ago and due to land registration issues was registered with land registry less than 10 years before the submission of the application. .	
Summary of Consultee Responses: DFI Roads – sight lines of 2.4m x 60.0m west and 45.0m to east and forward sight distance of 60.0m to west and 45.0m to east required for safe access DAERA – confirm this is an active and established farm	
Characteristics of the Site and Area: The site which sits adjacent the Kinturk Rd is located in the rural countryside, as depicted within the Cookstown Area Plan, approx. 2.7km north and 0.3km west of Moortown and Lough Neagh, respectively. The site, which is set back to the north of a sharp bend in the Kinturk Rd to the rear of a small cluster of development, is a flat relatively square shaped plot cut from the western half of a larger agricultural field.	

The aforementioned cluster of development running along the north side of the Kinturk Rd includes 5 detached roadside bungalows and a substantial no. of farm buildings (group) within the applicant's farm holding located to their rear / north. The dwellings all have individual accesses directly off the Kinturk Rd, as does the farm group. A hardcore driveway between 2 of the 5 dwellings, nos. 43 Kinturk Rd and 45 Kinturk Rd the applicant's home, accesses the farm group to their rear. No. 45, is located to the west of the driveway and no. 43 to the east. Access to the site is proposed via this driveway through the farm yard which is bound to both north and south by farm buildings.

A mature hedgerow interspersed with trees defines the southern boundary of the site. It has an agricultural track running along its outside providing access to the Lough beyond. Mature tree and hedgerow vegetation defines the northern boundary of the site. A line of posts it would appear to be fenced with wire defines the western boundary of the site. The eastern boundary of the site is undefined onto the host field.

Critical views of this site will be limited from the Kinturk Rd to passing between 2 of the 5 dwellings in the cluster it sits to the rear of, nos. 43 Kinturk Rd and the dwelling to its east. This is due to the site's location set back from Kinturk Rd to the rear of an existing line of roadside development, which alongside existing vegetation on site and within the wider vicinity screen it.

Whilst the surrounding area is characterised primarily by flat agricultural lands on the shores of Lough Neagh the area has come under considerable development pressure in recent times with a no. of dwellings and ancillary buildings extending along largely the north side of the Kinturk Rd.

Description of Proposal

This is an outline application for a new dwelling on a farm to be located on lands to the rear of 45 Kinturk Road Coagh Cookstown.

Deferred Consideration:

This application was before the Planning Committee in April 2022 and was deferred for an office meeting with the Service Director. At a meeting on 14 April, via zoom, the applicants set out the issues they had in respect of the transfer of the land for a site that was approved for their daughter in 2007 (ref I/2007/0469/F). Additional information was invited to clearly show the events and allow consideration of these.

Following the meeting the solicitor who acted for the applicant's daughter provided letters to set out the issues and time frames in respect to the transfer of the land for the site that was approved under I/2007/0469/F.

Timescale:

21.05.2002 – application I/2002/0333/O submitted (same site as I/2007/0469/F)

09.04.2003 - application I/2002/0333/O approved

04.04.2006 – application I/2006/0666 submitted as Reserved Matters and returned invalid

25.06.2007 – application I/2007/0469/F submitted

10.10.2007 – application I/2007/0469/F approved

20.12.2007 – solicitor has been appointed to transfer land, letter sent by solicitor to applicant requests details of land registry certificates as those quoted do not relate to the lands

23.01.2008 – solicitor letter to applicant to advise land registry do not have records of their ownership of the lands

20.11.2008 – solicitor letter to applicant advising to proceed as First Registration

18.06.2009 – solicitor letter to applicant seeking meeting to confirm maps for extent of application for adverse possession

20.01.2010 – acknowledgment from Land Registry of receipt of application for first registration adverse possession

June 2010 – PPS21 published

24.08.2010 – solicitor letter to Land Registry seeking update on application

09.04.2014 - solicitor letter to Land Registry seeking update on application

12.06.2014 – confirmation from Land Registry that registration complete

24.08.2021 – application LA09/2021/1228//O submitted

The solicitor for Mr O Hara has advised that Mr OHare was unable to effect the signed transfer of the land until the registration process was complete. This confirms that a development opportunity was transferred from the holding within the 10 years of the date of the submission of this application. Members will be aware criteria b in Policy CTY10 prevents planning permission being granted for a dwelling on a farm where a dwelling or development opportunity has been sold off within the last 10 years of the date of the application and places a date of 25 November 2008 as the start date for the policy. This means any dwellings or sites sold off before the 25 November 2008 or in this case before 24 August 2011 are not to be counted against the considerations. Members could refuse this application on this basis and it is likely, on the basis of the information presented that any appeal against the Councils Decision would be upheld by the PAC.

That said, Members should take account of the planning history of the development opportunity site as well as the intent by the applicant to transfer that approved site to his daughter at as early a stage as possible, following the grant of full planning permission.

Critical to the consideration of this application, in my view are:

- the development opportunity was initially the subject of a planning application submitted in 2002, over 20 years ago and was effectively renewed in 2007, and
- the transfer of the lands, which should have been a relatively simple process took over 6 years to complete and was outside of the applicants control

These factors are unlikely to be widely replicated for any other development in Mid Ulster for a dwelling on a farm and I have never in my experience been presented with this set of circumstance. In light of that if the Members were to set aside criteria b in CTY10, any decision to approve this development contrary to CTY10 would, in my view, be unlikely to set a wide ranging precedent for other applications.

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

Conditions:

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

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

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

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

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

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

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

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

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

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

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

6. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1 including sight lines of 2.4m by 60.0m to the west and 2.4m x 45.0m to the east 85.0m and forward sight distances of 60.0m to the west and 45.0m to the east. 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.

Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

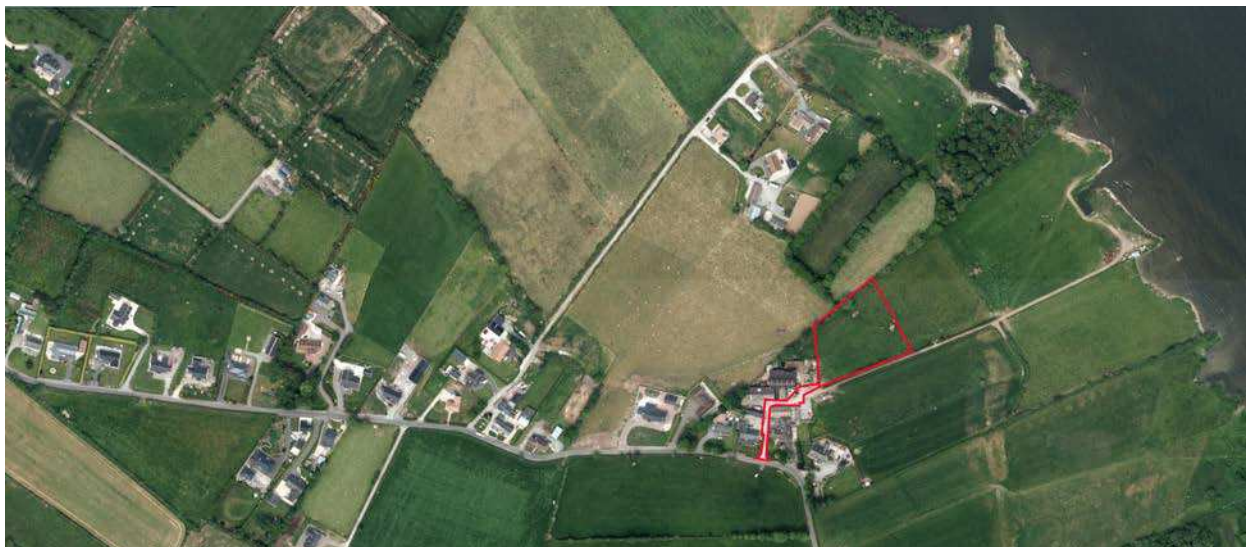
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1228/O	Target Date:
Proposal: Proposed site for new dwelling on a farm	Location: to rear of 45 Kinturk Road Coagh Cookstown
Referral Route: Refusal	
Recommendation: Refuse	
Applicant Name and Address: Mr Brian O'Hara 45 Kinturk Road Coagh Cookstown	Agent Name and Address: Gibson Design and Build 23 Ballinderry Bridge Road Coagh Cookstown BT80 0BR
Executive Summary: The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that a dwelling / development opportunity has been sold off from the farm holding within 10 years of the date of the application.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DAERA - Omagh	Advice
Statutory	DFI Roads - Enniskillen Office	Content
Representations:		
Letters of Support		None Received
Letters of Objection		None Received
Number of Support Petitions and signatures		No Petitions Received
Number of Petitions of Objection and signatures		No Petitions Received
Characteristics of the Site and Area		
<p>The site which sits adjacent the Kinturk Rd is located in the rural countryside, as depicted within the Cookstown Area Plan, approx. 2.7km north and 0.3km west of Moortown and Lough Neagh, respectively.</p> <p>The site, which is set back to the north of a sharp bend in the Kinturk Rd to the rear of a small cluster of development, is a flat relatively square shaped plot cut from the western half of a larger agricultural field.</p> <p>The aforementioned cluster of development running along are the north side of the Kinturk Rd includes 5 detached roadside bungalows and a substantial no. of farm buildings (group) within the applicant's farm holding located to their rear / north. The dwellings all have individual accesses directly off the Kinturk Rd, as does the farm group. A hardcore driveway between 2 of the 5 dwellings, nos. 43 Kinturk Rd and 45 Kinturk Rd the applicant's home, accesses the farm group to their rear. No. 45, is located to the west of the driveway and no. 43 to the east. Access to the site is proposed via this driveway through the farm yard which is bound to both north and south by farm buildings.</p> <p>A mature hedgerow interspersed with trees defines the southern boundary of the site. It has an agricultural track running along its outside providing access to the Lough beyond. Mature tree and hedgerow vegetation defines the northern boundary of the site. A line of posts it would appear to be fenced with wire defines the western boundary of the site. The eastern boundary of the site is undefined onto the host field.</p> <p>Critical views of this site will be limited from the Kinturk Rd to passing between 2 of the 5 dwellings in the cluster it sits to the rear of, nos. 43 Kinturk Rd and the dwelling to its east. This is due to the site's location set back from Kinturk Rd to the rear of an existing line of roadside development, which alongside existing vegetation on site and within the wider vicinity screen it.</p> <p>Whilst the surrounding area is characterised primarily by flat agricultural lands on the shores of Lough Neagh the area has come under considerable development pressure in recent times with a no. of dwellings and ancillary buildings extending along largely the north side of the Kinturk Rd.</p>		
Description of Proposal		
This is an outline application for a new dwelling on a farm to be located on lands to the rear of 45 Kinturk Road Coagh Cookstown.		
Planning Assessment of Policy and Other Material Considerations		

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement 21: Sustainable Development in the Countryside

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

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

Representations

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

Relevant Planning History

- I/2007/0469/F - Ms Clare O'Hara - 80m North of 72 Kinturk Road Coagh Cookstown Co. Tyrone - Ms Clare O'Hara - Granted October 2007

The site granted above (see Fig 1, below), containing a dwelling, belonged to the applicant Brian O'Hara until it was transferred off the farm holding to Daniel and Clare Clarke on the 13th April 2015.



Fig 1: Showing current site outlined red and previous site I/2007/0469/F outlined yellow.

Consultees

1. DfI Roads were consulted in relation to access arrangements and raised no objection subject to standard conditions and informatives. Accordingly, I am content the proposal can comply with the provisions of Planning Policy Statement 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 confirmed the farm business identified on P1C Forms and Farm maps has been active and established for over 6 years.

Consideration

Cookstown Area Plan 2010 – the site lies in the rural countryside outside any designated settlement.

The Strategic Planning Policy Statement for Northern Ireland – advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside; and Statement 3: Access, Movement and Parking are retained.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These instances are listed in Policy CTY1 of PPS21 'Development in the Countryside' and include dwellings on farms in accordance with Policy CTY 10 of PPS 21 'Dwellings on Farms'.

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

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

The applicant has a farm business and as confirmed with the Department of Agriculture, Environment and Rural Affairs (DEARA) this farm business (identified on P1C Forms and Farm maps submitted along with the application) has been active and established for over 6 years. I am content Criterion (1) of CTY 10 has been met.

2. 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.

A history and land registry check of the applicant's farmlands indicated that a dwelling / development opportunity out-with settlement limits had been sold off the farm holding within the last 10 years from the date of the application 24th August 2021. For the purposes of this policy, 'sold-off' means any development opportunity disposed of from the farm holding to any other person including a member of the family. The site approved under planning application I/2007/0469/F - (see 'Relevant Planning History'), containing a dwelling, belonged to the applicant Brian O'Hara until it was transferred off the farm

holding to Daniel and Clare Clarke on the 13th April 2015. Criterion (2) of CTY 10 has not been met.

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

A dwelling on this site would cluster and visually link with the established group of buildings on the farm holding located just to the west / southwest of the site at and to the rear of no. 45 Kinturk Rd, the applicant's home. Criterion (3) of CTY 10 has been met.

CTY 10 goes on to say that the application site must also meet the requirements of Planning Policies CTY 13 Integration and Design of Buildings in the Countryside and CTY 14 Rural Character. I am content a dwelling of an appropriate size, scale and design with a ridge height no greater than 5.5m above FFL similar to those in the vicinity could integrate on this site and into the surrounding landscape without causing a detrimental change to, or further eroding the rural character of the area, in accordance with policies CTY13 and 14.

As detailed above, whilst criteria 1 and 3 of Policy CTY10 has / could be met subject to a suitably designed scheme to also comply with Policies CTY13 and 14, criteria 2 of CTY10 has not been met due to a dwelling / development opportunity having been sold off the farm holding therefore this proposal is contrary to CTY10.

Additional consideration

Had the principle this proposal been established, subject to a suitably designed scheme, I am content the amenity of neighbouring properties would not have been adversely impacted to any unreasonable degree in terms of overlooking or overshadowing. Whilst the proposed access to the site runs openly past the rear yards of nos. 45 and 43 Kinturk Rd, it is already used by vehicles accessing the applicant's farm group, as such its' use for this proposal would not have had any significantly greater impact for overlooking than currently exists. I would note no. 45 is the applicant's home and no. 43 would appear to have a private amenity space to its east side.

In addition to checks on the planning portal Historic Environment Division (HED) and Natural Environment Division (NED) map viewers available online have been checked and whilst there are no built heritage assets of interest on site, NED's map viewer shows the site to be within an area known to breeding waders. However, I am content that as this site is located on improved grassland it would have limited value to breeding waders.

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

Recommendation

Refuse

The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an

exceptional case in that a dwelling / development opportunity has been sold off from the farm holding within 10 years of the date of the application.

Neighbour Notification Checked

Yes

Summary of Recommendation

Refuse

Refusal reasons

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

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2022/0062/O	Target Date: <add date>
Proposal: Infill dwelling and domestic garage as policy CTY8	Location: Site West of 35 Drummurrer Lane Coalisland
Applicant Name and Address: Mr Michael Corr 35 Drummurrer Lane Coalisland	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SG
Summary of Issues: The proposal is for an infill dwelling but is at the end of a row of buildings and would not meet the criteria in CTY 8 for a small gap site in a row of three or more buildings. The proposal would not meet the case for other policies in PPS 21. The application site is a portion of a large field which has limited enclosure and lacks integration in the countryside.	
Summary of Consultee Responses: DFI Roads - site lines of 2.4m x 45.0m and forward sight lines of 45.0m required for safe access DETI – Geological Survey (NI) – no mines or shafts within 1000m	
Characteristics of the Site and Area: The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is semi-rural in character and is predominantly agricultural fields, farm groupings and single dwellings with a roadside frontage. There is a lot of development pressure along Drummurrer Lane and surrounding roads from the construction of single dwellings.	

The application site is a portion of a larger field with a flat topography. There is established hedging along the roadside and western boundary and the northern boundary is undefined.

Description of Proposal

This is an outline application for an Infill dwelling and domestic garage as policy CTY8 at Site West of 35 Drummurrer Lane, Coalisland.

Deferred Consideration:

This application was before the Planning Committee in May 2022 and it was deferred to allow a meeting with the Service Director. A meeting was held, via zoom, on 12 May 2022 where the agent explained his rationale for the submission of this application. He explained the site is at a Y junction, where Drummurrer Lane comes off Annaghnaboe Road and it is not very clear who has priority. The development to the north and on the opposite side of the junction is read with the development to the east, on Drummurrer Lane.

Following a visit to the site it is noted there is a string of development along the north side of Drummerer Lane and the agricultural buildings on Annaghnaboe Road can be viewed with these, on approach from the east (photo 1). This is a very limited view in my opinion and does not give the impression of a built up frontage.



Photo 1 – view of site from east on Drummurrer Lane

The application site provides a visual break to development, this is especially apparent on approach from the west on Annaghnaboe Road (Photos 2 and 3). The site has good roadside vegetation and even though it is low is still provides a degree of screening of the existing development along Drumurrer Lane. Any access to the proposed site will result in the loss of the majority of the hedge on the road frontage, opening this site and the other development to views which would, in my view erode the rural character here as it would begin to join the different nodes of development together as can be seen on Map 1.



Photo 2 – Amnaghnaaboe Road to west



Photo - 3 junction, site to right of photograph



Map 1 – site in relation to other development around it

No farming case has been put forward for consideration, the application site is 0.3ha in area and the only other ground that is identified as being owned by the applicant is the

dwelling immediately to the east. As indicated above the site, in my opinion provides a visual break, it does not have development on 2 sides, is not located at a cross roads or close to a focal point and as such does not meet the clustering policy either.

In view of the above, I recommend this application is refused.

Reasons for Refusal:

1. Contrary to Policy CTY 1 in PPS 21 – Sustainable Development in the Countryside in that there is no overriding reason why the development is essential and cannot be located within a settlement.
2. Contrary to CTY 8 – Ribbon Development in PPS 21 – Sustainable Development in the Countryside in that the development if permitted would add to a ribbon of development.
3. Contrary to CTY 13 – Integration and Design of Buildings in the Countryside in PPS 21 – Sustainable Development in the Countryside in that site has a limited degree of enclosure.
4. Contrary to CTY 14 – Rural Character in PPS 21 – Sustainable Development in the Countryside in that the development if permitted would add to a ribbon of development which is detrimental to rural character.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 03/05/2022	Item Number:
Application ID: LA09/2022/0062/O	Target Date:
Proposal: Infill dwelling and domestic garage as policy CTY8	Location: Site West of 35 Drummurrer Lane Coalisland
Referral Route: <ol style="list-style-type: none">1. Contrary to Policy CTY 1 in PPS 21 – Sustainable Development in the Countryside in that there is no overriding reason why the development is essential and cannot be located within a settlement.2. Contrary to CTY 8 – Ribbon Development in PPS 21 – Sustainable Development in the Countryside in that the development if permitted would add to a ribbon of development.3. Contrary to CTY 13 – Integration and Design of Buildings in the Countryside in PPS 21 – Sustainable Development in the Countryside in that site has a limited degree of enclosure.4. Contrary to CTY 14 – Rural Character in PPS 21 – Sustainable Development in the Countryside in that the development if permitted would add to a ribbon of development which is detrimental to rural character.	
Recommendation:	Refusal
Applicant Name and Address: Mr Michael Corr 35 Drummurrer Lane Coalisland	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SG
Executive Summary: The proposal is for an infill dwelling but is at the end of a row of buildings and would not meet the criteria in CTY 8 for a small gap site in a row of three or more buildings. The	

proposal would not meet the case for other policies in PPS 21. The application site is a portion of a large field which has limited enclosure and lacks integration in the countryside.

Signature(s):

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	DETI - Geological Survey (NI)	Substantive Response Received

Representations:

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

Characteristics of the Site and Area

The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is semi-rural in character and is predominantly agricultural fields, farm groupings and single dwellings with a roadside frontage. There is a lot of development pressure along Drummurrer Lane and surrounding roads from the construction of single dwellings.

The application site is a portion of a larger field with a flat topography. There is established hedging along the roadside and western boundary and the northern boundary is undefined.

Description of Proposal

This is an outline application for an Infill dwelling and domestic garage as policy CTY8 at Site West of 35 Drummurrer Lane, Coalisland.

Planning Assessment of Policy and Other Material Considerations

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

Representations

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

Planning History

No planning history at the site.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010

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

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

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

Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

Planning Policy Statement 21

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In addition, other types of development will only be permitted where overriding reasons are submitted why the development is essential and could not be located within a settlement. As this proposal is for one infill dwelling CTY 8 is the relevant policy in the assessment.

CTY 8 – Ribbon Development

To the east and within the boundary of the site is a building as shown below in figure 1. As shown in figure 2 the building has been on site for over five years so is immune from enforcement action. To the front of the shed is a tarmacked area which has also been in place since 2016 so I am content the shed has a frontage to the road.



Figure 1 – Photo of the shed from the site visit



Figure 2 – Spatial NI orthophotography of the site

To the east of the shed shown above is a dwelling at No. 35 with a garden so I am content this is a building with a frontage to the public road. To the east of No. 35 is another dwelling

at No. 37 which also has a garden area fronting onto the road. The site is at the end of the road and faces onto two sections of Drummurr Lane. As the application site is at the end of a row of buildings I do not consider it meets the criteria in CTY 8 for a small gap site within a row.

The application site has a roadside frontage of 64m, No. 35 has a frontage of 37m and No. 37 has a frontage of 40m. There are varying frontages along this stretch of road but I am content the application site can only accommodate up to two dwellings. I am content the proposed site has a frontage which is in character with the surrounding frontages and is capable of accommodating not more than 2 dwellings. I have no concerns about the plot size as it is similar to adjoining sites.

I consider the proposal cannot be considered an exception to policy in CTY 8 as it is not a gap site as it is located at the end of a row of buildings.

The proposal would not meet the policy in CTY 3 as there is no dwelling to be placed and I do not consider the site meets the policy in CTY2a for dwelling in a cluster.

I emailed the agent on the 3rd March 2022 and the 22nd March 2022 to ask was there a farming case at the site but no response has been received.

CTY 13 – Integration and Design of Buildings in the Countryside

The application site is a cut-out of a larger field with a frontage onto two sections of Drummurr Lane. The site has a flat topography and is bounded on the south and west sides by established hedging. There are two other dwellings along this row on the same side of the road and a dwelling across the road. There is a lot of development pressure from the construction of single dwellings along this road and adjoining roads so I am of the opinion a modest sized dwelling on this site would not be a prominent feature in the landscape.

I am content the site has established boundaries and the boundary to the north is undefined as the site is a cut-out of a larger field. However this site is a portion of a larger field and lacks natural enclosure as the roadside hedging is the only boundary which would enclose the site and it would need to be removed to provide visibility splays.

The dwellings along this row are single storey so I consider a single storey dwelling would be appropriate at the site.

CTY 14 – Rural Character

As stated earlier in the assessment I am content the proposal will not be a prominent feature in the landscape. There is already a lot of development in this area so I consider another dwelling will not exacerbate the situation and create a suburban style build-up of development. As this is an outline application any details about the design would be considered at the reserved matters stage. As the site is at the end of an existing row the proposal would add to a ribbon of development which is detrimental to rural character.

PPS 3 – Access, Movement and Parking

I consulted DFI Roads as a new access is proposed. In their consultation response, they stated they had no objections subject to conditions and informatives.

Other Considerations

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

The site is within the buffer zone for abandoned mines so I consulted Geological Survey who confirmed the site is greater than 1000m from the nearest mine.

Neighbour Notification Checked Yes

Summary of Recommendation:

The proposal is recommended for refusal as it does not meet the criteria in CTY1, CTY 8 And CTY 14 in PPS 21.

Reasons for Refusal:

1. Contrary to Policy CTY 1 in PPS 21 – Sustainable Development in the Countryside in that there is no overriding reason why the development is essential and cannot be located within a settlement.
2. Contrary to CTY 8 – Ribbon Development in PPS 21 – Sustainable Development in the Countryside in that the development if permitted would add to a ribbon of development.
3. Contrary to CTY 13 – Integration and Design of Buildings in the Countryside in PPS 21 – Sustainable Development in the Countryside in that site has a limited degree of enclosure.
4. Contrary to CTY 14 – Rural Character in PPS 21 – Sustainable Development in the Countryside in that the development if permitted would add to a ribbon of development which is detrimental to rural character.

Signature(s)

Date:

Report on	The Review of the Scheme of Delegation for Planning
Date of Meeting	5 th July 2022
Reporting Officer	Planning manager
Contact Officer	Planning manager

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	For the Planning Committee to consider a revised Scheme of Delegation for Planning functions, before it goes on to Policy and Recourses and Full Council for agreement.
2.0	Background
2.1	Under the provisions of Planning Act (NI) 2011 and Planning (Development Management) Regulations (NI) 2015 the Council is required to prepare a scheme of delegation and keep it under review every 3 years. The current Scheme of delegation (May 2016) is now technically outside the specified period and work on a review has been hampered by the Covid pandemic.
3.0	Main Report
3.1	Members will recall that at the Planning Committee in December 2021 a report was produced explaining the reasons why the scheme of delegation needed to be revised to take into account legal judgements and to widen the decisions that could be delegated. This report informed a workshop which was held on line on 25 th January 2022 where members were given the opportunity to consider the matter properly.
3.2	<p>The general consensus of the meeting was that the existing scheme in relation to the consideration of planning applications was working well in that the matters where there was a dispute came before members and resulted in everyone having the opportunity to receive a fair hearing. Therefore this part of the scheme of delegation did not need changing. It was noted that we are not currently achieving the 90% plus delegation rate suggested by the Northern Ireland Audit Office, yet despite this performance was higher than many other Districts.</p> <p>The key changes primarily related to formalising what would be assumed to be an officer as standard everyday practice and the more rarely used powers which had not been specified in the scheme of delegation. These included:</p> <ul style="list-style-type: none"> • Use of the power to decline to consider a subsequent application

	<ul style="list-style-type: none"> • Serving of completion notices • Determination of non-material changes • Revocation or modification of permissions and consents • Discontinuance and alteration or removal of buildings • Modification and discharge of conditions • Consent to revoke or modify a listed building or hazardous substance consent • Review Minerals planning permissions (not enacted yet) • Variation or withdrawal of an enforcement notice • Serving of a temporary stop notice • Hazardous substance prevention notices and variations of such notices • Certificates of Lawfulness of proposed use or development • Correction of errors (still to be enacted) • Minor amendments or inconsequential amendments
3.3	The Consensus was certain decisions to serve notices for the completion or revocation of a permissions and discontinuance of use or removal of a building should remain with the Committee, most other decisions could be delegated.
3.4	<p>It was also the consensus of opinion that the service director should be given some discretion to change agree minor changes (those which do not change the thrust of policy) to the Development Plan in order to ease the way through the Public Examination process to adoption.</p> <p>A draft of the revised Scheme of Delegation is included in the Appendix.</p>
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: N/A
	Human: N/A
	Risk Management: N/A
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: N/A
	Rural Needs Implications: N/A
5.0	Recommendation(s)
5.1	That the Members agree that the revised scheme be forwarded to P&R Committee, full Council and the Department for decision.
6.0	Documents Attached & References
6.1	Appendix A - Draft Revised Scheme of Delegation

Scheme of Delegation of Planning Applications

The Scheme of Delegation for planning applications was agreed by Mid Ulster District Council at its meeting of *Thursday INSERT* following approval by the Department for Infrastructure on 1 April. The approval is in accordance with Section 31 of The Planning Act (NI) 2011. The Scheme of Delegation takes effect from INSERT. [CM1]

Part A – Mandatory applications for determination by the Planning Committee:

Statutory requirements require that certain types of application must be determined by the planning committee and these cannot therefore be delegated to officers:

- Applications which fall within the Major category of development;
- An application for planning permission where the application is made by the council or an elected member of the council, and
- The application relates to land in which the council has an interest/estate.

Part B – Delegated Applications:

The appointed person within the Council is the Service Director of Planning

To determine all local development applications with the exception of:

- Applications which are significant departures from the Development Plan or planning policy and which are recommended for approval.
- Applications submitted by the Chief Executive, Directors, planning staff, or their close relatives (parents, partners, siblings, and children).
- Applications submitted by an elected member or their close relative (parents, partners, siblings and children).
- Applications attracting valid planning objection including those from a statutory consultee, where the officer's recommendation is to approve.
- Any application referred to the Planning Committee by a Council Member, subject to a valid planning reason being provided by the Member for the deferral.
- All refusals of planning permission.
- Applications where the Service Director of Planning considers that the proposal merits consideration by the Committee, for example an application subject to an Enforcement Notice where the recommendation is to refuse permission.
- Applications where a legal agreement is required.

Part C – Publicity:

On adoption of this scheme of delegation the council made a copy

- available on the councils website at www.midulstercouncil.org

- available at Mid Ulster Council Offices
Magherafelt Office
50 Ballyronan Road
Magherafelt
BT45 6EN

An advert was placed in the local press.

Scheme of Delegation of planning consents, certificates, tree preservation orders, enforcement of planning control and other determinations

As well as determining planning applications, the Council will also have to administer the enforcement of planning and the processing of other planning consents, orders etc. The Scheme of Delegation in relation to planning consents, certificates, orders, enforcement and other determinations was agreed by Mid Ulster District Council at its meeting of *Thursday INSERT*. The Scheme of Delegation takes effect from INSERT [CM2] and is in accordance with Section 7 (4) (b) of the Local Government (Northern Ireland) Act 2014.

- [CM3]

Delegated planning consents, certificates, orders [CM4] and other decisions:

The following matters are delegated to the Service Director:

- The investigation of complaints of breach of planning control including the decision to not take enforcement action and/or to close an enforcement case or investigation and/or to withdraw or vary an enforcement notice;
- In exceptional circumstances, such as urgency, immediate risk to human health or environmental harm etc., [CM5] issue an Enforcement Notice or Stop Notice, subject to the Planning Committee being informed at the next available opportunity.
- The service of a Breach of Condition Notice, Submission Notice or planning contravention notices
- To instruct the Council's Legal representative to make an application to the Courts for Injunctions, subject to the Chair and Vice Chair of the Planning Committee being informed.
- Application to the Magistrates Court for a warrant to enter land and/or buildings in accordance with the powers provided in the Planning Act (Northern Ireland) 2011.
- Determination of any application for a Certificate of Lawful Development.
- Determination of any application for Listed Building Consent.
- Determination of any application for Conservation Area Consent.
- Determination of any application for Advertisement Consent or variations of same.
- Determination of any application for carrying out works to trees.
- Determination of any Hazardous Substance Consent. [CM6]
- Applications for Non Material Changes.
- Determination of applications for Certificates of Alternative Development Value.

- Determination of applications for Urgent Crown Development and Crown Listed Building Consent.
- Determination of a Correction Notice.
- Discharge of Planning Conditions.
- Registering Notices and Charges in the Statutory Charges Register.
- To make determinations under Section 46 (Power to Decline).
- To make determinations under Section 48 (Power to decline).
- Determination of the type of planning appeal and amendments to Council's case during the course of the appeal, subject to consultation with the Chair of the Planning Committee as deemed appropriate by the Head of Development Management.
- Negotiating Section 76 Planning Agreements including developer contributions on planning applications prior to a final decision being taken by the Planning Committee.
- The preparation of evidence on behalf of Council and defending planning decisions at Planning Appeals, Independent Examinations and other Hearings.
- Engage freely with the Planning Appeals Commission at the Independent Examination pre-hearing stage.
- To provide additional information or to request same, where the Commissioner deems this necessary.
- Agree minor, typographical or factual changes or modifications to the Local Development Plan documents.
- Agree changes to the justification and amplification text, for example to provide greater clarity on a particular policy.
- Agree changes to a particular policy or proposal in the draft Local Development Plan document suggested by the Commissioner, where that change would not fundamentally alter the thrust of that policy / proposal, or the change is necessary to make the policy / proposal sound, with no substantive implications for other aspects of the Plan or overall objectives of the policy.
- Responding to minor consultations on planning matters on behalf of the Council.^[CM7]
- In respect of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2012 or any successor legislation, to
 - o Issue screening opinions determining whether developments fall within Schedule (1) and (2).
 - o Issue scoping opinions as to the information to be provided in any statement, and undertake appropriate consultations and notifications.
 - o Determine whether an application should be accompanied by an
 - o Environmental Statement.

- In respect of the Planning (Management of Waste from Extractive Industries) Regulations (Northern Ireland 2015 or any successor, to consider and approve of a waste management plan
- All other statutory powers connected to the exercise of the planning functions which have been transferred to Council and are not specifically listed or delegated to the Planning Committee shall be deemed to be delegated unless otherwise provided for within this scheme.^[CM8]
- Instruct the Council's Legal representative in relation to any legal action on planning matters, provided the Committee is informed.

The applications for listed building consent, conservation area consent and advertisement consent are delegated with the exception of the following which require determination by the Planning Committee:

- The application is made by the council or an elected member of the council.
- The application relates to land in which the council has an interest.
- The application is submitted by the Chief Executive, Director, planning staff, or close relatives (parents, partners, siblings, and children)
- The application has attracted valid planning objection including those from a statutory consultee, where the officer's recommendation is to approve.
- The application is recommended for refusal.
- Where the Service Director of Planning considers that the proposal merits consideration by the Committee.

The Planning Committee reserves the right to request a report for information purposes on any of these delegated matters.

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 7 June 2022 in Council Offices, Ballyronan Road, Magherafelt and by virtual means

Members Present	Councillor Mallaghan, Chair Councillors Bell, Black, Brown, Clarke, Colvin*, Cuthbertson, Glasgow, Martin*, McKinney, D McPeake, S McPeake, Quinn* and Robinson
Officers in Attendance	Dr Boomer, Service Director of Planning Mr Bowman, Head of Strategic Planning Ms Doyle, Head of Local Planning Mr Marrion, Senior Planning Officer Ms McIlveen, Legal Adviser** Ms Scott, Council Solicitor Ms McNamee, ICT Support** Mrs Grogan, Democratic Services Officer
Others in Attendance	LA09/2021/0141/F – Gavin McGill & Shane Carr LA09/2021/0455/F – Martin Kelly (For) LA09/2021/0455/F – Charlie Rafferty (Against) LA09/2021/0455/F – Frances Magee (Against) LA09/2021/1330/F – Dermot Monaghan LA09/2021/1474/F – Gavin McGill & Shane Carr LA09/2021/1487/F – Dermot Monaghan LA09/2020/1476/O – Chris Cassidy – CMI Planners

* Denotes members and members of the public present in remote attendance

** Denotes Officers present by remote means

*** Denotes others present by remote means

The meeting commenced at 7.00 pm

P069/22 Notice of Recording

Members noted that the meeting would be webcast for live and subsequent broadcast on the Council's You Tube site.

P070/22 Apologies

Councillors Corry and McFlynn.

P071/22 Declarations of Interest

The Chair reminded members of their responsibility with regard to declarations of interest.

P072/22 Chair's Business

Councillor Mallaghan, Chair wished to thank Councillor Black and Councillor S McPeake for all the good work they carried out during last year.

The Service Director of Planning advised that he had a few issues he wished to raise tonight –

- **Visit to Goldmine**

The SD: Planning said that he could report to committee that the Heads of Local and Strategic Planning, a group of Councillors and himself visited the Cancussy Gold Mine site on 30th May. Everyone found the visit highly informative and very interesting. The current workings were about a kilometre long with a few spurs and were horizontally dug in the hillside. The exploratory workings were accompanied by a few steel frame and portable buildings and a water filtration system, which in themselves did not rouse any concerns. However, they are not representative of the proposed works which will be 10 fold or more in size which involves digging a series of horizontal shafts layered underground. It was clear that spoil from the workings will result in large waste heaps which will remodel the site on towards the top of the hillside and change the character of what is an exceptional attractive V shaped vale which is essentially the key component of this area of outstanding natural beauty. He felt that Mid Ulster District Council was correct in asking for a public examination and he has proposed that it be refused on the impact of integrity on the area of outstanding natural beauty.

- **Update on Quarrying at Loughdoo ASSI**

The SD: Planning said that members would be aware that an application was received for a water filtration plant at Loughran's Quarry and also a request that the permission for the quarry be revoked was received more than a year. NIEA have responded to this Council's questions about the ASSI. The Council are consulting on their response with the parties concerned and will report on both matters in due course.

- **Broughderg Wind Turbine**

The SD: Planning said that members will recall that he brought matters relating to this turbine to committee some time ago. The matters for decision have now returned to the Council as requested and we are consulting with the parties concerned and will report to the committee in due course.

- **Computer System**

The SD: Planning said that members will recall the demonstration of the department's new computer system a few weeks ago. He said that he could advise that officers have now filtered all of the planning records for the whole of Northern Ireland and placed the record pertaining to Mid Ulster into the system for test. He advised that he would be testing this data over the next couple of days and all being well hoped to see the system go live next week. Once he has the assurance he would inform all the agents, consultees and Council's Communications team to issue press release.

- **Planning Performance**

The SD: Planning advised that the Regional Planning Statistics are now available on the DfI website for the period up to 31st December 2021 which shows on average performance. It was taking 16 weeks to process local applications and 88 weeks for majors. He said that he anticipated the performance for the year would be over 16 weeks, well below normal performance. This said, issues relating to the impact of Covid, staff shortages and working on a new computer system, one week behind target is not too bad. Remarkably, Mid Ulster has the 3rd best for process times of local applications of all Councils whilst also delivering with the third highest number of applications. He anticipated performance dropping whilst the new computer system was being implemented which may remain challenging over the summer. However, he felt that once it is in place things would improve on processing time.

Councillor Clarke left the meeting at 7.10 pm and returned at 7.11 pm.

The Chair referred to the below applications which were on the agenda for determination and sought approval to have the following applications deferred from tonight's meeting schedule for an office meeting –

Agenda Item 5.8 - LA09/2021/0885/O – Site for dwelling and domestic garage at 30m W of 102 Craigadick Road, Maghera for Sharon Crooks

Agenda Item 5.9 – LA09/2021/0934/O – Dwelling and garage at approx. 130m W of 16 Carncoose Road, Moneymore for Gregory McGovern

Agenda Item 5.10 – LA09/2021/0958/O – Dwelling and garage at approx. 40m E of 31 Macknagh Lane, Maghera for Paudraig McGuigan

Agenda Item 5.13 – LA09/2021/1287/O – Site for dwelling & domestic garage at 20m W of 12a Tamnymartin Road, Maghera for Daniel Anderson

Agenda Item 5.15 – LA09/2021/1302/F – Replacement dwelling and domestic double garage at approx. 35m NW of 92 Lisnaclare Road, Stewartstown for James Coyle

Agenda Item 5.25 – LA09/2022/0063/O – Replacement dwelling and domestic garage adjacent to 16 Roshure Road, Desertmartin for Rodney McKnight

Agenda Item 5.26 – LA09/2022/0122/O – Dwelling at land 20m SE of 96 Reenaderry Road, Derrytresk, Coalisland for Stephen McCaffrey

Agenda Item 5.27 – LA09/2022/0168/O – Dwelling and garage in a cluster at 25m N of 2 Coltrim Lane, Moneymore Mark Hamilton

Agenda item 5.28 – LA09/2022/0272/F – Dwelling and lands approx. 100m E of 10 Tralee Road, Coagh for Brian Devlin

Proposed by Councillor Clarke

Seconded by Councillor Black and

Resolved That the planning applications listed above be deferred for an office meeting.

Matters for Decision

P073/22 Planning Applications for Determination

All Members declared an interest in the above application.

The Chair drew Members attention to the undernoted planning applications for determination.

LA09/2018/1329/F Enabling works to allow future development of a new leisure centre and primary school on the Gortgonis site. Enabling works for Leisure centre include a new vehicular entrance, temporary accommodation and relocation of the existing play area, Enabling works for the proposed school includes modification and improvement of existing vehicular entrance, Adjacent to the Gortgonis Sports Pavilion, Gortgonis Road Coalisland for Mid Ulster District Council

Members considered previously circulated report on planning application LA09/2018/1329/F which had a recommendation for approval.

Proposed by Councillor Mallaghan
Seconded by Councillor Clarke and

Resolved That planning application LA09/2018/1329/F be approved subject to conditions as per the officer's report.

LA09/2019/1016/F Redevelopment of Gortgonis Leisure Centre and playing fields comprising of the demolition and general site and clearance of existing facilities. Erection of a new leisure centre with a community hall, gym, day care facilities and associated ancillary accommodation. Replace the existing pitch with a floodlit 3G synthetic pitch and 6 lane running track with outdoor play areas. Modification and improvement of the existing vehicular entrance, the addition of a right hand turn land, car parking, pavements, fencing and amenity lighting adjacent to the Gortgonis Sports Pavilion Gortgonis Road Coalisland Dungannon, for Mid Ulster District Council

All Members declared an interest in the above application.

Members considered previously circulated report on planning application LA09/2019/1016/F which had a recommendation for approval.

The SD: Planning said that he wished to make a comment regarding the above application. He said that it was obvious that it was a leisure centre, but it was important to emphasis that this was not only the ability to gain access to the leisure

centre but also the ability to access the Irish Language School. He advised that Council were still waiting on Roads Service to comment on another part which arrived back last week and was hopeful that the Head of Strategic Planning and his team would be in a position to bring this forward next month.

Proposed by Councillor Mallaghan
Seconded by Councillor Clarke and

Resolved That planning application LA09/2019/1016/F be approved subject to conditions as per the officer's report.

LA09/2020/0281/F Demolition of St Malachy's Parochial Hall and construction of a new 11 classroom primary school with associated landscape, vehicle access, car parking, hard and grass play areas at St Malachy's Parochial Hall 163 Coalisland Road Dungannon, for Edendork Primary School

Members considered previously circulated report on planning application LA09/2020/0281/F which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor Clarke and

Resolved That planning application LA09/2020/0281/F be approved subject to conditions as per the officer's report.

The SD: Planning wished to have it noted for the record that members may recall that Planning was asked to serve a Building Preservation Notice on the old Church Hall, which was declined. He said at that moment in time Historic Monuments and Buildings were content that the Notice be served, which was felt too risky in coming to this decision to have it knocked down. He said that showed the Council's wisdom, as we do always have to be mindful that if a Building Preservation Notice is served, there can be compensation and shows that the Council was the best judge on these types of things and not everyone else who sits on the sidelines.

LA09/2020/1239/F Change of use of enclosed yard from disused vehicular storage yard for DRD, to an area for the storage and bagging of peat at 45 Craveny Road, Martray, Ballygawley for Harte Peat Ltd

Members considered previously circulated report on planning application LA09/2020/1239/F which had a recommendation for approval.

The SD: Planning advised that he was working to improve environmental governance in relation to unauthorised peat extraction and had asked his Officers to find out where the peat was coming from as there was an onus to make sure that peat was protected as this was an asset for future generations. He said that evidence was provided to suggest that peat was being imported from other countries like Finland and Sweden.

Proposed by Councillor Bell
Seconded by Councillor S McPeake

Resolved That planning application LA09/2020/1239/F be approved subject to conditions as per the officer's report.

Councillor Clarke left the meeting at 7.22 pm.

LA09/2021/0141/F Retention of alterations to in Vessel Composting Facility (approved M/2014/0567/F and LA09/2016/0729/NMC) comprising additional bay, vent scoops, bunker building, raised platform, tunnel building, bio filter enclosure, de watering plant, storage areas and ancillary plant, tanks, conveyors and ducting at lands at 24m S of 17 Aghnagar Road, Ballygawley for Northway Mushrooms Ltd

Members considered previously circulated report on planning application LA09/2021/0141/F which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor Bell and

Resolved That planning application LA09/2021/0141/F be approved subject to conditions as per the officer's report.

LA09/2021/0455/F Change of house type on sites 24 to 66 and updated layout at 40m NE of Currans Brae and 120m NW of 92 Gorestown Road, Moy for MDK Construction

Councillor Clarke returned to the meeting at 7.24 pm.

The Chair referred committee to previously circulated addendum where an objection was received in relation to agenda item 5.6.

Mr Marrion presented previously circulated report on planning application LA09/2021/0455/F and advised that it was on tonight schedule for an approval.

The Chair advised that Mr Kelly was in attendance to speak in favour of the application and invited him to address the committee.

Mr Kelly advised that this application was originally submitted in March 2021, with an amendment to the house type and reduction from 63 dwellings to 58 by taking out all the apartments onsite. The apartment block was 38 metres long by 10 metres wide approximately which has now been changed and opening up the area a lot more. The developer has worked with the planners and submitted further sets of plans for amendments in July 2021 and August 2021 where the ground level and ridge height was decreased, increasing the separation which was asked for at the time to make the area more appealing to the neighbouring properties. Work has been done to lessen the impact on neighbouring properties and keep in sync with what has been done throughout the estate.

The Chair advised that Mr Rafferty and Ms Magee was in attendance to speak against the application and invited him to address the committee.

Mr Rafferty advised that they were residents of Clover Hill and did not object to the contractor building the houses at Roxborough Manor, but did object to the proposed style of houses being built. The houses at Clover Hill are detached bungalows, some with converted roof spaces and the houses the contractor proposed to build are 2 storey dwellings which were going to block the natural light coming into the residents of Clover Hill's homes. As the proposed dwellings are going to be 2 storey, he believed that the new occupants would be looking down into their homes, thus depriving the residents of their privacy especially in their own back gardens. He emphasised that everyone was entitled to a certain amount of privacy and that the developer has been aware of this for some time, but had not spoken to them regarding these concerns and had he done so, then a favourable outcome could have been reached a lot sooner. He said that it wasn't their intention to hold up the developer, but this could be done to the satisfaction of everyone for now and for future generations. He appealed to members to allowing them the option of a site visit.

Ms Magee advised that she lives at No. 30 and the thought of a 2 storey dwelling being built behind her is having a detrimental impact on her mental health as she is having anxiety and sleepless nights as is her neighbour. If constructed as proposed this would result in an unacceptable loss of privacy, not only to her back garden but also to the privacy of all her rooms at the back of her house and only able to use these rooms if blinds were tilted everyday thus reducing the natural daylight even further. As these houses are facing into her house she will not have privacy ever again and concurred with Mr Rafferty in saying that a site visit would be very much appreciated so members could see the reality of their concerns.

The SD: Planning enquired from Ms Magee would she be happy if this application was refused and revert back to original planning approval.

Ms Magee advised that she would not be happy as her neighbour was in the same situation as she was and would be detrimental to her mental health as the new occupants would also be looking in on her also.

The SD: Planning said that he would need to advise the committee and understood that Ms Magee would not be happy and if this was refused, the developer could revert to what they have planning approval which may have a greater impact on the residents of Clover Hill.

Ms Magee asked why the house types cannot be lowered and changed to a storey and a half as this would allow privacy as at Hunters Chase, houses at Curran's Brae looks out onto the roofs of them.

The SD: Planning said that this was helpful as Ms Magee had an issue with the height of the houses and not the siting of them and this would go along way.

The SD: Planning asked Mr Kelly in the name of neighbourliness, could he lower the height of the dwellings, possibly 1¾ and that way it would reduce the impact but would still keep the floor space.

Mr Kelly said that within that there would not be the same number of properties as there had been as there was already an amendment to reduce the number of dwellings and if this was vaped down there would be a bigger floor space.

The SD: Planning said that there seemed to be confusion here as we were talking about a few houses and if the footprint was the same, all that would be needed would be to reduce the height and make them into half dormers and still the same floor space.

Mr Kelly said that this would not be the preferred option.

Ms Magee felt that the developer was not taking into consideration the detriment to her mental health if these buildings are constructed.

The SD: Planning said that it was now up to the members to decide the best way to proceed regarding this application.

The Chair stated that it was fairly well laid out in terms of options going forward and the proposal to the developer to see if there was some way to meet half way, but this has not been taken up. He said that the objectors have asked to committee to consider a site visit to see for themselves or the other two options - to approve as recommended by the officer or refuse the application which would not be a good option as it would allow the developer to revert back to plan A which would be much more intrusive to the residents.

Councillor S McPeake said that he wasn't that clear on what the developer's response was to Dr Boomer on the idea of lowering the dwelling when it wouldn't have any less floor space.

The SD: Planning advised that this would lower the height and lower the impact, but would still result in very attractive houses with plenty of room. He said that he put forward a solution but the developer was not keen on it. He said the developer could appeal if he wished to do so, but felt that a little more consideration could be given to the neighbouring dwellings as this was what Mid Ulster District Council was all about in trying to make everyone happy.

Councillor S McPeake said that he still didn't get clarification on why it would be so problematic to lower the dwellings.

The Chair advised that the developer had indicated that he had already made amendments to the height and wasn't prepared to lower any more.

Councillor Clarke said that another option would be to reduce the floor level as the site was on rising ground and would still be in a position of constructing a 2 storey dwelling.

Councillor Clarke proposed that a site visit be arranged for members to see for themselves.

Councillor Black said that he would be happy to second the proposal for a site visit as he was conscious about getting into the realms of what can and cannot be achieved.

He said that a site visit would allow for the objectors views to be taken into consideration and possibly allow time to have discussions with the developer to see if an amicable solution could be reached.

Ms McIlveen, Legal Advisor said that given the issues being raised and noted that the officer did indicate that the objection came in late, felt that a bit of time here would be sensible in the circumstances.

Proposed by Councillor Clarke
Seconded by Councillor Black and

Resolved That planning application LA09/2021/0455/F be deferred for a site meeting.

LA09/2021/0717/F Storage warehouse for use in association with proposed peat storage and distribution yard (LA09/2020/1239/F) with associated single storey canteen, toilets, office reception area and ancillary works at 45 Cravenny Road, Martray, Ballygawley for Harte Peat Ltd

Members considered previously circulated report on planning application LA09/2021/0717/F which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor D McPeake and

Resolved That planning application LA09/2021/0717/F be approved subject to conditions as per the officer's report.

LA09/2021/0885/O Site for dwelling and domestic garage at 30m W of 102 Craigadick Road, Maghera for Mrs Sharon Crooks

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/0934/O Dwelling & Garage at approx. 130m W of 16 Carnose Road, Moneymore for Gregory McGovern

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/0958/O Dwelling and Garage at approx. 40m E of 31 Macknagh Lane, Maghera for Paudraig McGuigan

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/1103/F Amendment of house design under construction (LA09/2018/0294/F) adjacent to and the rear of 24 St Jeans, Tullagh, Cookstown for Martin Rea

Members considered previously circulated report on planning application LA09/2021/1103/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Black and

Resolved That planning application LA09/2021/1103/F be approved subject to conditions as per the officer's report.

LA09/2021/1268/F Dwelling and garage on a farm adjacent to 36 and rear of 34 Killeenan Road, Cookstown for Shane Loughran

The Chair, Councillor Mallaghan declared an interest in the above application and withdrew to the public gallery.

The Deputy Chair, Councillor Brown took the Chair.

Members considered previously circulated report on planning application LA09/2021/1268/F which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor D McPeake and

Resolved That planning application LA09/2021/1268/F be approved subject to conditions as per the officer's report.

Councillor Mallaghan returned to the Chair.

LA09/2021/1287/O Site for a dwelling & domestic garage at 20m W of 12a Tamny Martin Road, Maghera for Mr Daniel Anderson

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/1299/F Semi-detached dwelling at site adjacent to 41 Waterfoot Road, Ballymaguigan, Magherafelt for James Sheridan

Members considered previously circulated report on planning application LA09/2021/1299/F which had a recommendation for approval.

Ms Doyle (SPO) referred to addendum and advised that a late objection had been received as outlined.

Proposed by Councillor McKinney
Seconded by Councillor Robinson and

Resolved That planning application LA09/2021/1299/F be deferred until next month.

LA09/2021/1302/F Replacement dwelling and domestic double garage at approx. 35m NW of 92 Lisaclore Road, Stewartstown for James Coyle

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/1307/F Variation of condition 1 of LA09/2017/1340/F (to extend the completion date to 3 years from the 10th June 2021) at The Mills, Washingbay Road, Coalisland, for Farasha Properties Ltd

Mr Marrion (SPO) presented a report on planning application LA09/2021/1307/F advising that it was recommended for refusal.

He updated committee on the situation and advised that this was for the amendment to the condition relating to the provision of an access to The Mills, Coalisland. He advised that this development was currently occupied, with approval granted for amended access in June 2021, with Roads Service implementing some speed control devices which allowed for a less onerous access. The application was approved in June 2021 by committee and was stated that access was to be provided within the next 3 months which hasn't been provided by the applicant nearly a year later. They have requested 3 years as they said that to provide the access they require TAS approval from DfI Roads which would take a long time to get, however, DfI Roads have confirmed that the proposal has been granted approval and did not require TAS approval as the walls were less than 1 metre in height. He advised that objections had been received from residents regarding the conditions of the streets and street lighting and the development not finished off which cannot be done until such times until access has been provided. He advised that there was no justification in delaying this access and therefore recommended that this application be refused.

Proposed by Councillor Brown
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2021/1307/F be refused.

LA09/2021/1330/F Housing development (change of house types to H/2014/0351/F including reduction from 19 dwellings to 18 dwellings) at 3 Mullagh Lane, Maghera for JFM Construction Ltd

Members considered previously circulated report on planning application LA09/2021/1330/F which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor McKinney and

Resolved That planning application LA09/2021/1330/F be approved subject to conditions as per the officer's report.

LA09/2021/1444/F Dwelling and garage (renewal of LA09/2016/0556/F) at rear of 3 Loughinsholin Park Castledawson for Mark and Catherine Cooke

Members considered previously circulated report on planning application LA09/2021/1444/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Robinson and

Resolved That planning application LA09/2021/1444/F be approved subject to conditions as per the officer's report.

LA09/2021/1474/F Air cooling unit and associated water tank (to optimise biofilter efficiency) at lands at 11C Aghnagar Road, Ballygawley for Northway Mushrooms Ltd

Members considered previously circulated report on planning application LA09/2021/1474/F which had a recommendation for approval.

Proposed by Councillor Robinson
Seconded by Councillor McKinney and

Resolved That planning application LA09/2021/1474/F be approved subject to conditions as per the officer's report.

LA09/2021/1487/F 4 two bed apartments - Between 240 and 246 Mayogall Road, Clady, Portglenone for JFM Construction Ltd

Members considered previously circulated report on planning application LA09/2021/1487/F which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor D McPeake and

Resolved That planning application LA09/2021/1487/F be approved subject to conditions as per the officer's report.

LA09/2021/1564/F Retention of farm buildings & animal feed bin at 37m NW of 21 Drumard Cross Roads, Dungannon for J H Bradley

Members considered previously circulated report on planning application LA09/2021/1564/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Robinson and

Resolved That planning application LA09/2021/1564/F be approved subject to conditions as per the officer's report.

LA09/2021/1671/O Dwelling and garage at site adjacent to 1 Coole Cottages Coole Road, Coalisland for Mr Martin Gordon

Members considered previously circulated report on planning application LA09/2021/1671/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Clarke and

Resolved That planning application LA09/2021/1671/O be approved subject to conditions as per the officer's report.

LA09/2021/1684/F Portal framed shed at 190m S of 60 Knockaleery Road, Cookstown for Hamilton Aggregates

Members considered previously circulated report on planning application LA09/2021/1684/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Glasgow and

Resolved That planning application LA09/2021/1684/F be approved subject to conditions as per the officer's report.

LA09/2021/1737/O Rear offsite replacement dwelling and garage with retention of existing dwelling as domestic store (approved under LA09/2018/0076/O) at 163 Davagh Road, Sixtowns, Draperstown for Mr F Quinn

Members considered previously circulated report on planning application LA09/2021/1737/O which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor McKinney and

Resolved That planning application LA09/2021/1737/O be approved subject to conditions as per the officer's report.

LA09/2022/0063/O Replacement dwelling and domestic garage adjacent to 16 Roshure Road, Desertmartin, for Mr Rodney Mc Knight

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2022/0122/O Dwelling at land 20m SE of 96 Reenaderry Road Derrytresk Coalisland for Mr Stephen McCaffrey

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2022/0168/O Dwelling and garage in a cluster at 25m N of 2 Coltrim Lane, Moneymore for Mr Mark Hamilton

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2022/0272/F Dwelling at lands approx. 100m E of 10 Tralee Road, Coagh for Mr Brian Devlin

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2022/0362/F Rear extension to provide level accessed shower and toilet accommodation at 4 Garden Terrace, Magherafelt for JP Cudden

Members considered previously circulated report on planning application LA09/2022/0362/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Robinson and

Resolved That planning application LA09/2022/0362/F be approved subject to conditions as per the officer's report.

The Chair advised that the committee was moving into Deferred Applications and sought approval to defer the following applications:

Agenda Item 6.2 – LA09/2019/0909/O – Dwelling and domestic garage/store at approx. 50m W of 34 Drumard Road, Magherafelt for Anne and Leo McPeake

Agenda Item 6.4 – LA09/2019/1212/O – Farm dwelling and garage at approx. 25m WSW of 71 Killymuck Road, Cookstown for Mr P McCusker

Agenda Item 6.5 – LA09/2019/1647/F – Vehicle storage and sales in association with existing plant and machinery business at 120m NE of 93 Iniscarn Road, Desertmartin for CAM Plant and Sales

Proposed by Councillor Bell
Seconded by Councillor D McPeake and

Resolved That the planning applications listed above be deferred for the consideration of new information.

LA09/2019/0784/F Farm shed (feeding & shelter area, storage area and underground slurry tanks) and new access to be taken from Drumlamph Lane at approx 130m SE of 9 Drumlamph Lane, Castledawson for Cathal Shivers

Councillor S McPeake declared an interest in planning application LA09/2019/0784/F.

Members considered previously circulated report on planning application LA09/2019/0784/F which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor D McPeake and

Resolved That planning application LA09/2019/0784/F be approved subject to conditions as per the officer's report.

LA09/2019/0909/O Dwelling and domestic garage/store at approx. 50m W of 34 Drumard Road Magherafelt for Anne and Leo Mc Peake

Councillor S McPeake declared an interest in planning application LA09/2019/0909/O.

Agreed that application be deferred for the consideration of new information.

LA09/2019/0955/F Retention of existing agricultural shed at 90m S of 91 Ballynagarve Road Magherafelt for Mr Edmond Ferguson

Ms Doyle (SPO) presented a report on planning application LA09/2019/0955/F advising that it was recommended for refusal.

The Chair advised that request for information on two separate occasions had been ignored by the applicant.

Proposed by Councillor Cuthbertson
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2019/0955/F be refused.

LA09/2019/1212/O Farm dwelling and garage at approx 25m WSW of 71 Killymuck Road Cookstown for Mr P McCusker

Agreed that application be deferred for the consideration of new information.

LA09/2019/1647/F Vehicle storage and sales in association with existing plant and machinery business at 120m NE of 93 Iniscarn Road, Desertmartin for CAM Plant and Sales

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2020/1476/O Dwelling and garage between 21 and 23 Iniscarn Road, Moneymore for FJS Contracts Ltd

Ms Doyle (SPO) presented a report on planning application LA09/2020/1476/O advising that it was recommended for refusal.

Proposed by Councillor Cuthbertson
Seconded by Councillor Colvin and

Resolved That planning application LA09/2020/1476/O be refused.

LA09/2020/1663/O Site for dwelling and garage adjacent to 215A Mountjoy Road, Killycolpy, Dungannon for Marie Quinn Elliott

Members considered previously circulated report on planning application LA09/2020/1663/O which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor McKinney and

Resolved That planning application LA09/2020/1663/O be approved subject to conditions as per the officer's report.

LA09/2021/0991/O Dwelling and detached garage at approx. 50m NE of 23 Castletown Road, Aughnacloy for Michael Jones

Councillor Robinson declared an interest in LA09/2021/0991/O.

Members considered previously circulated report on planning application LA09/2021/0991/O which had a recommendation for approval.

Proposed by Councillor Cuthbertson
Seconded by Councillor Black and

Resolved That planning application LA09/2021/0991/O be approved subject to conditions as per the officer's report.

LA09/2021/1382/O 2 Storey dwelling & domestic garage on a farm at land approx. 130m SW of 19 Glendavagh Road, Aughnacloy for Dale Watters

Members considered previously circulated report on planning application LA09/2021/1382/O which had a recommendation for approval.

Proposed by Councillor Cuthbertson
Seconded by Councillor Robinson and

Resolved That planning application LA09/2021/1382/O be approved subject to conditions as per the officer's report.

Councillor Cuthbertson left the meeting at 8.04 pm.

P074/22 Receive Report on Planning from the NI Public Accounts Committee

The SD: Planning presented previously circulated report and advised that the purpose of this report was to set out and provide comment on the Public accounts Committee Report on Planning in Northern Ireland and the subsequent draft response of the Department of Infrastructure response.

The Chairman stated that you would think that a board that would sit over the SMT would receive monthly or by-monthly progress reports in terms of targets and performance indicators etc. and whenever the system wasn't working efficiently then this should be an opportunity for the board to take them to task, publicly appointed like the way other organisations work. He stated that instead of civil servants working in isolation possibly a few degrees down from a minister, they should have a different way of reporting back which would help address those issues.

The Chair in referring to the planning applications advised that when some people go to MOT a car, they go to a mechanic to make sure everything is right before the test, but some other people take a chance without getting their vehicle looked at and were willing to pay the £16.50 for a retest and this can be seen here regularly also.

Councillor Clarke agreed that this was a great piece of work and as far as he could see there was a layer above us which seemed to think they can meddle, debate and delay. He said that he heard that there were 80 officials at this high level and was unsure what they were actually doing as it's around these tables that the works are going on.

Councillor S McPeake concurred with previous comments about a brilliant piece of work and commended comments around item 7 – housing in the countryside as this was the crux of it here as the department likes to see everything uniform and this was not the way it was meant to be when passing planning down to local councils as there was local sensitives and local pressures as this was evident in the attempted PAN at the time they wished to centralise. He felt that we need to be eternally vigilant as it wasn't going to go away as he felt there may be an attempt to take back the PAN in another guise. He felt that the way this has been worded has been excellent, strong and robust as this was going to be key to this as there were variants across the local Councils in the North and good to have a good strong response.

Councillor Colvin said that he would agree with everything which has been said and felt that one area the department could improve on was their consultation speed as it made us look bad. He concluded by saying that it was an excellent report put together by Dr Boomer.

Proposed by Councillor Brown
Seconded by Councillor Clarke and

Resolved That the Service Director of Planning on behalf of the Committee writes to the Public Accounts Committee, providing a copy of the report and providing a willingness to work with the Department and other Councils for a reform of the Planning System. This said, the solution is not to increase the role of the Department but to further empower Local Government. Key actions which are needed are as follows:-

- (a) There should be further Review of Public Administration to ensure that further functions relating to Local Road, Regeneration and Historic Buildings should transfer to Local government. Without this, any improvements will only be temporal as central government bodies will undoubtedly revert to the silo mentality over time.
- (b) The role and responsibilities of the Department in relation to the oversight of Local Development Plans is subject to independent review. It is clear there is a lack of clarity on the role of the Department in relation to assessing soundness in the context of regional policy and the weight given to local democracy in devising policies having regard to the Strategic Planning Policy. There is also a need to speed up decision making and final decision on soundness of a plan should transfer to the Planning Appeals Commission. The Department should be required to carry out any oversight of plans within clearly defined time limits.
- (c) That planning fees should be review to ensure sustainability of planning services, and they be future proofed by indexed linking to inflation to prevent the same delay in increasing fees in future years

Matters for Information

P075/22 Minutes of Planning Committee held on 3 May 2022

Members noted minutes of Planning Committee held on 3 May 2022.

Live broadcast ended at 8.30 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor McKinney

Seconded by Councillor Brown and

Resolved In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider items P076/22 to P083/22.

Matters for Decision

P076/22 Request to Revoke Permission to extend 13 Station Road, Moneymore

P077/22 Receive Planning Department Service Improvement Plan 2022-23

P078/22 Receive Report on the Council's LDP – Draft Plan Strategy

Matters for Information

P079/22 Confidential Minutes of Planning Committee held on 3 May 2022

P080/22 Receive Building Preservation Notices Update

P081/22 Receive TPO Assessment Report

P082/22 Enforcement Cases Opened

P083/22 Enforcement Cases Closed

P084/22 Enforcement Live Case List

P085/22 Duration of Meeting

The meeting was called for 7 pm and concluded at 9.20 pm

Chair _____

Date _____

Annex A – Introductory Remarks from the Chairperson

Good evening and welcome to the meeting of Mid Ulster District Council's Planning Committee in the Chamber, Magherafelt and virtually.

I specifically welcome the public watching us through the Live Broadcast feed. The Live Broadcast will run for the period of our Open Business but will end just before we move into Confidential Business. I will let you know before this happens.

Just some housekeeping before we commence. Can I remind you:-

- If you have joined the meeting remotely please keep your audio on mute unless invited to speak and then turn it off when finished speaking
- Keep your video on at all times, unless you have bandwidth or internet connection issues, where you are advised to try turning your video off
- If you wish to speak please raise your hand in the meeting or on screen and keep raised until observed by an Officer or myself
- Should we need to take a vote this evening, I will ask each member to confirm whether you are for or against the proposal or abstaining from voting
- For members attending remotely, note that by voting on any application, you are confirming that you were in attendance for the duration of, and that you heard and saw all relevant information in connection with the application you vote on
- When invited to speak please introduce yourself by name to the meeting. When finished please put your audio to mute
- For any member attending remotely, if you declare an interest in an item, please turn off your video and keep your audio on mute for the duration of the item
- An Addendum was emailed to all Committee Members at 5pm today. There is also a hard copy on each desk in the Chamber. Can all members attending remotely please confirm that they received the Addendum and that have had sufficient time to review it?
- If referring to a specific report please reference the report, page or slide being referred to so everyone has a clear understanding
- For members of the public that are exercising a right to speak by remote means, please ensure that you are able to hear and be heard by councillors, officers and any others requesting speaking rights on the particular application. If this isn't the case you must advise the Chair immediately. Please note that once your application has been decided, you will be removed from the meeting. If you wish to view the rest of the meeting, please join the live link.
- Can I remind the public and press that taking photographs of proceedings or the use of any other means to enable persons not present to see or hear any

proceedings (whether now or later), or making a contemporaneous oral report of any of the proceedings are all prohibited acts.

Thank you and we will now move to the first item on the agenda - apologies and then roll call of all other Members in attendance.



ADDENDUM TO PLANNING COMMITTEE AGENDA

FOR PLANNING COMMITTEE MEETING ON: 7 June 2022

Additional information has been received on the following items since the agenda was issued.

Chairs Business –

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
5.6	Objection received	Members to note
5.14	Objection received	Members to note
5.28	Amended plans to address DfI Roads comments	Members to note

Closed Business –

Report on request to revoke planning permission to extend 13 Station Road, Moneymore.

