



01 November 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, 01 November 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 - 208

	Planning Reference	Proposal	Recommendation
5.1.	LA09/2019/0643/F	Assembly building at Terex, Farlough Road Plant 32 Farlough Road, Dungannon for Terex	APPROVE

5.2.	LA09/2020/1021/O	Site for small business park to include light & general industrial use/assembly/storage/business (20,000sq ft total), with parking, turning, loading, new access, boundary treatments & site works including landscaped buffer. Enterprise to be contained within 4 no. buildings approximately 5000 squ ft each. (Revised description) adjacent to Eurosprings, 127 Ballynakilly Road, Coalisland for Eurosprings Ltd	APPROVE
5.3.	LA09/2021/1083/F	Two storey with lower ground floor replacement dwelling and associated courtyard domestic garages and outbuildings at 9 Mackenny Road, Cookstown for Mrs Wilma Brownlee	REFUSE
5.4.	LA09/2021/1521/F	6 no dwellings (change of house type) from 2 blocks of 3 townhouses to 2 semi-detached & 2 detached house (plot no's 22, 23, 24, 25, 26 & 27) at lands 72m NW of 21 Lurgyroe Glen, Kilmascally Road, Dungannon for Roxborough Plant & Construction Ltd	APPROVE
5.5.	LA09/2021/1615/F	Replacement storage shed at rear Of 245 Washingbay Road, Aughamullan, Coalisland for Mr Colin MC Cluskey	REFUSE
5.6.	LA09/2021/1694/O	Curates two storey dwelling with domestic garage and within curtilage vehicular parking at land adjoining 13 Loy Street, Cookstown for Mr William Stewart	APPROVE
5.7.	LA09/2021/1763/F	Garage/workshop/stores with portal frame structure at 100m S of 8 Lurganagoose Road, Knockloghrim for McLean Transport	APPROVE
5.8.	LA09/2022/0280/F	2 infill dwellings & garages between 53B & 55 Ranaghan Road, Maghera for Mr Paddy Corbett	APPROVE
5.9.	LA09/2022/0285/O	Dwelling on a Farm adjacent and W of 81 Drumflugh Rd, Benburb,	REFUSE

		Dungannon for Stephen McKenna	
5.10.	LA09/2022/0331/F	Change of house type (application H/2009/0446/F) at 7C Ballymoghlan Lane, Magherafelt, for Camilla Brown	APPROVE
5.11.	LA09/2022/0370/RM	Replacement dwelling and detached domestic garage at 120m SE of 47 Annaghmakeown Road, Dungannon for Mr Simon Duggan	APPROVE
5.12.	LA09/2022/0450/F	Change of use to the first and second floors from storage space to one 3bedroom duplex apartment unit at 47 Market Square, Dungannon for Seamus Quinn	APPROVE
5.13.	LA09/2022/0541/F	Farm shed at 210m E of 91 Ballynakilly Road, Coalisland for Mr Gavin Quinn	REFUSE
5.14.	LA09/2022/0563/O	Two storey dwelling and detached double garage at 60m SE of 148C Washingbay Road, Clonoe, Coalisland for Philip Brady	REFUSE
5.15.	LA09/2022/0592/F	Domestic store for the storage and maintenance of fishing boats with extension to curtilage at rear of 77 Back Lower Road, Killycolpy, Dungannon for Oliver Teague	APPROVE
5.16.	LA09/2022/0641/F	Boundary wall/fence at 29 Glengomna Road, Draperstown, for Barry O'Kane	APPROVE
5.17.	LA09/2022/0651/F	Change of house type and garage with all associated landscaping and site works (substitution approved M/2013/0341/F & Subsequently LA09/2015/0595/F) at lands approx. 70m SW of , 6 Goland Road, Ballygawley, for Darragh McAnenly & Caoimhe Glass	REFUSE
5.18.	LA09/2022/0686/O	Dwelling at lands immediately W and adjacent to 115 Clonavaddy Road, Galbally, Dungannon for Blaine Nugent	REFUSE
5.19.	LA09/2022/0727/F	Change of use from a dwelling to nail bar and beauty parlour with alterations to the front windows	APPROVE

		and retention of parking to the basement and rear at 45B Coagh Street, Cookstown, for Mr Colin Thompson	
5.20.	LA09/2022/1226/O	Site for dwelling and domestic garage at 100m S of 25a , Cloane Road, Draperstown, at the Junction of Cloane Road and Cloane Lane for Mr Mark Quinn	REFUSE
5.21.	LA09/2022/1230/O	Site for dwelling and domestic garage at 155M S of 25a Cloane Road, Draperstown, for Mr Mark Quinn	REFUSE
5.22.	LA09/2022/1369/A	2 No Outdoor LED Video Wall at The Burnavon Arts And Culture Centre Burn Rd, Cookstown for Mid Ulster District Council	APPROVE

6. Receive Deferred Applications

209 - 380

	Planning Reference	Proposal	Recommendation
6.1.	LA09/2018/0566/F	6 dwellings and associated access road at approx 90m E of 96 Davagh Road, Omagh for M Conway	APPROVE
6.2.	LA09/2020/0343/F	2 detached dwellings & 2 semi-detached dwellings at 62 Glen Road, Maghera for Danny Mc Master	APPROVE
6.3.	LA09/2020/1046/F	Retention of and relocation of partially constructed farm shed and amendments to the design of approved LA09/2017/0977/F at 40m NEf 28A Toomog, Galbally, Dungannon for Noel MC Elduff	REFUSE
6.4.	LA09/2021/0288/O	Site for dwelling & garage at 30m S of 174A Ardboe Road, Cookstown for James Devlin	REFUSE
6.5.	LA09/2021/0739/F	Dwelling & Garage/Store. at 150m NE of 230 Coalisland Road, Gortin, Dungannon, for Mr Cathal Keogh	REFUSE
6.6.	LA09/2021/1208/O	Dwelling & domestic garage on a farm at land approx. 55m S of 60 Annaghilla Road, Augher, for Jeff & Laura Fitzsimmons	APPROVE
6.7.	LA09/2021/1283/O	Off-site replacement dwelling and garage. at 50m NW of 26	APPROVE

		Annaginney Road, Dungannon. for George McIvor	
6.8.	LA09/2021/1598/O	Dwelling, garage & associated site works at 80m SW Of 129 Benburb Road, Dungannon, for Mr Norman McKenzie.	APPROVE
6.9.	LA09/2021/1641/F	Conversion of existing store to dwelling at approx 30m N of 6 Ruskey Road, Coagh, for Mr Jim Mc Intyre	APPROVE
6.10.	LA09/2021/1678/F	Two storey dwelling and attached garage at S of 179 Coash Road, Killyman, Dungannon for Stephen MC Aliskey	REFUSE
6.11.	LA09/2022/0186/O	Dwelling & garage at 25m SW of 12A Gortnahurk Road, Draperstown for Marie Scullin	REFUSE
6.12.	LA09/2022/0272/F	Dwelling at lands approx. 100m E of 10 Tralee Road, Coagh for Mr Brian Devlin	APPROVE
6.13.	LA09/2022/0442/RM	Single storey dwelling with garage, between 255 & 259 Orritor Road, Orritor, Cookstown (entering Of Church Road) for Mr Serghei & Mrs Tanya Hamchecici	APPROVE

Matters for Information

- 7 Planning Committee Minutes of Meeting held on 4 October 2022 381 - 404

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

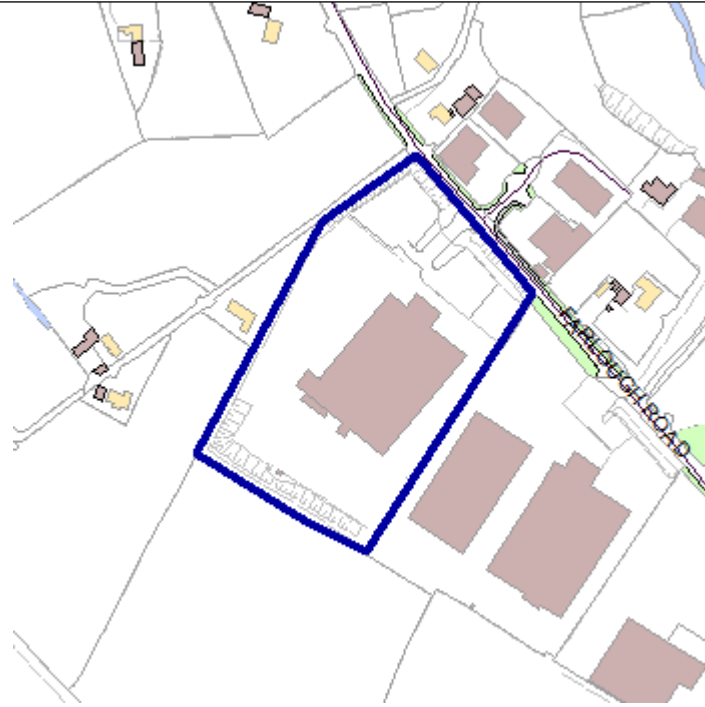
Matters for Information

8. Planning Committee Confidential Minutes of Meeting held on 4 October 2022
9. Enforcement Cases Opened
10. Enforcement Cases Closed



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.01
Application ID: LA09/2019/0643/F	Target Date: 9 July 2019
Proposal: Proposed erection of new assembly building	Location: Terex Farlough Road Plant 32 Farlough Road Dungannon
Referral Route: Approve is recommended This is a Major planning application and objections have been received.	
Recommendation: Approve	
Applicant Name and Address: Terex Farlough Road Plant 32 Farlough Road Dungannon	Agent Name and Address: Clarman And Co Unit 1 33 Dungannon Road Coalisland BT71 4HP
Executive Summary:	

Case Officer Report**Site Location Plan**

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Consultations:

Consultation Type	Consultee	Response
	Environmental Health Mid Ulster Council	Substantive: TBC Response Type: FR
	Environmental Health Mid Ulster Council	Substantive: TBC
	DFI Roads - Enniskillen Office	Substantive: TBC
	Rivers Agency	Substantive: TBC
	Environmental Health Mid Ulster Council	Substantive: TBC
	Environmental Health Mid Ulster Council	Substantive: TBC
	DFI Roads - Enniskillen Office	Substantive: Y Response Type: FR
	DFI Roads - Enniskillen Office	Substantive: Y Response Type: FR
	Environmental Health Mid Ulster Council	Substantive: TBC
	Environmental Health Mid Ulster Council	Substantive: TBC

	Environmental Health Mid Ulster Council	Substantive: TBC
	Environmental Health Mid Ulster Council	Substantive: TBC
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	NI Water - Strategic Applications	Substantive: TBCResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	Rivers Agency	Substantive: TBCResponseType: FR
	Health & Safety Executive For NI	Substantive: TBCResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	Rivers Agency	Substantive: TBCResponseType: FR
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09-19-0643 F Terex 171022.doc

Representations:

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

Summary of Issues

Three letters of objection were received to this planning application which raised the following issues:

- The noise level within the current factories is unacceptable;
- There are periodic issues of noise due to the testing of machinery
- An increase in the size of the factory will have a negative impact on the surrounding countryside;
- An increase in noise pollution;
- Concerns at the increase in traffic from the additional buildings;
- The Pre-Application Community Consultation exercise was inadequate;
- If approved there should be a limit placed on operating hours;
- There is a need for additional landscaping along the boundary of the application;
- There is a concern at the cause of environmental light pollution.

Following the most recent noise report three additional letters of objection have been received to the application. The letters raise the following issues:

- Loading outside of agreed working hours regularly takes place;

- Traditional beep alarms are still being used on company owned vehicles;
- Questions on the calculation basis of the noise report for sound reduction;
- Noise levels were taken at a time when trees are in full cover at the objector's dwelling and new levels should be taken in the winter months;
- The objector questions the assumption to allow higher background noise levels as being inappropriate;
- Impact of additional production at Terex;
- Route of machinery from existing building to the proposed building and the impact this will have on noise concerns at the nearby dwellings;
- Contravention of previous planning permissions;
- Management concerns of closed door policy

The issues of concern will be addressed in the report which follows.

Characteristics of the Site and Area

The application site currently consists of industrial buildings for the applicant's current operations. The site is relatively flat. This site is located to the very west of the town of Coalisland and just within its settlement limit and is on land zoned as existing industry and business in the Dungannon and South Tyrone Area Plan 2010. To the west of the site is open countryside with individual dwellings, the remaining boundaries of the site are bounded by zoned industrial land and other industrial businesses. There are also residential developments close by within the limits of the settlement.

Description of Proposal

This application is for a proposed new assembly building

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Regional Development Strategy
 Strategic Planning Policy Statement
 Dungannon and South Tyrone Area Plan 2010
 MUDC Local Development Plan 2030 - Draft Plan Strategy
 Planning Policy Statement 3 - Access, Movement and Parking
 Planning Policy Statement 4 - Economic Development
 Planning Policy Statement 15 - Planning and Flood Risk

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

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

The site is on land zoned as existing industry and business in the Area Plan within defined settlement limit of Coalisland. The application is for an extension to the existing Terex facility which is located on the Farlough Road, Dungannon. The existing buildings extend to approximately 8,000 sq with the proposed extension extending the floorspace by approximately an additional 1,700 sq m.

Planning Policy Statement 4 - Planning and Economic Development, Policy PED 1 "Economic Development in Settlements" states that a development proposal for a Class B2 light industrial use or Class B3 general industrial use will be permitted in an area specifically allocated for such purposes in a development plan or in an existing industrial/employment area provided it is of a scale, nature and form appropriate to the location.

Policy PED 9 "General Criteria for Economic Development" states that a proposal for economic development use, in addition to other policy provisions of PPS 4, will be required to meet all of the 13 criteria listed under PED 9.

(a) It is compatible with surrounding uses, (b) it does not harm the amenities of nearby residents and (e) it does not create a noise nuisance

This application on existing zoned industrial land will be used to build machines within the proposed assembly building, as opposed to building them externally in the yard. No additional staff will be employed for the proposed building. We have received a number of objections to the proposed application based primarily on noise concerns. There are currently noise concerns from the neighbouring dwellings based on the current operations at the Terex factory. EHO did have concerns with the proposal and an amended noise report has been submitted and considered by EHO.

In their response, EHO have stated the submitted noise assessment considers noise from two scenarios. The first scenario is the existing set up at Terex with what is described as typical site traffic with the doors open. The second scenario considers the noise from the existing building plus the proposed assembly building with traffic and the doors are closed. The assessment by EHO shows that if strict site conditions are adhered to this proposal can result in overall noise reduction at nearby receptors, and therefore betterment in respect of noise. The proposal will be no more than +5dB above background which indicates an adverse impact. However, this has reduced from +11dB as previously modelled which indicates a significant adverse impact.

The proposal includes the replacement of four existing roller doors on the southern elevation being replaced by four rapid closing doors to improve the current noise levels.

The new building only has doors, other than for the purpose of fire safety pedestrian doors, on the northern elevation away from the nearby residential properties. These doors are also to be rapid closing doors. The doors closest to the neighbouring residential properties are shown to be always closed.

To ensure the noise reduction it will be the responsibility of the applicant to ensure the noise mitigation measures for the existing site are installed and maintained, otherwise noise from this facility is likely to impact nearby residential amenity. To ensure this occurs EHO have suggested a number of conditions.

(c) it does not adversely affect features of the natural and built heritage
Having completed a biodiversity checklist I am content the proposal will not affect any features of the natural heritage. There are no known built heritage features which will be affected by the proposal.

(d) it is not located in an area at flood risk and will not cause or exacerbate flooding
Rivers Agency have confirmed in their consultation response that the site is unaffected by any watercourse known to them. The proposed site does not lie within the 1 in 100 year fluvial flood plain. Due to the size of the site a Drainage Assessment has been submitted and Rivers Agency accept its conclusions and have no reason to disagree with its logic.

(f) it is capable of dealing satisfactorily with any emission or effluent
There is no issue of concern raised on this matter.

(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, in so far 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

In their most recent consultation response, DfI Roads notes a letter date stamped 8 April 2020 which states that no additional trips to the site will result as a consequence of this proposal. DfI Roads notes that the Drawing No 2 Rev 1 date stamped 25 June 2019 depicts a car park layout to accommodate 196 cars and 13 HGV Lorries. This provision is very slightly below the requirement however DfI Roads would be content to accept the proposed car layout depicted on this drawing. If approved DfI Roads have referred to conditions which should be applied.

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

The proposed site layout is considered acceptable on these zoned existing industrial lands. The existing factory building measures 16.6m tall at the highest point to 10.7m at the lowest point. The design of the new assembly building is larger and will be c.20m in

height. Given the context of the zoned land I consider this building, though taller than what is currently on the ground, to be acceptable.

(k) appropriate boundary treatment and means of enclosure are provided and any views of outside storage proposed area are adequately screened from public view
Retaining walls are required and shown on the proposed site plan together with buffer planting along the southern and western boundaries. There are no areas of external storage shown on the proposed site plan.

(l) is designed to deter crime and promote personal safety:
Access to the site is restricted by means of a security house and security gate to the existing factory and this remains unaltered. There are no concerns on this matter.

(m) in the case of proposal in the countryside, there are satisfactory measures to assist integration into the landscape
This sits on the edge of, but within the settlement limits of Coalisland as identified in the Area Plan

Following a consideration of all the criteria in PED 9 which I consider have been met, I recommend an approval of this application.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Condition 2

The only activities permitted within the new assembly shed, as annotated on drawing number 02/2, date stamped 15 December 2020, shall be limited to loading/unloading (including the use of overhead cranes and forklifts), assembly/disassembly and testing by electric/hydrostatic means. No fabrication or testing of equipment by combustion engine(s) shall take place anywhere within the new assembly shed.

Reason: To protect nearby residential amenity.

Condition 3

The new assembly shed as annotated on drawing number 02/2, date stamped 15 December 2020 shall only be used and operational between
08:00am and 18:00 hours Monday to Friday
08:00am and 13:00 hours Saturday
No working on Sundays or Bank Holidays.

Reason: To protect nearby residential amenity.

Condition 5

All roller doors annotated on drawing no 03, date stamped 9 May 2019 and drawing no 11, date stamped 15 December 2020 are to be fitted with automated open and close functions prior to the commencement of any operations within the new assembly shed as annotated on drawing no 02/2, date stamped 15 December 2020. All new doors are to remain closed except for ingress and egress of goods or materials.

Reason: To protect nearby residential amenity.

Condition 6

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 suitable qualified and competent person, to assess compliance with predicted noise levels stated within Table 12 of the submitted noise impact assessment, date stamped 29 November 2021. 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 measure. These remedial measure 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 the Council.

Reason: To protect nearby residential amenity.

Condition 7

No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed in accordance with the approved drawing no 02/2, date stamped 15 December 2020 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking, servicing and

traffic circulation within the site.

Condition 8

The parking facilities detailed in Condition 07 above shall be open for using during all hours of business.

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

Case Officer: Karen Doyle

Date: 19 October 2022

ANNEX	
Date Valid	14 May 2019
Date First Advertised	30 May 2019
Date Last Advertised	29 May 2019
Details of Neighbour Notification (all addresses) The Owner / Occupier A1 Power System, Unit 4 Derryvale Industrial Estate, Farlough Road, Dungannon, BT71 4DU The Owner / Occupier Hydraulics (Ireland) Ltd, Unit 1 Derryvale Industrial Estate, Farlough Road, Dungannon, BT71 4DU The Owner / Occupier 43 Farlough Road, Dungannon, Tyrone, BT71 4DU The Owner / Occupier 30 Farlough Road, Dungannon, Tyrone, BT71 4DU The Owner / Occupier 35 Farlough Road, Dungannon, Tyrone, BT71 4DU The Owner / Occupier 41 Farlough Road, Dungannon, Tyrone, BT71 4DU The Owner / Occupier 42 Farlough Road, Dungannon, Tyrone, BT71 4DU	
Date of Last Neighbour Notification	11 July 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	

Summary of Consultee Responses

Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR
Environmental Health Mid Ulster Council-Substantive: TBC
DFI Roads - Enniskillen Office-Substantive: TBC
Rivers Agency-Substantive: TBC
Environmental Health Mid Ulster Council-Substantive: TBC
Environmental Health Mid Ulster Council-Substantive: TBC
DFI Roads - Enniskillen Office-Substantive: YResponseType: FR
DFI Roads - Enniskillen Office-Substantive: YResponseType: FR
Environmental Health Mid Ulster Council-Substantive: TBC
Environmental Health Mid Ulster Council-Substantive: TBC
Environmental Health Mid Ulster Council-Substantive: TBC
Environmental Health Mid Ulster Council-Substantive: TBC
DFI Roads - Enniskillen Office-Substantive: YResponseType: FR
NI Water - Strategic Applications-Substantive: TBCResponseType: FR
Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR
Rivers Agency-Substantive: TBCResponseType: FR
Health & Safety Executive For NI-Substantive: TBCResponseType: FR
DFI Roads - Enniskillen Office-Substantive: YResponseType: FR
Rivers Agency-Substantive: TBCResponseType: FR
Environmental Health Mid Ulster Council-LA09-19-0643 F Terex 171022.doc

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Levels and Cross Sections Plan Ref: 09

Cross Sections Plan Ref: 08

Existing Site Survey Plan Ref: 07

Site Layout or Block Plan Plan Ref: 06

Proposed Plans Plan Ref: 05

Proposed Plans Plan Ref: 04

Proposed Plans Plan Ref: 03

Site Layout or Block Plan Plan Ref: 02

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.02
Application ID: LA09/2020/1021/O	Target Date: 20 October 2020
Proposal: Site for small business park to include light & general industrial use/assembly/storage/business (20,000sq ft total), with parking, turning, loading, new access, boundary treatments & site works including landscaped buffer. Enterprise to be contained within 4 no. buildings approximately 5000 sq ft each. (Revised description)	Location: Adjacent To Eurosprings 127 Ballynakilly Road Coalisland
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Eurosprings Ltd 127 Ballynakilly Road Coalisland	Agent Name and Address: O'Callaghan Planning Unit 1 10 Monaghan Court Monaghan Street Newry BT35 6BH
Executive Summary:	

Case Officer Report		
Site Location Plan		
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Consultations:		
Consultation Type	Consultee	Response
	NIEA	Substantive: YResponseType: FR
	Shared Environmental Services	Substantive: TBCResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	NI Water - Strategic Applications	Substantive: TBCResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	DETI - Geological Survey (NI)	Substantive: TBCResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBC
	Shared Environmental Services	Substantive: TBC
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	Rivers Agency	Substantive: TBCResponseType: FR
	Shared Environmental Services	Substantive: TBCResponseType: FR
	NIEA	Substantive: YResponseType: FR
	Rivers Agency	Substantive: TBCResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
Amendments Received	DFI Roads - Enniskillen Office	29-07-2022.docx
Non Statutory Consultee	DFI Roads - Enniskillen Office	
Statutory Consultee	DFI Roads - Enniskillen Office	05-10-2022.docx

Representations:	
Letters of Support	0
Letters of Objection	0
Letters Non Committal	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	
Summary of Issues	
<p>Characteristics of the Site and Area</p> <p>This site is located adjacent and south west to Eurosprings, with access from the Ballynakilly Road. The roadside boundary is abuts Ballynakilly Road and is defined by a concrete post and wire fence. Along the NW boundary which is shared with Eurosprings is a modest single plant width hedgerow not more than 2m in height. There is no boundary defining the SW which is open to a larger field and the site rises gently to the SW. To the SE is a dense mature tree lined hedgerow over 5 m in height.</p> <p>Ballynakilly Road provides a link between Coalisland and the M1, and the site is located approx. midway between both, with the village of Ballynakilly located approx. 500m to the NW. Between the site and the village is a lake. Opposite the site are 2 dwellings and a mechanic business. To the south is a derelict dwelling set back from the public road. Due to existing vegetation and setback this dwelling is not visible from public aspects.</p> <p>This area is defined by dispersed single dwellings, agricultural land and sporadic roadside industrial developments peppered along Ballynakilly road.</p> <p>The adjacent factory (Eurosprings) produces, designs and delivers a wide variety of compression, tension and torsion springs for the quarry industry and a wide variety of other manufacturing industries.</p>	
Description of Proposal	
<p>This is an outline planning application for small business park to include light & general industrial use/assembly/storage/business (20,000sq ft total), with parking, turning, loading, new access, boundary treatments & site works including landscaped buffer. Enterprise to be contained within 4 no. buildings approximately 5000 squ ft each.</p> <p>Due to the size of the site and the proposed floorspace, the proposal is called as a local application, and does not fall within the major category for development as defined in the Schedule to the The Planning (Development Management) Regulations (Northern Ireland) 2015.</p> <p>A concept plan has been submitted with the application for information purposes which</p>	

shows notional access to the site, along with 4 detached industrial units.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Area Plan

Dungannon and South Tyrone Area Plan 2010: the site is located in the open countryside, not far from the village of Ballynakilly. Site has no relevant zonings and is located in the open countryside. Existing regional policies for development in the countryside apply including Strategic Planning Policy Statement (SPPS), PPS21 Sustainable development in the countryside (PPS21) and PPS4 apply.

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.

Key Planning Policy

SPPS Strategic Planning Policy Statement
PPS21 Sustainable Development in the Countryside
PPS4 Planning and Economic Development
PPS3 Access, Movement and parking
PPS2 Natural Heritage

Planning History

There is no relevant planning history to consider.

3rd party representations

No 3rd party objections or representation have been received. I am satisfied that appropriate neighbour notification and advertisement has been carried out in line with Council's statutory duties.

Consideration

The SPPS states that growing a sustainable economy and investing in the future is a key strategic priority for the Northern Ireland Executive, to create more employment and competitiveness and to improve the wealth and living standards of everyone.

The planning system has a key role in achieving a vibrant economy. In this regard, the aim of the SPPS is to facilitate the economic needs of Northern Ireland in ways consistent with the protection of the environment and the principles of sustainable development.

The SPPS goes on to say that in the interests of rural amenity and wider sustainability objectives, the level of new building for economic development purposes outside settlement limits must be restricted. Exceptions to this general principle may be justified for a small new build economic development proposal outside a village or small settlement where there is no suitable site within the settlement. An edge of settlement location will be favoured over a location elsewhere in the rural area, subject to normal planning considerations.

PS21 allows for a range of suitable development in the countryside, including industrial and business uses in the countryside that are in accord with the policy provision contained within PPS4- Planning and Economic Development.

Policy PED 2 of PPS4- Economic Development in the Countryside sets out the policy framework where proposals for economic development use/business use in the countryside are considered to be acceptable.

Policy PED6 Small Rural Projects allows for a firm proposal to develop a small rural industrial enterprise on land outside villages or smaller rural settlements where it is demonstrated that (a) there is no suitable site within the settlement; (b) the proposal would benefit the local economy or contribute to community regeneration; and (c) the development is clearly associated with the settlement, but will not dominate it, adversely affect landscape setting or otherwise contribute to urban sprawl.

PED 6 then sets out site selection preference which is as follows;

(1) land adjacent to the existing settlement limit, subject to amenity and environmental considerations; (2) a site close to the settlement limit which currently contains buildings or where the site is already in a degraded or derelict state and there is an opportunity to improve the environment; and (3) an undeveloped site in close proximity to the settlement where the development could be visually integrated into the landscape.

Firm Proposal

In the justification and amplification of PED6 it states that all applications made under this policy will be expected to be accompanied with the following information:

- o sufficient evidence to indicate how realistic the particular proposal is and what sources of finance are available (including any grant aid) to sustain the project.
- o an assessment of the likely contribution the enterprise will make to the local economy and information on the level of community support.

o detailed information of an exhaustive search to illustrate that there is no reasonable prospect of securing a suitable site within the limits of the particular settlement.
o justification for the particular site chosen and illustrative details of the proposed design and site layout.

The agent has provided 2 supporting reports with this application, stating that the anchor and developer for this proposal will be Eurosprings. This local manufacturer is an established and successful local business that has been on the adjoining site for well over 10 years. During this time this business has grown significantly, and expansion of this business has been granted permission. Eurosprings is also supported by Invest NI and is a significant employer in this locality.

The reports also say that the units will likely be occupied by subsidiary or complimentary companies that are associated with the operations of Eurosprings, at this this will help with efficiency savings and supply chain issues with the current operations. Supporting statements from other local manufacturing firms have also been provided stating that they would be keen to rent out these units should they become available.

Benefits to the local economy were set out with construction costs set at 1.3m, the creation of 30-40 jobs at operational phase, with salaries in region of at least £1m per annum. Benefits to the existing enterprise were also set out in that a return on the investment of 6% per annum would also help secure existing jobs and growth at the existing site.

I am of the view that this proposal has a realistic potential of being realised, that there are funds available to implement the project, that the units will be utilised by local businesses, that they will contribute to the local economy and will be supported by the local community.

The agent has also carried out a detailed analysis of sites within the settlement of Ballynakilly. 4 sites to the southern half of the settlement have been granted for housing. 1 of the remaining sites to the southern half of the settlement is somewhat constrained, and will access from a minor country road. Large HGVs will also have to travel through Ballynakilly the the junction where Coash Road meets Ballynakilly Road is tight. There is a also a row of terraced dwellings with on street parking close to this junction and in my view the intimate village quality would be detrimentally impacted by this development.

The remaining site to the south is beside a residential development and in my view would result in amenity impacts to existing residents.

In assessing the available sites to the north of the settlement the agent again lists access constraints and detrimental impacts on existing and proposed residential amenity. I am somewhat sympathetic to this case, as the road through the village is very close to residential property, is narrow, and the access from Ballynakilly Road into the village is tight for HGV vehicles. Plus, this type of traffic through the village is not ideal for perceived safety and village life.

The agent has concluded that this site as selected meets with preference 3 in PED 6, an undeveloped site in close proximity to the settlement where the development could be visually integrated into the landscape. I am in agreement with the agent that this site would represent number 3 in the sequential test. There are no other suitable sites adjacent to the village of Ballynakilly in terms of access and integration. In terms of

access and association with the village of Ballynakilly, the site that is selected is suitable. Sites adjacent to the village are somewhat constrained by their size and topography, and there is a lake between the proposed site and the village. The selected site will benefit from a mature hedgerow to the SE, a backdrop of rising land to the SW and will be screened by existing buildings when travelling from the village towards the site. While there are existing dwellings adjacent to the site, these numbers are minimal when compared to residential development within Ballynakilly. The agent has provided a preliminary Noise Impact report and Environmental Health have raised no objections to this proposal at this location subject to conditions.

There is one industrial site located within Ballynakilly, close to the junction of Ballynakilly Road. Permission was recently granted for this the expansion of this unit into the countryside, along with a new access road. The new access provided an alternative access point for the facility, so instead of large HGVs driving into the village for access to the site they can now access off the Ballynakilly Road. The junction where the village meets the Ballynakilly Road is tight, as is the road through the village, and it is not ideal for the movement of large HGVs through this small village in terms of perceived safety and impacts on residential amenity and normal day to day village life.

The agent, in the most recent supporting statement also explores policy PED 4. If PED 4 were to be applied, it would be a different policy test applied, as the proposal would represent a major expansion, and limited weight can be attached to this policy. While the proposal does not represent an expansion to an existing business, the proposed site does share the existing access with Eurosprings, and on the face of it appears to be an extension to an existing industrial unit. The agent has also indicated that the proposed units may have some benefit to the existing enterprise, in that they will compliment existing operations and will secure any future concerns in supply chains, will provide an additional source of revenue for the existing firm and in turn will secure existing jobs into the future and will create additional employment opportunities. However limited weight can be attached to PED 4.

In terms of design of the proposal, the agent has supplied a concept plan to show 4 detached units, each of 5000 sq. ft. I find this layout to be acceptable for the site and this rural area, and will be of a size and scale that will not result in significant detriment to residential amenity, and Environmental health share this view. As this is an outline proposal, design can be fully assessed at Reserved Matters stage.

In the wider area, there are numerous examples of this type of industrial development along Ballynakilly Road. Given the context and size and scale of the proposal, adjacent to an existing established business, its proximity and relationship to the village of Ballynakilly, the fact that it will share the same access with Eurosprings, will not have a detrimental impact on the visual amenity or rural character, or on residential amenity, and given the economic benefits of the proposal, I find that this proposal will not look out of place in this area, and meets policy PED 6 of PPS4.

Policy PED9 sets general criteria for all Economic Development that has to be met.

A drainage report has been provided and DfI Rivers raise no objection to the proposal in terms of policies FLD1 through FLD5 of PPS15 Planning and Flood Risk. The drainage assessment is found to be acceptable, and the site is not located in a flood plain and will not increase the risk of flooding at the site or elsewhere.

The site is not located in an environmentally sensitive area, and will not have a detrimental impact on any known archaeological sites or on built heritage. A Biodiversity Assessment was provided and NIEA and SES do not object to the proposal.

Access to the site is good, and DfI Roads do not object, subject to conditions. There is ample space for parking and manoeuvring of vehicles and visibility onto the existing road network is good. The site can be accessible by pedestrians and cyclists. While there are no footway links to the nearby village there is a roadside verge, and DfI Roads do not raise any concerns in this respect about the proposal.

Boundary details can be assessed at reserved matters stage, and a suitable boundary to deter crime and landscaping can be agreed at that stage.

It has been demonstrated that proposal is compatible to its surroundings as Environmental Health do not object to the proposal, and that the proposal will integrate into the landscape. Building design can be assessed at reserved matters stage.

In my view policy PED 9 is met and subsequently does not offend policies contained within PPS2 Natural Heritage, PPS3 Access, Movement & Parking, PPS6 Planning, Archaeology and the Built Heritage and PPS15 Planning and Flood Risk.

Other material considerations

There has been no land contamination issues identified on this site and no 3rd party objections have been received on this proposal.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

As required by Section 62 of the Planning Act (Northern-Ireland) 2011, application for approval of the reserved matters shall be made to 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: Time Limit.

Condition 2

Approval of the details of the siting, design and external appearance of the buildings, the

means of access thereto and the landscaping of the site (hereinafter called ""the reserved matters""), shall be obtained from Mid Ulster Council, in writing, before any development is commenced.

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

Condition 3

The premises hereby approved shall only be used for Class B2 - Light Industrial or Class B3 - General Industrial as defined in the Schedule to the Planning (Use Classes) Order (NI) 2015,

Reason: To control the nature of development on this site.

Condition 4

The proposed development hereby permitted shall not operate outside 08:00 -18:00hrs Monday to Friday, 08:00 - 13:00hrs on Saturday, and there shall be no operation on a Sunday, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect nearby residential amenity from noise.

Condition 5

There shall be no deliveries of goods outside 08:00 -18:00hrs Monday to Friday, 08:00 - 13:00hrs on Saturday, and no delivery of goods on a Sunday, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect nearby residential amenity from noise.

Condition 6

All external doors to the proposed development shall remain closed at all times, except when necessary for access and egress.

Reason: To protect residential amenity from noise.

Condition 7

All operations associated with the proposed development shall only take place within the buildings approved at Reserved Matters stage.

Reason: To protect residential amenity from noise.

Condition 8

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

be submitted to the Planning Department for written approval prior to any monitoring commencing.

Reason: To protect residential amenity from noise.

Condition 9

All existing natural screenings for the site, along the south eastern boundary, and indicated in yellow on drawing No 01 date received 17/08/2020, shall be permanently retained unless necessary to be removed for the provision of visibility splays, or otherwise agreed by Mid Ulster Council in writing.

Reason: To ensure the development integrates into the countryside.

Condition10

Prior to and throughout the construction phase, the applicant owned storm drain adjacent to the site shall be protected from contaminated run-off.

Reason: To ensure the project will not have an adverse effect on the integrity of Lough Neagh & Lough Beg SPA/Ramsar site or any other European site.

Condition11

At Reserved Matters stage, a final detailed site drainage plan shall be submitted to the Council, for agreement with DAERA's Water Management Unit, and shall include all appropriate measures as detailed in the Drainage Assessment by IE Consulting date stamp received 26/07/2021 and presented in Drawing Number IE2180-001-C. The drainage plan as agreed, shall be implemented and permanently retained and maintained to an acceptable standard as agreed with Council.

Reason: To ensure the project will not have an adverse effect on the integrity of Lough Neagh & Lough Beg SPA/Ramsar site or any other European site.

Condition12

At Reserved Matters stage, the method of foul wastewater management shall be agreed with Council, such as an agreement in writing with Northern Ireland Water (NIW), or an alternative treatment with an associated Consent to Discharge provided as per The Water (NI) Order 1999.

Reason: To ensure the project will not have an adverse effect on the integrity of Lough Neagh & Lough Beg SPA/Ramsar site or any other European site.

Condition13

At reserved matters stage a full Construction Environmental Management Plan (CEMP) shall be submitted to Council, for agreement with DAERA's Water management Unit. The CEMP shall include all information as laid out in NIEA's comments dated 06 September 2021. All avoidance and mitigation measures indicated in the agreed CEMP shall be carried out in accordance with that CEMP and shall be permanently retained

and maintained thereafter to an acceptable standard.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment prior to works beginning on site.

Condition14

A landscaping plan shall be submitted and approved as part of the Reserved Matters application and shall identify the location and height of existing trees and hedges to be retained and planted. 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.

Condition15

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 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 Council gives its written consent to any variation.

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

Condition16

A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1, including Visibility Splays of 4.5m by 140m in both directions and a forward sight distance of 140m.

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

Informative 1

The concept shown in drawing No. 03 rev2 date stamp received 14/06/2022 is broadly acceptable, however may not be the only acceptable layout. The final layout can be agreed at Reserved Matters stage.

Case Officer: Paul McClean

Date: 18 October 2022

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ANNEX	
Date Valid	25 August 2020
Date First Advertised	
Date Last Advertised	8 September 2020
Details of Neighbour Notification (all addresses) The Owner / Occupier 126 Ballynakilly Road Coalisland Tyrone BT71 6HE The Owner / Occupier 129 Ballynakilly Road Coalisland Tyrone BT71 6HE The Owner / Occupier 127 Ballynakilly Road Coalisland Tyrone BT71 6HE The Owner / Occupier 126A Ballynakilly Road Coalisland Tyrone BT71 6HE	
Date of Last Neighbour Notification	28 June 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses NIEA-Substantive: YResponseType: FR Shared Environmental Services-Substantive: TBCResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR NI Water - Strategic Applications-Substantive: TBCResponseType: FR Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR DETI - Geological Survey (NI)-Substantive: TBCResponseType: FR Environmental Health Mid Ulster Council-Substantive: TBC Shared Environmental Services-Substantive: TBC DFI Roads - Enniskillen Office-Substantive: YResponseType: FR Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR Rivers Agency-Substantive: TBCResponseType: FR Shared Environmental Services-Substantive: TBCResponseType: FR NIEA-Substantive: YResponseType: FR	

Rivers Agency-Substantive: TBCResponseType: FR
DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR
Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR
DFI Roads - Enniskillen Office-29-07-2022.docx
DFI Roads - Enniskillen Office-
DFI Roads - Enniskillen Office-05-10-2022.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Proposed Plans Plan Ref: 03
Proposed Plans Plan Ref: 02
Site Layout or Block Plan Plan Ref: 06 REV 1
Site Layout or Block Plan Plan Ref: 03 Rev 2
Site Layout or Block Plan Plan Ref: 06

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.03
Application ID: LA09/2021/1083/F	Target Date: 17 September 2021
Proposal: Proposed two storey with lower ground floor replacement dwelling and associated courtyard domestic garages and outbuildings	Location: 9 Mackenny Road Cookstown
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mrs Wilma Brownlee 9 Mackenny Road Cookstown BT80 9RR	Agent Name and Address: Studiofortyfour - Town And Country Planning 44A New Street Enniskillen BT74 6AH
Executive Summary:	

Case Officer Report**Site Location Plan**

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Consultations:

Consultation Type	Consultee	Response
	Shared Environmental Services	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	Historic Environment Division (HED)	Substantive: YResponseType: FR
	NIEA	Substantive: YResponseType: FR
	NIEA	Substantive: TBC
	NIEA	Substantive: TBCResponseType: PR

Representations:

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

and signatures	
Summary of Issues There were no representations recieved. The proposal is considered to be contrary to some of the policies contained within PPS 21 which will be discussed in detail later in the report.	
Characteristics of the Site and Area The red line of the site includes a roadside portion of lands which includes No.9 Mackenny Road. Within the red line is the dwellign to be replaced, a number of existing outbuildings. To the south of the site is lands outlined in blue indicating ownership. The dwelling sits at a level similar to the roadside, however it sits at higher ground when travelling along the Mackenny Road in a easterly direction. Ballinderry river runs to the west of the site. The lands are well landscaped, with a number of existing trees and mature vegetation throughout the site. The surrounding area is rural in nature, scattered with single dwellings and their associated outbuildings.	
Description of Proposal Full planning permission is sought for a proposed two storey with lower ground floor replacement dwelling and associated courtyard domestic garages and outbuildings.	
Planning Assessment of Policy and Other Material Considerations <u>Policy Consideration</u> Representations Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 26, 29, 30 and 31 Mackenny Road. At the time of writing, no third party representations have been received. Planning History There is no planning history in relation to the dwelling to be replaced however the following applications were approved under the dwelling on a farm policy. LA09/2015/0292/O - Proposed Farm Dwelling and Garage - 20M SW Of 9 Mackenny Road Cookstown - PERMISSION GRANTED LA09/2019/0522/F - Proposed dwelling and garage block - 20M South West Of 9 Mackenny Road Cookstown - PERMISSION GRANTED Planning Assessment of Policy and Other Material Considerations o Cookstown Area Plan 2010	

- o Strategic Planning Policy Statement (SPPS)
- o PPS 21: Sustainable Development in the Countryside
- o PPS 3: Access, Movement and Parking
- o Building on Tradition Design Guide
- o The Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy

Cookstown Area Plan 2010 - unzoned land located within the countryside. Policy provisions of SPPS and PPS21 apply.

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

Policy CTY 1 states that there are a range of types of development which in principle are considered to be acceptable in the countryside, one of these being a replacement dwelling in accordance with Policy CTY 3. Policy CTY 3 of PPS 21 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact. The dwelling to be replaced exhibits the essential characteristics of a dwelling, in that a chimney, a fireplace, windows and door openings are all visible and all the walls are fully intact, in fact the dwelling appears habitable. I am content that this is a genuine replacement opportunity.

The concern surrounding this application is with the proposed design. Amended plans were received and although we recognise that it is an improvement from the original proposal, we are still not convinced that the proposed design is acceptable at this site. The size and scale of the proposal is contrary to CTY 3 in that the dwelling would appear to have a visual impact greater than the existing dwelling on site. The dwelling proposed is not considered to be simple rural form and as such is recommended for refusal.

CTY 3 notes that all replacement dwellings will only be permitted where a number of criteria are met. The proposal is within the existing curtilage and I have no concerns relating to the access arrangement nor is there any concern that necessary services would be available at the site. However, the 2nd and 3rd criterion relate to the design and overall size of the replacement dwelling. It notes that the dwelling should not have a visual impact greater than the existing dwelling which is considered to be the case in this instance. CTY 13 and 14 are also applicable to the proposal. In my opinion the dwelling fails on some of the criterion within these policies in that the design is not appropriate for this rural location and would appear prominent.

The agent has submitted a supporting statement which goes through each of the policy requirements of CTY 3. They recognise within their report that the proposal is larger than existing but refer to the landscaping and the minimal critical views of the site. I accept

that there is good landscaping around the site, however this doesn't negate that the proposal remains excessive in terms of its size and scale and the design is not simple rural form. CTY 3 Views of the site will still be possible along Mackenny Road, given the roadside location. I spoke with the agent on 12/10/22 where I made him aware of our concerns, he said that he would be asking for a meeting with the Planning Manager. I advised that the Planning Manager would not normally grant a meeting for individual cases until after the application has been through Committee.

HED were consulted on the proposal and have noted they are content the proposal is satisfactory to SPPS and PPS 6 requirements. NIEA have been consulted on the application and have noted that WMU are content subject to any discharge consent conditions agreed and that the applicant refers to and adheres to standing advice. NED notes they would require further information to determine whether the proposal is likely to have a significant impact on a protected site. Given that the design is considered the main concern here and therefore the principle is not acceptable, the impact that an amended design/site layout may have on their responses - no further information was sought at this time. If an amended scheme is received at a later date, SES, NIEA and HED may need reconsulted.

The P1 form notes the applicant wishes to use an existing access, therefore it was not considered necessary to consult with DfI Roads on this proposal.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building and the design of the replacement dwelling is not of a high quality appropriate to its rural setting and does not have regard to local distinctiveness.

Reason 2

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed building is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape.

Case Officer: Sarah Duggan

Date: 17 October 2022

ANNEX	
Date Valid	23 July 2021
Date First Advertised	3 August 2021
Date Last Advertised	3 August 2021
Details of Neighbour Notification (all addresses) The Owner / Occupier 30 Mackenny Road, Cookstown, BT80 9NF The Owner / Occupier 29 Mackenny Road, Cookstown, BT80 9NF The Owner / Occupier 31 Mackenny Road, Cookstown, BT80 9NF The Owner / Occupier 26 Mackenny Road, Cookstown, BT80 9NF	
Date of Last Neighbour Notification	3 March 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses Shared Environmental Services-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR Historic Environment Division (HED)-Substantive: YResponseType: FR NIEA-Substantive: YResponseType: FR NIEA-Substantive: TBC NIEA-Substantive: TBCResponseType: PR	

Drawing Numbers and Title

Proposed Elevations Plan Ref: 05
Proposed Elevations Plan Ref: 04
Proposed Floor Plans Plan Ref: 03
Proposed Floor Plans Plan Ref: 02
Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable

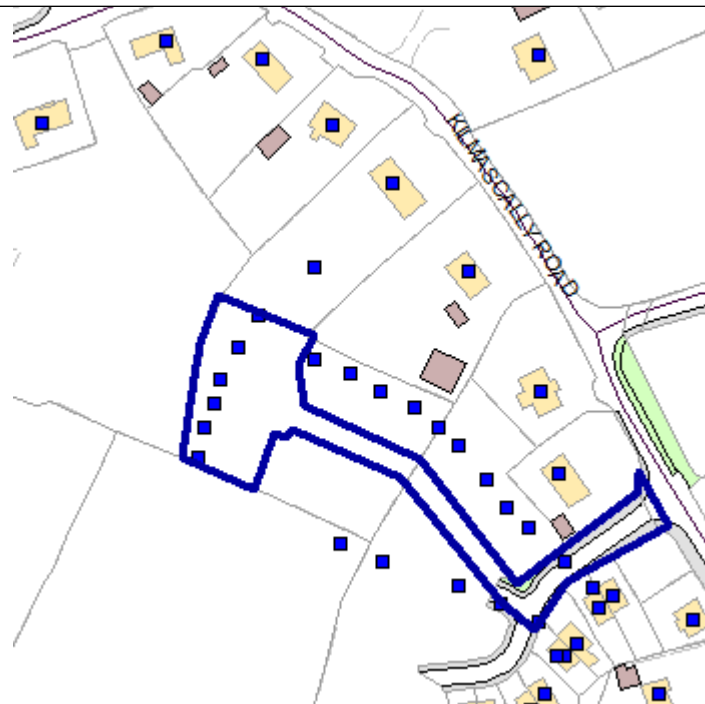


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.04
Application ID: LA09/2021/1521/F	Target Date: 13 December 2021
Proposal: Erection of 6 no dwellings (change of house type) from 2 blocks of 3 townhouses to 2 semi-detached & 2 detached house (plot no's 22, 23, 24, 25, 26 & 27)	Location: Lands 72M NW Of 21 Lurgyroo Glen Kilmascally Road Dungannon
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Roxborough Plant & Construction Ltd 31F Killyman Street Moy BT71 7SJ	Agent Name and Address: No Agent
Executive Summary: A letter of objection has been received.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response

Representations:

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

Summary of Issues

Characteristics of the Site and Area

This application site is a rectangular shaped site located in Ardboe, on land approximately 72 metres North West of 21 Lurgroe Glen. It is accessed off the Kilmascully Road and is sited within the development limits in the south eastern edge of the village.

The site is whiteland in the Cookstown Area Plan and at the time of the site inspection the site was being cleared. The southern, western and northern boundaries are defined by vegetation with the eastern boundary undefined on the ground. The land surrounding the immediate site is

residential in use with agricultural land to the west which lies outside of the development limits of Ardboe. The abandoned airfield sits a short distance from the site to the north east. The Kilmasally Road which sits to the east of this site is characterised by a mixture of detached dwellings along the roadside of both bungalow and 2 storey design. The southern portion of the wider development of Lurgroe Glen to the south of the site has been completed and is now occupied.

Planning History

I/2005/1098/O - Housing development - Lands to the rear of No 87A Killmasally Road, Ardboe - 19.12.2006 - Approval

I/2007/0967/F - Proposed housing development consisting of 38 no. 2 storey dwellings (3. no detached, 26 no semi-detached and 9 no town houses) - Lands to the rear of No 87A Killmasally Road, Ardboe - 10.09.2009 - Approval

Description of Proposal

This application seeks full planning permission for the erection of 6 no dwellings (change of house type) from 2 blocks of 3 townhouses to 2 semi-detached & 2 detached house (plot no's 22, 23, 24, 25, 26 & 27) on lands 72 metres North West of No 21 Lurgroe Glen, Kilmasally Road, Dungannon.

This application proposes a change of house type for the dwellings located at the rear of the development approved under I/2007/0967/F in September 2009.

In this approved application the site includes 2 blocks of 3 townhouses which are not flush at the front or rear. Each of these dwellings are 6 metres wide and 9.9 metres deep with a ridge height of 8.9 metres FGL. Each dwelling has a footprint of 59.4 metres square with garden areas to the rear and 2 in-curtilage parking spaces to the front.

This application proposes the same quantity of properties but configured as 2 detached dwellings and a pair of semi-detached dwellings. Each of these dwellings measures 6.2 metres wide and 10.2 metres deep with a ridge height of 9.3 metres FGL. The ridge height has increased slightly as well as the footprint proposing an additional space of under 4 metres squared. The front elevations will have a small natural stone pitched porch feature with the chimneys sitting mid roof.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. The

Council submitted the Draft Plan Strategy to the Department for Infrastructure (DfI) on 28th May 2021 for them to carry out an Independent Examination. In light of this, the Draft Plan Strategy currently does not yet carry any determining weight.

The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development (SPPS) published in September 2015 is material to all decisions on individual planning applications and appeals. The SPPS outlines the aim to providing sustainable development and with respect to that should have regard to the Development Plan and any other material considerations. It retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS.

The site is within the settlement limit of Ardboe as defined in the Cookstown Area Plan and therefore SETT 1 is relevant. I am content if the proposal complies with the policy provisions of PPS 7- Quality Residential Environments, that it will also comply with SETT 1. Policy QD1 - Quality in New Residential Development in PPS7 states all proposals for residential development will be expected to conform to a list of criteria which are addressed below.

The village of Ardboe has experienced increased demand for residential properties in recent years with much housing developments constructed. The principle of residential development has already been established on this site and I am of the opinion that this proposed layout of detached and semi-detached dwellings would be a more favourable design, particularly given the proximity of this proposal which borders the rural countryside. There are a mixture of semi and detached dwellings in the vicinity so this proposed development will respect the surrounding area. The site has been recently cleared and is flat so the appearance will not differ much from the impact the approved dwelling type would have. The scale, proportions, massing and appearance of the proposed dwellings are acceptable and are typical of dwellings located throughout the Ardboe. The curtilages are not dominated by hard surfacing with each dwelling availing of a front and rear garden area.

There are no features of archaeological or built heritage or landscaped features which are to be protected on this site and incorporated into the design.

This Change of House Type has resulted in a reorganisation of the layout. As there are now 4 separate building blocks replacing the approved 2 larger blocks, there is more space needed to provide a separation between each of the house types. There were concerns regarding the provision of amenity space, in particular to the rear of the dwellings and those of the semi-detached dwellings. The building line of these dwellings is staggered with the dwellings to the south closest to the internal road and those at the northern part furthest and positioned at a slight angle.

When these rear amenity issues were highlighted to the agent, the agent submitted amended drawings. These appeared to include land outside of the application site's red line, including a portion of land to the west of the site.

The agent disputed this and stated the block plan as was approved under I/2007/0967/F did not continue fully to the red line as was denoted on the site location plan and this was due to an error with the topographical survey. This enabled the agent to include this previously excluded land within the site layout of this change of house type application.

This issue was discussed and when compared with the Ordinance Survey maps, it was found to be accurate and thus the agent was therefore able to provide the desired rear amenity space as is recommended in Creating Places. The small areas of open space to the front of the dwellings also serves to soften the development. There is no public open space supplied in this proposal as it is provided in the wider scheme which was approved.

Condition No2 of the original application stated,

"Prior to the commencement of any other site works all existing trees to be retained, as identified on drawing No 19 Revision 1 received 01 April 2009, shall be fenced off. This must be at a distance of the crown spread (the outer drip-line of the tree) or half the tree height, whichever is the greater. Fencing shall be at least 1.2m high cleft chestnut pale or chain link, well braced to resist impacts or similar to be agreed in writing with the Department. These works shall be undertaken before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within these areas shall not be altered, nor shall any excavation be made or any other works carried out, or fires lit without the prior written consent of the Department."

It appears this condition was not implemented and thus may have impacted the northern boundary of this application site. In order to improve the boundary treatment here, a condition can be attached to this application that if permission were granted, the applicant/developer would be required to supplement this boundary with new hedgerow inside the proposed fence along this northern boundary. This would also compliment the new hedgerow which is to be planted along the continuation of this boundary in the wider approved site. It would also augment what vegetation is currently present and was to be permanently retained as part of the condition of the original planning approval.

The scale of this proposal does not require local neighbourhood facilities to be provided. A movement pattern which supports walking and cycling and provides adequate and convenient access to public transport has been incorporated into the wider development scheme. Each dwelling has 2 car parking spaces provided in-curtilage which is sufficient for this proposal. The finishes of concrete roof tiles, black uPvc windows, doors and rainwater goods, dash walls and natural stone where applicable are consider suitable.

There are no occupied dwellings which are in the immediate area surrounding this site. The rear wall of the nearest occupied property at No 85 Kilmascally Road is some 60 metres from the boundary of the site. Given this separation distance there would be no overlooking or overshadowing issues. A letter of objection has been submitted from the owner of the dwelling under construction to the rear of the No 85 and the application site. This is addressed below and I do not think there will be any adverse effects on this dwelling in terms of noise or any other disturbance. I am satisfied that the development is considered designed to deter crime and promote personal safety. In-curtilage parking is provided and the boundary of the site is secure with boundary treatment.

Policy LC 1 - Protecting Local Character, Environmental Quality and Residential Amenity of the Addendum to PPS 7 - Safeguarding the Character of Established Residential Areas states planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing where all the criteria set out in QD 1 of PPS 7, and the additional criteria are met. I am satisfied this change of house type application respects the density of the wider permission and therefore it will not appear incongruent with the surrounding area. The layout and design of this proposed development offers some variation and does not conflict with the character of the existing residential area. The size of this dwelling exceeds the minimum size recommended standards.

Policy AMP 2 of PPS 3 - Access, Movement and Parking permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal will be served via the access and internal road layout which avails of planning permission granted in September 2009 under application I/2007/0967/F, therefore it was not necessary to

consult DfI Roads. The proposal provides 2 in-curtilage parking spaces for each individual dwelling and I am satisfied this is in line with Parking Standards and thus complies with PPS 3.

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

Consultations and Representations

As this application is a change of house type, it was not necessary to consult anyone as the purpose of this report is to assess the suitability of the revised house design type. This application has been advertised in Local Press in line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015. A total of 9 neighbouring properties have been notified of the application and one letter of objection has been received.

The objection was submitted from a couple who are currently building a house to the rear of No 85 Kilmascully Road to the north east of this application site. They mentioned disappointment that they were not neighbour notified about this proposed development, however at the time of site inspection the objector's property was still under construction and not airtight. Their property is sited in the rear garden of No 85 Kilmascully Road which is occupied by family members of the objectors who were notified of the proposal.

They have highlighted concerns regarding privacy, in particular the gable window at first floor level on the dwelling at No 27 overlooking the rooms to the rear of their property. Overshadowing was also identified as a problem due to the proximity of No 27 which would impact the objector's visual amenity, loss of light and thus affecting their solar panels. They highlighted concerns regarding the removal of a landscape buffer between the 2 developments which was to be retained as a part of the granted planning permission I-2007-0967-F.

In response to the objector's claims, the agent has addressed their arguments. They measured the separation distances from the proposed first floor window at No 27 and found them to range from 13.4 - 18.8 metres and not the 10 metres claimed by the objector. The agent has also agreed to fit the window at No 27 in question with obscured glazing and I am satisfied this would reduce any potential overlooking issues when internally passing by this landing window.

The agent was also able to illustrate with a diagram by plotting the Winter and Summer Solstice sun positions that there will be no loss of light or overshadowing occurring. The agent has also said the landscape buffer has not been removed in its entirety as claimed by the objector, that dead scrub was removed to provide a fence. This double boarded fence along the northern boundary of the site will increase security and provide more privacy for occupants on both sides.

Summary of Recommendation:

Approve is recommended

Haven taken the objectors concerns into account and subject to the imposition of conditions, I am satisfied this change of house type application is of a suitable design and in compliance with the policy provisions of PPS 7 and SPPS, therefore approval is recommended.

Approval Conditions

Condition 1

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

Reason: Time Limit

Condition 2

The northern boundary of the site as indicated in yellow on Drawing No 2 REV2 shall be planted with a native species hedgerow both sides of the proposed fence.

Reason: To ensure the development integrates into the surroundings and to provide screening to the site.

Condition 3

The existing landscape buffer along the southern boundary as detailed on Drawing No 2 REV2 bearing the date stamp 4th May 2022, shall be retained. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of Mid Ulster District 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.

Condition 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 2 REV2 bearing the date stamp 4th May 2022.

Reason: To ensure that boundary treatments are provided in a timely manner to assist in the provision of a quality residential environment.

Signature(s): Cathy Hughes

Date: 18 October 2022

ANNEX	
Date Valid	18 October 2021
Date First Advertised	2 November 2021
Date Last Advertised	2 November 2021
Details of Neighbour Notification (all addresses) The Owner / Occupier Email Address The Owner / Occupier 1 Lurgyroe Glen Dungannon Tyrone BT71 5FE The Owner / Occupier 5 Lurgyroe Glen Dungannon Tyrone BT71 5FE The Owner / Occupier 9 Lurgyroe Glen Dungannon Tyrone BT71 5FE The Owner / Occupier 11 Lurgyroe Glen Dungannon Tyrone BT71 5FE The Owner / Occupier 7 Lurgyroe Glen Dungannon Tyrone BT71 5FE The Owner / Occupier 87B Kilmascally Road Dungannon Tyrone BT71 5BJ The Owner / Occupier 87A Kilmascally Road Dungannon Tyrone BT71 5BJ The Owner / Occupier 87 Kilmascally Road Dungannon Tyrone BT71 5BJ The Owner / Occupier 91A Kilmascally Road Dungannon Tyrone BT71 5BJ	
Date of Last Neighbour Notification	23 September 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses -	

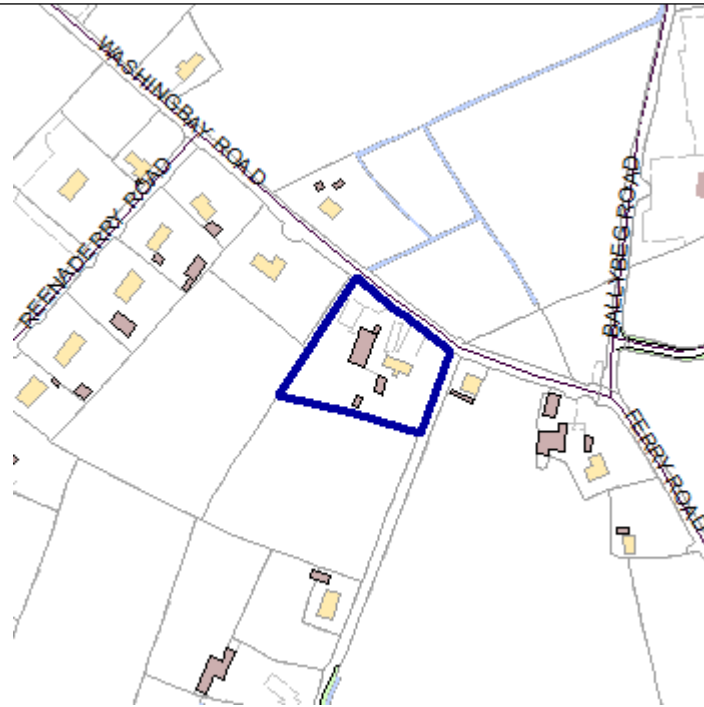
Drawing Numbers and Title	
Existing Plans	Plan Ref: 05
Proposed Floor Plans	Plan Ref: 04
Proposed Floor Plans	Plan Ref: 03REV1
Site Layout or Block Plan	Plan Ref: 02
Site Location Plan	Plan Ref: 01
Site Layout or Block Plan	Plan Ref: 02 Rev 2
Notification to Department (if relevant)	
Not Applicable	Not Applicable

Drawing Numbers and Title	
Existing Plans	Plan Ref: 05
Proposed Floor Plans	Plan Ref: 04
Proposed Floor Plans	Plan Ref: 03REV1
Site Layout or Block Plan	Plan Ref: 02
Site Location Plan	Plan Ref: 01
Site Layout or Block Plan	Plan Ref: 02 Rev 2
Notification to Department (if relevant)	
Not Applicable	Not Applicable



**Development Management Officer Report
Committee Application**

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

Case Officer Report**Site Location Plan**

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Consultations:

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

Representations:

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

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

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

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

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

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

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

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

Description of Proposal

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

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

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

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Key Policy Context

Regional Development Strategy

Dungannon and South Tyrone Area Plan 2010

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Policy Statement 4: Planning and Economic Development

Planning Policy Statement 2: Natural Heritage

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

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

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

Representations

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

Planning History

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

Aughamullan Coalisland - Granted 9th February 2021

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

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

Consultees

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

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

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

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

Strategic Planning Policy Statement for Northern Ireland - sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance. I am content the SPPS has introduced no changes to the retained Planning Policy Statements most relevant to this proposal.

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

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

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

* Industry and business uses in accordance with PPS 4.

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

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

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

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

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

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

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

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

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

Additional Considerations

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

Flood Maps NI indicate no flooding on site.

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

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that insufficient information has been submitted to demonstrate that there are overriding reasons why this development is essential in this rural location and could not be located within a settlement.

Case Officer: Emma Richardson

Date: 18 October 2022

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

Drawing Numbers and Title

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

Site Location Plan Plan Ref: 01

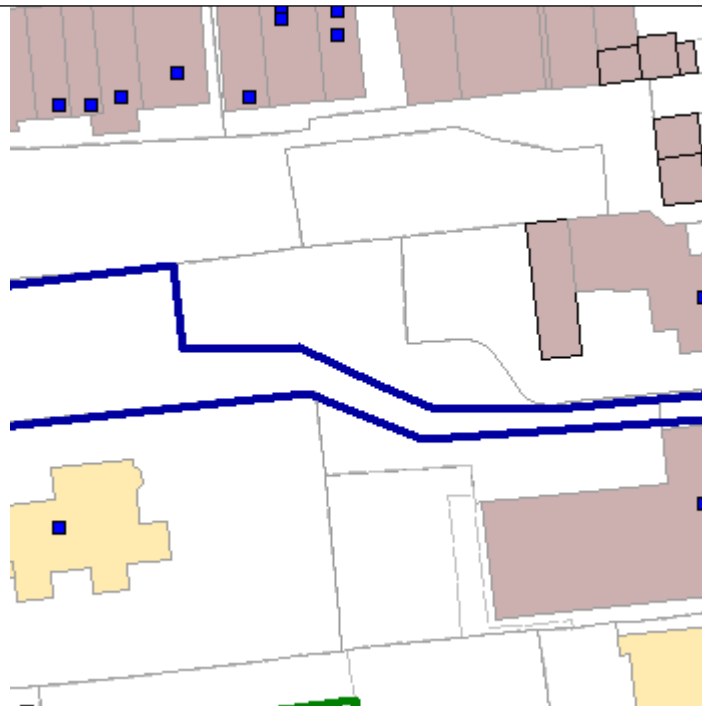
Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.06
Application ID: LA09/2021/1694/O	Target Date: 24 January 2022
Proposal: Proposed Curates two storey dwelling with domestic garage and within curtilage vehicular parking	Location: Land Adjoining 13 Loy Street Cookstown
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr William Stewart Church Of Ireland Derryloran Parish The Rectory 13 Loy Street Cookstown	Agent Name and Address: Mr B Gallagher Cottage Studios Gortrush Great Northern Road Omagh BT78 5EJ
Executive Summary:	

Case Officer Report**Site Location Plan**

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Consultations:

Consultation Type	Consultee	Response
	Historic Environment Division (HED)	Substantive: YResponseType: FR
Statutory Consultee	NI Water - Single Units West	LA09-2021-1694-O.pdf
	NI Water - Single Units West	LA09-2021-1694-O.pdf

Representations:

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

Summary of Issues

One objection received. The contents of this objection will be discussed later in the report.

Characteristics of the Site and Area

The red line of the site includes an existing access to lands to the rear of Derryloran Parish Hall and Rectory. The site is within the development limits of Cookstown and is within the Town Centre boundary as defined in the Cookstown Area Plan 2010. The lands surrounding the site, including the existing parish hall and existing rectory are outlined in blue, indicating ownership. This town centre area is characterised by a mix of uses ranging from offices, shops, educational buildings, governments buildings, community buildings and residential properties. This area is designated as an Area of Townscape Character in the Cookstown Area Plan.

Description of Proposal

Outline planning permission is sought for proposed Curates two storey dwelling with domestic garage and within curtilage vehicular parking.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Planning Assessment of Policy and Other Material Considerations

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 11 and Loy St and 14a, 16, 28, 30a, 30b, 30d, 30f, 32 Fairhill Road. At the time of writing, one objection received in relation to the proposal. The main concerns relates to neighbour notification, appropriate separation distances, car parking, a separate PAD application they have submitted

I am content that the dwelling proposed could be designed in such a way to avoid any privacy or overlooking concerns relating to the objectors property which is located approx. 25m from the red line of the site at the closest points, taking account of the access arrangement rather than the siting of the dwelling proposed which is located further away again. The agent has provided a concept plan which shows the desired siting of the dwelling. Amenity space will be considered as part of RM or Full application stage which will ensure that adequate amenity space is provided.

The objection notes that the existing church hall car parking will be severely impact by the proposed development. I am content that there is adequate parking available within the surrounding area, with on street parking available throughout Cookstown and a car park located opposite the site on the other side of the road. The final point raised within the objection relates to a PAD application which the objector had submitted prior to this current application being submitted. They have stated that it is their view that any decision for this application should be delayed until other applications including their PAD have been concluded. All applications are processed, taking account of existing and historical applications however a PAD is not considered to be an application as

there is no fee paid and discussions for their PAD will take place in due course and may vary in timeframes given each individual case officers current caseloads etc.

The PAD he is referring to is LA09/2021/1378/PAD - it's still under Emma McCullaghs name? Not sure who is dealing with it at the minute.

Planning History

LA09/2020/0424/F - Derryloran Parish Church Hall, 13 Loy Street, Cookstown - Single storey rear extension to hall incorporating new entrance reception, toilets and part refurbishment of existing building & accommodate new stairlift together with external ramp/steps and improvements / repairs to lower hall roof / windows - PERMISSION GRANTED

Planning Assessment of Policy and Other Material Considerations

- o Cookstown Area Plan 2010
- o Strategic Planning Policy Statement (SPPS)
- o PPS 7: Quality Residential Environments
- o Addendum to PPS 7 - Safeguarding the Character of Establish Residential Areas
- o PPS 3: Access, Movement and Parking
- o PPS 6: Planning, Archaeology and the Built Heritage
- o Local Development Plan 2030 - Draft Plan Strategy
- o DCAN 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.

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 Cookstown Area Plan 2010 is the statutory local development plan for the application site. The site is located within the settlement limits of Cookstown and has no other zonings or designations within the Plan. SETT1 indicates that development may be acceptable if it meets identified criteria, these are broadly similar those in PPS7 and so I consider if the proposal meets with PPS7, it will also accord with the Plan. There is no conflict or change in policy direction between the provisions of the SPPS and those of PPS 7 in respect of the proposal. The policy provisions within PPS 7 Policy QD 1 remain

applicable in terms of assessing the acceptability of the proposed dwelling.

This proposal seeks full planning permission for a two storey curates dwelling and garage. 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. In addition to the policy contained within the addendum to PPS 7 "Safeguarding the Character of Established Residential Areas" (APPS 7) will also be a material consideration. The APPS 7 was introduced in August 2010 and provides additional planning policy on the protection of local character, environmental quality, and residential amenity within established residential areas, villages and smaller settlements.

The proposal is for a two storey dwelling and garage. Details surrounding the design of the dwelling have not been submitted as this application relates to outline planning consent only, however I find no reason why a dwelling could not be designed to respect the surrounding context and character of this area whilst remaining respectful in terms of layout, size and scale. In considering the surrounding context, there is a mix of dwelling types in the wider area however the closest dwellings and buildings to the site include a range of sizes, including detached two and single storey dwellings. Given this and noting the urban setting, I don't feel that a ridge height restriction is necessary for this application and I am content that that a two storey dwelling could be positioned and sited without having a negative impact on the neighbouring sites on any forthcoming applications.

There are no protected archaeological or built heritage features identified within the site or its surrounding setting and thus it is not considered that the proposal would have a significant impact on any local landscape features of built/archaeological interests. The proposal has some existing mature boundaries along the southern and western boundaries which will be conditioned to be retained where possible and a landscaping scheme to be submitted with the RM application. Adequate private open space should be provided as part of the RM application. As the proposal is for a single dwelling and garage, it is considered that it would be unnecessary and inappropriate to ask the developer to provide additional neighbourhood facilities. The proposal would not significantly intensify or place unnecessary demands on the existing neighbourhood provisions and amenities within the area.

The proposal seeks to utilise the existing access onto Loy Street and thus DfI Roads were not consulted. The location of this site within the Settlement of Cookstown allows for sustainable methods of travel for pedestrians and public transport users, with existing footpaths throughout the town and bus routes. Any potential issues surrounding parking and design will be identified at Reserved Matters stage subsequent to any planning approval. There is a mix of land uses in this area, with the adjacent land to the west being used for residential purposes, therefore it is not considered that there would be a conflict of land uses.

In terms of overlooking, loss of light and overshadowing, I consider that a dwelling could be designed at a proportionate size, scale and height to avoid causing any significant detrimental impact on neighbouring amenity. Adequate separation distances and boundaries are shown on the concept plan submitted between the application site and neighbouring sites which will help mitigate any overlooking or privacy concerns. The proposal is within the settlement limits of Cookstown and I have no reason to believe there would be any reasons why crime or personal safety would be an issue at this site.

HED were consulted for their comments on the application given it is located within close proximity to Derryloran Parish Hall which is a Grade B1 Listed Building. HED have responded noting they are content with the proposal, subject to a number of conditions, mainly in relation to the design and materials used in any forthcoming dwelling.

NI Water have responded noting that they recommend refusal on the proposal. They add that there is available capacity at the Waste Water Treatment Works however the receiving foul sewerage network has reached capacity. A negative condition will be attached to this proposal to ensure that the applicant has an agreement in place with NI Water before commencing any works at this site.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

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

Condition 2

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

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

Condition 3

A detailed scheme of structured landscaping for the site including along all site

boundaries, shall be submitted at Reserved Matters stage at the same time as the dwelling to include details of species, numbers, sizes, siting and spacing of trees and hedge plants. The planting as approved shall be implemented in full during first available planting season after the occupation of the dwelling which is hereby approved. 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 and residential amenity.

Condition 4

The design of the proposed buildings and materials used shall reflect the setting of the site.

Reason: To ensure that the detailed design and use of appropriate materials respects the character and setting of the listed building and in order to safeguard the special architectural and historic interest of the building in compliance with policy BH8 of PPS6.

Condition 5

The proposed buildings shall be modest in scale and character with low ridge heights and the roof shall be of traditional pitched form.

Reason: To ensure that the detailed design and use of appropriate materials respects the character and setting of the listed building and in order to safeguard the special architectural and historic interest of the building in compliance with policy BH8 of PPS6.

Condition 6

The works proposed shall make use of traditional or sympathetic building materials and techniques.

Reason: To ensure that the detailed design and use of appropriate materials respects the character and setting of the listed building and in order to safeguard the special architectural and historic interest of the building in compliance with policy BH8 of PPS6

Condition 7

No development hereby permitted should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) and full details have been provided to Mid Ulster District Council.

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

Case Officer: Sarah Duggan

Date: 19 October 2022

ANNEX	
Date Valid	29 November 2021
Date First Advertised	14 December 2021
Date Last Advertised	14 December 2021
Details of Neighbour Notification (all addresses) The Owner / Occupier 30D Fairhill Road Cookstown Tyrone BT80 8AG The Owner / Occupier 30B Fairhill Road, Cookstown The Owner / Occupier 16 Fairhill Road, Cookstown The Owner / Occupier 30F Fairhill Road Cookstown Tyrone BT80 8AG The Owner / Occupier 11 Loy Street Cookstown Tyrone BT80 8PZ The Owner / Occupier Rectory 13 Loy Street Cookstown Tyrone BT80 8PZ The Owner / Occupier 28 Fairhill Road Cookstown Tyrone BT80 8AG The Owner / Occupier Hall 32 Fairhill Road Cookstown Tyrone BT80 8AG The Owner / Occupier 30A Fairhill Road Cookstown Tyrone BT80 8AG The Owner / Occupier 14A Fairhill Road, Cookstown, Tyrone, BT80 8AG	
Date of Last Neighbour Notification	16 December 2021
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	

Summary of Consultee Responses

Historic Environment Division (HED)-Substantive: YResponseType: FR
NI Water - Single Units West-LA09-2021-1694-O.pdf
NI Water - Single Units West-LA09-2021-1694-O.pdf

Drawing Numbers and Title

Detailed Drawing Plans Plan Ref: DCHD.21-2
Site Location Plan Plan Ref: 01

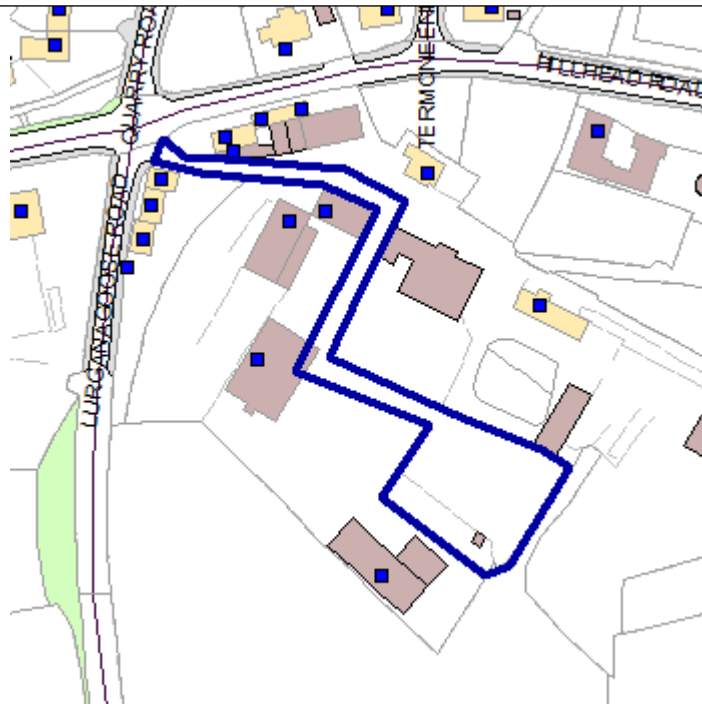
Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.07
Application ID: LA09/2021/1763/F	Target Date: 3 February 2022
Proposal: Garage/workshop/stores with portal frame structure	Location: 100M South Of 8 Lurganagoose Road Knockloghrim
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: McLean Transport 8 Lurganagoose Road Knockloughrim Magherafelt BT45 8QT	Agent Name and Address: Russell Finlay 350 Hillhead Road Knockcloghrim Magherafelt BT45 8QT
Executive Summary:	

Case Officer Report**Site Location Plan**

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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	Historic Environment Division (HED)	Substantive: TBCResponseType: PR
	Environmental Health Mid Ulster Council	EH response uploaded this morning
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09 2021 1763 F.doc

Representations:

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

Summary of Issues

Small portion of the application site outside settlement limits therefore considered as an exception to policy. Proposal considered against relevant prevailing planning policy below. No letters of representation received.

Characteristics of the Site and Area

The application site is located predominantly within the defined settlement limits of Knockcloghrim, with a small portion of the site to the south in the rural countryside as defined in the extant Magherafelt Area Plan 2015 (MAP). The majority of the site is brownfield land with an area currently concreted which appears to be used for storage. The immediate context is established commercial and industrial uses with an agricultural farmyard to the northeast. The proposal is accessed via an existing access onto Lurganagoose Road however given the topography of the site and existing built form there is limited views of the site from the public road. The land rises to the northwest beyond the red line towards the public road.

Description of Proposal

This is a full planning application for a garage/workshop/stores with portal frame structure located 100m South of 8 Lurganagoose Road, Knockcloghrim.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

- o Regional Development Strategy 2030
- o Strategic Planning Policy Statement for Northern Ireland
- o Magherafelt Area Plan 2015
- o Planning Policy Statement 3: Access, Movement and Parking
- o Planning Policy Statement 4: Planning and Economic Development
- o 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, no third party objections were received.

History on Site

LA09/2021/1801/O - Proposed dwelling and garage on a farm - 140M Southwest of 8 Lurganagoose Road, Knockloughrim - Permission Granted 25/07/22

LA09/2021/1762/F - Replacement of existing garage / workshop / stores with new portal frame structure - 30m South of 6 Lurganagoose Road, Knockcloghrim - Under consideration

H/2007/0698/F - Replacement of existing garage / workshop / stores with new portal frame - 30m South of 6 Lurganagoose Road, Knockcloghrim - Permission Granted 27/03/08

Key Policy Considerations/Assessment

Magherafelt Area Plan 2015 - The site is located partially within the development limits of Magherafelt on urban Whiteland zoned industrial land, however the red line extends partially outside the defined settlement limits in the open countryside. The surrounding context represents existing commercial and industrial uses including the area within the countryside therefore I am content that this proposal will not adversely affect the intrinsic environmental value and character.

The Strategic Planning Policy Statement for Northern Ireland encourages a positive approach to appropriate economic development proposals, and proactively support and enable growth generating activities. 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.

PPS4 - Planning and Economic Development is a retained policy document under SPPS and provides the appropriate policy context. The proposal involves the development of an industrial unit within an established industrial/commercial yard. It is noted the existing established units are both located in the countryside and in the settlement limits. As the proposed unit is located partially outside the settlement limits, Policy CTY1 of Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) applies. Policy CTY1 sets out the types of development considered 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. Policy PED 3 of PPS 4 states the expansion of an established economic development

use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise. The proposal does not fall neatly within Policy PED 3 as the established economic development is not located in the countryside, a small portion of the site to be developed outside settlement limits. From a review of the historical ortho maps, it could be argued the portion of the site outside settlement limits has been a long established part of the existing industrial use on the wider site. It is also noted that Magherafelt Area Plan 2015 is now six years since its expiry date. Therefore, there has not been a review of the settlement limit of Knockloghrim for a number of years and work is still progressing on the new Local Development Plan which could take years to be adopted. Having discussed this at an internal group meeting, the group consensus was that the proposal should be treated as an exception to policy given it does not meet the circumstances set out in Policy PED2 for development in the countryside however is considered acceptable given the small portion extending into the countryside and the surrounding context and wider use of the site.

All proposals for economic development are required to meet the policy provisions of Policy PED 9 - General Criteria for Economic Development within PPS4. It is considered the principle of development of an industrial unit is established at this location and the proposal will therefore be considered against PED 9 below.

PPS4 - Policy PED 9 - General Criteria for Economic Development - The proposal is for an industrial unit associated within a wider site which has an established industrial/commercial use. Policy PED9 is the relevant policy test for this type of development and sets out the following criteria which must be complied with:

It is compatible with surrounding land uses.

The proposal is for a new shed to be used for storage, maintenance and repair of lorries and trailers. There are existing units operating this use in close proximity and it is considered the proposal is compatible with the surrounding land uses.

It does not harm the amenities of nearby residents.

It is noted there is a residential dwelling less approximately 60metres from the site, however it should be noted the proposed use is in existing on the wider site therefore the principle of this type of development has been established. Mid Ulster Environmental Health Department were consulted and requested a noise impact assessment. Following the submission of the noise report, EHD have responded with no objections subject to conditions. It is considered that these conditions are appropriate and will be attached to any forthcoming approval. Given EHD have raised no concerns regarding impact on residential amenity by way of unacceptable noise, nuisances or odours, I do not consider the proposal will result in harm to residential amenity.

It does not adversely affect features of natural or built heritage.

This site is located in proximity to the setting of listed building HB08/08/005 Knock House. DfC Historic Environment Division have been consulted and have raised no

concerns advising the proposal is sufficiently removed in context from the listed building as to have no impact. There does not appear to be features of natural heritage on the site or any hydrological links from the site to any designated sites (i.e.) Lough Neagh.

It is not located in an area of 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.

It does not create a noise nuisance

An acoustic report has been submitted and Mid Ulster Environmental Health Department have reviewed this report and recommended conditions to ensure no detriment to neighbouring properties. The recommended conditions will be attached to any forthcoming approval and given Environmental Health have not raised any concerns, it is not considered the proposal will create a noise nuisance to warrant refusal.

It is capable of dealing satisfactorily with any emission or effluent

The P1 form advises that a specialist contractor will be utilised to remove waste on site and foul sewage will be disposed via a septic tank and surface water via a stream. Environmental Health have raised no concerns with respect to emissions or effluent.

The existing road network can safely handle any extra traffic.

The proposal will use existing access arrangements with no alterations required. DFI Roads have no objections to the proposal from a road safety perspective therefore it is considered the proposal complies with PPS3 policy requirements. The site layout plan includes space for 7 no. car parking spaces and 3 no. spaces for lorries/trailers and it is considered that space remains in the wider context for vehicle movement and circulation.

A movement pattern is provided that supports walking and cycling and meets the needs of people whose mobility is impaired.

The site is located within development limits of the village of Knockcloghrim. Given the nature of the proposal it is envisaged that it will be primarily vehicles using the site, however the site is in walking distance to the village bus stop and there is ample space for parking and manoeuvring of vehicles for those with impaired mobility.

The site layout, building design, associated infrastructure and landscaping arrangements are of a high quality and assist the promotion of sustainability and biodiversity.

The design of the proposed unit is considered typical to the type of use proposed and is compatible with the surrounding built form. The proposed floor space area of the unit is approx. 240m² with a height of 5m. The site layout, building design, associated infrastructure and landscape arrangements are acceptable for this site and locality given

the wider use of the site. The proposal site is set back from the public road therefore views will be limited/isolated.

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, the existing boundary treatment which defines the boundaries of the wider site is considered acceptable boundary treatment and means of enclosure in this instance.

CTY 15 - The Setting of Settlements - As the siting of the proposal is located partially outside the defined settlement limit of Knockloghrim, the proposal must also be considered against CTY 15. It is accepted that development at this location will to some degree mar the distinction between Knockloghrim settlement limit and the remaining countryside. However, there are limited public views of the proposed development from the Lurganagoose Road or Hillhead Road given the siting, topography and screening from existing buildings within the wider site. It is accepted from a review of ortho maps that the area outside settlement limits had some association with the wider commercial/industrial yard. I do not consider the proposed shed will have an unacceptable impact on the character of Knockloghrim. The proposal is acceptable in this instance and will consolidate existing development within the industrial park and I consider should be treated as an exception to policy.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Case Officer: Grace Heron

Date: 17 October 2022

ANNEX	
Date Valid	9 December 2021
Date First Advertised	28 December 2021
Date Last Advertised	28 December 2021
Details of Neighbour Notification (all addresses) The Owner / Occupier 10B Lurganagoose Road, Knockcloghrim, Magherafelt, Londonderry, BT45 8QS The Owner / Occupier 348 Hillhead Road, Knockcloghrim, Londonderry, BT45 8QT The Owner / Occupier 115 Carricknakielt Road, Knockcloghrim, BT45 8QP The Owner / Occupier 2 Lurganagoose Road, Knockcloghrim, Magherafelt, Londonderry, BT45 8QS The Owner / Occupier 345 Hillhead Road, Knockcloghrim, Londonderry, BT45 8QT The Owner / Occupier 8B Lurganagoose Road, Knockcloghrim, Magherafelt, Londonderry, BT45 8QS The Owner / Occupier 4 Lurganagoose Road, Knockcloghrim, Magherafelt, Londonderry, BT45 8QS The Owner / Occupier 350B Hillhead Road, Knockcloghrim, Londonderry, BT45 8QT The Owner / Occupier 10C Lurganagoose Road, Knockcloghrim, Magherafelt, Londonderry, BT45 8QS The Owner / Occupier 1 Cabragh Heights Magherafelt Londonderry BT45 8GY The Owner / Occupier 10D Lurganagoose Road, Knockcloghrim, Magherafelt, Londonderry, BT45 8QS The Owner / Occupier 6 Lurganagoose Road Knockcloghrim Magherafelt Londonderry BT45 8QS The Owner / Occupier 350 Hillhead Road Knockcloghrim Londonderry BT45 8QT The Owner / Occupier 3 Cabragh Heights Magherafelt Londonderry BT45 8GY The Owner / Occupier 2 Cabragh Heights Magherafelt Londonderry BT45 8GY The Owner / Occupier 1A Cabragh Heights Knockcloghrim Magherafelt Londonderry BT45 8GY	
Date of Last Neighbour Notification	21 January 2022



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.08
Application ID: LA09/2022/0280/F	Target Date: 28 April 2022
Proposal: Proposed 2 no infill dwellings & garages	Location: Between 53B & 55 Ranaghan Road Maghera
Referral Route: Approve is recommended To Committee - Approval - One objection received.	
Recommendation: Approve	
Applicant Name and Address: Mr Paddy Corbett 25 Tonaght Road Draperstown BT45 7JD	Agent Name and Address: Cmi Planners Ltd 38B Airfield Road Toomebridge BT41 3SG
Executive Summary: Approve	

Case Officer Report**Site Location Plan**

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Consultations:

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

Representations:

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

Summary of Issues

To Committee - Approval - One objection received.

Characteristics of the Site and Area

The site is located approximately 3.5km north west of the development limits of Maghera

as such the site is located within the open countryside and also the AONB of the Sperrins as identified by the Magherafelt Area Plan 2015. The site is identified as between 53B & 55 Ranaghan Road, Maghera wherein the Ranaghan Road is a minor road and is characterised by agricultural land, farm buildings and dwellings are both single and two storey and are sited on both roadside plots and set back from the road. I note that the red line covers the southern portion of a much larger agricultural field that sits along the road frontage, the site itself is relatively flat with the land rising to from the northern boundary of the site. The immediate and surrounding area is predominately agricultural land uses with a scattering of dwellings.

Representations

Two neighbour notifications were sent out however one objection was received in connection with this application.

Summary of objection is as below;

- Impact on residential amenity development on adjacent to objectors home.
- Impact on residential amenity development over the objectors property.
- Impact on residential amenity development within this locality/local area.
- Impact on residential amenity development against Road safety
- Additional development opportunity.

Description of Proposal

This is a full application for a proposed 2 no infill dwellings & garages; the site is located Between 53B & 55 Ranaghan Road, Maghera.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030 - Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 8 - Ribbon Development

CTY 13 - Integration and Design of Buildings in the Countryside; and

CTY14 - Rural Character

PPS 3 - Access, Movement and Parking;

The application is for a dwelling to be considered under CTY 8. The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. Development is controlled under the provisions of the SPPS and PPS 21 - Sustainable Development in the countryside.

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster'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'.

CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However 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. I note that site lies between two dwellings with associated garages respectively, I note that the garage at No.53b Ranaghan Road does not appear to have a frontage to the road wherein the shed at No.55 does, so I am content that the two dwellings and associated shed is able to constitute as a line of continuous and built up frontage. With this in mind I hold the view that the gap between 55 and 53b could only accommodate a maximum of two modest dwellings which has been applied for in this application. Give such I am content that this application complies under CTY 8 respectively.

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that both dwellings are of similar design, but also reflect similar dwellings along the Ranaghan Road. With this in mind I am content that the proposed dwellings are acceptable in terms of the design and will not appear as a prominent feature in the landscape. Overall I am content that this application complies under CTY 13.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. I am content that the proposed dwelling are unlikely to appear as unduly prominent and it is able to respect the development pattern in the area. As such I am content that this application complies under CTY 14.

As the site is located within the AONB of the Sperrins therefore NH 6 of PPS 2 applies. Upon review of this policy and I note that the site is located at the outer edge of the AONB, that I am content that the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the locality. In addition I am of the view that there are no features of local importance in the immediate vicinity so there is no conflict with the conservation and respect of such features. Finally, I am content that the proposal reflects similar developments in the area

in terms design, materials etc. As a whole I am content that the application complies under NH 6.

Other policy and material considerations

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.

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.

In response of the comments made by the objector;

With regards to the comments on the impact on neighbouring amenity, I hold the view that there is sufficient separation distances between the 'site 01' and the objectors property with intervening vegetation to mitigate any concerns over any impacts on amenity.

In response to the need of third party lands to construct the splays etc. the agent has confirmed in writing that these can be done without the need of third party lands. However the access will be conditioned and the onus will be on the applicant to ensure that they have relevant ownership/easements to develop the access.

Furthermore, with regard to the comments over the policy concerns I note that this has been addressed in this report as above and shown to be in compliance with the relevant policies. In terms of there possibly being a line of 5 dwellings if this is approved, which is not reflective of other development along the Ranaghan Road, upon review of the road I hold the view there is more than one occasion of this for example the development at 'Noones Vale' which has a line of 10+ houses.

With regards to concerns over the additional traffic would put road users at risk, I note that DFI Roads were consulted as the statutory body. They confirmed that the access arrangements are acceptable subject to conditions, as such I hold the view that the access arrangements are in compliance with policy.

In terms of the comments that whilst the Planning Department can approve applications if they adhere to all policies but that they cannot approve any applications where it would lead to additional development. In response to this, Planning cannot refuse any development with presumption of potential future development as this land may never be

developed. As such I hold the view that this development will not lead to any additional development opportunities beyond that which may already exist.

Summary of Recommendation:

Approve is recommended

Approve

Approval Conditions

Condition 1

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

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

Condition 2

All landscaping comprised in the approved details of landscaping on the stamped approved Drawing No. 02 date stamped 03 Mar 2022 shall be carried out in the first planting season following the commencement of the construction of the development hereby approved.

Reason: To ensure the development integrates into the countryside

Condition 3

If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally 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.

Condition 4

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.

Condition 5

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.

Condition 6

The vehicular access including visibility splays 2.4 x 70 metres and a 70 metre forward sight distance, shall be provided in accordance with Drawing No 02 bearing the date stamp 03 Mar 2022 prior to the commencement of any other development hereby permitted.

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

Condition 7

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 before the development hereby permitted is commenced and such splays shall be retained and kept clear thereafter.

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

Case Officer: Peter Henry

Date: 15 September 2022

ANNEX	
Date Valid	3 March 2022
Date First Advertised	15 March 2022
Date Last Advertised	15 March 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 55 Ranaghan Road Maghera Londonderry BT46 5JX The Owner / Occupier 53B Ranaghan Road Maghera Londonderry BT46 5JX	
Date of Last Neighbour Notification	21 March 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Substantive: TBC DFI Roads - Enniskillen Office-Substantive: YResponseType: FR	
Drawing Numbers and Title Site Location Plan Plan Ref: 01 Garage Plans Plan Ref: 06 Garage Plans Plan Ref: 05 Proposed Plans Plan Ref: 04 Proposed Plans Plan Ref: 03 Site Layout or Block Plan Plan Ref: 02	

Notification to Department (if relevant)

Not Applicable

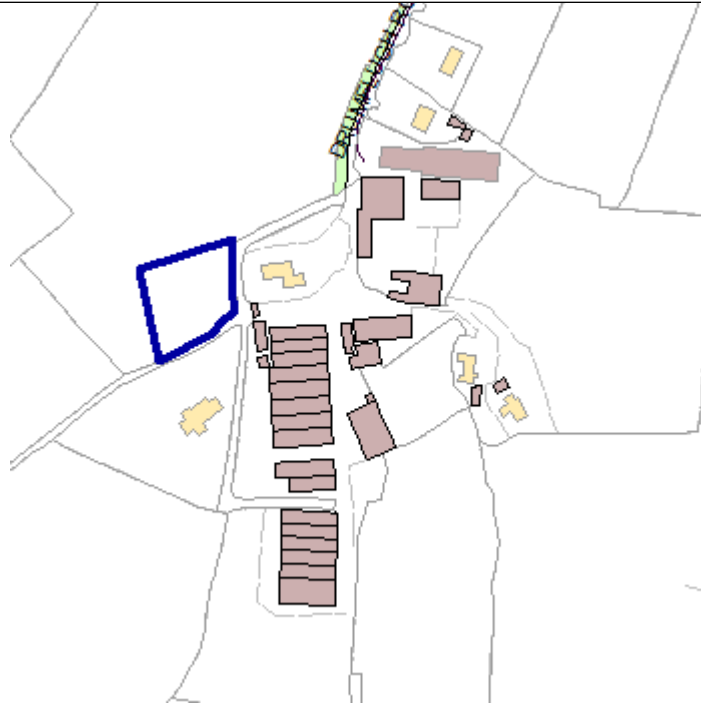


Development Management Officer Report Committee Application

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

Case Officer Report

Site Location Plan



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Consultations:

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

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is semi-rural in

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

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Representations

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

Planning History

There are no planning histories at the application site.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010

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

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP

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

Planning Policy Statement 21

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

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

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

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

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

CTY 13 – Integration and Design of Buildings in the Countryside

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

would integrate into the landscape.

CTY 14 – Rural Character

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

PPS 3 – Access, Movement and Parking

AMP 2 – Access to Public Roads

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

Other Considerations

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

Summary of Recommendation:

Refuse is recommended

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

Refusal Reasons

Reason 1

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

Signature(s): Gillian Beattie

Date: 13 October 2022

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



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.10
Application ID: LA09/2022/0331/F	Target Date: 6 May 2022
Proposal: Proposed change of house type to dwelling under previous application H/2009/0446/F	Location: 7C Ballymoghna Lane Magherafelt BT45 6HW
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Camilla Brown 5 Woodlands Hollywood Belfast BT180PE	Agent Name and Address: FMK Architecture Ltd Unit 5 Ahoghill Business Centre Ahoghill Ballymena BT42 1LA
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response

Representations:

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

Summary of Issues

One letter of objection has been received. The objector has stated they are not objecting to the fact the proposal is to reduce the size of the previously approved dwelling. Their concerns relates to the Porta-Cabin on site stating that in a previous permission the portacabin was to be removed upon occupation of a new dwelling and that this is not being proposed as part of the new application. An amended plan has been received and the portacabin and container are to be removed.

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits as per the Magherafelt Area Plan. It is located down a laneway, south west from the Ballymoughan Lane. The site has an existing portacabin and containers on it, located at the northern boundary of the site, with trees and shrubs located throughout the rest of the site. The site is relatively flat in nature with public view points taken from the laneway and the site is not visible from the public road. The surrounding area is mainly agricultural land uses with dwellings located sporadically throughout the wider context of the countryside.

Description of Proposal

This is a full planning application for a proposed change of house type to dwelling under previous application H/2009/0446/F.

Site History

H/2009/0446/F- Proposed new dwelling and detached garage/domestic store. 160M East Of 7 Ballymoughan Lane, Magherafelt. Permission Granted 22.12.2009.

H/2011/0491/F- Proposed amended access to new dwelling approximately 160m West of 7 Ballymoughan Lane, Magherafelt from that approved under H/2009/0446/F. 160M W Of No. 7 Ballymoughan Lane Magherafelt. Permission Granted 12.03.2012

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015
Strategic Planning Policy Statement (SPPS)
PPS 21: Sustainable Development in the Countryside
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 H/2009/0446/F. This application seeks to change the house design of that approved in the reserved matters application. The first step in the assessment is to determine if a lawful start was made of the previous approval. The agent provided a letter from building control to

confirm works commenced on site on 24th June 2011- this is before the date of expiry which was 21st August 2011. I am content that ortho images show foundations in place for the garage and that within the processing of planning application H/2011/0491/F to amend the access for the proposed dwelling it was concluded within this report that the development had commenced for the dwelling. I am content the visibility splays approved are in place onto the Ballymoughan Lane.

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 the proposal complies with CTY 13 in that it will visually integrate and is on an appropriate design. The proposed changes are to reduced the size of the dwelling from what was previously approved. Therefore, I am content the proposal complies with CTY 13.

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.

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.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

Reason: As required by Section 105 of the Planning Act (Northern Ireland) 2011

Condition 2

This permission is granted solely as a substitute for the permission for a dwelling and garage on the site under I/2008/0116/F on 22nd December 2009 and only one dwelling shall be constructed on the site.

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

Condition 3

The existing portacabin and containers shown dashed in red on drawing No P03 A, is to be demolished within 6 weeks of the occupation of the new dwelling and all rubble and foundations removed from the site.

Reason: To preserve the amenity of the area and to prevent an accumulation of dwellings on the site.

Condition 4

All landscaping comprised in the approved details of landscaping on the drawing No. P03 A 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.

Condition 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 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.

Condition 6

The existing trees and vegetation identified in drawing No. P03 A shall be retained except where it is required to provide sight lines.

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

Condition 7

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.

Signature(s): Ciaran Devlin

Date: 18 October 2022

ANNEX	
Date Valid	11 March 2022
Date First Advertised	22 March 2022
Date Last Advertised	22 March 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 7 Ballymoghane Lane, Magherafelt, Londonderry, BT45 6HW The Owner / Occupier 9 Ballymoghane Lane, Magherafelt, Londonderry, BT45 6HW The Owner / Occupier 7A , Ballymoghane Lane, Magherafelt, Londonderry, BT45 6HW	
Date of Last Neighbour Notification	31 March 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: H/2005/0770/F Proposals: Dwelling & Garage Decision: PG Decision Date: 15-JUN-06 Ref: H/2004/0549/F Proposals: Dwelling and garage Decision: PG Decision Date: 08-SEP-05 Ref: H/2005/0585 Proposals: Site of dwelling and garage with variation of time condition 01 from outline H/2000/0585) Decision: Decision Date: Ref: H/2005/1273 Proposals: Site of Dwelling and Domestic Garage Decision: 461	

Decision Date: 02-FEB-06

Ref: H/2003/0006

Proposals: Site of 4 no. dwellings and garages.

Decision: 461

Decision Date:

Ref: H/1997/0198

Proposals: BUNGALOW & GARAGE

Decision: PG

Decision Date:

Ref: H/2003/1246/O

Proposals: Site of dwelling and garage.

Decision:

Decision Date:

Ref: H/1994/0456

Proposals: SITE OF BUNGALOW

Decision: PG

Decision Date:

Ref: LA09/2019/1528/O

Proposals: Outline application of an Off Grid sustainable house with passive heating and a potential tesla solar roof, with a small garage and garden, with real focus on sustainable build and recycled materials, using sustainable methods.

Decision: PG

Decision Date: 05-FEB-20

Ref: H/2011/0491/F

Proposals: Proposed amended access to new dwelling approximately 160m West of 7 Ballymoughan Lane, Magherafelt from that approved under H/2009/0446/F.

Decision: PG

Decision Date: 12-MAR-12

Ref: LA09/2022/0331/F

Proposals: Proposed change of house type to dwelling under previous application H/2009/0446/F

Decision:

Decision Date:

Ref: H/2009/0446/F

Proposals: Proposed new dwelling and detached garage/domestic store

Decision: PG

Decision Date: 29-DEC-09

Ref: LA09/2016/1271/O

Proposals: Proposed site for new dwelling on farm

Decision: PG

Decision Date: 08-FEB-17

Ref: LA09/2019/1365/RM

Proposals: Reserved Matters app for dwelling on a farm, previous outline:LA09/2016/1271/O.

Decision: PG

Decision Date: 20-DEC-19

Ref: LA09/2022/0676/F

Proposals: 2 storey dwelling and double garage

Decision:

Decision Date:

Ref: H/2008/0599/F

Proposals: Restrospective application for retention of existing Race Track for Off Road Buggies on land approximately 250m West of 7a Ballymoughan Lane, Magherafelt

Decision: PG

Decision Date: 20-JUN-11

Ref: LA09/2018/1464/F

Proposals: Retrospective planning application for retention of general office/shelter, stor building and control tower

Decision: PG

Decision Date: 07-FEB-19

Ref: H/2005/0164/O

Proposals: Site of dwelling and garage

Decision: PG

Decision Date: 05-JUL-05

Ref: H/2010/0206/F

Proposals: Dwelling and Garage

Decision: PG

Decision Date: 17-SEP-10

Ref: LA09/2015/0579/F

Proposals: Dwelling and Garage

Decision: PR

Decision Date: 27-JAN-16

Ref: H/2006/0017/O

Proposals: Site of dwelling & garage

Decision: PG

Decision Date: 22-AUG-06

Summary of Consultee Responses

-

Drawing Numbers and Title

Proposed Plans Plan Ref: 04
Road Access Plan Plan Ref: 03
Site Layout or Block Plan Plan Ref: 02
Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.11
Application ID: LA09/2022/0370/RM	Target Date: 16 May 2022
Proposal: Proposed replacement dwelling and detached domestic garage	Location: 120M South East Of 47 Annaghmakeown Road Dungannon
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Simon Duggan 47 Annaghmakeown Road Dungannon	Agent Name and Address: Donnelly Design Services 8 Devesky Road Carrickmore Omagh BT79 9BU
Executive Summary:	

Case Officer Report

Site Location Plan

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Consultations:

Consultation Type	Consultee	Response

Representations:

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

Summary of Issues

Characteristics of the Site and Area

Description of Proposal

The proposal seeks reserved matters permission for a replacement dwelling.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

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

Planning Policy Statement 21: Sustainable Development in the Countryside

CTY1 - Development in the Countryside

CTY3 - Replacement Dwellings

CTY 13 - Integration and Design of Buildings in the Countryside

CTY 14 - Rural Character

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

Mid Ulster Development Plan 2030 Draft Plan Strategy was launched on the 22nd Feb 2019. The initial consultation period has recently ended giving rise to a number of objections to Policies contained in the Plan. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th March for 8 weeks. The re-consultation was due to close at 5pm on 21st May 2020.

In light of this the draft plan cannot currently be given any determining weight.

Representations

Neighbour notification and press advertisements have been carried out in line with the Councils statutory duty. At the time of writing, no third party objections have been received.

History on Site

LA09/2020/0656/O – Outline approval for an offsite replacement dwelling. GRANTED

Key Policy Considerations

Dungannon and South Tyrone Area Plan - The site is located in the rural countryside.

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 instance are listed in CTY1 of PPS21. The current proposal has applied under one of these instance - a replacement dwelling in accordance with Policy CTY3.

Policy CTY3 - Replacement Dwellings states planning permission will be granted for a replacement dwelling where the building to be replaced exhibits all the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. The principal of the dwelling has already been established at outline stage.

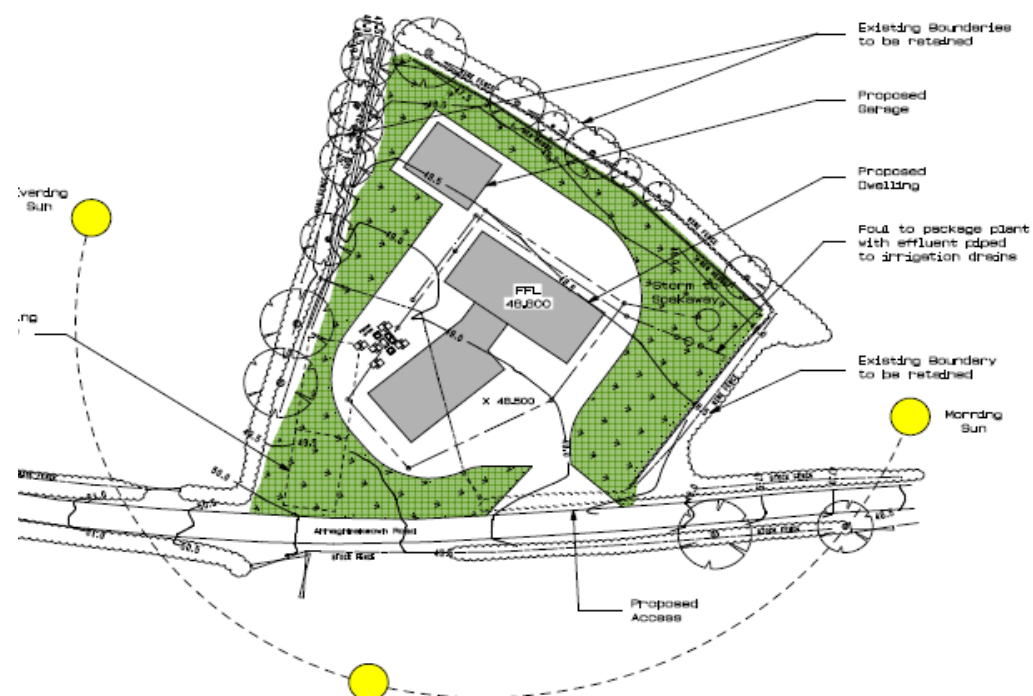
Policy CTY3 states that the retention and sympathetic refurbishment of non-listed vernacular dwellings in the countryside should be encouraged in preference to their replacement. That said it makes allowances for the dwelling to be replaced, as I believe is the case here, where it does not make an important contribution to the heritage, appearance, or character of the locality.

I believe as there limited and short fleeting views of the dwelling on site from the Annaghmakeown Rd and only long-distance glimpse through vegetation from the road network to its south it does not make an important contribution and am content that it be demolished or retained on the existing farmyard as storage.

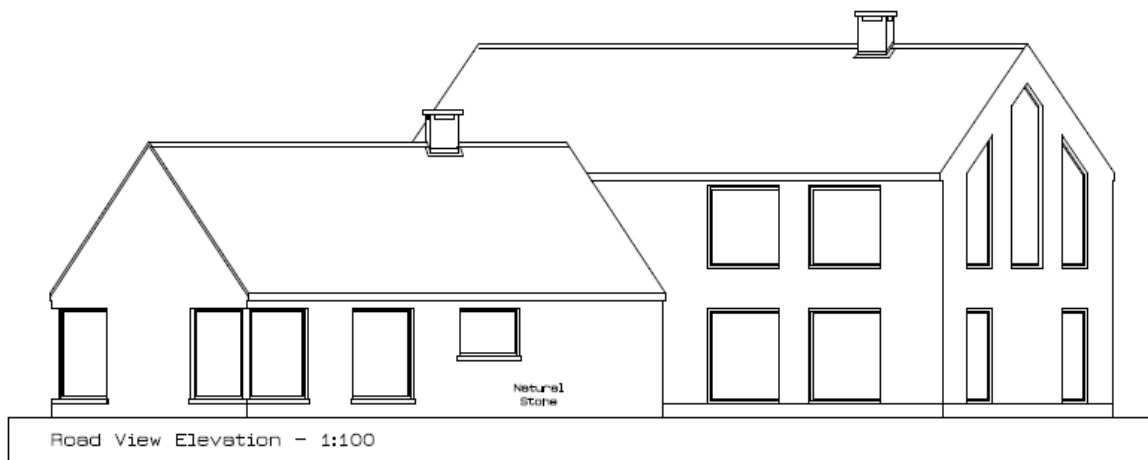


Policy CTY 3 sets out a number of criteria all replacement cases must meet to be permitted and I am content this proposal complies with all of them in that:

- Whilst the new dwelling is of a larger foot print it is to be located over the existing footprint and therefore within the established curtilage of the existing dwelling.



-The proposed dwelling was not restricted through conditions regarding ridge height or floor space etc and it is my opinion that this amended scheme will integrate onto this site and into the surrounding landscape without having a majorly greater visual impact than the existing dwelling it is to replace due to the nature of the screening surrounding the site. The dwelling proposed is a mix of two bodies, the portion to the south west and closest to the road is single storey and the portion to the rear is two story. The two parts are linked via an entrance hall. The proposal will take advantage of the vegetation cover both on site and within the wider vicinity which will both provide it with a sense of enclosure and backdrop to critical views from the Annaghmakeown Rd. Vegetation in the wider vicinity screen view from road networks further to the south.



-The quality of its design is appropriate to the site and its rural setting would be considered acceptable for this area. The finishes consist of a sand cement rendered walls painted cream and a blue black slate roof.

-All necessary services are available.

-Access to the site and new dwelling is to be via an existing unaltered access onto the Annaghmakeown Road.

I believe the proposed dwelling is now of an appropriate size, scale and design and would integrate on to this site in accordance with Policy CTY13 and with minimal disruption to the rural character of the area in accordance with CTY14. I have no concerns regarding the proposed dwelling impacting the amenity of neighbouring properties to any unreasonable degree in terms of overlooking or overshadowing as substantial separation distances will be retained between the new dwelling and existing properties.

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

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Condition 2

The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 01B bearing the date stamp 17/10/2022 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Condition 3

All existing native trees and shrubbery within the site are to be permanently retained.

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

Condition 4

All landscaping comprised in the approved details of landscaping on stamped drawing No.01B date stamped 17th OCT 2022 shall be carried out in the first planting season following the occupation of the dwelling hereby approved.

Reason: To ensure the development integrates into the countryside.

Signature(s): Peter Hughes

Date: 17 October 2022

ANNEX	
Date Valid	21 March 2022
Date First Advertised	7 April 2022
Date Last Advertised	5 April 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier No Neighbours	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses	
-	
Drawing Numbers and Title Site Location Plan Plan Ref: 01 Proposed Plans Plan Ref: 02	
Notification to Department (if relevant) Not Applicable	

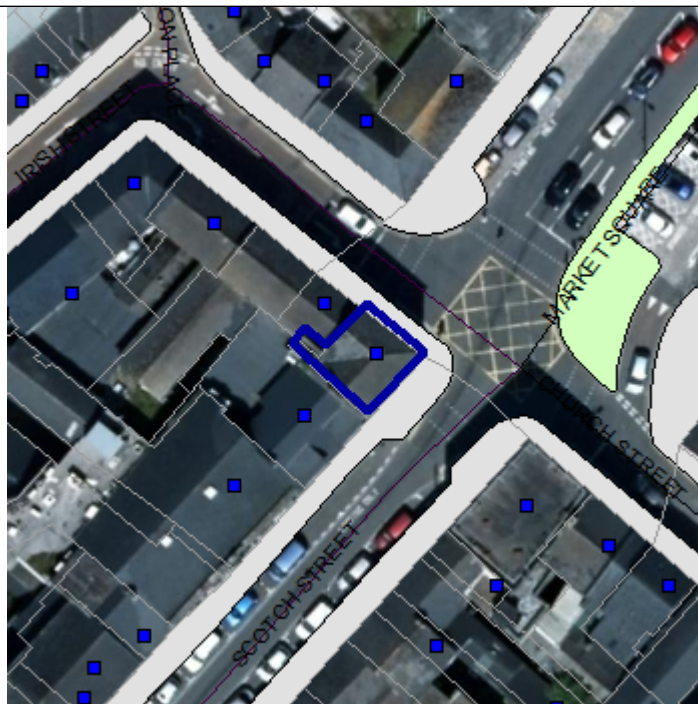


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.12
Application ID: LA09/2022/0450/F	Target Date: 31 May 2022
Proposal: Change of use to the first and second floors from storage space to one 3bedroom duplex apartment unit	Location: 47 Market Square Dungannon
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Seamus Quinn 21 Brookend Road Ardboe	Agent Name and Address: Eamonn Moore Architect Ltd 10 Knockmoyle Cookstown BT80 8XS
Executive Summary: Objection from NI Water about capacity in Dungannon WWTW.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	NI Water - Multiple Units West	

Representations:

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

Summary of Issues

No representation recieved. Presented to committee on basis that there was objection from NI Water about capacity in Dungannon WWTW.

Characteristics of the Site and Area

The site is located at 47 Market Square, Dungannon. The building sits on the corner of Market Street and Scotch Street and is 3 stories. It has a red brick finish to the upper floors and the ground floor is largely glazing, typical of a retail shopfront. The building

has had a mix of uses over the years, formally a travel agents, however at the time of the site visit it was vacant on the ground floor and the upper floors are noted to be storage space on the P1 form. There is a mix of uses surrounding the site, largely retail given its town centre location, however other uses such as residential and recreational can be found nearby.

Description of Proposal

Full planning permission is sought for the change of use to the first and second floors from storage space to one 3bedroom duplex apartment unit.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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 have been received.

Planning History

No planning history at the application site.

Planning Assessment of Policy and Other Material Considerations

- Dungannon and South Tyrone Area Plan 2010
- Strategic Planning Policy Statement (SPPS)
- PPS 7: Quality Residential Environments
- Addendum to PPS 7 – Safeguarding the Character of Established Residential Areas
- PPS 3: Access, Movement and Parking
- Local Development Plan 2030 - Draft Plan Strategy
- DCAN 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.

The Dungannon and South Tyrone Area Plan 2010 identify the site as being located within Dungannon Settlement and is within an Area of Townscape Character, Area of Archaeological Potential and is within the Primary Retail Core. There are no other specific designations or zonings within the Plan. Plan Policy Hous 2 within the plan also notes that “planning permission will normally be granted for residential uses above existing shops and commercial premises”.

The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Para 6.267 states that town centres 'provide a wide variety of retailing and related facilities, including employment, leisure and cultural uses'.

The SPPS encourages development at an appropriate scale in order to enhance the attractiveness of town centres. It seeks to secure a town centre first approach for location of future retailing and other main town centre uses, which are defined as 'cultural and community facilities, retail, leisure, entertainment and business'. Furthermore, it aims to protect and enhance diversity in the range of town centres uses. It is my opinion that this proposed development complies with the policies of the SPPS in relation to town centres.

The proposal is solely for the change of use from retail storage to a 3 bed apartment. The agent submitted a supporting statement which details how they feel the proposal meets with a number of policy documents. Each of the criterion within Policy QD1 of PPS 7 were considered and I am content with the findings within this report. There are no physical changes to the exterior of the building therefore the overall impact on neighbouring properties etc will be limited. The report recognises that the physical makeup of the building does not allow for in curtilage private amenity space but note that there are a number of areas within close proximity to the site, including the Hill of the O'Neill and Ranfurly which provides open space which is readily available to future occupants.

PPS 3 sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. No parking facilities have been specifically designated for this proposal, however the site is located within Dungannon town centre and therefore is accessible to car parking at the front of the premises as well as on-street parking. This is typical of apartments within the town centre. The supporting statement submitted with the application notes where the closest parking is available and the pedestrian links to this. It is considered that due to the proximity of this development to existing shops and services and modes of public transport, it is likely that not all residents will not rely on a private car and therefore a parking space may not be required. The proposal does not involve the creation of a new access onto the Protected Route. I am therefore of the opinion that there are adequate parking spaces in close proximity to this proposal and that the proposal will not lead to a significant deterioration in road safety under the provisions of PPS 3 Access, Movement and Parking.

Policy LC1 does not apply to this proposed change of use to apartments as the application site is within Dungannon Town Centre as designated in the Dungannon and South Tyrone Area Plan 2010. Policy LC2 - The Conversion or change of use of existing buildings to flats or apartments. As the proposal meets all the relevant criteria in QD1 in PPS 7 I am content it meets the relevant criteria in LC2. I do not believe that by allowing this development that it will result in unacceptable damage to the local character,

environmental quality or residential amenity of this area. This proposal is sensitive in design terms to people living in this area and is in harmony with local character. The proposal also offers a variety to the different types of accommodation found within the town centre in Dungannon.

NI Water were consulted on the proposal and have recommended refusal, stating that Waste Water Treatment Capacity is not available at present for the proposed development. This application could be refused on the grounds of the NI Water concerns, however, the applicants can avail of 'Permitted Development' rights as bestowed by Part 4, Class E of the Schedule to the Planning (General Permitted Development) Order (NI) 2015. In light of this I do not consider it would be reasonable to refuse planning permission for this development and recommend it is approved.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Condition 2

The apartment hereby approved shall not be used otherwise than as a dwelling (whether or not as a sole or main residence)—

- (i) by a single person or by people living together as a family; or
- (ii) by not more than six residents living together as a single household (where care is provided for residents).

Reason: To prevent pollution due to the capacity of Dungannon Waste Water Treatment works.

Signature(s): Sarah Duggan

Date: 5 October 2022

ANNEX	
Date Valid	5 April 2022
Date First Advertised	28 April 2022
Date Last Advertised	26 April 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 48 Market Square, Dungannon, Tyrone, BT70 1JH The Owner / Occupier 46A , Market Square, Dungannon, Tyrone, BT70 1AB The Owner / Occupier 1-3 , Scotch Street, Dungannon, Tyrone, BT70 1AR The Owner / Occupier 46 Market Square, Dungannon, Tyrone, BT70 1JH	
Date of Last Neighbour Notification	27 April 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses NI Water - Multiple Units West-	

Drawing Numbers and Title

Existing Plans Plan Ref: 04
Proposed Elevations Plan Ref: 03
Proposed Floor Plans Plan Ref: 02
Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.13
Application ID: LA09/2022/0541/F	Target Date: 20 June 2022
Proposal: Proposed farm shed for the storage of hay.	Location: 210M East Of 91 Ballynakilly Road Coalisland
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Gavin Quinn 9 Woodhouse Road Killycolpy Stewartstown	Agent Name and Address: Cmi Planners 38 Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary: No evidence has been submitted that there is active farm at the site and that the proposed shed is necessary for the efficient use of the farm holding.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
	DAERA - Omagh	Substantive: TBC

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The application site is located 210m East of 91 Ballynakilly Road, Coalisland within the townland of Creenagh. The site is outside the settlement limits of Coalisland as defined in the Dungannon and South Tyrone Area Plan 2010 and north-west of the settlement limit for Ballynakilly.

The topography of the land is relatively flat. The common land use around the wider site area includes agricultural, industrial/commercial with some dispersed dwellings and farm holdings. The site is in close proximity to The McAvoy Group Ltd., that is to the West of the site outlined in red.

The site comprises an access lane off the Ballynakilly Road which is a highly trafficked road between Tamnamore Roundabout and Coalisland. At the site there is an agricultural shed which is finished in blockwork on the ground floor and metal sheeting on the upper level. Surrounding the shed is a gravelled yard.

Description of Proposal

This is a full application for proposed farm shed for the storage of hay at 210m East Of 91 Ballynakilly Road, Coalisland.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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 representations have been received.

Planning History

LA09/2017/0489/F - Proposed farm shed for the housing of animals and storage of farm machinery - 210M East Of 91 Ballynakilly Road, Coalisland – Permission Granted 8th June 2021

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.

PPS21 - Planning Policy Statement 21 (PPS21) Sustainable Development in the Countryside;

Policy CTY 1 Development in the Countryside

Policy CTY 12 Agricultural and Forestry Development.

Policy CTY 13 Integration and Design of Buildings in the Countryside

Policy CTY 14 Rural Character

Policy CTY 1 within PPS 21 highlights that there are a number of developments which may be acceptable in the countryside. One of these is agricultural and forestry developments in accordance with Policy CTY 12.

CTY 12 -

Policy CTY 12 stipulates that planning permission will be granted for development on an active and established agricultural or forestry holding and within the amplification text, it clarifies that for the purposes of this policy the determining criteria for an active and established business will be that set out under Policy CTY 10. Policy CTY 10 stipulates that the farm business should be both active and established for a period of at least 6 years.

The P1C form states that the business Id for this holding has only been created since 3rd November 2015 and DAERA confirmed this. I am content there is an established farm at the site for the past 6 years. DAERA stated the farm is a category 3 business and no farm subsidies have been claimed for the past 6 years. As the farm business is a Category 3 it is not entitled to claim farm payments from DAERA. I emailed the agent on the 29th June 2022 and 24th August 2022 requesting information to demonstrate the farm business is currently active and a supporting statement to show why the shed is necessary for the farm holding. At the time of writing no information has been received. I consider the agricultural holding is established but no evidence has been submitted to show it is currently active.

CTY 12 includes five further criteria (a-e):

(a) it is necessary for the efficient use of the agricultural holding or forestry enterprise; Currently on site there is a shed which was granted approval under LA09/2017/0489/F. The applicant has submitted no evidence why a second shed is required on the farm for the efficient use of the agricultural holding.

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

The proposal presents an agricultural building which is not considered uncommon within

the context of this rural landscape. The materials used are similar to other types of agricultural development within this area. The existing pattern and type of buildings in the area are that of industrial sheds and large buildings therefore the level of impact associated with the proposal will be minimal and on that basis, I consider that the proposal will not have a significant detrimental impact on the rural character of the area.

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

The proposed agricultural shed would benefit from the existence of natural vegetation and screening especially to the rear which surround the site area. As documented above, the location of other large buildings to the Northwest, help the proposal to fit into the wider. The proposal would not present a prominent feature in the context of this rural landscape setting, and I consider it to be successfully integrated. Additional trees and hedging was conditioned along the boundary and along the access lane as part of planning approval LA09/2017/0489/F but this had not been done at the time of my site visit.

(d) it will not have an adverse impact on the natural or built heritage;
There are no sensitive natural heritage features of note within the site or the surrounding area. Therefore, I consider that the proposal will not have a negative impact on any natural/historic features or monuments.

(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.

It is noted that the proposal is sited some 160m away from the closest unconnected residential dwelling at No. 96 Ballynakilly Road. The agent has stated the proposed shed is for the storage of hay and there will be no animals housed within the building so I am content there will be no issues with smells to neighbouring dwellings.

CTY 12 - Additional Requirements

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

- There are no suitable existing buildings on the holding or enterprise that can be used;
- The design and materials to be used are sympathetic to the locality & adjacent buildings; &
- The proposal is sited beside existing farm or forestry buildings.

The applicant has provided no information why an additional shed is required, and the existing shed cannot be used to meet the needs of the farm holding. The proposed shed is the same footprint and height as the existing shed and the same external materials. I am content the design and materials are typical of an agricultural shed in the countryside. The proposed shed is sited adjacent to a farm shed already approved.

Overall, I do not consider the proposal meets all the criteria in CTY 12.

CTY 13 – Integration and Design of Buildings in the Countryside

As the proposed shed is the same scale, massing and design as the existing shed I am content the proposal will not be a prominent feature in the landscape. The new shed will sit adjacent to the shed in critical views so I am content the shed will integrate into the landscape.

CTY 14 – Rural Character

I am content the proposed shed will not have an unacceptable impact on rural character. As shown below in figure 1 the existing shed is set back from the road and in long-distance views the proposed shed will sit beside the existing shed.



Figure 1 – Roadside view of the site

PPS 3 – Access, Movement and Parking

A new access has been created as part of planning approval LA09/2017/0489/F and at the time of the site visit this access is in place, so it was not necessary to consult DFI Roads.

Other Considerations

I checked the statutory map viewers, and I am content there are no other ecological, built heritage or flooding issues at the site. There is an area of surface water flooding to the southeast of the site, but I consider this will not impact on the proposal due to separation distance.

Summary of Recommendation:

Refuse is recommended

The proposal is recommended for refusal as it does not meet the criteria in CTY 12 in PPS 21.

Refusal Reasons

Reason 1

Contrary to CTY 12 - Agricultural and Forestry Development in PPS 21 in that no evidence has been submitted that there is an active farm holding and the building is necessary for the efficient use of the agricultural holding.

Signature(s): Gillian Beattie

Date: 17 October 2022

ANNEX	
Date Valid	25 April 2022
Date First Advertised	8 September 2022
Date Last Advertised	10 May 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 96 Ballynakilly Road, Ballynakilly, Coalisland, Tyrone, BT71 6HD The Owner / Occupier 81 Ballynakilly Road, Creenagh, Coalisland, Tyrone, BT71 6HD The Owner / Occupier 91 Ballynakilly Road, Creenagh, Coalisland, Tyrone, BT71 6HD The Owner / Occupier 89 Ballynakilly Road, Creenagh, Coalisland, Tyrone, BT71 6HD	
Date of Last Neighbour Notification	6 July 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DAERA - Omagh-Substantive: TBC	

Drawing Numbers and Title

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

Notification to Department (if relevant)

Not Applicable

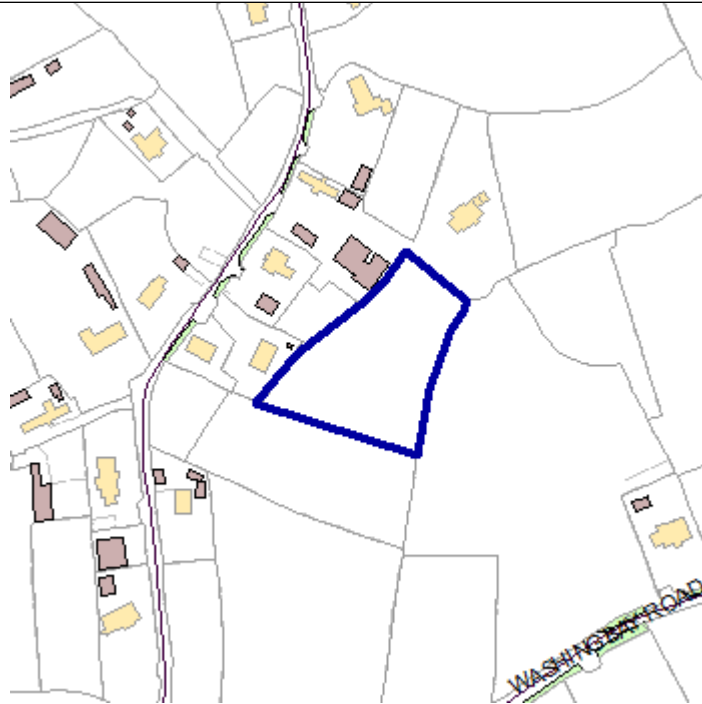


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.14
Application ID: LA09/2022/0563/O	Target Date: 24 June 2022
Proposal: Proposed two storey dwelling + detached double garage	Location: 60M Se Of 148C Washingbay Road Clonoe Coalisland
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Philip Brady 27 Ballynakilly Rd Coalisland BT71 6JJ	Agent Name and Address: Dan McNulty 4 Derrymoney Court Omagh BT78 1HA
Executive Summary: The proposal does not meet any policies in PPS 21.	

Case Officer Report

Site Location Plan



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Consultations:

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

Representations:

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

Summary of Issues

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 with predominantly groups of farm buildings and dwellings on single plots. There is development pressure in the immediate area from the construction of single dwellings as there are at least eight dwellings in the immediate vicinity of the site.

The application site is a large agricultural field with a relatively flat topography and to the north are several dwellings and agricultural buildings. Along all boundaries at the site are established trees and vegetation.

Description of Proposal

This is an outline application for proposed two storey dwelling + detached double garage at 60M Se Of 148C Washingbay Road, Clonoe, Coalisland.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Representations

Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty. At the time of writing, 1 third party objection has been received.

A objection was received by email on the 1st June 20022 from Mr Eamon Brady. Mr Brady states in the email that the access arrangement for the site are through his land and property. Also, there is no access to the site or land through the proposed site through his property.

In rebuttal, the applicant Phillip Brady has signed certificate A on the application form to show he owns all the land. The agent was asked to address the access issue and submit a P2 form if the applicant did not own all the land to obtain the access. At the time of writing no revised certificate has been received. Whether the applicant can gain neighbouring land to obtain an access is a third-party matter.

Planning History

There are no planning histories at the application site.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

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

Dungannon and South Tyrone Area Plan 2010

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

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

Planning Policy Statement 21

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In addition, other types of development will only be permitted where overriding reasons are submitted why the development is essential and could not be located within a settlement. As this proposal is for a dwelling in a cluster CTY 2a is the relevant policy in the assessment.

Policy CTY 2a – New Dwellings in Existing Clusters

I am content the proposal sits in a cluster which consists of four or more buildings which at least three are dwellings. There are dwellings to the north of the site at No. 148, 148A, 148C, 152, 154, 152A.

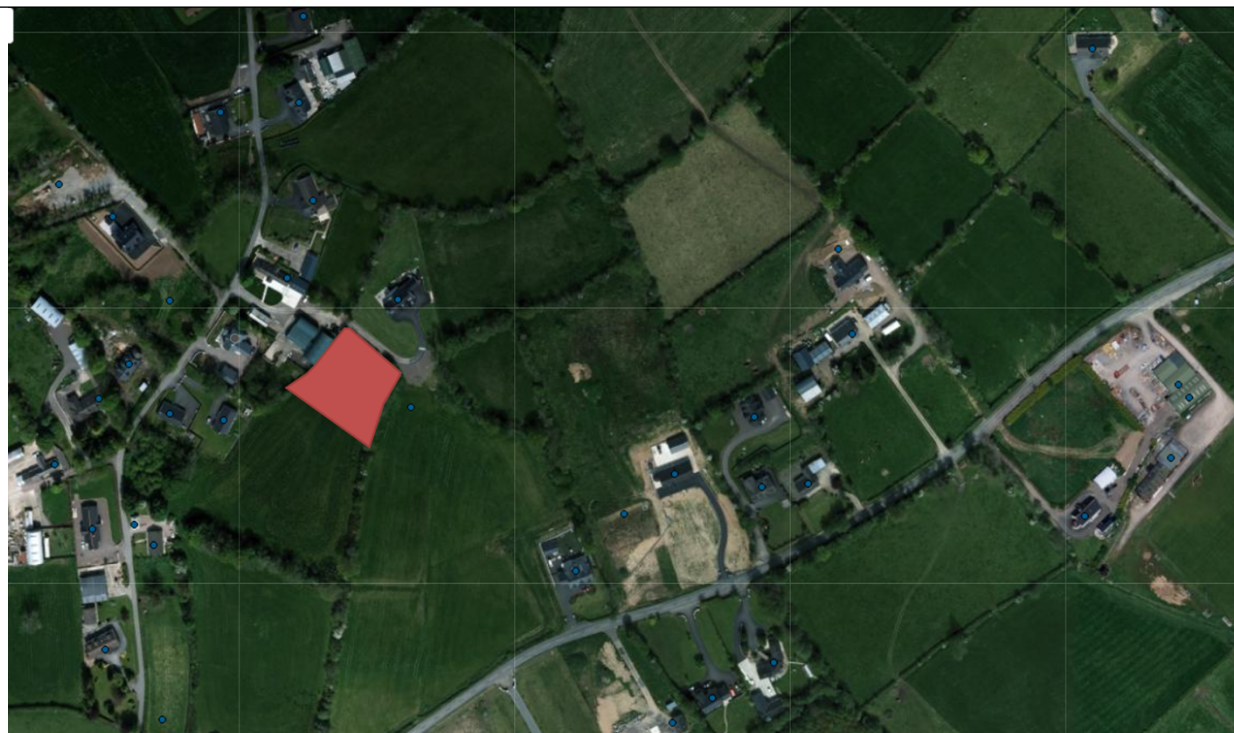


Figure 1 – snapshot from Spatial NI with the application site in red

As shown in figure 1 above I consider the cluster appears as a visual entity in the landscape as there are several dwellings along the roadside on both sides of the road.

The site is not located at a crossroads and the agent had pinpointed the Hurling Club on the Washingbay Road as a focal point. This is on figure 1 in the southeast corner. In discussions about the application, the agent had mentioned the case below adjacent to the site which was approved at planning committee as a cluster dwelling.

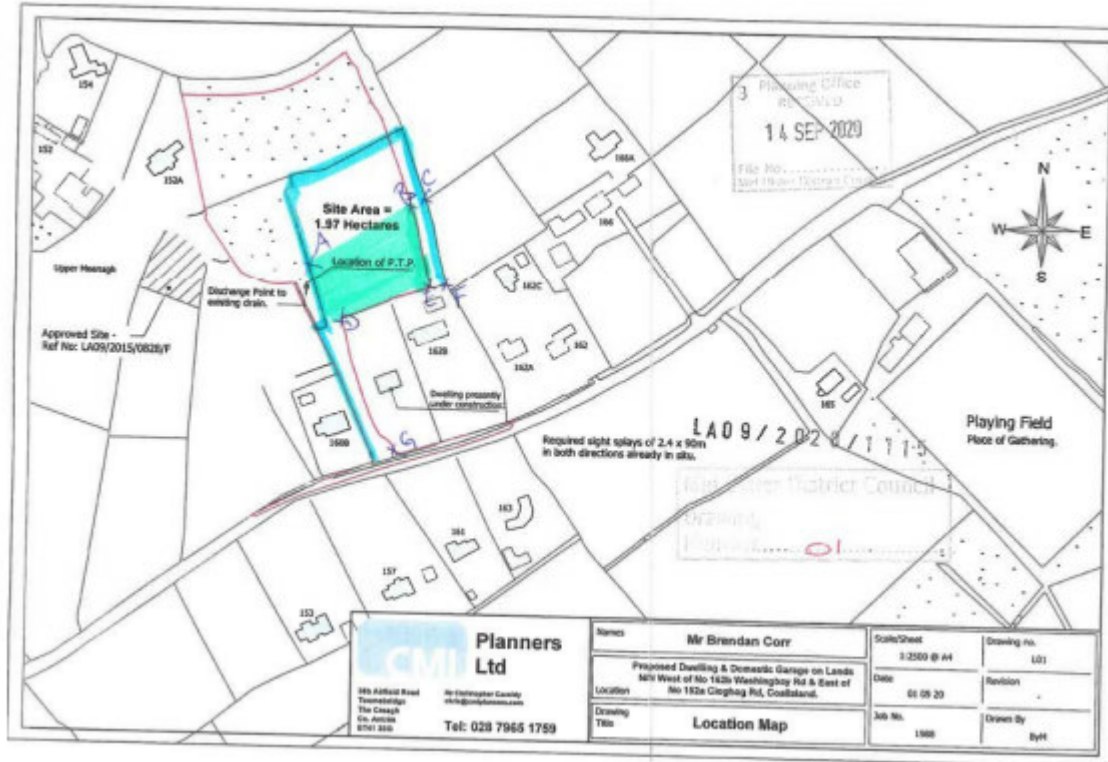


Figure 2 – Snapshot of planning approval LA09/2020/1115

In rebuttal, the site in figure 2 was accessed from the Washingbay Road and was nearer to the focal point i.e. The Hurling Club. The site was associated with the dwellings on the Washingbay Road which were part of the cluster. I do not consider the site which is the subject of this application is associated with the Hurling Club.

I am content there is a suitable degree of enclosure at the site as there is development on two sides. There is a dwelling to the northeast at No. 152A and dwellings/sheds to the northwest at No. 148C and No.152.

I consider if the application site was developed it would round off the existing cluster of dwellings. There are minimal critical views of the site from the Washingbay Road and it would sit behind other dwellings and agricultural sheds.

Overall, I consider the proposal does not meet all the criteria in CTY 2a.

In terms of other policy in PPS 21 there is no dwelling to be replaced that would meet CTY 3 and the proposal would not meet the criteria in CTY 8 for an infill dwelling. The agent stated the applicant did not have a DAERA number and did not think they have a farming case to meet CTY 10.

CTY 13 – Integration and Design of Buildings in the Countryside

The application is an agricultural field to the south of several dwellings along the Washingbay Road. Figure 3 below shows the corner of the site nearest the access lane and the applicant has submitted an indicative layout to demonstrate the dwelling will be

located behind these sheds. I am of the opinion a dwelling in this location would not be a prominent feature in the landscape. But the layout submitted shows the whole field being used for the curtilage and I consider this would create a large plot which is not reflective of surrounding plots and would be out of character for the area. Siting and design could be considered at a reserved matters stage.



Figure 3 – Photo from the site visit showing the corner of the site nearest the access lane.

There is established vegetation along all boundaries of the site which would create a sense of enclosure and the buildings to the northwest would assist integration.

I am content a dwelling would integrate at the site subject to a siting condition. I have indicated in red on figure 1 where I think the dwelling should be located instead of the whole field which the applicant wants to use.

CTY 14 – Rural Character

As stated earlier in the assessment I am content a dwelling in this location would not be a prominent feature in the landscape. There are already several other dwellings in the immediate area so I am of the opinion another dwelling would not exacerbate a suburban style build-up of development. I consider a dwelling in this location would not have an unacceptable impact on rural character.

PPS 3 – Access, Movement and Parking

AMP 2 – Access to Public Roads

The site does not access onto a protected route so I have no concerns in this regard. DFI Roads were consulted as this proposal is the intensification of an existing access. Roads responded stating visibility splays of 2.4m x 45m in both directions would be acceptable.

Other Considerations

I have completed checks on the statutory map viewers and I am content there are no ecological, built heritage or flooding issues at the site.

Geological Survey confirmed there are no mines or boreholes at the site.

Summary of Recommendation:

Refuse is recommended

The proposal is recommended for refusal as it does not meet any policies in PPS 21.

Refusal Reasons

Reason 1

Contrary to CTY 2a - New Dwellings in Existing Clusters in PPS 21 in that the application site is not at a crossroads or associated with a focal point.

Reason 2

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

Signature(s): Gillian Beattie

Date: 13 October 2022

ANNEX	
Date Valid	29 April 2022
Date First Advertised	10 May 2022
Date Last Advertised	10 May 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 154 , Washingbay Road, Coalisland, Tyrone, BT71 4QE The Owner / Occupier 150 , Washingbay Road, Coalisland, Tyrone, BT71 4QE The Owner / Occupier 160A , Washingbay Road, Coalisland, Tyrone, BT71 4QE The Owner / Occupier 152 , Washingbay Road, Coalisland, Tyrone, BT71 4QE The Owner / Occupier 148 Washingbay Road Coalisland Tyrone BT71 4QE The Owner / Occupier 148C Washingbay Road, Coalisland, BT71 4QE The Owner / Occupier 148A Washingbay Road Coalisland Tyrone BT71 4QE The Owner / Occupier 152A , Washingbay Road, Coalisland, Tyrone, BT71 4QE The Owner / Occupier 150C , Washingbay Road, Coalisland, Tyrone, BT71 4QE	
Date of Last Neighbour Notification	11 May 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Substantive: TBC Historic Environment Division (HED)-Substantive: TBC DETI - Geological Survey (NI)-Substantive: TBC	

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



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.15
Application ID: LA09/2022/0592/F	Target Date: 30 June 2022
Proposal: Proposed domestic store for the storage and maintenance of fishing boats with extension to curtilage	Location: The Rear Of 77 Back Lower Road Killycolpy, Dungannon
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Oliver Teague 77 Back Lower Road Killycolpy Dungannon	Agent Name and Address: Martin Quinn 190 Ballymaguire Road Stewartstown BT71 5NN
Executive Summary:	

Case Officer Report

Site Location Plan

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Consultations:

Consultation Type	Consultee	Response

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site lies outside any settlement defined under the Cookstown Area Plan 2010. It is located in the rural countryside approx. 6.7km east of Stewartstown and approx.0.7km west of Lough Neagh.



Fig 1: Site outlined red

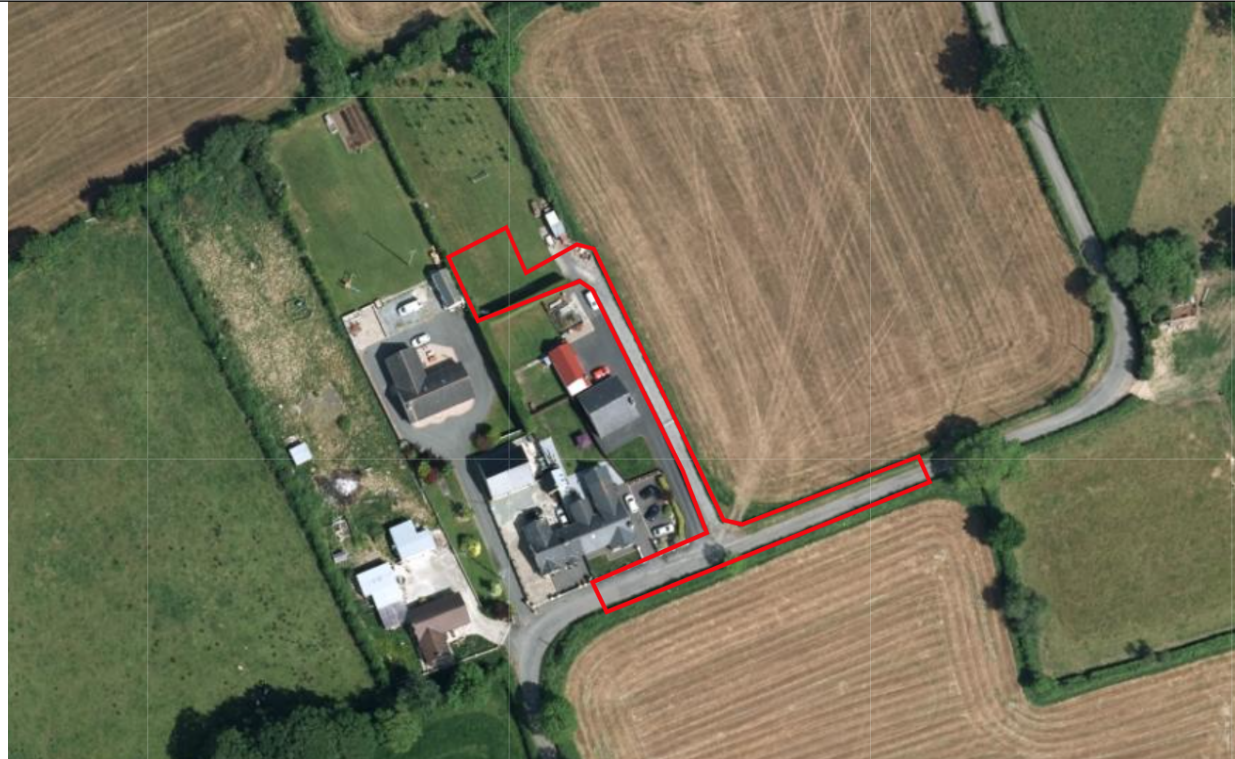


Fig 2: Site outlined red

The site is a small and flat square shaped plot of primarily agricultural land cut from the southwest corner of a much larger agricultural field located to the north of no. 77 Back Lower Rd a bungalow and its curtilage including an outbuilding situated approx. 50m back from and accessed off Back Lower Rd via a short driveway.

The site is to be accessed off Back Lower Rd via an existing lane running along the east and north sides of no. 77 Back Lower Rd. This access, which provides access to no. 81a Back Lower Road a relatively new bungalow located immediately west of no. 77, also runs along the southern boundary of and through the site.

The main body of the site is bound to the south by a hedge approx. 4/5m high bounding the curtilage of no. 77 Back Lower Rd and to the west by mature hedging bounding the host field whilst the remaining boundaries are undefined. The access lane serving the site is bound to the west by low close boarded fencing approx. 1.2m high enclosing the curtilage of no. 77 Back Lower Rd and to the east by a mature hedge of similar height.

Whilst the surrounding area is predominantly flat agricultural land located on the shores of Lough Neagh, interspersed with single dwellings and farm groups a cluster of residential development exists to the south / front of the site and no. 77 Back Lower Rd to the outside of a right-angled bend in the Back Lower Rd. This cluster of development includes 1 detached and 2 semi-detached single storey dwellings fronting onto the Back Lower Rd with ancillary outbuildings and no. 81a Back Lower Rd the aforementioned bungalow located immediately west of no. 77 Back Lower Rd.



Fig 3: Red box identifies approx. location of proposed store to the rear of no. 77 Back Lower Rd. View from section of the Back Lower Rd located due east of site.

Views of the site are from the Back Lower Rd on the east / southeast approach to the site. From these views the existing vegetation bounding the site and host field would aid the integration of the store by providing it with a sense of enclosure and backdrop. Views of the site on the south / southwest approach along Back Lower Rd are screened by the cluster of development it sits to the rear of.

Description of Proposal

This is a full planning application seeking to extend the domestic curtilage of an existing dwelling located at no. 77 Back Lower Rd Killycolpy Dungannon; and to erect an ancillary domestic store for the storage and maintenance of fishing boats within the extended curtilage.

The application proposes to extend the curtilage of the no. 77 Back Lower Rd into lands to the rear / north.

The store, which has a rectangular floor plan and pitched roof construction, measures approx. 9.1m in width (gable depth) by 14.6m in length by 5m in height above FFL; and is to be located on the extended lands to the rear / north of 77 Back Lower Rd. The store is to have a metal clad finish to its roof and walls with a roller shutter door and a pedestrian door in its south gable.

Access to the lands and store is proposed via an existing lane running along the east and north side of no. 77 Back Lower Rd serving no. 81a Back Lower Rd.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

Key Policy Context

Regional Development Strategy

Cookstown Area Plan 2010

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21: Sustainable Development in the Countryside

Addendum to Planning Policy Statement 7: Residential Extensions and Alterations

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

Planning History

I/1977/0181 - Bungalow - Back Lower Stewartstown - Granted 8th September 1977

I/2014/0368/F - Retention of access - 77 Back Lower Rd Mountjoy - Granted 19th March 2015

LA09/2021/0348/F - Retention of use of existing approved access to provide alternative access to no 81a Back Lower Road - 81a Back Lower Rd Killycolpy Dungannon - Granted 17th December 2021

Cookstown Area Plan 2010 – The site is located in the rural countryside outside any settlement limit identified within the Plan.

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

Planning Policy Statement 21 Sustainable Development in the Countryside – Policy CTY1 of Planning Policy Statement 21 allows for extensions in the countryside where they meet with Policy EXT1 of the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations.

Planning Policy Statement 7 Residential Extensions and Alterations - This proposal meets the criteria as set out in Policy EXT 1 of this policy in that:

The proposed extension to the curtilage of no. 77 Back Lower Rd in my opinion will cause minimal disruption to the existing rural character of the area given it nestles to the rear of no. 77 and is reasonably well enclosed by mature vegetation bounding it to the west and south. The aforementioned mature vegetation bounding the site alongside mature vegetation bounding the host field will help provide the proposed store with a sense of enclosure and backdrop to critical views as detailed further above in the

‘Characteristics of the Site and Area’.

Whilst I had initial concerns that the size, scale and massing of the proposed store were excessive and alongside the design and external materials not typical of a domestic store given information in support of the proposal from the agent regarding its requirement and its relatively enclosed location in this exceptional instance I am content it is acceptable.

The additional information submitted outlined that the applicant Mr Oliver Teague is in his 70s and has now retired. That his family have been fishing Lough Neagh for generations and he intends to restore the fishing boats as a hobby. The boats are traditionally 27 – 30ft in length and of timber construction and his existing garage/outbuildings are not big enough to accommodate any of the boats.

Having carried out a site inspection I am content the applicant’s existing garage / outbuilding could not readily accommodate a 27-30ft boat and would note a wooden boat approx. 27ft in length was sitting on a trailer on site in the approx. location of the proposed store, which supports the information provided. Whilst the store is a substantial size, scale and massing it will have a ridge height similar to no. 77 Back lower Rd and dwellings in vicinity and it will be set back from the public road on a reasonably well-enclosed site. Although the design and material finish of the store is not in keeping with the dwelling on site, I am content they are generally consistent with agricultural buildings typical of the countryside and acceptable in this instance owing to the location and enclosed nature of the site. Accordingly, I am reasonable content the store will generally be sympathetic to the built form and appearance of the existing property and should not detract from the appearance and character of the property or the area.

The store should not have any significant detrimental impact on the privacy or amenity of neighbouring residents in terms of overlooking or overshadowing due to its location, design, separation distances that will be retained between it and neighbouring properties; and the existing mature vegetation bounding the site.

The proposed works are to be situated on improved grassland as such will not cause any loss of, or damage to, trees or other landscape features contributing significantly to local environmental quality.

Sufficient space will be retained within the curtilage of the dwelling for recreational and domestic purposes including the parking and manoeuvring of vehicles.

Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council’s statutory duty. At the time of writing, two objections had been received in relation to the proposal from Mr Campbell, the owner / occupier of no. 81 Back Lower Rd a semi-detached property located to the south of the site adjacent the public road.

Mr Campbell outlined this application is made following earlier permission LA09/2021/0348/F (see ‘Planning History’, further above) for the retention of an access lane to serve no. 81a Back Lower Rd, a dwelling located immediately west of the current site. That he raised concerns under the previous permission that the residential premises

to be served were used for commercial businesses; and increased traffic concerns he raised have proven correct. He highlighted the following segments from the previous permission's case officer report:

'In terms of pollution and noise issues, there is no intensification proposed under this application and therefore I do not feel there would be any additional noise issues or pollution as a result of this application. We have no evidence to suggest that the application is being used for commercial purposes and therefore the application is taken at face value'..... 'The agent has noted on the plans that the existing access is to be gated and predominantly closed. We are content with the findings of Roads and would advise that the applicant takes consideration to their advice'.

And stated as a result of LA09/2021/0348/F there has been a significant increase in the traffic around no. 81a that continues to grow and cause difficulties. In the absence of a turning circle the original access was never gated and the additional access granted created a through road for the businesses operating from no. 81a to receive frequent deliveries and staff and customers making collections. He advised he had available video evidence to show the frequency of the commercial vehicles using the through road. He stated as the current proposal is for a domestic store questions 21-25 of the accompanying P1 Form relating to non-residential development did not have to be completed. That as the lane is being used for commercial purposes it should not be taken at face value the proposed store will solely be for storage and maintenance of fishing boats. This application is clearly for the benefit of other members of the applicant's family and businesses they run from no. 81a. His concerns are compounded by the fact he has never know the applicant to own a boat in recent years; would be surprised if more than one family member holds a fishing licence and owns a 27-30ft timber framed fishing boat; and the applicant's advancing years. That use of the store by the businesses is likely to result in noise disturbance, hazardous material and smells.

Having taken into consideration Mr Campbells objection above my opinion remains to approve. That this planning application seeks to extend the domestic curtilage of an existing dwelling located at no. 77 Back Lower Rd; and to erect an ancillary domestic store for the storage and maintenance of fishing boats within the extended curtilage of the applicant Mr Teague. That for the reasons outlined in the main body of this report the proposal meets the requirements of Policy EXT1 of the Addendum to PPS 7: Residential Extensions and Alterations. This proposal is not for, and any subsequent permission would not give permission for, any commercial business to be carried out on site or within the proposed store and a condition to that effect can be attached. Under planning application I/2014/0368/F (see 'Planning History' further above) the residents of no. 77 Back Lower Rd already have use of the access and lane proposed to serve the store and as the store is for domestic purposes ancillary to and for the enjoyment of Mr Teague the occupier of 77 Back Lower Rd there should be no intensification of use of the access and lane as result of this proposal. Given the scale and domestic nature of the proposal I don't foresee any significant detrimental impacts on the amenity of neighbouring properties by reason of noise disturbance, hazardous material and smells. The issues raised around the access approved under LA09/2021/0348/F and premises at 81a Back Lower Rd being used for commercial purposes does not form part of this application, which has been made by the owner / occupier of no. 77 Back Lower Rd.

Additional Considerations

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

Flood Maps NI indicated no flooding on the lands to be developed.

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

Case Officer recommendation: Approve

Summary of Recommendation:

Approve is recommended

Approval Conditions**Condition 1**

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

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

Condition 2

The store hereby approved shall be used only for private domestic purposes ancillary to and for the enjoyment of the occupiers of 77 Back Lower Road.

Reason: To protect residential amenity.

Condition 3

The existing natural screenings of this site as indicated in green on Drawing no. 01(Rev.01) bearing the date stamp received 28 SEP 2022 shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be submitted to Mid Ulster District Council Planning Department in writing, and agreed, prior to the commencement of any works.

Reason: In the interests of visual and residential amenity.

Signature(s): Emma Richardson

Date: 18 October 2022

ANNEX	
Date Valid	5 May 2022
Date First Advertised	24 May 2022
Date Last Advertised	24 May 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 81A Back Lower Road Mountjoy Tyrone BT71 5ER The Owner / Occupier 79 Back Lower Road Mountjoy Tyrone BT71 5ER The Owner / Occupier 81 Back Lower Road Mountjoy Tyrone BT71 5ER The Owner / Occupier 77 Back Lower Road Dungannon Tyrone BT71 5ER	
Date of Last Neighbour Notification	30 September 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: I/2010/0477/F Type: F Status: PG Ref: LA09/2021/0348/F Type: F Status: PG Ref: LA09/2020/1648/LDP Type: LDP Status: PG Ref: I/1999/4021 Type: P Status: PCO Ref: I/1997/0043	

Type: F
Status: PCO

Ref: I/1999/0348
Type: F
Status: PCO

Ref: I/1996/0045
Type: O
Status: PCO

Ref: I/1994/0328
Type: F
Status: PCO

Ref: I/1977/0003
Type: H13
Status: PG

Ref: LA09/2022/0592/F
Type: F
Status: PCO

Ref: I/1977/0181
Type: H13
Status: PG

Ref: I/2014/0368/F
Type: F
Status: PG

Ref: I/1974/0326
Type: H13
Status: PG

Ref: I/1974/0208
Type: H13
Status: WITHDR

Ref: LA09/2021/1156/RM
Type: RM
Status: PG

Ref: LA09/2019/1004/O
Type: O
Status: PG

Ref: I/1974/0138

Type: H13

Status: PG

Ref: LA09/2020/0783/F

Type: F

Status: APPRET

Ref: I/1995/0377

Type: F

Status: PCO

Ref: I/2001/0826/F

Type: F

Status: PG

Ref: I/1976/0392

Type: H13

Status: PG

Summary of Consultee Responses

-

Drawing Numbers and Title

Proposed Plans Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.16
Application ID: LA09/2022/0641/F	Target Date: 30 August 2022
Proposal: Proposed boundary wall/fence	Location: 29 Glengomna Road Draperstown BT45 7JQ
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Barry O'Kane 28 Glengomna Road Draperstown BT45 7JQ	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response

Representations:

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

Summary of Issues

Objections received. Applicants sister in law works for Mid Ulster District Council Planning Department.

There have been 3 letters of objection from one neighbour. The first objection letter raised concerns over a family member of the applicant working for the council which was not declared on the original application form. This has since been corrected by the agent. Secondly, the objector raised concerns over the accuracy of the map submitted and the type of map. I am content that following updates the maps clearly show what is

on the site and adjoining the site and the maps are accurate. The objector also raised queries as to why they weren't neighbour notified. The principle planner spoke with the objector and advised on this. Further objections were received relating works being proposed on lands which are not within the applicants control.

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits and within an area of outstanding natural beauty as per the Magherafelt Area Plan 2015. The site itself includes an existing two storey dwelling with a mature hedge running along the south western boundary. The roadside boundary is undefined with a shared laneway running along the north eastern boundary of the site with an old stone wall and outbuilding located here also. The north western boundary is undefined and third party farm buildings are located beyond this. The surrounding area is mainly agricultural lands with single dwellings located sporadically throughout.

Description of Proposal

This is a full planning application for a proposed boundary wall/fence.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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.

Original plans proposed a wall 1.5m high with a close board fence taking the total height to 3m, running along the north western boundary and then along the corner along the shared laneway until it meets an existing outbuilding. However, amendments were received where the proposed wall has been reduced to a total height of 2.7m high and is now only proposed along the north western boundary to separate the site between the dwelling and the third party farm buildings behind this. Planting has also been proposed within the curtilage of the site to aid the integration. I am content the proposal will not detract from the appearance and character of the surrounding area.

I have no concerns about residential privacy or amenity given the location of the proposed wall and the lack of residential properties at this side. The proposed wall/fence is to provide privacy to the applicants home.

The proposal will not cause the loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality. The proposal includes additional planting which will aid the local environmental quality on the site.

Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles. From such, I am content the proposal fully complies with Policy EXT 1 of addendum to PPS 7.

Other Material Considerations

With regards the objectors points over land ownership although this is a civil matter, I am content that the correct application form has been submitted and the correct certificate has been completed by the applicant. Two pieces of land were questioned, the first directly to the rear of the applicants property stating the red line was within an area outside their ownership. However, having measured the red line of the site location against a land registry folio and another map supplied by the objector I am content the red line is accurate and appears to be within the applicants ownership. There was another issue of land ownership raised by the objector relating to a piece of land along the shared laneway adjacent the site where initial plans proposed a wall to be built however, following a discussion with the principle planner the red line was slightly amended and removed the outbuilding and piece of land adjacent the laneway and the proposal of a wall/fence at this location was also removed from the plans. Therefore, I am content the Planning Department has received the correct application form and the correct ownership certificates have been completed as part of this application and it is a valid application. Any permission granted 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, any issues over land ownership are a civil matter.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent

Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

Reason: As required by Section 105 of the Planning Act (Northern Ireland) 2011

Condition 2

All proposed planting shown on stamped drawing No. 02 Rev A shall be carried out in the first planting season following the commencement of the construction of the development hereby approved.

Reason: To ensure the development integrates into the countryside.

Signature(s): Ciaran Devlin

Date: 17 October 2022

ANNEX	
Date Valid	17 May 2022
Date First Advertised	28 June 2022
Date Last Advertised	28 June 2022
Details of Neighbour Notification (all addresses) <p>The Owner / Occupier 27 Glengomna Road Draperstown Londonderry BT45 7JQ</p>	
Date of Last Neighbour Notification	30 September 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> <p>Ref: H/2000/0452/F Proposals: Replacement dwelling Decision: PG Decision Date: 19-SEP-00</p> <p>Ref: H/2014/0288/F Proposals: Proposed change of access to recently approved farm dwelling and garage H/2014/0126/O Decision: PG Decision Date: 23-MAR-15</p> <p>Ref: LA09/2015/0098/RM Proposals: Proposed dwelling and garage Decision: PG Decision Date: 24-JUL-15</p> <p>Ref: H/2014/0126/O Proposals: Proposed farm dwelling and garage Decision: PG Decision Date: 19-JUN-14</p>	

Ref: LA09/2022/0641/F

Proposals: Proposed boundary wall/fence

Decision:

Decision Date:

Ref: LA09/2017/1121/F

Proposals: Proposed two storey replacement dwelling and garage

Decision: PG

Decision Date: 23-NOV-17

Ref: H/2002/0430/Q

Proposals: Site for Dwelling.

Decision: 300

Decision Date: 24-MAY-02

Ref: H/2009/0359/O

Proposals: Site of proposed dwelling and garage

Decision: PR

Decision Date: 17-NOV-10

Ref: H/2011/0296/F

Proposals: Proposed farm dwelling and garage

Decision: PG

Decision Date: 28-NOV-12

Ref: H/2003/0912/F

Proposals: Dwelling and garage.

Decision: PR

Decision Date: 30-OCT-05

Ref: H/2011/0224/F

Proposals:

Proposed dwelling and garage on a farm

Decision: PG

Decision Date: 26-JUL-11

Ref: H/1978/0178

Proposals: RETIREMENT BUNGALOW WITH GARAGE

Decision: PG

Decision Date:

Summary of Consultee Responses

-

Drawing Numbers and Title

Site Location Plan Plan Ref: 01 Rev A
Site Layout or Block Plan Plan Ref: 02 Rev A
Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02

Notification to Department (if relevant)

Not Applicable

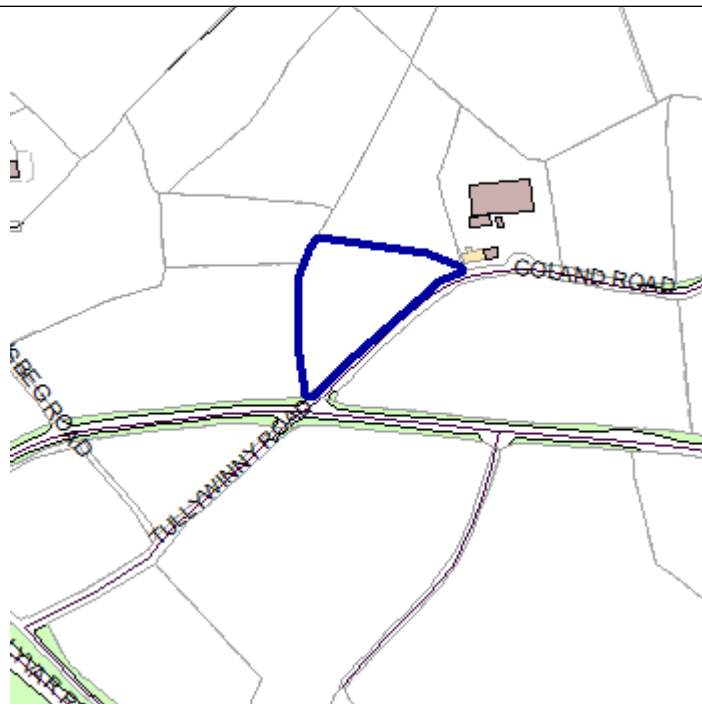


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.17
Application ID: LA09/2022/0651/F	Target Date: 1 September 2022
Proposal: Change of house type and garage with all associated landscaping and site works in substitution for that previously approved under application reference M/2013/0341/F & Subsequently LA09/2015/0595/F	Location: Lands Approx. 70M South West Of 6 Goland Road Ballygawley BT70 2NQ
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Darragh McAnenly & Caoimhe Glass 11 Richmond Lane Ballygawley Dungannon BT70 2AN	Agent Name and Address: Mark Hackett 21 Church Street Ballygawley Dungannon BT70 2HA
Executive Summary: No foundations in place at the application site. The access has not fully been put in place according to pre-commencement conditions.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	LA09-2022-0651-F - 6 Goland Road Ballygawley - Response.docx

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site is outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is predominantly rural in character with agricultural fields, dispersed single dwellings and farm complexes. There is minimal

development pressure for single dwellings along this stretch of public road. The predominant land use in the area is agricultural grazing land. The land mass in the immediate area of the application site does not afford long distance views, given the winding nature of the road.

In terms of the application, the northern boundary of the site is undefined on the ground. The eastern boundary of the site is bounded by distribution (safety clothing/equipment) business. The southern roadside boundary of the site is defined by 1m grass verge and mature native species hedge row approx. 2m high. The western boundary of the site is defined by mature native species hedge row. There is no defined characteristic design of dwelling in the area.

Description of Proposal

This is a full application for a change of house type and garage with all associated landscaping and site works in substitution for that previously approved under application reference M/2013/0341/F & Subsequently LA09/2015/0595/F at Lands Approx. 70M South West Of 6 Goland Road Ballygawley.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Representations

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

Planning History

M/2011/0046/F - Dwelling on a farm - 45 Metres East Of 6 Goland Road Aughnacloy – Permission Granted 13th March 2012

M/2013/0341/F - Amendment of Planning Approval M/2011/0046/F in relation to siting - Adjacent To 6 Goland Road, Aughnacloy - Permission Granted 26th March 2014

LA09/2015/0595/F - Amendment of access as approved under M/2013/0341/F - Adjacent To 6 Goland Road, Aughnacloy - Permission Granted 23rd November 2015

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. All valid representations received have been subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan.

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 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.

PPS 21 Sustainable Development in the Countryside

Policy CTY 1 of PPS 21 sets out the 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.

The principal of this development has already been established through planning approvals M/2011/0046/F and M/2013/0341/F. The full approval was granted on 13th March 2012 for a dwelling on a farm, therefore, works at this site would need to have commenced before 13th March 2017. There was an access pre-commencement condition on M/2011/0046/F.

Condition 4 stated

“The vehicular access, including visibility splays and any forward sight line, shall be provided in accordance with the approved plans, prior to the commencement of any works or other development hereby permitted and shall be retained and kept clear thereafter”

M/2013/0341/F granted approval for an amended siting and there was also a pre-commencement access condition. M/2013/0341/F was granted approval on the 26th March 2014 so the applicant had three years to commence from this date.

When I visited the site, I saw no evidence of foundations in place for either the dwelling or garage. The agent confirmed no foundations are in place at the site and only a small amount of soil has been moved. Condition 1 of M/2013/0341/F granted another 3 years from this date to commence work at the site. The development is the dwelling and garage so to have commenced some works for either need to have been started within the 3-year period from 26th March 2014.

Section 63 2(a)

For the purposes of sections 61 and 62, development shall be taken to be begun on the earliest date on which any of the following operations comprised in the development begins to be carried out—

where the development consists of or includes the erection of a building, any work of construction in the course of the erection of the building

I do not consider this development has commenced and there is no legitimate fall-back position as no works have commenced in the erection of the building.

In terms of the access pre-commencement condition, LA09/2015/0595/F granted approval for an amendment to an access approved under M/2013/0341/F. Figures 1 and 2 show what access has been put in place. In discussions with the Planning Manager it was agreed that the access is not in place. Works have created an opening and visibility splays but no concrete/gravel has been laid for the access lane.



Figure 1 – Google image from July 2021 of the access



Figure 2 – Google image from July 2021 of the access

CTY 13 – Integration in the Countryside

M/2013/0341/F granted approval for the dwelling as shown below in figure 3 and figure 4 shows the proposed dwelling in this application.



Figure 3 – Snapshot from planning approval M/2013/0341/F



Figure 4 – Snapshot of proposed dwelling in this application

In terms of the design, I consider the new design is more acceptable as a dwelling in the countryside. When viewed from the roadside the front elevation will be a simple form of a traditional dwelling with windows with a vertical emphasis and a small porch. The form will be an L shaped and a long section extending from the rear wall. There are minimal long-distance views in all directions so I am content the proposal will not be a prominent feature in the landscape. The dwelling has been pushed further back on the site and more into the slope than previously approved. The topography at the site rises up at the southwest corner at 116m to a slope of 124m. The proposed dwelling will cut into the slope as the dwelling is at 124m and the curtilage of the dwelling extended. I consider the amended siting will not have an unacceptable impact on neighbouring amenity or integration into the landscape.

There are established trees along the rear boundary and a post and wire fence along the northeast boundary. There is hedging along the roadside boundary but some of these needs removed for the visibility splays and the west boundary is undefined. The applicant has shown additional trees and hedging along the undefined boundaries which will assist in the integration into the landscape.

In addition, to the northeast of the site there are light industrial sheds for PJD Safety Supplies which has external materials of light grey metal sheeting. In the context of the buildings in the surrounding area I am content the dwelling and garage will integrate into the landscape.

CTY 14 – Rural Character

I am content the proposal will not be unduly prominent in the landscape as the principle of development as already been established at this site through previous approvals. I consider a dwelling in this location will not be detrimental to rural character as I have no concerns about the scale, massing and design of the dwelling and garage.

Other Considerations

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

Summary of Recommendation:

Refuse is recommended

The proposal is recommended for refusal as it has not commenced within the required time period.

Refusal Reasons**Reason 1**

Contrary to CTY 1 of PPS 21 in that it has not been demonstrated there is a legitimate fall-back position in that no evidence has been provided to show the dwelling approved has begun in accordance with the requirements of Section 63 (2) of the Planning Act (NI) 2011.

Signature(s): Gillian Beattie

Date: 19 October 2022

ANNEX	
Date Valid	19 May 2022
Date First Advertised	30 June 2022
Date Last Advertised	30 June 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 6 Goland Road Ballygawley Tyrone BT70 2NQ The Owner / Occupier PJD Safety Supplies, Goland Road, Aughnacloy, BT70 2NQ.	
Date of Last Neighbour Notification	25 August 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: M/2011/0046/F Type: F Status: PG Ref: M/2011/0438/F Type: F Status: PG Ref: M/2013/0385/PREAPP Type: PREAPP Status: EOLI Ref: LA09/2022/0464/F Type: F Status: PCO Ref: M/2013/0341/F Type: F Status: PG Ref: LA09/2022/0651/F Type: F	

Status: PCO

Ref: LA09/2015/0595/F

Type: F

Status: PG

Ref: LA09/2017/1157/F

Type: F

Status: PG

Ref: LA09/2015/0650/F

Type: F

Status: PG

Ref: M/2012/0090/F

Type: F

Status: PG

Ref: M/2014/0180/F

Type: F

Status: PG

Ref: LA09/2020/0998/F

Type: F

Status: PG

Ref: M/2015/0169/F

Type: F

Status: PG

Ref: LA09/2022/0431/F

Type: F

Status: PG

Summary of Consultee Responses

DFI Roads - Enniskillen Office-LA09-2022-0651-F - 6 Goland Road Ballygawley - Response.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02 Rev 1
Proposed Plans Plan Ref: 03
Proposed Elevations Plan Ref: 04
Garage Plans Plan Ref: 05

Notification to Department (if relevant)

Not Applicable

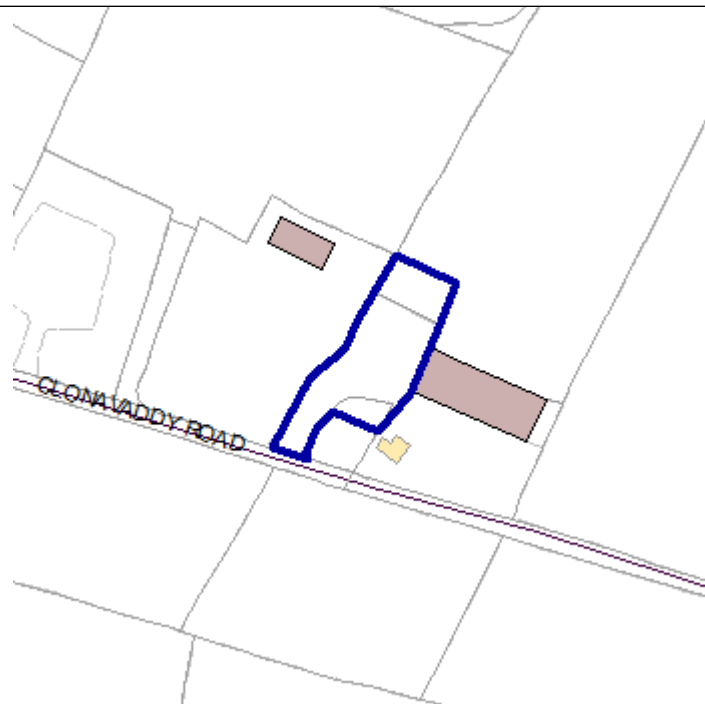


Development Management Officer Report Committee Application

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

Case Officer Report

Site Location Plan



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Consultations:

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

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character and is predominantly dwellings on single plots, groups of farm buildings and agricultural fields. There is minimal development pressure in the area from the construction of single dwellings. Adjacent to and west of the application site is the associated farm holding where there is a two-storey dwelling and agricultural sheds.

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

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Representations

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

Planning History

There are no planning histories at the application site.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010

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

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

Planning Policy Statement 21

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

CTY 10 – Dwelling on a Farm

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

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

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

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

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

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

CTY 13 – Integration and Design of Buildings in the Countryside

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

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

CTY 14 – Rural Character

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

PPS 3 Access, Movement and Parking

AMP 2 – Access to Public Roads

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

Other Considerations

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

Summary of Recommendation:

Refuse is recommended

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

Refusal Reasons

Reason 1

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

Signature(s): Gillian Beattie

Date: 13 October 2022

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

Status: PR

Ref: M/1980/0386

Type: H13

Status: PG

Ref: LA09/2020/0992/O

Type: O

Status: PDE

Ref: M/2004/0775/O

Type: O

Status: APPRET

Summary of Consultee Responses

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

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable

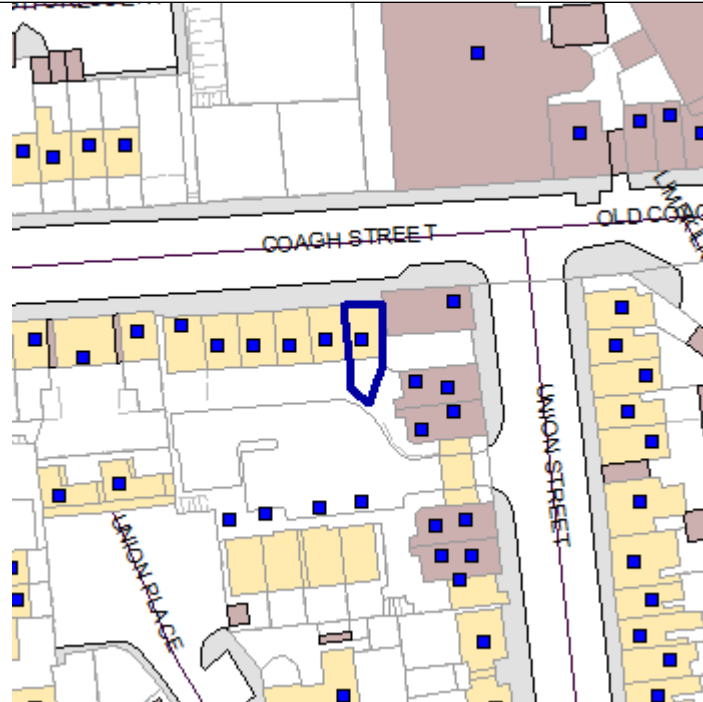


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.19
Application ID: LA09/2022/0727/F	Target Date: 21 September 2022
Proposal: Proposed change of use from a dwelling to nail bar and beauty parlour with alterations to the front windows and retention of parking to the basement and rear	Location: 45B Coagh Street Cookstown BT80 8NG
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Colin Thompson 1 Drumnmalta Road Cookstown Tyrone BT80 9LF	Agent Name and Address: PDC Chartered Surveyors 52 Tullyreavy Road Cookstown BT70 3JJ
Executive Summary: The application is presented to committee as the agent works for MUDC - Mr Patrick Conlon.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response

Representations:

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

Summary of Issues

No issues. No representations.

Characteristics of the Site and Area

The site is located at 45B Coagh Street, Cookstown and it is an end of terrace two storey building. The building has a render finish and there appears to be car parking available to the rear of the property as well as on street parking available to the front. The current use of the site is residential and there is a mix of uses found within close proximity to the

site. Opposite the site is the 'Royal Hotel' and there appears to be residential properties at either side of the building. The site is located close to the town centre and thus a mix of uses are found nearby.

Description of Proposal

Full planning permission is sought for a proposed change of use from a dwelling to nail bar and beauty parlour with alterations to the front windows and retention of parking to the basement and rear. The application is presented to the Committee on the basis that the agent works within MUDC - Patrick Conlon.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 1, 2 Union Street and 45a and 47 Coagh Street. At the time of writing, no third party representations have been received.

Planning History

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

Planning Assessment of Policy and Other Material Considerations

- Cookstown Area Plan 2010
- Strategic Planning Policy Statement (SPPS)
- Local Development Plan 2030 - Draft Plan Strategy
- PPS 3: Access, Movement and Parking

The Cookstown Area Plan 2010 identify the site as being located within the development limits of Cookstown Town Centre which gives favourable consideration to proposals subject to criteria outlined within the plan policy. The application site is indicated as an opportunity site within the plan which has since been developed. There are no other specific designations or zonings within the Plan.

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

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 Strategic Planning Policy Statement (SPPS) for Northern Ireland – Planning for Sustainable Development, is a material consideration. The SPPS supersedes the policy provision within Planning Policy Statement (PPS) 1 – General Principles, PPS 5 – Retailing and Town Centres and PPS 9. The policy provision within PPS 3 has been retained under transitional arrangements.

The SPPS aims to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions. In addition the SPPS outlines that all applications for retail development or main town centre type uses will be assessed in accordance with normal planning criteria including transportation and access arrangements, design, environmental and amenity impacts.

This proposal will have minimal impact on the external appearance of the building, with the only noticeable change being to the ground floor windows on the front elevation. There will be one large single window which would be the new shop front for the beauty/nail salon, rather than the two smaller windows which currently exist. The agent/applicant has shown “future sign” on the front elevation, however this will have to be applied for under a separate application. Informatives will be attached to any forthcoming approval for this change of use application noting that advertisements must be applied for separately. The proposed works to the inside of the building are related more so with the use change. I do not consider there would be any negative impact on the amenity of surrounding residential dwellings as a result of this application due to the nature of the use change, noting that odour or noise issues is not something which would typically be associated with a nail/beauty salon, hence Environmental Health were not deemed necessary to be consulted.

DfI Roads were not consulted as there is considered to be adequate car parking available around the site, including on street car parking which will cater for the proposed use change.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

The development hereby permitted shall be begun before the expiration of 5 years from

the date of this permission.

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

Informative 1

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

Informative 2

Signs may require separate approval under the Planning (Control of Advertisements) Regulations (NI) 1992. Their size, construction, content and siting should be approved by the Council BEFORE any such signs are erected. **Signature(s):** Sarah Duggan

Date: 17 October 2022

ANNEX	
Date Valid	8 June 2022
Date First Advertised	28 June 2022
Date Last Advertised	28 June 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 47 Coagh Street Cookstown Tyrone BT80 8NG The Owner / Occupier 45a Coagh Street Cookstown Tyrone BT80 8NG The Owner / Occupier 1 Union Court Cookstown Tyrone BT80 8XT The Owner / Occupier 2 Union Court Cookstown Tyrone BT80 8XT	
Date of Last Neighbour Notification	27 June 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses	
-	
Drawing Numbers and Title Site Location Plan Plan Ref: 01 Elevations and Floor Plans Plan Ref: 02 Existing Plans Plan Ref: 03 Photograph Plan Ref: 04	

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.20
Application ID: LA09/2022/1226/O	Target Date: 17 November 2022
Proposal: Proposed Site for Dwelling and Domestic Garage	Location: 100M South Of No. 25A Cloane Road Draperstown BT45 7EJ At The Junction Of Cloane Road And Cloane Lane
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Mark Quinn 1 The Brambles Station Road Magherafelt BT45 5RY	Agent Name and Address: CMI Planners Ltd 38B Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

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

Representations:

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

Summary of Issues

The proposal is contrary to policy.

Characteristics of the Site and Area

The site is located approximately 2km North of the development limits of Draperstown and is located within the open countryside outside any other designations as per the Magherafelt Area Plan 2015. The red line of the site is the northern corner of an existing

larger agricultural field which is relatively flat in nature with shrubs and grass within the field. The eastern boundary is defined by mature trees, with a mature hedge row defining the roadside boundary. The northern boundary is defined by a post and wire fence. The site is located adjacent to the crossroads of Cloane Lane to the north and Cloane Road to the west. The surrounding area is mainly agricultural in nature with single dwellings located throughout.

Representations

No third party representations have been received.

Relevant Site History

LA09/2022/1230/O- Proposed Site for Dwelling and Domestic Garage. 155m South of No.25A Cloane Road, Draperstown. Pending Consideration

LA09/2020/0970/O- Dwelling and garage. Approx. 250M South Of 25 Cloane Road, Draperstown. Permission Granted 5th May 2021

LA09/2021/1532/RM- Dwelling and domestic garage. 250M South Of 25 Cloane Road, Draperstown. Permission Granted 25th January 2022.

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

PPS 3: Access, Movement and Parking

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

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

Development in the countryside.

Policy CTY 1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access and road safety. A number of examples are provided in CTY 1 detailing the different cases, which would allow for planning permission in the countryside, one of these being a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a.

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 do not believe there is a cluster of development which lies outside of a farm. The agent has shown on the site location plan they believe there are three plots to the north of the site which are shown as No.25 and an associated outbuilding, No.25a and an associated outbuilding and then plot 3 which appears to be an agricultural field and farm buildings to the north of this. However, having viewed these on the ground and reviewed ortho images it is clear the buildings in plot 3 are farm buildings with another farm building to the north of these at the rear of No.25. From this, there is no cluster as there are only three buildings identified as the outbuildings and garages have to be excluded.

- *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.*

With regards the above policy criteria, there is no existing cluster as per the policy definition so it fails to meet the above policy. It is noted that the site is located adjacent to 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.*

The site is not bounded by development on any sides. The agent has identified plot three directly adjacent to the north (separated by the Cloane Lane) but this plot adjacent the site is an agricultural field.

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

As mentioned, the site is not bounded on at least two sides and there is not an existing cluster.

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

As this is an outline application, no detailed design details have been provided for a dwelling, but given the size of the application site and the surrounding area, I am content a dwelling at this location would not adversely affect residential amenity.

On the basis of the above assessment, the application fails to meet the policy criteria outlined in Policy CTY2a.

Policy CTY 13 of PPS 21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. As this is an outline application, no design details have been submitted. However, I am content a well-designed dwelling at this location would not be a prominent feature in the landscape and would visually integrate into the surrounding landscape given the mature tree boundaries which would provide a backdrop.

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 the proposal cannot meet the policy criteria set out in Policy CTY2a, I believe any dwelling approved here would result in the erosion of the rural character of the area.

PPS 3- Access, Movement and Parking:

DfI Roads were consulted on the planning application and provided conditions to be applied to any approval and that as part of any reserved matters application should show access constructed in accordance with the form RS1.

Other Material Considerations

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

Summary of Recommendation:

Refuse is recommended

Refusal Reasons**Reason 1**

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

Reason 2

The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is not an existing cluster of development at this location; the site lacks a suitable degree of enclosure and is not bounded on at least two sides with other development and the development cannot be absorbed into an existing cluster.

Reason 3

The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would erode the rural character of the area.

Signature(s): Ciaran Devlin

Date: 17 October 2022

ANNEX	
Date Valid	4 August 2022
Date First Advertised	16 August 2022
Date Last Advertised	16 August 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier No Neighbours	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: LA09/2020/0970/O Proposals: Dwelling and garage Decision: PG Decision Date: 05-MAY-21 Ref: H/2003/1190/O Proposals: Site of one and a half storey dwelling and garage. Decision: PG Decision Date: 07-DEC-04 Ref: LA09/2022/1230/O Proposals: Proposed Site for Dwelling and Domestic Garage. Decision: Decision Date: Ref: LA09/2022/1226/O Proposals: Proposed Site for Dwelling and Domestic Garage Decision: Decision Date:	

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Outline resp.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: L01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.21
Application ID: LA09/2022/1230/O	Target Date: 17 November 2022
Proposal: Proposed Site for Dwelling and Domestic Garage.	Location: 155M South Of No.25a Cloane Road Draperstown BT45 7EJ
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Mark Quinn 1 The Brambles Station Road Magherafelt BT45 5RY	Agent Name and Address: CMI Planners Ltd 38B Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

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

Representations:

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

Summary of Issues

The proposal is contrary to policy.

Characteristics of the Site and Area

The site is located approximately 2km North of the development limits of Draperstown and is located within the open countryside outside any other designations as per the Magherafelt Area Plan 2015. The red line of the site is the southern corner of an existing

larger agricultural field which is relatively flat in nature with shrubs and grass within the field. The eastern boundary is defined by mature trees, with a mature hedge row defining the roadside boundary. The northern boundary is currently undefined with a laneway running adjacent to the southern boundary separating the application site from a dwelling under construction to the south. The surrounding area is mainly agricultural in nature with single dwellings located throughout.

Representations

No third party representations have been received.

Relevant Site History

LA09/2022/1226/O- Proposed Site for Dwelling and Domestic Garage. 100m South of No.25A Cloane Road, Draperstown. Pending Consideration

LA09/2020/0970/O- Dwelling and garage. Approx. 250M South Of 25 Cloane Road, Draperstown. Permission Granted 5th May 2021

LA09/2021/1532/RM- Dwelling and domestic garage. 250M South Of 25 Cloane Road, Draperstown. Permission Granted 25th January 2022.

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

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

Development in the countryside.

Policy CTY 1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access and road safety. A number of examples are provided in CTY 1 detailing the different cases, which would allow for planning permission in the countryside, one of these being a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a.

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 do not believe there is a cluster of development which lies outside of a farm. The agent has shown on the site location plan they believe there are three plots to the north of the site which are shown as No.25 and an associated outbuilding, No.25a and an associated outbuilding and then plot 3 which appears to be an agricultural field and farm buildings to the north of this. However, having viewed these on the ground and reviewed ortho images it is clear the buildings in plot 3 are farm buildings with another farm building to the north of these at the rear of No.25 as seen in the image below. From this, there is no cluster as there are only three buildings identified as the outbuildings and garages have to be excluded.

- *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.*

With regards the above two points, there is no existing cluster as per the policy so it fails to meet the above policy. It is noted that the site is located south of 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.*

The site is bounded on the southern side by a dwelling currently under construction approved under applications LA09/2020/0970/O & LA09/2021/1532/RM. The site is not bounded on any other sides by development.

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

As mentioned, the site is not bounded on at least two sides and there is not an existing cluster.

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

As this is an outline application, no detailed design details have been provided for a dwelling, but given the size of the application site and the surrounding area, I am content a dwelling at this location would not adversely affect residential amenity.

On the basis of the above assessment, the application fails to meet the policy criteria outlined in Policy CTY2a.

Policy CTY 13 of PPS 21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. As this is an outline application, no design details have been submitted. However, I am content a well-designed dwelling at this location would not be a prominent feature in the landscape and would visually integrate into the surrounding landscape given the mature tree boundaries which would provide a backdrop.

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 the proposal cannot meet the policy criteria set out in Policy CTY2a, I believe any dwelling approved here would result in the erosion of the rural character of the area.

PPS 3- Access, Movement and Parking:

DfI Roads were consulted on the planning application and provided conditions to be applied to any approval and that as part of any reserved matters application should show access constructed in accordance with the form RS1.

Other Material Considerations

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

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

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

settlement.

Reason 2

The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is not an existing cluster of development at this location; the site lacks a suitable degree of enclosure and is not bounded on at least two sides with other development and the development cannot be absorbed into an existing cluster.

Reason 3

The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would erode the rural character of the area.

Signature(s): Ciaran Devlin

Date: 18 October 2022

ANNEX	
Date Valid	4 August 2022
Date First Advertised	16 August 2022
Date Last Advertised	16 August 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier No Neighbours	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: LA09/2022/1230/O Proposals: Proposed Site for Dwelling and Domestic Garage. Decision: Decision Date: Ref: LA09/2020/0970/O Proposals: Dwelling and garage Decision: PG Decision Date: 05-MAY-21 Ref: LA09/2022/1226/O Proposals: Proposed Site for Dwelling and Domestic Garage Decision: Decision Date:	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Outline resp.docx	

Drawing Numbers and Title

Site Location Plan Plan Ref: L01

Notification to Department (if relevant)

Not Applicable

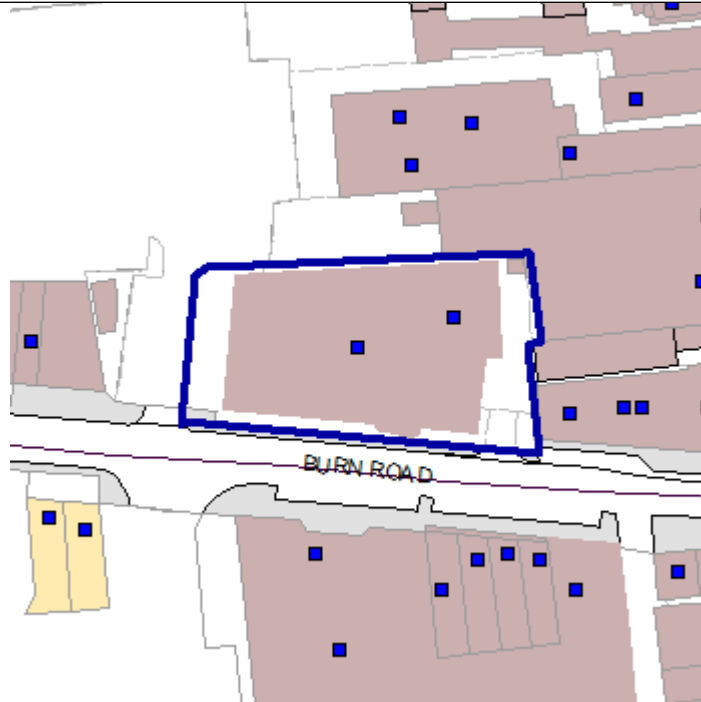


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.22
Application ID: LA09/2022/1369/A	Target Date: 23 December 2022
Proposal: 2 No Outdoor LED Video Wall	Location: The Burnavon Arts And Culture Centre Burn Rd, Cookstown
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mid Ulster District Council 50 Ballyronan Road Magherafelt BT45 6EN	Agent Name and Address: The Burnavon Arts And Culture Centre Burn Rd, Cookstown BT80 8DN
Executive Summary: The proposal is for the installation of 2 no. LED video walls to the front and car park side of The Burnavon Arts and Culture Centre which is operated by Mid Ulster District Council.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation full approval.docx

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site is located within the development limits of Cookstown, as defined in the Cookstown Area Plan 2010. The site is identified as The Burnavon Arts and Culture Centre, Burn Road, Cookstown, BT80 8DN.

Representations

No third-party representations have been received in relation to this application.

Description of Proposal

The application seeks consent for 2 No. outdoor LED video walls.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

1. Strategic Planning Policy Statement (SPPS);
2. Cookstown Area Plan 2010: This site is located within the development limits of Cookstown.
3. Planning Policy Statement (PPS) 17 – Control of Outdoor Advertisements;
4. Mid Ulster Development Plan 2030 – Draft Plan Strategy

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. The SPPS states that the regional strategic objectives for the control of advertisements are to:

- Ensure that outdoor advertisements respect the amenity and do not prejudice public safety, including road safety; and
- Help everyone involved in the display of outdoor advertisements contribute positively to the appearance of a well-cared for and attractive environment in our cities, towns, villages and countryside.

PPS 17 lays out the planning policy and guidance for the control of outdoor advertisements. Policy AD 1 Amenity and Public Safety states that consent will be given for the display of an advertisement where;

- i. It respects amenity, when assessed in the context of the general characteristics of the locality; and
- ii. It does not prejudice public safety.

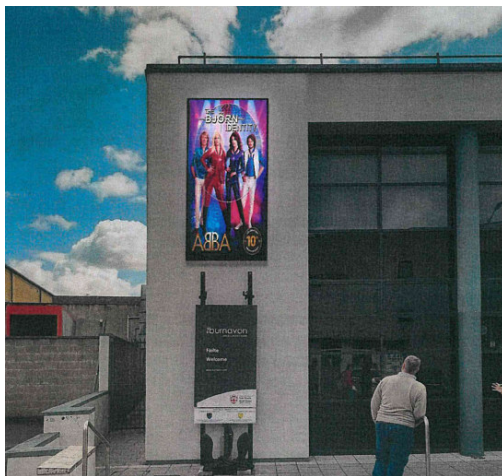
The guidance set out in Annex A for different categories of outdoor advertisement will be considered in the assessment of this proposal.

In terms of PPS 17, Policy AD 1 states consent will be given where the proposed signage respects the amenity, when assessed in the context of the general characteristics of the locality and it does not prejudice public safety.

Amenity

The application site is located within the development limits of Cookstown, in an area of mixed use. I consider the size and scale of the proposed LED video walls to be appropriate for the location. There are a number of other businesses in the vicinity of the application site and this end of Burn Road in particular features a lot of outdoor advertising, therefore I am content that the current proposal is not detrimental to the character of the surrounding area.

Overall, the size and scale of the proposal is considered appropriate for the location and the design is considered acceptable in relation to the guidelines set out in PPS 17.



Proposed locations for LED video walls

Public Safety

DfI Roads have been consulted in relation to this application and have responded with no objections therefore public safety is not considered an issue.

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

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

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

The signs shall be erected in the position shown on the approved Drawing No. L01 uploaded to the portal on 06/09/2022.

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

Signature(s): Zoe Douglas

Date: 18 October 2022

ANNEX	
Date Valid	9 September 2022
Date First Advertised	
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner / Occupier 9B Burn Road Cookstown Tyrone BT80 8DJ The Owner / Occupier 9 Burn Road Cookstown Tyrone BT80 8DJ The Owner / Occupier 39 William Street Cookstown Tyrone BT80 8BD The Owner / Occupier 5B Burn Road Cookstown Tyrone BT80 8DN The Owner / Occupier 4 Burn Road Cookstown Tyrone BT80 8DN The Owner / Occupier 4A Burn Road Cookstown Tyrone BT80 8DN The Owner / Occupier 4B Burn Road Cookstown Tyrone BT80 8DN The Owner / Occupier 4C Burn Road Cookstown Tyrone BT80 8DN	
Date of Last Neighbour Notification	22 September 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: I/1997/0453 Proposals: Demolition of Town Hall and erection of new Arts Centre and Theatre, to include Tourist Information Office, Cafe and Exhibition Space etc. Decision: PG Decision Date: Ref: LA09/2020/0988/F Proposals: Proposed change of use from retail to restaurant and take away Decision: PG Decision Date: 29-MAR-21	

Ref: I/2005/1423/F

Proposals: Amendments to the original scheme, a new door opening in retail unit 5a providing access to the unit in the event of power failure to the roller shutter door system

Decision: PG

Decision Date: 20-JAN-06

Ref: I/2004/0950/F

Proposals: Redevelopment of existing retail outlet to provide 3 No. retail units and installation of a new shop front.

Decision: PG

Decision Date: 17-NOV-04

Ref: I/2005/1428/A

Proposals: Shop Sign

Decision: CG

Decision Date: 21-JAN-06

Ref: I/1976/0092

Proposals: CONVERSION TO ELECTRICITY SHOWROOM

Decision: PG

Decision Date:

Ref: I/1984/0312

Proposals: ALTERATIONS TO NIES SHOWROOM

Decision: PG

Decision Date:

Ref: I/1994/0167

Proposals: Erection of Satellite Dish

Decision: PG

Decision Date:

Ref: I/1985/0226

Proposals: EXTENSION TO EXISTING SHOP PREMISES

Decision: PG

Decision Date:

Ref: I/1988/0009

Proposals: ALTERATIONS TO EXISTING SHOP FRONT

Decision: PG

Decision Date:

Ref: LA09/2021/0870/F

Proposals: To change the use of the permission without complying with condition 2 (seeking variation of opening hours from 9.00am to 3.00am)

Decision: PG
Decision Date: 12-OCT-21

Ref: I/2010/0021/F
Proposals: Replacing the existing recessed shop front on the ground floor with a new frameless glass shop front flush with the front elevation

Decision: PG
Decision Date: 23-FEB-10

Ref: I/1990/0149
Proposals: Extension to Shop Premises
Decision: PG
Decision Date:

Ref: I/1975/0051
Proposals: ERECTION OF SHOPS AND STORES
Decision: PG
Decision Date:

Ref: I/1980/0379
Proposals: REBUILDING SHOP FRONT AND NEW CANOPY
Decision: PG
Decision Date:

Ref: I/1990/0396
Proposals: Change of use of rear part of first floor of shop to restaurant
Decision: PG
Decision Date:

Ref: I/1986/0104
Proposals: ERECTION OF STORE AND ALTERATION TO EXISTING BOOKMAKERS
Decision: PG
Decision Date:

Ref: I/1985/0033
Proposals: BOOKMAKER'S OFFICE - SHOP AND FLATS ABOVE
Decision: PG
Decision Date:

Ref: I/2011/0183/F
Proposals: Proposed First Floor Extension To Existing Arts+Cultural Centre To Include Additional Performance Space Offices Conference Facilities And Toilets 1 No Retail Unit And Alterations To Existing Service Yard .
Decision: PG
Decision Date: 28-FEB-12

Ref: I/1996/6022

Proposals: Proposed Re-development of Town Hall Burn Road, Cookstown

Decision: QL

Decision Date:

Ref: I/1974/0300

Proposals: RENOVATIONS TO TOWN HALL

Decision: PG

Decision Date:

Ref: I/2003/0593/O

Proposals: Proposed Retail Outlet

Decision: PG

Decision Date: 20-OCT-03

Ref: I/1995/0406

Proposals: Demolition of rear extension and erection of new store for shop

Decision: PG

Decision Date:

Ref: LA09/2021/0132/F

Proposals: Proposed alterations to existing shop units.

Decision: PG

Decision Date: 04-NOV-21

Ref: I/1989/0080

Proposals: Extension to Shop and New Shop Front

Decision: PG

Decision Date:

Ref: LA09/2018/1312/F

Proposals: Proposed part demolition of existing outbuildings to allow for 3 storey apartment scheme consisting of 1 No. one bed & 9 No. two bed apartments with 5 No. insitu parking and amenity spaces.

Decision: PG

Decision Date: 01-OCT-19

Ref: I/2008/0723/F

Proposals: Improvements to footpath paving and road surface, feature lighting columns, replacement brackets/lanterns to existing

Decision: PG

Decision Date: 13-FEB-09

Ref: I/2007/0540/F

Proposals: Proposed part demolition of existing outbuildings to allow for 3 storey apartment scheme consisting of 1No. one bed and 9No. two bed apartments with 5No. insitu parking and amenity spaces.

Decision: PG

Decision Date: 14-MAY-09

Ref: LA09/2022/1369/A

Proposals: 2 No Outdoor LED Video Wall

Decision:

Decision Date:

Ref: I/2001/0879/A41

Proposals: Tourist Information Points

Decision: 205

Decision Date: 13-FEB-02

Summary of Consultee Responses

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

Drawing Numbers and Title

Site Location Plan Plan Ref: PL-01

Proposed Elevations Plan Ref: L01

Proposed Elevations Plan Ref: L02

Notification to Department (if relevant)

Not Applicable



Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2018/0566/F	Target Date: <add date>
Proposal: Erection of 6 no dwellings and associated access road	Location: Approx 90M East Of 96 Davagh Road Omagh
Applicant Name and Address: M Conway 113A Davagh Road Mountfield Omagh Tyrone BT79 8JL	Agent Name and Address: Desmond O'Neill 17 Main Street Dromore Omagh BT78 3AE
Summary of Issues: There are two letters of objection which make the following points: <ul style="list-style-type: none">- The proposal is contrary to the relevant plan and is not suitable at this location- The proposal will adversely affect the intrinsic environmental value and character of the local landscape area;- The proposal will have an adverse impact on the established character of the neighbourhood;- The area is heavily populated with diverse wildlife;- The location is rural and unspoilt by residential development. <p>These letters have been received from the same objector on the following dates</p> <ul style="list-style-type: none">- 11 June 2018- 22 June 2022 (post committee meeting in May 2022). <p>In response to the issues of concern the application site is located within a DRC as identified in the Cookstown Area Plan, it is located at a focal point, and this is addressed later in this report. I will also address the character of the area in the Deferred Consideration below.</p>	
Summary of Consultee Responses: No issues of concern have been raised by the consultees.	

Characteristics of the Site and Area:

The site is in the rural countryside outside any settlement limits and within the designated Broughderg Dispersed Rural Community as depicted within the Cookstown Area Plan 2010. The site is located approximately 5.5km NW of the defined settlement limits of Dunnamore. The proposal site comprises a portion of a large agricultural field Page 8 of 368 Application ID: LA09/2018/0566/F located at the crossroads where Broughderg Road and Davagh Road meet. There is traffic directional signs and a fenced plaque located adjacent to the application site on the grass verge at the public road junction. The field is accessed via an agricultural gate onto Broughderg Road, however the site also has frontage along Davagh Road. The roadside boundaries of the site are defined by post and wire fencing. The topography of the site is relatively flat with the surrounding landform undulating and remote. The site is located within the Sperrin's AONB, and the surrounding area is rural in character. The predominant land use in the surrounding area is agricultural fields, there is low development pressure with some dispersed dwellings. Our Lady of the Wayside Church is in close proximity to the west and beyond this to the west, a short distance away is Broughderg Post Office.

Description of Proposal

This application seeks full planning permission for the erection of 6 dwellings and associated works located on lands approximately 90m East of 96 Davagh Road, Omagh. The dwelling is being applied for under Planning Policy Statement 21, Policy 2 Development in Dispersed Rural Communities.

Deferred Consideration

This application was presented before Members in May 2022 with a recommendation to approve, subject to several conditions. Members sought a site visit as there was some confusion with a letter of objection being received or not and the site visit has been carried out.

The application site is located within the Broughderg and Davagh Upper Dispersed Rural Community (DRC) with the Sperrin Area of Outstanding Natural Beauty, Area of Constraint on Mineral Development, and an Area of Significant Archaeological Interest. The area plan acknowledges the development pattern in the area varies considerably with the landscape to the north of the Broughderg Road dominated by upland moorland and few occupied dwellings. However, to the south of the road the land becomes more arable and there are several dwellings scattered throughout the area. A locally significant focal point is noted at the St Mary's Church and former post office. Housing within the DRC will be regulated in accordance with the provisions of prevailing regional planning policy and considering guidance in the Cookstown Area Plan, which is currently the extant plan for this site. I will come onto a consideration of the regional policy later in this report.

The Area Plan states that new development and individual dwellings should be located on sites that visually integrate into the landscape and designed in a manner that is in keeping with the vernacular traditions of the Sperrin AONB. The Area Plan seeks an informal layout which reflects a clachan style and dwellings should be of simple form.

Key to the consideration of this application is *"clusters of development will normally be located close to the existing focal point on the Draperstown Road"*. The site is located on

the southern side of the Sixtowns Road, at a crossroads at which is also sited Our Lady of the Wayside Church.

Policy CTY 2 of PPS 21 deals with development in a DRC. It states within a DRC planning permission will be granted to suitable proposals for a small cluster or “clachan” style development of up to 6 houses at an identified focal point and permission will generally be limited on one cluster per focal point.

From the site visit with Members, it is my opinion the site is located at a focal point being situated at a crossroads with the Lady of the Wayside Church also located at the crossroads. There is another focal point to the southwest of the application site at St Mary’s Church and former post office within this DRC and this is c.0.5 miles from the application site. There is development on both sides of the Broughderg Road and Davagh Road. The land rises to the northern side of the road and falls away to the southern side of the road.

The proposal is for a small cluster of 6 houses which is acceptable in terms of Policy CTY 2 of PPS 21 and there is no history of a cluster at this focal point. I consider the design of the proposed dwellings acceptable, and the layout is acceptable considering planning policy.

No concerns have been raised by the consultees.

I recommend an approval of this application subject to the conditions listed below.

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 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. 12 bearing the date stamp 02 November 2021.

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.

3. 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 commenced until the works necessary for the improvement of the public road network have been completed in accordance with the details outlined blue on Drawing Number 12 bearing the date stamp 02 November 2021 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.

4. The visibility splays of 2.4 x 70 metres at the junction of the proposed access road with Davagh Road, shall be provided in accordance with Drawing No. 12 bearing the date stamp 02 November 2021, prior to the commencement of any other works or other development. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the 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 visibility splays of 4.5 x 140 metres in the eastern direction at the junction of the Davagh Road with the Broughderg Road, shall be provided in accordance with Drawing No. 12 bearing the date stamp 02 November 2021, prior to the commencement of any other works or other development. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the 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. Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 1993, no buildings, walls or fences shall be erected, nor planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 500 mm shall be carried out 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.

7. If the finished ground level of the adjacent lands is greater than 150mm below the finished level of the adjoining footway or verge, a boundary fence or wall shall be provided to a minimum height of 1.1 m above the footway or verge level.

Reason: To ensure the safety of pedestrians on the public road.

8. All proposed planting as indicated on approved Drawing No. 02 Rev 1 date stamped 10th June 2021 shall be carried out in the first available planting season after the commencement of development and permanently retained thereafter. Any trees or shrubs which, within a period of 5 years from the occupation of the building, 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.
Signature(s)
Date:

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2018/0566/F	Target Date:
Proposal: (amended scheme) Erection of 6 no dwellings and associated access road	Location: Approx 90m East of 96 Davagh Road Omagh
Referral Route: 1no. Objections received	
Recommendation:	Approval
Applicant Name and Address: M Conway 113a Davagh Road Mountfield Omagh Tyrone	Agent Name and Address: Desmond O'Neill 17 Main Street Dromore Omagh
Executive Summary: Proposal complies with relevant prevailing planning policy. 1No. objection letter received and considered below.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	NIEA	Substantive Response
Non Statutory	Environmental Health	Substantive Response
Non Statutory	NI Water Multi Units	Substantive Response
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	Historic Environment Division	Content
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	NIEA	Advice

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

Characteristics of the Site and Area

The site is located in the rural countryside outside any settlement limits and within the designated Broughderg Dispersed Rural Community as depicted within the Cookstown Area Plan 2010. The site is located approximately 5.5km NW of the defined settlement limits of Dunnamore. The proposal site comprises a portion of a large agricultural field

located at the crossroads where Broughderg Road and Davagh Road meet. There is traffic directional signs and a fenced plaque located adjacent to the application site on the grass verge at the public road junction. The field is accessed via an agricultural gate onto Broughderg Road, however the site also has frontage along Davagh Road. The roadside boundaries of the site are defined by post and wire fencing. The topography of the site is relatively flat with the surrounding landform undulating and remote. The site is located within the Sperrin's AONB and the surrounding area is rural in character. The predominant land use in the surrounding area is agricultural fields, there is low development pressure with some dispersed dwellings. Our Lady of the Wayside Church is located in close proximity to the west and beyond this to the west, a short distance away is Broughderg Post Office.

Description of Proposal

This application seeks full planning permission for the erection of 6 dwellings and associated works located on lands approximately 90m East of 96 Davagh Road, Omagh.

The dwelling is being applied for under Planning Policy Statement 21, Policy 2 Development in Dispersed Rural Communities.

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 2: Planning and Natural Heritage

PPS 6: Planning, Archaeology and the Built Heritage

PPS 3: Access, Movement and Parking

PPS 21: Sustainable Development in the Countryside

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 and Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, 1no. Objection letter was received from

the owner/occupier of the property directly opposite the application site, 96 Davagh Road. The details of the objection are outlined and considered below.

- Objector states the proposal is contrary to the relevant plan and the development is not suitable in this location. He argues the proposal would adversely affect the intrinsic environmental value and character of the local landscape area; will have an adverse impact on the established character of the neighbourhood; and is heavily populated with diverse wildlife. He states the location is extremely rural and unspoilt by residential development and his family have lived in this area for over 140 years and rely on the Planning Office to protect its originality and vitality.

The proposal site is located within a designated Dispersed Rural Community (DRC) within the extant Cookstown Area Plan 2010. The relevant planning policy for development in the countryside is PPS21 which sets out a circumstance for development within a DRC. It is considered the proposal complies with this relevant policy and this is set out in greater detail below. The DRC designation recognises the strong identity in this area and the need for local housing and it is considered this small development will accommodate this and therefore protect the vitality of the area. It is recognised that the surrounding landscape is remote and therefore it is necessary to ensure appropriate design and integration into the landscape. The proposed design, density and layout are considered in greater detail below to ensure no detrimental impact on the intrinsic value of this area. It is noted the objector has referred to diverse wildlife. The agent has provided a signed Biodiversity Checklist which does not identify any impact on protected or priority species. A review of NIEA Map Viewer has been carried out and it is noted NIEA were consulted on this application and have not raised any objections.

History on Site

LA09/2017/0971/PAD - Proposed site for rural housing - Davagh Road, Mountfield – PAD Declined

I/2013/0264/F - Proposed farm dwelling - Approx. 70m North of 113 Davagh Road Broughderg Co Tyrone – Permission Granted 13/08/14

Key Policy Considerations/Assessment

Cookstown Area Plan 2010 – the site lies in the rural countryside outside any designated settlement. The application site is located within Broughderg and Davagh Upper designated Dispersed Rural Community (DRC), the Sperrin's Area of Outstanding Natural Beauty (AONB), an Area of Constraint on Mineral Developments and an Area of Significant Archaeological Interest.

The Plan states a Dispersed Rural Community is designated at this location to accommodate the need for limited, local housing in recognition of its existing community facilities and strong local identity in an area of low development pressure. Cookstown Area Plan 2010 identifies St Mary's Church and Broughderg post office as forming a locally significant focal point on Broughderg Road. It is noted the application site is located in proximity of Broughderg Post Office and is adjacent to Our Lady of the Wayside Church. The Plan states housing within the DRC will be regulated in accordance with the provisions of prevailing regional planning policy and in the light of plan guidance set out below.

"New development and individual dwellings should be located on sites that visually integrate into the landscape. Proposals should be designed in a manner that is in keeping with the vernacular traditions of the Sperrin AONB. Clusters of development should have an informal layout reflecting a clachan style and should not take the form of a suburban type layout typical of urban locations. Individual buildings, including those within clusters, should normally be simple in form, avoiding ornate front projections, and should be modest in scale whilst conforming to the following guidance:

- external finishes should be white or off-white roughcast or smooth render with dark blue/black slates or non-profiled tiles;
- window and door openings should have a pronounced vertical emphasis formed in the actual block work rather than by the use of glazing bars; and
- wide gable ends in association with low roof pitches should be avoided, with preference being given to buildings normally not more than 7.5 metres wide and with roof pitches not less than 40 degrees."

The layout of the proposed cluster has been considered at internal group and has been agreed as acceptable. It is noted that all proposed dwellings are finished with white rough case external wall finishes and natural slate roofs with the addition of some locally sourced stone which is considered acceptable. It is noted House Types B and D have a gable end width less than 7.5m in keeping with the Plan preference, however House Types D1 and D1a have an approx. 9m gable width. All opening have a vertical emphasis which is considered appropriate. Housing within the DRC will be regulated in accordance with the provisions of prevailing regional planning policy PPS21 Policy CTY2, the criteria of which is considered below. Policy NH6 of PPS2 is applicable as the application is located within the Sperrin's AONB. Policy NH6 states that permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality. It is considered the scale of each dwelling unit is modest and the design is in keeping with the rural setting. It is considered the proposal will respect the character of the rural area in accordance with the Area Plan and Policy NH6 of PPS2.

The application site is located within Beaghmore Area of Significant Archaeological Interest. Area Plan Policy Con 4 states Planning permission will not be granted for proposals for large-scale development or the erection of masts or pylons within this area unless it can be demonstrated that there will be no significant impact on the character and appearance of this distinctive historic landscape. Particular attention will be paid to the impact of proposals when viewed from the stone circles and other critical viewpoints within this area. I do not consider the proposal to be large scale, the proposed development whilst high density in comparison to development in the surrounding area, the development is modest, the scale is appropriate and it is considered can be absorbed into the historic landscape without significant impact. It is considered the distance between the proposed development stone circles will ensure no detrimental impact on this heritage asset or its setting. Given the application site is located within a designated ASAI, HED were consulted. HED (Historic Monuments) has considered these proposals and find that they will not provide any adverse impact upon setting of the ASAI as the proposed buildings are of appropriate design and will read with the adjacent existing buildings in views across the wider landscape. The potential for uncovering buried archaeological remains during site works is considered low and

archaeological mitigation is not required. In light of this response, it is considered the proposal complies with Area Plan Con 4 and PPS 6.

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 proposal falls under one of these instances, Policy CTY 2 - Development in Dispersed Rural Communities. Policy CTY 2 states planning permission will be granted to suitable proposals for a small cluster or 'clachan' style development of up to 6 houses at an identified focal point within a Dispersed Rural Community designated in a development plan.

As stated above, the proposal is located within Broughderg and Davagh Upper Dispersed Rural Community as designated within the extant Cookstown Area Plan 2010. The proposal represents a small cluster of 6 housing units sited adjacent to a church which is considered an acceptable focal point. It is considered the proposal site is visually linked to an identified suitable focal point and the cluster of development proposed will build upon and consolidate this focal point. The siting of the proposal in relation to the focal point is considered appropriate and will combine to form one visual entity in the landscape. The locally distinctive traditional siting patterns have been reflected and reinterpreted in the layout of new houses and this consolidates local identity. It is considered the proposed design and finishes of each dwelling unit is of a high quality, appropriate to the rural setting and have regard to local distinctiveness. It is considered the application site can accommodate the proposed 6 dwelling units with adequate provision for in-curtilage parking, access arrangements and private amenity space. Drawing 02 Rev 1 proposes substantial native species planting to the boundaries of the site which will assist integration and will be conditioned to any forthcoming approval. The topography of the site is relatively flat and it is considered the development will consolidate and accord with the existing settlement pattern. The access arrangements are considered acceptable and DFI Roads has been consulted and raised no concerns. It is noted that the proposal will be served by a private treatment plant and consent will be required by NIEA for sewage disposal outside the remit of planning. Overall it is considered the proposal accords with Policy CTY2 and is acceptable in this location.

Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside states Traditional clachans have an intimacy and scale that is not easy to replicate with contemporary homes. Typically the buildings were small, the spaces between were small and all was held together by a network of stone walls and enclosures which welded the group together. It is considered the layout and design is appropriate and the stone wall helps create a traditional clachan appearance. The design and layout accords with the rural, remote landscape and the use of landscaping will ensure visual integration into the surrounding landscape. It is considered the proposal will blend in successfully with its

immediate and wider surroundings given the modest scale of the dwelling units in accordance with Policy CTY 13. 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 proposed development will consolidate development at a local focal point and will respects the characteristics of this designated DRC. I do not consider will detrimentally alter the rural character of this area to warrant refusal. Overall, I consider the proposal accords with Policy CTY 13 and CTY 14.

Planning Policy Statement 3: Access, Movement and Parking

The proposal is for 6 dwelling units therefore is subject to Private Streets Determination. DfI Roads have been consulted and are content with the proposed access and parking arrangements subject to conditions. Having considered the access arrangements and in light of DFI Roads consultation response, I am satisfied the proposal accords with PPS3 AMP2.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having considered all relevant prevailing planning policy, the proposal is recommended for approval subject to the conditions outlined below.

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 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. 12 bearing the date stamp 02 November 2021

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.

3. 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 commenced until the works necessary for the improvement of the public road network have been completed in accordance with the details outlined blue on Drawing Number 12 bearing the date stamp 02 November 2021 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.

4. The visibility splays of 2.4 x 70 metres at the junction of the proposed access road with Davagh Road, shall be provided in accordance with Drawing No. 12 bearing the date stamp 02 November 2021, prior to the commencement of any other works or other development. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the 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 visibility splays of 4.5 x 140 metres in the eastern direction at the junction of the Davagh Road with the Broughderg Road, shall be provided in accordance with Drawing No. 12 bearing the date stamp 02 November 2021, prior to the commencement of any other works or other development. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the 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. Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 1993, no buildings, walls or fences shall be erected, nor planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 500 mm shall be carried out 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.

If the finished ground level of the adjacent lands is greater than 150mm below the finished level of the adjoining footway or verge, a boundary fence or wall shall be provided to a minimum height of 1.1 m above the footway or verge level.

Reason: To ensure the safety of pedestrians on the public road

2. All proposed planting as indicated on approved Drawing No. 02 Rev 1 date stamped 10th June 2021 shall be carried out in the first available planting season after the commencement of development and permanently retained thereafter. Any trees or shrubs which, within a period of 5 years from the occupation of the building, 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.

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 applicants attention is drawn to Environmental Health consultation response dated 16/08/18.
5. The Private Streets (Northern Ireland) Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992. Under the above Orders 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 DfI Roads to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewers.
6. The developer, future purchasers and their successors in title should note that DfI Roads will not adopt any 'street' as defined in The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992 until such time an Article 161 agreement between the developer and NI Water for the construction of foul and storm sewers including any attenuation holding tanks and discharge pipes has been fully implemented and works upon completion approved by NI Water Service .
7. The service strips coloured green with black hatching on the approved plan have been determined as lands to be adopted by the Department for Infrastructure. It is, therefore, essential that vendors inform house purchaser of their limited rights within such strips. It is strongly recommended that the developer does not sell or lease the land from the service strips as parts of housing plots. If land for service strip is to be sold or leased to house purchasers the vendor must insert in the deeds the following clause or covenant:-"The purchaser hereby covenants with the vendor that he/she, the purchaser, and his/her successors in title will not at any time hereafter erect or construct any building wall or fence or plant any tree or shrub on the strip of land shown hatched on the approved PSD plan annexed hereto, nor do or suffer to be done therein or thereon any act, matter or thing whereby the cover of soil over or the support of the pipes, wires and/or cables laid in the said strip of land shall be altered or which may render access thereto more difficult or expensive and shall understand that the road authority and statutory undertakers have unencumbered right of access to the said strip of land."

8. Highway design shall be in accordance with the current relevant standards of the Design Manual for Roads and Bridges.

9. Separate approval must be received from DfI Roads in respect of detailed standards required for the construction of streets in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001.

Signature(s)

Date:



Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2020/0343/F	Target Date:
Proposal: Proposed residential development of 2 no detached dwellings & 2 no semi-detached dwellings	Location: 62 Glen Road Maghera
Applicant Name and Address: Danny McMaster 103 Glen Road Maghera	Agent name and Address: CMI Planners Ltd 38B Airfield Road Toomebridge Antrim BT41 3SG
Summary of Issues: <ul style="list-style-type: none">- The turning head for traffic is too close to the neighbouring residential property and will impact upon their amenity.- The proposed HT4 will sit immediately next to an existing neighbouring property and is too close to that property and will result in overlooking.- The demolition of the existing dwelling and redevelopment of the site will have a negative impact on the character of this ATC.- There are too many houses being proposed in the ATC.- The proposed houses are not in keeping with the building line along the Glen Road.- The Glen Road is already a busy road with a mixture of houses, schools and commercial premises and the additional dwellings will further exacerbate the current problems. <p>There were a total of 15 objections received prior to the revised layout being submitted. Subsequent to the revised layout one letter of objection has been received from no 64 Glen Road who have raised the following concerns:</p> <ul style="list-style-type: none">- The development fails to enhance the overall character and does not respect the built form of the ATC- The application is contrary to the SPPS- Fails to demonstrate it is not likely to harm a European protected species.	

The concerns raised will be dealt with under “Deferred Consideration” below.

Characteristics of the Site and Area:

The site is located within the settlement limits of Maghera and designated Area of Townscape Character (Designation MA 14) as defined in the Magherafelt Area Plan 2015. The application site comprises an existing 2 storey detached dwelling and garage on a large plot with generous side and rear garden. The existing dwelling appears to be rundown and currently unoccupied, this existing dwelling will need to be removed to accommodate the proposed scheme. The site is currently accessed via an existing driveway which this application seeks to amend, relocating slightly west. There are number of protected trees subject to a Tree Protection Order on the site. There are currently mature trees to the front of the site, the front boundary is enclosed by a low dashed wall approx. 1 metre in height. The western and southern boundary are defined by mature vegetation and the eastern boundary is defined by close board fencing, which appears to be recently erected, and some scattered trees and vegetation. The immediate surrounding context is predominantly residential and urban in character, comprising large detached dwellings on extensive plots at both sides of the Glen Road. There is a high density modern housing development immediately south of the site comprising detached dwellings. In proximity to the northeast, there is a row of two storey semi-detached dwelling set close to the public road with small front gardens/yards.

Description of Proposal

The application has been revised from a 6 detached dwellings to 4 dwellings, comprising of two detached dwellings to the front of the site and a pair of semi detached dwellings to the rear of the site.

Deferred Consideration:

This application was presented before Members of the Planning Committee in November 2021 with a recommendation to refuse. The application was deferred by Members for an office meeting with the Service Director. Following the office meeting the agent has revised the proposed scheme from 6 dwellings down to 4 dwellings.

Policy ATC 2 of PPS 6 addresses new development in an ATC. Development is only permitted in an ATC where it maintains or enhances the overall character and respects the built form of the area. Any trees, archaeological or other landscape features which contribute to the distinctive character of the area are to be protected and integrated in a suitable manner into the design and layout of the development.

The existing built form at this ATC includes some backland development at No 81A Glen Road (on the opposite side of the road) which is to be included in the consideration of the character of the area. This has also been approved for an extension to the dwelling which will raise the height from single storey to two storey and, thereby, will be more visible in the local area. There is also a commercial building at No 81 Glen Road which sits within the ATC. From a site inspection, it is apparent the proposal will respect the built form of the ATC. The trees to the front of the site are to be mostly retained and these will provide a high-quality foreground to any development on the application site. The two detached dwellings will sit nestled behind the trees, particularly site 2 and I consider the design to be

appropriate at this location. Policy ATC 2 requires trees, such as these, which contribute to the distinctive character of the area, to be protected and integrated in a suitable manner into the design and layout of the development.

I consider the reduced scheme acceptable at this location and in line with the principles of the ATC and recommend an approval.

Conditions-

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

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

2. The vehicular access including visibility splays of 2.4m x 70m shall be provided in accordance with drawing no 08 rev 7 bearing the date stamp 04 March 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.

3. All protective fencing will be provided in accordance with drawing no 09 rev 5 and will be erected prior to commencement of any site works and retained during construction phase of development.

Reason: To protect, conserve and enhance the protected trees under TPO/2009/0093.

4. All proposed remedial works shall accord with the report by M Large Tree Services, surveyed on 3 February 2021.

Reason: To protect, conserve and enhance the protected trees under TPO/2009/0093.

5. All hard and soft landscaping, including the planting of additional trees shall be provided in accordance with drawing no 08 rev 7.

Reason: To protect, conserve and enhance the protected trees under TPO/2009/0093.

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: LA09/2020/0343/F	Target Date:
Proposal: Proposed residential development of 4 No. detached dwellings (Amended Plans)	Location: 62 Glen Road Maghera
Referral Route: Refusal recommended & 15 objections received	
Recommendation:	Refusal
Applicant Name and Address: Danny Mc Master 103 Glen Road Maghera	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge Magherafelt
Executive Summary: Proposal considered against prevailing planning policy. It is considered the proposal as it stands is contrary to Policy ATC 2 of PPS6, Policy QD1 of PPS7, Policy LC1 of APPS 7 and Policy NH 2 of PPS2. 15 letters of objection received which are considered below.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing advice
Non Statutory	NI Water	Substantive Response
Non Statutory	Environmental Health	Substantive Response
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	Historic Environment Division	Content
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	NIEA	Advice

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

Characteristics of the Site and Area

The site is located within the settlement limits of Maghera and designated Area of Townscape Character (Designation MA 14) as defined in the Magherafelt Area Plan 2015. The application site comprises an existing 2 storey detached dwelling and garage on a large plot with generous side and rear garden. The existing dwelling appears to be rundown and currently unoccupied, this existing dwelling will need to be removed to accommodate the proposed scheme. The site is currently accessed via an existing driveway which this application seeks to amend, relocating slightly west. There are number of protected trees subject to a Tree Protection Order on the site. There are currently mature trees to the front of the site, the front boundary is enclosed by a low dashed wall approx. 1 metre in height. The western and southern boundary are defined by mature vegetation and the eastern boundary is defined by close board fencing, which

appears to be recently erected, and some scattered trees and vegetation. The immediate surrounding context is predominantly residential and urban in character, comprising large detached dwellings on extensive plots at both sides of the Glen Road. There is a high density modern housing development immediately south of the site comprising detached dwellings. In proximity to the northeast, there is a row of two storey semi-detached dwelling set close to the public road with small front gardens/yards.

Description of Proposal

This application seeks full planning permission for 4 no. detached dwelling units at 62 Glen Road, Maghera.

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
- PPS 2: Natural Heritage
- PPS 3 - Access, Movement and Parking
- Addendum to PPS 6 Areas of Townscape Character
- PPS 7 - Quality Residential Environments
- Addendum to PPS 7 - Safeguarding the Character of Established Residential Areas (APPS 7)
- 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. 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.

Planning History

LA09/2017/0283/F - Proposed retaining wall within existing approved housing development (H/2014/0314/F) - Located 60m South of 62 Glen Road, Maghera due east of sites 3,4 and 5 Glen Gardens off Glen Road, Maghera - Permission Granted 15/01/19

LA09/2017/0800/F - Change of house type to Sites 1 and 2 (Planning Ref: H/2014/0314/F) and provision of 3 no additional dwellings and domestic garages (Sites 20, 21 & 22) - Located 20m East of 62 Glen Road, Maghera, Glen Gardens off Glen Road, Maghera - Permission Granted 26/06/18

H/2014/0314/F – Proposed Residential Development of 19No. Dwellings (detached) and Garages - Rear of 58A, 62, 64 & 80 Glen Road Maghera – Permission Granted 25/08/16

H/2014/0394/O - Site for dwellings and garages for residential use - 58A and 60 Glen Road, Maghera – Permission Granted 11/02/16

H/2007/0978/F - Proposed demolition of two no. dwellings to provide lands for housing development consisting of 2no. detached, 3no. townhouses, 6no. apartments and 6no. semidetached dwellings (Amended proposal received showing amendments to apartments 1-6 adjacent to No 58 Glen Road) - Nos. 59a & 60 Glen Road, Maghera – Permission Granted 14/12/09

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, 15no. Letters of objection have been received which were sent from or on behalf of the owner/occupiers of No. 58, 64, 77, 81a and 83 Glen Road. It should be noted that a number of the objection letters refer to 6 proposed dwellings and were received prior to the submission of an amended scheme which removed 2 units, reducing the scheme to 4no. Proposed dwellings. 2no. objection letters also include a number of photographs which are available to view on the Planning Portal Public Access.

Four almost identical objection letters were received in respect of the proposed development which outline the following concerns:

- The proposal is a gross violation of MA14 Area of Townscape Character, Policy ATC1 & ATC2 and Annex 6 of PPS6;
- TPO provisions would be seriously compromised by the proposed development;
- The existing property of No.62 should not be replaced by multiple properties.

I have aimed to summarise all concerns outlined in the remaining objection letters below:

- Contrary to Policy ATC1 as existing dwelling contributes significantly to ATC. The dwelling was built in 1956 and has a unique copper roof, the architect-designed modernist property was 'Avant Garde' for its time of construction. Demolition would detract from the ATC and redevelopment will spoil the distinctive character of the area.
- Refers to Policy ATC1 J&A which states ATCs exhibit a distinct character normally based on their historic built form or layout and argues this is the reason this ATC was granted, comprising 7 individual houses in their own grounds, set back from the road.
- Existing dwellings on Glen Road have a unique design and all face the road with front gardens. The proposal would break this attractive pattern, does not respect and is out of keeping with the surrounding built form design and layout.
- Argues 2 houses maximum would enable Glen Road to retain its character.
- Argues there are too many houses being proposed in this area.
- Reference to sections and paragraphs of the RDS 2035 including RG8 "manage housing growth to achieve sustainable patterns of residential development"; and

RG11 "Conserve, protect and where possible enhance our built heritage and our natural environment".

- Glen Road is heavily congested and in the past 10-15 years there has been a dramatic increase in the volume of traffic including Glen Gardens housing development. Refers to the existing traffic generated from No.81, large electrical contractor, a factory at 100 Glen Road and 4 schools on the Glen Road. Increased volume of traffic impacts health and safety of everyone who lives on Glen Road and pedestrians using this road.
- Argues the proposal should not create an extra opening onto Glen Road and the sight lines entering and existing onto no.62 are not safe.
- Proposed new houses not in keeping with the building line with 2 proposed detached houses some distance in front of the building line of adjacent and long established homes.
- Two proposed houses are only 1 meter from the boundary of No.64 which may cause overlooking with ground and first floor windows and will block light to the property and garden. Argues houses are squeezed into the space without regard to neighbours and turning head is too close to No.64 and creates potential for traffic fumes, bright lights and noise pollution.
- States No.81, opposite no. 62 and 64, applied to build several houses which was refused some years ago for the reasons already mention.
- Unacceptable loss of privacy and overlooking contrary to criteria h of PPS7 from minimal separation distance between Plot 4 open sided balcony towards no.64 and Plot 1 first floor bedroom windows to the east gable and Plot 2 first floor bedroom windows to the western gable.
- Plot 4 turns its back onto the internal road meaning the front of the dwelling faces south which is unacceptable in terms of street scene and informal surveillance contrary to Creating Places.
- Insufficient information to demonstrate no harm to protected species contrary to Policy NH2 of PPS6 from the demolition works and relocation of trees which could cause harm to protected species namely bats. Council should not make a positive determination to the proposal without necessary ecological reports in place or it will have erred in the decision making process
- Proposal offends the rationale for the ATC designation as the proposed dwellings would not be sited within large plots but instead medium sited pilots, some units would be sited within plots not subservient to the mature trees and some dwellings would not be within mature gardens.
- The density of the proposal represents 13.no dwellings per hectare compared to 3.5 dwellings per hectare in the existing ATC. Significantly greater housing density resulting in the erosion of low density housing contrary to Policy ATC2 of PPS6 and MAP.

Consideration of concerns raised:

The proposal will be considered against the policy criteria outlined in the objection letters and all relevant prevailing planning policy in detail later in the report. I will aim to consider the remaining concerns and points raised in the objection letters in turn below.

- It is noted that the proposal site is subject to a Tree Protection Order. During the processing of this application, further information was requested including an

Arboricultural Methodology Statement, up to date Tree Health and Condition Survey and Tree Management and Maintenance Statement to establish the impact of the proposal on protected trees. Internal consultation was carried out Mid Ulster District Council Environment and Conservation team and specifically the Tree Protection Officer. The Tree Protection Officer has considered the information and plans provided and advised based on the evidence provided that certain specific named trees which are determined to be in a poor condition and/or for site safety may be removed under s.122 (5) of the Planning Act (NI) 2011. Plan 08 Rev 7 illustrates additional supplementary/replacement planting is considered to be acceptable. The Tree Protection Officer has not raised any objections subject to relevant planning conditions.

- The proposal seeks to demolish an existing detached dwelling and redevelop the site to provide 4no. detached dwellings. The principle of residential use on the site is established. The proposal site is located within the settlement limits on white land with no specific zoning. The site is with a designated ATC and the arguments regarding density and impact on the ATC will be considered later in this report. Whilst the original scheme proposed a dwelling unit in front of the existing and established building line along this stretch of the Glen Road, the proposal has been subsequently amended and it is considered that the site layout provided on Drawing 08 Rev 8 respects the established building-line all dwelling units facing towards the Glen Road.
- The objection letters have raised concerns with the traffic generated from existing uses on the Glen Road. It is noted that the original scheme increased the access points on site, however the proposal has been subsequently amended to include one access only. The access has been amended and DFI Roads have been consulted and have not raised objects on road safety or prejudicing the flow of traffic subject to planning conditions. The necessary sight lines will be conditioned to any forthcoming approval. It is the applicant's responsibility to adhere to all planning conditions and should the applicant be found to breach this planning condition, this will be a matter for the planning enforcement team. It is noted that congestion and traffic impacts are existing and I do not consider the addition of this modest housing development with an additional 3 further dwellings utilising the access would detrimentally exacerbate existing traffic to warrant refusal.
- The proposed dwelling Units 1 and 4 are sited a minimum of 3 metres to the common boundary of No.64 Glen Road at the closest point. Unit 1 includes two bedroom windows to the western elevation which are sited to the rear projection of the dwelling. There is a separation distance of 12.9 metres between these windows and the blank gable wall of No.64. Unit 4 proposes a blank gable with no windows. Clarification was sought with respect the orientation of Unit 4 and this unit has been subsequently amended to face onto Glen Road and the balcony has been removed. It is considered that reasonable separation existing between buildings exists in order to minimise overlooking and ensure there is not an unacceptable loss of privacy.
- Having reviewed the potential for overshadowing from the proposal onto the adjacent dwelling of No.64, it is considered any overshadowing over the property and rear amenity space of the existing property will not be to an unacceptable degree and is restricted to early morning. It is noted that the turning point for the

development is adjacent to the western boundary, however given the low density of the scheme with only 4 dwellings proposed and the siting adjacent to the rear garden of No.64 it is not considered vehicles turning at this point would result in detrimental impact to residential amenity to warrant refusal.

- It should be noted that each planning application will be considered on its individual merits and the specifics of the application site. Nevertheless, I have carried out a planning history search and have not identified a residential development refusal on the site of No.81 as claimed by the objector. A planning approval was granted west of No.81 for 10 dwellings in 2000 on land zoned for housing and an outline planning application for residential development was refused north of No.81 in 2004 however this was outside Maghera settlement limits and neither were located within the ATC.
- The objectors concerns with respect protected species was referred to the agent and a Biodiversity Checklist was submitted. It is not considered the information provided adequately demonstrates there is no potential impact on protected species and this will be considered further against the policy criteria of NH2 of PPS6 later in the report.

Key Policy Considerations/Assessment

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

Magherafelt Area Plan (MAP) 2015 is the statutory local development plan for the application site. The application site is located within the settlement limits of Maghera on white land with no specific zoning. Plan Policy SETT2 of the extant Area Plan states favourable consideration will only be given to development proposals within settlement development limits provided that the proposal is sensitive to the size and character of the settlement in terms of scale, form, design and use of materials; and where applicable is in accordance with any key site requirements. This proposal seeks full planning permission for 4 residential dwellings with detached garages. Drawing 08 Rev 8 date stamped 24th June 2021 provides details on the proposed siting, design, scale and access arrangements. The sensitivity of the proposal to the settlement will be considered in more detail below when considering the prevailing policy criteria and there are no key site requirements on the application site. The application site is located within Maghera designated MA14 Area of Townscape Character. MAP 2015 states key features of the area which will be taken into account when assessing development proposals are as follows:

- Large, 2 storey, and detached residential properties;
- Properties situated within large plots;
- Properties set-back from the road with long front garden areas;
- Properties set within mature gardens;

- Variety of house types from traditional to modern design;
- Built form is subservient to the mature trees and other vegetation;
- Residential properties in single occupancy use.

Addendum to PPS 6 Areas of Townscape Character provides further policy context for development within a designated ATC. Given that there is an existing dwelling on site to be demolished both Policy ATC1 and ATC 2 apply.

Policy ATC 1 Demolition Control in an Area of Townscape Character states there will be a presumption in favour of retaining any building which makes a positive contribution to the character of an Area of Townscape Character. The Department will normally only permit the demolition of an unlisted building in an Area of Townscape Character where the building makes no material contribution to the distinctive character of the area. Where permission for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site.

Policy ATC 2 New Development in an Area of Townscape Character requires development proposals in an Area of Townscape Character to maintain or enhance its overall character and respects the built form of the area and that any trees, archaeological or other landscape features which contribute to the distinctive character of the area are protected and integrated in a suitable manner into the design and layout of the development.

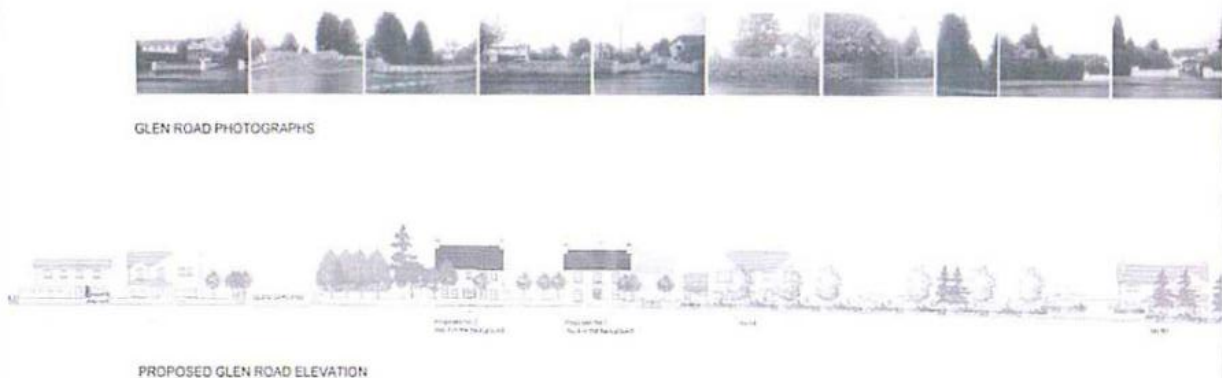
The proposed development will require the demolition of the existing dwelling of No.62 Glen Road (Figure 1). The existing building is set back approx. 29 metres from the Glen Road and whilst it is a roadside plot, there is mature vegetation and trees surrounding the building which partially screen public views. Whilst it is accepted that the architectural features of the existing dwelling are somewhat distinctive, I do not agree with the objectors' opinions above that the demolition of this building will detract from the ATC. In my opinion, the design of the existing building is not of architectural merit which makes a positive contribution to the ATC. The building appears to be structurally sound however it was noted some signs of neglect and it appears to be derelict on the date of the site inspection. The demolition of a building in an ATC is a material planning consideration, however the impact of their demolition cannot be assessed in isolation and divorced from the merits of the proposed redevelopment scheme. The key issue around enhancing and maintaining the character of the town is extremely important and following careful consideration it is considered the overall scheme as it stands will fail to maintain or enhance and/or respect the existing built form within the ATC.

Figure 1



Concerns with respect the density of the proposal have been relayed to the agent and during the processing of the application the proposal has been reduced from 6no. Dwellings to 4no. Dwellings. However it is considered that 3no. Dwellings would be the maximum acceptable density to respect the key features of this ATC. It is considered the proposal as it stands meets many of the key features of the ATC stated within the extant Area Plan. Notably the units are sizable detached residential properties in single occupancy use; the front units are set back from the road respecting the established building line and provide ample front gardens. It is considered the proposed layout has been designed around the existing mature trees. The proposed design of dwellings have a traditional Georgian style and it is considered that the proposal provides variety from that of the existing built form whilst reflecting established design principles and the proposed finishes of smooth render and pitched roofs would harmonise in the street scape. However, concerns remain that the overall scheme at the current density fails to maintain the existing character as all proposed units do not constitute large plot sizes within mature gardens and therefore have the potential to detract from or fail to maintain the character of the distinct townscape displayed within Maghera ATC. It is noted that the proposal site is located at the edge of the ATC designation and to the east and south of the proposal site, there are existing higher density developments which are located outside the ATC. The plot sizes in the immediate context are a similar size to the existing dwelling of No.62 with large gardens. The properties of No.85 and No.87 which are within the ATC have slightly smaller plot size and frontage. A streetscape drawing which shows how the proposal would sit alongside the existing frontages, particularly the proposed 2 front units alongside existing properties up to and including No.80 was requested and submitted. Having considered the proposed elevations within the streetscape plan (Figure 2) at an internal group meeting, the group consensus remained that 3no. Dwellings would represent a more appropriate density and that 1no. Dwelling to the front sited broadly in conformity with the footprint of the existing dwelling would be more appropriate and in keeping with the character of the ATC. This was relayed to the agent on 08/07/21 and followed up on 13/08/21 however to date no response has been received.

Figure 2



It was identified that the application site is located in proximity to an archaeological site and monument (POLREF: LDY036:031). Historic Environment Division have been consulted and advised that the proposal will not detrimentally impact on archaeological features and therefore is compliant with the SPSS and PPS6. The application site is covered by a Tree Preservation Order (TPO) and it is noted that Maghera ATC is

enhanced by the trees within the immediate area. The proposed layout has been designed to enable the retention of the majority of mature trees and vegetation and the submitted plans indicate the mature boundaries to the rear and western boundary of the site are to be retained to assist in maintaining privacy and promoting integration of the development into the surrounding area. Nevertheless, given the context of the layout of the surrounding residential area it is considered that the density and the layout of the proposed development will result in an adverse impact on the character and appearance of the MA14 ATC or the surrounding area.

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 proposed development is residential in nature and located in an area where residential development is prevalent. Whilst the principle of residential development on the site may be acceptable, I have concerns the proposed layout does not create a quality and sustainable residential development. The proposal is for 4 detached 2 storey dwelling units. As stated above, I have concerns with the proposed density of the development. The proposal includes 2 units to the front which will detract from the existing distinctiveness of the surrounding environment. PPS7 states the promotion of more housing in urban areas should not be allowed to result in town cramming or damage to areas of distinctive townscape character. It is considered the removal of one dwelling to the front of the proposed development would be more acceptable and the current scheme proposed fails to respect the character of the surrounding area. As stated previously, these concerns have been relayed to the agent and no response has been received therefore the application is being considered as it stands.
- b) HED have been consulted and have not relayed any concerns or potential impacts from the proposal on local landscape features of built/archaeological interest. The proposal has taken account of the TPO within the site and MUDC Conservation and Environment team are content in the landscaping subject to conditions.
- c) The submitted site plan Drawing 08 Rev 8 indicates a suitable provision of private amenity space in line with Creating Places with each unit in excess of 40m². The proposal includes a landscaping plan and tree protection plan which ensures the retention where possible of trees and provision of relocated trees and additional vegetation to aid integration and soften the visual impact of the proposed development.
- d) The proposal site is situated within the settlement limits of Maghera thus it is considered there is easy accessibility to local neighbourhood facilities. It is not considered the proposed development would significantly intensify or place unnecessary demands on the existing neighbourhood provisions and amenities within the area.

- e) The proposal initially sought to utilise two accesses onto Glen Road which is a priority road. DfI Roads were consulted and following the receipt of a number of revised plans, DfI Roads advised the 4 residential units should be serviced from the one access point to reduce proliferation of access points onto the priority Glen Road. The layout plan was amended accordingly and DfI Roads have offered no objections subject to conditions in their latest consultation response. As such, it is considered the proposal complies with Policy AMP2 of PPS3. It is considered the proposal provides a movement pattern which demonstrates the safe manoeuvring of vehicles within the site and accessing onto the public road. It is noted the site is located within the settlement limits of Maghera where there are existing provision of footpaths and access to public transport and I consider the proposal will adequately support walking and cycling.
- f) It is considered the site plan provides adequate and appropriate in-curtilage to comply with Parking Standards.
- g) The proposal site is surrounded by residential development of varying house type and design which is a recognised key feature of Maghera ATC Designation. The proposed design of the properties including materials and detailing are considered acceptable and draw upon local traditions. However, I have concerns the current proposed layout arrangement is not reflective of the immediate character and built form and the density and layout proposed are not sympathetic to the setting.
- h) Following internal discussions and careful consideration of the proposed scheme and all submitted letters of objection, it is not considered the proposal would create an adverse impact on residential amenity to warrant refusal. Whilst Unit 1 is sited only approx. 3.5 metres from the common boundary; there is 13m separation distance between the Unit 1 kitchen window and first floor window and the existing property of No.64. The existing mature hedgerow is to be retained and additional planting is proposed. The separation distance between existing and proposed properties are considered adequate given the urban context. I have considered the potential for overshadowing and loss of light and whilst there will be a small degree of overshadowing this will be limited to early morning and is not considered will detrimentally impact residential amenity. As previously stated the proposed layout is considered unacceptable in its current form, a reduction of one unit on the site and repositioning of the front unit would not only enhance the streetscape and ensure the overall character of the ATC is maintained but would also increase separation distances with neighbouring properties reducing further any potential impact to residential amenity and overall providing a more quality, sustainable development
- i) The proposal seeks permission for a small housing development with the provision of private amenity space and off street parking. I have no significant concerns with the design with respect crime or safety.

Policy LC 1 of APPS 7 Addendum to PPS 7 Safeguarding the Character of Established Residential Areas is a material consideration. Policy LC1 states that in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to

accommodate new housing, where all the criteria set out in Policy QD1 of PPS7 as well as the below additional criteria are met:

- a) The proposed density is not significantly higher than that found in the established residential areas
- b) The pattern of development is in keeping with the overall character and environmental quality of the established residential area
- c) All units should be built to a size not less than those set out in Annex A of Addendum to PPS7

The application site comprises the existing 2 storey detached dwelling, No.62 and associated garden. Whilst it is noted that there are high density housing developments to the South and East of the application site, it is considered the proposed density and pattern of development is inappropriate when considered in the context of the existing development to the north and west within the designated ATC. It is considered the proposed scheme will detract from the surrounding established character as the proposal represents overdevelopment and the proposed layout could cause a visual or functional disruption to the local character of the designated ATC. Whilst the density is considered unacceptable, it is considered the scale and size of dwellings proposed is appropriate and meets the minimum standards set out in the addendum to PPS7.

Policy DES 2 Townscape of A Planning Strategy for Rural Northern Ireland requires development proposals in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of material. It is considered the proposal site has the potential to accommodate a small housing development if designed sensitively. The current proposal is considered overdevelopment and will fail to make a positive contribution to townscape or respect the existing built form within the designated ATC. It is considered that the proposal does not respect the main aims of Policy DES2 in relation to consideration of character of the town.

Policy NH 2 - Species Protected by Law of PPS 2 Natural Heritage states planning permission will only be granted for a development proposal that is not likely to harm a European protected species. It is noted that in order to accommodate the proposed development, it is necessary to demolish the existing dwelling No.62, as well as remove and relocate a number of mature, protected trees. It is acknowledged that this has the potential to impact on bats which are a European Protected Species. A Biodiversity Checklist was requested, however it is noted that at Part 2 Q.4 "*Does the development involve the Felling, Removal or Topping of: Mature Trees*" the agent has selected 'No'. The proposal does include the removal of a number of mature trees therefore 'Yes' should have been selected which would then require the completion of Part 3 of the checklist by an ecologist or other suitably qualified person. This has not been carried out and given the concerns with the overall scheme as outlined above, this has not been formally requested at this stage. However, in the case that Members consider planning permission should be granted this should be fully addressed and in the absence of this information it is considered the proposal currently fails to adequately demonstrate that it is not likely to harm a European protected species contrary to Policy NH2.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having considered all relevant prevailing planning policy and material considerations, the proposal is recommended for refusal for the reasons stated below.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy ATC 2 of the Addendum to Planning Policy Statement 6, Areas of Townscape Character, in that the proposed development fails to maintain or enhance the overall character and respect the built form of the Area of Village Character.
2. The proposal is contrary to the Strategic Planning Policy Statement, Policy QD1 of Planning Policy Statement 7 Quality Residential Environments (Criteria a); Policy LC1 of the Addendum to PPS 7 Safeguarding the Character of Established Residential Areas (Criteria a & b) and Policy DES2 of PSRNI in that the development as proposed fails to provide a quality residential environment, fails to respect the surrounding context and character of the area and would result in overdevelopment of the site.
3. The proposal is contrary to Policy NH 2 of PPS 2 Natural Heritage in that insufficient information has been provided to demonstrate that the proposal is not likely to harm a European protected species.

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: LA09/2020/1046/F	Target Date: <add date>
Proposal: Retention of and relocation of partially constructed Farm Shed for Farm machinery storage, and animal shelter and amendments to the design of that approved under LA09/2017/0977/F	Location: 40m North East of 28A Toomog Galbally Dungannon
Applicant Name and Address: Noel Mc Elduff 66 Killyharry Road Castlecaulfield	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge Co Antrim BT41 3SG
Summary of Issues: The applicant has knowingly constructed a building of which the scale has not been approved, in a location which was not applied for and is much closer to the neighbour who is also the objector to this proposal.	
Summary of Consultee Responses: DFI Roads – no objection subject to conditions for access DEARA – active and established farm EHO – no objection subject to conditions restricting the use to storage in the machinery store NI Water – standard response	
Characteristics of the Site and Area: This application site is a square shaped plot of land measuring 0.3 hectares, located along the Toomog Road. The site includes the applicant's dwelling at No 28A and a partially constructed building. It is located just under 4 kilometres south west of Donaghmore village and 2 kilometres south east of Galbally. The site lies in the countryside as is	

identified in the Dungannon & South Tyrone Area Plan (DSTAP). The area surrounding the site can be described as a rural upland area and is characterised by undulating topography. The immediate area surrounding the site and along the Toomog Road is quite enclosed by landform and mature vegetation and the winding nature of the road network. There is a greater degree of openness in the landscape to the west of the site where more open views across the wider landscape. That is due to less development on that side of the road in comparison with to the south of the road where the site is located.

The applicant's dwelling is a steeply pitched bungalow which is along the roadside and is sited in the western corner of the application site. In the eastern corner of the site is the partially constructed building which has all the block work and steel framework constructed and the wall and roof cladding was absent at the time of the site visits.

There is a wide verge along the roadside where the western boundary of the site comprises a post and wire fence. This dissects the site defining the curtilage of the applicant's dwelling. The post and chicken wire fencing with barbed wire atop continues along the northern boundary of the site. Number 28 Toomog Road is a single storey dwelling which abuts the northern boundary and is the closest property to the partially constructed building. This neighbouring plot includes a number of outbuildings, two are to the rear of the dwelling with one sitting parallel with this site boundary and another with the gable facing it. A hardcore area has been created between the road and the building and a concrete wall sits to the inside of the fence along both the western and northern boundaries. Some small mounds are located close to the corner where land has been cleared, adjacent to the neighbouring outbuildings.

Description of Proposal

This application seeks full planning permission for the retention of and the relocation of partially constructed Farm Shed for farm machinery storage, and animal shelter and amendments to the design and siting of that approved under LA09/2017/0977/F.

Deferred Consideration:

This application was before the Planning Committee in October 2021 where it was deferred to meet with the Planning Manager. A meeting took place on 14 October 2021 where the issues were laid out, the applicant was granted planning permission for a smaller shed located away from the boundary with the neighbouring property. The applicant knew what permission was granted and has begun to erect a larger shed closer to the neighbour who was objecting to the application. Additional information was requested to demonstrate why this larger building was required for the efficient operations of the holding in accordance with the requirements of CTY12

Following the deferral meeting additional information was requested on 17 November 2021 and a revised layout plan showing additional landscaping along the boundary with the neighbour was submitted on 22 February 2022. The information submitted did not provide any justification for the larger building and the agent was advised of this on 23 February 2022. A reminder was issued 19 May 2022, and to date no further information had been provided.

As the building is partially erected, images are available to show the impacts this development has on the landscape. Views from Toomog Road are not necessarily critical to the proposal however the views from south east show the development on the skyline. This proposal is for a larger building than previously approved and in a different location.

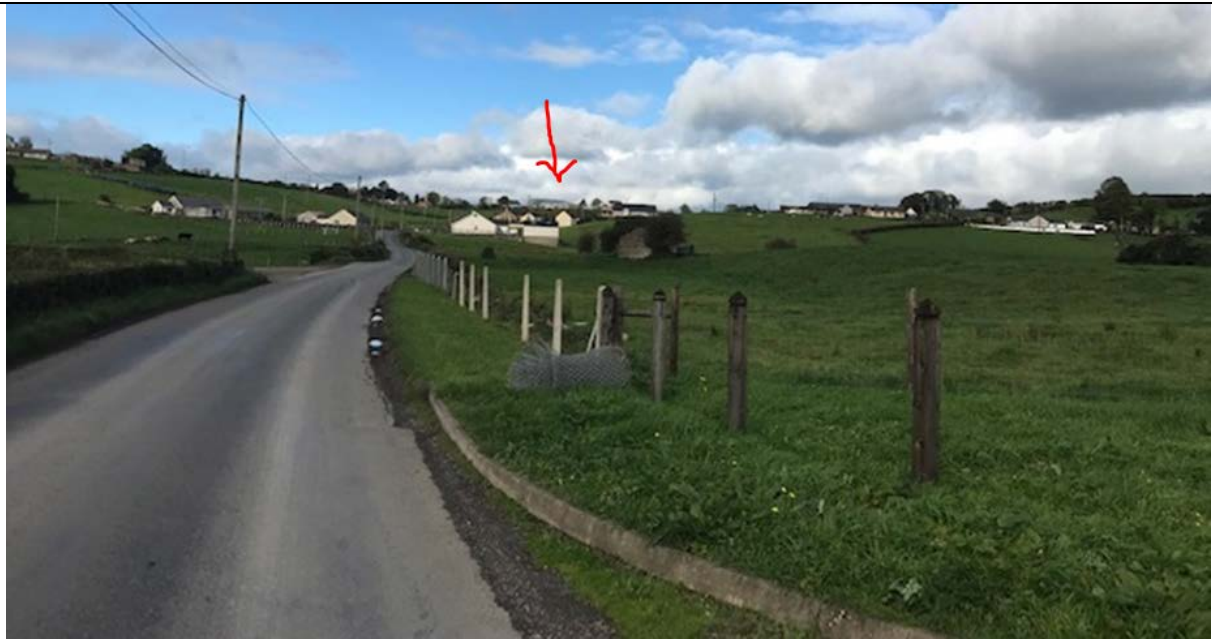


Fig 1 – building on skyline from south east long distance



Fig 2 – closer view from South East – middle distance



Fig 3 – view from close up from south east.

The development comes much closer to the objectors dwelling than that previously approved as can be seen in the photograph below which is taken from the back door of the objectors dwelling.



Fig 4 – view from back door of objector's property

As the applicant has not provided any additional information to justify the larger building is required for the efficient operations of the farm, it is a dominant feature in the local landscape and has a dominant impact on the adjoining residential property, I recommended refusal.

Reasons for Refusal:

1. This proposal is contrary to Policy CTY 12 Agricultural and Forestry Development of PPS21, Sustainable Development in the Countryside in that it is inappropriate in terms and scale to its location and it fails to visually integrate into the local landscape.
2. The proposal is contrary to Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development, if permitted, would result in a detrimental impact on the amenity of the neighbouring residential dwelling outside of the holding by reason of dominance.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building is a prominent feature in the landscape and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building is unduly prominent in the landscape and has resulted in a detrimental change to (further erode) the rural character of the countryside.

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: LA09/2020/1046/F	Target Date:
Proposal: Retention of and relocation of partially constructed Farm Shed for Farm machinery storage, and animal shelter and amendments to the design of that approved under LA09/2017/0977/F	Location: 40m North East of 28A Toomog Galbally Dungannon
Referral Route: There are a number of objections to this proposal from an adjacent neighbouring property.	
Recommendation:	Refusal
Applicant Name and Address: Noel Mc Elduff 66 Killyharry Road Castlecaulfield	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge Co Antrim BT41 3SG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

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

Summary of Issues

Planning permission was previously granted for a much smaller building on a different part of the site. What was built on the application site was not in the location or at the scale approved, resulting in a much larger building almost completely constructed closer to the objector's property and on a much larger scale than was previously granted permission.

Characteristics of the Site and Area

This application site is a square shaped plot of land measuring 0.3 hectares, located along the Toomog Road. The site includes the applicant's dwelling at No 28A and a partially constructed building. It is located just under 4 kilometres south west of Donaghmore village and 2 kilometres south east of Galbally. The site lies in the countryside as is identified in the Dungannon & South Tyrone Area Plan (DSTAP). The area surrounding the site can be described as a rural upland area and is characterised by undulating topography. The immediate area surrounding the site and along the Toomog Road is quite enclosed by landform and mature vegetation and the winding nature of the road network. There is a greater degree of openness in the landscape to the west of the site where more open views across the wider landscape. That is due to less development on that side of the road in comparison with to the south of the road where the site is located.

The applicant's dwelling is a steeply pitched bungalow which is along the roadside and is sited in the western corner of the application site. In the eastern corner of the site is the partially constructed building which has all the block work and steel framework constructed and the wall and roof cladding was absent at the time of the site visit.

There is a wide verge along the roadside where the western boundary of the site comprises a post and wire fence. This dissects the site defining the curtilage of the applicant's dwelling. The post and chicken wire fencing with barbed wire atop continues along the northern boundary of the site. Number 28 Toomog Road is a single storey dwelling which abuts the northern boundary and is the closest property to the partially constructed building. This neighbouring plot includes a number of outbuildings, two are to the rear of the dwelling with one sitting parallel with this site boundary and another with the gable facing it. A hardcore area has been created between the road and the building and a concrete wall sits to the inside of the fence along both the western and northern boundaries. Some small mounds are located close to the corner where land has been cleared, adjacent to the neighbouring outbuildings.

Planning History

This application site has various planning histories on it.

LA09/2017/0977/F went before Planning Committee as there were objections to it and it was granted permission in July 2018 for a proposed farm build as a cattle shed at 40m North East of 28A Toomog Road.

There are a number of enforcement histories on this site.

- LA09/2017/0041/CA - Unauthorised curtilage extension and alterations to domestic dwelling.

- LA09/2018/0150/CA - Development not in accordance with approved plans

(LA09/2017/0977/F).

- LA09/2020/0040/CA - Farm building not built in accordance with planning permission

- LA09/2017/0977/F at 40m NE Of 28a Toomog Road is currently open and awaiting the outcome of this application proposal.

Description of Proposal

This application seeks full planning permission for the retention of and the relocation of partially constructed Farm Shed for farm machinery storage, and animal shelter and amendments to the design and siting of that approved under LA09/2017/0977/F.

Planning Assessment of Policy and Other Material Considerations

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the Local Development Plan (LDP), so far as material to the application, and to

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

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

The Strategic Planning Policy Statement for Northern Ireland "Planning for Sustainable Development" (SPPS) published in September 2015 is material to all decisions on individual planning applications and appeals. The SPPS outlines the aim to providing sustainable development and with respect to that should have regard to the Development Plan and any other material considerations. It retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS.

The SPPS advises that the policy provision of Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21) are retained. Section 6.73 of the SPPS relates to development which is considered acceptable in the countryside and that includes development for agriculture and forestry. 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'.

This application site is located in the rural countryside, outside of any designated settlement limit identified in DSTAP, therefore the relevant policy context is provided by PPS 21. Policy CTY 1 of PPS 21 lists a range of types of development which in principle are considered acceptable in the countryside and the circumstances wherein planning permission will be granted for agricultural and forestry developments.

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 specific criteria listed. 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.

The applicant provided a completed P1C Form (including identification of farm business ID) and has submitted Farm Maps showing the extent of the land within the farm holding. I consulted with DAERA who responded informing that the Business ID No as provided was allocated on 11th January 1992, thus demonstrating the farm has been established for a period in excess of 6 years. DAERA did state the land which includes this application site last claimed SAF in 2014 and this was by a business other than that identified as the applicant's on the P1C form and no claims by any other business have been made since 2014.

Policy CTY 12 lists five further criteria which all proposals must fulfil,

- a) the proposed development is necessary for the businesses efficient use;
- b) it must be appropriate in terms of character and scale to its location;
- c) it visually integrates into the local landscape and additional landscaping is provided as necessary;
- d) it will not have an adverse impact on the natural or built heritage; and
- 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.

In addition to the requirements above and in cases where a new building is proposed, applicants will also need to provide sufficient information to confirm all of the following:

- There are no suitable existing buildings on the holding or enterprise that can be used;
- The design and materials to be used are sympathetic to the locality and adjacent buildings; and
- The proposal is sited beside existing farm or forestry buildings.

Exceptionally, consideration may be given to an alternative site away from existing farm, provided there are no other sites available at another group of buildings on the holding, and where:

- is essential for the efficient functioning of the business; or
- there are demonstrable health and safety reasons.

LA09/2017/0977/F

As there is a current valid application approved on this site for a similar proposal, the principle of an agricultural building within this site has been established. DAERA's response to this application is the same as what they replied to the original application.

In order to give an accurate assessment of this proposal, I feel it is necessary to understand and to take into account the evaluating of application LA09/2017/0977/F as a material consideration. Initially the applicant applied for a shed which included a series of cattle pens. The Council's Environmental Health Department were concerned and the number of pens in the shed was reduced to a single pen with the majority of the shed being utilised for agricultural storage.



Original Design

Revised and Approved Design

This shed is situated away from the main group of buildings on the applicant's farm holding which are located at 87 Killyharry Road, some 2.3km away. The applicant said there was a need for this building on this site so he can be close at hand to sick/injured animals, machinery and storage facilities and this proposal was considered an exception.

There were a number of revisions to the proposal which was initially submitted, as can be seen from the illustrations provided. The length of the building was reduced 4.5 metres, the width reduced by 1 metres which resulted in the ridge height dropping 0.2 metres. It was repositioned from the neighbours adjoining northern boundary to the rear of the applicant's dwelling and along the eastern boundary.

Retention of building as Constructed

Following the site visit and discussion at group with the Principal Planner, a number of concerns were discussed which needed addressing and clarification;

- The proposal description is inaccurate as the building is substantially completed and this application proposes to retain it, therefore the description must accurately reflect the proposal.
- The building as is constructed and the large hardcore area created does not give the appearance of a "proposed cattle shed"
- No details of the concrete wall around the yard area to the front of the building have been submitted.
- Due to the presence of a basement/lower ground level evident on site, the elevations and floorplans as submitted are therefore incorrect.



The agent stated the shed is for a mixture of farming aspects (soft bed pens, meal/feed storage area, equipment storage, machinery storage) tractor, trailers, portable crusher, fertilizer spreader, grass topper. In response to the presence of a basement/lower ground feature the agent said this was constructed in order to stop the floor sinking due to the depth of infill. They also stated the applicant proposes to 'infill these lower level openings', that they were only constructed to allow for the construction of the walls and safer access while building it.



Further discussion at group concluded the building must be reduced in size to reflect the scale of building which was granted approval. The agent submitted these amended drawings illustrating the lower ground level completely removed from the proposal and the demolition of a section of the building which further reduced reduce the length by some 7 metres.

The building as was initially submitted as part of this application measured 30.6 metres in length, 18.6 metres wide with a ridge height of 8.2 metres FGL. This building occupies a footprint of almost 570 metres squared and as is apparently reflective of what is currently on the site. Through the processing of the previous application, both the applicant and agent were fully aware that the siting of the shed along the northern boundary and of that scale was unacceptable and did not meet the policy requirements of CTY 21, hence why the proposal was amended and thus approval was granted for the reduced and re-sited scheme. Not only did the applicant fail to construct the building as approved, they augmented the scale of the building by increasing the footprint by almost 180 metres squared, which resulted in the building being some 45% larger than what was granted permission. The footprint is also over 70 metres squared larger than the building which was deemed unacceptable due to its inappropriate scale. Along with this, the applicant has constructed a basement level also further increases the floorspace of the building.



Initial Drawing Submitted



Proposal incorporating partial demolition



Most recent layout

After much debate and negotiation, amended drawings as illustrated above were submitted which proposed to demolish a section of the building closest to the northern boundary. This would reduce the footprint while also increasing the separation distance from the objector. It was agreed with the Principal Planner that as a portion of what is already constructed on the site is now proposed to be removed, this would have to occur and the site revisited with a member from Enforcement prior to the granting permission of this proposal.

Having progressed the application to this stage through much discussion, the applicant submitted a letter confirming he was changing agents and the newly appointed agent would submit their proposal. In order to further develop this application to a conclusion, I informed the new agent of what discussions were had and made it clear the requirements necessary.

I do not feel these were taken into consideration as the proposal description did not correctly describe the proposal and the most recent site layout submitted also inaccurately illustrated the siting of the approved building.

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. I am not convinced this proposal respects the surrounding area nor does it integrate into the locality. The excessive scale of the building makes it a prominent feature, failing to integrate into the landscape without a detrimental impact, therefore I do not feel this proposal complies with CTY 13 and CTY 14.

Consultations

Department for Infrastructure Roads (DFI Roads) were consulted on this application and have no objections to this proposal, subject to the provision of visibility splays of 2.4 metres by 45 metres in both directions, as well as a forward sight distance of 45 metres also. Following the implementation and permanent retention of the required visibility splays, I consider the proposal to comply with the policy requirements contained with PPS 3 - Access, Movement and Parking. NI Water have no objections to this proposal.

The Council's Environmental Health Department (EHD) sought further information on the proposed systems in place to deal with manure generated from this shed. Following the proposal description being amended to its most recent description, EHD have taken this and the objectors comments into consideration. They have concluded there is an established land use for an agricultural shed within this application site and therefore have no objections, subject to conditions restricting the use of the building to only that included within the description and that no animals or livestock are to be stored outside of the identified area on the plans. This is in order to protect the residential amenity of the neighbouring property from potential noise and odour nuisances.

Shared Environmental Services (SES) were informally consulted and they did not consider it necessary to formal consult them as they have no concerns about this proposal affecting any European protected sites.

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

Objections

Four letters of objection have been received from the same individual objector. This objector resides at No 28 Toomog Road which is the closest residential dwelling to the site.

The objector has raised a number of concerns regarding this proposal and is concerned as these adversely affect his amenity.

The objector has also noted they will be contacting the Ombudsman regarding this application. They have identified a number of discrepancies from what was granted permission and what has been constructed on site, as is summarised below;

- The area covered exceeds the approved 300 metres squared,
- No basement area was approved but is built,
- The building is of a much larger scale than what was approved,
- The area labelled as a paddock area has been removed,
- A large hardcore/turning area with a commercial appearance has been constructed,
- Ground levels have been altered,
- A concrete wall has been built without permission,
- No earth embankment or hedgerow has been planted as a natural screen to the site,
- The description of the proposal/what is built is incorrect,
- The building has been constructed 22 metres from my dwelling on an area which it was not granted approval on.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The applicant has knowingly constructed a building of which the scale has not been approved, in a location which was not applied for and is much closer to the neighbour who is also the objector to this proposal.

In conclusion, members are reminded the applicant has been given numerous opportunities amend this proposal as was requested and explained above but has failed to do so. It is also worth noting the proposal under application LA09/2017/0977/F which members of the Planning Committee granted permission in July 2018 is still live. The applicant is still able to implement this proposal in the location and at the size as was approved.

Therefore taking into consideration policy requirements of the SPPS and PPS 21, concerns highlighted by the objector, combined with unsuccessful efforts to amend the proposal, I consider this proposal to be unacceptable. I recommend it is refused planning permission and the Enforcement Section be allowed to reconvene with the processing of their case which is currently awaiting the outcome of this application.

Refusal Reasons

1. This proposal is contrary to Policy CTY 12 Agricultural and Forestry Development of PPS 21, Sustainable Development in the Countryside in that it is inappropriate in terms and scale to its location and it fails to visually integrate into the local landscape.
2. The proposal is contrary to Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development, if permitted, would result in a detrimental impact on the amenity of the neighbouring residential dwelling outside of the holding by reason of dominance.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building is a prominent feature in the landscape and therefore would not visually integrate into the surrounding landscape.
4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would be/is unduly prominent in the

landscape and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	1st September 2020
Date First Advertised	14th September 2020
Date Last Advertised	8th June 2021
Details of Neighbour Notification (all addresses) The Owner/Occupier, 28 Toomog Road, Dungannon, Tyrone, BT70 3BL Lawrence Small 28 Toomog Road, Dungannon, Tyrone, BT70 3BL Lawrence Small 28 Toomog Road, Dungannon, Tyrone, BT70 3BL L Small 28, Toomog Road, Dungannon, Tyrone, Northern Ireland, BT70 3BL The Owner/Occupier, 28a ,Toomog Road,Dungannon,Tyrone,BT70 3BL Laurence Small 28a, Toomog Road, Dungannon, Tyrone, Northern Ireland, BT70 3BL	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/1046/F Proposal: Proposed farm building as cattle shed Address: 40m North East of 28A Toomog, Galbally, Dungannon, Decision: Decision Date: Ref ID: M/1984/0575 Proposal: BUNGALOW Address: TOOMOG, CASTLECAUFIELD, DUNGANNON Decision: Decision Date: Ref ID: M/1984/057501 Proposal: BUNGALOW Address: TOOMOG, CASTLECAULFIELD, DUNGANNON Decision: Decision Date: Ref ID: M/1999/4033	

Proposal: Extension to dwelling
Address: 28A TOOMAGH ROAD CASTLECAULFIELD DUNGANNON
Decision:
Decision Date:

Ref ID: M/1988/0619
Proposal: LV O/H Line Extension
Address: TOOMOG DUNGANNON
Decision:
Decision Date:

Ref ID: LA09/2017/0977/F
Proposal: Proposed farm build as cattle shed
Address: 40m North East of 28A Toomog Road, Galbally, Dungannon,
Decision: PG
Decision Date: 06.07.2018

Ref ID: LA09/2020/1046/F
Proposal: Proposed farm building as cattle shed
Address: 40m North East of 28A Toomog, Galbally, Dungannon,
Decision:
Decision Date:

Ref ID: M/1984/0575
Proposal: BUNGALOW
Address: TOOMOG, CASTLECAUFIELD, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1984/057501
Proposal: BUNGALOW
Address: TOOMOG, CASTLECAULFIELD, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1999/4033
Proposal: Extension to dwelling
Address: 28A TOOMAGH ROAD CASTLECAULFIELD DUNGANNON
Decision:
Decision Date:

Ref ID: M/1988/0619
Proposal: LV O/H Line Extension
Address: TOOMOG DUNGANNON
Decision:
Decision Date:

Ref ID: LA09/2017/0977/F
Proposal: Proposed farm build as cattle shed
Address: 40m North East of 28A Toomog Road, Galbally, Dungannon,
Decision: PG

Decision Date: 06.07.2018

Summary of Consultee Responses

DFI Roads - No objection subject to visibility splays of 2.4 metres by 45 metres in both directions and forward sight distance of 45 metres also. NI Water have no objections to this proposal. Environmental Health have no objections subject to conditions restricting the use of and within the building. This is due to the precedent of an agricultural building being accepted on this site under the previously approved application. Shared Environmental Services (SES) were informally consulted and they did not consider it necessary to formal consult them as they have no concerns about this proposal affecting any European protected sites. DAERA have no objections.

Drawing Numbers and Title

Drawing No. 01 REV 3
Type: Site Location Plan
Status: Submitted

Drawing No. 03 REV4
Type: Proposed Plans
Status: Submitted

Drawing No. 04 REV4
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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/0288/O	Target Date: <add date>
Proposal: Proposed site for dwelling & garage within a gap.	Location: 30m South of 174A Ardboe Road Cookstown
Applicant Name and Address: James Devlin 120 Ardboe Road Cookstown BT80 0HU	Agent Name and Address: APS Architects LLP 4 Mid Ulster Business Park Cookstown BT80 9LU
Summary of Issues: The proposal could be considered as a dwelling in a cluster not an infill. Insufficient information as required by Rivers Agency, NIEA and SES, has been submitted to demonstrate the development will not flood or cause flooding elsewhere and that the development will not have a significant effect on the features, conservation objectives or status of Lough Neagh designated site or other natural heritage features.	
Summary of Consultee Responses: DFI Roads – no objections subject to access being to standard DFI Rivers - part of site lies in 1 in 100 year flood plain, flood risk assessment would better define the area NIEA – site in RAMSAR, request preliminary Ecological Assessment and allow consideration of the impacts SES – site in RAMSAR, require sight of reports requested by NIEA to allow Habitats Risk Assessment to be carried out	
This site is located in the rural countryside as defined by the Cookstown Area Plan 2010 approx. 1.2km west and 1.7km south of Ardboe and Moortown Settlement Limits, respectively; and on the shores of Lough Neagh. The site is a flat rectangular shaped plot cut from the roadside frontage and most	

northwest corner of much larger field immediately adjacent Lough Neagh. The site in effect cuts the roadside frontage of the host field in half, occupying the north side. A mature hedgerow bounds the site to north and a dense mix of mature hedgerow and tree vegetation bounds the site to west along the road. The eastern and southern boundaries of the site are undefined unto the host field.

Access to the site is via a dead end road, which extends from the primary Ardboe Road located to its north. This road provides access to a substantial cluster of dwellings and ancillary buildings located to the north, west and south of the site; and a small fishing quay located immediately northeast of the site.

The site is located within a line of development running along the east side of the aforementioned cluster and Ardboe Road including nos. 174 Ardboe Road, a brick bungalow; 174a Ardboe Road, a bungalow dwelling with outbuildings to its rear/north side; and a small outbuilding shed. The site sits between no. 174a Ardboe Road located immediately to its north and the small outbuilding shed located further to its south. The small outbuilding shed sits in the field immediately adjacent the current site's host field.

Critical views of this site will be limited until passing along the roadside frontage of the field in which it sits due to its location within an existing line of development, which alongside existing vegetation within the wider vicinity will largely screen it from view.

The area surrounding the site is characterised by its rural location on the shores of Lough Neagh. The immediate area comprises generally flat lying to undulating agricultural landscape. The area has come under development pressure in recent times, as previously mentioned, a substantial cluster of dwellings and ancillary buildings has formed around the site and a small fishing quay to its northeast.

Description of Proposal

This is a outline planning application for dwelling & garage within a gap to be located on land 30m South of 174A Ardboe Road Cookstown.

Deferred Consideration:

This application was before the Planning Committee in February 2022 as the additional information requested to allow full consideration of the issues raised by DFI Rivers, NIEA and Shared Environmental Services had not been provided. The application was deferred to allow the submission of the information.

Correspondence sent on 19 May 2022 indicated the information that was required and advised the application would be brought back to committee if there was not further information submitted. Despite this having been requested again here has been no further information submitted or engagement from the applicant's side.

The information is required to allow full consideration of the potential effects of flooding and the impacts from the development on Lough Neagh, a RAMSAR site, Special Protection Area and Area of Special Scientific Interest. Without information to properly asses all these issues I consider the precautionary principle should be applied and recommend the proposal is refused as it has not been demonstrated there will be no adverse impacts.

Reasons for Refusal:

1. The proposal is contrary to Policy FLD 1 'Development in Fluvial (River) and Coastal Flood Plains' of Planning Policy Statement 15: Planning and Flood Risk in that insufficient information has been submitted to demonstrate the proposal will not be located within the 1 in 100 year fluvial flood or that the proposal constitutes an exception to the policy.
2. The proposal is contrary to Policy FLD 3 'Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains' of Planning Policy Statement 15: Planning and Flood Risk in that insufficient information has been submitted to demonstrate there is no risk of flooding to the development and that the development will not increase flood risk elsewhere outside of the application site.
3. The proposal is contrary to Policy NH1 'European and Ramsar Sites – International' of Planning Policy Statement 2: Natural Heritage in that insufficient information has been submitted to demonstrate the proposal will not have a significant effect on Lough Neagh a European (Special Protection Area) and Ramsar Site.
4. The proposal is contrary to Policy NH2 'Species Protected by Law' of Planning Policy Statement 2: Natural Heritage in that insufficient information has been submitted to demonstrate the proposal is not likely to harm a European protected species or other statutorily protected species.
5. The proposal is contrary to Policy NH3 'Sites of Nature Conservation Importance – National' of Planning Policy Statement 2: Natural Heritage in that insufficient information has been submitted to demonstrate the proposal will not adversely effect the integrity of Lough Neagh (Area of Special Scientific Interest) or the benefits of the proposed development clearly outweigh the value of the site.
6. The proposal is contrary to Policy NH5 'Habitats, Species or Features of Natural Heritage Importance' of Planning Policy Statement 2: Natural Heritage in that insufficient information has been submitted to demonstrate the proposal is not likely to result in the unacceptable adverse impact on, or damage to known Habitats, Species or Features of Natural Heritage Importance:

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: LA09/2021/0288/O	Target Date:
Proposal: Proposed site for dwelling & garage within a gap.	Location: 30m South of 174A Ardboe Road Cookstown
Referral Route: Objections; Contrary to Policies CTY1 & 3 of (Revised) PPS15: Planning and Flood Risk; and Contrary to Policies NH1, 2, 3 & 5 of PPS2: Natural Heritage.	
Recommendation: Refuse	
Applicant Name and Address: James Devlin 120 Ardboe Road Cookstown BT80 0HU	Agent Name and Address: APS Architects LLP 4 Mid Ulster Business Park Cookstown BT80 9LU
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	Rivers Agency	Advice
Statutory	NIEA	Advice
Non Statutory	Shared Environmental Services	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Standing Advice
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	
Description of Proposal		
This is a full planning application for dwelling & garage within a gap to be located on land 30m South of 174A Ardboe Road Cookstown.		
Characteristics of the Site and Area		
This site is located in the rural countryside as defined by the Cookstown Area Plan 2010 approx. 1.2km west and 1.7km south of Ardboe and Moortown Settlement Limits, respectively; and on the shores of Lough Neagh.		
The site is a flat rectangular shaped plot cut from the roadside frontage and most northwest corner of much larger field immediately adjacent Lough Neagh. The site in effect cuts the roadside frontage of the host field in half, occupying the north side. A mature hedgerow bounds the site to north and a dense mix of mature hedgerow and tree vegetation bounds the site to west along the road. The eastern and southern boundaries of the site are undefined unto the host field.		
Access to the site is via a dead end road, which extends from the primary Ardboe Road located to its north. This road provides access to a substantial cluster of dwellings and ancillary buildings located to the north, west and south of the site; and a small fishing quay located immediately northeast of the site.		
The site is located within a line of development running along the east side of the aforementioned cluster and Ardboe Road including nos. 174 Ardboe Road, a brick bungalow; 174a Ardboe Road, a bungalow dwelling with outbuildings to its rear/north side; and a small outbuilding shed. The site sits between no. 174a Ardboe Road located immediately to its north and the small outbuilding shed located further to its south. The small outbuilding shed sits in the field immediately adjacent the current site's host field.		
Critical views of this site will be limited until passing along the roadside frontage of the field in which it sits due to its location within an existing line of development, which alongside existing vegetation within the wider vicinity will largely screen it from view.		
The area surrounding the site is characterised by its rural location on the shores of Lough Neagh. The immediate area comprises generally flat lying to undulating agricultural landscape. The area has come under development pressure in recent times.		

as previously mentioned, a substantial cluster of dwellings and ancillary buildings has formed around the site and a small fishing quay to its northeast.

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 and guidance for the determination of this application:

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 3: Access, Movement and Parking

Revised Planning Policy Statement 15: Planning and Flood Risk

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement 21: Sustainable Development in the Countryside

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

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

Planning History

There is no planning history on site however it is noted recent planning application LA09/2021/0738/O on the 8th July 2021 granted permission for a dwelling & garage on lands approx. 50m northwest of the site (30m West of 176 Ardboe Road) under Policy CTY 2a - New Dwellings in Existing Clusters.

Consultees

1. DFI Roads were consulted in relation to access, movement and parking arrangements and had no objections to the proposal subject to standard conditions and informatives, which will be applied to any subsequent decision notice. Accordingly, I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.
2. River's Agency (River's) were consulted as Flood Maps NI indicated the eastern half of the site is within the fluvial floodplain and has a small area of pluvial flooding. River's responded as follows from a drainage and flood risk aspect under PPS15 (Revised) Planning and Flood Risk, Policy:
 - FLD1 Development in Fluvial Flood and Coastal Plains - The Strategic Flood Map indicates a large part of the site lies within the 1 in 100 year

fluvial flood plain. Due to the nature of the Strategic Flood Map the geographical extent of predicted flood areas cannot be precisely defined. The recent highest recorded flood level in the area is 13.67m O D Belfast. The return period for this flooding event is unknown. It would be prudent to only build on land above this level. DfI Rivers recommend adding a suitable freeboard (normally 600mm) to this level for all development. The applicant should initially plot this level on a topographic survey of original site levels to allow a more comprehensive response to be provided. Original site levels may be distorted by site work already taken place. Alternatively, the applicant could carry out a flood risk assessment to better define the 100 year floodplain extents.

- **FLD3 Development and Surface Water** - The site is located partially within a predicted flooded area as indicated on the Surface Water Flood Map. Although a Drainage Assessment is not required by the policy, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

The information above required by Rivers has been requested but to date has not been received. In the absence of this information and subsequent comprehensive response from River's, the proposal is contrary to Policies CTY 1 & 3 above, as Planning cannot be satisfied, the proposed development will not flood or cause flooding elsewhere.

3. NIEA were consulted as site is located within the boundary of the Lough Neagh and Lough Beg Ramsar site and partially overlaps the Lough Neagh and Lough Beg Special Protection Area (SPA) and Lough Neagh Area of Special Scientific Interest (ASSI), hereafter referred to as the designated sites. Habitat on-site consists of wet grassland with scrub and mature hedgerows. The site is situated on the shoreline of Lough Neagh, adjacent to a small harbour. There is also a shallow lagoon with emergent vegetation at a distance of approximately 100m.
 - *Water Management Unit (WMU)* responded referring simply to DAERA Standing Advice for Single Dwellings.
 - *Natural Environment Division (NED)* responded that having considered the impacts on natural heritage features of the site on the designated sites and on the basis of information presented they have some concerns and require the following additional information:
 - A Breeding Wader Survey carried out by a suitably experienced ornithologist during the period April to June. This survey is required as NED considers there may be an adverse impact on these selection features of Lough Neagh designated sites.
 - A Preliminary Construction Environmental Management Plan identifying the perceived risks to the aquatic environment, potential pollution pathways and mitigation measures to negate such risks. Noting the applicant intends to use a soakaway to treat surface water and a treatment tank for foul sewage NED needs this Plan to undertake a complete assessment of the potential impacts on the designated site features and the competent authority to undertake a robust Habitats Regulations Assessment.

- A Preliminary Ecological Appraisal (PEA) completed by a suitably qualified and experienced ecologist to NIEA survey specifications. This has been requested as NED considers the development may impact breeding waders and other protected species such as otters which has not been addressed.

I am content the standing advice referred to by WMU can be brought to the attention of the applicant via informative. The information above required by NED has been requested but to date has not been received. In the absence of this information and subsequent comprehensive response from NED, Planning cannot be satisfied the proposed development will not have a significant effect on the features, conservation objectives or status of Lough Neagh designated site or other natural heritage features. As such, the proposal as it stands is contrary to Planning Policy Statement 2 Natural Heritage Policy NH 1 - European and Ramsar Sites – International; Policy NH 2 - Species Protected by Law; Policy NH 3 - Sites of Nature Conservation Importance – National; and Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance

4. Shared Environmental Services were consulted to assess the potential effects of this proposal on the designated sites it sits within / adjacent. SES responded requesting that they be re-consulted upon submission of the information requested by NIEA NED and NED's substantive response in order to complete a Habitat Regulations Assessment. See reason for NIEA consultation, NIEA response and consideration of that response further above.

Consideration

Cookstown Area Plan 2010 – the site lies in the rural countryside outside any designated settlement.

The Strategic Planning Policy Statement for Northern Ireland – advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside and all other policies relevant to this proposal have been retained.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These instances are listed in Policy CTY1 of PPS21 - Development in the Countryside. Whilst it would appear the site has been submitted under one of these instances, as a small gap site in accordance with Policy CTY8 - Ribbon Development, it is my opinion that it would sit neater under another instance, a new dwelling in an existing cluster in accordance with Policy CTY 2a.

Policy CTY 2a – New Dwellings in Existing Clusters states planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria bullet pointed criteria are met:

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

I believe the site lies within a small cluster of development lying outside of a farm and consisting of four or more buildings of which more than three are dwellings. The cluster comprises approx. 11 dwellings with ancillary garages and outbuildings / sheds located towards the end of a dead end road. The majority of the dwellings in the cluster are located to the immediate west of a small fishing quay, but extend further south to the end of the road.

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

I believe when travelling along road serving the aforementioned cluster of development it 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 site is associated with a small fishing quay located to the northeast of the site.

- 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 two sides to the north and west by with other development in the cluster including no. 174a Ardboe Road a roadside bungalow dwelling with outbuildings and no. 178 Ardboe Road, a two roadside dwelling and garage, respectively. The site is afforded a suitable degree of enclosure by the existing development within the cluster and vegetation both on site and within the wider vicinity, which also provides it with a backdrop to views from both the Ardboe Rd and the Lough.

- 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.

Due to the enclosed nature of the site and location I am content it could be absorbed into the existing cluster through consolidation with no significant impact on the existing character, or visually intruding into the open countryside.

- Development would not adversely impact on residential amenity.

As this is an outline application the details of the siting, size, scale and design of the dwelling and garage can be considered further under any subsequent reserved matter application. However, I believe a suitably designed dwelling and garage on this site with a 5.5m ridge height should not have any unreasonable impact on the neighbouring properties in terms of overlooking or overshadowing given the separation distances that will be retained; and existing vegetation enclosing the site and neighbouring properties private amenity. Additionally, given the nature of the proposal, a single dwelling and garage, I do not foresee any significant noise, light or traffic pollution arising.

Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, 2 objection had been received. 1 from Sean & Oonagh Coleman, the owners / occupiers of no 178 Ardboe Road, the dwelling

located immediately west of the site at the opposite side of Ardboe Rd; and 1 from Mr Enda Doris, whose family has owned and farmed the land to the south and south west of this site. The issues raised by the objectors included, that the:

- applicant failed to list all neighbouring properties on application form;
- objectors unaware applicant in possession of all lands application relates;
- applicant did not declare site within known floodrisk area on application form;
- applicant declared he was unaware of any protected wildlife on application form. As site close to Lough Neagh probable it has a strong biodiversity index and regardless of any measures to minimise disturbances of wildlife species will have an adverse effect on flora and fauna and wading birds that feed and nest there and other shy species. Environment problems could arise from the septic tanks, soakaways and storm drain run-off;
- if the current site is passed it will lead to more along the loughshore badly affecting numbers of wildlife species.
- site does not comply with PPS21 Policy CTY8 permitting a dwelling in a gap site as it is not located within a line of 3 or more buildings with their own curtilage along an entirely adopted road frontage;
- already high traffic volume and road safety concern along narrow road accessing site including at crossroads adjacent which will increase with the construction of the dwelling being built to the rear of Colemans and if current site approved. Specific concern raised regarding safety of children in their front garden and cycling along the road; and site emerging in front of Sean & Oonagh Coleman's access where the road is 3m wide and two cars cannot pass side by side as such their right of way could be compromised resulting in road safety issues.
- bins for dwellings 178A, B & C are left at Sean & Oonagh Coleman's access gate for collection as the bin lorry has no space to turn. It has to reverse back from the next junction to facilitate collection and so narrow is the road the bank in front of their property is eroded by the lorry's wheels, leaving mud on the side of the road they have to remove weekly. The road cannot sustain an increase of traffic.
- Planning's duty to adhere to Mid Ulster Sustainable Development in the Countryside Policy to, "minimise visual intrusion and protect views" and "protect the environment from inappropriate development". This development would be visually intrusive looking from and towards the Lough and lead to continue over development undesirably altering the character of this environmentally sensitive area. Noting dwelling also being built to the rear of Sean & Oonagh Coleman.
- loss of privacy; and noise, light and traffic pollution; and

The objections raised above have been taken into consideration. Whilst the applicant did not list all neighbouring properties on application form I am content that press advertisement and neighbour notification have been carried out in line with the Council's statutory duty.

In relation to land ownership, any permission granted would not confer title and it would be the responsibility of the developer to ensure he controls all the lands necessary to carry out the proposed development. Nor would any permission alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

As detailed in my assessment of proposal, further above, whilst it would appear the site has been submitted under Policy CTY8 of PPS21 a small gap site, it is my opinion that it would sit neater under and complies with Policy CTY 2a of PP21 a new dwelling in an existing cluster. Noting the Sustainable Development in the Countryside Policy referred to by the objector appears to a policy review for Mid Ulster's new area plan I would reiterate that the site in my opinion complies with Policy CTY2a. That it has the capacity to integrate a dwelling including garage into the identified cluster of development without significantly altering the existing character of the area or adversely impact neighbouring amenity. That a dwelling would integrate using the existing development within the cluster and vegetation both on site and within the wider vicinity to provide it with a sense of enclosure and backdrop to views from both the Ardboe Rd and the Lough. It would not be visually intrusion or impact upon any protected views identified by the area plan; and homeowners have no right to an obstructed view of the Lough.

Whilst concerns have been raised regarding the intensification of the Ardboe Road accessing the site DFI Roads were consulted and raised no concerns regarding the proposal subject to standard conditions therefore I am content it should not prejudice road safety or significantly inconvenience the flow of traffic. There is no evidence that proposed development would pose any significantly greater risk to children within the curtilage of properties along Ardboe or children cycling along this road than a dwelling would to any child within the curtilage of a property in the countryside or cycling along a country road.

In relation to bin collection as stated the bin lorry has no space to turn and already reverses back from the next junction to facilitate bin collection therefore I do see this proposal significantly altering existing serving arrangements.

Despite all of the above, as outlined by the objectors, the applicant did not identify the site as being within an area of known floodrisk or area comprising protected natural heritage. Whilst this itself is not a concern as consultation on these matters has been carried out with the relevant bodies including Rivers Agency, NIEA and SES additional information is required by each consultee in order for them to provide Planning with a comprehensive response and thus Planning to fully assess the proposal (see Consultation's above). In the absence of this information Planning cannot be content the development will not flood or cause flooding elsewhere; and the development will not have a significant effect on the features, conservation objectives or status of Lough Neagh designated sites or other natural heritage features. All applications, including along the Loughshore, should be assessed on individual merit and this proposal as it stands should be refused.

Additional considerations

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

Recommendation: Refuse

Insufficient information (required by Rivers Agency, NIEA and SES) has been submitted to demonstrate the development will not flood or cause flooding elsewhere and that the development will not have a significant effect on the features, conservation objectives or status of Lough Neagh designated site or other natural heritage features.

The information required has been requested on the 09/08/2021, 14/09/2021 and most recently the 19/11/2021 whereby the agent was given 14 days to submit all information that can be provided at this time i.e. Rivers info and update when info will be submitted to address NIEA / SES concerns. The agent was advised that if the information was not provided within the specified timeframe the application would proceed to the next available committee meeting with a recommendation based on the information on file.

Neighbour Notification Checked

Yes

Summary of Recommendation

Refuse

Refusal reasons

1. The proposal is contrary to Policy FLD 1 'Development in Fluvial (River) and Coastal Flood Plains' of Planning Policy Statement 15: Planning and Flood Risk in that insufficient information has been submitted to demonstrate the proposal will not be located within the 1 in 100 year fluvial flood or that the proposal constitutes an exception to the policy.
2. The proposal is contrary to Policy FLD 3 'Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains' of Planning Policy Statement 15: Planning and Flood Risk in that insufficient information has been submitted to demonstrate there is no risk of flooding to the development and that the development will not increase flood risk elsewhere outside of the application site.
3. The proposal is contrary to Policy NH1 'European and Ramsar Sites – International' of Planning Policy Statement 2: Natural Heritage in that insufficient information has been submitted to demonstrate the proposal will not have a significant effect on Lough Neagh a European (Special Protection Area) and Ramsar Site.
4. The proposal is contrary to Policy NH2 'Species Protected by Law' of Planning Policy Statement 2: Natural Heritage in that insufficient information has been submitted to demonstrate the proposal is not likely to harm a European protected species or other statutorily protected species.
5. The proposal is contrary to Policy NH3 'Sites of Nature Conservation Importance – National' of Planning Policy Statement 2: Natural Heritage in that insufficient information has been submitted to demonstrate the proposal will not adversely effect the integrity of Lough Neagh (Area of Special Scientific Interest) or the benefits of the proposed development clearly outweigh the value of the site.

6. The proposal is contrary to Policy NH5 'Habitats, Species or Features of Natural Heritage Importance' of Planning Policy Statement 2: Natural Heritage in that insufficient information has been submitted to demonstrate the proposal is not likely to result in the unacceptable adverse impact on, or damage to known Habitats, Species or Features of Natural Heritage Importance:

Signature(s)

Date:



Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2021/0739/F	Target Date:
Proposal: Proposed dwelling & Garage/Store.	Location: 150M Ne Of 230 Coalisland Road Gortin Dungannon BT71 6EP
Applicant Name and Address: Mr Cathal Keogh 232 Coalisland Road Dungannon BT71 6EP	Agent Name and Address: CMI Planners Ltd 38B Airfield Road Toomebridge BT41 3SG
Summary of Issues: Objections have been received based on both the principle of the development and the design of the garage. Amended drawings have been received which show a reduction in the overall footprint and height of the proposed garage and it now is designed as a garage which is subordinate to the proposed dwelling.	
Summary of Consultee Responses: No issues of concern have been raised and no further consultations have been carried out.	
Characteristics of the Site and Area: The site abuts the northern boundary of the settlement limit of Edendork as identified in the Dungannon and South Tyrone Area Plan 2010. To the north west of the site is a factory and a large yard area, while to the north east are sprawling agricultural fields and single detached dwellings. Adjoining the remaining boundaries of the site area predominantly residential dwellings. To the south, and abutting the access lane, is a listed building at 230 Coalisland Road. The application site is a rectangular shaped plot with a topography that rises slightly from south to north. The site is set back from the public road by c.90m and is accessed via an existing lane that runs alongside the listed building at no 230 Coalisland Road. There are established trees along the boundaries of the site.	

Description of Proposal

This is a full application for a dwelling and garage/store.

Deferred Consideration:

This application was presented before the committee in September 2021 and was deferred for an office meeting. The application was again presented before the planning committee as a deferred application in May 2022 with a recommendation to refuse and it was deferred by Members for a site visit which took place on 27 May 2022.

Members who attended the site visit had an opportunity to see the site in its context and were reminded of the justification for approving the dwelling at outline stage based on a rounding off. Objections have been received to the planning application and these were discussed with members at the site visit and members were advised of the amendments which have been received to the proposed design of the garage/store.

The proposed dwelling and garage are outside the settlement limits of Edendork as identified in the Area Plan. Outline planning permission was granted as an exception with a siting restriction, the purpose of which was to ensure the development reads as a rounding off. This current application sits outside that approved area and therefore the proposal will not read as a rounding off which was the basis of the outline approval.

The approval of the outline application was based on a siting condition which had development on 3 sides. The garage has been sited in the restricted area, but the entirety of the agricultural field is required for the development. There are overhead lines running over the area identified in the siting condition and the applicant states these prevent a dwelling be sited here. The overhead lines can be moved to facilitate a new dwelling on the area conditioned at outline stage and are not a reason to prevent development.

A refusal is recommended.

Reasons for Refusal:

The proposal is contrary to Policy CTY 1 of PPS 21 in that it has not been demonstrated this development meets with any of the policies for a dwelling in the countryside or there are any overriding reasons why it is essential in the countryside or could not be located within a settlement.

The proposal is contrary to Policy CTY 15 of PPS21 as the development would not constitute rounding off of the settlement limit and would mar the distinction between the settlement of Edendork and the surrounding countryside.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/0739/F	Target Date: <add date>
Proposal: Proposed dwelling & Garage/Store.	Location: 150m NE of 230 Coalisland Road Gortin Dungannon BT71 6EP
Applicant Name and Address: Mr Cathal Keogh 232 Coalisland Road Dungannon BT71 6EP	Agent name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
Summary of Issues: The proposed development sits outside the settlement limits for Edendork and outline planning permission was granted as an exception with a siting restriction to ensure the development was considered as rounding off. This proposed development sits outside the area that was identified and does not result in rounding off.	
Summary of Consultee Responses: No new consultees were carried out under this application as were consultations were carried out under the previous application and this proposal does not alter those responses.	
Characteristics of the Site and Area: The site abuts the northern boundary of the settlement limit of Edendork as defined in the Dungannon and South Tyrone Area Plan 2010. To the north west of the site is a factory and large yard area, while to the northeast are sprawling agricultural fields and single detached dwellings. Adjoining the remaining boundaries of the site is predominantly residential with single detached dwellings and there is a new housing development to the southwest with six dwellings. To the south and abutting the access lane is a Listed Building at 230 Coalisland Road. The application site is a rectangular shaped plot with a topography that rises slightly from south to north. The site is set back from the public road by approximately 92m and is accessed via an	

existing lane that runs alongside the listed building at No.230. There are established trees along all boundaries of the site.

Description of Proposal

This is a full application for a proposed dwelling & Garage/Store at 150m NE of 230 Coalisland Road, Gortin, Dungannon.

Deferred Consideration:

This application was before the Committee In September 2021 with a recommendation to refuse, it was deferred for a meeting with the Planning Manger, which took place virtually on 18 September 2021. At the meeting it was explained outline planning permission was granted as an exception to planning policy and this was due to a specific set of with any new development located tight to the existing development as rounding off.

Since the meeting, amended plans have been submitted, these were in response to objections and show the levels of the proposed development as well as the proposed garage being reduced in scale and size to something that appears to be domestic in scale and appearance, not the large industrial type shed that was previously submitted. The revised plans do not result in the development being located within the area that was identified at the outline planning permission stage. The agent has indicated there are overhead power lines that will prevent the applicant from developing in the area that was considered acceptable and also indicates the proposed dwelling will not be visible from any area of public view.

Members are reminded that outline planning permission was granted on 10 July 2020 under reference LA09/2019/0767/O given the existing development in Edendork and the approved and commenced development for Gradeall International (M/2003/1631/F), off the Farlough Road. This resulted in the south part of the site being contained on 3 sides by development and was assessed as rounding off.

The proposed development will extend the proposed development further into the existing field and does not have the containment on 3 sides that allowed the previous application to be granted. This is not a visual assessment of the site from the surrounding areas, it relates to the definition of boundary of the sentient limits, which is usually carried out through the development plan process and asses what are appropriate features to define the limits. The applicant has identified the existing overhead power lines as being an impediment to the development of the site, however these can be moved to accommodate development and as such should not be relied on as immovable features that constrain the development of the site. There has been no further persuasive arguments put forward to set out how the proposed development meets any of the planning polices or why it should be considered as an exception to any planning policy.

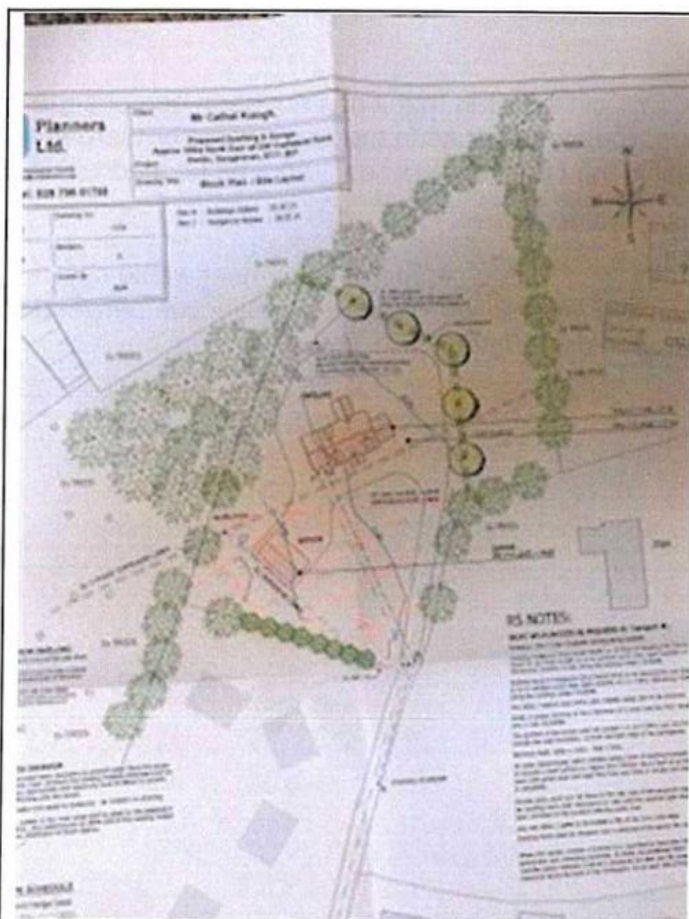


Fig 1 – area coloured orange identified as acceptable in LA09/20219/0767/O

Objections were received to the proposed development, these had raised issues with the previous approval on the site and the scale and size of the proposed garage at the rear of their properties as well as noise and nuisance as they have a particular sensitivity to noise. The previous approval was granted with a site specific condition as previously assessed and accepted on the rounding off basis. The proposed garage was initially 8.5m x 13.0m with a 6m ridge height, finished with brown cladding to the roof and upper walls, smooth render blockwork walls and a 4.0m roller door in one gable. This did have the appearance of an industrial type development. It is now proposed as 10.8m x 6.8m with a 5.5m ridge height and has the appearance of a double garage with walls and roof to match the proposed dwelling. While it has been noted the objectors have concerns about the use of the garage, this is proposed as a domestic garage and that is what must be assessed. Any noise or nuisances associated with anything that is not domestic in scale will be subject to investigations by the Councils Enforcement Team and Environmental Health Officers.

In light of the above, the previous report from September 2021 and the planning history of the site, I do not consider the applicant has demonstrated that this development meets with any of the planning policies for development in the countryside and if approved would result in unacceptable urban sprawl. It is my recommendation this proposal is refused.

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of PPS21 in that it has not been demonstrate this development meets with any of the polices for a house in the countryside or there are any overriding reasons why it is essential in the countryside or could not be located within a settlement.
2. The proposal is contrary to Policy CTY15 of PPS21 as the development would not constitute rounding off of the settlement limits and would mar the distinction between the settlement of Edendork and the surrounding countryside.

Signature(s):**Date**



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 07/09/2021	Item Number:
Application ID: LA09/2021/0739/F	Target Date:
Proposal: Proposed dwelling & Garage/Store	Location: 150m NE of 230 Coalisland Road Gortin Dungannon BT71 6EP
Referral Route: 1. The proposal is contrary to Policy CTY 15 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Edendork and the surrounding countryside. 2. The proposal is contrary to CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted be detrimental to rural character and would add to urban sprawl.	
Recommendation:	Refusal
Applicant Name and Address: Mr Cathal Keogh 232 Coalisland Road Dungannon BT71 6EP	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
Executive Summary: The application site is in the countryside and on the boundary of the settlement limit of Edendork as defined in the Dungannon and South Tyrone Area Plan 2010. Condition 4 of planning approval LA09/2019/0767/O is a siting condition where the curtilage of the site should be within a hatched area nearest the existing dwellings within the settlement. This siting condition was to prevent urban sprawl and round off the existing development. In this application the applicant has shown the curtilage outside the hatched area and further north within the red line. It is stated this is because there are overhead electricity power lines passing over the hatched area but I do not consider this is a reason to move	

the curtilage outside the hatched area.

Signature(s):

Case Officer Report

Site Location Plan



Consultations: None Required

Consultation Type	Consultee	Response
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Representations:

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

Characteristics of the Site and Area

The site abuts the northern boundary of the settlement limit of Edendork as defined in the Dungannon and South Tyrone Area Plan 2010. To the north west of the site is a factory and large yard area, while to the northeast are sprawling agricultural fields and single detached dwellings. Adjoining the remaining boundaries of the site is predominantly residential with single detached dwellings and there is a new housing development to the southwest with six dwellings. To the south and abutting the access lane is a Listed Building at 230 Coalisland Road.

The application site is a rectangular shaped plot with a topography that rises slightly from

south to north. The site is set back from the public road by approximately 92m and is accessed via an existing lane that runs alongside the listed building at No.230. There are established trees along all boundaries of the site.

Description of Proposal

This is a full application for a proposed dwelling & Garage/Store at 150m NE of 230 Coalisland Road, Gortin, 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

LA09/2019/0767/O - Proposed dwelling and garage (Amended Access Position) - Approx 150m NE of 230 Coalisland Road, Gortin, Dungannon – Permission Granted 10th July 2020

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.

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.

LA09/2019/0767/O granted outline approval at the application site on 10th July 2020. As this is a full application and has been submitted within 5 years from the date of the outline I am content there is a live approval at the site.

Policy CTY 2a – New Dwellings in Existing Clusters

As stated in the Preamble in PPS 21 the countryside is defined as land lying outside of settlements as defined in development plans. The application site is located on the northern boundary of the settlement limit of Edendork and as such, any development to the south of the site inside Edendork cannot be considered in the assessment of CTY 2a.

Policy CTY 15 – Setting of Settlements

The application site is abutting the northern boundary of the settlement limit of Edendork. There is a housing development of 6 houses and several detached dwellings immediately south of the site within the settlement limit. The site is an agricultural field and fields abut all other boundaries of the site.

LA09/2019/0767/O granted approval at the application site under the principle that the development would round off existing development to the south. Condition 4 of planning approval LA09/2019/0767/O stated the dwelling and its curtilage should be sited within the blue hatched area as shown in figure 1 below. In the drawings submitted with this application the applicant has sited the dwelling and garage further north towards the red line and outside the hatched area. The application site is on the boundary of the settlement limit and the hatched area was conditioned as it was felt that this area would round off the existing dwellings. I consider the siting on the drawings submitted is unacceptable as it is outside the conditioned hatched area. The proposed siting further north within the red line will not round off the existing development within the Edendork settlement limit and lead to further development on the settlement boundary. Therefore I would recommend refusal of this proposal as it would add to urban sprawl.

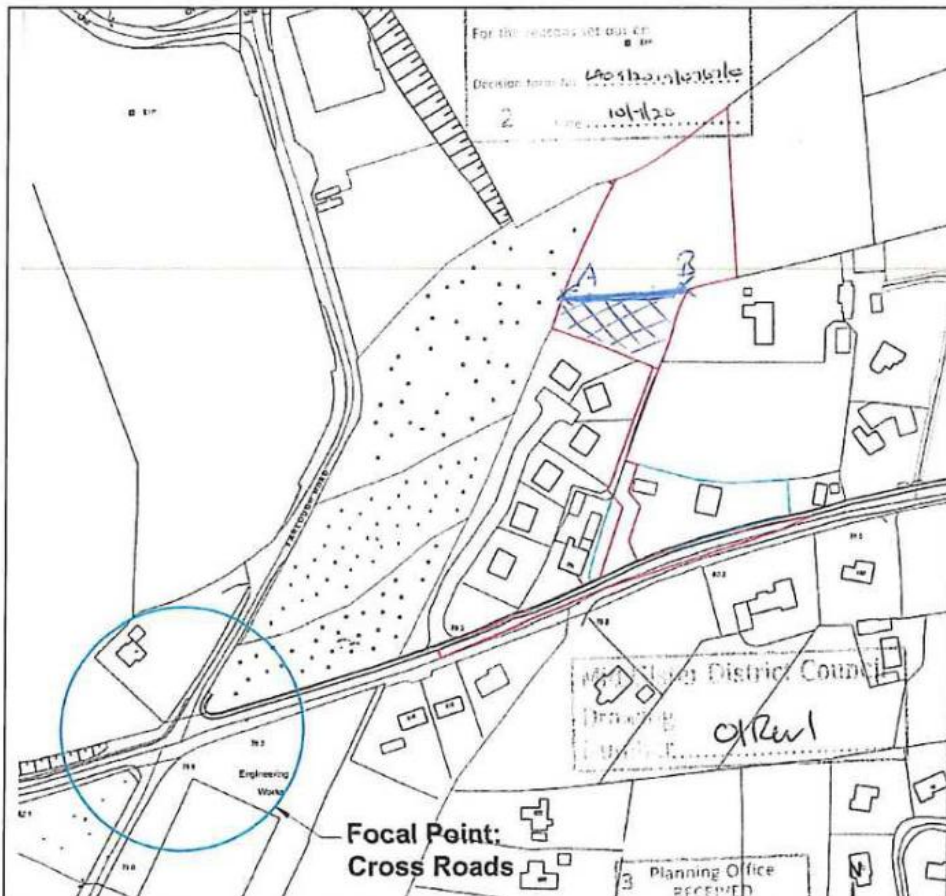


Figure 1 – Screenshot of the stamped approved site location plan from LA09/2019/0767/O

CTY 13 – Integration and Design of Buildings

I am content the dwelling will not be a prominent feature in the landscape. The site is set back from the public road by approximately 100m and is accessed via an existing laneway. There are no critical views in either direction from the public road due to established trees and hedgerow along the roadside frontage.

There are established trees and hedgerow along all boundaries of the site so I am content the proposal will integrate into the landscape. I am content new planting will not be primarily relied on for the purposes of integration.

The proposed dwelling is 6.8m to finished floor level and one and half storey. The dwelling has a long rectangular form and built in dormers on the front elevation. The windows have a vertical emphasis and the chimneys project from the ridge line of the dwelling. There is a small porch on the front elevation of the dwelling. I am content the scale and massing of the dwelling is acceptable and the design is in keeping with a rural dwelling.



Figure 2 – Screenshot of the proposed dwelling

The proposed garage is sited in the northern corner of the application site and as stated earlier in the assessment this is outside the conditioned hatched area in the outline planning approval. The garage has a rectangular form and a ridge height of 6m to finished floor level. The garage has external finishes of dark brown roof panels, grey blockwork walls and dark brown roller shutter doors. The garage has the appearance of an agricultural building but as the proposal is outside the settlement limit I have no concerns and the building is set back from the main road.

As shown on the block plan the applicant has proposed new landscaping and the retention of existing trees, therefore I have no concerns and I consider there is a suitable degree of enclosure to integrate into the landscape.

The proposal will use an existing laneway and the new access will extend along the east boundary. As the access will run for a short distance I am content the access will not have an unacceptable impact on the character of the site.

I am content the design of the proposed garage and dwelling is acceptable.

CTY 14 – Rural Character

I am content the proposal will not be unduly prominent in the landscape. I am of the opinion the revised siting further north will not round off the existing development and exacerbate urban sprawl. Therefore the proposal will be detrimental to the rural character of the surrounding area.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

The proposal is recommended for refusal as it will create urban sprawl.

Reasons for Refusal:

1. The proposal is contrary to Policy CTY 15 of Planning Policy Statement 21,

Sustainable Development in the Countryside in that the development would if permitted mar the distinction between the defined settlement limit of Edendork and the surrounding countryside.

2. The proposal is contrary to CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted be detrimental to rural character and would add to urban sprawl.

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: LA09/2021/1208/O	Target Date: <add date>
Proposal: Erection of dwelling & domestic garage on a farm.	Location: Land Approx. 55M South Of 60 Annaghilla Road Augher Co Tyrone
Applicant Name and Address: Jeff & Laura Fitzsimmons 6 Aghnagar Road Ballygawley	Agent Name and Address: Bernard Donnelly 30 Lismore Road Ballygawley BT70 2ND
Summary of Issues: This application is for a dwelling on a farm. The existing buildings and farm yard are on Annaghilla Road and the site is off Halftown Road. The applicants have indicated they intend to site to the rear of the proposed site and remove an old mobile phone mast compound that was erected at the front of the site.	
Summary of Consultee Responses: DFI roads were consulted and are content a safe access can be achieved at the site subject to visibility splays DEARA were consulted and confirm the farm is currently active and has been established for 6 years Rivers advised there is some surface water flooding affecting part of the site but are not insisting of Drainage Assessment NIEA have referred to standing advice	

Characteristics of the Site and Area:

The site is located at lands approx. 55m South of 60 Annaghilla Road, Augher. The red line of the site is a rectangular cut out portion of a larger agricultural field. There is a number of fields surrounding the site which are outlined in blue, indicating ownership. There is a number of existing farm buildings located NE of the application site, however views of these from the site are not possible. The site itself is flat throughout and the boundaries appear undefined apart from the roadside boundary which has mature hedging along it. The surrounding area is rural, scattered with single dwellings and their associated outbuildings.

Description of Proposal

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

Deferred Consideration:

This application was before the Committee in August 2022 where it was deferred to allow the applicant to discuss the proposal with the Service Director. A meeting was held on 11 August where the issues were identified and the applicant was advised the Team Lead would reassess the case and may request additional information.

The issues here relate to the siting of the proposed dwelling away from a group of buildings on the farm. In this case the applicants had submitted a plan showing a potential dwelling at the front of the site, on Halftown Road. Following the discussions with the Service Director an indicative layout was provided that indicates a dwelling and garage sited to the north east part of the site and the curtilage reduced. The indicative layout also indicates that the outline at the front of the site on Halftown Road was the site of the compound for a telecommunications mast. The mast has been removed and it is the intention of the applicants to remove the fenced compound as part of this proposal.

The site has good vegetation on the north and east boundaries that provide a very good sense of enclosure to any dwelling on the site. From Annaghilla Road it is difficult to see the site with the existing buildings due to the vegetation around it. There is an overhead power line and pole which provide a reference point to assess the proposal. In fig 1 is the site from Halftown Road, any dwelling as now proposed would be located to the rear part of the site, Fig 2 is the agricultural buildings on Annaghilla Road. The electricity pole is identified with the red arrow in both photographs. From the Halftown Road the top of the barrel roofed building is clearly seen, this is one of the buildings in the group furthest away from the proposed site. I consider if the vegetation was not there, the buildings to the west of the complex would appear much closer to the proposed dwelling and garage and there would not be an appreciable distance between them. As such I consider a dwelling sited as indicated would meet the requirements of CTY10 and visually link with the existing farm buildings.



Fig 1 – view from Halftown Road



Fig 2 – view from Annaghilla Road

In light of the above and the previous report that dealt with criteria (a) and (b) of CTY10, I am of the opinion this application can be approved as it meets with CTY10 for a dwelling on a farm.

Recommendation:

Approve with conditions

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, existing and proposed levels 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. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.4m x 35.0m in both directions and a 35.0m forward sight line, shall be provided in accordance with the 1:500 site plan submitted and approved at reserved matters stage. 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. The proposed dwelling and garage shall be sited in the general location as indicated on drawing no 02 bearing the stamp dated 07 OCT 2022.

Reason: To ensure the proposal integrates and visually links with farm group.

5. The curtilage of the dwelling and garage hereby approved shall not extend beyond the dashed line annotated 'reduced curtilage' on drawing no 02 bearing the stamp dated 07 OCT 2022.

Reason: In the interest of visual amenity.

6. 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 the trees and vegetation on the north and east boundaries to be retained, measures for their protection during the course of development and details of a native species hedge to be planted along all new boundaries of the site. 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 within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual amenity, to protect the rural character of the countryside and ensure the development satisfactorily integrates into the countryside.

Signature(s) Date:



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1208/O	Target Date:
Proposal: Erection of dwelling & domestic garage on a farm.	Location: Land approx. 55m South of 60 Annaghilla Road Augher Co Tyrone
Referral Route: Refusal – contrary to CTY 10.	
Recommendation:	REFUSAL
Applicant Name and Address: Jeff & Laura Fitzsimmons 6 Aghnagar Road Ballygawley	Agent Name and Address: Bernard Donnelly 30 Lismore Road Ballygawley BT70 2ND
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	DAERA - Omagh	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	NIEA	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

The proposal is considered to be contrary to Policy CTY 10 of PPS 21. There were no representations received.

Characteristics of the Site and Area

The site is located at lands approx. 55m South of 60 Annaghilla Road, Augher. The red line of the site is a rectangular cut out portion of a larger agricultural field. There is a number of fields surrounding the site which are outlined in blue, indicating ownership. There is a number of existing farm buildings located NE of the application site, however views of these from the site are not possible. The site itself is flat throughout and the boundaries appear undefined apart from the roadside boundary which has mature hedging along it. The surrounding area is rural, scattered with single dwellings and their associated outbuildings.

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

Planning History

M/2000/1168/F - 50metres south of 60 Annaghilla Road, Ballygawley - Installation of 1No. 20metres high telecommunications mast, 3 No. antennae, 4 No. microwave dishes & 1No. equipment cabin within a 1.8metres high security fenced compound - PERMISSION GRANTED

There was enforcement case relating to lands approx. 75m South Of 60 Annaghilla Road with the alleged unauthorised deposition of materials and raising of ground levels in the area. The case is now closed.

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. There were no neighbours notified under this application. At the time of writing, no third party representations have been received.

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
- Local Development Plan 2030 - Draft Plan Strategy

The Dungannon and South Tyrone Plan 2010 identifies the site as being in the rural countryside, NE of Augher. There are no other zonings or designations within the Plan.

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

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

- (a) the farm business is currently active and has been established for at least 6 years
- (b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008
- (c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
 - 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 ID and associated mapping. DAERA have confirmed that the business ID has been in existence for more than 6 years. DAERA have also confirmed the applicant has been claiming on the land over the last 6 years. From this information and from the site visit conducted, I am content the farm holding has been active and established for at least 6 years and that the land has been maintained in good agricultural and environmental condition.

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

With respect to (c), the new dwelling is not considered to be visually linked with any existing farm buildings on the site and therefore the proposal fails the policy on this criterion. The proposed site is approx. 110m at the closest point to the red line of the site and the farm complex. The topography of the site means that views of the farm buildings are not visible from the site itself and therefore there is no visual linkage. The agent has provided supporting information, justifying their proposed siting. The agent refers to paragraph 5.41 of CTY 8 in PPS 21 states that a dwelling can be approved: *'where the existing group of buildings is well screened, or where a site adjacent to the group is well landscaped, permission can be granted for a dwelling even though the degree of visual linkage between the two is either limited, or virtually non-existent due to the amount of screening vegetation.'* When discussed at our internal group meeting, we did not feel that this extract from the justification and amplification within CTY 10 relates to this

specific site. In this case, we are of the view that screening does not mean the proposal should not be sited beside buildings as there is still appreciable distance between the proposed site and farm buildings. There does appear to be alternative sites which would meet with the policy contained within CTY 10 within blue lands. There are no verifiable plans that the farm business is to be expanded.

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

The applicant has noted that they intend to utilise the existing access from Annaghilla Road. DfI Roads were consulted and have noted no issues with the proposed access arrangement subject to condition.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal is recommended.

Conditions/Reasons for Refusal:

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

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

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and therefore would not visually integrate into the surrounding landscape.

Signature(s)

Date:

ANNEX	
Date Valid	19th August 2021
Date First Advertised	31st August 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses)	
Date of Last Neighbour Notification	N/A
Date of EIA Determination	
ES Requested	Yes /No
<p>Planning History</p> <p>Ref ID: LA09/2021/1208/O Proposal: Erection of dwelling & domestic garage on a farm. Address: Land approx. 55m South of 60 Annaghilla Road,Augher,Co Tyrone, Decision: Decision Date:</p> <p>Ref ID: LA04/2020/1672/F Proposal: PLEASE IGNORE THIS APPLICATION - THIS APPLICATION WILL BE DELETED - SUBMITTED BY DXC FOR TEST PURPOSES ONLY - PLEASE IGNORE THIS APPLICATION - THIS APPLICATION WILL BE DELETED - SUBMITTED BY DXC FOR TEST PURPOSES ONLY - Address: PLEASE IGNORE THIS APPLICATION - THIS APPLICATION WILL BE DELETED - SUBMITTED BY DXC FOR TEST PURPOSES ONLY -, Decision: Decision Date:</p> <p>Ref ID: M/2001/0207/F Proposal: O/H Three Phase Line on Wood Poles Address: Halftown Road Ballygawley (Townland of Annaghilla) Decision: Decision Date: 22.05.2001</p> <p>Ref ID: M/2000/0443/F</p>	

Proposal: Installation of 1 No. new 20m lattice telecommunications tower with 3 no antenna, 4 no radio communication dishes, 1 No. One2One equipment cabin within a 1.8m high palisade security fenced compound.

Address: 50 metres south of No. 60 Annaghilla Road, Ballygawley.

Decision:

Decision Date: 13.06.2000

Ref ID: M/2000/1168/F

Proposal: Installation of 1No. 20metres high telecommunications mast, 3 No. antennae, 4 No. microwave dishes & 1No. equipment cabin within a 1.8metres high security fenced compound.

Address: 50metres south of 60 Annaghilla Road, Ballygawley

Decision:

Decision Date: 26.01.2001

Summary of Consultee Responses

DFI Roads – content

DAERA – confirmed active and established farm business

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: LA09/2021/1283/O	Target Date: <add date>
Proposal: Off Site Replacement dwelling and garage	Location: 50m NW of 26 Annaginney Road Dungannon
Applicant Name and Address: George McIvor 101 Mullaghmore Road Dungannon	Agent Name and Address: CMI Planners 38b Airfield Road Toomebridge
Summary of Issues: This application is for an off site replacement dwelling, the existing building was overgrown and now has been cleared back to allow consideration of its replacement status. The reason for the replacement being off site has now been provided.	
Summary of Consultee Responses: GSNI were consulted and confirmed the proposed site is not within an area of abandoned mines. DFI roads were consulted and are content a safe access can be achieved at the site subject to visibility splays	
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 a mix of single dwellings with a roadside frontage, farm holdings and agricultural fields. The site is accessed off Annaginney Road which is a minor road which serves as a link	

road between the main Cookstown Road and the settlement of Newmills. The site is split into two sections as this is an off-site replacement. Along a lane at No. 38 Annaginny Road is a group of farm buildings. To access the building to be replaced is through the farm holding and through two fields to the north. The off site location is 600m to the south west of the building to be replaced and is behind No. 26. The site itself is a portion of a larger agricultural field.

Description of Proposal

This is an outline application for an off Site Replacement dwelling and garage at 50m NW of 26 Annaginney Road, Dungannon.

Deferred Consideration:

This application was before the Committee in February 2022 where it was deferred to allow the applicant to clear vegetation around the existing building and allow assessment of its former use.

The applicant cleared vegetation from around the building and at a site inspection on 8 September I noted the roof of the building has collapsed into the building, however the buildings external walls were substantially intact as shown in Figs 1 & 2.



Figs 1 & 2 below show the front and rear of the existing building

The front of the building was partially cleared of vegetation and there appears to be a small storm porch flanked by windows and a chimney at one end still wholly intact. The window opening has the remains of what would have been a wooden sliding sash window frame (Fig3), which I consider would have been typical for a rural dwelling. I am of the opinion this was a dwelling and with the chimney and window frames in place I consider it has the essential characteristics of a dwelling and may be replaced. It is clear this has a vernacular character, however given the large cracks and the poor state of the building I do not consider it should be retained as a non listed vernacular building.



Fig 3 remains of sliding sash window frame

Members will be aware Policy CTY3 seeks to replace buildings in the curtilage of the existing dwelling, however there are 2 criteria where it may be allowed to be sited outside the curtilage. In this case there are access and amenity benefits to locating off-site. The access to the dwelling to be replaced is through an existing 3rd parties farm yard where they have intensive chicken units. Any traffic going through this farm yard has the potential to create a bio-hazard for the chicken farm. I consider it is appropriate to consider this as an acceptable reason to locate off site. It is noted the policy does not require any off site replacement to be close to the existing building to be replaced and as such provided it meets the remaining criteria in CTY3, then I consider it can be located a distance from the existing buildings, as in this case. I consider it appropriate that a condition is attached to any permission that the existing building is demolished prior to the occupation of any new dwelling.

The proposed site is located behind existing dwellings and the access point uses an existing access where a laneway meets the Annaginny Road. The site is elevated and can be viewed at a distance from the main A29 to the north west. (Fig 4)

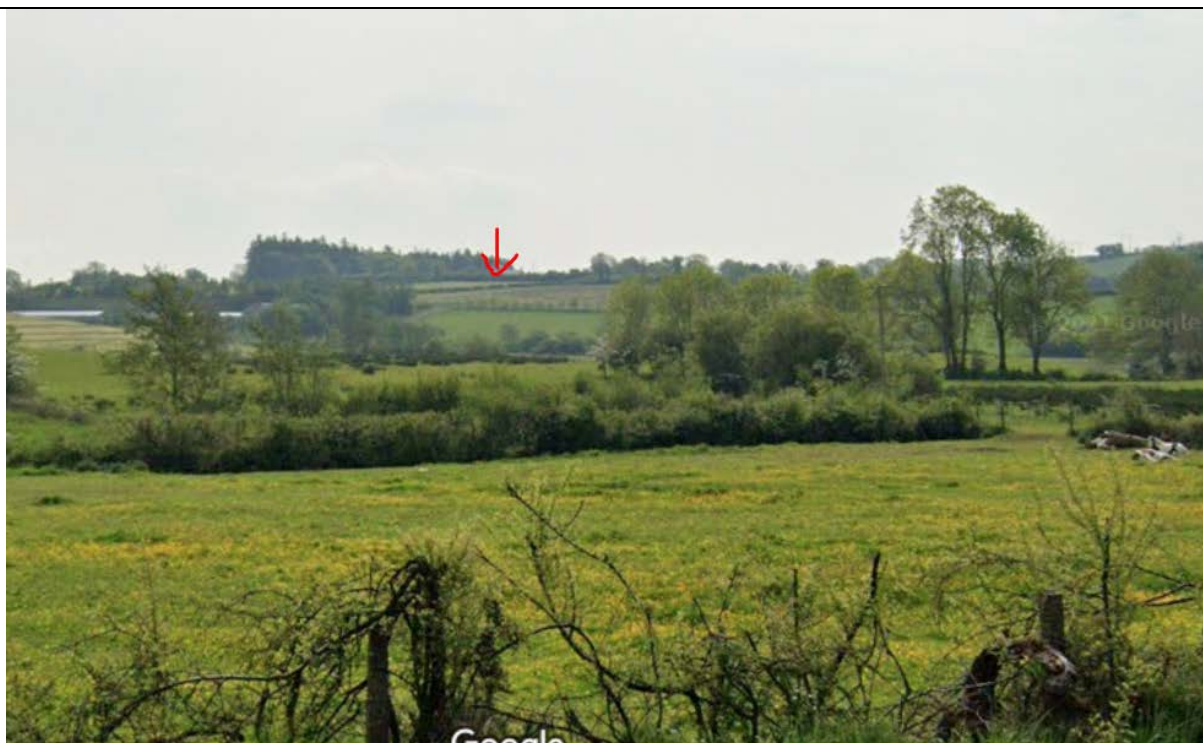


Fig 4 – site identified with arrow, zoomed view from A29.

I consider there is the potential for a dwelling to be prominent if not properly sited and consider it appropriate to limit the ridge height to 6.5m and located to the north east of the site using the existing trees as a backdrop. As this is an outline application the final design, appearance and siting of the dwelling can be assessed then. Due to the size and location of the site, I am of the opinion a dwelling could be appropriately located that would not be prominent and would respect the privacy of the adjacent dwelling. DFI Roads have indicated an access can be achieved to their standards and require 2.4m x 60.0m sight lines.

In light of the above I am of the opinion this was a former dwelling that may be replaced and the off site replacement location can be approved with the conditions set out below.

Recommendation:

Approve with conditions

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, existing and proposed levels 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. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.4m x 60.0m in both directions and a 60.0m forward sight line, shall be provided in accordance with the 1:500 site plan submitted and approved at reserved matters stage. 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. 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 along all new boundaries of the site. 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.

5. The dwelling hereby permitted shall have a ridge height not exceeding 6.5 metres above existing ground level and be designed in accordance with the design guide 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside'

Reason: To ensure that the proposal is in keeping with the character of the area and is not prominent in the landscape.

6. The existing building coloured green on drawing no 02 bearing the stamp dated 02 SEP 2021 shall be demolished and all rubble removed within 6 weeks of the occupation of the dwelling hereby approved.

Reason: To prevent additional dwellings in the countryside.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

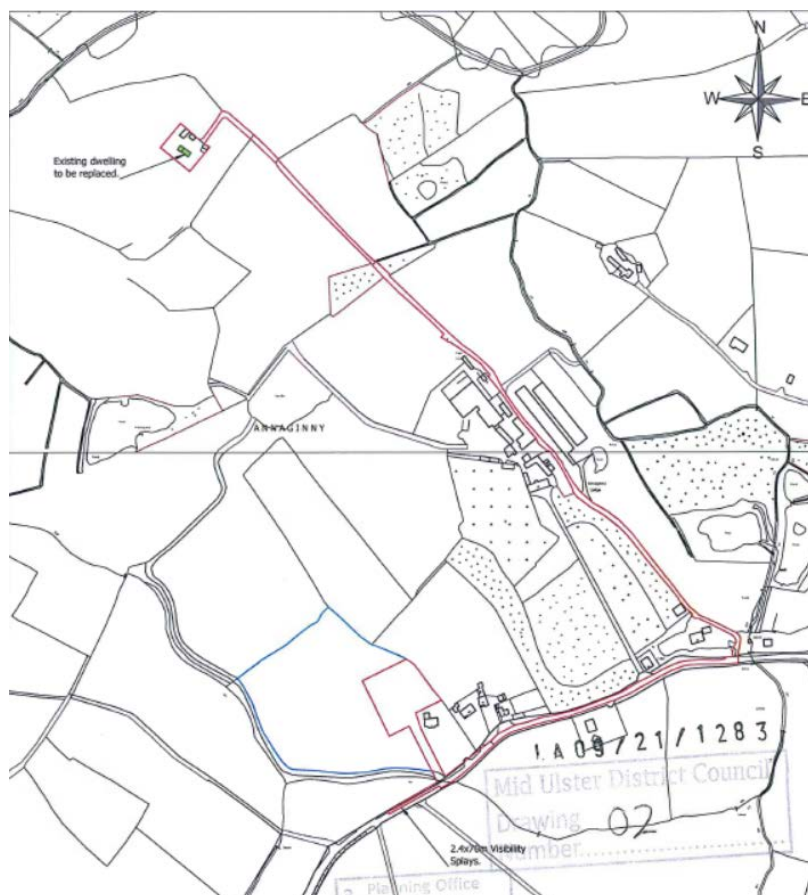
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 01/02/2022	Item Number:
Application ID: LA09/2021/1283/O	Target Date:
Proposal: Off Site Replacement dwelling and garage.	Location: 50m NW of 26 Annaginney Road Dungannon
Referral Route: <ol style="list-style-type: none">1. Contrary to Policy CTY 1 in PPS 21 in that there is no overriding reason why the development is essential and cannot be located within a settlement.2. Contrary to Policy CTY 3 – Replacement Dwellings in PPS 21 in that there is no overriding reason why the proposed dwelling cannot be sited within the existing curtilage.3. Contrary to Policy CTY 3 – No justification has been provided to demonstrate the building to be replaced is a dwelling and it is not clearly evident on site.	
Recommendation:	Refusal
Applicant Name and Address: George McIvor 101 Mullaghmore Road Dungannon	Agent Name and Address: CMI Planners 38b Airfield Road Toomebridge
Executive Summary: When I completed my site visit the building to be replaced is overgrown with vegetation and it was difficult to determine whether it was a dwelling. The agent was asked twice for the building to be cleared and no response has been received. The agent was asked twice for justification why the dwelling needs to be sited off-site and no response has been received. Therefore I am unable to determine if the proposal meets CTY 3 – Replacement Dwellings.	
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)	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 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 a mix of single dwellings with a roadside frontage, farm holdings and agricultural fields. The site is accessed off Annaginney Road which is a minor road which serves as a link road between the main Cookstown Road and the settlement of Newmills. The site is split into two sections as this is an off-site replacement. Along a lane at No. 38 Annaginney Road

is a group of farm buildings. To access the building to be replaced is through the farm holding and through two field to the north. The off site location is 600m to the south west of the building to be replaced and is behind No. 26. The site itself is a portion of a larger agricultural field.

Description of Proposal

This is an outline application for an off Site Replacement dwelling and garage at 50m NW of 26 Annaginney Road, 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 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 replacement opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

Planning Policy Statement 21

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

CTY 3 – Replacement Dwellings

The building to be replaced forms part of a group of buildings that are currently derelict. When I completed my site visit the building is currently very overgrown with vegetation so it is difficult to ascertain if the building is a dwelling. I emailed the agent on both the 26th October 2021 and 11th November 2021 to ask for the vegetation to be cleared back so I can determine if the building is a dwelling. At the time of writing no response has been received. I cannot definitively state there is a building to be replaced due to a lack of information. I have attached an image from the latest orthophotography to show how overgrown the buildings are.



Figure 1 – Orthophotography of the site

The applicant has proposed an off-site location for the replacement dwelling which is 600m south west of the group of buildings. In both emails dated 26th October 2021 and 11th November 2021 the agent was asked to provide justification for siting the proposed dwelling off-site. The criteria in CTY 3 states an alternative siting should have landscape, heritage, access or amenity benefits. At the time of writing no justification has been provided so I consider the proposal does not meet this criteria in CTY 3. The site where the buildings to be replaced is a large site and I consider is not restricted that it could not accommodate a dwelling as stated in the policy in CTY 3. The current site where the buildings are located is along a lane and set well back from the public road. I consider there are no landscape or amenity benefits. The existing access to the buildings is along a lane to a farm holding and the buildings are accessed along the lane through the farm and back a further two fields. The applicant has not shown on the site location plan that the

nearby farm holding on the lane is within the applicant's control. There may be access issues as the building to be replaced is along a shared laneway and two field back along an agricultural track. But issues along a shared laneway are a material planning consideration but travelling through a farm holding may create health and safety issues. Overall, I am of the opinion the proposal does not meet the criteria in CTY 3.

CTY 13 - Integration and Design of Buildings in the Countryside

The applicant has proposed to site the dwelling in a portion of a larger field behind 26 Annaginney Road, Dungannon. The land at the site is at a slightly higher ground level than the land at No. 26. But there are minimal critical views of the site in both directions so I am content the proposal will not be a prominent feature in the landscape. As shown in figure 2 below the site has a relatively flat topography.



Figure 2 – Image from the site visit of the site

There is established hedging on the east and south boundaries as shown in figure 2 but the remaining boundaries are undefined. I am content there is a suitable degree of enclosure at the site.

A new access is proposed which runs along the west boundary of No. 26 which I am content is acceptable. DFI roads are content subject to visibility splays of 2.4m x 60m in both directions. The applicant will need a portion of the land at No. 26 but have served notice on them.

Overall, I am content a dwelling in the proposed location would integrate into the landscape as it would site behind an existing dwelling.

CTY 14 – Rural Character

I am content the siting of the proposed dwelling will not be unduly prominent or lead to a suburbanised build-up of development as there are already a number of dwellings in this area. A dwelling in the proposed location would not be detrimental to rural character and a single storey dwelling would fit the traditional pattern of settlement in the area. I consider a new access in this location would not damage rural character as it would run along the existing boundary.

PPS 3 – Access, Movement and Parking

Policy AMP 2 (Access to Public Roads) is the relevant policy test in this instance. AMP 2 states that planning permission will only be granted for a development involving direct access, or in the intensification of the use of an existing access, onto a public road where:

- It will not prejudice road safety or significantly inconvenience the flow of traffic
- The proposal does not conflict with Protected Routes policy

DFI roads were consulted and are content a safe access can be achieved at the site subject to visibility splays. The site does not access onto a protected route so this does not apply in this case.

Other Considerations

GSNI were consulted and confirmed the proposed site is not within an area of abandoned mines.

There are no other NED, HED or flooding issues at the application site.

Neighbour Notification Checked Yes

Summary of Recommendation:

The proposal is recommended for refusal as it does meet the criteria in CTY1 or CTY 3 – Replacement Dwellings in PPS 21 – Sustainable Development in the Countryside.

Reasons for Refusal:

1. Contrary to Policy CTY 1 in PPS 21 in that there is no overriding reason why the development is essential and cannot be located within a settlement.
2. Contrary to Policy CTY 3 – Replacement Dwellings in PPS 21 in that there is no overriding reason why the proposed dwelling cannot be sited within the existing curtilage.
3. Contrary to Policy CTY 3 – No justification has been provided to demonstrate the building to be replaced is a dwelling and it is not clearly evident on site.

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: LA09/2021/1598/O	Target Date: <add date>
Proposal: Erection of a dwelling, garage & associated site works	Location: 80m South west of 129 Benburb Road Dungannon BT71 7QA
Applicant Name and Address: Mr Norman McKenzie 35 Drumgose Road Dungannon BT71 7JT	Agent Name and Address: Simon Black Architecture Ltd 164 Tirnascobe Road Richhill BT61 9RF
Summary of Issues: This application is for a dwelling on a farm. The existing buildings and farm yard are on top of a hill and there are no other sites close by that could accommodate a dwelling to cluster with the existing buildings. This application is being considered as an exception within the policy of CTY10 – Dwelling on a farm.	
Summary of Consultee Responses: DFI roads were consulted and are content a safe access can be achieved at the site subject to visibility splays DEARA were consulted and confirm the farm is currently active and has been established for 6 years	
Characteristics of the Site and Area: The site is located in the rural countryside, as depicted within the Dungannon and South Tyrone Area Plan, approx. 1.4km northeast of Benburb.	

The main body of the site, an irregular shaped plot, comprises the northeast half of a large agricultural field set back from the Benburb Rd well enclosed on all sides by a mix of mature hedgerow and tree vegetation with the exception of the northeast boundary, which is open onto the host field. Access into the main body of the site is proposed via a short driveway off the Benburb Rd through the northern corner of an adjacent roadside field at the location of an existing agricultural gate. Before breaking into the main body of the site, the driveway will run to the rear of mature hedgerow vegetation defining the party boundary of the roadside field with neighbouring property, no. 129 Benburb Rd, a roadside bungalow.

The land with the immediate vicinity rises up from the Benburb Rd in a northwest direction through the site and beyond. Views of the site will be short distance from the Benburb Rd just before and passing along the south of the site due primarily to the mature vegetation bounding the site but also the topography of the area and existing development and vegetation in the wider vicinity, which enclose and screen it.

The area surrounding the site is predominantly rural comprising agricultural land interspersed with detached dwellings, ancillary building and farm groups. Including the aforementioned no. 129 Benburb Rd, two bungalow dwellings on generous plots run along the north side of the Benburb Rd immediately east of the site. Another roadside bungalow with attached outbuilding sits opposite the proposed access into the site, adjacent the Benburb / Drumlee Rd junction.

Description of Proposal

This is an outline planning application for a dwelling and garage on a farm. The site is located on lands 80m south west of 129 Benburb Road Dungannon.

Deferred Consideration:

This application was before the Committee in March 2022 where it was deferred to allow the applicant to discuss the proposal with the Service Director. A meeting was held on 10 March where the issues were identified and the applicant was advised the Team Lead would reassess the case and may request additional information.

The issues in this case relates to the siting of the proposed dwelling away from a group of building on the farm. As identified in the previous report there is a group to the south of the proposed site and the applicants house is on the opposite side of the road from these. The applicant had previously indicted why they could not locate beside the existing farm group, however they did not consider the site beside and west of the existing dwelling. Additional information has been provided that highlights this area is the only piece of flat ground adjacent to the farm group, it is used for the parking of vehicles as an overspill to the farm yard. It also provides access to the lands to the south and any dwelling here would severely hinder the farming activities.

The applicant has now, in my opinion, clearly set out why they are unable to site beside the existing buildings. I accept the reasons stated in the previous report show why they cannot site to the north and west for demonstratable health and safety grounds and the site beside the dwelling is a verifiable expansion of the farm, albeit on an ad hoc basis. The exception within CTY10 now comes into consideration as the applicant has advised

there are no other groups of buildings on the farm where they can site a dwelling beside. This requires the consideration of the impacts of the proposal on the landscape under policies CTY13 and CTY14. The proposed site is well screened from views as there is mature vegetation on 3 sides and the land rises to the south. Access will not require the removal of this vegetation as the site boundaries are set one field back from the roadside/ I consider a condition to require the retention of this vegetation at its existing height will ensure a dwelling here will be largely unseen and as such will have limited impact on the overall character of the surrounding area.

As this is an outline application the final design, appearance and siting of the dwelling can be assessed then. Due to the size and location of the site, I am of the opinion a dwelling could be appropriately located that would not be prominent and would respect the privacy of the adjacent dwelling. DFI Roads have indicated an access can be achieved to their standards and require 2.4m x 70.0m sight lines and 70.0m forward sight distance, the applicant has shown this land all within his control..

In light of the above I am of the opinion this application can be approved as an exception within Policy CTY10.

Recommendation:

Approve with conditions

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, existing and proposed levels 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. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.4m x 70.0m in both directions and a 70.0m forward sight line, shall be provided in accordance with the 1:500 site plan submitted and approved at reserved matters stage. 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. 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 the trees and vegetation on the north, west and east boundaries to be retained at their current height, measures for their protection during the course of development and details of a native species hedge to be planted along all new boundaries of the site. 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 within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual amenity, to protect the rural character of the countryside and ensure the development satisfactorily integrates into the countryside.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

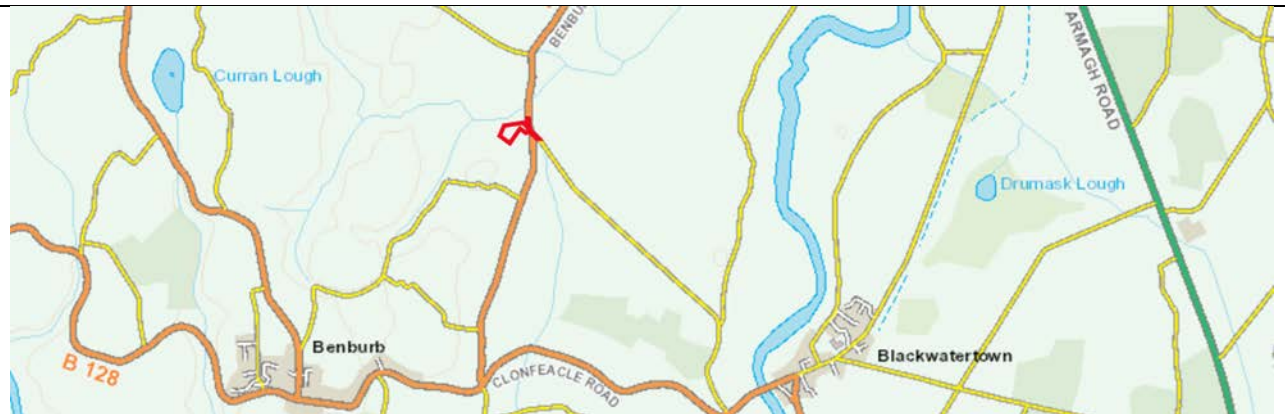
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1598/O	Target Date:
Proposal: Erection of a dwelling, garage & associated site works	Location: 80m South west of 129 Benburb Road Dungannon BT71 7QA
Referral Route: Refusal	
Recommendation: Refuse	
Applicant Name and Address: Mr Norman McKenzie 35 Drumgose Road Dungannon BT71 7JT	Agent Name and Address: Simon Black Architecture Ltd 164 Tirnascoe Road Richhill BT61 9RF
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 it has not been demonstrated that the proposed new building is sited to cluster with an established group of buildings on the farm.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	DAERA - Omagh	Considered - No Comment Necessary
Representations:		
Letters of Support		None Received
Letters of Objection		None Received
Number of Support Petitions and signatures		No Petitions Received
Number of Petitions of Objection and signatures		No Petitions Received
Description of Proposal This is an outline planning application for a dwelling and garage on a farm. The site is located on lands 80m south west of 129 Benburb Road Dungannon.		
Characteristics of the Site and Area The site is located in the rural countryside, as depicted within the Dungannon and South Tyrone Area Plan, approx. 1.4km northeast of Benburb. The main body of the site, an irregular shaped plot, comprises the northeast half of a large agricultural field set back from the Benburb Rd well enclosed on all sides by a mix of mature hedgerow and tree vegetation with the exception of the northeast boundary, which is open onto the host field. Access into the main body of the site is proposed via a short driveway off the Benburb Rd through the northern corner of an adjacent roadside field at the location of an existing agricultural gate. Before breaking into the main body of the site, the driveway will run to the rear of mature hedgerow vegetation defining the party boundary of the roadside field with neighbouring property, no. 129 Benburb Rd, a roadside bungalow. The land with the immediate vicinity rises up from the Benburb Rd in a northwest direction through the site and beyond. Views of the site will be short distance from the Benburb Rd just before and passing along the south of the site due primarily to the mature vegetation bounding the site but also the topography of the area and existing development and vegetation in the wider vicinity, which enclose and screen it. The area surrounding the site is predominantly rural comprising agricultural land interspersed with detached dwellings, ancillary building and farm groups. Including the aforementioned no. 129 Benburb Rd, two bungalow dwellings on generous plots run along the north side of the Benburb Rd immediately east of the site. Another roadside bungalow with attached outbuilding sits opposite the proposed access into the site, adjacent the Benburb / Drumlee Rd junction.		
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

Dungannon and South Tyrone Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

Development Control Advice Note 15: Vehicular Standards

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

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

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 History

N/A

Consultees

1. Dfi Roads were consulted in relation to access arrangements and have no objection subject to standard conditions and informatives. Accordingly, I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.
2. Department of Agriculture, Environment and Rural Affairs (DEARA) were consulted on this application and confirmed the farm business stipulated on the P1C Form accompanying the application is currently active and has been established for at least 6 years.

Consideration

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

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

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – is the overarching policy for development in the countryside. Policy CTY1 of PPS 21 states "There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aim of sustainable development". These include dwellings on farms in accordance with Policy CTY 10 of PPS 21, which the applicant has applied under.

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 (DAERA) this farm business (identified on P1C Forms and Farm maps submitted along with the application) has been active and established for over 6 years. 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,

I have checked the farm maps associated with the application and there is no evidence to indicate that any dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within the last 10 years from the date of the application. Criterion (2) of CTY 10 has been met.

3. the new building is visually linked or sited to cluster with an established group of buildings on the farm. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
 - demonstrable health and safety reasons; or
 - verifiable plans to expand the farm business at the existing building group(s).

In such circumstances the proposed site must also meet the requirements of CTY 13(a-f), CTY 14 and CTY 16.

The P1 Form and farm maps submitted as part of this application show the applicant's home and farm buildings located at no. 35 Drumgose Rd on lands approx. 200m southeast of the site. This separation distance alongside the undulating topography of the area and vegetation on site and within the wider area mean a dwelling and garage on site would not visually link or cluster with the established group of buildings on the applicant's farm.



Fig 1: Applicant's dwelling and farm buildings circled green and blue, respectively.

Accordingly, Planning sought additional information / answers to questions below to assess the application further:

- Justification why the site is not visually linked or sited to cluster with an established group of buildings on the farm; and
- Are there demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group?

In response to the above, the applicant's agent submitted a supporting statement. The statement outlined the dwelling including garage is for the applicant son. That is to be located on farmland approx. 200m northeast of the applicant's farm buildings, which it would visually link with from the Benburb Rd, as indicated by the purple dashed line on the map below (Fig 2). The statement also detailed consideration has been given to alternative sites clustered with the applicant's farm buildings (see Figs 3 & 4), however these were deemed unsuitable.

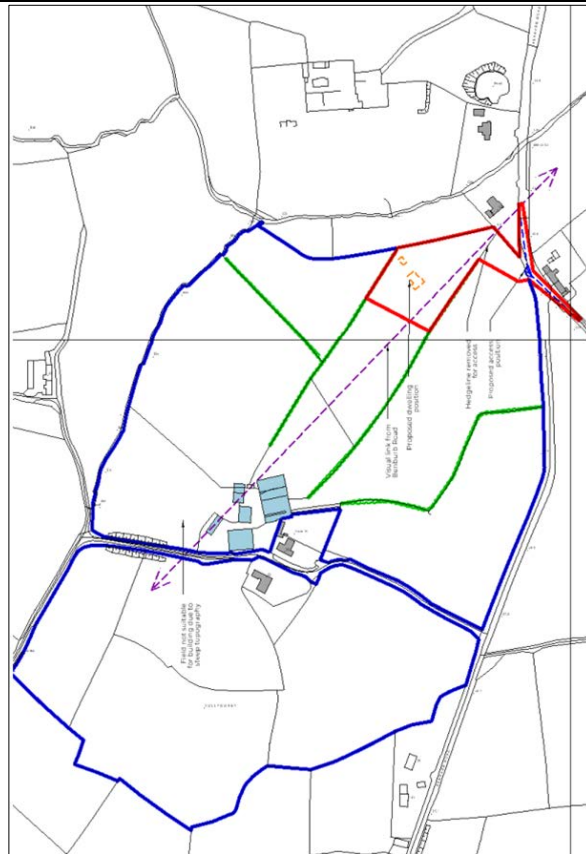
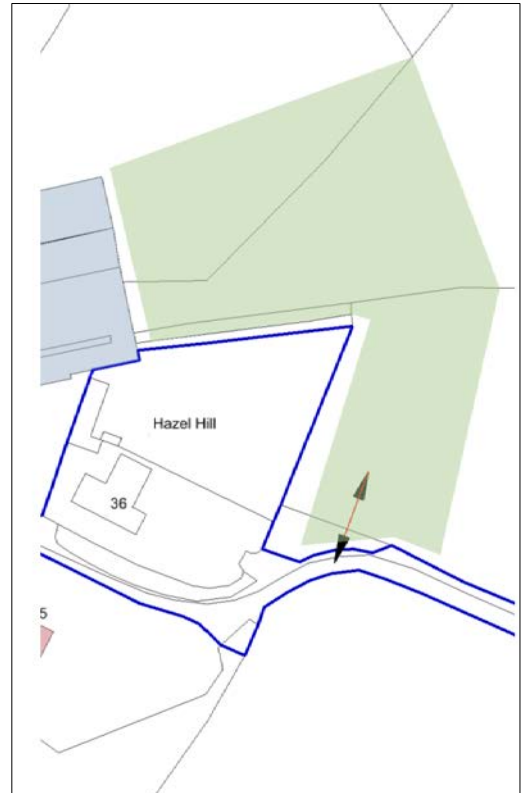


Fig 2: Plan within Supporting Statement - Purple dash line represents visual link from Benburb Rd



Figs 3 & 4: Plans within Supporting Statement - Alternative site's 1 & 2 considered to cluster with farm buildings

Alternative site 1 (shaded green in Fig 3) located to the west of the farm would cluster with the farm buildings however due to the topography and the ground conditions a site in this location would be unsuitable for buildability reasons. Alternative site 2 (shaded green in Fig 4) located to the north / east of the farm would cluster with the farm buildings however due to the curvature of the existing road site access and visibility splays would not be achieved. It would also rely on the removal of mature trees and hedgerows impacting the natural environment along with blocking access to fields from the farmyard.

Having considered the contents of supporting statement above, my opinion remains that owing to the separation distance alongside the undulating topography of the area and vegetation on site and within the wider area a dwelling and garage on this site would not visually link or cluster with the established group of buildings on the applicant's farm. Furthermore, I am not content demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group is sufficient to justify a site away from the established group of building on the applicant's farmlands. Whilst the undulating topography of the area is noted, it is consider other potential opportunities on the applicant's lands to cluster with the farm group exist.

Additional considerations

Had the principle of a dwelling been established on this site I would have had no significant concerns regarding integration or it impacting the amenity of existing or potential neighbouring properties to any unreasonable degree in terms of overlooking or overshadowing given the location of the site, vegetation bounding it and separation distances that can 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.

Flood Maps NI indicate no flooding on site.

Recommendation: Refuse

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 it has not been demonstrated that the proposed new building is sited to cluster with an established group of buildings on the farm.

Signature(s)

Date:



Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2021/1641/F	Target Date:
Proposal: Proposed conversion of existing store to dwelling.	Location: Approx 30M North Of 6 Ruskey Road Coagh Cookstown
Applicant Name and Address: Mr Jim McIntyre 6 Ruskey Road Coagh Cookstown	Agent Name and Address: Gibson Design And Build 25 Ballinderry Bridge Road Coagh Cookstown BT80 0BR
Summary of Issues: No objections have been received to the application	
Summary of Consultee Responses: No issues of concern have been raised by consultees.	
Characteristics of the Site and Area: The site is approximately 0.8km north of the development limits of Coagh and is in the rural area as defined in the Cookstown Area Plan 2010. The surrounding area is characterised predominantly by agricultural land with a scattering of residential buildings. The site is set well back from the road and it is not visible from the Ruskey Road due to the intervening vegetation.	
Description of Proposal The application has been amended from a replacement dwelling to the conversion of the existing store to a dwelling	

Deferred Consideration:

This application was presented before Members in April 2022 for a replacement dwelling and was deferred for an office meeting with the Service Director. Following the office meeting on 28 April 2022 and amended P1 form and design has been submitted for consideration. The application has changed from a replacement dwelling to the conversion of the existing outbuilding to a dwelling. The applicant at the time of submission of the application paid a fee for a single dwelling house. The proposal will also extend the existing outbuilding to accommodate a sun lounge and garage. It is a stand along one bedroom dwelling. At the office meeting the applicant stated he wishes to live in smaller accommodation and pass his dwelling to one of his children. The proposal will share the access and laneway currently used by No 6 and is set behind the dwelling at number 6.

Policy CTY 4 of PPS 21 is applicable for the consideration of this case. I am satisfied the revised proposal satisfies the criteria of CTY 4. The building is of permanent construction, there is no issue with the form/character/architectural features/design and setting of the existing building and it is not visible in the locale unless standing on the application site. The small extensions are sympathetic to the scale, massing, style and finishes of the existing building and it is appropriate to this countryside location. The use of an unaltered access will serve the proposal. There are no objections to the planning application and I am content to recommend an approval of the application.

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.

Signature(s)**Date:**

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1641/F	Target Date:
Proposal: Proposed replacement dwelling	Location: Approx 30m North of 6 Ruskey Road Coagh Cookstown
Referral Route: To Committee - Refusal - Contrary to CTY 1 and CTY 3 of PPS 21.	
Recommendation:	
Applicant Name and Address: Mr Jim Mc Intyre 6 Ruskey Road Coagh Cookstown	Agent Name and Address: Gibson Design and Build 25 Ballinderry Bridge Road Coagh Cookstown BT80 0BR
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Water - Single Units West - Planning Consultations	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice
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 and CTY 3 of PPS 21.

Characteristics of the Site and Area

The site is approximately 0.8km north of the development limits of Coagh, as such the site is located within the open countryside as per the Cookstown Area Plan 2010. The site has been identified as Approx 30m North of 6 Ruskey Road, Coagh, Cookstown, in which the site proposes a new access onto the private laneway off the Ruskey Road. Within the red line sits a large detached store/workshop with a portion of the building identified to be a dwelling. I note that the immediate and surrounding area is characterised by predominately agricultural land uses with a scattering of residential properties.

Representations

Two neighbour notifications were sent out however no representations were received in connection with this application.

Description of Proposal

This is a full application for a proposed replacement dwelling, the site is located Approx 30m North of 6 Ruskey Road, Coagh, Cookstown.

Planning Assessment of Policy and Other Material Considerations

The key planning issues are as stated below and following policies/advice have been included in this assessment:

Mid Ulster Local Development Plan 2030 - Draft Plan Strategy
 Strategic Planning Policy Statement (SPPS)
 Cookstown Area Plan 2010
 PPS 1 - General Principles
 PPS 3 - Access, Movement and Parking
 PPS 21 - Sustainable Development in the Countryside
 Building on Tradition - A Sustainable Design Guide for Northern Ireland Countryside
 CTY 1 - Development in the Countryside
 CTY 3 - Replacement Dwellings

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 are acceptable in the countryside. In this instance the application is for a replacement dwelling and as a result it must be considered under CTY 3 of PPS 21. CTY 3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. I note that during the site visit I witnessed that the building identified to be replaced looked more like a large detached store from the outside. However once inside it is clear that at some point a portion of the building has been used a dwelling or made to appear so. Upon further study of the building I note there was only permission for the store and never any permission for any conversion of part of the store to a dwelling. Additional evidence was sought to demonstrate that this part of the building has been used a dwelling for an excess of five years. This evidence was not provided, given this and the ambiguity as to when the building was converted I am not content that this demonstrates as a valid replacement opportunity.

Despite the concerns over whether or not this is a dwelling or not, in terms of the proposed siting, I note given the fact the 'dwelling' is attached to the store that an off-site position would make most sense to provide some level of curtilage and amenity space. I note that a small modest detached dwelling is proposed which would have minimal impact on the surroundings and it is of suitable design. However I still hold the view that the application fails under CTY 3 given the ambiguity over whether or not this was a dwelling.

I note that no other policy consideration was put forward and upon review of each I hold the view that they would not meet any of the relevant policies under CTY 1.

The proposed development must also comply with policies CTY 13 and 14, in that CTY 13 states that the proposed development is able to visually integrate into the surrounding landscape and be of appropriate design. As noted I am content that the proposed dwelling will be able to successfully integrate into the landscape and it is of appropriate design. From this I am content that the application is able to comply with CTY 13.

CTY 14 states that planning permission will be granted for a building where it does not cause a detrimental change to, or further erode the rural character of the area. Based on the guidance I am content that the proposed dwelling will not conflict with CTY 14.

PPS 3: Access, Movement and Parking

I note that the intention is to use an existing unaltered access, a consultation was sent to DFI Roads who responded to state that this is a replacement dwelling DFI recommend that the access be upgraded to the standards as shown on the attached RS1 form.

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

I have no flooding, ecological or residential amenity concerns.

Neighbour Notification Checked

Yes

Summary of Recommendation:

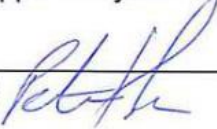
Refusal

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 CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that it has not demonstrated that this is a valid replacement opportunity as there is no structure that exhibits the essential characteristics of a dwelling.

Signature(s)



Date:

22/3/22

ANNEX	
Date Valid	15th November 2021
Date First Advertised	30th November 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 6 Ruskey Road Coagh Londonderry The Owner/Occupier, 8 Ruskey Road, Coagh, Londonderry, BT80 0AA	
Date of Last Neighbour Notification	10th December 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/1641/F Proposal: Proposed replacement dwelling Address: Approx 30m North of 6 Ruskey Road, Coagh, Cookstown, Decision: Decision Date: Ref ID: I/1988/0333 Proposal: DWELLING Address: RUSKEY ROAD, COAGH Decision: Decision Date: Ref ID: I/1992/0066 Proposal: Extension and alterations to dwelling Address: 14 RUSKEY ROAD COAGH Decision: Decision Date: Ref ID: I/1987/0494 Proposal: DWELLING AND GARAGE Address: RUSKEY ROAD, UPPER RUSKEY, COAGH Decision: Decision Date: Ref ID: I/1996/0355 Proposal: 11KV Rural Spur	

Address: TOWNLAND OF BALLYDAWLEY COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1986/0105

Proposal: DWELLING HOUSE

Address: BALLYDAWLEY, MONEYMORE, COUNTY LONDONDERRY

Decision:

Decision Date:

Ref ID: I/1977/0111

Proposal: ERECTION OF STORE

Address: BALLYDAWLEY, MONEYMORE

Decision:

Decision Date:

Ref ID: I/1977/012801

Proposal: REPLACEMENT DWELLING

Address: BALLYDAWLEY, MONEYMORE

Decision:

Decision Date:

Ref ID: I/1977/0128

Proposal: REPLACEMENT DWELLING

Address: BALLYDAWLEY, MONEYMORE

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

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: LA09/2021/1678/F	Target Date: 14 January 2022
Proposal: Proposed two storey family dwelling and attached garage	Location: South Of 179 Coash Road Killyman Dungannon
Applicant Name and Address: Stephen Mc Aliskey 179 Coash Road Killyman Dungannon BT71 6RD	Agent Name and Address: Carol Gourley Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown BT80 9LU
Summary of Issues: No objections received The proposed dwelling does not take into account the scale and character of the existing development in the ribbon.	
Summary of Consultee Responses: DFI Roads have requested amended plans to show 2.4m x 45.0m sight lines and minor changes to the detailing in the access. Have advised Council to be sure the applicant controls the lands for the access.	
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.

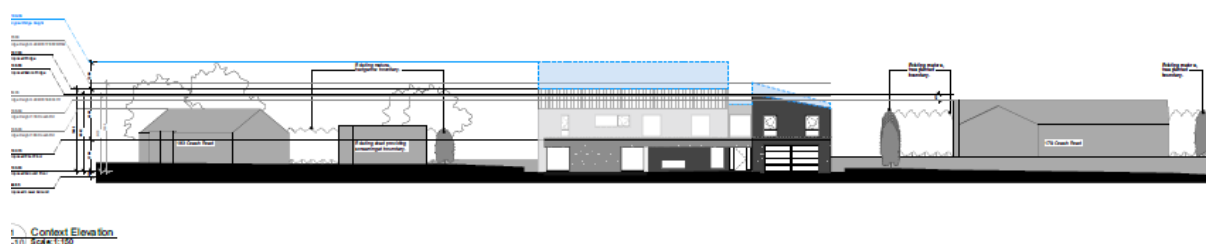
Description of Proposal

This is a full application for a proposed two storey family dwelling and attached garage at South of 179 Coash Road, Killyman, Dungannon.

Deferred Consideration:

This application was before the Planning Committee in August 2022 where it was deferred for a meeting with the Service Director - Planning. At a meeting on 11 August 2022, infill policy was discussed and the principle of development was accepted, the issue relates to the design of the development and how it respects the adjacent development.

Amended plans were submitted for consideration which reduced the height of the building in the landscape by reducing the ground level and the overall height of the dwelling.



Members are advised the exception to the policy does not mean that any development on the gap site will be acceptable, it specifically requires any new development '*respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.*'

The illustration above, provided by the applicants in support of the proposal, clearly shows the proposed development is a 2 storey dwelling within a line of bungalows and low buildings. Having visited the site I was aware of a strong emphasis on this scale of development which is low elevation and single storey in appearance. This is particularly of note in the cottage and associated buildings to the south which have very low ridge heights (Fig 1) The gable fronted bungalow to the north also has a low ridge and appearance of single storey (Fig 2), as does the single storey dwelling further to the north (Fig 3).



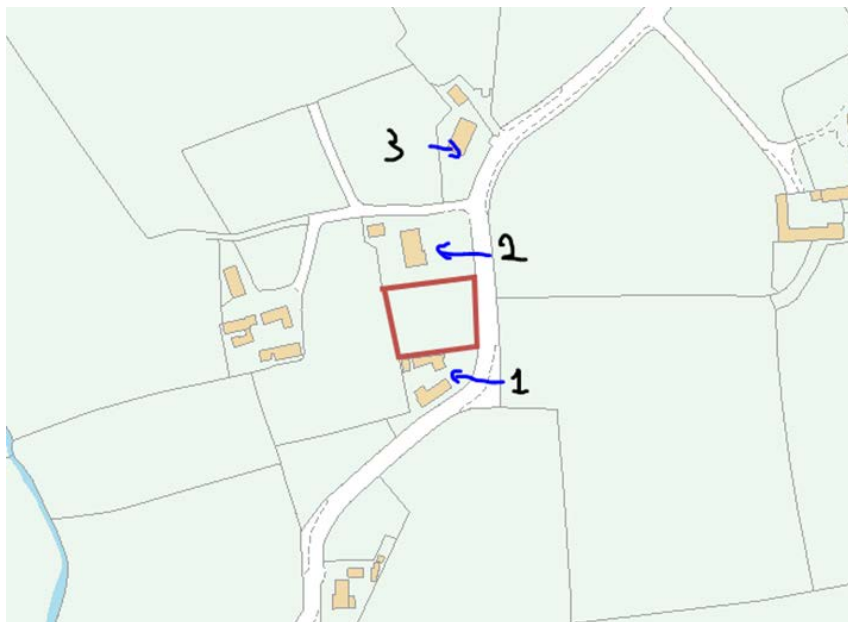
Fig 1 – dwelling to the south



Fig 2 – bungalow to north



Fig 3 – dwelling further north



DFI Roads had requested amended plans showing sight line, these have been provided and show the access with sight lines of 2.4m x 45.0m.

I note this is a minor road and views of the site are limited to in front of the proposed site, however it is clear there is a strong sense of scale here. I consider the proposed dwelling does not respect that scale and as such does not meet the exception to the infill policy and as such I recommend this application is refused.

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:



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.

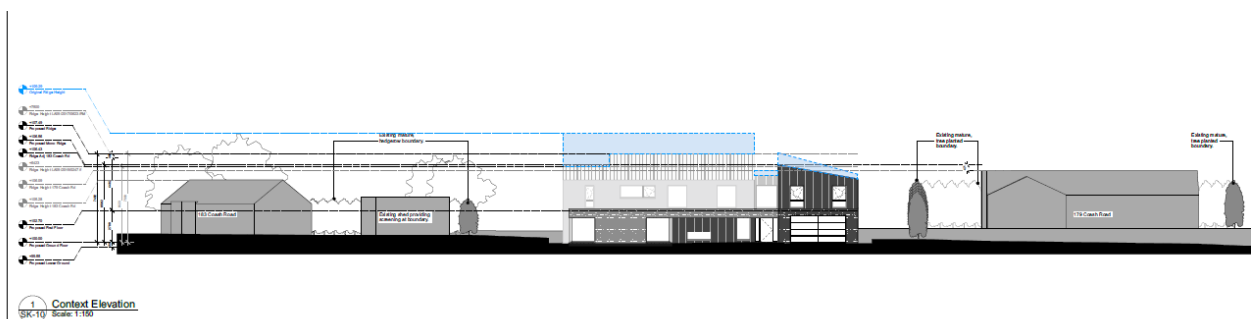


Figure 1 – Street scene of proposed dwelling in context of surrounding dwellings

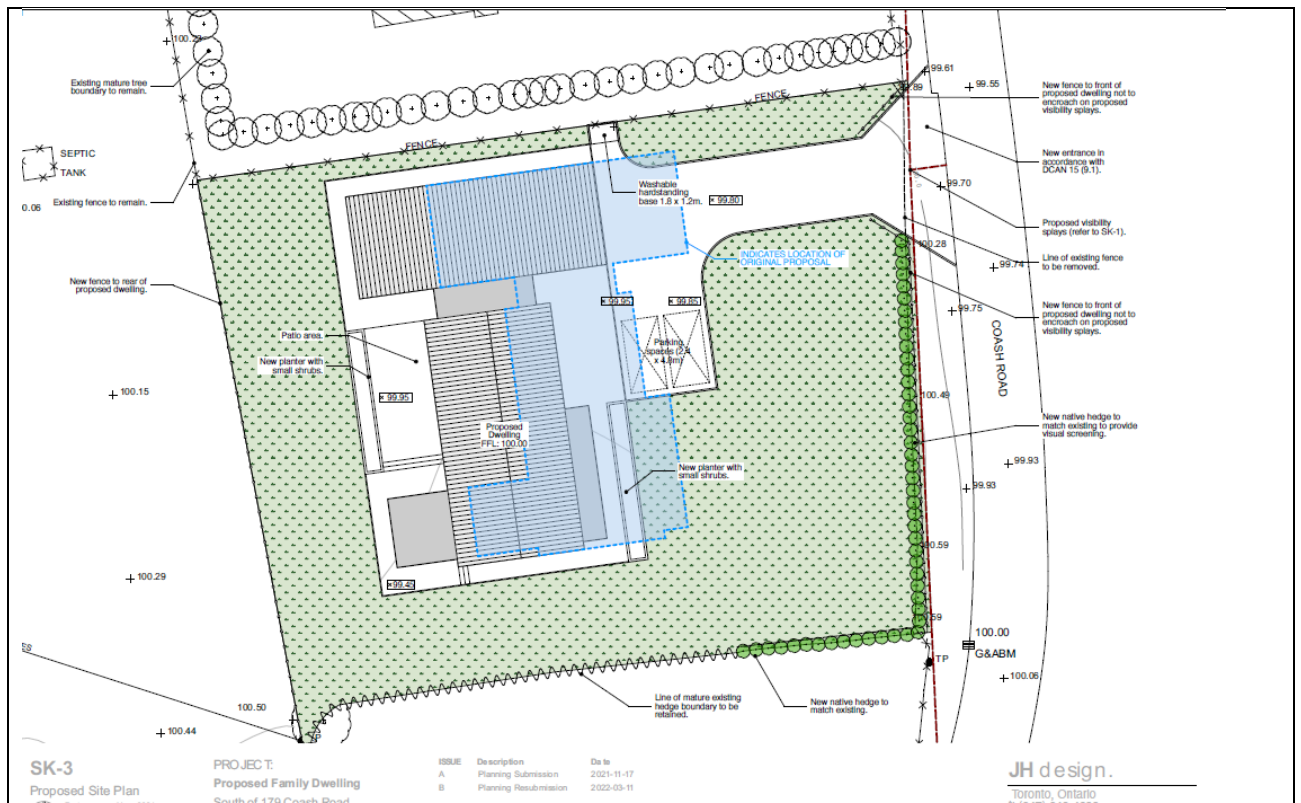


Figure 2 – Site Plan of the dwelling pushed further back

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.

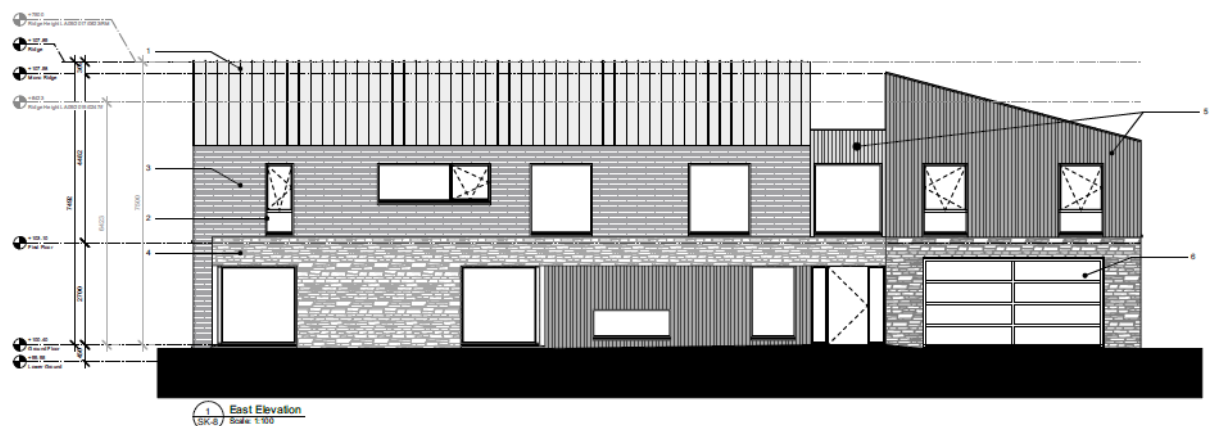


Figure 3 – Snapshot of roadside view of proposed dwelling



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:

Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2022/0186/O	Target Date: 8 April 2022
Proposal: Dwelling & garage under CTY6 (personal & domestic circumstances)	Location: 25M SW Of No 12A Gortnahurk Road Draperstown
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 BT80 9LU
Summary of Issues: <p>The application was presented at July Committee with a recommendation to refuse. It was considered to be contrary to Policies CTY 1 and CTY 6 of PPS 21 in that there were no overriding reasons why the development could not be located within a settlement, the applicant had not provided satisfactory evidence that a new dwelling was a necessary response to the circumstances of the case, that genuine hardship would be caused if permission was refused and it was not demonstrated that there are no alternative solutions.</p>	
Summary of Consultee Responses: <p>No consultations carried out for deferred consideration</p>	
Description of Proposal <p>This application seeks outline planning permission for a dwelling and garage on lands approximately 25m SW of No 12a Gortnahurk Road, Draperstown.</p>	

Deferred Consideration:

It was agreed at Planning Committee in July that this application be deferred to allow myself and Dr Boomer to give further consideration to the medical evidence provided with the CTY 6 case along with investigating how long the site has been cleared to the extent that it currently is.

Having thoroughly reviewed the medical evidence our position remains the same - the evidence is not so compelling that it merits a standalone dwelling under Policy CTY 6 of PPS 21. I also reviewed Councils orthophotography and from the 2017 flyover there is no evidence that the site clearing was there. However the date of the flyover is not specific to a month or day so I can not say with 100% certainty that the cleared area has not been there for 5 years or more.

As the circumstances of the case could not be disregarded completely the applicant/agent was advised that there was an option that they could consider. A dwelling on the site could be considered under a different policy context - The Addendum to PPS 7 Residential Extensions and Alterations - if a design solution was produced that would link a new dwelling to the existing dwelling at 12a Gortnahurk.

The agent has advised that this option is not acceptable to the applicant and they have requested that the application be presented to members as a refusal.

On the basis of the above consideration I have no option but to recommend this application for refusal for the same reasons presented to members at July Planning Committee.

Conditions/Reasons for Refusal:**Refusal Reasons****Reason 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.

Reason 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):Karla McKinless

Date: 17 October 2022



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:	



Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2022/0272/F	Target Date: 15 June 2022
Proposal: Private dwelling house	Location: Lands Approximately 100M East Of 10 Tralee Road Coagh
Applicant Name and Address: Mr Brian Devlin Fairview House Druminard Coagh	Agent Name and Address: Manor Architects Stable Buildings Moneymore BT45 7PD
Summary of Issues: This application was presented to Members at June Planning Committee as a Refusal. It was deemed contrary to the SPPS and Policy CTY1 of PPS 21 in that there were no overriding reasons why the development was essential in this rural location and could not be located within a settlement. It was also considered contrary to CTY 8 and CTY 14 in that it did not represent a gap site and would create a ribbon of development. Furthermore it was considered contrary to PPS 3, Development Control: Roads Considerations in that the applicant had not shown a safe access onto the Tralee Road.	
Summary of Consultee Responses: DFI Roads have been consulted and offer no objection	
Description of Proposal This is a full planning application for a private dwelling house to be considered under infill policy (CTY 8 of PPS 21)	

Deferred Consideration:

It was agreed at Planning Committee in June that this application be deferred for an office meeting. At this meeting concern was raised that the built up frontage was relying on a dwelling that had yet to be substantially built (I/2010/0205/RM). Only the foundations had been erected which were not deemed substantial building works. It was also relying on another dwelling, which fronted onto another road, 51 Mawillan Road.

The applicant/agent were advised that if I/2010/0205/RM were to be constructed to an acceptable level it could be considered as part of the built up frontage. The applicant agreed that he would proceed with construction of this dwelling to a level that would be considered substantial.

Following my site inspection I can confirm that the dwelling approved under I/2010/0205/RM has been built to a level that it can be considered substantial (Photos available on Public Access). I am also of the opinion that whilst number 51 Mawillan Road does front onto another road it does have a secondary access onto the Tralee Road and it does visually read as part of the built up frontage for the purposes of the CTY 8 policy test. I am therefore satisfied that the proposed dwelling can be considered as an infill opportunity in line with the provisions of policy CTY 8 and that the development of this site is not creating a ribbon of development along the Tralee Road.

DFI Roads were consulted with a 1:500 layout drawing and are content with the proposed access arrangement subject to standard conditions. I am therefore content that the PPS 3 refusal reason has been overcome.

Approval recommended.

Conditions/Reasons for Refusal:**Approval Conditions****Condition 1**

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

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

Condition 2

The vehicular access including visibility splays shall be provided in accordance with approved Drawing No 2183-PL-02 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Condition 3

The access gradient(s) to the dwelling(s) hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary.

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

Condition 4

The existing natural screenings of the site, as indicated on approved drawing ref 2183-PL-02, date stamped received 26th May 2022, shall be permanently retained.

Reason: In the interests of visual amenity.

Condition 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 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.

Informative 1

The applicant is advised to refer to the informative advice provided by consultees in their responses which are available to view at www.midulstercouncil.org. The applicant is also advised that this permission does not confer title. Please ensure that you control all the lands necessary to carry out the proposed development.

Signature(s):Karla McKinless

Date: 18 October 2022



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2022/0272/F	Target Date:
Proposal: Private dwelling house	Location: Lands approximately 100m East of 10 Tralee Road Coagh
Referral Route: Contrary to policy	
Recommendation:	Refusal
Applicant Name and Address: Mr Brian Devlin Fairview House Druminard Coagh	Agent Name and Address: Manor Architects Stable Buildings Moneymore BT45 7PD
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Contrary to PPS 21

Characteristics of the Site and Area

The site is located within the open countryside outside any settlement limits as per the Cookstown Area Plan 2010. The site is a rectangular shaped agricultural field, bounded by a mix of hedges and trees with the western boundary currently undefined. The field is relatively flat in nature. The surrounding area is agricultural in nature with agricultural fields and single dwellings located throughout the countryside. The site is accessed via the Tralee Road with the Mawillan Road running behind the site.

Description of Proposal

This is a full planning application for a private dwelling house.

Planning Assessment of Policy and Other Material Considerations

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

The application is for a dwelling to be considered under CTY 8. The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. The provisions of the SPPS and PPS 21 - Sustainable Development in the countryside, control development.

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'.

Policy CTY 8 states that planning permission will be refused for a building, which creates or adds to a ribbon of development. However, 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 it respects the existing development pattern along the frontage in terms of size, scale, sitting and plot size and meets other planning and environmental requirements. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The first step in determining whether an infill opportunity exists is to identify whether there is an otherwise substantial and continuously built up frontage present. The agent in their supporting statement contends that to the west the frontage includes No.10 Tralee Road, the garage and two agricultural buildings located on this site. However, I believe there are only two buildings with frontage to the road being the dwelling and the outbuilding to the east of the dwelling. The agent also contends that No.51 Mawillan Road to the east of the site is part of this substantial and built up frontage however as it faces north east onto the Mawillan Road and is separated by a link road between Tralee Road and Mawillan Road, it cannot be considered as part of the built up frontage. The agent also states the site approved under I/2010/0205/RM is part of the continuously built up frontage however when conducting a site visit the development consists of foundations and no substantial building works are completed to classify it as a dwelling so this cannot be included. Therefore, I do not believe there is a substantial and continuously built up frontage.

However, the application site is a sufficient size in that it could only accommodate one dwelling and it respects the existing development pattern in terms of siting and scale of the plot.

The proposed application site would add to the ribbon of development along the Tralee Road, and as such, fails to comply with Policy CTY 8.

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 the proposal will not be a prominent feature within the landscape and with the existing boundaries of the site, it will integrate into the landscape. The design of the proposed dwelling is appropriate to its locality.

Policy CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of the area. I am content that a dwelling in this location would not be a prominent feature in the landscape and a well-designed dwelling would respect the pattern of development. However, as previously mentioned a dwelling in this location would result in ribbon development. Therefore, failing to meet the policy criteria set out in Policy CTY 14.

PPS 3- Access, Movement and Parking:

DfI Roads were consulted on the planning application and requested amendments to the proposal. At the time of writing amendments have not been received and as such the proposal in its current form, fails to comply with Policy AMP 2 of PPS 3.

PPS 6: Planning, Archaeology and Built Heritage

Historic Environment were consulted as the site is located within an area identified as an archaeological site and monument. HED responded to confirm they assessed the application and is content that the proposal is satisfactory to SPPS and PPS 6 Archaeological policy requirements.

Other Material Considerations

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021, the Council submitted the draft Plan Strategy to DFI for them to cause 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:

Refusal

Reasons for Refusal:

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

The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a gap site within a substantial and continuously built up frontage and would if permitted, create a ribbon of development.

The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create a ribbon of development.

The proposal is contrary to Planning Policy Statement 3, Development Control: Roads Considerations in that the applicant has not shown a safe access onto the Tralee Road.

Signature(s)

Date:

ANNEX	
Date Valid	2nd March 2022
Date First Advertised	15th March 2022
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 51 Mawillian Road Cookstown Londonderry	
Date of Last Neighbour Notification	28th March 2022
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: I/2004/0865/O Proposal: 2 Storey dwelling & garage Address: 150M West of junction of Tralee Road & Mawillian Road, Loup Decision: Decision Date: 10.11.2004 Ref ID: I/2004/0099/O Proposal: Two storey dwelling house and garage. Address: 150 Metres West of junction of Trelee Road and Mawillian Road, Loup, Moneymore. Decision: Decision Date: 29.03.2004 Ref ID: I/2005/0900/O Proposal: 2 storey dwelling house and garage Address: 150m West of junction of Tralee Road & Mawillian Road, Loup, Moneymore Decision: Decision Date: Ref ID: LA09/2022/0272/F Proposal: Private dwelling house Address: Lands approximately 100m East of 10 Tralee Road, Coagh, Decision: Decision Date:	
Summary of Consultee Responses	
Drawing Numbers and Title	

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

Drawing No. 02
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:

Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2022/0442/RM	Target Date: 18 July 2022
Proposal: Single storey dwelling with garage, of a total gross internal area of 274sqm / 2958sqft.	Location: Between 255 & 259 Orritor Road Orritor Cookstown (Entering Of Church Road)
Applicant Name and Address: Mr Serghei & Mrs Tanya Hamchecici 89 Orritor Road Cookstown BT80 8BN	Agent Name and Address: Nest Architects 3A Killycolp Road Cookstown BT80 9AD
Summary of Issues: <p>This application was presented to Members as an approval at October Planning Committee. There was an objection to the proposal from a third party who was concerned that his sewer and an electric cable crossed the proposed site and if the dwelling were approved and erected he would not have access to his sewer. Members were advised that easements were in place to allow access to these utilities and such matters were civil matters which sit outside the remit of planning. It was however agreed that the application be deferred so that the Senior Officer get further clarification from the applicant regarding this matter.</p>	
Summary of Consultee Responses: 	
Characteristics of the Site and Area <p>The application site is comprised of a small roadside field at the junction of Orritor Road and Church Road and lies immediately adjacent to and just beyond the development limit of Orritor to the east of the site.</p> <p>The field is bounded along the 25m frontage by a 1.0m high hedge and embankment set to the rear of a 0.5m wide footpath. There is a similar hedge along the Church Road boundary with no footpath. Remaining boundaries are undefined. Surrounding development includes a single storey dwelling to the west, the redundant former Orritor Primary School consisting of a small</p>	

single storey building with front and rear returns and bounded to the road by a 1.0m high wall to the south. Orritor Presbyterian Church lies to the east of the application site.

Consultations

DfI Roads have been consulted and advised that they have no objection to the proposed development subject to conditions.

Site History

LA09/2020/0584/O – Proposed gap site for dwelling and garage (Permission Granted 03/09/2020)

LA09/2019/0511/O – Proposed gap site for dwelling and infill (Permission Granted 08/01/2020)

Description of Proposal

This is a reserved matters application for the proposed single storey dwelling and garage located between 255 and 259 Orritor Road, Cookstown.

Deferred Consideration:

This application was deferred to allow further investigation into an issue relating to sewer pipes and electric cables crossing the application site. On the 6th October 2022 I contacted the agent and asked him to confirm if the pipes and cables crossed the site and if they did, would their client be willing to re-route these if the dwelling under consideration was going to impinge on these in any way.

The agent confirmed that the NIE and NIW utilities do in fact cross the applicants lands but do not interfere with the building. The agent has supplied an NIE drawing to show the location of the NIW lines which confirm this is the case. A site layout plan also indicates the location of the existing sewer pipe as referred to by the objector which is outside the footprint of the dwelling. A transfer map has also been submitted which shows the easements which will allow access to the concerned pipes and cables.

It is my opinion that this clarification is adequate to demonstrate that the dwelling is not knowingly being erected over these pipes and cables. The fact that easements do exist allows any third party the right to use the applicants land for any works/maintenance of these pipes and cables and the third party objector is not in any way being prejudiced by the approval of this Reserved Matters Application.

Approval is recommended

Conditions/Reasons for Refusal:

Approval Conditions

Condition 1

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

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

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

Condition 2

The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 100-ZZ-03 dated 16/08/2022 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.

Signature(s):Karla McKinless

Date: 19 October 2022

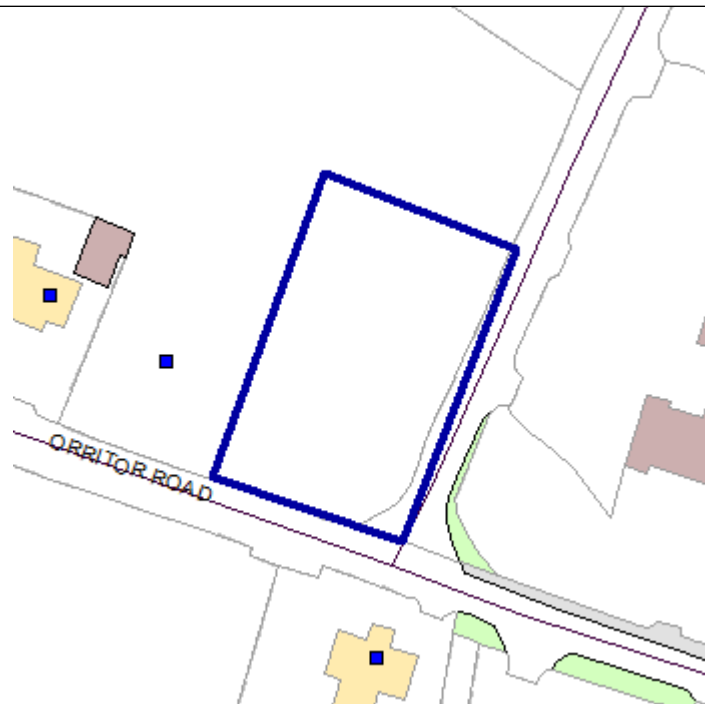


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 October 2022	Item Number: 5.11
Application ID: LA09/2022/0442/RM	Target Date: 18 July 2022
Proposal: Single storey dwelling with garage, of a total gross internal area of 274sqm / 2958sqft.	Location: Between 255 & 259 Orritor Road Orritor Cookstown (Entering Of Church Road)
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Serghei & Mrs Tanya Hamchecici 89 Orritor Road Cookstown BT80 8BN	Agent Name and Address: Nest Architects 3A Killycolp Road Cookstown BT80 9AD
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation outline approval.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation full approval.docx

Representations:

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

Summary of Issues

One objection has been received in respect of this application and relates to the objectors sewer extending through the site and an electricity cable for seven properties claimed to run under the site. The sewer issue was raised at outline stage and was advised to be a civil matter which can be resolved between the parties concerned. Similarly, the issue of the electric cable is also a civil matter. They do not therefore

warrant justification for withholding planning approval for the proposed development.

Characteristics of the Site and Area

The application site is comprised of a small roadside field at the junction of Orritor Road and Church Road and lies immediately adjacent to and just beyond the development limit of Orritor to the east of the site.

The field is bounded along the 25m frontage by a 1.0m high hedge and embankment set to the rear of a 0.5m wide footpath. There is a similar hedge along the Church Road boundary with no footpath. Remaining boundaries are undefined. Surrounding development includes a single storey dwelling to the west, the redundant former Orritor Primary School consisting of a small single storey building with front and rear returns and bounded to the road by a 1.0m high wall to the south. Orritor Presbyterian Church lies to the east of the application site.

Consultations

DfI Roads have been consulted and advised that they have no objection to the proposed development subject to conditions.

Site History

LA09/2020/0584/O – Proposed gap site for dwelling and garage (Permission Granted 03/09/2020)

LA09/2019/0511/O – Proposed gap site for dwelling and infill (Permission Granted 08/01/2020)

Description of Proposal

This is a reserved matters application for the proposed single storey dwelling and garage located between 255 and 259 Orritor Road, Cookstown.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

**Mid Ulster Local Development Plan 2030 – Draft Plan Strategy
Strategic Planning Policy Statement (SPPS)
Cookstown Area Plan 2010**

**PPS 21: Sustainable Development in the Countryside
PPS 3: Access, Movement and Parking**

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 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 SPPS provides a regional framework of planning policy that will be considered 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 PS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

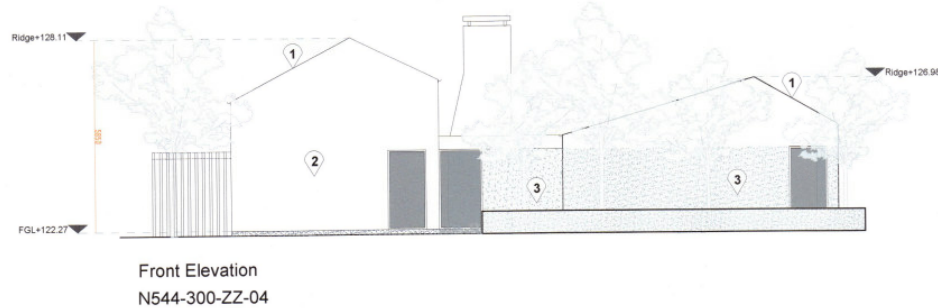
The site is located within the open countryside, outside any defined settlement limits as defined by the Cookstown Area Plan 2010 and in an area where Planning Policy Statement 21 (PPS 21): Sustainable Development in the Countryside applies. No other constraints have been identified.

I note that the principle of development has already been established on the site through the approval reference LA09/2019/0511/O, in which I am content that the application complies under CTY 1. Upon review of the submitted plans I am content that all conditions attached to the outline approval have been met. As such, the application must still comply under CTY 13 and 14 of PPS 21.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. As noted, I am content that all relevant conditions have been complied with including the 6m ridge height, choice of roofing materials and existing / proposed screenings. The application site sits along the main Orritor Road and given its roadside location, there are views of the site in either direction along the public road. There is a single storey dwelling to the west and Orritor Presbyterian Church to the east. Due to the size and dominance of the church building in the backdrop, I am content that the proposed dwelling will be able to successfully integrate into the landscape and will not appear as a prominent feature.

Whilst the proposal incorporates a fairly modern design, it is apparent that efforts have been made to ensure a degree of similarity with surrounding development, for example, the skewed roof pitch which can also be seen at No. 259.

I am content that the application is able to comply with CTY 13.



Proposed front elevation



Surrounding development (No. 259)

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. As mentioned previously, I am content that a dwelling in this location will not be unduly prominent in landscape, from this I am content that the development is able to respect the pattern of development in the area. I am content on balance that the proposed development complies with CTY 14.

PPS 3 – Access, Movement and Parking;

A consultation was sent to DfI Roads who in their response confirmed that they had no objections subject to conditions. As such, I am content that a safe access can be provided in accordance with PPS 3.

I have no ecological, flooding or residential amenity concerns.

Other Material Considerations

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

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

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

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

Condition 2

The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 100-ZZ-03 dated 16/08/2022 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.

Signature(s): Zoe Douglas

Date: 20 September 2022

ANNEX	
Date Valid	4 April 2022
Date First Advertised	26 April 2022
Date Last Advertised	26 April 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 259 Orritor Road Cookstown Tyrone BT80 9NE The Owner / Occupier 256 Orritor Road Cookstown Tyrone BT80 9NE The Owner / Occupier Orritor Presbyterian Church 255 Orritor Road Cookstown Tyrone BT80 9NE	
Date of Last Neighbour Notification	27 June 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: I/1990/0323 Proposals: Improvements to dwelling Decision: PG Decision Date: Ref: I/2001/0014/F Proposals: Extension to existing school to provide a staffroom Decision: PG Decision Date: 21-FEB-01 Ref: I/2002/0619/F Proposals: The Replacement of 2 No. existing mobile classrooms with 3 No. permanent build structure Decision: PG Decision Date: 13-NOV-02 Ref: I/1989/0286 Proposals: 11 KV Rural Spur Decision: PG	

Decision Date:

Ref: I/2000/0570/F

Proposals: New Mobile classroom

Decision: PG

Decision Date: 05-OCT-00

Ref: I/2003/1016/F

Proposals: Proposed dwelling and garage

Decision:

Decision Date:

Ref: I/2002/0717/O

Proposals: Proposed dwelling and garage

Decision:

Decision Date:

Ref: I/2010/0278/F

Proposals: Domestic storage shed

Decision: PG

Decision Date: 02-SEP-10

Ref: I/1995/0160

Proposals: Site for Dwelling and Garage

Decision: PG

Decision Date:

Ref: I/1995/0160B

Proposals: Dwelling and Garage

Decision: PG

Decision Date:

Ref: I/2001/0367/F

Proposals: Erection of double garage and conversion of existing garage to study

Decision: PG

Decision Date: 03-JUL-01

Ref: I/1988/0531

Proposals: Proposed Store

Decision: PG

Decision Date:

Ref: I/1977/0257

Proposals: ALTERATIONS TO CHURCH

Decision: PG

Decision Date:

Ref: I/1987/0296

Proposals: CHURCH HALL COMPLEX

Decision: PG

Decision Date:

Ref: I/2007/0919/F

Proposals: Proposed extension to church hall

Decision: PG

Decision Date: 18-JUN-08

Ref: I/1982/0372

Proposals: ERECTION OF MANSE

Decision: PG

Decision Date:

Ref: I/2002/0716/O

Proposals: Proposed dwelling and garage

Decision:

Decision Date:

Ref: I/2001/0198/Q

Proposals: Development of Land

Decision: ELA

Decision Date:

Ref: I/2002/0814/F

Proposals: Residential development (with a mix of dwelling types within a structured landscape setting)

Decision: PG

Decision Date: 03-SEP-03

Ref: I/2013/0108/PREAPP

Proposals: Proposed pair of semi-detached dwellings

Decision: PREA

Decision Date: 01-APR-14

Ref: I/2004/1376/F

Proposals: Non compliance with Condition 10 (Visibility Splays) of Planning Permission I/2002/0814/F for residential development (with a mix of dwelling types within a structured landscape setting)

Decision: PG

Decision Date: 14-JUN-06

Ref: I/2013/0167/F

Proposals: Proposal for 2 no. detached residential units with in-curtilage parking and

associated amenity space.

Decision: PG

Decision Date: 15-OCT-13

Ref: I/2006/0432/F

Proposals: 2No Semi Detached and 1No detached dwelling and associated carparking and landscaping within existing residential development

Decision:

Decision Date:

Ref: I/2000/0185/O

Proposals: Dwelling and garage

Decision: PG

Decision Date: 17-MAY-00

Ref: I/1997/0155

Proposals: Erection of dwelling and garage

Decision: PG

Decision Date:

Ref: I/2002/0840/O

Proposals: Renewal of Outline Planning Permission for Dwelling and Garage - Approved under I/2000/0185.

Decision: PG

Decision Date: 12-FEB-03

Ref: I/2011/0094/F

Proposals: Two storey replacement dwelling and garage

Decision: PG

Decision Date: 10-NOV-11

Ref: I/1974/0306

Proposals: IMPROVEMENTS TO TOILETS.

Decision: PG

Decision Date:

Ref: I/1991/6067

Proposals: Dwelling on site of Orritor Primary School 256 Orritor Road Cookstown

Decision: PRER

Decision Date: 09-JAN-92

Ref: I/1992/0104

Proposals: Change of use from school to dwelling including extension to rear

Decision: PG

Decision Date:

Ref: I/2011/0093/F

Proposals: Two storey replacement dwelling with garage

Decision:

Decision Date:

Ref: LA09/2022/0442/RM

Proposals: Single storey dwelling with garage, of a total gross internal area of 274sqm / 2958sqft.

Decision:

Decision Date:

Ref: LA09/2019/0511/O

Proposals: Proposed gap site for dwelling and garage.

Decision: PG

Decision Date: 08-JAN-20

Ref: LA09/2020/0584/O

Proposals: Proposed gap site for dwelling and garage

Decision: PG

Decision Date: 03-SEP-20

Ref: I/2006/1222/LDE

Proposals: conversion of integral garage to a study room

Decision: PG

Decision Date: 23-JUL-07

Ref: I/2002/0103/F

Proposals: Extension to Dwelling and Detached New Garage

Decision: PG

Decision Date: 22-APR-02

Ref: I/2003/0702/O

Proposals: Proposed dwelling and garage

Decision: PG

Decision Date: 21-OCT-03

Ref: LA09/2022/0682/F

Proposals: Proposed garage/store with extension to site curtilage

Decision:

Decision Date:

Ref: I/2003/0227/O

Proposals: Proposed dwelling and garage

Decision:

Decision Date:

Ref: I/2006/0974/RM

Proposals: Proposed Dwelling and Garage

Decision: PG

Decision Date: 17-APR-07

Ref: I/2009/0034/F

Proposals: Proposed change of house type to supercede previous approval number I/2006/0974/RM

Decision: PG

Decision Date: 01-APR-09

Ref: LA09/2016/0217/F

Proposals: Proposed agricultural building for the storage of agricultural machinery and hay

Decision: PG

Decision Date: 07-JUL-16

Ref: I/2007/0744/O

Proposals: Proposed replacement dwelling and garage

Decision: PG

Decision Date: 01-OCT-10

Ref: I/2007/0730/O

Proposals: Proposed replacement dwelling and garage

Decision: PG

Decision Date: 01-OCT-10

Ref: LA09/2022/0359/F

Proposals: Proposed 2 storey side extension to existing dwelling to allow dining area on ground floor with bedroom above

Decision:

Decision Date:

Ref: LA09/2016/0216/O

Proposals: Proposed off-site replacement dwelling with garage

Decision: PG

Decision Date: 19-JUL-16

Ref: I/1995/0417

Proposals: Re-Location of Mobile Classroom

Decision: PG

Decision Date:

Summary of Consultee Responses

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

Drawing Numbers and Title

Cross Sections Plan Ref: 04
Proposed Elevations Plan Ref: 03
Proposed Floor Plans Plan Ref: 02
Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 4 October 2022 in Council Offices, Ballyronan Road, Magherafelt and by virtual means

Members Present

Councillor Brown, Chair

Councillors Bell, Black*, Brown, Clarke*, Colvin, Corry, Cuthbertson, Glasgow, Mallaghan*, Martin*, McFlynn, McKinney, D McPeake*, S McPeake, Quinn*, Robinson

Officers in Attendance

Dr Boomer, Service Director of Planning (SD: PI)
Mr Bowman, Head of Strategic Planning (HSP)
Ms Doyle, Head of Local Planning (HLP)
Mr Marrion, Senior Planning Officer (SPO)
Mr McClean, Senior Planning Officer (SPO)
Ms McKinless, Senior Planning Officer (SPO)
Ms Scott, Council Solicitor
Mr Stewart, Senior Planning Officer (SPO)
Mr McClean, Senior Planning Officer (SPO)
Ms McNamee, ICT Support**
Mrs Grogan, Democratic Services Officer

Others in Attendance

Councillor Gildernew***

LA09/2020/0903/F	Joe Diamond***
LA09/2021/1773/F	Oonagh Given***
LA09/2021/1779/O	Chris Mullan***
LA09/2019/0179/F	Keith Buchanan MLA***
LA09/2019/0179/F	Martin Grainger***
LA09/2019/0179/F	Daniel McCusker
LA09/2019/0179/F	Chris Cassidy***
LA09/2020/1140/O	Joe McNulty
LA09/2020/1140/O	Eamon Cushnahan***
LA09/2020/1615/F	Christopher Quinn***

* 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

In the absence of the Chair, Councillor Mallaghan who was attending virtually, the Deputy Chair, Councillor Brown took the Chair.

P121/22 Notice of Recording

Members noted that the meeting would be webcast for live and subsequent broadcast on the Council's You Tube site.

P122/22 Apologies

Cllr Mallaghan

P123/22 Declarations of Interest

The Chair reminded members of their responsibility with regard to declarations of interest.

P124/22 Chair's Business

The SD: PI drew members attention to previously circulated addendum and said that there were a few items listed in which they should be aware of.

He referred to first letter which was addressed to the Chief Executive from DfI in relation to Amendment to the Footway (Prohibition of Waiting) Order which was essential saying that some vehicles were parking next to a bus stand which was causing issues to members of the public, not only those wishing to alight the bus but also pedestrians, particularly those with visual impairments who wish to walk along the footpath.

What DfI wished to do was amend the Footway (Prohibition of Waiting) Order to prohibit vehicles waiting on the footway adjacent to a bus stand and sought any comments from the Council they may have on the proposal.

He felt that the Planning Committee did not need to respond as this was more about tidying up what the legislation should say.

Councillor Cuthbertson felt that this should be more an issue for the Environment Committee as they receive correspondence regularly and was surprised to see it at this committee.

The SD: PI said that he wanted to bring to members attention but did not strike him that there needed to be an input.

The SD: PI referred to letter from Department for the Economy (Minerals and Petroleum Branch) and advised members that there had been a debate regarding prospecting licences, one currently in diamonds which related to special metals and minerals which raised concerns. Council has been informed that these licences would be granted and at this stage all Planning can do is just note it.

The SD: PI updated members on statistics which are published each quarter and said that he wished to put his own spin on things due to the context.

In the first quarter of this year, planning discarded their computer system and stopped issuing decisions from end April until July and people assumed that the system would totally crash regarding decision making. When this was put into context, 390 applications were received which indicates that people were still investing in Mid Ulster because it was the third largest amongst all the authorities and only slightly behind Belfast City Council. He advised that 238 decisions were issued despite the period having been seriously cut, with a 17.9% average performance which was not seen to be good, but we were still mid table compared to other authorities. He felt that there was a need to be careful with these statistics, when decisions are not issued they are not counted against us. He expected that when moving through the summer period and autumn period processing times would fall as the focus is on trying to get out these older applications determined and reduce our backlog.

The SD: PI advised that there was an issue with enforcement and usually this Council was ranked at the top of the statistics table but due to Covid and the team being down, this was the lowest this Council had ever been, but had no doubt that this would be addressed as we move forward.

He said that one thing that concerned him was that when we went into the summer having 1080 live applications which was a strain on officers and was the largest of all authorities and the highest number of old applications. He stated that he fully expected that there would be a huge push to try and get on top of the number of applications which were being held down and to hit a better performance figure. He hoped by the New Year that this Council would be returning to pre Covid performance.

In referring to the new computer system he stated that two sets of lists were issued to members, Applications Received and Decisions Made and in the past decisions made were quite small and the reason for this was the computer generated lists based on the wrong field as set up by the Department. Under the old computer system he needed all 11 councils and the Department to agree a change and as a result of this minor errors were left unfixed. However, now we were in control of the new system officer were able to make the necessary change to ensure that members get the correct information and they will note that the decision made list is now much larger.

The Chair, Councillor Brown said although he welcomed this, he would like to see the number of applications reduced and felt if there was an opportunity for an extra drive between now and the winter months that this should be investigated.

Councillor Colvin agreed with comments made by the Chair and advised that he finds the new computer system easy to use which was better than the previous iteration of it and congratulated everyone involved.

He enquired which authority had the second highest number of applications.

The SD: PI advised that Newry, Mourne & Down were the second highest as they would have significantly more. He said that a lot of neighbouring Councils would have only half of the applications which this Council has and the same number of staff which seemed unfair where resourcing was concerned. ABC Council which is

the biggest Council for the number of residents actually have slightly lower than this Council. The remainder of the Councils would have approximately $\frac{2}{3}$ of what we have and we have substantially more than most other authorities and given we have one of the smallest populations, our ratio of applications per head of population is the highest. What is fascinating is the makeup of the applications as everyone assumes that Mid Ulster has only houses in the countryside which is untrue as we get a higher ratio of applications which are industrial, renewable and civic compared to most other Councils, which actually indicates that Mid Ulster is a place where people want to invest and in turn create employment, resulting in people always looking for houses due to the income generated here.

Councillor McKinney concurred with previous comments and was aware that Mid Ulster was the capital of manufacturing, processing and any other business type and took us longer to get the applications through the system and not just straight forward like a dwelling. When officers go into a manufacturing or industrial site, this takes longer and cuts the response time down, but felt that the number of applications were encouraging, especially in these current times where people wished to advance forward in industry and new dwellings. He said that he was aware that it was a long hard road and everyone wants to progress quicker, but it was important to get it right.

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/submission of further information –

Agenda Item 5.2 – LA09/2021/1366/F – 5 No. Glamping Pods and associated external works at 170m SE of 52 Derrycourtney Road, Caledon for Jim Moore

Agenda Item 5.3 – LA09/2021/1449/O – Dwelling and garage within a cluster site at 15m E of 6 Tamnadeese Road, Castledawson for Derek Fulton

Agenda Item 5.4 – LA09/2021/1773/F – Retention of coach yard and ramp for washing own coaches as an extension to established business at lands immediately to rear and NW of 30B Killyneill Road, Dungannon for Stephen Davison

Agenda Item 5.9 – LA09/2022/0388/F – Access road to existing Retail Park at 125m E of UNIT5K Shivers Business Park, 21 Hillhead Road, Toomebridge for Shivers Business Park

Agenda Item 5.10 - LA09/2022/0414/F - Dwelling and domestic garage on infill/gap site at 65m NE of 37 Liskittle Road, Tullagh Beg, Stewartstown for Mr Stephen Rodgers

Agenda Item 5.12 - LA09/2022/0518/O - Farm dwelling & garage at approx 130m W of 59 Glengomna Road, Draperstown for Mr Dermot Bradley

Agenda Item 5.14 - LA09/2022/0602/O - Dwelling and garage at 83m NW of 30 Eden Road, Portglenone for David Patton

Agenda Item 5.15 – LA09/2022/0618/O – Dwelling & garage at lands opposite 33 Lough Road, Ballymaguigan for Martin Doyle

Agenda Item 5.16 – LA09/2022/0619/O – Dwelling & garage at 75m W of 20 Lough Road, Ballymaguigan for Oliver O'Neill

Agenda Item 5.17 – LA09/2022/0645/O – Dwelling and domestic garage at 70m N of 135A Five Mile Straight, Maghera for Patrick McKenna

Agenda Item 5.18 – LA09/2022/0685/O - 2 Storey dwelling and garage to rear of 68 Drumconvis Road, Coagh for Frances Harkness

Proposed by Councillor Bell
Seconded by Councillor Corry and

Resolved That the planning applications listed above be deferred for an office meeting/submission of information as outlined.

Matters for Decision

P125/22 Planning Applications for Determination

The Chair drew Members attention to the undernoted planning applications for determination.

LA09/2020/0903/F Detached garage to rear of existing dwelling at approximately 11m NE of No 21A Culbane Road, Portglenone for Ger McPeake

Members considered previously circulated report and addendum on planning applications LA09/2020/0903/F which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2020/0903/F be approved subject to Conditions as per the officer's report.

LA09/2021/1366/F 5 No. glamping pods and associated external works at 170M SE of 52 Derrycourtney Road, Caledon for Mr Jim Moore

Agreed that application be deferred for an office meeting earlier in the meeting.

LA09/2021/1449/O Dwelling and garage within a cluster site at 15m E of 6 Tamnadeese Road, Castledawson for Derek Fulton

Agreed that application be deferred for an office meeting earlier in the meeting.

LA09/2021/1773/F Retention of coach yard and ramp as an extension to established business at lands immediately to rear and NW of 30B Killyneill Road, Dungannon for Mr Stephen Davison

Agreed that application be deferred for an office meeting earlier in the meeting.

LA09/2021/1799/O Single dwelling (2 storey) & garage at NE of 128 Old Ballygawley Road, Dungannon for Mr B Conlon

Members considered previously circulated report and addendum on planning applications LA09/2021/1799/O which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2021/1799/O be approved subject to Conditions as per the officer's report.

LA09/2022/0066/F Replacement dwelling at 24 Derrychrin Road, Coagh, Cookstown for Paul Mallon

Ms McKinless (SPO) presented a report on planning application LA09/2022/0066/F advising that it was recommended for refusal.

Councillor S McPeake referred to building with the red roof and enquired if there was any evidence to indicate that this was a dwelling as he can see the modern one which had similarities with the garage.

The SD: PI advised that No. 24 was once a dwelling but what clearly happened was it was demolished and replaced by a garage. The trouble with applications with this nature is the way that policy is addressed as this was a site where there was a building which has the essential characteristics of a dwelling, so its present appears to be a garage from photographic evidence.

Councillor S McPeake enquired if the agent submitted any evidence to support the application.

Ms McKinless (SPO) said that the only evidence in which the agent submitted was the overhead photograph which was taken in 1995 which indicated at one stage that it previously was a dwelling. She said that the case officer had liaised with Building Control department and sought evidence from them and they had confirmed that a certificate was issued authorising that this was a detached garage.

Councillor McFlynn enquired if there was an opportunity for the agent or the applicant to submit further information, but would be supportive of what is agreed tonight.

The SD: PI said that the purpose of putting applications to planning committee was that it alerts people to approach officers and seek an office meeting, which hasn't occurred. As members rightly know Officers always like to give people a chance to have their say, but we cannot automatically defer every refusal as this did not make sense either otherwise what was the point of the process. The problem for him listening here like everyone else was that there used to be a dwelling on the site.

Councillor McKinney enquired if the overhead photographs relating to No. 26 were the same as they looked to be two different buildings.

The SD: PI said that by looking at the overhead photograph No. 24 was once clearly a dwelling and characteristics to demonstrate its existence, but was not there anymore and obvious that there was another building in front of that. This has now been replaced by a garage and the other building has been demolished, resulting in a building no longer being on the site and replaced by a garage in definition because applicants applied for a garage.

Councillor McKinney said that he understood what the SD: PI was saying but from what he could see, it didn't look to be the same site and didn't match up.

The SD: PI agreed that by looking at the overhead photographs it did look like that but they were taken at two different angles which was confusing but was still the same bungalow.

Ms McKinless (SPO) advised that in 1991 there was approval granted for an extension and improvements to No. 26 dwelling which may explain the changes in the photographs.

Councillor McKinney said that although he could understand the update, this was in 1991 and this was taken 1995 which was nearly 5 years later.

The SD: PI said that when you look at the photograph the form of the window seems to be the same and the aerial photo shows the pillars and porch and the other photograph shows a bungalow which seems to be the same.

Councillor Clarke said that when you look at the site location plan, there was a cluster of houses in the area, even if you exclude the building referred to. He said that there was already 3 dwellings there and would it make any difference if it as situated where it was proposed.

The SD: PI said his own view would be that it could classed as a potential infill.

Proposed by Councillor McFlynn
Seconded by Councillor Clarke

Resolved That planning application LA09/2022/0066/F be deferred for an office meeting.

Councillor Glasgow said that when this application comes back to committee it would be useful if ordnance survey aerial view maps were provided to see the layout of the land.

LA09/2022/0089/O Replacement dwelling and retention of existing building to be used as an outbuilding at 375M SE of 103 Moneymore Road, Cookstown for Mr Harold Kane

Members considered previously circulated report and addendum on planning applications LA09/2022/0089/O which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Corry and

Resolved That planning application LA09/2022/0089/O be approved subject to Conditions as per the officer's report.

LA09/2022/0208/F Temporary erection (for 3 years) of modified shipping containers & lightweight structures at Site SW of & Immediately adjacent to 27 Market Square, Dungannon for Dungannon Enterprise Centre

Members considered previously circulated report and addendum on planning applications LA0/2022/0208/F which had a recommendation for approval.

Mr Marrion (SPO) advised that this application was situated on Council property.

All members in attendance declared an interest in the above application.

Proposed by Councillor McKinney
Seconded by Councillor Corry and

Resolved That planning application LA0/2022/0208/F be approved subject to Conditions as per the officer's report.

LA09/2022/0388/F Access road to existing retail park at 125M E of UNIT5K Shivers Business Park, 21 Hillhead Road, Toomebridge for Shivers Business Park

Agreed that application be deferred for an office meeting earlier in the meeting.

LA09/2022/0414/F Dwelling and domestic garage on infill/gap site at 65m NE of 37 Liskittle Road, Tullagh Beg, Stewartstown for Mr Stephen Rodgers

Agreed that application be deferred for an office meeting earlier in the meeting.

LA09/2022/0442/RM Single storey dwelling and garage between 255 & 259 Orritor Road, Orritor, Cookstown (Entering of Church Road) for Mr Serghei & Mrs Tanya Hamchecici

Members considered previously circulated report and addendum on planning applications LA09/2022/0442/RM which had a recommendation for approval.

Councillor Bell said that he would be happy to approve the recommendation.

Councillor Glasgow said that he noted an objection within the report which was a civil matter in regards to a sewer and enquired if it was a common occurrence *that* planning would be over a sewage line. He said that he was aware of the electricity line going to seven houses and assumed that Power NI wouldn't be a consultee as everything was overhead. He was a bit concerned regarding the sewage element

and appreciated that it was a civil matter between the applicant and the objector but enquired if this was a common occurrence.

The SD: PI advised if it was a Water Service sewer, it would always be wise to try and not build over a sewer, but you can get agreement to build over a sewer or a water main. Normally the agreement gives rights to Water Service to dig it all up and this is why we try to avoid it. Sometimes it may be difficult as this may be for a disabled annex or something, but it would be best to avoid if possible. There are lots of septic tanks discharge pipes going through neighbouring lands and in this instance any concerns should basically be addressed between the two affected parties privately.

Councillor McKinney enquired if NI Water were content with this as usually this was a leeway agreement.

Ms McKinless (SPO) advised that as this was a reserved matter application on the back of an outline, NI Water were not consulted, Roads Service were the only consultee. The case officer within the report referred to the fact that the sewer issue was raised at outline and was advised to be a civil matter which would be resolved between the parties concerned, also electric cable was also deemed a civil matter.

Councillor Clarke said that he was aware of the layout of the site but was hard to know as the land strokes in two or three different directions as there would be a sewage system on down past the church and school. He said if this was within the remit of NI Water and Electricity then they would have a leeway. He felt that this committee could make a decision but then any disputes would be between the applicant and the objector and would be happy to support the recommendation.

Councillor Glasgow said that he appreciated the information and when he looked up the information on the block plan on the portal and the words sewer line caught his eye on the plan running diagonal. House no. 259 the footpath runs in front of that which comes out onto the main Orritor Road which give him cause for concern as it seemed to be leaning towards the road and could be quite weird having that next to a main road. If NI Water wasn't consulted, they wouldn't have any business to look into it and that was why he raised the issue to double check there was no mains connection.

The SD: PI said that it would be his view if someone raised an issue, that this would be a civil matter and we are not judicators, but it would be right and proper for this Council to defer this until contact was made with the landowner and advise that we have had that representation and enquire how this was catered for.

The Chair enquired if Councillor Bell was still in support of approving the recommendation.

Councillor Bell said that he had listened to the debate and it looked like things had taken a turn. Dr Boomer's input outlined the fact of being more prudent and making sure that everything was being looked at and no comeback. He felt that although he would have been happy to support the recommendation, it would be more sensible to go away and look at this to make sure there was no repercussions and suggested that this application be deferred for one month until everything was looked at.

The SD: PI said that officers were not in a position to refuse the application but a deferral would be about making sure that both parties are aware and any disagreement is resolved by the two parties themselves.

Councillor Clarke concurred with what Councillor Bell had said.

Councillor McKinney felt that one month was a very tight timeline for officers and this may be the case in an ideal world but people may have other commitments and may not respond until the day before and may not happen.

The SD: PI agreed with the member that due to other work commitments it may not be feasible for officers to commit to speak to someone in a short timeframe. He said that in his opinion it wasn't a huge issue and anticipated it moving along quite quickly.

Proposed by Councillor Bell
Seconded by Councillor Clarke and

Resolved That planning application LA09/2022/0442/RM be deferred for clarification from applicant re objection letter.

**LA09/2022/0518/O Farm dwelling & garage at approx. 130m W of 59
Glengomna Road, Draperstown for Mr Dermot Bradley**

Agreed that application be deferred for an office meeting earlier in the meeting.

**LA09/2022/0573/O Site for dwelling and garage adjacent and S of 35B Kilrea
Road, Upperlands, Maghera for Mr & Mrs P Caskey**

Members considered previously circulated report and addendum on planning applications LA09/2022/0573/O which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor McKinney and

Resolved That planning application LA09/2022/0573/O be approved subject to Conditions as per the officer's report.

**LA09/2022/0602/O Dwelling and garage at 83m NW of 30 Eden Road,
Portglenone for David Patton**

Agreed that application be deferred for an office meeting earlier in the meeting.

**LA09/2022/0618/O Dwelling and garage at lands opposite 33 Lough Road,
Ballymaguigan for Martin Doyle**

Agreed that application be deferred for an office meeting earlier in the meeting.

**LA09/2022/0619/O Dwelling and garage at 75m W of 20 Lough Road,
Ballymaguigan for Oliver O'Neill**

Agreed that application be deferred for an office meeting earlier in the meeting.

LA09/2022/0645/O Dwelling and domestic garage at 70m N of 135A Five Mile Straight, Maghera for Patrick McKenna

Agreed that application be deferred for an office meeting earlier in the meeting.

LA09/2022/0685/O 2 storey dwelling and garage to rear of 68 Drumconvis Road, Coagh for Frances Harkness

Agreed that application be deferred for an office meeting earlier in the meeting.

LA09/2022/0719/RM Single storey dwelling and garage at site 80M NE of 130 Creagh Road, Castledawson for Paddy Henry

Members considered previously circulated report and addendum on planning applications LA09/2022/0719/RM which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2022/0719/RM be approved subject to Conditions as per the officer's report.

LA09/2022/1085/F Single storey rear extension at 46 Davison Villas, Castledawson for Mr Noel McMullan

Members considered previously circulated report and addendum on planning applications LA09/2022/1085/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor S McPeake

Resolved That planning application LA09/2022/1085/F be approved subject to Conditions as per the officer's report.

LA09/2019/0179/F To continue use of the land and factory without complying with condition 12 of M/2011/0126/F seeking variation of opening hours condition Monday – Friday from 6am – 8pm (amended noise report) at lands 70M S of 177 Annagher Road, Coalisland for Dmac Engineering

Mr Marrion (SPO) presented a report on planning application LA09/2019/0179/F advising that it was recommended for refusal.

He drew members attention to statement within the addendum from the agent, Chris Cassidy in relation to the above application.

Councillor McKinney enquired how much over 40 dB was the noise reading.

Mr Marrion (SPO) advised that the Environmental Health Officer (EHO) said that it well exceeded the 40 dB limit.

The Chair advised that a request to speak in favour of the application and invited Mr Grainger to address the committee.

Mr Grainger referred to the noise report in which he had read and said that there may be times where noise from Dmac could impact on residential amenity, which may be a speculative conclusion, far too ambiguous and really turns a planning decisions into a potential lottery depending on what things might or might not happen. That same paragraph refers to their report in 2021 which has a BS 4142 reading of +7 Db which under no circumstances is a condition for refusal, it would need to be at least 10 or more.

Mr Grainger said that there was a joint measurement carried out in March and it was agreed that sound from Dmac was not significant on the comments that morning and if was like that, then there would be no problem. He also wished to point out that the guidelines pointed out that noise standards are set so that the majority of people are not annoyed by noise and no defining standards which says that nobody would be affected by noise. He said that he would be interested to figure out where that 40 dB came from as that does not make any sense to him as being part of a relevant standard and the dB needed revaluation.

Mr Cassidy advised that Dmac had a stringent management plan to ensure that noise does not omit from their factory. This plan ensures that all the exterior doors are enclosed with no outdoor activity taking place prior to 7am, additionally all extractor fans are on timers and do not operate before 8am and managers employed by the company to ensure that all these actions are complied with. Following the implementation of this policy a site visit was carried out by Environmental Health and consultation indicating that the noise environment was dominated by bird song during the duration of the visit. We are advising tonight that certain measurements were taken and it was stated that it exceeded the limit, our experts have not the chance to examine these. He said as Councillors, they would be irresponsible to go against Environmental Health recommendations and in this application they haven't made any, in essence they are sitting on the fence and have not seen any of their evidence. Many of the members of planning committee have visited the site themselves, it is a well-managed factory where noise outside the building cannot be heard and if this decision was rectified tonight, it has the potential to seriously affect 150 jobs. Environmental Health have confirmed that the sound levels are low and a solution here is achievable, but it requires co-operation within Environmental Health. The company believe that a future deferral for one month would be beneficial and are willing to sit down with planning staff, Environmental Health and their own acoustic expert. At the next meeting a full concise report can be presented where a recommendation from Environmental Health can be put in front of members to enable a fully informed decision.

The SD: PI said that he felt the need to intervene as there was a requirement to correct some things to make sure members were not mistakenly misled. Environmental Health does not tell planning to approve or refuse decisions and only advise if something causes harm to residential amenity. The starting point of this application was that it was the first decision the new Mid Ulster Council ever made to

approve this and this was approved with conditions which were agreeable at the time and when these conditions are put on it because they are necessary and without them the planning application would be refused. We have an application before us tonight because complaints have been raised regarding operating hours outside of pre agreed conditions. Officers have visited the site on a number of occasions and there was an impression tonight by Mr Cassidy that the building always operated with its doors being closed, however our visits have shown that this is not always the case. In the issue of noise is not about an absolute noise level but more about whether a significant change in noise levels to the deterioration to residential amenities has occurred. If it was based on public safety, noise levels could be much higher i.e. perforation of eardrums etc. This is where it gets tricky with Dmac as it is situated on the edge of Coalisland but was in the rural area and surrounded by properties within the rural area and noise levels in rural areas are much lower than suburban areas.

The SD advised that members will recall Creagh Concrete where a change to opening hours was permitted but only to allow workers to go into the site to clean machinery but not operate the machinery which struck him as a sensible approach as it did not cause significant noise and this was suggested to Dmac. They also have machines which need maintaining and he had suggested this but it appears they did not take him up on that offer. He said that the case officer reminded the business of this suggestion and nothing came back to address that. He reminded members the hours of operation had been the subject of a prosecution and that he did not wish to take further action. The bottom line is why would you be deferring it to him if he has already given a sensible way forward. He enquired if Mr Cassidy would now be prepared to change the application around on what he had suggested.

Mr Cassidy said that they would have happily worked with Dr Boomer on his suggestion made, but no-one had made this suggestion to them.

The SD: PI refuted Mr Cassidy's comments and said that this was witnessed by Dmac themselves and Environmental Health.

The SD: PI enquired if Mr Cassidy was prepared to submit information to show that no machinery would be operating and no lorries being loaded outside the core hours and then he could ask Environmental Health to assess that.

Mr Cassidy agreed and said that if this had been offered to him previously he would have jumped at the opportunity.

Councillor S McPeake felt that this was a sensible way forward proposed by Dr Boomer. He said that prior to this he was confused by listening to Mr Grainger and what was in his report and what was in our report, and still was unsure where the whole thing sits. He said that he was one of the members to visit the site that day and to him the way the area was bounded and what members saw and heard, went a long way in satisfying him that it was a good set up. He felt that this would be a sensible way forward as he was confused by listening to Mr Grainger and querying Environmental Health and agreed with Mr Cassidy in saying that Environmental Health didn't come down hard and saying that you shouldn't be doing this. Dr Boomer said that Environmental Health don't necessarily do that but still the different readings and his observations on the day tended for him to think that it was a good

operation and felt if the agent is happy with a meeting to trash out the hours and the working conditions, then he would be fully supportive of it.

Councillor Black said that he would be of the similar view to Councillor S McPeake and some clarity given around the figures and noise assessment would be useful as there seems to be some willingness from the agent on a way forward. He said that he would be happy to second proposal for a deferral.

Councillor Glasgow felt that there was only so much Dr Boomer could do and now was down to the willingness from the agent. He advised members that he had looked up the Environmental Health report on the portal which was very good and felt the interesting bit regarding decibels (dD) and hopes to hear back to a future meeting. He said that he was more interested in hearing an update regarding the site visit on the 5th May where it talked about occasional and impulsive noises and should be relayed back to Environmental Health. He enquired if Environmental Health were out doing a survey and if someone drops a lump of steel which would put it above the recommendation, it would be horrible to think that this would automatically bring a decision that you can't have it and also the comments dominated by bird song and traffic. He commended the report and said that it was very good and felt that this was something which should be taken back and looked at.

The Planning Manager said if someone was living next door to a business which operated with steel girders, clanking of machines and loading of lorries at 6 am in the morning and not a great night's sleep, which would most certainly annoy you and felt that respect should be shown here. It was a good decision at the time for Dmac, but the bottom line here is that these companies needs to abide by the decisions and conditions as set out. Noise at 6 am in the morning is very different to noise at midday.

Proposed by Councillor S McPeake
Seconded by Councillor Black and

Resolved That planning application LA09/2019/0179/F be deferred for one month for submission of additional information.

LA09/2020/1140/O Dwelling on a farm with a detached garage between 104 Ballygawley Road and an agricultural building 100m NE of 104 Ballygawley Road, Glenadush for Mr Bernard McAleer

Mr Marrion (SPO) presented a report on planning application LA09/2020/1140/O advising that it was recommended for refusal.

The Chair advised that a request to speak against the application had been received and invited Mr McNulty to address the committee.

Mr McNulty stated that a dwelling in this site was refused for a Mrs Gillen in 1999, a proposal for two dwellings on the same site was also refused by planners in 2010 for six different reasons including 13 and 14 of CTY10 for this same applicant Mr McAleer. Mr McClean (SPO) came and examined the site and had a very detailed

and comprehensive report on the portal and the report should be read in full. The case officer stated “that there should never have been a dwelling in this site in any circumstances” he also stated for the same reason the planners’ refusal in 2010. Mr Marrion (SPO) visited the site in September 2021 and took a photograph of 8 sheep in a field and within his report he states that he had seen 8 sheep on the site, therefore he deemed the site as an active farm with this visual information. Since that visit it had transpired that an examination of herd books belonging to the applicant and grid plan references, the applicant did not have one animal of any description on this site ever. We contend that the applicant does not have the 6 year active farmer stipulation on proposed site which Mr Marrion (SPO) is aware of. The herd book location is at Killymeal Road, Dungannon where details are evident on the portal. He felt that this was a deceitful act by the applicant to fool senior planners that the sheep on the site were his and on his flock book when planners visited the site. On 14 December the applicant’s architect made the following written statement “we concede that the client is not an active farmer nor the field in an active farm” which is also evident on the portal. The applicant was not an active farmer all his life and went for farming when field was refused and he is not a small farmer refused a dwelling who has farmed for generations or for his family. The applicant bought this site in 2007/08 for £70k at the top of the boom and failed to sell it recently. The Lamont, Re Judicial Review speaks for itself, it must be an established group of buildings on the farm. This rule and the 6 year rule was passed to deter speculators who bought a small piece of ground and use farming as a means to achieve dwellings in the countryside, these rules are there to protect farmers and the landscape also. The published advice does not state that a single dwelling such as a stable even large, can be considered as an established group of buildings on a farm. The Judge in the highest court of Northern Ireland is very clearly stating that a single building no matter how large does not fit the policy and felt that it would be very prudent and sensible to accept the ruling from a High Court Judge of Northern Ireland and not to overthrow his opinion.

Councillor McFlynn left the meeting at 8.17 pm and returned at 8.19 pm.

Councillor Bell left the meeting at 8.17 pm and returned at 8.19 pm.

The Chair advised that a request to speak in support of the application had been received and invited Mr Cushnahan to address the committee.

Mr Cushnahan advised that DfI Roads had no objections subject to conditions which were achievable and the case officer has addressed all concerns in meticulous detail. The case officer has established that this application was an active farm business for more than 6 years and we accept that there is only one building on the holding and as such the application does not comply with CTY10 as any new building could not be sited to visually within a cluster with a group of farm buildings. It’s our understanding that policy calls for an established group of buildings on a farm which will integrate with its surroundings. It should be noted that there is an agricultural building on the other side of the western boundary hedge which is adjacent to the applicant’s shed and a number of detached dwellings, garages and large sheds lining the applicant’s eastern boundary. Although these buildings are not within the applicant’s site, they do provide a context of a cluster, with this proposal will be site within. The case officer indicates that the site characteristics is such that conditions are applied to the outline permission to restrict the ridge height

from floor level and retain mature hedging etc. then the house could integrate and be acceptable. It is our hope that the committee members that a stringent interpretation of this policy isn't duly harsh and in this instance we humbly request the committee exercise their power to approve this application as an exception to policy. The applicant accepts conditions indicated in an earlier deferral report.

In response to a member's query, Mr Marrion (SPO) advised that figure 3 shows the site as it was in 2020. He said that there was a building to the right hand corner but that it was not the applicant's field.

The SD: PI said that it was evident that there was a building there, but you cannot say buildings when they belong to someone else. When a judge makes a ruling, he is not making up a policy or a decision on the planning application of the case site and what he has said is that the officers has misinterpreted the policy and in that instance he was flagging up the policy and whether there was buildings on the farm. He said whether you like a policy or not an exception can be made if there is good planning reason for it and this was obviously a matter for the decision makers. In reference to comments made by an officer stating that there should never be a building on the site, would be careful on citing anything like that as no-one knows what happens in the world overtime and policies and rules change and if it was prior to 2010 it would have been a different policy. He referred to comment made about deception and would have to distance officers and members of the committee on any comments made because that is the view of the person who is against this application. The farm was registered for a business number in 2019 and has been registered for 3 years and it's his understanding that the business number relates to cattle.

Mr Marrion (SPO) confirmed that the business number related to cattle and sheep.

The SD: PI said that officers spent a lot of time determining whether this shed would get approval in the first place and a lot of views given. There were some views that this building was going to be used for other purposes, but he recalled that there would be farm activity relating to special type of cattle and sheep from Scotland and keeping cattle on the land meets criteria. He said that he could understand the objector's point of view, but we actually know from decisions which were previously made that a business is where a transaction takes place and this could also be related to selling hay and not as simple as having livestock which has to occur over a 6 year period. The notion of active isn't even clear and could be the keeping of livestock, growing of food stuff and plants or just be keeping land in good agricultural condition which we decided before that these tests were met.

He stated that if it was decided that things were not going to be met, then why was this decision made previously and does not mean to say that we don't get it wrong, but there was a need to get it sorted out.

In relation to the buildings we would have to give a good reason why it would be turned down and can see that it may be a bit harsh as it was a huge building and could be seen as 2 small buildings and need to see if it could be treated as an exception. This could be done as you would need to determine if the spirit of the policy was being met and what was there was a farm and a building was clearly used

as a farm, the position of the dwelling was going to be clustering to give it an impression of a farm group.

Mr Marrion (SPO) said there was a suggestion the shed was being used as a cattle store and advised that he was liaising with enforcement officers as there was an enforcement on this which was not closed, but there is nothing to suggest that it was being used for anything untoward.

Councillor Cuthbertson agreed that it was a little complicated but evidence did show that there was an active farm business and referred to suggestion of a site meeting, he asked if the case officer would explain the site again to members and where the shed was located that was approved in 2018. He said that from memory it was his understanding that the applicant had to move the building to the other side of the field to accommodate objectors. He advised that the committee did not hear about the impact of this proposed dwelling would have on the neighbouring properties and would be keen to hear views and possibly a site meeting to trash that out.

The SD: PI confirmed that the shed was moved to an alternative site and felt that it was the right thing to do as no-one wanted a huge shed at their back door.

Mr Marrion (SPO) advised that previous objections lodged were with regard to nuisance from the agricultural building. There is two lanes which run to property at the back with a high hedge along the laneway.

The SD: PI said if the case was that it could be better sited, would the applicant be prepared to consider this and stated that the siting was easily sorted which could be looked at. He said that this was not about siting and more about the principle and about moving to that stage and members saying that they were really going to make an exception to the policy. If members had sympathy to make an exception he would feel very strongly in instances like this to go out and look at it and then come back and tell us whether it should be classed as an exception.

Councillor S McPeake said that the issue he had was around the principle opposed to the siting. We heard from the objector that his clear view was that it was not an entitled business, then the case officer advising that it was current and active business for 6 years and if that was the factual way of it, then the other tests fall into place. He believed that we were dealing with a small bit of semantics here as there was already one shed in-situ, with quite a big curtilage around the shed and if there had of been another smaller shed or building beside it, then this would have been classed as two buildings and wouldn't have this issue. He referred to the recommendation which did not stand out in terms of undue integration, it integrates well with a low level house wouldn't unduly impact on the landscape. He said that although he was sympathetic to the objector, if it meets the requirement of the business as there was already one shed there he would be happy to second proposal for a site visit.

The SD: PI said that his feeling of the policy is that you really have to look at what the purpose of the policy is and this is about clustering buildings together and that rural houses in the rural area keep what the characteristics of what is a traditional farm house in the grouping. He felt that if members had seen this on site and their view that it was put in the appropriate place, it would read what you would expect it

to read for that reason that it was a building on a farm and this would be making an exception. On that basis he felt that this should be a reasonable way to make a decision and the only reason he was suggesting to look at it was because he was conscious there was an objection and felt for both parties they deserve that.

Councillor McKinney said that he didn't believe that it was a farm business as it has been active for 3 years which overlooks the 6 year rule. If a person owned a goat and owned a piece of land the size of this room, it would need to be registered to be a flock number as goats and sheep are known as one animal on a flock record book and a requirement to have a business ID number. He said if he remembered correctly, the site was under 7.5 acres which may be a hobby farm and cannot determine if it was a farm business or not and would like that clarified by Department of Agriculture. He recollected that this shed was approved for the benefit for the welfare of sheep to rest in the winter months and said that although he doesn't know a great deal about sheep, he felt the size of the shed and the number of sheep referred to within the report did not match up. It was previously stated that the farm number referred to in 2011, but this is a new number applied in 2019 and there were applicants before who were short of 1 or 2 months from the 6 year rule and they were turned down and felt there was a need to be consistent as one rule should be for all.

Mr McNulty advised that it was out of the applicant's name for a number of years until 2015 and was previously in his son's name who resided in England in terms of Land Registry.

The SD: PI advised that the applicant was in ownership of the land from 2015 which was 7 years. He said that Mr McNulty was correct in what he was saying but planning and Department of Agriculture's rules were for different purposes and this was where it got tricky especially when rules were changed regarding farm payments etc. Policy does not make any differential what type of farm business it was and all it asked for is evidence that there has been a business which involved transactions, which may include many things including selling of products like hay, produce etc. and also that land is kept in good agricultural condition or environmental condition and then this is deemed to be active.

Councillor Robinson left the meeting at 8.52 pm and returned at 8.54 pm.

Councillor Colvin said that he had listened to Dr Boomer very carefully who was our resident expert on these matters. He said that it was his understanding that essentially what was being said here was that this application ticks a lot of boxes and one little area of policy which it doesn't meet which was the whole clustering situation. He said that it has already been proposed and seconded by other members that it would be beneficial to go out and look at the site on the ground which would provide all the relevant information. He agreed with the suggestion of a site meeting.

Mr Marrion (SPO) in response to members query advised that he could not confirm what the other sheds were used for, but could say that planning permission was granted for the large grey shed.

Councillor Bell sought clarity in relation to the spirit of the policy as there was already a building there and did recall in the past where there were conversations around if someone genuinely wanted to farm land but did not have a farm building, that they were being disadvantaged to go ahead and build a dwelling on that particular piece of farming land. He said therefore it would prevent an aspiring farmer from actually going into farming.

The SD: PI advised that approval was granted even though there hadn't been a building as it was quite feasible to have a farm but not have a building and a classical example could be that it was a family holding and land given to one son within the last 7 or 8 years which he may be farming a few times a year which could be classed as an exception as it has been through careful consideration of the known facts. He said that his interpretation was that the policy was about visual matters and that this was the only reason why it should be looked at.

Councillor Clarke concurred with Councillor Bell and said that he had always concerns around this as there was a huge disadvantage within the rural countryside as there could be 100 acres of land but no buildings or trees. He enquired why the policy specifies buildings, with approximately 10,000 farmers within this region who were farming land without buildings. He said that there was more to farms than a building and really needs to be investigated in the future as this policy does not suite all active farms.

The Chair said that this was a point well-made but this was a debate for another night.

Proposed by Councillor Cuthbertson
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2020/1140/O be deferred for a site visit.

LA09/2020/1615/F Dwelling with integrated annex and garages at site adjacent to 18 Lowertown Road, Dungannon for Brian Wilson

Members considered previously circulated report and addendum on planning applications LA09/2020/1615/F which had a recommendation for approval.

Proposed by Councillor Colvin
Seconded by Councillor Robinson and

Resolved That planning application LA09/2020/1615/F be approved subject to Conditions as per the officer's report.

LA09/2021/0860/O Dwelling and garage at site adjacent to 27 Waterfoot Road, Ballymagaigan, Magherafelt for Jim O'Neill

Members considered previously circulated report and addendum on planning applications LA09/2021/0860/O which had a recommendation for approval.

Proposed by Councillor Colvin
Seconded by Councillor Robinson and

Resolved That planning application LA09/2021/0860/O be approved subject to Conditions as per the officer's report.

LA09/2021/0952/F Extension to existing curtilage & domestic storage shed at 45m S of 211A Washingbay Road, Coalisland for Mr Tony McCuskey

Members considered previously circulated report and addendum on planning applications LA09/2021/0952/F which had a recommendation for approval.

Proposed by Councillor Colvin
Seconded by Councillor Robinson and

Resolved That planning application LA09/2021/0952/F be approved subject to Conditions as per the officer's report.

LA09/2021/1497/F Retention of existing access, walls and pillars (amended plans) at 22 Ballynagowan Road, Stewartstown, Dungannon for Enda & Nuala Devlin

Members considered previously circulated report and addendum on planning applications LA09/2021/1497/F which had a recommendation for approval.

Proposed by Councillor
Seconded by Councillor

Resolved That planning application LA09/2021/1497/F be approved subject to Conditions as per the officer's report.

Matters for Information

P126/22 Minutes of Planning Committee held on 6 September 2022

Members noted minutes of Planning Committee held on 6 September 2022.

P127/22 Receive Report on Invitation from Caledon Regeneration Partnership

Members noted report on Caledon Regeneration Partnership Invite to co-design new Village Community Plan and Conservation Area Design Guidance.

Councillor Cuthbertson left the meeting at 9.02 pm

Live broadcast ended at 9.02 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Robinson
Seconded by Councillor S McPeake 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 P128/22 to P131/22.

Matters for Decision

P128/22 Local Development Plan

Matters for Information

P129/22 Planning Committee Confidential Minutes of Meeting held on 6 September 2022

P130/22 Enforcement Cases Opened

P131/22 Enforcement Cases Closed

P132/22 Duration of Meeting

The meeting was called for 7 pm and concluded at 9.15 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: 4 October 2022

Additional information has been received on the following items since the agenda was issued.

Chairs Business –

- Letter from DfI informing MUDC of an amendment to the Footway (Prohibition of Waiting) Order;
- Letter from DfE informing MUDC of award of Mineral Prospecting Licenses.

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
6.1	Email from agent	Members to note