



06 July 2021

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, 06 July 2021 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. Apologies
2. Declarations of Interest
3. Chair's Business

Matters for Decision

Development Management Decisions

4. Receive Planning Applications

7 - 212

	Planning Reference	Proposal	Recommendation
4.1.	LA09/2019/1057/F	New factory inclusive of a fabrication and cutting shed, fitting shed and office block with associated works at site adjacent and S of Ardboe Business Park Kilmascally Road, Ardboe, for Anaconda International Ltd.	APPROVE

4.2.	LA09/2020/0420/O	Dwelling and garage at 110m SE of 223 Dungannon Road, Dungannon, for Emma O'Neill.	REFUSE
4.3.	LA09/2020/0498/F	3 dwellings at Riverbrook Moneyhaw Road ,Money more, for Shanco Properties Ltd .	APPROVE
4.4.	LA09/2020/0553/F	Housing development (3 detached and 2 semi-detached), private amenity space, landscaping, access onto Queens Avenue and ancillary site works at 9 Ballyronan Road Magherafelt for Mullaghboy Construction Ltd.	APPROVE
4.5.	LA09/2020/0747/F	Retrospective application for farm building and revision to layout of cattle shed at approx 95m SW of 3 Killynaul Road, Dyan, Caledon, for Mr Ivan McAllister.	APPROVE
4.6.	LA09/2020/0772/F	Dwelling and garage on a farm (change of house type to M/2007/1605/RM) at land approx. 150m SW of 22 Altadaven Road Augher, for Mr Patrick Hackett.	APPROVE
4.7.	LA09/2020/1051/O	Site for dwelling and double domestic garage on a farm at approx. 90m SW of 99 Feegarron Road, Cookstown, for John and Amy Wilson	REFUSE
4.8.	LA09/2020/1269/F	Substation and compound to serve proposed wind turbines at approx 990m NW of Drumard Road/ Cullion Road junction, Straw Mountain, Draperstown for P Toner.	APPROVE
4.9.	LA09/2020/1349/O	Dwelling and domestic garage within a cluster at 50m S of 3 Ballynasolus Road, Cookstown for Charles Quinn.	APPROVE
4.10.	LA09/2020/1549/F	Football stand to cover stepped terrace at 108 Killyliss Road Eglis, for Eglis GAC.	APPROVE
4.11.	LA09/2021/0054/O	Site for a dwelling & domestic garage at approx 60m SW of 125a Ballinderry Bridge Road, Cookstown, for Mr Kieran Mitchell.	REFUSE
4.12.	LA09/2021/0055/O	Site for dwelling and garage at approx. 50m NW of 33 Lower	APPROVE

		Grange Road, Cookstown for Mr James Wylie.	
4.13.	LA09/2021/0096/F	Retention of existing agricultural shed on lands to the E of 15 Tamlaghtmore Road, Cookstown, for Mr and Mrs Hutchinson.	REFUSE
4.14.	LA09/2021/0103/F	One and a half storey dwelling, detached garage and associated site works (Change of house type to I/2006/0905/RM) at 20m W of 24 Annahavil Road, Dungannon, for Miss Lyn Somerville.	REFUSE
4.15.	LA09/2021/0115/F	Demolition of existing building and creation a new overflow carpark for the Maghera Leisure Centre within the lands of the PSNI building at 50 Coleraine Road, Maghera, for Mid Ulster District Council.	APPROVE
4.16.	LA09/2021/0161/O	Dwelling & garage at approx 295m SE of 94 Loughans Road Drumfad, Ballygawley, for Kevin Donaghy.	REFUSE
4.17.	LA09/2021/0260/O	Dwelling immediately adjacent S of 24 Creenagh Road Coalisland for Mr Christopher O'Farrell.	APPROVE
4.18.	LA09/2021/0264/O	Dwelling and garage at site adjacent to 60 Sixtowns Road Draperstown, for Mr Peter Conway.	REFUSE
4.19.	LA09/2021/0299/O	2 storey dwelling between 85 & 89 Derrytresk Road, Coalisland Mr Eamon Hagan.	REFUSE
4.20.	LA09/2021/0490/F	Ground floor extension to side of property with ramped access at 10 Sandy Row Coalisland for Michael Devlin.	APPROVE
4.21.	LA09/2021/0632/O	Infill Dwelling & Garage at lands adjacent to 126a Ballynease Road, Portglenone, for Rory McErlean.	APPROVE
4.22.	LA09/2021/0681/O	Dwelling and domestic garage at approx. 25m NE of 49 Moyagoney Road, Portglenone for Alan Donegan.	REFUSE
4.23.	LA09/2021/0769/RM	Gap Site for 2 dwellings and Domestic garage opposite 250 Ballygawley Road Dungannon, for Jason Kelly.	APPROVE

5. Receive Deferred Applications

213 - 324

	Planning Reference	Proposal	Recommendation
5.1.	LA09/2017/0319/F	Relocation of 2 chimney stacks (approved M/2011/0126/F) and the retention of 4 further chimney stacks to facilitate spraying within existing approved building at 70m S of 177 Annagher Road, Dungannon, for DMAC Engineering.	APPROVE
5.2.	LA09/2017/0787/F	Refurbishment of existing 3 storey house including demolition of rear return and new 3 storey extension to rear at 33 Killyman Street, Moy, for M & C McCallion	APPROVE
5.3.	LA09/2017/0788/LBC	Refurbishment of existing 3 storey house including demolition of rear return and new 3 storey extension to rear at 33 Killyman Street, Moy, for M & C McCallion.	APPROVE
5.4.	LA09/2019/1262/O	Site for a dwelling and domestic garage at approx 45m W of 140 Kilrea Road, Upperlands for Daniel O'Kane.	APPROVE
5.5.	LA09/2020/1080/F	New Vehicular access at approx 200m E of no 33 Oldtown Road, Bellaghy, for Mrs Emma McCoy.	APPROVE
5.6.	LA09/2020/1626/O	Site for Dwelling & Garage at approx 30m N of No.31 Gortinure Road, Maghera, for Mr S McEldowney.	APPROVE

6. Receive Updated Officer Report

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Matters for Information

7 Minutes of Planning Committee held on 8 June 2021

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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

8. Receive Report on DfC Call for Evidence
9. Receive Enforcement Report
10. Presentation on New Computer System

Matters for Information

11. Confidential Minutes Planning Committee held on 8 June 2021
12. Enforcement Cases Opened
13. Enforcement Cases Closed



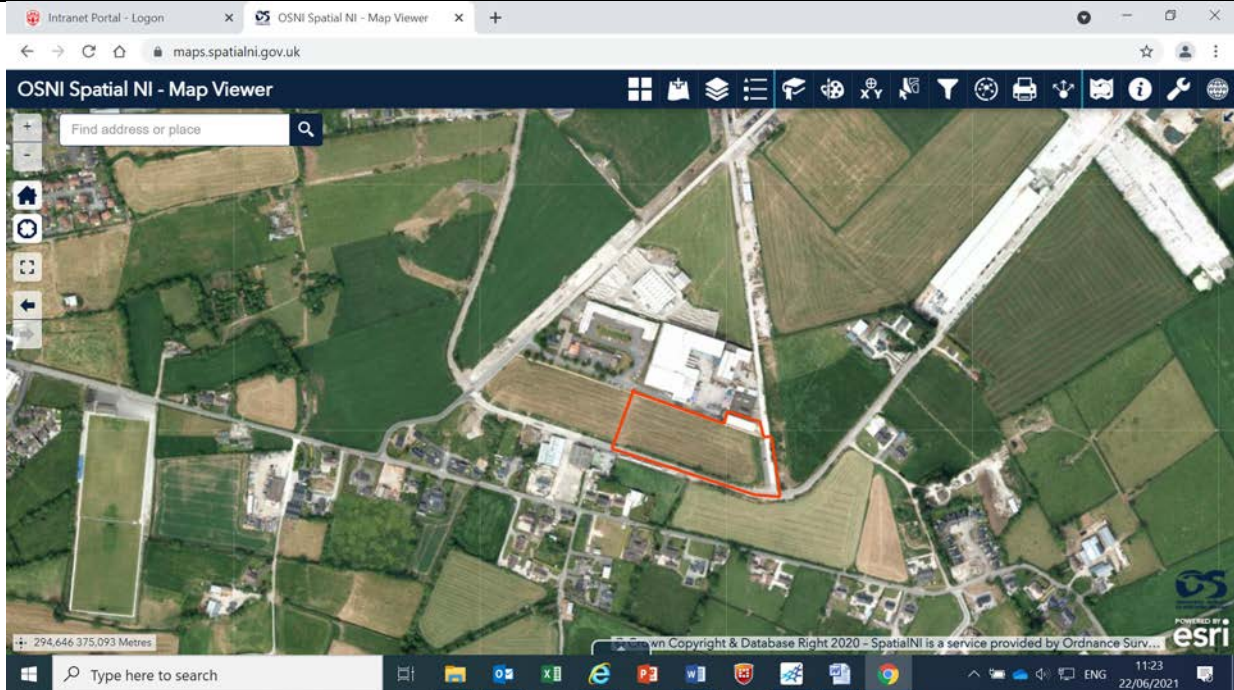
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/1057/F	Target Date: 4/3/20
Proposal: Proposed construction of new factory inclusive of a fabrication and cutting shed, a fitting shed ,and office block with associated site works	Location: Site adjacent and South of Ardboe Business Park Kilmascally Road Ardboe Dungannon
Referral Route: Major Application	
Recommendation:	Approval
Applicant Name and Address: Anaconda International Ltd Ardboe Business Park Kilmascally Road Ardboe	Agent Name and Address: McGurk Architects 33 King Street Magherafelt BT45 6AR
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	Rivers Agency	Advice
Statutory	NI Water - Strategic Applications	Advice
Advice and Guidance	Shared Environmental Services	No Objection
Non Statutory	Environmental Health Mid Ulster Council	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

Details of the Proposal:

Proposed construction of new factory inclusive of a fabrication and cutting shed, a fitting shed, and office block with associated site works in compliance with Planning Policy Statement 4 (PPS4): Planning and Economic Development.

Characteristics of the Site and Area:

The site is located within the settlement limits for Ardboe as defined within the Cookstown Area Plan 2010 (CAP). Located within the former airfield access to the site is provided via former airfield roadway. The site includes part of the existing works building and part of a flat field defined by a laneway adjacent to Ardboe Business Park to the north, commercial buildings and agricultural land to the south and dwellings beyond that, on the opposite side of the former airfield road. The dwellings gain access mainly from the Kilmascally Road. To the east agricultural lands are present on the opposite side of the limit of development for the settlement and to the west the remainder of the field, which is within the limit of development. That limit of development is defined, on the ground by former airfield roads and runway. Vegetation around the site is sparse, with only grassland present within it. The general area is flat with roadside development dominating the settlement.

Relevant Site Histories:

The following relevant recent site histories have been identified.

LA09/2019/0292/PAN: acceptable 8/3/19.

LA09/2017/1788/F: Proposed expansion of existing facilities to include a proposed Truss units, associated wood store and two light industrial units – approved 10/9/18. Note: This permission covers all of the field described above.

Representations:

No representations received from press notice or neighbourhood notification. Consultation with Department for Infrastructure - Roads, Department for Infrastructure - Rivers, Environmental Health Department, Northern Ireland Water and Shared Environmental Services has raised no concerns subject to conditions and informatives.

Planning Assessment of Policy and other Material Considerations:

The proposed form of the layout is three buildings sited within a concrete yard. The buildings provide a fabrication and cutting shed, a fitting unit and office building. A 2.4m paladin fence is proposed along the site boundary with the existing boundary fence to be retained along the northern boundary.

The fabrication and cutting shed as well as the fitting unit are portal framed type building with clear polycarbonate fibre cement walls with low angled pitched roof. Clear polycarbonate material has an opaque quality, which in my opinion should not impact negatively on street scene or the amenity of the residential properties. The proposed office block is in two-storey form with flat roof and brick walls.

As stated above the site lies within the settlement limits for Ardboe as defined within the Cookstown Area Plan 2010. The area is zoned for Industry/mixed business use. Planning Policy Statement 4: Planning and Economic Development is the relevant policy against which the proposal is to be assessed.

Policy PED 1: Economic Development in Settlements is the main consideration. Policy states in relation to villages and smaller rural settlement that a development proposal for Class B2; light industrial use or Class B3; general industrial use will be permitted where it can be demonstrated that the scale, nature and design of the proposal are appropriate to the character of the settlement and is not incompatible with any nearby residential use.

The proposed development provides buildings with circa 8.5m ground to eaves heights. These heights when compared with the adjoining Ardboe Business Park buildings do not give cause for concern. The business park development has a range of building heights ranging from single storey to circa 4 storeys in height (10m plus). The cold store being the highest of all and when compared against same the proposed buildings would in my opinion not be out of keeping in the area. The designs of the proposed buildings is in my opinion compatible with that of the adjoining business park and therefore appropriate in this setting. The Environmental Health Department of Mid Ulster Council has commented on the proposal and subject to conditions and informatives is content that the development will not impact negatively with nearby residential use.

In addition Policy PED 9 of PPS 4: provides general criteria for assessing all applications for Economic development.

It is my opinion that the proposal as presented is compatible with surrounding land uses; it does not harm the amenities of nearby residents; it does not adversely affect features of the natural or built heritage; it is not located in an area at flood risk and will not cause or

exacerbate flooding; In addition it does not create a noise nuisance; it is capable of dealing satisfactorily with any emission or effluent; the existing road network can safely handle any extra vehicular traffic the proposal will generate; adequate access arrangements, parking and manoeuvring areas are provided; a movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport; the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity; appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view; and is designed to deter crime and promote personal safety;

Other Policy and Material Considerations:

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

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

The Department of the Environment has published its Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development. This policy is a consolidation of some twenty separate policies however, the policy provisions of Planning Policy Statement 4: Planning and Economic Development is retained until such time as the Mid Ulster Council adopt a Plan Strategy for the Council area, no other issues have been identified.

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

Recommendation:

I recommend that planning permission is granted subject to conditions.

Conditions

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

Reason: Time Limit.

2. The business hereby permitted shall not operate outside 08:00-18:00hrs Monday to Friday, 08:00 - 13:00 Saturday and at no time on a Sunday unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect nearby residential amenity from noise.

3. All doors to the workshops are to remain closed during construction and manufacture except for ingress and egress of vehicles or goods where doors should be fitted with fast open/close systems as per the Irwin Carr report dated 15th March 2021.

Reason: To protect nearby residential amenity from noise.

4. No construction or manufacture of products shall be undertaken in the external yard areas of the businesses, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect nearby residential amenity from noise.

5. Within 4 weeks of a written request by the Council following a reasonable noise complaint from the occupant of a dwelling which lawfully exists, the operator shall, at his/her expense, employ a suitably qualified and competent person, to assess compliance with predicted noise levels stated within Table 4 of the Irwin Carr report dated 15th March 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 measures. These remedial measures shall be carried out to the satisfaction of Council within 4 weeks from the date of approval of the remedial report, and shall be permanently retained and maintained to an acceptable level thereafter, unless otherwise agreed in writing with Council.

Reason: To protect nearby residential amenity from noise.

Table 4: Predicted Noise Levels

Location	Predicted noise impact
	Daytime LAeq, 1hr
R1 - 68	32.9
R2 - 68A	35.2
R3 - 45A Kilmasally Road	35.2
R4 - 42 Kilmasally Road	35.2
R5 - 40 Kilmasally Road	35.2
R6 - 38 Kilmasally Road	33
R7 - 36 Kilmasally Road	24
R8 - 32 Kilmasally Road	14

6. Odour from the ridge serving the building as noted within the Irwin Carr Odour Impact Assessment date stamped 27th January 2020 shall not exceed 351 OUE/m³ when measured in accordance with IS EN 13723 and analysed by a UKAS accredited test method.

Reason: To protect neighbouring property from excessive odour

7. Within 4 weeks of a written request by the Council following a reasonable odour complaint from the occupant of a residential dwelling which lawfully exists, the operator shall, at his/her expense, employ a suitably qualified and competent person, to assess the level of odour from the development and/or check compliance with the odour limit listed in condition no 6. The Council shall be notified not less than 2 weeks in advance of the date of commencement of the odour monitoring and authorised officers may attend the development at any time during this monitoring. The results of all odour modelling shall be provided in writing to the council within 4 weeks from the date of the assessment having been undertaken.

Reason: To protect neighbouring property from excessive odour

8. Where odour is found to exceed the limits outlined within condition 6, the Council shall be provided with a suitable report detailing any necessary remedial measures. These remedial measures shall be carried out to the satisfaction of Council

within 8 weeks from the date of approval of the remedial report, and shall be permanently retained and maintained to an acceptable level thereafter, unless otherwise agreed in writing with Council.

Reason: To protect neighbouring property from excessive odour

9. There shall be no deliveries of goods to the business hereby permitted or collection of goods from the business hereby permitted outside the hours permitted for operation under Condition 2 above.

Reason: To protect nearby residential amenity from noise.

10. No paint spraying of products shall be undertaken at any time in the external yard areas of the business

Reason: To protect nearby residential amenity from noise.

11. Any mobile plant being used in conjunction with the shed shall be fitted with directional broadband reversing beepers.

Reason: To protect nearby residential amenity from noise.

12. The vehicular access No 1, including visibility splays of 2.4m x 60m in both directions, shall be in place, in accordance with Drawing No.08 bearing the date stamp 23rd October 2019, prior to the commencement of any other works or other development hereby permitted.

The vehicular access No 2, including visibility splays of 2.4m x 60m in both directions, shall be in place, in accordance with Drawing No.08 bearing the date stamp 23rd October 2019, prior to the commencement of any other works or other development hereby permitted.

The vehicular access No 3, including visibility splays of 2.4m x 33m in both directions, shall be in place, in accordance with Drawing No.08 bearing the date stamp 23rd October 2019, prior to the commencement of any other works or 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.

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

Reason: To ensure waiting vehicles do not encroach onto the carriageway.

14. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway before the development hereby permitted is commenced and such splays shall be retained and kept clear thereafter.

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

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

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

16. No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 09 bearing date stamp 12th December 2019 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.

Informatives

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

2. Department for Infrastructure Roads Informatives:

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

It is a DfI TransportNI requirement that all structures which fall within the scope of the current version of BD 2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges shall require Technical Approval. Details shall be submitted to the Technical Approval Authority through the relevant Division.

The applicant is advised that under Article 11 of the Roads Order (NI) 1993, the Department for Infrastructure is empowered to take measures to recover any reasonably incurred expenses in consequence of any damage caused to the public road/footway as a result of extraordinary traffic generated by the proposed development.

Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse,

etc which is deposited on the road as a result of the development, must be removed immediately by the operator/contractor.

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

All construction plant and materials shall be stored within the curtilage of the site.

It is the responsibility of the developer to ensure that

Surface water does not flow from the site onto the public road

The existing roadside drainage is accommodated and no water flows from the public road onto the site

Surface water from the roof of the development hereby approved does not flow onto the public road, including the footway

The developer should note that this planning approval does not give consent to discharge water into a DFI Roads drainage system.

3. Northern Ireland Water comments:

Public water supply within 20m of your proposal, the Developer is required to consult with NIW by means of a Pre Development Enquiry (PDE) to determine if there is capacity to serve this proposal. Application to NIW is required to obtain approval to connect.

Applicant proposes to discharge foul sewage to private package treatment plant.

Applicant proposes to discharge surface water run-off to local water course via private storm attenuation system.

Existing sewer crossing site;

Applicant proposes to divert existing public foul sewer through development site. This work should be carried out in consultation with NI Water and in accordance with current Realignment of Public Sewer procedures.

The applicant is advised to contact NIW Waterline on 03457 440088 or waterline@niwater.com, upon receipt of this consultation to discuss any areas of concern.

Application forms and guidance are also available via these means.

If during the course of developing the site the developer uncovers a pipe not previously evident, NIW should be notified immediately in order that arrangements may be made for

investigation and direction in respect of any necessary measures required to deal with the pipe.

Notify NIW Waterline on 03458 770002.

Public water supply within 20m of your proposal, the Developer is required to consult with NIW by means of a Pre Development Enquiry (PDE) to determine if there is capacity to serve this proposal.

Application to NIW is required to obtain approval to connect.

No connection should be made to the public sewer from 23rd May 2016, in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 (as amended Water and Sewerage Services Act (Northern Ireland) 2016), until the mandatory Sewer Adoption Agreement has been authorised by NIW.

A formal water / sewer connection application must be made for all developments, including those where it is proposed to re-use existing connections.

All services within the development should be laid underground. In the interests of visual amenity

Development shall not be occupied until the onsite works have been completed in accordance with the drainage details submitted to and approved by the relevant authority. In the interest of public health

Development shall not be occupied until surface water drainage works on-site and off-site have been submitted, approved and constructed by developer and the relevant authority. To safeguard the site and adjacent land against flooding and standing water.

Statutory water regulations are in force, which are designed to protect public water supplies against contamination, undue consumption and misuse. All internal plumbing installation must comply with the current Water Supply (Water Fittings) Regulations (Northern Ireland).

Applicants should contact NI Water's Water Fittings Regulations team via waterline@niwater.com if they have any queries.

4. Department for Infrastructure Rivers Informatives:

FLD1 - Development in Fluvial Flood Plains - The Strategic Flood Map (NI) indicates that the site does not lie within the 1 in 100 year fluvial flood plain.

FLD2 - Protection of Flood Defence and Drainage Infrastructure - This site is unaffected by any watercourse known to DfI Rivers however if a watercourse is discovered during any development works then DfI Rivers should be contacted and FLD2 will apply to the site.

FLD3 - Development and Surface Water - DfI Rivers, while not being responsible for the preparation of the report accepts its logic and has no reason to disagree with its

conclusions. Consequently, DfI Rivers cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective.

It is brought to the attention of the applicant that the responsibility for the accuracy, acceptance of the Drainage Assessment and implementation of the proposed flood risk measures rests with the developer and their professional advisors. (refer to section 5.1 of PPS 15).

Under the terms of Schedule 6 of the Drainage (NI) Order 1973 any proposal either temporary or permanent, in connection with the development which involves interference with any watercourse such as culverting, bridging, diversion, building adjacent to or discharge of storm water etc requires the written consent of DfI. This should be obtained from our Western Regional Office, Woodside Avenue, Gortin Road, Lisnamallard, Omagh, BT79 7BP.

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

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

Any proposals in connection with the development, either temporary or permanent which involve additional discharge of storm water to any watercourse require the written consent of the Rivers Agency. Failure to obtain such consent prior to permitting such discharge is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

If, during the course of developing the site, the developer uncovers a watercourse not previously evident, he should advise the local Rivers Agency office immediately in order that arrangements may be made for investigation and direction in respect of any necessary measures required to deal with the watercourse.

Signature(s)

Date:

ANNEX	
Date Valid	7th August 2019
Date First Advertised	27th August 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 32 Kilmascully Road, Dungannon, Tyrone, BT71 5BN The Owner/Occupier, 34 Kilmascully Road, Dungannon, Tyrone, BT71 5BN The Owner/Occupier, 36 Kilmascully Road Dungannon Tyrone The Owner/Occupier, 38 Kilmascully Road Dungannon Tyrone The Owner/Occupier, 40 Kilmascully Road, Dungannon, Tyrone, BT71 5BN The Owner/Occupier, 42 Kilmascully Road Dungannon Tyrone The Owner/Occupier, Ardboe Business Park, Ardboe, Dungannon, BT71 5BJ The Owner/Occupier, Ardboe Coldstore Kilmascully Road Ardboe Business Park The Owner/Occupier, Craft Unit 1 Kilmascully Road Ardboe Business Park The Owner/Occupier, Craft Unit 2 Kilmascully Road Ardboe Business Park The Owner/Occupier, Craft Unit 4 Kilmascully Road Ardboe Business Park The Owner/Occupier, Craft Unit 5 Kilmascully Road Ardboe Business Park The Owner/Occupier, Craft Unit 6 Kilmascully Road Ardboe Business Park The Owner/Occupier, Craft Unit,3 Kilmascully Road,Ardboe Business Park,Dungannon,Tyrone,BT71 5BJ	
Date of Last Neighbour Notification	28th August 2019
Date of EIA Determination	
ES Requested	No

Planning History

Ref ID: LA09/2019/0292/PAN

Proposal: Proposal construction of new factory inclusive of a fabrication and cutting shed, a fitting shed and office block with associated site works

Address: Site adjacent and South of Ardboe Business Park, Kilmasally Road, Ardboe, Dungannon,

Decision: PANACC

Decision Date:

Ref ID: LA09/2017/1788/F

Proposal: Proposed expansion of existing facilities to include a proposed Truss units, associated wood store and two light industrial units

Address: Site adjacent to and to the south of Ardboe Business Park, Kilmasally Road, Ardboe, Dungannon,

Decision: PG

Decision Date: 11.09.2018

Summary of Consultee Responses

As above

Drawing Numbers and Title

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

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

Drawing No. 04
Type: Proposed Plans
Status: Approved

Drawing No. 05
Type: Proposed Plans
Status: Approved

Drawing No. 06
Type: Proposed Plans
Status: Approved

Drawing No. 07
Type: Proposed Plans
Status: Approved

Drawing No. 08
Type: Road Access Plan
Status: Approved

Drawing No. 09
Type: Proposed Plans
Status: Approved

Notification to Department (if relevant)

Date of Notification to Department: N/A
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 06/07/2021	Item Number:
Application ID: LA09/2020/0420/O	Target Date:
Proposal: Dwelling and garage within a cluster	Location: 110 m South East of 223 Dungannon Road Dungannon
Referral Route: 1. Contrary to Policy AMP 2 – Access to Public Roads in Planning Policy Statement 3 Access, Movement and Parking that proposal does not have a safe access onto the public road. The proposed access will prejudice road safety and significantly inconvenience the flow of traffic onto the public road.	
Recommendation:	Refusal
Applicant Name and Address: Emma O'Neill 223 Dungannon Road Dungannon BT70 1TH	Agent Name and Address: Sam Smyth Architecture Unit 45D Dungannon Enterprise Centre 2 Coalisland Road Dungannon BT71 6JT
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

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 detached dwellings on single plots, farm complexes and agricultural fields. The site is at a crossroads with Fasglasagh Road to the north and Killeeshill Road to the south, with the old Dungannon Road running east to west. 105m south of the site is Killeeshill St Pauls Church of Ireland Church.

The application site is an irregular shaped plot with a flat topography and is 0.83ha in size. To the northwest of the site is a square shaped area which is used for the storage of cars and vans which are no-longer used. Immediately to the west of where the proposed dwelling will be sited is also an area for the storage of cars. There are three dwellings which abut the boundary of the application site at No. 223, No. 225 and No. 81. Along the north, south and east boundaries are established trees.

Description of Proposal

This is an outline application for a dwelling and garage within a cluster.

Planning Assessment of Policy and Other Material Considerations

Planning History

No recent planning histories at the application site.

Representations

The application was advertised in the local press and neighbour notified and at the time of writing no representations have been received.

Planning 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.

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

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

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

Policy CTY 2a – New Dwellings in Existing Clusters

I am content the proposal sites within a cluster of development outside of a farm and consists of four or more buildings of which at least three are dwellings. There are dwellings at No. 223 and No. 225 Dungannon Road, No. 81 Killeeshill Road and No. 4 Faslgasagh Road.

I consider the cluster appears as a visual entity in the landscape. The dwellings are all located in close proximity to each other and when travelling either direction along the old Dungannon Road visually read as a cluster of development.

I am content the proposal is at a crossroads between the Old Dungannon Road, Killeeshill Road and Faslgasagh Road.

I am content the proposed dwelling and garage has a suitable degree of enclosure. There is a dwelling at No. 81 which abuts the southern boundary of the site. In addition, as the site is a portion of the land at No. 223 this will abut the western boundary. Therefore, I consider there is development on 2 sides.

I consider the proposal at this site can easily be absorbed into the existing cluster. The proposed dwelling will be located at the corner of the crossroads with No. 81 to the south and to the west is No. 223 and No. 227.

As this is an outline application any details about the design are considered at the Reserved Matters Stage. There are established trees along the southern boundary which will be retained which will block any direct views into the amenity space of No.81. It is also proposed to plant a hedgerow along the west boundary of the site which will reduce views towards No. 223.

PPS 3 - Access, Movement and Parking

DFI Roads were consulted as the applicant had proposed a new access off the Killeeshill Road as shown below in figure 1. The access will culvert over an existing watercourse but as discussed later in the assessment this is acceptable as it is for access purposes.

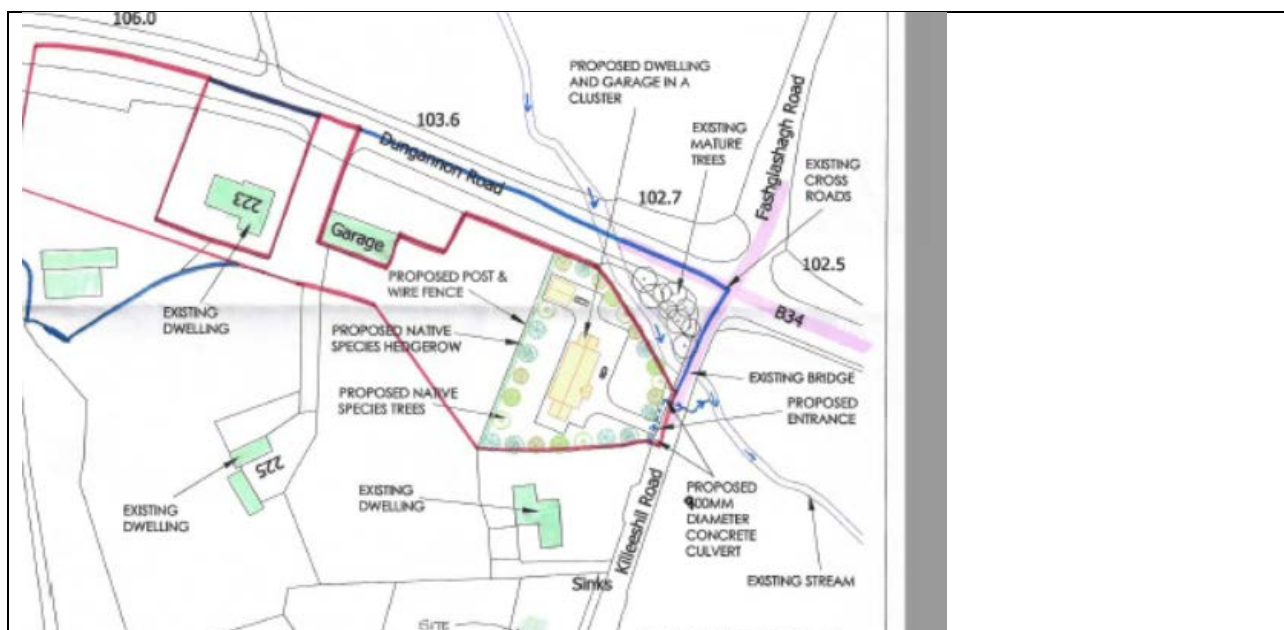


Figure 1 – Screen shot of the block plan No. 02

In the DFI Roads consultation response dated 16 SEP 2020, Roads state the proposed access is unacceptable and state the following issues.

- It is currently not possible to deliver sightlines of 2.4 x 60 to the South West and 2.4 x 33m to the North East without acquiring of 3rd party land to the South West and extensive work to the North East. The site frontage is too small to accommodate all
- There is a major issue with regard to the bridge parapet to the North.
- It blocks any sightlines to the North East and will therefore require quite substantial work to possibly extend the bridge and this would probably be at the applicant's own expense.

Following discussions with the agent DFI roads were re-consulted to see if the visibility splays could be reduced at the proposed access and the agent had suggested using an existing access to the garage off the main Dungannon Road. DFI roads responded on 23 DEC 2020 stating the following issues.

- The visibility splays can be reduced to 2.0m by 33.0m in a north east direction however this reduction still doesn't change the fact that the splays cannot be provided due to the range wall of the bridge. There will be major civil engineering works involved in extending the width of the bridge and setting back the range wall which could result in a considerable cost to the applicant, therefore making the development of the site unviable, however this will be something for the applicant to consider.

- Delivery of the visibility splays to the south west direction will require third party land.
- Access via the suggested alternative existing access on to the Main Dungannon Road would result in the intensification of a sub-standard access and would have to meet DCAN 15 standards for that speed of road probably in the region of 2.4 x 160m both vertically and horizontally and an FSD of 160m.

Consequently the agent submitted a revised block plan as shown in figure 2 below

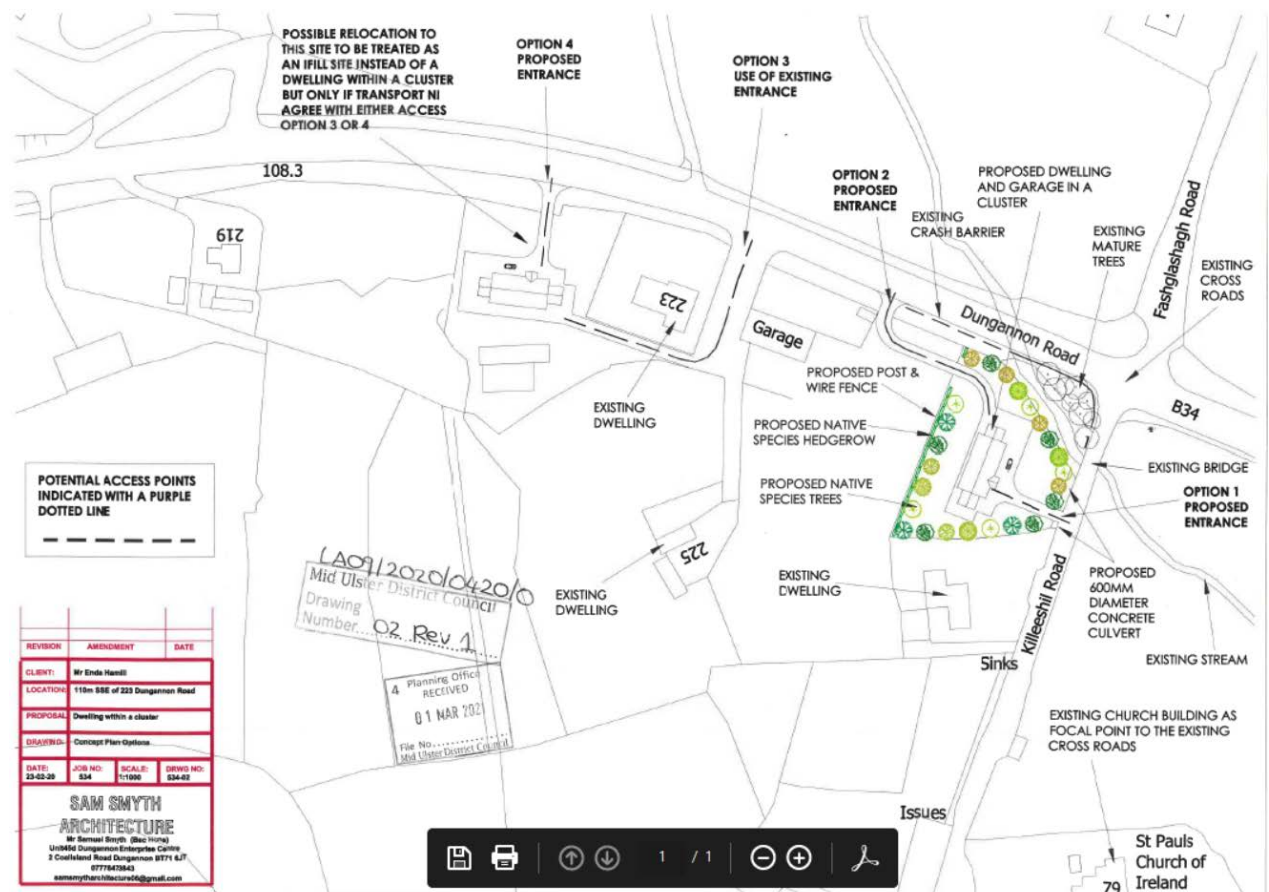


Figure 2 – Concept Plan of Alternative access off the Dungannon Road.

DFI Roads responded to figure 2 on the 15th March 2021 stating the following.

DfI acknowledges receipt of above drawing with options 3 and 4 as possible accesses.

Whilst in principle these would be acceptable there are still some issues to be addressed

- Option 3 will require a TAF to be submitted for the garage and P1 filled in with Numbers of vehicles currently attending the site in order to assess sightlines required for both current usage and house. In any case the existing access will need to be improved in order to meet DCAN 15 standards and will require additional 3rd party land to the NW sightlines required here will either be 2.4 x 160 or 4.5 x 215m with either a 160m or 215m FSD.

- Option 3 will also require a substantial amount of additional 3rd party land and will require 2.4 x 160m sightlines and a 160m FSD.

DfI Roads feels that red outline, TAF and P1 should all be submitted at this stage before processing the application any further. To date at the time of writing no further information has been received from the applicant or agent to allow the application to progress. Option 4 cannot be considered as an access to serve the proposed dwelling as it is not an infill dwelling under CTY8 in PPS 21. Roads have also stated the applicant requires a large amount of third party land which may hinder obtaining visibility splays for the access off Dungannon Road.

I consider a number of options have been explored how to obtain a safe access for the proposed dwelling and to date none of these options are acceptable to DFI Roads.

PPS 15 – Planning and Flood Risk

There is an undesignated watercourse which runs along the eastern boundary of the site and this is also where the new access will be located, therefore Rivers Agency were consulted. Rivers Agency responded by stating there should be a 5m maintenance strip along the eastern boundary and this should be marked up on all drawings.

Policy FLD 4 – Artificial Modification of Watercourses

There is a watercourse which runs along the eastern boundary of the site and a new access is proposed over the bridge. Therefore, a concrete culvert is proposed. I am content as the access will run for a short distance and only needs a short amount of culverting.

Consultees

Historic Environment were consulted as Killeeshill Church is 122m to the south east of the site and is a listed building. HED responded stating they had no major concerns and recommended the proposed dwelling is the same ridge height as the dwelling adjacent and to the south at No. 81. They also welcomed the retention of existing trees which would protect the wider setting of the church.

There are no other NED, HED or flooding issues at the site.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

Contrary to Policy AMP 2 – Access to Public Roads in Planning Policy Statement 3 Access, Movement and Parking that proposal does not have a safe access onto the public road. The proposed access will prejudice road safety and significantly inconvenience the flow of traffic onto the public road.

Reasons for Refusal:

1. Contrary to Policy AMP 2 – Access to Public Roads in Planning Policy Statement 3 Access, Movement and Parking that proposal does not have a safe access onto the public road. The proposed access will prejudice road safety and significantly inconvenience the flow of traffic onto the public road.

Signature(s)

Date:



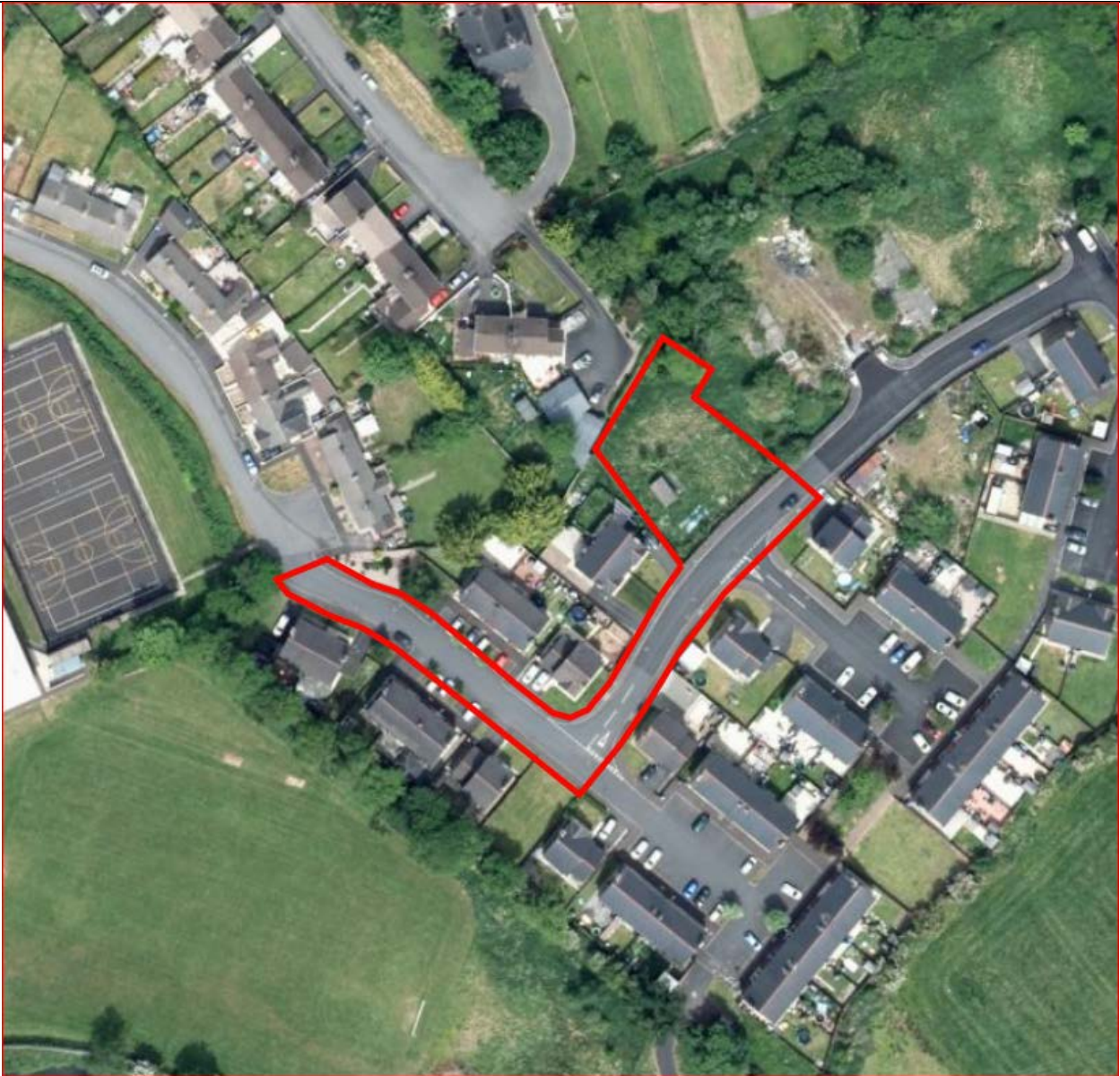
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0498/F	Target Date:
Proposal: 3 No. Dwellings (1No. Pair of Semi-detached and 1 no. Detached)	Location: Riverbrook Moneyhaw Road Moneymore (75m East of no.12 Riverview Moneymore)
Referral Route: This application is being presented to Committee as NI Water have advised that there is no capacity at the receiving Waste Water Treatment Works for the three dwellings proposed.	
Recommendation:	APPROVE
Applicant Name and Address: Shanco Properties Ltd 57 Drum Road Cookstown	Agent Name and Address: Manor Architects 30A High Street Moneymore BT45 7PD
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Rivers Agency	Advice
Statutory	Historic Environment Division (HED)	Content
Non Statutory	NI Water - Multi Units West - Planning Consultations	
Statutory	Rivers Agency	
Statutory	Rivers Agency	
Statutory	Rivers Agency	Advice

Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received		
Representations:				
Letters of Support	None Received			
Letters of Objection	None Received			
Number of Support Petitions and signatures	No Petitions Received			
Number of Petitions of Objection and signatures	No Petitions Received			
Summary of Issues				
No representations were received in relation to this application.				
Characteristics of the Site and Area				
<p>The site is located at Riverbrook and within the settlement development limits of Moneymore. The site is located within a larger housing site which is under construction and is well developed at present. The site is bounded to the front (Southeast) by a wooden fence, southwest by a timber close boarded fence along the side of 11 Riverbrook Drive, to the northeast by part of the larger overall site on which development has already commenced with the substructure being in place for a terrace of dwellings and to the northwest by the side/rear private amenity space of 33 Woodvale Crescent.</p> <p>The site contains a former sewage pumping station which has been decommissioned.</p>				
Description of Proposal				
3 No. Dwellings (1No. Pair of Semi-detached and 1 no. Detached)				
Planning Assessment of Policy and Other Material Considerations				
Planning History				
Reference	Location	Proposal/Complaint	Status	Date
LA09/2020/0498/F	Riverbrook, Moneyhaw Road, Moneymore	3 No. Dwellings (1No. Pair of Semi-detached and 1 no. Detached)	VALID APPLICATION RECEIVED	
I/2000/0893/Q	Moneyhaw Road	Proposed housing development	PRE APPLICATION ENQUIRY - API	
I/1998/0453	Adjacent to Riverview Bridge Street Moneymore	Site for Housing Development	PERMISSION GRANTED	01.02.2000
I/1998/6024	Moneymore Road Moneymore	Housing Development Moneymore Road Moneymore		
I/2001/0876/RM	Adjacent to Riverview, Bridger Street, Moneymore	Housing development	PERMISSION GRANTED	08.05.2003
I/1991/6009	Riverview Moneymore	Disposal of surplus land Riverview Moneymore	PRE APPLICATION ENQUIRY - NO	
I/1991/6049	Moneymore Co. Londonderry	Surplus Land Moneymore Co. Londonderry		
I/2010/0364/F	Riverbrook, Moneyhaw Road, Moneymore	3 No Dwellings (1 No. Pair of Semi-Detached and 1 No. Detached)	PERMISSION GRANTED	30.11.2010
I/1977/0010	MONEYMORE	PLANNING APPLICATION TO ERECT A NEW SEWAGE TREATMENT PLANT	PERMISSION GRANTED	
I/1989/0119	33 WOODVALE CRESCENT, MONEYMORE	Extension to Dwelling	PERMISSION GRANTED	
Under the provision of Section 6 (4) of the Planning Act (NI) 2011 the determination must be made in accordance with the Plan unless material considerations indicate otherwise.				

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

The Strategic Planning Policy Statement (SPPS) provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP - Draft Plan Strategy has been published for consultation, therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9 as these policies are cancelled by the introduction of the SPPS.

Planning Assessment of Policy and Other Material Considerations

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

- Strategic Planning Policy Statement
- Cookstown Area Plan 2010
- PPS 3 - Access, Movement and Parking
- Policy DES 3 - Townscape

The site is located within Moneymore Settlement limit and is situated within an area of whiteland. It has no zonings or designations within the Plan. The site has a previous planning history for a similar proposal of three dwellings approved on 19th November 2010 under I/2010/0364/F although that approval expired without a material start having been made. In the interim, however, NI Water have reconsidered the status of the receiving Waste Water Treatment Works and have determined that sufficient capacity is not available to accommodate the additional three dwellings. NI Water advised that if the applicant wishes to proceed then they should contact NIW to discuss options such as a permanent wastewater facility at the applicants own expense, and this facility may or may not be adopted by NI Water in the future.

The applicant has however, raised the following points in respect of NI Waters consultation response:-

1. The applicant installed significant water infrastructure into their site at the outset of the wider Riverbrook development to accommodate Moneymore's WWTW. Despite this infrastructure benefitting the wider village, the applicant paid for this work with no contribution from NI Water, which cost in the region of £50,000;
2. The sewage infrastructure within the development is more than capable of taking the three dwellings proposed;
3. It should be taken into account that the current application on the neighbouring site (ref. LA09/2020/0494/F) seeks to replace six dwellings with extant permission for five dwellings, a reduction of one unit. This should accrue to the benefit of the application

for three dwellings, meaning there is only a net increase of two dwellings across the two applications;

4. It is a significant material consideration that three dwellings were previously approved on the site in November 2010 under planning reference I/2010/0364/F. NI Water raised no concerns in respect of WWTW capacity in the determination of that planning application;

5. The applicant has been advised on several occasions in the recent past by NI Water staff that the Moneymore WWTW is operating at 75% capacity. Given the modest number of dwellings approved in the past few years in Moneymore and the number of planning permissions that have lapsed without being implemented in the same period, the applicant does not believe that the remaining 25% capacity could have been used up;

6. Committed development - Please find attached a table demonstrating that in terms of recent planning permissions, there are currently 44 fewer dwellings approved/committed in Moneymore when compared to June 2018. It is not fair or reasonable for NI Water to suggest now that there is no capacity in the receiving WWTW when they previously committed to the WWTW serving 44 more dwellings than there is currently extant planning permission for.

Moneymore Committed Development - Approved / Expired June 2018 - Present

Committed houses	Current Status	New Commitments
lapsed since June 2018		post-June 2018

	80	
	36	
44 fewer dwellings		

Committed in Moneymore

Compared to June 2018

A detailed account of all approvals granted in connection with the above was included in the applicant's submission.

A further consultation was issued to NI Water which included reference to the applicants submission which was uploaded to the Planning Portal, however, NI Water issued a response identical to their initial consultation reply and no consideration appears to have been given to the applicant's submission.

In considering the above proposed development, it is my opinion that the proposed dwellings meet all the tests of Planning Policy Statement 7 - Policy QD1 as follows:-

- (a) The proposal meets the first of these criteria in that it respects the surrounding context insofar as the proposal is for three dwellings within a predominantly residential area. In terms of layout, the density is similar to the surrounding areas.
- (b) There are no features of archaeological or built heritage on this site. There are no TPO's near the site.
- (c) This proposal is for 3 dwellings and therefore there is no requirement for the provision of public open space. All dwellings have adequate private amenity space and range from a minimum of 65m² to 160m².
- (d) As the site is close to and within walking distance of the centre of Moneymore, the provision of neighbourhood facilities are not deemed necessary within the site;
- (e) The site has direct access onto the public road system and will provide an acceptable movement pattern, including walking and cycling, which will enable occupants to access public transport routes and the public network system;
- (f) Adequate provision can be made for parking of vehicles with all three sites being able to have in-curtilage parking.
- (g) The design of the development is similar to the existing dwellings within Riverbrook in terms of form, materials and detailing;
- (h) The proposal will not create a conflict with adjacent land uses as these are predominantly existing dwellings.
- (i) Generally the layout is designed to deter crime as there are no areas which are unsupervised or overlooked.

Other policy and material considerations

PPS 3 - Access, Movement and Parking; Roads advised that the proposed access and parking was acceptable without conditions.

Environmental Health advised that the applicant should provide assurances that any contamination uncovered during construction works would be adequately dealt with.

Recommendation

In considering the above, it is my opinion that the only issue for Committee to consider in this application is whether there is adequate capacity to deal with the waste from the three dwellings in the receiving Waste Water Treatment Works. However, as detailed in the applicants submission, I agree that as some of the previous planning approvals were not commenced in time, those stated cannot be counted as contributing towards the waste currently being received at the WWTW's. As there appears to be 44 fewer dwellings discharging into the WWTW's now than in 2018, there should be capacity for the three dwellings proposed and this does not include the reduction of a single dwelling in the recently approved adjoining site LA09/2020/0494/F. It is therefore my opinion that Committee should consider approving the application subject to the following conditions:-

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve 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. None of the dwellings hereby permitted shall be commenced until an agreement with NI Water for the disposal of sewage from the site has been submitted to and agreed with Mid Ulster District Council in writing.

Reason: In the interest of public health

3. If during the development works, any contamination is encountered, works should cease and Mid Ulster District Council's Environmental Health Department notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Environmental Health Department in writing, and subsequently implemented and verified to its satisfaction.

Reason: Protection of health and environmental receptors to ensure the site is safe for use.

Signature(s)

Date:

ANNEX	
Date Valid	23rd April 2020
Date First Advertised	26th May 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 11 Riverbrook Drive Moneymore Londonderry The Owner/Occupier, 16 Riverbrook Drive Moneymore Londonderry The Owner/Occupier, 2a Riverbrook Drive Moneymore The Owner/Occupier, 2b Riverbrook Drive Moneymore The Owner/Occupier, 33 Woodvale Crescent, Moneymore, Londonderry, BT45 7PT	
Date of Last Neighbour Notification	19th June 2020
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: LA09/2020/0498/F Proposal: 3 No. Dwellings (1No. Pair of Semi-detached and 1 no. Detached) Address: Riverbrook, Moneyhaw Road, Moneymore (75m East of no.12 Riverview Moneymore), Decision: Decision Date:	

Ref ID: I/2000/0893/Q
Proposal: Proposed housing development
Address: Moneyhaw Road
Decision:
Decision Date:

Ref ID: I/1998/0453
Proposal: Site for Housing Development
Address: Adjacent to Riverview Bridge Street Moneymore
Decision:
Decision Date: 01.02.2000

Ref ID: I/1998/6024
Proposal: Housing Development Moneymore Road Moneymore
Address: Moneymore Road Moneymore
Decision:
Decision Date:

Ref ID: I/2001/0876/RM
Proposal: Housing development
Address: Adjacent to Riverview, Bridger Street, Moneymore
Decision:
Decision Date: 08.05.2003

Ref ID: I/1991/6009
Proposal: Disposal of surplus land Riverview Moneymore
Address: Riverview Moneymore
Decision:
Decision Date:

Ref ID: I/1991/6049
Proposal: Surplus Land Moneymore Co. Londonderry
Address: Moneymore Co. Londonderry
Decision:
Decision Date:

Ref ID: I/2010/0364/F
Proposal: 3 No Dwellings (1 No. Pair of Semi-Detached and 1 No. Detached) - Amended Roads drawings
Address: Riverbrook, Moneyhaw Road, Moneymore (75m east of no.12 Riverview Moneymore)
Decision:
Decision Date: 30.11.2010

Ref ID: I/1977/0010
Proposal: PLANNING APPLICATION TO ERECT A NEW SEWAGE WORKS
Address: MONEYMORE
Decision:

<p>Decision Date:</p> <p>Ref ID: I/1989/0119</p> <p>Proposal: Extension to Dwelling</p> <p>Address: 33 WOODVALE CRESCENT, MONEYMORE, MAGHERAFELT.</p> <p>Decision:</p> <p>Decision Date:</p>
<p>Summary of Consultee Responses</p> <p>All consultees with the exception of NI Water responded positively.</p> <p>NI Water advised that the receiving WWTW does not have the required spare capacity to receive the waste from the proposed development. This has been dealt with in the report above.</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 01/2</p> <p>Type: Site Location Plan</p> <p>Status: Approved</p> <p>Drawing No. 02/2</p> <p>Type: Site Layout or Block Plan</p> <p>Status: Approved</p> <p>Drawing No. 03</p> <p>Type: Elevations and Floor Plans</p> <p>Status: Approved</p> <p>Drawing No. 04</p> <p>Type: Elevations and Floor Plans</p> <p>Status: Approved</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department:</p> <p>Response of Department:</p>



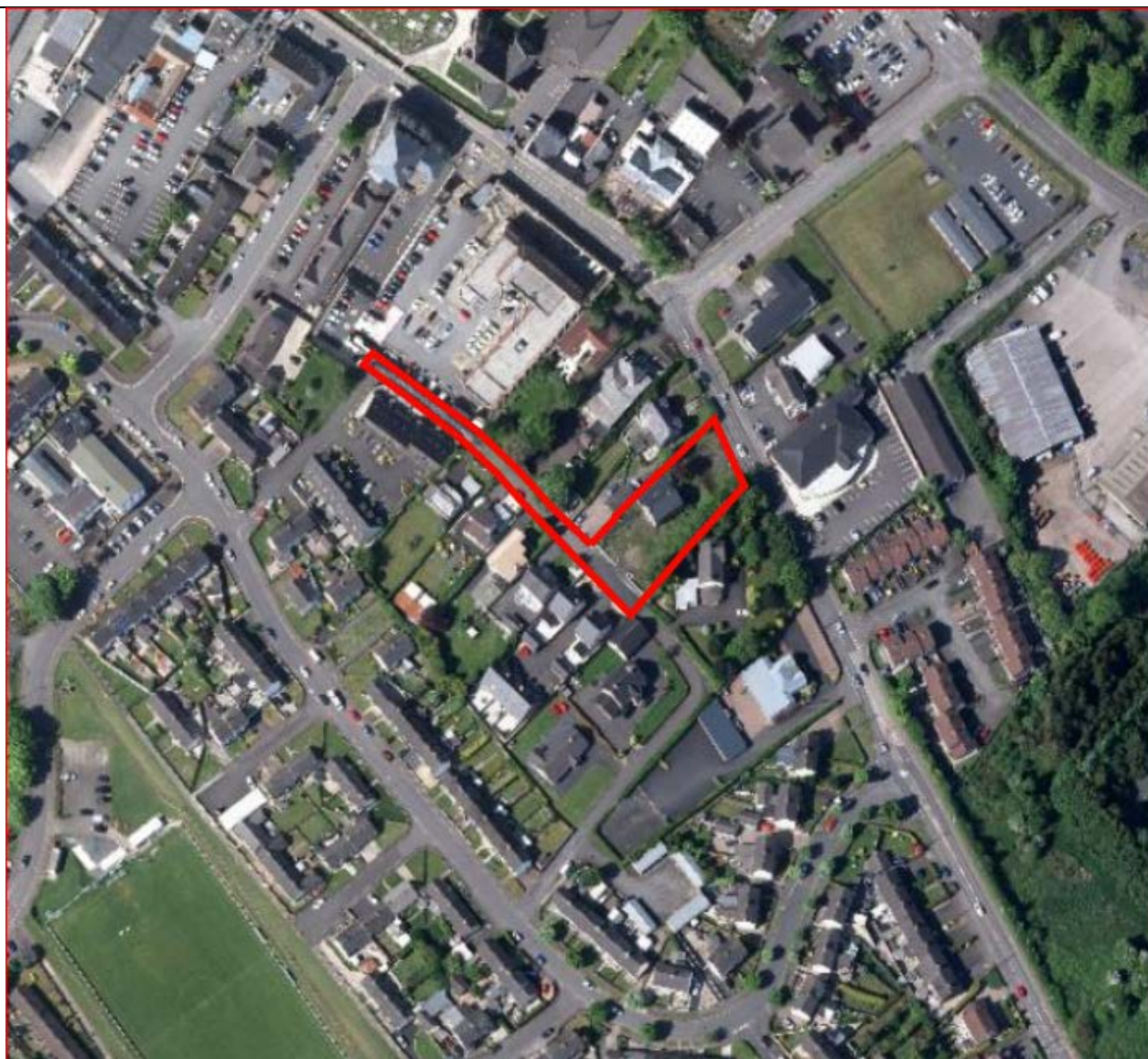
Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0553/F	Target Date:
Proposal: Proposed residential housing development comprising 3 No detached and 2 No semi-detached dwellings, private amenity space, landscaping, access onto Queens Avenue and ancillary site works	Location: 9 Ballyronan Road Magherafelt Co.Derry BT45 6BP
Referral Route: This application is being presented to Committee as five objections have been received in respect of the proposed development.	
Recommendation:	APPROVE
Applicant Name and Address: Mullaghboy Construction Ltd 11 Desertmartin Road Magherafelt BT45 5HD	Agent Name and Address: Clyde Shanks 2nd Floor 7 Exchange Place Belfast BT45 7UX
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Non Statutory	NI Water - Multi Units West - Planning Consultations	
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Representations:		
Letters of Support	None Received	
Letters of Objection	5	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
<p>Five representations have been received in relation to this planning application and relate to the following:-</p> <ul style="list-style-type: none">- Limited site made smaller by the excavations done at the front and over intensification; <p>The site is the same size as the site containing five dwellings at and to the rear of 59/61 Meeting Street and is considered acceptable.</p> <ul style="list-style-type: none">- Potential for traffic to use a privately owned road and the existing site has access via a private road by way of permission of the land owners for one dwelling not five; <p>The proposed access is via a private road which accesses onto the public road. DfI Roads have assessed the proposed access and have no issue subject to the access road remaining private. This issue of the owners of the proposed dwellings using or having the potential to use a private road is a private matter between the parties concerned.</p> <ul style="list-style-type: none">- Limited visibility at the access and potential for traffic safety;- Increase in volume of traffic;- Width of the access road;- Difficulty in accessing the road due to vehicles parked on the roadside;- Vehicle speeds; <p>The five issues above have been considered by DfI Roads who have advised that the proposed access is acceptable. However, they also advised that the access is via a private road which is not up to adoptable standards and therefore will have to remain private. In relation to the issue of ownership and right of access I can advise that this is a private matter between the applicant and any other owners and is not a matter which Mid Ulster District Council would adjudicate on.</p>		
Characteristics of the Site and Area		
<p>The site is currently occupied by a vacant two storey dwelling on a large site which is raised around 5-6 m above the level of the Ballyronan Road while being at the same level as the private road to the rear, from where the access is being proposed. There are two storey dwellings to either sides as well as the front and rear. The site is partially excavated at the Ballyronan Road frontage with a kerbed entrance being provided. The site is bounded to the south-east by a tall hedgerow of mature trees which effectively screens the adjoining property. The north-western boundary is defined by the adjoining property which has a domestic garage on the boundary in addition to a hedgerow along the northern half of the boundary.</p>		
Description of Proposal		

The proposal is for the erection of five dwellings (a pair of semi-detached and three detached). The access is to be taken off the private road to the rear of the site which then leads past a number of private dwellings including the rear of the PSNI Station and onto Queens Avenue.

The site is to retain its current height with sites 4 and 5 fronting onto Ballyronan Road while the other three sites front onto the private road. A single access road runs down the centre of the site serving all five dwellings. A set of steps are proposed at the Ballyronan Road frontage to provide pedestrian access to the site.

The house types are as follows:-

Site 1 - house type B: 1 no. 2 bed detached (2 storey)

Site 2 - house type B1: 1 no. 2 bed semi-detached (2 storey)

Site 3 - house type B2: 1 no. 2 bed semi-detached (2 storey)

Sites 4 & 5 - house type A: 2 no. 4 bed detached (2 1/2 storey)

Planning Assessment of Policy and Other Material Considerations

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

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

The Strategic Planning Policy Statement (SPPS) provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP - Draft Plan Strategy has been published for consultation, therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9 as these policies are cancelled by the introduction of the SPPS.

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

Magherafelt Area Plan 2015

Strategic Planning Policy Statement

Planning Policy Statement 3 - Access, Movement and Parking.

Planning Policy Statement 7 - Quality Residential Environments.

Planning Policy Statement 12 - Housing in Settlements

Planning Policy Statement 13 - Transportation and Land Use

Creating Places

The SPPS has superseded PPS 1 (General Principles.). The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to any interests of acknowledged importance. The proposed development is not within an area of archaeological importance.

The SPPS gives specific provision for Housing in settlements subject to a number of policy provisions. It does not present any change in policy direction with regards to residential developments in settlements. As such, existing policy will be applied, primarily PPS 7, Quality Residential Environments.

As the site is located on a brownfield site within the Magherafelt Area Plan 2015, the critical planning policy is therefore PPS 7.

PPS 7 Quality Residential Environments - Policy QD 1 Quality in new Residential Environments requires new residential developments to create a quality residential environment which should be based on a concept plan which drawn on the positive aspects of the surrounding area. Proposals must conform to nine criteria listed in the policy in order to protect residential amenity, residential character, environmental quality and movement. Any proposals which fails to satisfy the criteria, even if the site is designated for residential use, will not be acceptable.

As this is an full application the proposed development is being assessed against these criteria as follows:-

(a) The proposal meets the first of these criteria in that it respects the surrounding context insofar as the proposal is for a housing development within a predominantly residential area. In terms of layout, the density at 50 dwellings per hectare is similar to the surrounding areas and in particular the recent development to the rear of the site which has five dwellings on a similar sized plot.

(b) There are no features of archaeological or built heritage on this site. There are no TPO's near the site.

(c) This proposal is for 5 dwellings and therefore there is no requirement for the provision of public open space. All dwellings have adequate private amenity space and range from a minimum of 54m² to 96m².

(d) As the site is close to and within walking distance of the centre of Magherafelt, the provision of neighbourhood facilities are not deemed necessary within the site;

(e) The site has direct vehicular access onto Queens Avenue and a pedestrian access onto Ballyronan Road and will provide an acceptable movement pattern, including walking and cycling, which will enable occupants to access public transport routes and the public network system;

(f) Adequate provision can be made for parking of vehicles with all five sites having in-curtilage parking.

(g) The design of the proposed dwellings is such that they do not cause a loss of residential amenity to the existing dwellings surrounding the site by way of overshadowing or overlooking.

(h) The proposal will not create a conflict with adjacent land uses as these are predominantly existing dwellings.

(i) Generally the layout is designed to deter crime as there are no areas which are unsupervised or overlooked.

Recommendation

On consideration of the above, it is my opinion that planning permission should be approved subject to the conditions listed below:-

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve subject to the conditions listed below:-

Conditions

1. 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 Department, in writing, before any development is commenced.

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

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

Reason: In the interest of residential amenity.

3. All proposed planting as indicated on the stamped approved drawing no. 03/2 shall be undertaken during the first available planting season following occupation of the first dwelling hereby approved.

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

Signature(s)

Date:

ANNEX	
Date Valid	14th May 2020
Date First Advertised	26th May 2020
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 1 Ballyronan Road, Magherafelt, Londonderry, BT45 6BP</p> <p>The Owner/Occupier, 10 The Oasis, Magherafelt, Londonderry, BT45 6FD</p> <p>Robert McCrea 11 Ballyronan Road Magherafelt Londonderry</p> <p>The Owner/Occupier, 2 The Oasis, Magherafelt, Londonderry, BT45 6FD</p> <p>The Owner/Occupier, 2-4 , Ballyronan Road, Magherafelt, Londonderry, BT45 6BP</p> <p>The Owner/Occupier, 3 Ballyronan Road, Magherafelt, Londonderry, BT45 6BP</p> <p>Sarah McIlmoyle 4 Queens Way, Magherafelt, Londonderry, BT45 6QT</p> <p>The Owner/Occupier, 4 The Oasis, Magherafelt, Londonderry, BT45 6FD</p> <p>The Owner/Occupier, 45-47 , Meeting Street, Magherafelt, Londonderry, BT45 6BW</p> <p>The Owner/Occupier, 5 Ballyronan Road, Magherafelt, Londonderry, BT45 6BP</p> <p>The Owner/Occupier, 51 Meeting Street, Magherafelt, Londonderry, BT45 6BW</p> <p>The Owner/Occupier, 53 Meeting Street, Magherafelt, Londonderry, BT45 6BW</p> <p>The Owner/Occupier, 55 Meeting Street, Magherafelt, Londonderry, BT45 6BW</p> <p>The Owner/Occupier, 57 Meeting Street, Magherafelt, Londonderry, BT45 6BW</p> <p>The Owner/Occupier, 59 Meeting Street, Magherafelt, Londonderry, BT45 6BW</p> <p>The Owner/Occupier, 6 The Oasis, Magherafelt, Londonderry, BT45 6FD</p> <p>The Owner/Occupier, 61 Meeting Street, Magherafelt, Londonderry, BT45 6BW</p> <p>Stephen Ritchie 7 Ballyronan Road, Magherafelt, BT45 6BP</p> <p>The Owner/Occupier, 8 The Oasis, Magherafelt, Londonderry, BT45 6FD</p> <p>Patricia Ritchie Email Address</p>	

The Owner/Occupier, Magherafelt Baptist Church,6 Ballyronan Road,Magherafelt,Londonderry,BT45 6BP	
Date of Last Neighbour Notification	29th April 2021
Date of EIA Determination	N/A
ES Requested	No
<p>Planning History</p> <p>Ref ID: LA09/2020/0553/F Proposal: Proposed residential housing development comprising 3 No detached and 2 No Semi-detached dwellings, Private amenity space, landscaping, access onto meeting street and ancillary site works Address: 9 Ballyronan Road, Magherafelt, Co.Derry, BT45 6BP, Decision: Decision Date:</p> <p>Ref ID: H/2008/0294/F Proposal: Proposed erection of a 2.5 storey apartment building comprising of 6no 2 bedroom apartments, associated parking, bin store and landscaping. Address: 9 Ballyronan Road, Magherafelt Decision: Decision Date: 25.03.2009</p> <p>Ref ID: H/2011/0410/F Proposal: Single Storey Extension to Rear of Dwelling Address: 57 Meeting Street, Magherafelt, BT45 6BW, Decision: Decision Date: 21.09.2011</p> <p>Ref ID: H/2002/0776/F Proposal: Dwelling and Garage Address: Adjacent to 55 Meeting Street, Magherafelt Decision: Decision Date: 16.10.2002</p> <p>Ref ID: H/2006/0774/F Proposal: Proposed 2 storey dwelling and domestic double garage Address: 60m South East of 55 Meeting Street, Magherafelt Decision: Decision Date: 21.03.2007</p> <p>Ref ID: H/2006/0946/F Proposal: Proposed Domestic Dwelling</p>	

Address: Site adjacent to 55 meeting Street, Magherafelt

Decision:

Decision Date: 18.06.2007

Ref ID: H/2007/1098/F

Proposal: Sheltered housing development comprising of two dwelling units

Address: Lands south of 55 Meeting Street, Magherafelt

Decision:

Decision Date: 22.01.2009

Ref ID: H/2010/0513/F

Proposal: 2 No. Semi Detached Chalet Bungalow Dwellings

Address: 40 Metres South of 55 Meeting Street, Magherafelt,

Decision:

Decision Date: 22.07.2011

Ref ID: H/1994/0241

Proposal: ERECTION OF DOG COMPOUND (RETROSPECTIVE)

Address: REAR OF 9 BALLYRONAN ROAD MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2009/0700/F

Proposal: 2no dwellings with associated garages and replacement storage and garage facilities to the rear for domestic purposes

Address: Land adjacent to 55 Meeting Street, Magherafelt

Decision:

Decision Date: 23.04.2010

Ref ID: H/2003/1189/A41

Proposal: Relocating access walls and gates.

Address: 11 Ballyronan Road, Magherafelt.

Decision:

Decision Date:

Ref ID: H/2001/0531/F

Proposal: Conservatory Extension To Dwelling.

Address: 11 Ballyronan Road, Magherafelt

Decision:

Decision Date: 17.08.2001

Ref ID: H/2007/0578/F

Proposal: Domestic dwelling.

Address: Adjacent to 55 Meeting Street, Magherafelt

Decision:

Decision Date: 22.11.2007

Ref ID: H/2010/0168/F

Proposal: Alteration of existing pedestrian access to create new vehicular access

Address: 9 Ballyronan Road, Magherafelt

Decision:

<p>Decision Date: 29.12.2010</p> <p>Ref ID: H/2002/0461/F</p> <p>Proposal: Garage</p> <p>Address: 7 Ballyronan Road, Derrygarve, Magherafelt, Northern Ireland, BT45 8BP</p> <p>Decision:</p> <p>Decision Date: 25.07.2002</p> <p>Ref ID: H/2013/0247/F</p> <p>Proposal: 3 No. 2 bedroom housing units for elderly residents (chalet bungalows) (Previous Approval H/2010/0513/F)</p> <p>Address: Rear of nos 59 & 61 Meeting Street, Magherafelt,</p> <p>Decision: PG</p> <p>Decision Date: 31.10.2014</p> <p>Ref ID: H/2013/0326/F</p> <p>Proposal: Change of house type from storey and a half dwellings approved under H/2009/0700/F to 2 No two storey dwellings</p> <p>Address: Nos 59 & 61 Meeting Street, Magherafelt,</p> <p>Decision: PG</p> <p>Decision Date: 10.03.2014</p>
<p>Summary of Consultee Responses</p> <p>Consultee responses</p> <p>DfI Roads advised that the access arrangements are not to Creating Places standards which would enable a Private Streets Determination and therefore it will not be considered for adoption by DfI Roads.</p> <p>Environmental Health and NI Water did not raise any concerns.</p>
<p>Drawing Numbers and Title</p>

Drawing No. 02/1
Type: Road Access Plan
Status: Submitted

Drawing No. 09/1
Type: Cross Sections
Status: Submitted

Drawing No. 05/2
Type: Block/Site Survey Plans
Status: Submitted

Drawing No. 04/2
Type: Housing Concept Plan
Status: Submitted

Drawing No. 03/2
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 01/2
Type: Site Location Plan
Status: Submitted

Drawing No. 06/1
Type: Cross Sections
Status: Submitted

Drawing No. 07
Type: Elevations and Floor Plans
Status: Submitted

Drawing No. 08
Type: Elevations and Floor Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0747/F	Target Date:
Proposal: Retrospective application for farm building above existing slurry slats and tanks. Revision to layout of cattle shed to allow for greater separation/isolation of animals and flexibility of dividing age groups (revised description)	Location: Approx 95m South West of 3 Killynaul Road Dyan Caledon
Referral Route: Recommendation to set aside NIEA comments.	
Recommendation:	Approve
Applicant Name and Address: Mr Ivan McAllister 3 Killynaul Road Dyan Caledon	Agent Name and Address: CD Consulting 75 Creagh Road Tempo Enniskillen BT94 3FZ
Executive Summary: NIEA request an Ammonia Report and Nutrient Management Plan. However cattle numbers will be less, resulting in less ammonia and less impacts on the environment. Shared Environmental Services conclude the proposal is not likely to have a significant effect on the selection features, conservation objectives or status of any European site.	
Signature(s):	

Case Officer Report

Site Location Plan



Representations:

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

Description of proposal

This is a full planning application for the retention of works for a farm building above existing slurry slats and tanks which includes the revision to layout of cattle shed to allow for greater separation/isolation of animals and flexibility of dividing age groups.

Characteristics of site and locality

This site is located approx. 3.5 mile NW of Caledon in a countryside location and forms part of a wider farm complex at No. 3 Killynaul Road. The roadside site is flat and has a newly constructed farm shed on site that is not yet complete, at a herpin bend along Killynaul Road. There are concrete slab walls divided by metal structure supports and internal dividing concrete slabs above existing slatted slurry tanks. The upper half of the walls and roof are not yet in place. At the time of my site visit there were cattle within the incomplete shed.

To the NE is an existing farm dwelling associated with the farm, with existing farm buildings and yard areas to the north and west. There is a relatively newly constructed dwelling approx. 100m to the SW and the occupants of this dwelling are linked to the farm holding in question.

Development in this area is defined by dispersed single dwellings and farm holdings, with land being used mostly for agricultural purposes

Planning Assessment of Policy and Other Material Considerations

Planning Act 2011

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

Area Plan

Dungannon and South Tyrone Area Plan 2010- This site is located in the open countryside. Policies most applicable to this proposal, until such times as a new Local Development Plan is adopted, is SPPS and PPS21.

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

Relevant Planning Policy

The regional Development Strategy (RDS)

Strategic Planning Policy Statement (SPPS)

Planning Policy Statement 2 Natural Heritage

Planning Policy Statement 3 Access, Movement and Parking

- Policy AMP 2 Access to Public Roads

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

Consultation responses

NIEA require an AQIA and Nutrient Management Plan for the proposal.

Shared Environmental Services- carried out a HRA on this proposal (see file) and concludes the proposal is not likely to have a significant effect on the selection features, conservation objectives or status of any European site. In their stage 1 assessment that state that the new shed is required for animal welfare purposes and the data provided for 2018 and 2019 demonstrates a reduction of approx.. 5% in number of cattle, and that aerial photography from June 2015 demonstrates that the cattle yard and associated buildings were in use at the time.

DAERA - no objection. Farm business ID has been in existence for more than 6 years and business claims subsidies therefore is established and currently active.

DfI Roads- when re-consulted on revised information, no objection to road safety issues subject to planning conditions.

3rd Party Objections

No objections to this application have been received.

Relevant planning history

There is current enforcement action on this site, however, further action has been suspended pending the outcome of this planning application. Works on the site do not benefit from agricultural permitted development as the new shed is extended closer to the public road and within 9m from the centre of this road, therefore not permitted under current legislation.

Consideration

This proposal is being presented to members as NIEA will not withdraw their request for an ammonia emissions report and Nutrient Management Plan. In my report I will explore why, in my view, that this request is unreasonable.

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.

One of these types of development is agricultural and forestry development in accordance with Policy CTY 12. Provisions of SPSS do not impact on this policy.

Policy CTY 12 states that planning permission will be granted for development on an active and established agricultural and forestry holding where it is demonstrated that:

a) It is necessary for the efficient use of the agricultural holding.

The applicant has an existing farm which includes the site and adjoining lands. Details of this farm business accompany the application and DAERA have confirmed that the business ID has been in existence for more than 6 years and that the farm business claims subsidies. Therefore, there is an active and established farm business. The changes to the existing cattle shed is necessary for animal welfare provision. I am of the view that this proposal supports the needs of the existing agricultural business.

b) It is appropriate to the location in terms of character and scale.

The surrounding area is rural in character. The proposed building is sited within a group of existing agricultural buildings, and a working farming business. Previously on the site was an agricultural building which provided shelter for animals. The visual impact of this building is not sufficiently greater than what previously existed on site. Given the nature of this proposal, and its purpose to house cattle in better welfare conditions, it is considered acceptable. The materials and finishes are typical of this type of building and are acceptable in the rural area. The proposal is also in keeping the scale, mass, design and materials of the existing buildings within the holding.

c) It visually integrates into the local landscape and additional landscaping is provided as necessary.

The proposed shed will benefit from a backdrop of existing buildings. It is my view this shed will satisfactorily integrate into the landscape.

d) It will not have an adverse impact on the natural or built heritage. There are no built or archaeological heritage features identified on the site or adjacent to the site.

NIEA require additional information on ammonia for the wider farm. I find this request to be unreasonable as the agent has clearly indicated that less cattle can be housed in this new building than the previous building on site. The agent has also clearly demonstrated that there has been a reduction of cattle numbers on site from 2018 by around 5%. Shared Environmental Services have carried out a Stage 1 HRA and have concluded that the proposal is not likely to have a significant effect on the selection features, conservation objectives or status of any European site. In their stage 1 assessment that state that the new shed is required for animal welfare purposes and the data provided for 2018 and 2019 demonstrates a reduction of approx.. 5% in number of cattle. Under LA09/2019/0290/F NIEA stated that they did not require any further ammonia information as it was demonstrated that the works to the shed were for animal welfare purposes, and as the cattle numbers were less that they did not object. I put this previous case to NIEA however they did not accept that the cases were comparable. NIEA state that as the original shed did not benefit from permission that the applicant should provide ammonia information and management information.

While the original shed did not benefit from planning permission, aerial photography show the shed to be in place for a period of over 10 years which makes it immune from enforcement action. I also likely benefited from agricultural permitted development. The agent has demonstrated that no amends have been made to the existing slurry tanks in place.

Given the above I ask Members to allow this application to proceed, which will be contrary to NIEA comment. In my view, environmental impacts of this new shed will be less, as cattle numbers within this shed are reduced.

e) It will not result in a detrimental impact on the amenity of residential dwellings outside the holding.

The nearest dwellings to this proposal are connected with the farm holding. The nearest dwelling not associated with the holding is over 200m away. Given that the capacity of the new shed will be less than the existing I advise that amenity impacts will be less. I have no concerns over impacts on residential amenity.

Policy CTY 13 allows for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

As detailed in my assessment above, these points have been covered.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

The shed is agricultural in nature and will group with existing buildings within the holding. The character of this area will still remain rural and the proposal will not cause a detrimental change to the rural character of this area. A new building is not proposed, rather improvements and alterations to an existing shed.

PPS2- as stated above, impacts on the environment will be reduced given the reduction in cattle that can be housed in this shed. Overall herd number has been reduced by about 5% from 2018.

PPS3 Access, Movement and Parking

Dfl Roads do not raise any road safety concerns subject to conditions.

Other considerations

The site is not subject to flooding and no land contamination issues have been raised by consultees.

I do not feel it necessary to condition animal numbers in this case as it is clear the improvement works will result in less animal numbers.

DAERA as a statutory consultee does not need to be notified about this decision in this case as proposal does not fit into any of the categories where notification is deemed necessary.

Neighbour Notification Checked**Yes****Summary of Recommendation:**

That planning permission is granted subject to the following conditions;

Conditions

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

Reason: This is a part retrospective application.

2. The existing feed passage access, indicated on drawing 02 rev1 date stamp received 10th NOV 2020 shall be permanently closed and the verge properly reinstated to Dfl Roads satisfaction within one month from the date of this permission.

Reason: To minimise the number of access points onto the public road in the interest of road safety and the convenience of road users.

Informatives

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

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

Signature(s)**Date:**

ANNEX	
Date Valid	29th June 2020
Date First Advertised	14th July 2020
Date Last Advertised	25th May 2021
Details of Neighbour Notification (all addresses) The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Notification to Department (if relevant): N/A	

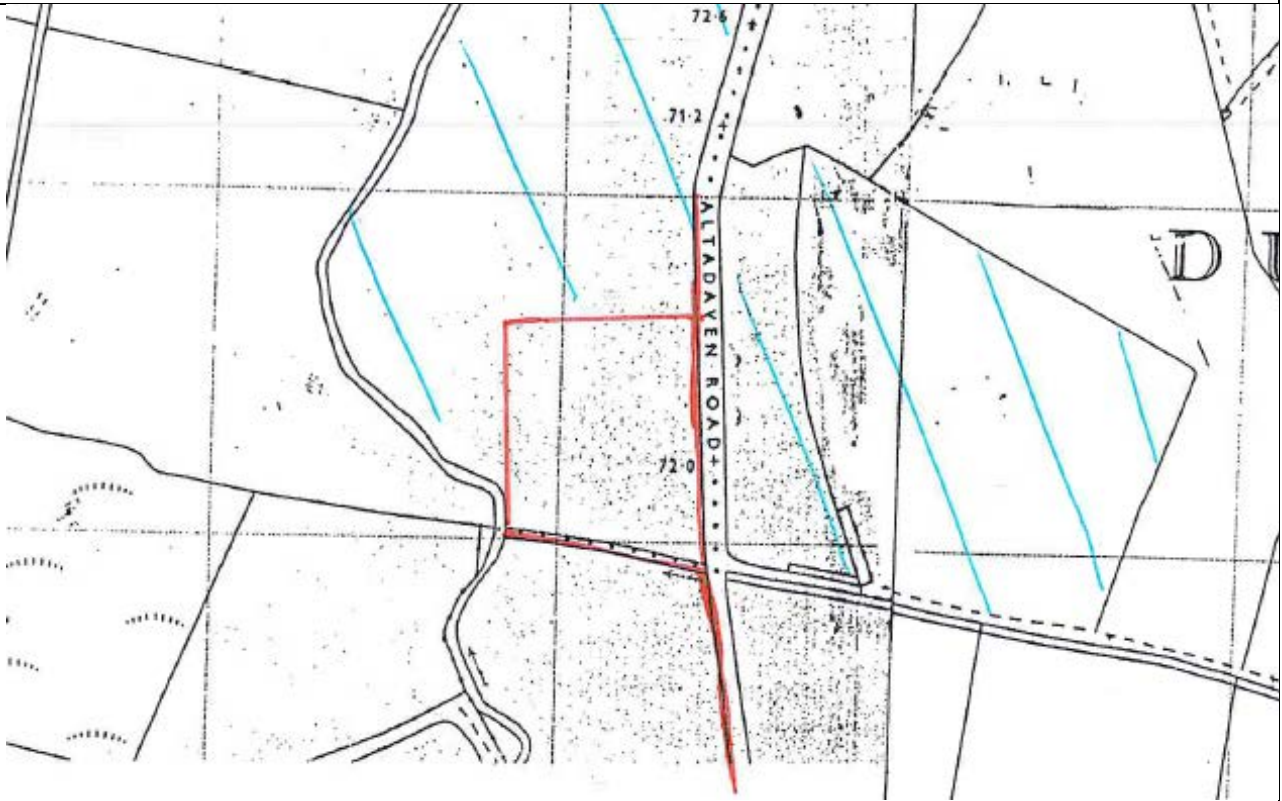


**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0772/F	Target Date:
Proposal: Erection of dwelling and garage on a farm. (Proposed change of house type to previous planning approval ref. no. M/2007/1605/RM)	Location: Land approx. 150m South West of 22 Altadaven Road Augher Co Tyrone
Referral Route: Approval - Exception to policy CTY 10 of PPS 21.	
Recommendation:	Approval
Applicant Name and Address: Mr Patrick Hackett 22 Altnadaven Road Augher	Agent Name and Address: Bernard J Donnelly 30 Lismore Road Augher BT70 2ND
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	DAERA - Omagh	Substantive Response Received
Non Statutory	DAERA - Omagh	

Representations:

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

Summary of Issues

No representations received. Any issues will be discussed later in report.

Characteristics of the Site and Area

The application site is located at lands approx. 150m SW of 22 Altnadaven Road, Augher. The site is located within the countryside, as outlined within the Dungannon and South Tyrone Area Plan 2010. The site is located along the roadside and is a portion of a larger agricultural field, surrounding fields are hatched blue which indicates ownership. On site there was evidence of existing foundations in place. The site has

existing post and wire fencing along the roadside boundaries and there is hedging located at the southern boundary restricting some views of the site whilst travelling the Altnadaven Road in a northerly direction. The surrounding area is generally quite rural in nature however there are a number of existing single dwellings scattered throughout.

Description of Proposal

Full planning permission is sought for a dwelling and garage on a farm. It was originally submitted as a proposed amended house type to what was previously approved under M/2007/1605/RM, however was subsequently changed as discussed later in the report.

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. There were no neighbours notified under this application. At the time of writing, no third party representations have been received.

Planning History

M/2004/2159/O - Approx 150m South West of 22 Altadaven Road, Augher - Dwelling and Domestic Garage – PERMISSION GRANTED 24.03.2005

M/2007/1605/RM - Approx 150m South West of 22 Altadaven Road, Augher - Erection of 2 storey dwelling & detached domestic garage – PERMISSION GRANTED -14.03.2008

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
- The Mid Ulster District Council 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. 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.

Planning permission was most recently granted on this site for a under M/2007/1605/RM on 14th March 2008 and before that the Outline permission was approved under M/2004/2159/O on 24th March 2005. From historical maps, the foundations of the dwelling are evident but following on from this, checks with building control were carried out to determine if a lawful start had been implemented on the site. It is noted that works commenced on 20th July 2010. The agent also supplied an invoice from a contractor which stated that works began on 13th March 2010, however we sought further clarification around this to ensure that works had actually begun on time as there was still some ambiguity about if works actually began in time. It was discussed within group

and with the agent what alternatives there was, if any. It was agreed that if they submitted farming details and that if this was confirmed to be active and established and in line with the criterion (b) of CTY 10, perhaps an exception could be put to the committee to allow the dwelling to be sited away from a group of farm buildings, given that works to some degree have already been carried out at this site, however evidence to confirm they began before the previous permission expired is lacking. It is worth noting that the evidence submitted from building control confirms works were carried out 20th July 2010, however we would have required evidence to show works began before 14th March 2010 and therefore the evidence is only out by a few months.

As discussed, I am content that the proposal meets with criterion (a) and (b) of CTY 10. 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. 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 criterion (c), it has already been noted that the proposed site would not be sited to cluster with existing farm buildings but we feel in this instance, an exception should be made given that the site in its current state is an eyesore and that the approval of this would significantly enhance the appearance of this site and the surrounding area, rather than what currently exists.

In terms of changes to the house design, this application proposes a number of changes to the original design which was approved. Both designs had similar positioning on the site with this current proposal having a slightly larger frontage with additional space created from the proposed outshots from both gable walls. Materials proposed include render, natural sandstone and PVC double glazing which are all considered acceptable in a rural setting. The existing vegetation to the south of the site will be retained where possible and additional hedging is proposed on the remaining site boundaries which will also aid with integration at this site. There is a single storey garage with the same finishes as the dwelling proposed which will sit to the rear of the dwelling.

There are no changes in terms of the access which was agreed previously and therefore it was not considered necessary to consult with DfI Roads on this proposal. The previous conditions with regards visibility splays will be applied.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

Approval is recommended.

Conditions/Reasons for Refusal:

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

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

2. The vehicular access, including visibility splays of 2.4m x 80m to the North and 2.4 x 90m to the south and any forward sight distance shall be provided in accordance with Drawing No. 03 bearing the date stamp 2nd July 2020, prior to the commencement of the use of the access hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. All landscaping comprised in the approved details of landscaping, as shown on drawing number 03 date stamped 2nd July 2020, shall be carried out in the first planting season following the commencement of the construction of the development hereby approved and any trees or shrubs which, within a period of five years from the completion of the development, die are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Council.

Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of visual amenity.

4. The existing mature trees and vegetation along the site boundaries shall be retained except where it is required to provide sight lines. No trees or vegetation shall be lopped, topped or removed without prior consent in writing to the Council, unless necessary to prevent danger to the public in which case a full explanation shall be given in writing at the earliest possible moment.

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

5. This permission is granted solely as a substitute for the permission for a dwelling previously granted on the site under Ref: M/2007/1605/RM on 14.03.2008 and only one dwelling shall be constructed on the site.

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

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.

Signature(s)

Date:

NNEX	
Date Valid	2nd July 2020
Date First Advertised	14th July 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier,	
Date of Last Neighbour Notification	N/A
Date of EIA Determination	
ES Requested	Yes /No
Planning History M/2004/2159/O - Approx 150m South West of 22 Altadaven Road, Augher - Dwelling and Domestic Garage – PERMISSION GRANTED 24.03.2005 M/2007/1605/RM - Approx 150m South West of 22 Altadaven Road, Augher - Erection of 2 storey dwelling & detached domestic garage – PERMISSION GRANTED - 14.03.2008	
Summary of Consultee Responses DAERA: Confirmed active and established.	
Drawing Numbers and Title	

Drawing No. 01
Type: Garage Plans
Status: Submitted

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

Drawing No. 02
Type: Proposed Elevations
Status: Submitted

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



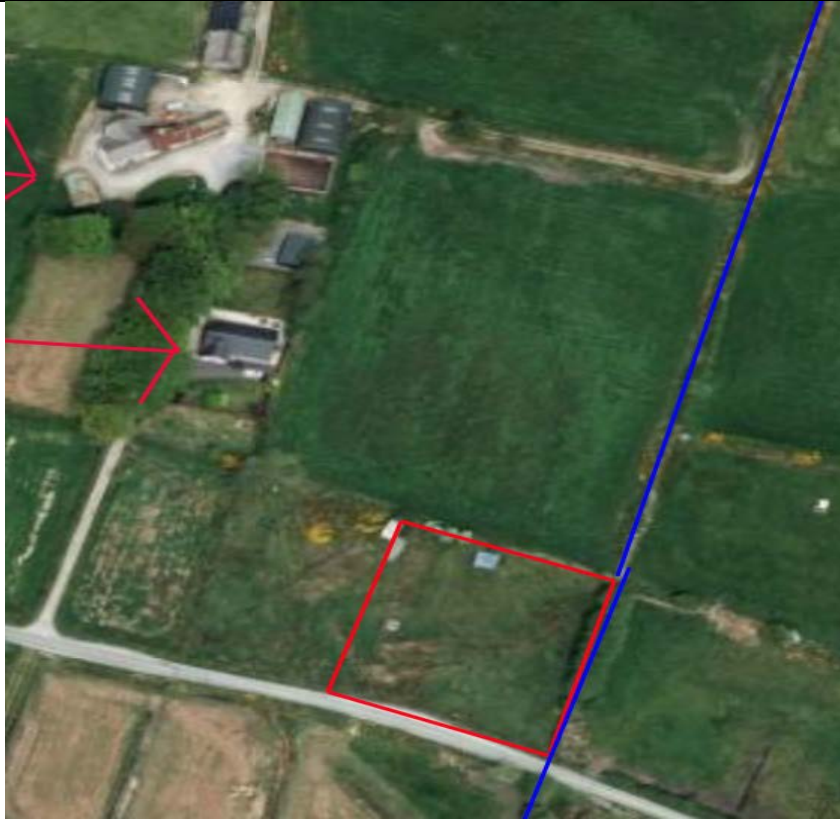
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1051/O	Target Date:
Proposal: Proposed site for dwelling and double domestic garage on a farm	Location: 90m (approx.) South West of 99 Feegarron Road Cookstown
Referral Route: Proposal fails to comply with criteria c contained within policy CTY 10, and CTY13 of PPS 21. No third party representation received and all other considerations have been taken into consideration.	
Recommendation:	
Applicant Name and Address: John and Amy Wilson C/o.99 Feegarron Road Cookstown	Agent Name and Address: R G Leonard 33 Sessiagh Road Tullyhogue Cookstown BT80 8SN
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	DAERA - Omagh	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Rivers Agency	Substantive Response Received

Representations:

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

Summary of Issues

This is an outline planning application for a dwelling and garage on a farm. Neighbour Notification and press advertisement has been carried out in line with the Council's statutory duty. One third-party representation was received in support of the application. There were no

objections and all other material considerations have been addressed within the determination below

Characteristics of the Site and Area

Proposed site for dwelling and garage on a farm is approximately 90m south West of 99 Feegarron Road and approximately 7 km North West of Cookstown, which is within the open countryside as defined by the Cookstown Area Plan 2010. The site represents a small field and is rectangular in shape measuring approximately 0.2 of a hectare. The site fronts onto Feegarron Road where the topography therein gently elevates in a northerly direction. The south, east and north site boundaries comprise mature intermittent semi-mature trees with hedgerows with post and wire fence. The west boundary is undefined. The site is located in field 7 as per DAERA farm map. There are 2 fields to the west of the site where there is a stream that runs between them. The principle farm house is 99 Feegarron Road which is accessed by a concrete lane that serves farm sheds and fields. There is another lane leading from the farm that accesses onto Ballynagilly Road.

The surrounding landform is one of undulating countryside and the land raises north from Feegarron Road. There are two other dwellings nos 95 and 97 Feegarron Road these appear to be connected to a farm and associated sheds.

Description of Proposal

The applicant is seeking outline planning approval for a dwelling and garage on a farm located approximately 90m southwest of Feegarron Road. No details surrounding design or landscaping associated with the proposal have been submitted with this application which relates to outline planning consent only. The proposal involves the construction of a new access onto Feegarron Road.

All planning application forms, drawings, letters etc. relating to this planning application are available to view on www.planningni.gov.uk

Planning history

LA09/2017/1186/O

Single dwelling and garage at 99 Feegarron Road at 99 Feegarron Road, Cookstown for Amy Glasgow. Application withdrawn 23/03/2018.

Representations.

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty as set down in Article 8 (2) of the Planning GDPO Regulations (NI) 2015. At the time of writing no objections or representations were received. This application was initially advertised in the local press on w/c 13/09/2020 (publication date 14/09/2020. Four (4) neighbouring properties were notified on 18/09/2020; all processes were in accordance with the Development Management Practice Note 14 (April 2015).

EIA Determination. The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015; the proposal has been considered and does not fit within any categories or threshold identified in Schedule 2 of Environment Impact Assessment.

HRA Determination (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2015, under the Habitats Regulations is not required for this proposal. There are no designated waterways directly abutting this site and there are no trees or landscape features which will be impacted by this proposal. Therefore, it is unlikely that this proposal will adversely affect a priority species or their habitat which is afforded protection.

Planning Assessment of Policy and Other Material Considerations

Consultees

1.DFI Roads were consulted in relation to access, moving and parking arrangement and have responded with no objection subject to standard conditions and informatives, which I am satisfied the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and parking.

2.DFI Rivers Planning Advisory and Modelling Unit were consulted in relation to the site? S wet condition however Rivers confirmed the site did not lie within the 1% AEP fluvial flood plain and further confirmed the site is unaffected by a designated watercourse. Rivers offered no objection however although a Drainage Assessment is not required by the Policy. However, it is the applicant'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 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.

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 Cookstown Area Plan 2010 (CAP) operates as a LDP. The site is outside any settlement development limit within CAP and is in the countryside where it has no material policies for dealing with dwellings in the countryside

The relevant policy context is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21). PPS 21 is identified by the Strategic Planning Policy Statement for NI (SPPS) as a retained policy document.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area. The SPPS retains certain existing planning policy statements and amongst these is PPS 21 which provides the relevant policy context for the proposed development.

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

Regional Development Strategy 2035

Cookstown Area Plan 2010

Strategic Planning Policy Statement for Northern Ireland

PPS 21: Sustainable Development in the Countryside

PPS 3: Access, Movement and Parking

Supplementary Planning Guidance: Building on Tradition: A Rural Design Guide for N Ireland.

Key Policy Considerations/Assessment

Planning Policy Statement 21: 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 being met. These are listed in Policy CTY1 of PPS21.

The applicant seeks outline approval for the development of a small gab site in accordance with Policy CTY10 of PPS21.

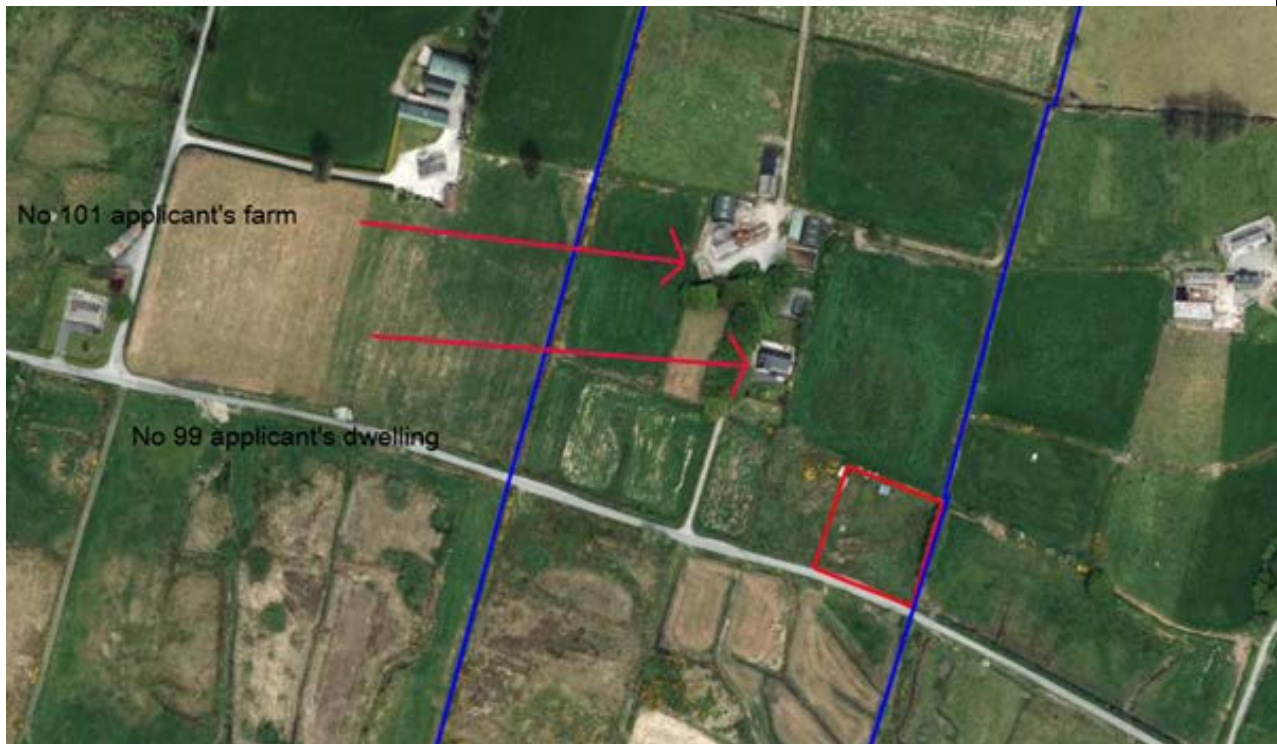


Figure 1. Aerial photograph showing proposed site and farm complex

Assessment.

The SPPS points out that provision should be made for a dwelling house on an active and established farm business. The farm business must be currently active and have been established for a minimum of 6 years. Policy CTY1 of PPS 21 lists 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. The circumstances wherein planning permission will be granted for an individual dwelling house are outlined. This includes a dwelling on a farm in accordance with Policy CTY 10. This policy states that planning permission will be granted where all criteria are met and complied with.

- (a) The farm business is currently active and has been established for at least 6 years;
- (b) No dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008; and
- (c) The new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.

Criterion (a) requires that the farm business is currently active and has been established for at least 6 years. This again is reiterated in Paragraph 5.38 of the Justification and Amplification text, which goes on to state that the applicant will therefore be required to provide the farm's DARD business ID number along with other evidence to prove active farming over the required period. 6. The Applicant submitted a DAERA business ID number along with accompanying farm map that relate to 13.83 ha farm business. The site is to be located in field No.7 located at 99 Feegarron Road. The Department for Agriculture, Environment and Rural Affairs (DAERA) confirms that the Business ID number (623267) was issued to the applicant in 1991.

I am satisfied criteria A have been complied in that the farm business is currently active and is established for over 6 years.

Following searches, it appears that no dwellings or development opportunities have been sold off from the farm within the past 10 years. I am content the application complies with criterion B.

In terms of criteria C I am not persuaded the proposed site is visually linked to the established group of buildings on the farm and also where practicable, access to the dwelling should be obtained from an existing lane on the farm. Therefore, it is my opinion that this application considered not to be an exception under Policy CTY 10, which does not comply in accordance with criterion (c) of Policy CTY 10 of PPS 21.

The proposed site was reviewed by a Senior Planner who visited the site and identified other potential site options identified in field Nos 4, 5 which to the north and fields Nos 10 and 11 located southwest of the farm. However, all of these were rejected by the applicant.

Representation submitted from the agent Mr. Robert Leonard

The agent submitted a planning statement stamp date 12/03/2021 in support of the application. I have summarised the main points as follows:

- In terms of alternative sites field Nos 4 & 5 not suitable as they exist on to existing laneway;
- Field No 12 has peat depth 18 to 20 meters discovered during a drainage scheme;
- Field No 8 is waterlogged owing to adjacent stream.

A revised site location map accompanied the planning statement that showed an alternative site. Whilst I acknowledge the rationale the site identified outside the red line of the application site and would require a fresh planning application in order to be accessed on its merits.

Following discussions with Mr. Bowman, Principle Planner who visited the site considered the alternative site it and is was agreed that it did not visually linked or sited to cluster with the established group of buildings on the farm and also the access to the proposed dwelling failed the criteria by not come off the existing lane.

Furthermore, I am of the view the site lacks long established natural boundaries and is therefore unable to provide a suitable degree of enclosure for the proposed development and fails to integrate into the surrounding landscape and is therefore contrary to Policy CTY13 of PPS21

A further letter was received from the agent stamp date 22/03/2021, which referred to telephone discussions with senior planner Mrs E. McCullagh, Team Leader, the letter reiterated the comments outlined in the previous letter dated 09/03/2021, again reasons were given why the alternative sites were not acceptable to the application. These related to ground levels and flooding issues.

Following group discussions it was agreed that the proposed site, which was the subject of a previous application that was withdrawn ([LA09/2017/1186/O](#)) given the separation distance and topography of the site it was considered the site still failed the visual link test and with the main farm business and would also would not integrate with the surrounding landscape.

Summary of Recommendation:

Refused

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 or sited to cluster with an established group of buildings on the farm and access to the dwelling is not obtained from an existing lane.
2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that he proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.

Signature(s)

Date:

ANNEX	
Date Valid	2nd September 2020
Date First Advertised	14th September 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 101 Feegarran Road Cookstown Tyrone The Owner/Occupier, 99 Feegarran Road Cookstown Tyrone The Owner/Occupier, 95 FEEGARRAN ROAD, BALLYNAGILLY, COOKSTOWN, TYRONE, BT80 9TA The Owner/Occupier, 97 FEEGARRAN ROAD, BALLYNAGILLY, COOKSTOWN, TYRONE, BT80 9TA	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2017/1186/O Proposal: Single dwelling and garage Address: 99 Feegarran Road, Cookstown, Decision: WITHDR Decision Date: 23.03.2018 Ref ID: LA09/2020/1051/O Proposal: Proposed site for dwelling and double domestic garage on a farm Address: 90m (approx.) South West of 99 Feegarran Road, Cookstown, Decision: Decision Date: Ref ID: I/2002/0693/O Proposal: Proposed dwelling Address: Approx. 210 Metres South West of 97 Fegarran Road, Cookstown Decision: Decision Date: 26.03.2003	

Summary of Consultee Responses
Drawing Numbers and Title
<p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p> <p>Drawing No. 04 Type: Proposed Plans Status: Submitted</p> <p>Drawing No. 03 Type: Farm Boundary Map Status: Submitted</p> <p>Drawing No. 02 Type: Proposed Plans Status: Submitted</p>
Notification to Department (if relevant)
<p>Date of Notification to Department: Response of Department:</p>



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1269/F	Target Date:
Proposal: Substation and compound to serve proposed wind turbines	Location: Approximately 990m North West of Drumard Road/ Cullion Road junction Straw Mountain Draperstown
Referral Route: Recommended Approval - 1no. Objection received	
Recommendation:	Approval
Applicant Name and Address: P Toner C/o. 35 Moveagh Road Cookstown	Agent Name and Address: TA Gourley Moveagh House 35 Moveagh Road Cookstown
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	NIEA	Substantive Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	Environmental Health	Content
Statutory	NIEA	Substantive Response
Statutory	NIEA	Content
Non Statutory	DETI - Geological Survey	No Objection

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 as depicted within the Magherafelt Area Plan 2015 with the Sperrin's AONB. The site is located approx. 3.9km south of the settlement limits of Draperstown. The area surrounding the application site is characterised by exposed lower slopes of Slieve Gallion. The site comprises a portion of a roadside mountainous field. There is a post and wire fencing present along the roadside boundary, however the remaining boundaries of the site are currently undefined. Land rises in a south easterly direction beyond the red line of the site and when travelling southerly along the public road. There are a number of wind turbines in the wider surrounding area including Cullion Wind Farm and Substation.

Isolated dispersed dwellings are present in the rural landscape, however the nearest identified dwelling to the application site is approximately 0.6km west.

Description of Proposal

This application seeks full planning permission for substation and compound to serve proposed wind turbines to be located approximately 990m North West of Drumard Road/Cullion Road junction, Straw Mountain, Draperstown.

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 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 21: Sustainable Development in the Countryside
- Planning Policy Statement 18 - Renewable Energy

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.

Relevant Planning History

LA09/2018/1694/F – Repower existing wind turbine (Previously permitted under H/2009/0501/F) to increase turbine blade lengths to 27 m and increase hub height to 60m - Approximately 750 m north west of Drumard Road/Cullion Road junction Straw mountain, Draperstown – Permission Granted 01/12/20

LA09/2016/0492/F - Wind Turbine with hub height of 41 m and blade radius of 27 m (Revised turbine blade radius and position within site from that permitted under H/2013/0139/F) - Approximately 850 m north west of junction of Drumard Road and Cullion Road, (accessing onto Drumard Road) Draperstown – Permission Granted 11/06/18

H/2013/0139/F - Wind turbine (hub height of 41 metres and blade radius of 15 metres) (amended description and co-ordinates) - Approximately 850 m north west of junction of Drumard Road and Cullion Road, (accessing onto Drumard Road) Draperstown – Permission Granted 20/01/15

Representations

Press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, 1 objection letter was received which I have aimed to summarise below:

- This is an AONB which should be protected from commercial development. This compound and the turbines it seeks to serve are situated at the top of the mountain. Local people could not build a house at this location so why grant permission for a commercial wind farm development.

Consideration of objection:

- It is acknowledged that the application site is located with Sperrins AONB which requires careful consideration to ensure no detrimental harm to the landscape quality and intrinsic value of this protected area. This will be considered in further detail below. The application to be considered relates to a substation and compound therefore the objections to wind turbines and wind farm development do not form part of this application. This application seeks to serve approved wind turbines. It is noted that the approved wind turbine LA09/2016/0492/F is located in close proximity to the SW. It is not considered that this application, nor this approved wind turbine which it is noted does not form part of this application, are located at the top of a mountain rather are carefully sited at a lower slope of Slieve Cullion to blend into the landform. Applications for residential development in the countryside are considered under a different policy context and again do not form part of the consideration of this application.

Key Policy Considerations/Assessment

Magehrafelt Area Plan 2015 – the site lies in the rural countryside outside any designated settlement, located within the Sperrins AONB.

The Strategic Planning Policy Statement for Northern Ireland – recognises that Northern Ireland has significant renewable energy resources and a vibrant renewable energy industry that makes an important contribution towards achieving sustainable development. The SPPS advocates a cautious approach for renewable energy development proposals within designated landscapes which are of significant value, such as AONB's and their wider settings. The SPPS goes on to say that in such sensitive landscapes, it may be difficult to accommodate renewable energy proposals, including wind turbines, without detriment to the region's cultural and natural heritage interests. 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. It is noted that the fourth paragraph of PPS18 states that the wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given 'significant' weight in determining whether planning permission should be granted. This differs to the wording of the SPPS which requires that 'appropriate' weight be attached to such benefits. In accordance with the transitional arrangements outlined in the SPPS, as detailed above, appropriate weight will be attached to the specified benefits in the overall planning balance.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. It outlines that planning permission will be granted for non-residential development in the countryside for renewable energy projects in accordance with PPS 18.

The policy provisions of PPS18 Policy RE 1 Renewable Energy Development are applicable in this case. The proposed development seeks permission to construct a substation and compound to serve the previously approved wind turbine (LA09/2016/0492/F). The proposed development is located approx. 100m NW of the approved turbine and approx. 600m from the nearest dwelling.

Policy RE1 states Development that generates energy from renewable resources will be permitted where the proposal and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on the following planning consideration;

a) *Public safety, human health, or residential amenity;*

Given that there are no occupied dwellings in the immediate locality or indeed for a substantial distance, I have no concerns with regard this criterion. Environmental Health were consulted and have offered no objections or concerns.

b) *visual amenity and landscape character;*

It is recognised that the proposed building will have some impact on visual amenity given the remote and exposed landscape in which it will be sited. However in my opinion the impact on visual amenity and landscape character will not be to an unacceptable degree. The proposed development is considered necessary to facilitate electricity connection from approved wind turbines at this location and similar substations have been located in the locality. The application site has been reduced during the consideration of the application and the proposal now comprises a hardstanding compound which extends 3 metres from the roadside and will accommodate the split level substation building which is designed to integrate into the surrounding landform. The proposed substation has a ridge height of 6 metres and footprint of approx. 112.8sqm with basement below providing various switch rooms and control rooms. The scale of the substation is considered appropriate and it is noted the proposed finishes include rendered walls with blue/black slates which are typical traditional finishes in a rural context reflective of the surrounding character. The site is enclosed by a 1.2m high stock proof fence and 1.8m high green paladin compound gate. Whilst I do not consider this boundary treatment would readily integrate into the landscape, I accept in this instance it is necessary for this type of development and is considered acceptable given the amended application site which has been reduced and contained. It is proposed that vehicular access will be shared with the access approved for the permitted wind turbine LA09/2016/0492/F. Given the local undulating landscape, it is considered that the proposed development would integrate with the rising landform to the rear providing a backdrop.

c) *biodiversity, nature conservation or built heritage interests;*

No built heritage interests of importance have been identified in proximity of the site. In terms of natural conservation and biodiversity, the agent has provided a Biodiversity Checklist and Preliminary Ecological Appraisal which has been considered by NIEA. NIEA have provided consultation response 16/04/21 advising on the basis of the information provided, has no concerns subject to conditions. The proposal site has been reduced to ensure no significant impact on natural heritage or protected habitat/species. Having considered the information provided and in light of NIEA responding with no concerns, I consider this criteria is met. Although the site is located within a designated AONB and therefore a 'sensitive area' as per The Planning (EIA) Regulations (NI), it is not considered the proposal does would constitute development within a description on

Column 1 of Schedule 2 of the Regulations, therefore an EIA determination is not required.

d) local natural resources, such as air quality, water quality/quantity;

There are also no Hydrological or Geological issues of concern. Informal consultation was carried out with SES and they responded advising the proposal site is distantly hydrologically linked (over 35km river length) to Lough Neagh and Lough Beg SPA/Ramsar. However, based on this significant distance there is unlikely to be any impacts from any general construction related issues, if any were to occur, to downstream European sites.

The informal response from SES advised that if development at this location could increase risk of peat instability this would need to be considered further as this could potentially impact on downstream water quality. It was therefore considered necessary to investigate any potential impact to peat stability. This was relayed to the agent and supporting information was provided including photographs of excavation of test trenches within the proposed siting of the substation which demonstrated little or no peat at this location with a thin layer of peat soil over a sub soil layer mixture of clay and gravel. Geological Survey NI were consulted and they have responded that the thin or absent peat cover observed at the development site corroborates GSNI's 1:10000 scale maps of superficial geology and land instability is not considered to be a risk at this site. Based on their response and the supporting information provided, I am content that the proposal does not appear to result in an increase risk of peat instability.

e) public access to the countryside

The proposal will not impact on the public access to the countryside.

Additional considerations

The application seeks to utilise the access previously approved for LA09/2016/0492/F. DFI Roads have been consulted and have offered no objections subject to conditions. It is considered the proposed access arrangements are acceptable and comply with PPS3.

Policy NH 6 - Areas of Outstanding Natural Beauty of PPS 2 Natural Heritage provides policy requirements for new development within an AONB. It is considered that the proposed development respects the topography of the site and whilst there will be some degree of visual impact from introducing this commercial use within a remote landscape, it is accepted that this development is necessary to serve the previously approved wind energy development which has been considered to be acceptable at this location. The proposed building respects local architectural styles and patterns and it is considered appropriate to condition natural landscaping along the NW and SW boundaries to assist with integration. Overall, it is considered the proposal will not offend Policy NH6 of PPS2.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having considered the prevailing planning policy and all material considerations outlined above, I am of the opinion that this application accords with the relevant policy tests and therefore is recommended for approval subject to the following conditions.

Conditions:

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

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

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

Reason: To protect breeding birds.

3. During the first available planting season after the after the commencement of development hereby permitted, the northwest and southwest boundaries of the site shall be defined by native species landscaping.

Reason: To ensure the development integrates into this Area of Outstanding Natural Beauty.

Informatives

1. The applicant's attention is drawn to NIEA consultation response received 25th November 2020 and 16th April 2021.
2. The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:
 - kill, injure or take any wild bird; or
 - take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
 - at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
 - obstruct or prevent any wild bird from using its nest; or
 - take or destroy an egg of any wild bird; or
 - disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
 - Disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence. It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.

3. The informatives contained in DAERA Standing Advice Commercial or Industrial Developments are relevant to this development. In addition the applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice;

- Pollution Prevention Guidance
- Discharges to the Water Environment

4. The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.

5. The applicant should ensure that measures are in place to prevent pollution of surface or groundwater as a result of the activities on site, both during construction and thereafter.

6. The applicant is advised that under Article 11 of the Roads Order (Northern Ireland) Order 1993, the Department for Infrastructure is empowered to take measures to recover any reasonably incurred expenses in consequence of any damage caused to the public road as a result of extraordinary traffic generated by the proposed development. The applicant should contact the DfI Roads Maintenance Section at Loughrey Campus, 49 Tullywiggan Road, Cookstown, BT80 8SG in order that an agreement may be reached regarding maintenance costs and incurred expenses in consequence of any damage caused to the public road.

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

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

Signature(s)

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1349/O	Target Date:
Proposal: Dwelling and domestic garage within a cluster	Location: 50m South of 3 Ballynasolus Road Cookstown
Referral Route: Recommendation to approve for a dwelling and domestic garage within a cluster, which does not strictly meet the Policy criteria for CTY2a.	
Recommendation:	
Applicant Name and Address: Charles Quinn 51 Corcanaghan Road Cookstown	Agent Name and Address: C Q Architects 23 Dunamore Road Cookstown BT80 9NR
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	Content
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	Rivers Agency	

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

This is an outline planning application for a dwelling and a garage 50m South of 3 Ballynasolus Road, Cookstown for a dwelling and domestic garage within a cluster. Neighbour Notification and press advertisement has been carried out in line with the Council's statutory duty. One third-party representation was received in support of the application. There were no objections and all other material considerations have been addressed within the determination below.

Characteristics of the Site and Area

The site is identified as lands at 50m South of 3 Ballynasolus Road, Cookstown, which is in the open countryside as defined in the Cookstown Area 2010. The proposal is for a dwelling and domestic garage within a cluster. The site plot measures 0.37 of a hectare and sits below road level and is relevantly flat throughout. Boundaries comprise intermittent mature trees and thick vegetation on the east also there is a small stream abuts east boundary; post and wire fencing and sporadic vegetation on the north; the other to the south boundary (running appavelled with the Ballynasolus Road) is defined by hedgerow and wire and post fencing; and the west boundary is undefined. Further north is a farm dwelling and sheds. The site is located at Ballynasolus and Corvanaghan crossroads.

The surrounding landform is one of undulating countryside and the land falls in a southerly direction towards the site. Immediately north of the site are three detached dwellings with garages (Nos 3, 5,) there is a development currently under construction). Further west at No7 consists of a detached dwelling and garage, further beyond No 9 is Thorndale House a former restaurant / Public House.

Description of Proposal

The applicant is seeking outline planning permission for a dwelling and a garage. No details surrounding design or landscaping associated with the proposal have been submitted with this application which relates to outline planning consent only. The proposal involves the construction of a new access to a public road.

All planning application forms, drawings, letters etc. relating to this planning application are available to view on www.planningni.gov.uk

Planning history

There is no planning records specifically associated with this site.

Representations.

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty as set down in Article 8 (2) of the Planning GDPO Regulations (NI) 2015. At the time of writing no objections or representations were received. This application was initially advertised in the local press on w/c 09/11/2020 (publication date 10/11/2020. Eight (8) neighbouring properties were notified on 26/11/2020; all processes were in accordance with the Development Management Practice Note 14 (April 2015).

EIA Determination. The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015; the proposal has been considered and does not fit within any categories or threshold identified in Schedule 2 of Environment Impact Assessment.

HRA Determination (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2015, under the Habitats Regulations is not required for this proposal. There are no waterways directly abutting this site and there are no trees or landscape features which will be impacted by this proposal. Therefore, it is unlikely that this proposal will adversely affect a priority species or their habitat which is afforded protection.

Consultees

1.DFI Roads were consulted in relation to access, moving and parking arrangement and have responded with no objection subject to standard conditions and Informatives, which I am satisfied the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and parking.

2.DFC Historic Environment Division were consulted in relation an Archaeological Site and Monument located in the surrounding area to the site. HED have responded with on objection to the proposed development.

3 DFI Rivers Agency were consulted in relation to Flood Maps (NI) indicates that the development lies partially within the strategic 1 in 100 year fluvial flood plain. Development should only be permitted on that part of the site which is outside of the flood plain. Dfl Rivers recommends that finished floor levels at this location should be raised to a minimum 600mm above the predicted flood level.

The agent has submitted an amended site concept plan DWG No 02 (Rev-1) stamp date 17/06/2021that annotates the sitting outside the flood plan and a 5m access strip to allow access to the stream for maintenance purposes.

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 Cookstown Area Plan 2010 (CAP) operates as a LDP. The site is outside any settlement development limit within CAP and is in the countryside. The CAP has no material policies for dealing with dwellings in the countryside

The relevant policy context is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21). PPS 21 is identified by the Strategic Planning Policy Statement for NI (SPPS) as a retained policy document.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the transitional arrangements that will operate until a local authority has adopted a Plan Strategy for the whole of the council area. The SPPS retains certain existing planning policy statements and amongst these is PPS 21 which provides the relevant policy context for the proposed development. The following documents provide the primary policy context for the determination of this application:

Regional Development Strategy 2035

Cookstown Area Plan 2010

Strategic Planning Policy Statement for Northern Ireland

PPS 21: Sustainable Development in the Countryside

PPS 3: Access, Movement and Parking

Supplementary Planning Guidance: Building on Tradition: A Rural Design Guide for N Ireland.

Key Policy Considerations/Assessment.

Planning Policy Statement 21: 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 being met. These are listed in Policy CTY1 of PPS21.

The applicant seeks outline approval for the development of a small gab site in accordance with Policy CTY2a of PPS21.

Assessment.

My assessment of the proposed development considers if it represents a dwelling within an existing cluster in accordance with criteria of Policy CTY2a of PPS21. There were no objections received and all other material considerations have been addressed within the determination below.

In terms of 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:

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

In terms of the first criteria no 1, I am content that the site lies outside of a farm where there are four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings. I am also satisfied that there is a cluster of development lying outside of a farm (Nos 3, 5 and a third dwelling under construction located north of the site.

I am also satisfied that there is a suitable degree of enclosure that it appears as a visual entity in the local landscape.

In terms of the third criteria the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads.

I accept the proposed site is located at Ballynasolus and Corvanaghan crossroads. Furthermore, the site is approximately 170m west of No 9, which was a former restaurant / Public house.

I am satisfied the proposed development accords with the Policy Criteria set out in 1, 2 and 3 of CTY2A.

Criteria 4 of the policy, requires that the proposed development to be able provide suitable degree of enclosure and to be bounded on at least two sides with other development in the cluster. I note that the site does bound on one side with development consisting of two dwellings

and one other under construction. That said, while Policy stipulates development on at least two sides however the site currently has only one side bounded with development. The proposed development unfortunately would fail under this part of the policy.

I am of the opinion that the proposed development lies within an existent cluster and complies in the main the Policy Criteria of CTY2a with the exception of Criteria 4.

I acknowledge the site's irregular shape 'triangular' would make this difficult to achieve development on two sides. I am also of the view the site would be classified as rounding off thereby it would not significantly alter the character of the area. Following discussions with Dr. Boomer, Planning Manager, it was agreed that this application can be accepted as an exception to Policy based on the above.

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 this an outline application no design details etc. have been submitted however an indicative position has been provided. From review of the plans I am of an opinion that an appropriately designed dwelling would not be prominent in the landscape. The proposed site has existing vegetation along all boundaries which should be retained where possible and supplemented with additional landscaping to further aid integration, therefore a landscaping scheme is required in any 'Reserved Matters' application. I am of the opinion that if permitted the dwelling should be restricted to a 6.5m ridge height from finished floor level.

Policy CTY 14 deals with rural character and states that planning permission will be granted where the building it does not cause detrimental change to, or further erode the rural character of the area. As stated I am content that an appropriately designed dwelling will not be prominent feature nor will it result in a suburban style build-up of development. However as stated it is seen that the proposed dwelling would result in the addition to a ribbon of development and therefore fails under CTY 14.

Neighbour Notification Checked

Yes

Summary of Recommendation:

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

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

3. 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.

4. The proposed dwelling shall have a ridge height of less than 7 metres above finish floor levels.

Reason: To ensure that the development is satisfactorily integrated into the landscape.

5. The depth of under-building between finished floor level and existing ground level shall not exceed 0.6 metres at any point

Reason: In the interest of visual amenity.

6. A plan at 1:500 scale (min.) shall be submitted as part of the reserved matters application, showing the access point including visibility splays of 2.4 metres x 90 metres in accordance with the attached form RS1 to be constructed prior to the commencement of any development hereby approved and as approved at Reserved Matters stage.

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

7. No development shall take place until a plan of the site has been submitted to and approved by the Council indicating the existing and proposed contours, the finished floor levels of the proposed building and the position, height and materials of any retaining walls. Development shall be carried out in accordance with the approved plans.

Reason: To ensure the development takes account of the site's natural features and to safeguard the amenities of the proposed dwellings

8. 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; details of a native species hedge to be planted to the rear of the visibility splays and along all new boundaries of the area identified in Green on the approved plan Drag No 02 (Rev-1) date stamped 17.06.2021. 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.

9. The proposed dwelling shall be sited in accordance with drawing No. 02 (Rev-1) stamp date 17.06.2021

Reason: To ensure that the development is integrated into the landscape

Informatives

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

2.This permission 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.

Signature(s)

Date:

ANNEX	
Date Valid	28th October 2020
Date First Advertised	10th November 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 2 Ballynasollus Road Cookstown Tyrone The Owner/Occupier, 3 Ballynasollus Road Cookstown Tyrone The Owner/Occupier, 4 Corvanaghan Cookstown Tyrone The Owner/Occupier, 5 Ballynasollus Road Cookstown Tyrone The Owner/Occupier, 5 Corvanaghan Cookstown Tyrone The Owner/Occupier, 7 Ballynasollus Road Cookstown Tyrone The Owner/Occupier, 7 Corvanaghan Road Cookstown Tyrone The Owner/Occupier, 7 Corvanaghan, Cookstown, Tyrone, BT80 9TL	
Date of Last Neighbour Notification	26th November 2020
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/1349/O Proposal: Dwelling and domestic garage within a cluster Address: 50m South of 3 Ballynasolus Road, Cookstown, Decision: Decision Date: Ref ID: I/2004/0514/O Proposal: Proposed site for dwelling & domestic garage Address: 140m NW of 6 Corvanaghan Road, Cookstown Decision: Decision Date: 05.01.2005 Ref ID: I/1998/0240 Proposal: Erection of Dwelling and Garage Address: ADJACENT TO NO. 7 BALLYNASOLUS ROAD COOKSTOWN Decision:	

Decision Date:

Ref ID: I/1978/0193

Proposal: IMPROVEMENTS TO DWELLING

Address: 7 BALLINASOULS ROAD, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2004/1120/O

Proposal: Proposed dwelling & garage

Address: To the rear of 5 Ballynasollus Road, Cookstown

Decision:

Decision Date: 28.04.2005

Ref ID: I/1986/0250

Proposal: IMPROVEMENTS TO DWELLING

Address: 5 BALLYNASOLLUS ROAD, CORVANAGHAN, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1978/0192

Proposal: IMPROVEMENTS TO DWELLING

Address: 5 BALLINASOLUS ROAD, COOKSTOWN

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 02 REV-1)

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



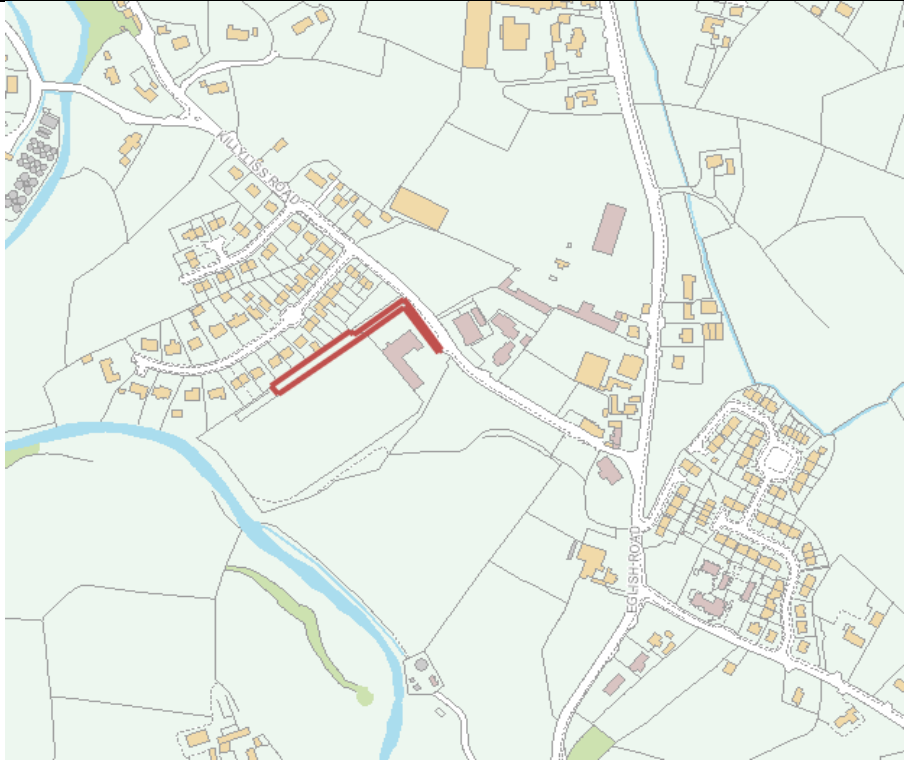
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1549/F	Target Date:
Proposal: Football stand to cover existing stepped terrace.	Location: Eglish GAC 108 Killyliss Road Eglish Dungannon BT70 1NB.
Referral Route: Objections received	
Recommendation:	Approval
Applicant Name and Address: Eglish GAC 108 Killyliss Road Eglish Dungannon BT70 1NB	Agent Name and Address: Michael Jordan 16 Albert Street Aberdeen AB25 1XQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

Letters of Support	None Received
Letters of Objection	34
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

Objector concerns

- Visually intrusive impact.
- Eye sore/loss of views.
- Blocking natural light
- Loss of privacy
- Noise nuisance/vibrations
- Health and safety concerns
- Encourage gathering of youth/anti-social behaviour
- Devaluation of property
- Alternative viable option
- Draw larger crowds
- Increased traffic congestion
- Parking issues/emergency service vehicles hindered

- Road safety issues

Characteristics of the Site and Area

The site lies within the settlement limits of Eglish and outside all other areas of constraint as depicted by the DSTAP 2010. It is located at number 108 Eglish Road and forms part of Eglish GAC grounds.

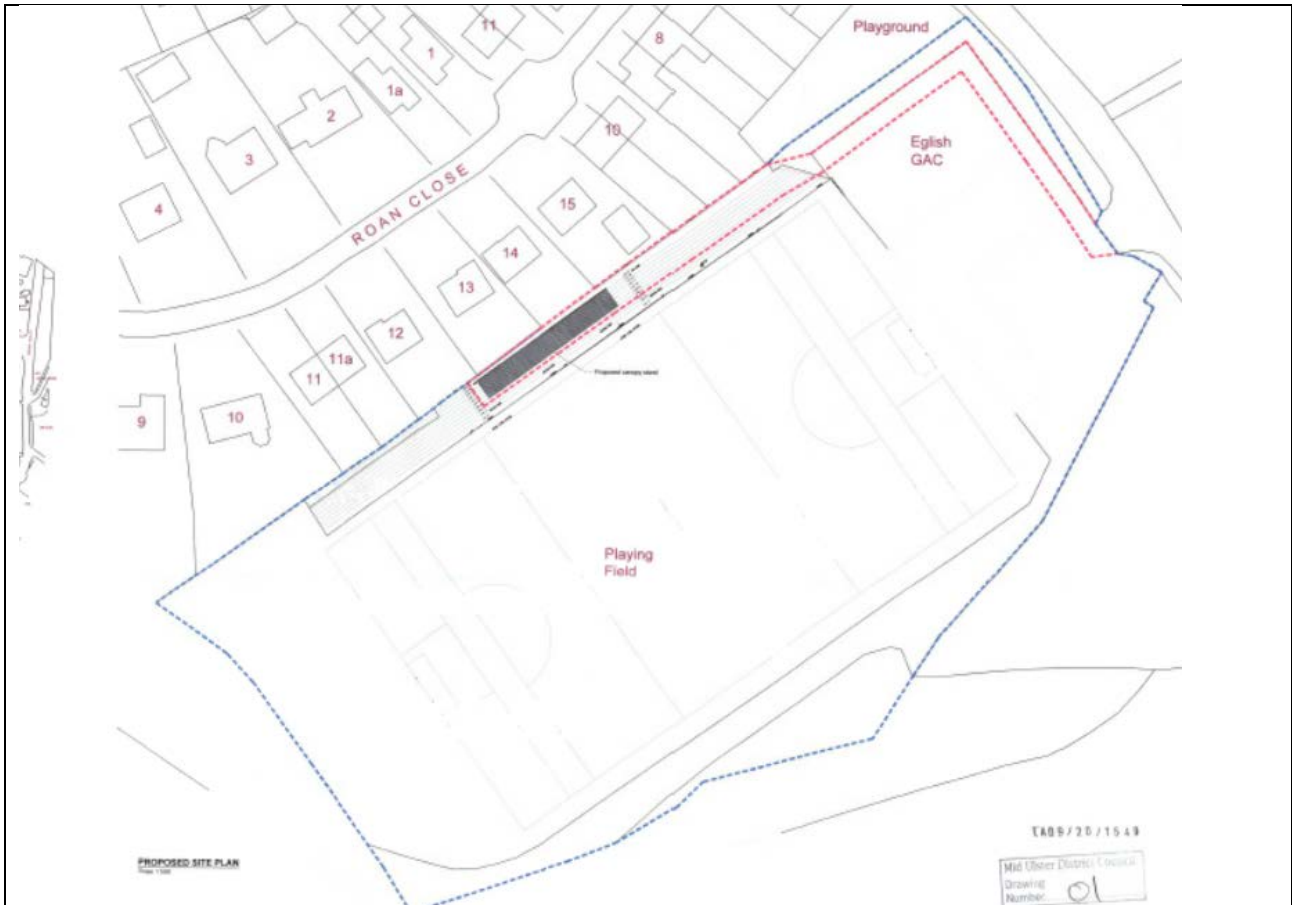
The red line of the site is a long narrow L shaped plot which includes an access from the main entrance, follows the roadside eastern boundary and then runs along the rear of Roan Close taking in the terraced standing area along the Northern part of the GAC grounds.



There is a 2metre wall all along the northern boundary of the site separating it from the dwellings in Roan Close. The main body of the site comprises the concrete steps used by spectators for watching games. The playing field is to the south and the club house and car parking is to the east. The Oona River is to the south west of the site and the St Patricks Church to the south east. The local primary school is just a short distance to the East.

Description of Proposal

The proposal seeks full planning permission for the erection of a football stand to cover the existing terrace.



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
- PPS8 - Open Space, Sport and Outdoor Recreation

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.

Until a Plan Strategy for the whole of the Mid Ulster Council Area has been adopted, planning applications will be assessed against existing policy (other than PPS 1, 5 & 9) together with the Strategic Planning Policy Statement (SPPS). This overarching policy 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 planning authorities should carefully consider development proposals for all sport and outdoor recreational activities, considerations will include: location, design, hours of operation, noise, impact upon visual and residential amenity, access and links to public transport; floodlighting; landscaping, public safety (including road safety); nature conservation, biodiversity, archaeology or built heritage.

Representations

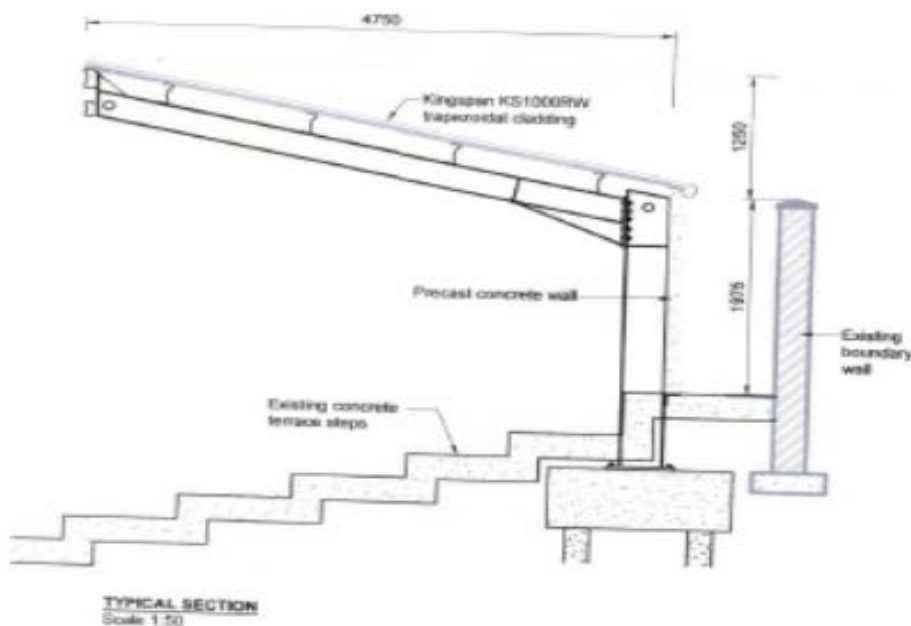
Press advertisement and neighbour notification has been carried out in line with the Council's statutory duty. At the time of writing, there have been 34 objections from neighbouring residents of Roan Close, Roan Park, Killyliss Manor and Killyliss Villas.

Objector concerns

- Visually intrusive impact.
- Eye sore/loss of views.
- Blocking natural light
- Loss of privacy
- Noise nuisance/vibrations
- Health and safety concerns
- Encourage gathering of youth/anti-social behaviour
- Devaluation of property
- Alternative viable option
- Draw larger crowds
- Increased traffic congestion
- Parking issues/emergency service vehicles hindered
- Road safety issues

Consideration of objections.

To consider the first concern regarding the visual impact of the stand, eye sore and loss of views it is important to look at the position and size of the proposed stand. The proposed stand at its closest point is 1metre from the boundary wall to the rear gardens of the dwellings in Roan Close. The stand measures 2 metres at the low point and rises another metre over the 5 metre span of terrace it is proposed to cover. The rear wall existing is 1.975 metres high therefore there will be very minimal visual impact or intrusion of views.



From the above drawing it is also clear there will be little or no impact on natural light, the stand will not raise the standing platform for spectators so there should be very minimal impact on loss of privacy.

With regards to noise or vibrations nuisance, after the initial period of construction there should be no greater noise, the terrace area will not be any larger, therefore no greater crowd can be facilitated and in fact the stand should act as a barrier for noise travelling toward the residents to the rear.

The next concern raised is over the possibility the stand may encourage anti-social behaviour through acting as a gathering spot for youths, also the possibility of health and safety concerns via attempting to climb the structure. It must be noted that there are no measures preventing climbing of the existing wall, or buildings on the grounds and there is no reason to suggest that the new stand would be any different. The existing grounds have suffered with some issues with anti-social behaviour in recent times, however we must assess the application at face value and in doing so, I find no reason why a relatively stand to cover existing terrace would have any negative impact on the area. Matters of any potential for anti-social behaviour arising from the development is a matter for the management of the Football Club to resolve.

Devaluation of house prices is not a material consideration for planning.

The alternative viable option has also been raised whereby the objectors feel that a stand on the other side of the pitch would be a solution, however, if the proposal complies with policy the council cannot force an alternative siting, in addition the red line does not include the whole of the grounds. Also the main reasoning for the proposal is to cover the existing terraced area at this position. There is no existing terrace on the other side.

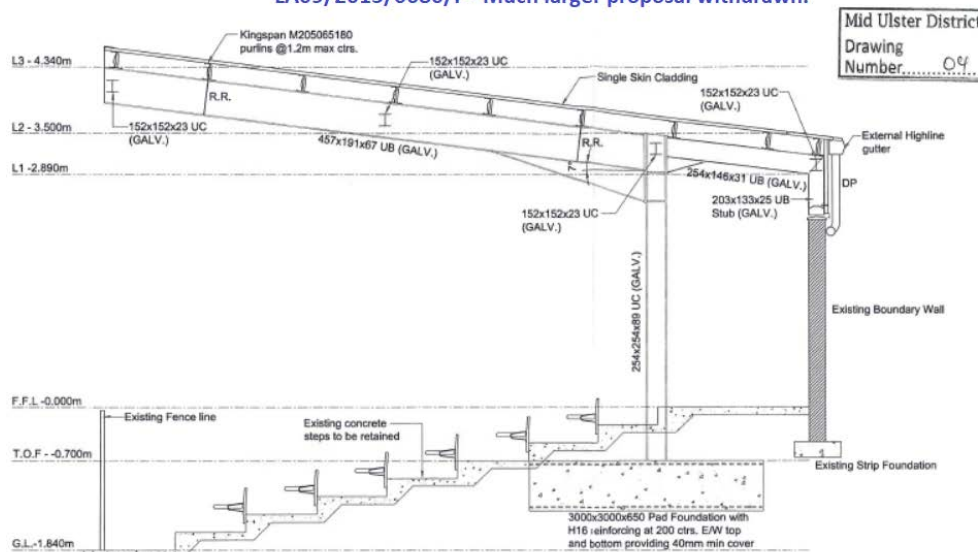
The last four points can be covered in one discussion, potentially drawing a larger crowd, increase traffic, parking issues, road safety issues and hindrances to emergency vehicles. It is essential to note that this proposal is for a stand to cover the existing terrace, the terrace cannot hold any more spectators as the terrace is not increasing in size, therefore there will be no impact on traffic, parking or road safety. DFI Roads were consulted and concurred, they responded 'the proposed works are all internal and don't seem to impact on current in curtilage parking / servicing arrangements. DFI Roads are therefore content with the proposal.'

Planning History

LA09/2015/0644/F - Opposite no 144 Killyliss Road - Refurbishment and extension to existing community sports and arts centre to provide additional storage and toilet accommodation – GRANTED - 12.10.2015

LA09/2015/0680/F - Opposite 144 Killyliss Road, Eglishe - Provision of covered spectator accommodation – WITHDRAWN - 23.06.2016

LA09/2015/0680/F - Much larger proposal withdrawn.



This application site lies within the settlement limits of Eglish as defined in the Dungannon and South Tyrone Area Plan (DSTAP) and development is therefore to be considered under SETT 1. In DSTAP 2010 the site is zoned as an area of Existing Recreation and Open Space which means it will be safeguarded for open space and outdoor recreational use in accordance with PPS 8 - Open Space, Sport and Outdoor Recreation.

PPS 8 Open space Sport and Outdoor Recreation

It is the view of the Council that there is no exact fit policy for assessing this application however, this is a 'larger scale' development within the settlement limits in an area designated as open space and it would amount to an 'intensive sports facility' and effectively a 'sports stand'; both of which are referred to in policy OS4.

The justification to this policy explains that intensive sports facilities include stadia, sports halls, etc. It suggests that such facilities often serve as a focus for the community and experience would suggest that football clubs often do just that.

As such the application has been assessed most appropriately against Policy OS 4.

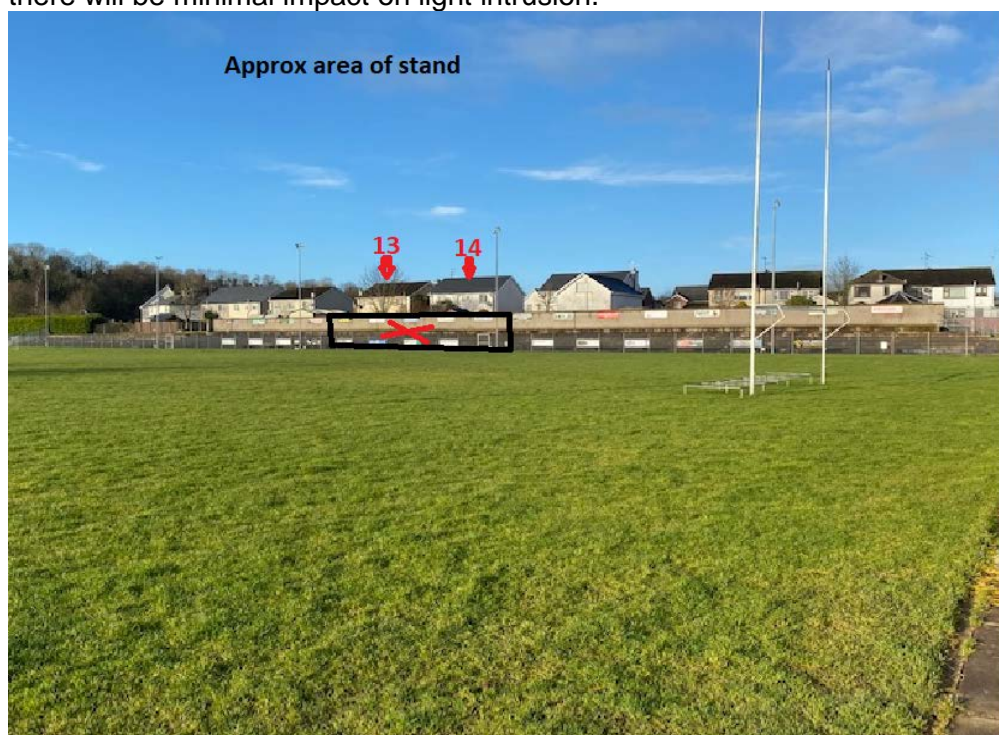
Policy OS 4 Intensive Sports Facilities

The Mid Ulster Council will only permit the development of intensive sports facilities including stadia, where these are located within settlements.

In all cases the development of intensive sports facilities will be required to meet all the following criteria:

- there is no unacceptable impact on the amenities of people living nearby by reason of the siting, scale, extent, frequency or timing of the sporting activities proposed, including any noise or light pollution likely to be generated;

Policy requires no unacceptable impact on the amenities of people living nearby. Objectors have raised issue with the potential of noise from the proposed stand. The nearest properties at numbers 13 and 14 Roan Close back directly onto the proposed site and the distance between the proposed structure and the nearest part of the dwelling would be 14 metres, and the nearest part of the stand will be same height as the rear boundary wall of these properties therefore there will be minimal impact on light intrusion.



In addition the proposal is to cover the existing terraced area, there will be no increase in area or capacity therefore minimal increase in noise is expected. The noise resulting from the football grounds existing is not be continuous but rather limited to mostly evening and weekends and this taken together with the existing background noise of the Killyliss road and surrounding land uses will limit any potential increase in noise levels having an adverse impact on neighbouring residential amenity. The proposal will also have no impact on frequency or timing of the sporting activities. There may be some noise nuisance during the construction phase, however, this can be conditioned to working hours and is expected to take a short period of time. Matters of any potential for anti-social behaviour arising from the development is a matter for the management of the Football Club to resolve.

- there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;

The proposal involves covering an area which consists of a hardstanding stepped terrace. There are no natural features or hedgerows to be removed or altered, there will be minimal views from the main road due to positioning of the existing facilities,

There is minimal potential for adverse effects on natural environment and all works can be accommodated without detriment to the character of the area. There are no features of Arch or built heritage in the vicinity of the site.

- buildings or structures are designed to a high standard, are of a scale appropriate to the local area or townscape and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;

Policy requires ancillary buildings or structures to be of a scale appropriate to the local area and sympathetic to the surrounding environment. The existing layout shows a clubhouse, car park, football pitch and 140 metre long terrace area. The proposal is to cover a 35 metre portion of the terrace with a 5 metre deep stand to protect spectators from the elements. The stand will be composed of Kingspan Metal cladding which is common in these types of development and would not look out of place at any football ground. It is important to note that there was a much large proposal sought in 2015 which was subsequently withdrawn. The scale of this stand is not excessive for the site and can be accommodated without detriment to the surrounding rural environment. The position is to the North of the pitch and the nearest part of the stand will be over 100metres from the main road to the east.

- the proposed facility takes into account the needs of people with disabilities and is located so as to be accessible to the catchment population giving priority to walking, cycling and public transport;

The proposal is located within easy reach of public transport and bus stops are located nearby. This proposal is for a cover only and will have no significant impact on the needs of disabled people.

- the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for site access, car parking, drainage and waste disposal.

Objectors have raised issue regarding possibility for increased traffic congestion, however, this proposal does not involve increasing the capacity of the grounds nor will it allow more people to attend events or games, as such there is no expected increase in car users and therefore no impact on the areas ability to cope with the existing traffic generated by this GAC facility. Also road safety issues were raised. There is no evidence to suggest that public safety could be prejudiced by this proposal and the nature, scale, extent and frequency of use proposed do not

render the development incompatible with the surrounding character. DfI Roads are the responsible authority for roads safety and they have been consulted and they have responded stating that they have no roads safety concerns.

Plan Policy SETT 1 states favourable consideration will be given to development proposals within settlement limits including zoned sites provided the following criteria are met;

- The proposal is sensitive to the size, character and function of the settlement in terms of scale, form, design and use of materials;

The proposal is for a small stand is sensitive to the existing grounds of Eglis GAC in terms of its size and scale, and compliments the function of the facility.

- The proposal respects the opportunities and constraints of the specific site and its surroundings and, where appropriate, considers the potential for the creation of a new sense of place through sensitive design;

The site is zoned for open space and this proposal compliments that in that it provides protection from the elements for spectators availing of the facilities.

- There is no significant detrimental effect on amenities;

This have been covered in depth in the above report, it is my opinion that there will be minimal impact on the amenities.

- There is no significant conflict with recognised conservation interests;

There are no conservation issues or concerns.

- There are satisfactory arrangements for access, parking and sewage disposal;

Satisfactory access parking and sewerage arrangements are in place and this proposal for a stand will have no impact on this. DFI were consulted and had no concerns.

- Where appropriate, any additional infrastructure necessary to accommodate the proposal is provided by the developer;

No additional infrastructure is necessary.

- the proposal is in accordance with prevailing regional planning policy and policies, requirements and guidance contained in Part 3 of the Plan.

The proposal is in compliance with the overarching regional planning policies and guidance.

Conclusion

Taking into account the Area Plan, planning policy, consultee responses and representations received on the application and all other material planning considerations approval is recommended subject to conditions. Approval subject to conditions

Neighbour Notification Checked

Yes

Conditions

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

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

Informatives

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

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

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

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

Provision shall be made to the satisfaction of DFI Roads Service, to ensure that surface water does not flow from the site onto the public road.

Provision shall be made to the satisfaction of DFI Roads Service, to accommodate the existing roadside drainage and to ensure that surface water does not flow from the public road onto the site.

Signature(s)

Date:

ANNEX	
Date Valid	4th December 2020
Date First Advertised	15th December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Roan Close, Dungannon, BT70 1NE The Owner/Occupier, 1 Roan Park Dungannon Tyrone C Murtagh 10 Roan Park, Dungannon, BT70 1NB The Owner/Occupier, 10 Roan Park,Dungannon, BT70 1NB Bronagh Murtagh 11 Roan Park, Dungannon, BT70 1NB The Owner/Occupier, 11a ,Roan Close,Dungannon,Tyrone,BT70 1NE Stephen and Sandra McMenemy 11a Roan Close, Dungannon, BT70 1NE Stephen and Sandra McMenemy 11a Roan Close, Dungannon, BT70 1NE The Owner/Occupier, 11b ,Roan Close,Dungannon,Tyrone,BT70 1NE Eithne Nugent 11b Roan Close, Dungannon, BT70 1NE AnneMarie & Benny Donnelly 12 Roan Close, Dungannon, BT70 1NE The Owner/Occupier, 12 Roan Close,Dungannon,Tyrone,BT70 1NE D Barclay 12 Roan Park, Dungannon, BT70 1NB Brian & Tracey Goodfellow 13 Roan Close, Dungannon, BT70 1NE The Owner/Occupier, 13 Roan Close,Dungannon,Tyrone,BT70 1NE Martin & Brenda Gallen 14 Roan Close, Dungannon, BT70 1NE The Owner/Occupier, 14 Roan Close,Dungannon,Tyrone,BT70 1NE L, Gallagher 14 Roan Park, Dungannon, BT70 1NB Terry & Brenda Horsfield 15 Roan Close, Dungannon, BT70 1NE The Owner/Occupier, 15 Roan Close,Dungannon,Tyrone,BT70 1NE	

Erin & Niall Hanratty
 16 Roan Park, Dungannon, BT70 1NB
 Jack Burns
 17 Roan Park, Dungannon, BT70 1NB
 Paula Nicholl
 1a Roan Close, Dungannon, BT70 1NE
 P Hegarty
 2 Killyliss Manor, Eglish, Dungannon, BT70 1UP
 Corey Murtagh
 2 Killyliss Villas, Dungannon, BT70 1LE
 Maureen Gildernew
 2 Roan Close, Dungannon, BT70 1NE
 The Owner/Occupier,
 2 Roan Park Dungannon Tyrone
 Shane Goodfellow
 2 Roan Park, Dungannon, BT70 1NB
 S. Murtagh
 3 Killyliss Manor, Eglish, Dungannon, BT70 1UP
 Gael Bradley
 3 Killyliss Villas, Dungannon, BT70 1LE
 The Owner/Occupier,
 3 Roan Park Dungannon Tyrone
 P Fox
 3 Roan Park, Dungannon, BT70 1NB
 Aine Kelly
 4 Roan Close, Dungannon, BT70 1NE
 The Owner/Occupier,
 4 Roan Park Dungannon Tyrone
 Mary T & F Goodfellow
 4 Roan Park, Dungannon, BT70 1NB
 The Owner/Occupier,
 5 Roan Park Dungannon Tyrone
 Owner/ Occupier
 5 Roan Park, Dungannon, BT70 1NB
 Kelley Cuddy
 5a Roan Close, Dungannon, BT70 1NE
 . McVeigh
 6 Roan Close, Eglish, Dungannon, BT70 1NE
 The Owner/Occupier,
 6 Roan Park Dungannon Tyrone
 Ciara Corrigan
 7 Roan Close, Dungannon, BT70 1NE
 The Owner/Occupier,
 7 Roan Park Dungannon Tyrone
 Edel Toye
 8 Roan Close, Dungannon, BT70 1NE
 Imelda Fay
 8 Roan Park, Dungannon, BT70 1NB
 The Owner/Occupier,
 8 Roan Park,Dungannon, BT70 1NB

The Owner/Occupier, 9 Roan Park Dungannon Tyrone C Murtagh 9 Roan Park, Dungannon, BT70 1NB The Owner/Occupier, Eglish Parochial Hall, Killyliss Road, Dungannon, Tyrone, BT70 1LE Brenda Gallen & Tracey Goodfellow No Address The Owner/Occupier, No Email/address Given The Owner/Occupier, No Email/address Given	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/1549/F Proposal: Football stand to cover existing stepped terrace. Address: Eglish GAC 108 Killyliss Road, Eglish, Dungannon BT70 1NB., Decision: Decision Date: Ref ID: M/1997/0368 Proposal: Extension to Sports Complex to provide 2 No. Changing Rooms and a Fitness Suite Address: 109 KILLYLISS ROAD EGLISH DUNGANNON Decision: Decision Date: Ref ID: M/1997/0503 Proposal: Proposed Spectator Canopy at Fr. Connolly Park Address: 109 KILLYLISS ROAD EGLISH DUNGANNON Decision: Decision Date: Ref ID: M/1974/0243 Proposal: EXTENSION TO EXISTING FOOTBALL PAVILION, PROVISION OF GAMES HALL Address: ROAN, EGLISH, DUNGANNON Decision: Decision Date: Ref ID: M/1974/024301 Proposal: ERECTION OF SOCIAL AND COMMUNITY CENTRE Address: ROAN, EGLISH	

Decision:

Decision Date:

Ref ID: LA09/2015/0644/F

Proposal: Refurbishment and extension to existing community sports and arts centre to provide additional storage and toilet accommodation

Address: Opposite no 144 Killyliss Road, Eglish, Dungannon,

Decision: PG

Decision Date: 12.10.2015

Ref ID: M/2007/0861/O

Proposal: Proposed Housing Development including roads improvements to Killyliss Road, Killyliss/Eglish Road junction and proposed private foul water treatment plant.

Address: Land immediately east of and adjoining Roan Park & Roan Close, Killyliss Road, Eglish Dungannon

Decision:

Decision Date: 23.11.2007

Ref ID: LA09/2015/0680/F

Proposal: Provision of covered spectator accommodation

Address: Opposite 144 Killyliss Road, Eglish, Dungannon,

Decision: WITHDR

Decision Date: 23.06.2016

Drawing Numbers and Title

Drawing No. 02

Type: Proposed Plans

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 03

Type: Site Layout or Block Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0054/O	Target Date:
Proposal: Site for a dwelling & domestic garage based on Policy CTY10 (dwelling on a farm)	Location: Approx 60m SW of No 125a Ballinderry Bridge Road Cookstown
Referral Route: Refusal - To Committee - Contrary to CTY 1, 14 and 15 of PPS 21.	
Recommendation:	
Applicant Name and Address: Mr Kieran Mitchell 125 Ballinderry Bridge Road Cookstown BT80 0AY	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	DAERA - Coleraine	Substantive Response Received

Representations:

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

Summary of Issues

Refusal - To Committee - Contrary to CTY 1, 14 and 15 of PPS 21.

Characteristics of the Site and Area

The site is located partly within the development limits of Ballylifford and partially in open countryside as per defined in the Cookstown Area Plan 2010. The red line covers a number of agricultural building which I note are located within the development limits of Ballylifford and a portion of a much larger agricultural field which is the open countryside within the Lough Shore Countryside Policy Area. I note that the site falls from the north towards the south of the site, in which the field bounded by mature hedging and post and wire fencing. The surrounding lands are characterised by undulating agricultural lands, with the predominant land use of an agricultural nature, interspersed with single dwellings and farm complexes to the south with north of the site being characterised by the development limits of Ballylifford.

Representations

Six neighbour notifications were sent out however there were no representations were received in connection with this application.

Description of Proposal

This is an outline application for a proposed site for a dwelling & domestic garage based on Policy CTY10 (dwelling on a farm), the site is located Approx 60m SW of No 125a Ballinderry Bridge Road, Cookstown.

Planning Assessment of Policy and Other Material Considerations

Decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Cookstown Area Plan 2010

Strategic Planning Policy Statement (SPPS)

Mid Ulster Local Development Plan 2030 - Draft Strategy

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 10 - Dwellings on Farms

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

CTY14 - Rural Character

PPS 3 - Access, Movement and Parking;

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

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

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

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

Consideration may be given to a site located away from the farm complex where there are no other sites available on the holding and where there are either:-

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

With respect to (a), a consultation was sent to DAERA with regards to the Farm Business, in their response stated that the business has been allocated in 1996. Went on to confirm that the farm business has made claims in each of the previous six years. From such, I am content that the farm business is active and established as per required by policy.

With respect to (b), upon review of the farm business and after reasonable checks were done I am content that the farm business has not attained any approvals for farm cases in the previous ten years. In that time I am content that no other development opportunities have been sold off either during this time.

With respect to (c), I note that the registered farm address sits some distance away from the site, however within the red line sits a number of farm buildings. As noted above the farm buildings located within the red line are also located within the development limits of Ballylifford (as seen below)



As such, I note at this time that within CTY 10 it does not distinguish that buildings on the farm within the development limits cannot be used in connection with this policy. As such and after further consideration I am content that these buildings are still able to constitute as an existing group on buildings on the farm. From such a dwelling in this location would be able to visually link and cluster with this existing group of buildings. The policy goes on to state that where practicable that an existing access should be used however given the roadside location I am content that a new access is the most practical solution. As such on balance I am content that this application has been able to comply with CTY 10.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that this is only an outline application therefore there are no

exact design have been provided, however, given that the site sits along the roadside that a low ridge would be required in line with the surrounding development to ensure it is not visually prominent. I note that as much of the existing landscaping should be retained where possible, with a new boundaries planted out, therefore a landscaping scheme should be submitted as part of any reserved matters application. Taken into consideration the landform, surrounding development and I feel it necessary to restrict the ridge height to be no more than 6m from finish floor level. From which, I am content that the application is able to comply under CTY 13.

In terms of policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As stated that an appropriately designed dwelling would not appear as visually prominent. I am of the opinion that the proposed dwelling would not result in a suburban style build-up of development when viewed with existing and approved buildings. Given the location of the development limits I am of the opinion that a dwelling within the site is likely to mar the distinction between the countryside and development limits which does not respect the pattern of development in the area. In addition, a dwelling in the northern part of the site has the capacity to lead to additional dwellings through infilling, but I cannot speak for future development. As such, I am of the opinion that this application has the potential to cause detrimental change to the character of the area, failing under CTY 14.

Policy CTY 15 - The Setting of Settlements states that Planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl. As noted above, given the farm buildings are located within the development limits of Ballylifford with the rest of the site in the countryside I am of the opinion that any dwelling would mar the distinction between the countryside and the development limits of Ballylifford, failing under CTY 15 as a result. It is felt that the lands in which the site is located acts as an important visual break between the countryside and the development limit and it would be unacceptable to lose such.

As noted previously, the applicants registered farm address of the business is located at some distance from the site, where at this location the applicant owns lands and buildings that would easily comply with CTY 10, as shown in red below.



I note that any dwelling in the red line of the above would be able to comply with CTY 10 but also would not create conflict CTY 15. I raised this issue with the agent as to would there be a possibility of applying for a site at this group rather than the proposed site. In their response confirmed that whilst the buildings are located within the development limits but these were used as the main buildings of the farm and wanted to locate a dwelling closer to these buildings for more operational reasons. Whilst I acknowledged this rationale, I note that this does not outweigh the concerns with the marring the distinction of the countryside and development limits and impact on the character of the area. As such I have shown an alternative that would comply fully with this policy where the applicant will not be prejudiced, as such I must recommend that the application has failed under CTY 14 and 15.

Cookstown Area Plan 2010

I note that the Area Plan states that the site is located within the Lough Shore Countryside Policy Area, which states that further ribbon development along these roads will serve only to devalue and further erode the rural character and landscape quality of the area. In addition, it is considered that the continued build-up of development closer to Lough Neagh would not only be damaging to the character and appearance of this area, but would also have significant adverse effects on the important nature conservation interests of the Lough and its shoreline.

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.

Other policy and material considerations

PPS 3 - Access, Movement and Parking;
DFI Roads were consulted and responded to state that they have no objections subject to conditions and informatives.

Given the failure in policy, I must recommend refusal for this application.

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 Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to the character of the area.

3. The proposal is contrary to Policy CTY15 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 Ballylifford and the surrounding countryside.

Signature(s)

Date:

ANNEX	
Date Valid	14th January 2021
Date First Advertised	26th January 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 125 Ballinderry Bridge Road Coagh Londonderry The Owner/Occupier, 125a Ballinderry Bridge Road Coagh The Owner/Occupier, 125b Ballinderry Bridge Road, Coagh, Londonderry, BT80 0AY The Owner/Occupier, 126 Ballinderry Bridge Road Coagh Londonderry The Owner/Occupier, 126a Ballinderry Bridge Road Coagh The Owner/Occupier, 128 Ballinderry Bridge Road Coagh Londonderry	
Date of Last Neighbour Notification	25th January 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/0054/O Proposal: Site for a dwelling & domestic garage based on Policy CTY10 (dwelling on a farm) Address: Approx 60m SW of No 125a Ballinderry Bridge Road, Cookstown, Decision: Decision Date: Ref ID: I/1990/0021 Proposal: Retirement Dwelling Address: 125 BALLINDERRY BRIDGE ROAD COAGH Decision: Decision Date: Ref ID: I/2003/0978/Q Proposal: Proposed housing development Address: 126a Ballinderry Bridge Road Coagh Cookstown Decision: Decision Date:	

Ref ID: I/2004/0150/O
 Proposal: Proposed housing development
 Address: 50.0m east of 126A Ballinderry Bridge Road, Coagh, Cookstown, County Tyrone
 Decision:
 Decision Date: 13.10.2004

Ref ID: I/2014/0398/F
 Proposal: Proposed dwelling and garage
 Address: 25m SW of 127 Ballinderry Bridge Road, Cookstown, BT80 8AY,
 Decision: PG
 Decision Date: 11.05.2015

Summary of Consultee Responses

Drawing Numbers and Title

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

Notification to Department (if relevant)

Date of Notification to Department:
 Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0055/O	Target Date:
Proposal: Site for dwelling and garage	Location: Approx 50m North West of no. 33 Lower Grange Road Cookstown
Referral Route: Objection received Exception to policy	
Recommendation:	Approval
Applicant Name and Address: Mr James Wylie 14 Dungannon Road Cookstown BT80 9TL	Agent Name and Address: CMI Planners Ltd 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	DAERA - Omagh	Substantive Response Received
Non Statutory	Rivers Agency	Substantive Response Received
Statutory	Historic Environment Division (HED)	Content

Representations:

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

Summary of Issues

An objection has been received in relation to this application stating it does not fully comply with Policy CTY10, specifically criteria c. No consultees offered any objections.

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits as per the Cookstown Area Plan 2010. The red line of the application consists of part of a larger agricultural field and then extends north into a wooded area. The southern boundary is defined by a low level hedge row, with a dwelling adjacent to this. Part of the northern boundary is undefined being part

of the existing field, until it runs into the wooded area, which has a large number of mature trees. The roadside boundary to the east is defined by a low level hedgerow. The surrounding area is mainly agricultural in nature with a number of single dwellings located throughout the wider landscape.

Description of Proposal

This is an outline planning application for a proposed dwelling and garage on a farm at lands 50m NW of 33 Lower Grange Road, Cookstown.

Planning Assessment of Policy and Other Material Considerations

Cookstown Area Plan 2010
Strategic Planning Policy Statement for Northern Ireland (SPPS)
PPS 21: Sustainable Development in the Countryside
PPS3: Access, Movement and Parking
Mid Ulster Local Development Plan 2030- Draft Plan Strategy

The site is located in the open countryside as defined by the Cookstown Area Plan 2010. 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 dwellings on farms. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

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

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

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

A consultation was issued to DAERA to establish if the farm business is active and have been established for at least 6 years. DAERA responded to confirm the farm business has been in existence for more than 6 years. They also stated the field where the site is proposed is located on lands claimed by another farm business. From this it appears that the land in question have

been let out to another farmer who is claiming Single Farm Payment. I am content criteria A has been met.

Following a search on the planning portal, I am content that no dwellings or development opportunities have been sold off from the farm holding within 10 years of the date of the application.

Criteria C states that any new building should be visually linked with or sited to cluster with an established group of buildings on the farm. From the farm maps provided, the field in which the application site is located is the only land registered to the farm business ID. There are no established group of buildings on the farmland, so therefore it is not possible to cluster or visually link with these. An objection received states that the proposal is not consistent with policy CTY 10 in that there are no buildings on the farmland and therefore, a dwelling should not be approved. The applicant's home address provided is within the settlement limits of Cookstown. As is consistent with Mid Ulster District Council, where there are no other buildings available on or close to the identified farmlands, the best available site is chosen in terms of integration within the countryside as an exception to policy. In terms of the access, there is no existing farm lane, only a field gate to access the field.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that this is an outline application in which the exact design and siting details have not been submitted. Although the site is quite open in the countryside, I am content that it will integrate into the landscape with some additional landscaping to aid integration. The ridge height of the proposed dwelling should be limited to be no higher than 6.5m above finished floor level. This will respect the existing design in the locality and ensure a building is of an appropriate design and not a prominent feature in the landscape.

Policy CTY 14 states planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As stated that an appropriately designed dwelling would not appear as visually prominent. I am of the opinion that the proposed dwelling would not result in a suburban style build-up of development when viewed with existing and approved buildings. From all of this I am satisfied that the application is able to comply with CTY 14.

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.

I have no flooding, ecological or residential amenity concerns.

PPS 3 - Access, Movement and Parking;

DFI Roads were consulted and, in their response, stated that they had no objections subject to conditions.

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Approval

Conditions

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

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

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

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

3. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1.

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

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

Reason: To ensure the dwelling integrates into the landform.

5. 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.

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

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

Informatives

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

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

Signature(s)

Date:

ANNEX	
Date Valid	14th January 2021
Date First Advertised	26th January 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 33 Lower Grange Road Cookstown Tyrone Hayley Dallas Email	
Date of Last Neighbour Notification	6th May 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/0055/O Proposal: Site for dwelling and garage Address: Approx 50m North West of no. 33 Lower Grange Road, Cookstown, Decision: Decision Date: Ref ID: I/1998/0064 Proposal: 33kv overhead line Address: TOWNLANDS OF TULLYCONNELL, KNOCKANROE, SOARN, CRATLEY, DRUMANAWAY, LECK, BALLYVEENY, GLEBE CENTRAL, Decision: Decision Date: Ref ID: I/1991/0125B Proposal: Retirement Dwelling Address: OPPOSITE 32 LOWER GRANGE ROAD COOKSTOWN Decision: Decision Date: Ref ID: I/1992/0126 Proposal: Domestic Garage Address: OPPOSITE 32 GRANGE ROAD COOKSTOWN Decision: Decision Date: Ref ID: I/1991/0125	

<p>Proposal: Retirement Dwelling Address: OPPOSITE 32 LOWER GRANGE ROAD COOKSTOWN Decision: Decision Date:</p>
<p>Summary of Consultee Responses</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 01 Type: Site Location Plan Status: Approved</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department: Response of Department:</p>



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0096/F	Target Date:
Proposal: Retention of existing agricultural shed for machinery and feed stuff	Location: On lands to the East of 15 Tamlaghtmore Road Cookstown
Referral Route: Recommended refusal	
Recommendation:	Refusal
Applicant Name and Address: Mr and Mrs Hutchinson 13 Tamlaghtmore Road Cookstown	Agent Name and Address: Les Ross Planning 9a Clare Lane Cookstown BT80 8RJ
Executive Summary: The proposal has been considered against prevailing policy and all material considerations below. No letters of representation have been received. It is considered the proposal fails to meet the exceptions test within Policy CTY12 of PPS21 in that the proposal is not sited with existing farm sheds on the farm holding and acceptable justification has not been provided for the alternative siting.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Environmental Health	Substantive Response
Statutory	DAERA	Advice

Representations:

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

Characteristics of the Site and Area

The proposal is located in the open countryside, outside any settlement limits as defined in the Cookstown Area Plan 2010. The application site is located immediately SE of the detached dwelling No.15 Tamlaghtmore Road, this dwelling is outside the applicant's ownership. This is a retrospective planning application therefore the agricultural shed subject to this application is currently in place on the site. The shed is finished to a high standard with a concrete laneway and yard surrounding the subject building. There are two existing vehicular access points onto the Tamlaghtmore Road within the red line of the application site, the southern access point forms part of the driveway of No.13 Tamlaghtmore Road. The topography of the site is relatively flat, however the land to the south is at a lower ground level and there is a gentle incline when travelling north along

this portion of Tamlaghtmore Road. Post and wire fencing with some recent planting define the eastern boundary of the site. The proposal is enclosed and screened from public views by existing mature vegetation to the western boundary. The surrounding area is rural in character with a low development pressure typified by large agricultural fields, dispersed single dwellings and farm groups with associated agricultural outbuildings.

Description of Proposal

This is a retrospective application seeking full planning permission for the retention of an existing agricultural shed for machinery and feed stuff on lands to the East of 15 Tamlaghtmore Road, Cookstown.

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

Planning Assessment of Policy and Other Material Considerations

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

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

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland
- Cookstown Area Plan 2010
- 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 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

No relevant planning history.

Key Policy Considerations/Assessment

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining all planning applications. 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. There is no conflict between the SPPS and the relevant planning policy to consider this planning application.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. Policy CTY 12 Agricultural and Forestry Development states that planning permission will be granted for development on an active and established agricultural or forestry holding where the proposal satisfies all the stated criteria. Therefore it is necessary to first consider if the farm business is both active and if it has been established for more than the required period of 6 years. DAERA have confirmed that the farm business stated on the P1C has been established for more than 6 years, however the farm business does not claim payments. Following this the agent has provided further information including a significant number of receipts and invoices ranging from 2016 to present. Based on the information provided, I am content that, the farm business is both active and established for the required time. It is now necessary to assess the proposal against each of the policy tests as follows:-

The proposed development is necessary for the businesses efficient use;

The agent has provided a Supporting Statement which details the agricultural shed is necessary for the safe storage of farm machinery and feedstuffs including hay. The agent has argued that the farm shed is necessary to protect from theft and that the existing sheds on the holding are in a state of disrepair and therefore are unsuitable. Having considered the information provided, I am content the shed is necessary for the efficient use of the agricultural holding.

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

The surrounding area is rural in character. This shed is typical of an agricultural building in terms of its design, size, scale and materials and considered appropriate to its location.

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

It is considered the proposed agricultural shed by its nature (including design, size, scale and materials) integrates onto the site and into the surrounding landscape without detriment to the character of this rural area. The shed is sited to the rear of No.15 Tamlaghtmore Road. It is considered the proposal visually integrates into the local landscape given the existing built form and established vegetation enclosing the application site.

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

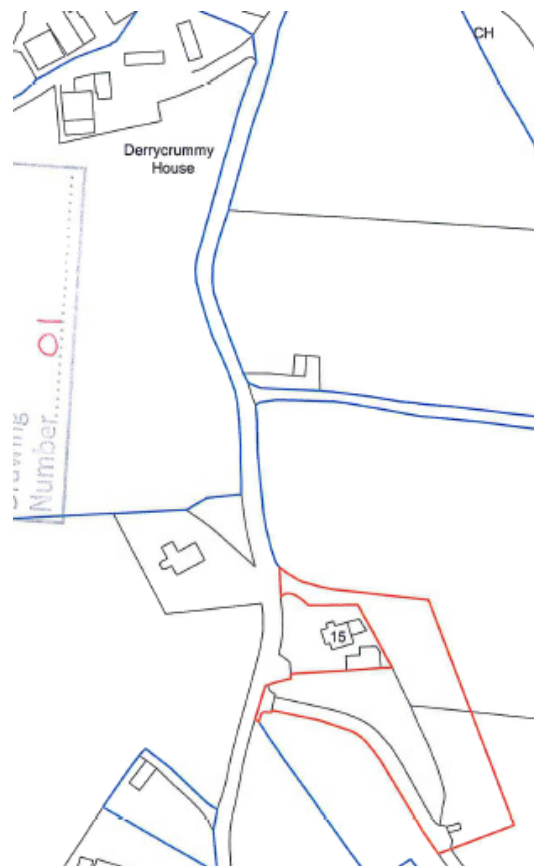
No built or natural heritage interests have been identified on or in close proximity of the site have been identified which may to be impacted by this proposal.

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.

The closest third party occupied dwelling is located approximately 50 metres SE of the site. Environmental Health were consulted and have advised subject to the condition that the shed will be used for storage purposes only they would have no objections. In light of Environmental Health response I am content that the proposal will not result in detrimental impact on residential amenity and consider it reasonable and necessary to attach a condition restricting the use of the shed to storage only, should Members consider planning permission should be granted.

In cases where a new building is proposed, as is the case here, applicants will also need to provide sufficient information to confirm all of the following:
the applicant has no buildings on the holding that can be used;

The agent has provided a supporting statement which advises the existing farm holding is located north of the application site. This farmyard is known as 'Derrycrummy House' and is approximately 220metres from the site. The agent has argued the four buildings at this farm holding are in a poor state of repair and some are in a state of partial dereliction. Whilst no other evidence has been provided to demonstrate these buildings could not be used or adapted for the required purpose, I have no reason to disrepute this assertion therefore I am content based on the information provided that there are no existing buildings on the holding which can be used.



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

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

the proposal is sited beside existing farm buildings.

The proposed shed is not sited beside the existing buildings on the applicants farm holding and is located approx. 220m SE of the farmyard.

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:

- *it is essential for the efficient functioning of the business; or*
- *there are demonstrable health and safety reasons.*

The applicants supporting information argues that the subject shed was necessary to allow the applicant to safely store farm machinery and feedstuffs and that the existing farm yard was ruled out because it is remote from the farmhouse. The agent has argued that as the existing farmyard is not overlooked by a dwelling it is vulnerable to theft and generally inconvenient. Furthermore, the agent has argued that the existing farmyard occupies a prominent position in the surrounding countryside, whereas the application site is well integrated and sited with a group of buildings.

The group of buildings (No.15 and associated garage) which the subject building is sited beside are outside the farm holding, and the applicant's control, therefore cannot be relied upon. Whilst it is noted that the existing farm holding is located at a higher ground level and is more prominent than the application site, this does not mean an additional agricultural building at the existing farmyard could not successfully integrate. It is considered a farm building replacing an existing derelict farm building on the farm yard or a new agricultural building located to cluster with existing farm sheds on an established farm holding could successfully integrate into the landscape and would not significantly impact on rural character. The agent's arguments regarding convenience and security have been considered at internal group with the Principle Planner. Whilst it is accepted that the applicant would prefer the shed to be located closer to his property, the policy explicitly states that the exceptions are where it is essential for the existing function of the business; or where there are demonstrable health and safety reasons. It was considered at the group meeting that neither of these circumstances have been adequately demonstrated. The existing farm holding is located on the same stretch of road than the farm dwelling approximately 280 metres from the applicant's driveway therefore arguments on security from rural crime and usefulness are not accepted to comply with the exceptions test.

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, visually integrate into the surrounding landscape and not harm the rural character of the area. It is considered the design and materials of the shed are traditional to typical farm buildings in the immediate and wider locality and are acceptable in that respect. The siting is acceptable and integrates into

the locality successfully without detrimental impact. The established trees to the west provide integration and the existing dwelling of No.15 partially screens the proposal from public view there the building does not appear overly prominent. It is considered the site and its surrounding environment can accommodate the farm shed without suburban build up or detrimental impact to rural character.

Planning Policy Statement 3: Access, Movement and Parking - DfI Roads have been consulted and have offered no objections however have advised that both access points have restricted sightlines. DfI Roads have suggested an informative advising on the substandard access should Council consider the access to be non-intensification of vehicular movements of the existing farm operation. Having discussed Roads response with the Principle Planner, it is agreed that given it has been successfully been demonstrated that the farm business is established and active and the shed is sought to store the applicant/farmers farm machinery and is sited beside the applicants agricultural fields which are well maintained, this would not represent an intensification of access. Should members consider that the planning permission should be granted, it is considered necessary to attach an informative as suggested by DfI Roads.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The agent's supporting statement acknowledges that the proposal does not neatly meet the relevant policy tests, however argues in the round approval should be granted as the proposal meets the needs of the farm. This will be a matter for consideration by members however it has been considered that the proposal fails to fully comply with the policy provisions of Policy CTY12 of PPS21 and as such it is recommended planning permission is refused.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that it has not been demonstrated that the alternative site away from existing farm buildings is essential for the efficient functioning of the farm business or that there are demonstrable health and safety reasons.

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: 06/07/2021	Item Number:
Application ID: LA09/2021/0103/F	Target Date:
Proposal: One number one and a half storey dwelling, detached garage and associated site works (Change of house type to that already approved under Planning permission I/2006/0905/RM)	Location: 20m West of 24 Annahavil Road Dungannon
Referral Route: 1. Contrary to CTY 1 of PPS 21 in that no need for this dwelling has been demonstrated as planning approval LA09/2020/0316/O was recently approved for a dwelling on the associated farm holding and it has not been demonstrated there is a legitimate fall-back position in that the 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.	
Recommendation:	Refusal
Applicant Name and Address: Miss Lyn Somerville 15 Annahavil Road Dungannon	Agent Name and Address: Noel Somerville Building Services Ltd 110 Skeagh Road Dromara Dromore BT25 2PZ
Executive Summary: I am content the foundations for this development are in place within the latest time frame which is 2 years from the date of the granting of the reserved matters. However when I completed my initial site visit there was no access or visibility splays in place. Condition 2 of I/2006/0905/RM was a pre-commencement condition that the access and splays should be in place before any other works commence. Subsequently I completed a site visit on the 28 th May 2021 and the access, a portion of the access lane and visibility splays are in place.	
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 is outside any settlement limits as defined in the Cookstown 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. There are two dwellings which abut the eastern boundary of the site and across the road is an associated family farm holding.

The application site is a portion of an existing agricultural field and is positioned behind a hump in the field. There are foundations in place at the site from planning approval I/2006/0905/RM. Along the west boundary is a watercourse and a post and wire fence,

and along the northern boundary is a hedgerow. The roadside boundary has a row of established hedgerow.

Description of Proposal

This is a full application for one number one and a half storey dwelling detached garage and associated site works (Change of house type to that already approved under Planning permission I/2006/0905/RM).

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 representations have been received.

Planning History

I/2003/0486/O - Site for dwelling with detached garage - 290 Metres North East of 13 Annahavil Road, Newmills, Dungannon – Permission Granted 18.08.2003

I/2006/0905/RM - 1 New Dwelling with detached garage and associated works - 290 metres North East of 13 Annahavil Road, Newmills, Dungannon – Permission Granted 15.02.2007

These applications above relate to the application site.

LA09/2019/1047/O - Site for one number one and a half storey dwelling, detached garage and associated site works - 20m North of 22 Annahavil Road, Dungannon – Application Withdrawn.

This application was for a site immediately south of the application site and was withdrawn as it did not meet the criteria for a farm dwelling under CTY 10.

LA09/2020/0316/O - Proposed dwelling & garage on a farm - Lands approx 40m NE of No. 15 Annahavil Road, Dungannon for Alan Somerville (Gillian)

The above applications are approvals and withdrawals on the associated farm holding.

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.

Cookstown Area Plan 2010

The site is outside any settlement limits as defined in the Cookstown 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 I/2003/04786/O and I/2006/0905/RM. The outline approval was granted on 18th August 2003 and the reserved matters granted on 14th February 2007. Therefore, works at this site would need to have commenced before 14th February 2009, which is 2 years from the date reserved matters and the latter of the dates for commencement. I completed a site visit where I observed foundations on site. Building control confirmed that a site inspection for foundations was completed on 9th January 2009. I am content, this is before the 14th February 2009 time limit.

There was an access pre commencement condition on both the outline and reserved matters approvals but when I completed my site visit on 2nd March 2021 there was no access or visibility splays in place. Condition 2 of I/2006/0905/RM 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”.

As the access and visibility splays were not in place within the latest date and there is a pre commencement condition the approvals are not still live. However members should be aware that the access and visibility splays are now partially in place. As shown on stamped approved drawing on I/2006/0905/RM there should be visibility splays of 2.4m x 60m. I have included photographs from the site visit on the 25th May 2021. As shown in figure 1 you should be able to see 60m from the access point in both directions and a section of the hedging would still need to be removed.



Figure 1 – access and visibility splay to the west



Figure 2 - access and visibility splay to the west



Figure 3 – Photograph to show the land cleared within the west splay



Figure 4 – Photograph of the access



Figure 5 – Photograph of the access lane

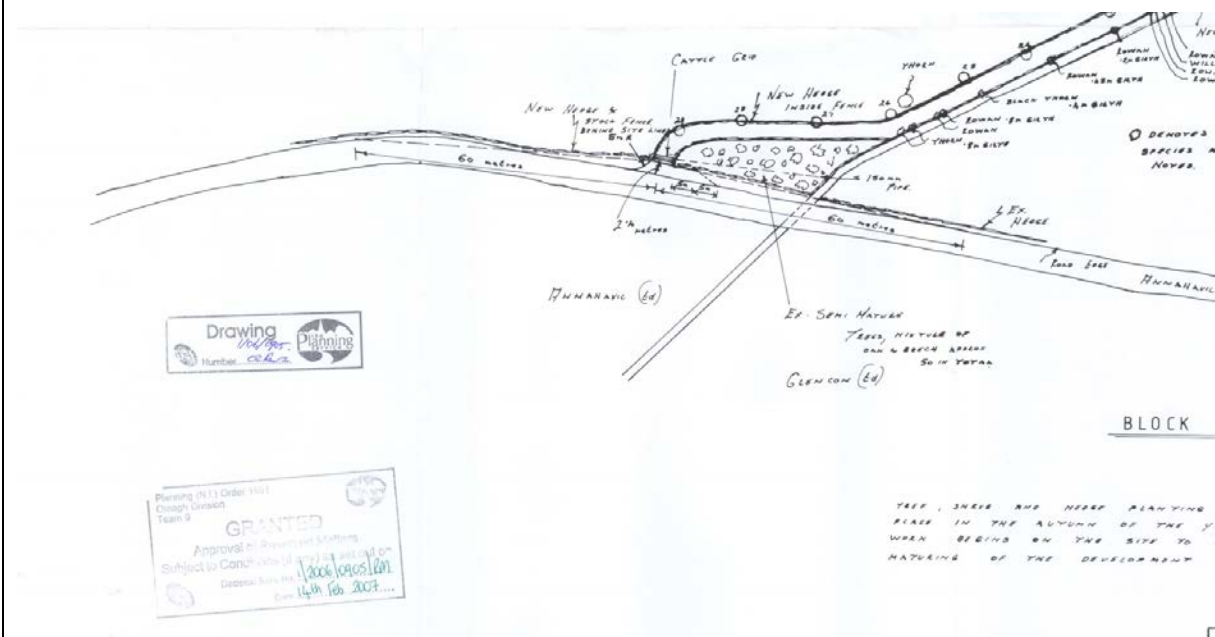


Figure 6 – Screenshot of the approved access in the reserved matters

This application site is part of a farm holding across the road at No. 15 Annahavil Road. Planning approval LA09/2020/0316/O granted permission for a dwelling on a farm on the 4th September 2020 at a site across the road and beside the group of farm buildings. The applicant in LA09/2020/0316/O is a family member of the application which is the subject of this report. The proposed dwelling which is the subject of this application site would not meet any other policy in PPS 21 as the farm case has been used, and it does not meet CTY 3 for a replacement dwelling, or CTY 2a or CTY8 for an infill dwelling. Therefore, as the access was not put in place within the time limit and no evidence has been submitted to show the development commenced in time, there is no fallback position. Also as the

site would not meet any other criteria in PPS 21 the proposal would not meet CTY1 to demonstrate why the dwelling cannot be located within a settlement.

CTY 13 – Integration in the Countryside

The proposal is set back from the public road by 150m and is situated behind a hill in the field as shown in Figure 7 below. Only a portion of the dwelling will be visible from the roadside and will be on the footprint of the existing planning approval. I am content the proposed dwelling will not be a prominent feature in the landscape.



Figure 7 – The application site is behind the hill.

The applicant has proposed landscaping on all boundaries of the site and along the new access lane there will also be new landscaping. I am content the proposal will integrate into the landscape.

In I/2006/0905/RM a one and half storey dwelling was approved with two built in dormer windows on the front elevation. The proposed dwelling has a similar scale and form with a ridge height of 7.5m, built in dormers, a sun room and windows with a vertical emphasis. However, the proposed dwelling has a two-story front projection with a long glass window. The projection and long window is not normally a traditional form for a dwelling in the countryside but as this is set back from the road there are minimal views. The proposed external materials are black concrete roof tiles, smooth plaster walls and oak upvc windows. I am content the design and finishes are acceptable.

The proposal includes a single storey garage with the same external finishes as the existing dwelling. I have no concerns about the scale, massing and design of the garage and will sit behind the dwelling.

CTY 14 – Rural Character

As stated earlier in the assessment I am content the proposal will not be a prominent feature in the landscape. The proposal will not result in a suburban style build-up of development, as there is already minimal development pressure for single dwellings in the immediate area so this one dwelling will not exacerbate the situation. I am content the one and half storey dwelling respects the development pattern in the area. It does not add or create a ribbon of development. I am satisfied the access and garage will not damage rural character.

I have no ecological, built heritage, flooding or residential amenity concerns.

Neighbour Notification Checked Yes

Summary of Recommendation:

The proposal is recommended for refusal as the access and visibility splays were not in place within the required time limit. Condition 2 was a pre commencement condition so the application did not commence within the time limit and there is no fallback position. The proposal would not meet any other policies in PPS 21 – Sustainable Development in the Countryside.

Reasons for Refusal:

1. Contrary to CTY 1 of PPS 21 in that no need for this dwelling has been demonstrated as planning approval LA09/2020/0316/O was recently approved for a dwelling on the associated farm holding and it has not been demonstrated there is a legitimate fall-back position in that the 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)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0115/F	Target Date:
Proposal: Proposed development is to demolish existing building and create a new overflow carpark for the Maghera Leisure Centre within the lands of the PSNI building	Location: PSNI Station 50 Coleraine Road Maghera
Referral Route: <ul style="list-style-type: none"> Mid Ulster District Council Planning Application. Approval recommended which conflicts with statutory consultee advice from DfI Roads. 	
Recommendation:	Approval
Applicant Name and Address: Mid Ulster District Council 80 Burn Road Cookstown BT80 8DT	Agent Name and Address:
Executive Summary: Proposal considered against prevailing planning policy and all material considerations below. No letters of representation received. It is considered the proposal should be granted for a temporary basis. DFI Roads response is considered in more detail below.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Characteristics of the Site and Area

The application site is located within the settlement limits of Maghera as defined in the Magherafelt Area Plan 2015. The application site was previously used as the former PSNI station, however it was noted on the date of the site inspection that this building has been demolished and construction of the proposed car park had begun. On the date of the site inspection, the north and east boundaries were defined by a high security wall associated with the previous use on site and the southern boundary was undefined. Immediately SW of the site is the existing premises of Maghera Leisure Centre with associated Council playing fields to the NW. It is noted that there is a current access from the application site onto the Coleraine Road, however the proposal seeks to utilise the Maghera Leisure Centre access through the existing facilities carpark. The adjacent public road network is a protected route. The site is located within a mix-use area inclusive of residential, police station, recreational, commercial and a school in close proximity.

Description of Proposal

This application seeks full planning permission to demolish the existing PSNI building and create a new overflow carpark for Maghera Leisure Centre.

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 3: (Clarification): Access, Movement and Parking
- DOE - Parking Standards.

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, no third party objections were received.

History on Site

LA09/2020/0469/LDP – Provision of a new 3G pitch (118m x 68m) drainage, fencing and gates, pitch furniture. Provision of a new trim trail around the existing site with associated lighting. Extension to the existing car park area/ whitelining. Demolition of boundary wall and outbuildings at former PSNI site. Upgrade to existing play area. Extension to footpath on Crewe Road - Maghera Leisure Centre, Coleraine Road, Maghera. Former PSNI site, Coleraine Road, Maghera. Crewe Road (footpath extension) – Permitted Development

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 outlines that planning authority should be satisfied that there is a need for public and private car parks, including extensions, by reference to the councils overall parking strategy following a robust analysis by the applicant. In such cases the planning authority should consult with DRD, or the relevant transport authority. Other relevant

planning considerations when determining such proposals will include traffic and environmental impacts and the proposals compatibility with adjoining land uses.

It is noted that there is a previous certificate of lawful development granted on the site for the provision of a new 3g pitch with walking trail, minor extension to car parking and demolition of outbuilding of walls of PSNI building. The proposal will provide a further increase of parking to support these Council facilities. It is therefore considered this car park will assist in supporting the expansion of Council football pitches and the existing leisure centre which is an important facility for the community. Mid Ulster Draft Parking Strategy and Action Plan 2017 identified Maghera and Coalisland as the next largest towns within the district after Magherafelt, Cookstown and Dungannon and states there are forthcoming Public Realm schemes which should consider both on and off-street parking provision. The draft strategy states there should be a particular focus on regular monitoring in order to identify any particular issues. I believe this proposal will enhance the character of the area as it will bring a vacant site back into some use with the replacement of the existing security frontage associated with the previous use on site with a 2.4m fence enhancing the attractiveness of the site and the town. It is not considered the proposal will result in any significant environmental impacts and the proposed use is appropriate to the setting and compatible with the adjacent leisure centre and associated car park use. DFI Roads were consulted on the application and have suggested amendments to the proposed access arrangements which will be considered in greater detail below. It is considered should planning permission be granted, it should be for a limited period to allow for effective monitoring.

Magherafelt Area Plan 2015: The application site is within the settlement limits of Magehra on urban white land however outside the defined town centre boundary. The adjacent Coleraine Road is identified as a protected route. Under Plan Policy SETT 2 Development within Settlement Development Limits - Favourable consideration will only be given to development proposals within settlement development limits, including zoned sites within towns provided that the proposal is sensitive to the size and character of the settlement in terms of scale, form, design and use of materials. I am content that this proposal meets with this criteria in that the car park is of a scale, form, design and use of materials that is in keeping with the size, character and function of the settlement. It respects the opportunities and constraints of the site and its surroundings. The existing security wall to the northern boundary will be reduced to 2.4m which will continue to afford privacy to the adjacent dwellings. It is considered there should be no significant detrimental effect on amenities of neighbouring properties in terms of overlooking, privacy, dominance nor should by the nature of the proposal should there be any noise/odour issues arising as a result of the development. The proposed overflow car park will assist in providing additional parking for visitors to the leisure centre or playing fields during busy times. No built or natural heritage features of significance have been identified on site. The application seeks to utilise the existing leisure centre car park entrance. DFI Roads were consulted and have advised that both the leisure centre and the O'Hara Road have reduced existing turning and queuing lengths of the right turn lane. DFI Roads have asked that the applicant consider the use of the existing PSNI access to provide a more desirable right / left stagger with the O'Hara Road and also allow the respective turning / Queuing lengths of the right turn lane to be extended to facilitate a greater number of vehicles using both junctions without conflicting with each other. DFI Roads response was relayed to the applicant, Technical Services Section of Mid Ulster District Council, who have advised that the leisure centre access is preferred

to provide an overflow carpark for the existing facility and despite requests they have been unable to meet with DFI Roads on this matter. Following internal discussions with the Principle Planner at internal group meeting, it was noted that no clear refusal reason or objection was given by DFI Roads rather an alternative arrangement they would prefer. The group consensus was that a temporary permission is considered an acceptable solution to allow the proposal to supporting the existing facilities for the short term which will allow for the ongoing monitoring of the adjacent road network and any associated traffic implications. The proposal will accommodate visitors to an existing facility providing additional parking for both leisure centre users and visitors to the site using the playing fields. It is considered should the car park be required for a longer period than 3 years, a follow up planning application will be required and DFI Roads will need to be consulted and this will allow for the access arrangements and turning/queuing lengths to be reassessed.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Having considered the above, it is considered the proposal should be granted planning permission for a temporary period of three years.

Conditions:

1. The hereby approved use of the site as an overflow carpark shall be for a limited period and shall be discontinued within 3 years form the date of this permission and the site restored in accordance with a scheme to be submitted to and agreed in writing with Mid Ulster District Council.

Reason: To enable Council to monitor any potential impact the development may have on the adjacent road network.

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.

Signature(s)

Date:

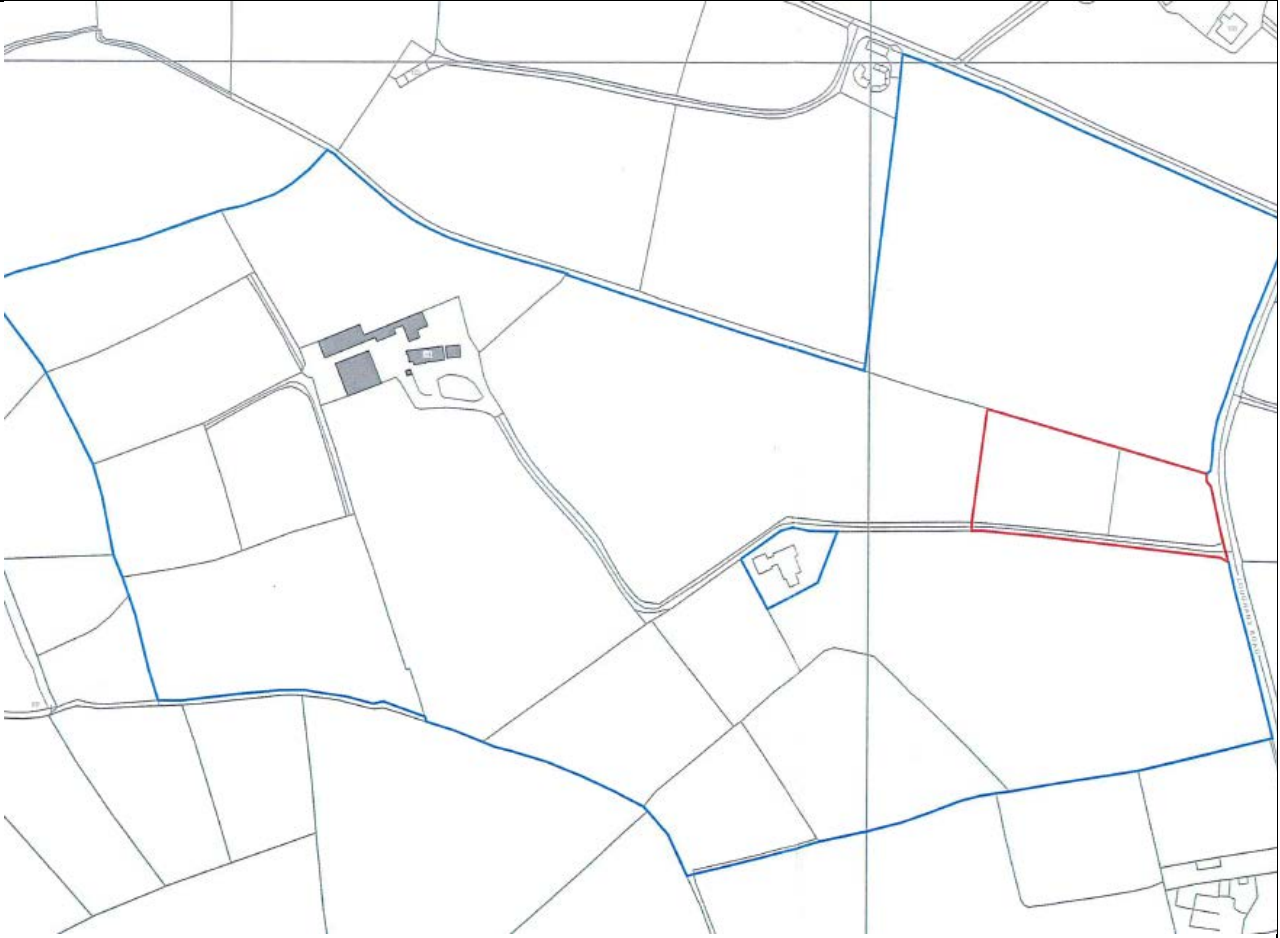


**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0161/O	Target Date:
Proposal: Proposed erection of dwelling house & garage.	Location: Approx 295. SE of 94 Loughans Road Drumfad, Ballygawley, BT70 2LE
Referral Route: Refusal - contrary to CTY 10 and CTY 13 of PPS 21.	
Recommendation:	Refusal
Applicant Name and Address: Kevin Donaghy 94 Loughans Road Drumfad Ballygawley BT70 2LE	Agent Name and Address: HBK Architects Bank Studio 134 Moore Street Aughnacloy BT69 6AA 0289262803
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

There were no representations received in relation to the proposal. However, there are concerns that the proposal is contrary to the policy criteria of CTY 10 and CTY 13 held within PPS 21.

Characteristics of the Site and Area

The site is located at lands approx 295. SE of 94 Loughans Road, Ballygawley. The red line of the site comprises of a roadside portion of a larger agricultural field. The site has existing low level hedging along most of its boundaries, with the western boundary currently undefined. There is existing dwelling and associated farm buildings to the west of the site and a number of agricultural fields surrounding the site outlined in blue, indicating ownership. There is an existing laneway which runs to the south of the site. The area surrounding the site is rural in nature, which scattered single dwellings and their associated outbuildings.

Description of Proposal

Outline planning permission is sought for the proposed erection of dwelling house & garage.

Planning Assessment of Policy and Other Material Considerations

Planning History

M/2011/0728/O - Approx 150m East of 94 Loughans Road, Drumfad, Ballygawley - Erection of dwelling and domestic garage on an active farm – PERMISSION REFUSED

M/2008/0620/F - Approx 230m SE of 94 Loughans Road, Ballygawley - Erection of 2 storey dwelling with car-port & attached domestic garage – PERMISSION GRANTED

M/2006/0149/O - Approx 230m South East of 94 Loughans Road, Killeeshil, Dungannon - Erection of dwelling & domestic garage – PERMISSION GRANTED

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, east of Ballygawley. 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. 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.

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. There is one dwelling located SE of the farm dwelling, however checks were carried out and it has not been transferred in over 10 years, with the latest being 2009. I am content that this criterion has been met.

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. 286m at the closest point to the red line of the site and further from the proposed siting noted within the plans. The topography of the site also means that views of the farm buildings and farm dwelling are not visible from the site itself. The agent has provided a supporting statement, justifying why they have decided on this site which included the argument that the laneway which accesses the

existing farm house (No.94) has visibility issues to vehicles travelling in opposing directions, particularly in winter months due to blind corners.

Given that the applicant has outlined the fields at either side of this laneway in blue and therefore it is reasonable to assume ownership, we feel that the necessary improvements could be made to the laneway to provide a safe access if required. Therefore, we feel that this argument is not strong enough to support a case to support the proposed siting under this application especially noting that there are a number of other alternative sites within the applicant's ownership, which would meet the policy criteria and would visually link with existing farm buildings on the farm. There are no verifiable plans that the farm business is to be expanded also.

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. We would also have some concerns that a dwelling in this location would be somewhat prominent given its elevated setting and lack of any backdrop for the dwelling. There is some degree of hedging along the roadside boundary but this is low lying and wouldn't provide any degree of enclosure or integration for a dwelling at this site.

The applicant has noted that they intend to utilise the existing access from Loughans Road. DfI Roads were consulted and have noted no issues with the proposed access arrangement subject to condition, however it should be noted that if approval were to be granted, we would be asking that the access runs onto the existing laneway which runs south of the site if practicable, as per Policy CTY 10 of PPS 21.

Neighbour Notification Checked	Yes/No
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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 building is a prominent feature in the landscape) and the proposed building fails to blend with the

landform, existing trees, buildings, slopes and other natural features which provide a backdrop). In the case of a proposed dwelling on a farm the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.

Signature(s)

Date:

ANNEX

Date Valid	4th February 2021
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Date First Advertised	16th February 2021
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Date Last Advertised	
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Details of Neighbour Notification (all addresses)
N/A

Date of Last Neighbour Notification	N/A
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Date of EIA Determination	N/A
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ES Requested	Yes /No
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Planning History

Ref ID: LA09/2021/0161/O

Proposal: Proposed erection of dwelling house & garage.

Address: Approx 295. SE of 94 Loughans Road, Drumfad, Ballygawley BT70 2LE.,

Decision:

Decision Date:

Ref ID: M/2011/0728/O

Proposal: Erection of dwelling and domestic garage on an active farm

Address: Approx 150m East of 94 Loughans Road, Drumfad, Ballygawley,

Decision: PR

Decision Date: 18.12.2012

Ref ID: M/2008/0620/F

Proposal: Erection of 2 storey dwelling with car-port & attached domestic garage

Address: Approx 230m SE of 94 Loughans Road, Ballygawley

Decision:

Decision Date: 18.11.2008

Ref ID: M/2006/0149/O

Proposal: Erection of dwelling & domestic garage

Address: Approx 230m South East of 94 Loughans Road, Killeeshil, Dungannon

Decision:

Decision Date: 03.05.2006

Ref ID: M/2011/0557/PREAPP

Proposal: Erection of a dwelling

Address: 94 Loughan's Road, Drumfad, Ballygawley,

Decision:

Decision Date:

Summary of Consultee Responses

DfI Roads: No issue, subject to condition.

DAERA: Confirmed Business ID – active and established.

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:

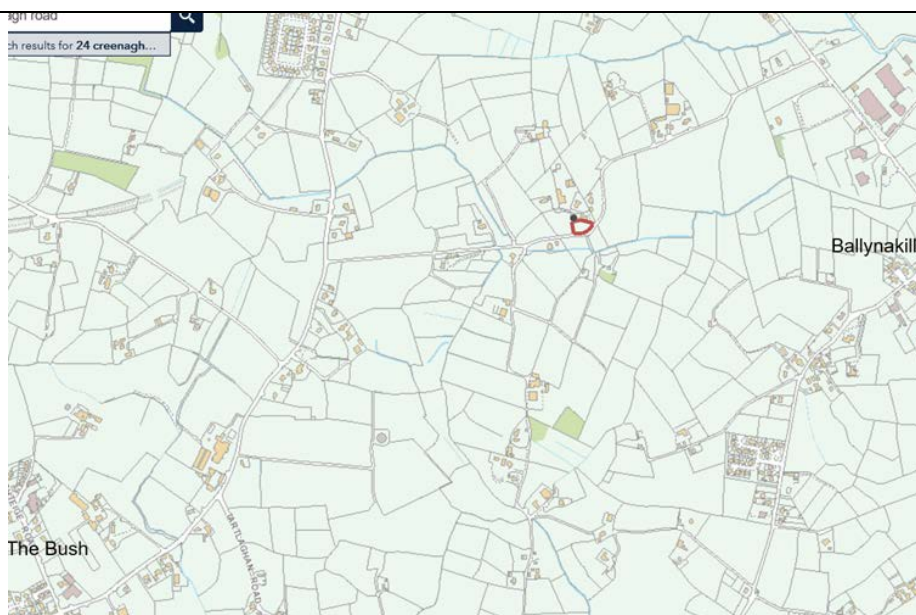


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0260/O	Target Date:
Proposal: Proposed dwelling in existing cluster	Location: Immediately adjacent (South) of 24 Creenagh Road Coalisland
Referral Route: Exception to policy	
Recommendation:	Approval
Applicant Name and Address: Mr Christopher O'Farrell 40 Derrywinnen Heights Dungannon	Agent Name and Address: CD Consulting 75 Creagh Road Tempo Enniskillen BT94 3FZ
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	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

Summary of Issues

No objections were received.

Characteristics of the Site and Area

The site lies in the open countryside a short distance to the West of the settlement limits of Ballynakilly and outside all other areas of constraint as depicted by the DSTAP 2010.

The red line of the site includes a triangular shaped plot of land immediately south of number 24 Greenagh Road, Coalisland, a small local road linking Ballynakilly road to the Bush Road. The site is relatively flat with development to its rear and a road frontage. The north and west boundaries are defined by a dense 2 metre high hedgerow and the front roadside boundary is

defined by a D rail fence. There are a number of small trees scattered along the front portion of the site.



The surrounding area is predominantly rural in nature with a patchwork of agricultural fields bound by small scale hedges and a scattering of individual dwellings or farm holdings. The wider landscape shows some urban influence in the form of commercial or industrial enterprises and the prevalence of roadways.



Immediately to the North of the site there is a commercial access to the neighbouring business, as seen on the signage at the access to the rear of the site (in the picture below), there is a mix of both commercial and industrial premises adjoining the site.



Description of Proposal

The proposal seeks planning permission for a dwelling in a cluster.

Planning Assessment of Policy and Other Material Considerations

SPPS

PPS 1 General Principles

PPS 3 Access, Movement and Parking

PPS 21 Sustainable Development in the Countryside

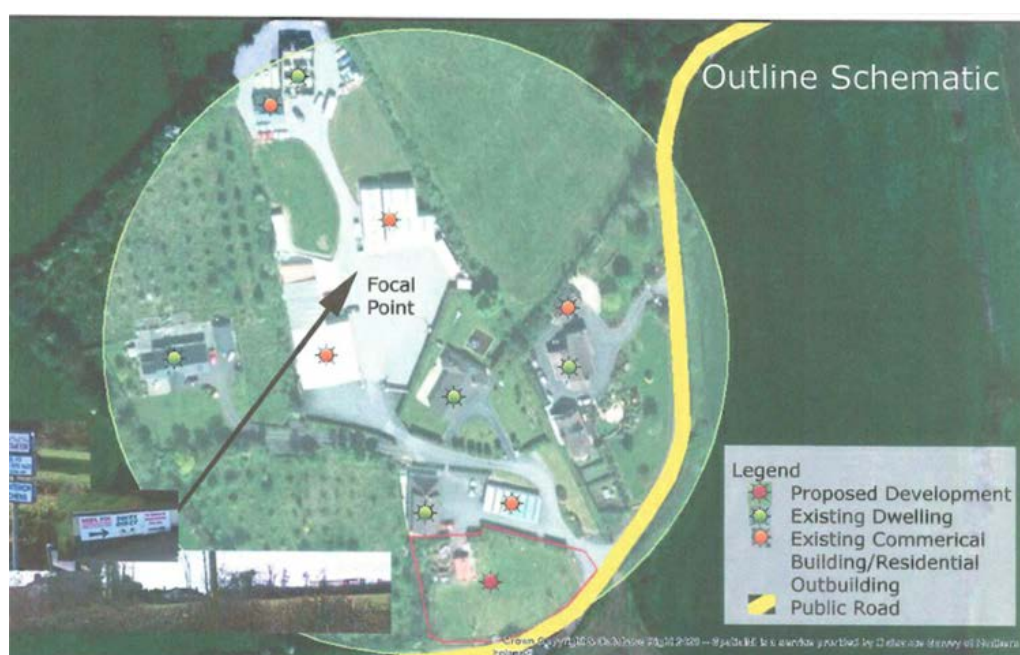
CTY 1 - Development in the Countryside

CTY2a ? New dwellings in existing clusters.

CTY 13 - Integration and Design of Buildings in the Countryside

CTY 14 - Rural Character

The proposal has been described as a dwelling in an existing cluster with a focal point (commercial and industrial premises to the rear) therefore, consideration under CTY 2a ? new dwellings in a cluster is necessary.



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

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

The site does lie outside a farm and consists of 10 buildings of which 5 are dwellings.

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

It is clear from site inspection and the overhead photography that the site appears as visual entity.

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

The cluster is not located at a crossroads however, it is argued that it is associated with a focal point of the industrial and commercial premises to the rear. The ministerial review of PPS21 (July 2013) provides a detailed examination into the existing policy criteria, with specific reference to criteria cty2a the minister highlights the need for appropriate flexibility. Outlining that in the absence of a community building, applicants are free to present other evidence of a focal point. In this case the applicant argues that the focal point has been created by the extensive commercial and industrial development which has occurred at this site. It is argued that this has created a local landmark or hub within this community, in an area which has become a noticeable feature in the area and a key node in the context of the community. The surrounding buildings include a car sales business, a alloy wheel sales company, a furniture store and a vehicle mechanics. It must also be noted that the cluster has been signposted from the nearby Ballynakilly and Creenagh Roads. After numerous discussions with senior management it is my opinion that a cluster of industrial and commercial premises such as this could be described as a destination or place where people would know and congregate frequently and therefore could be considered as a focal point.

In consideration of all of the above it is my opinion that this criteria is met.

- 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 a neat parcel of land with a dense hedgerow enclosing it on three sides with only the front roadside boundary open for viewing. There is a dwelling and a commercial shed to the immediate north, to the North East there is a further dwelling and commercial building, the access runs immediately to the east and the roadside south with an agricultural field to the West. It is my opinion that due to the shape of the site there are five sides, the North, North east, East, south and West, with development on two of these sides. However, it could be argued that this site does not have development on two sides and therefore the application will need to be presented to committee as an exception to policy.



- 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;

It can be seen from any of the overhead photos that the site can easily be absorbed into the cluster with no issues regarding integration. The proposal does not step outside the confines of the existing cluster nor add to or create a ribbon of development in this area. It must also be noted that the site has the benefit of a considerable backdrop of development. The topography of the site along with the existing vegetation are key here as they restrict any long range views of the site.

- Development would not adversely impact on residential amenity.

In terms of residential amenity, the proposal is sited a sufficient distance from the nearest dwelling which also happens to be a family member of the applicant. The dwelling size and siting can be conditions to eliminate any potential detrimental impact on this property. Ridge height 5.5 metres. Siting to the north portion of the site.

In conclusion it is my opinion that the proposed site complies with all of the above criteria and therefore is in compliance with CTY2a.

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 size and scale that is comparable to the dwellings in the vicinity. Furthermore as the site has existing buildings on two sides and decent boundary vegetation it is considered that the site has the capacity to absorb a dwelling of a suitable size and scale. I have no concerns regarding integration. 5.5m ridge.

In terms of policy CTY14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It is considered that the site and its surrounding environs are suitable for absorbing a

dwelling of a suitable size and scale. I would recommend imposing a height (5.5m) to the application site.

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.

Recommendation Approval.

Neighbour Notification Checked

Yes

Conditions

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

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

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

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

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

3. Prior to commencement of any development hereby approved, the vehicular access as detailed in the attached form RS1, including visibility splays of 2.4mx 35.0m in both directions and forward sight distance of 35m, shall be provided in accordance with a 1/500 scale site plan as submitted and approved at Reserved Matters stage. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter

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

4.The proposed dwelling shall have a ridge height of less than 5.5 metres above finished floor level.

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

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

Reason: In the interest of visual amenity.

6. 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; details of a native species hedge to be planted to the rear of the visibility splays and 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: To ensure the provision, establishment and maintenance of a high standard of landscape.

Informatives

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

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

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

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

Provision shall be made to the satisfaction of DFI Roads Service, to ensure that surface water does not flow from the site onto the public road.

Provision shall be made to the satisfaction of DFI Roads Service, to accommodate the existing roadside drainage and to ensure that surface water does not flow from the public road onto the site.

Signature(s)

Date:

ANNEX	
Date Valid	22nd February 2021
Date First Advertised	9th March 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 2 Creenagh Lane,Dungannon,Tyrone,BT71 6RB The Owner/Occupier, 24 Creenagh Road Coalisland Tyrone The Owner/Occupier, 26 Creenagh Road Coalisland Tyrone The Owner/Occupier, 26b Creenagh Road Coalisland The Owner/Occupier, 28 Creenagh Road, Coalisland, Tyrone, BT71 6HB The Owner/Occupier, 28 Creenagh Road,Coalisland,Tyrone,BT71 6RA The Owner/Occupier, 30 Creenagh Road Coalisland Tyrone	
Date of Last Neighbour Notification	4th March 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2021/0260/O Proposal: Proposed dwelling in existing cluster Address: Immediately adjacent (South) of 24 Creenagh Road, Coalisland, Decision: Decision Date: Ref ID: M/1995/0555 Proposal: Erection of Dwelling Address: 26 CREENAGH ROAD DUNGANNON Decision: Decision Date: Ref ID: M/2011/0631/F Proposal: Dwelling with Detached Garage Address: 110m North West of 28 Creenagh Road Dungannon, Decision: PG	

Decision Date: 14.09.2012

Drawing Numbers and Title

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



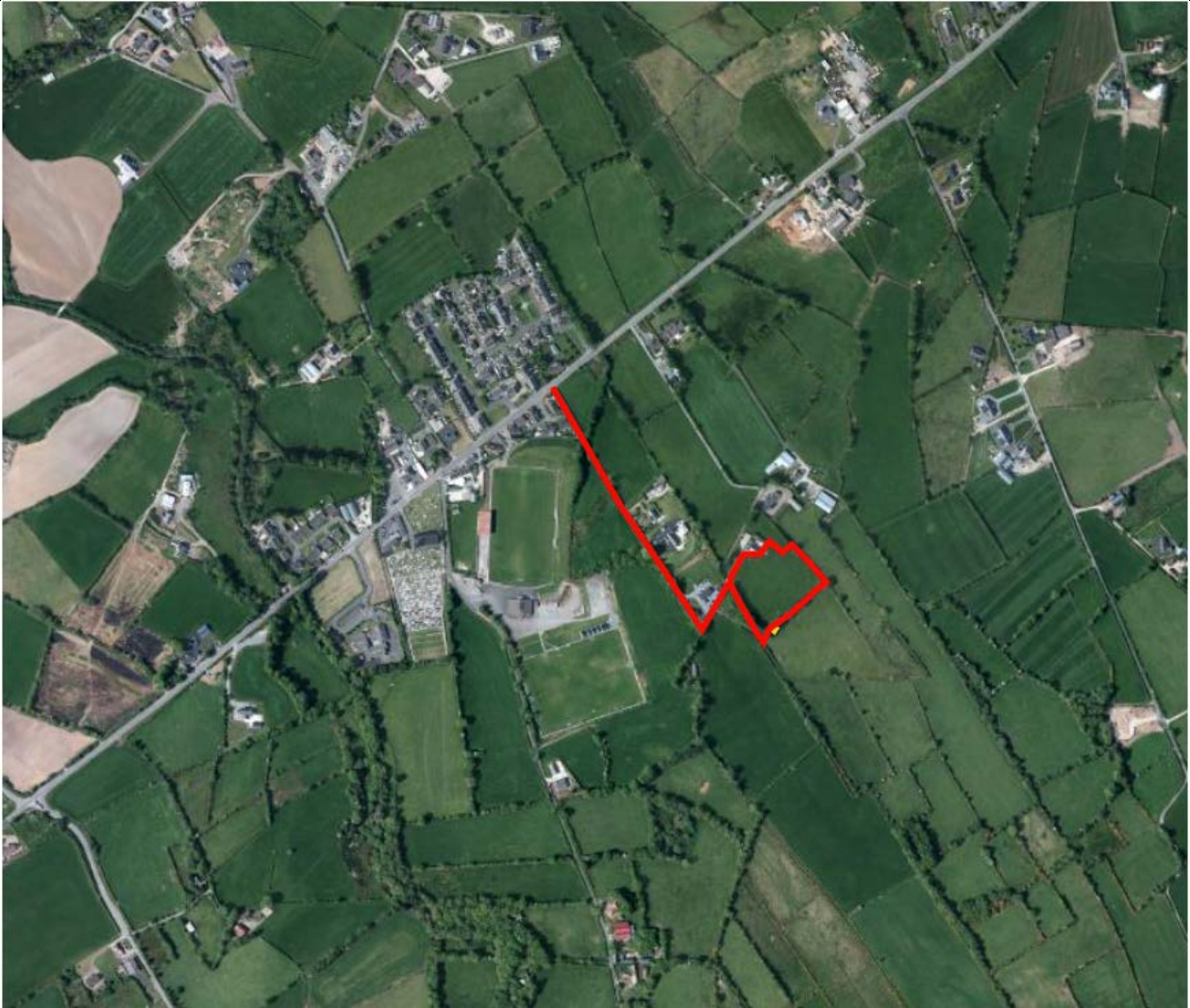
Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0264/O	Target Date:
Proposal: Proposed dwelling and garage	Location: Site adjacent to 60 Sixtowns Road Draperstown
Referral Route: This application is being presented to Committee as it is being recommended for refusal.	
Recommendation:	REFUSE
Applicant Name and Address: Mr Peter Conway 60 Sixtowns Road Draperstown	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection

Representations:

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

Summary of Issues

No representations have been received in respect of this application.

Characteristics of the Site and Area

The site is an agricultural field accessed via an existing laneway serving five dwellings in addition to surrounding farmland. The site boundaries are defined as follows:-

North – conifer hedgerow;

South/East & West – sporadic mature hedgerows

There is a single storey dwelling at No.60 which is the applicants address. There is a small agricultural building with a corrugated iron clad roof located in the adjoining field close to the south western corner of the site. The adjoining field is not within the applicant's ownership.

There are no critical views of the site until reaching the existing entrance to the field due to the existing topography and the intervening vegetation between the site and the public road.



Description of Proposal

The proposal is an outline application for a site for a dwelling and garage. A supporting statement accompanied the application and provided justification for a dwelling and garage within an existing cluster as provide for under Policy CTY 2A of PPS 21.

Planning Assessment of Policy and Other Material Considerations

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

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

The main planning policies in the assessment of this application are:-

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

CTY 1 – Development in the Countryside

CTY 2A – New Dwellings in Existing Clusters

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

CTY 14 – Rural Character

PPS 3 – Access, Movement and Parking;

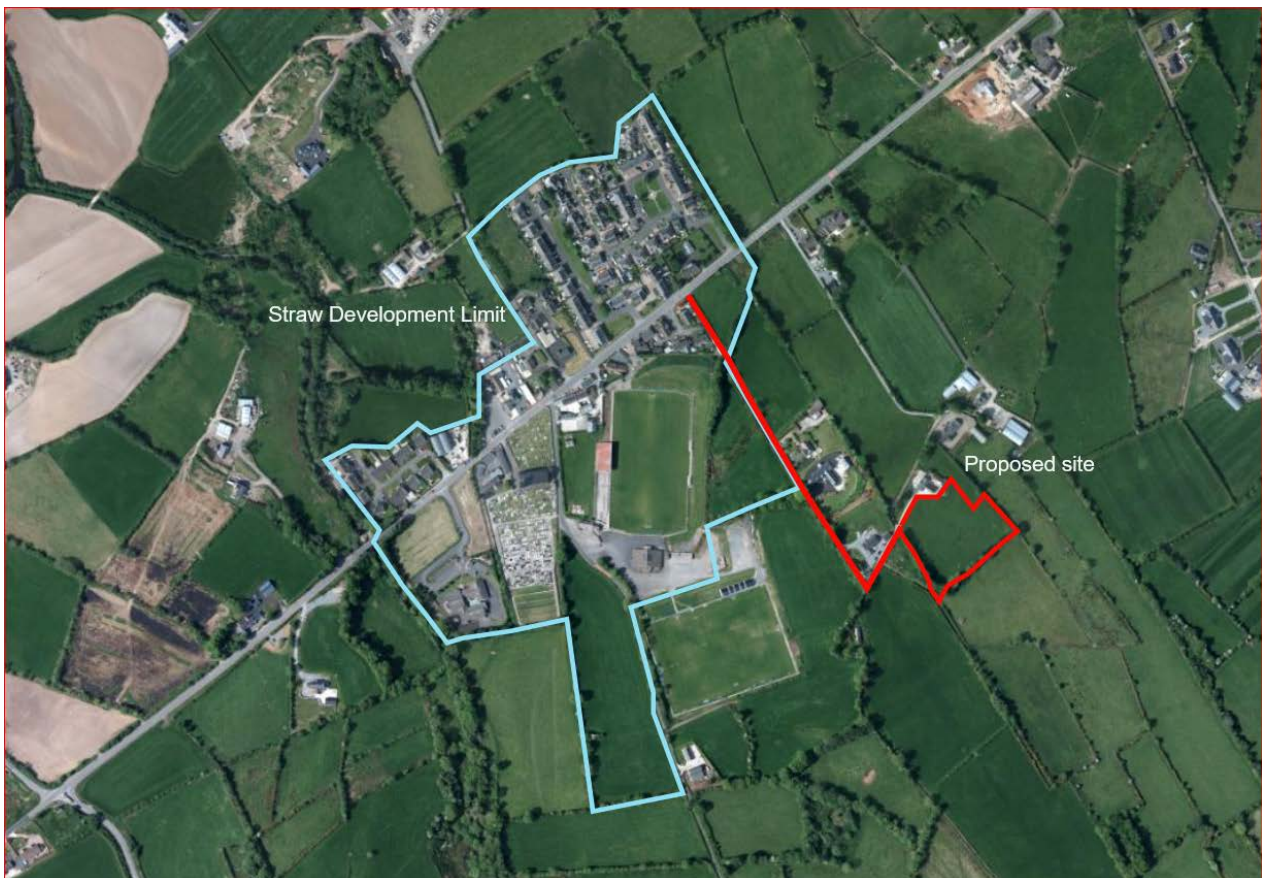
The Strategic Planning Policy Statement (SPPS) provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present,

the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9 as these policies are cancelled by the introduction of the SPPS.

The proposal accords with the Magherafelt Area Plan 2010 insofar as it is for a single dwelling in a rural area.

PPS 21 Policy CTY 1 advises that 'there are a range of types of development which in principle are considered to be acceptable in the countryside', including new dwellings in existing clusters in accordance with Policy CTY 2A. Proposals for such development will continue to be considered in accordance with existing published planning policies.

The applicant has submitted a supporting statement to justify the proposed development and to demonstrate how it should be considered acceptable under policy CTY 2A – New Dwellings in Existing Clusters.



The proposed site in relation to the boundary of Straw settlement

PPS 21 – Policy CTY 2a states that planning approval will be granted for a dwelling at an existing cluster provided that the proposal satisfies all of the stated criteria :-

- The cluster lies outside of a farm holding which has more than four buildings of which at least three are dwellings;

The supporting statement states that the site has 7 no. dwellings, storage buildings and Dean McGlinchey Park in the immediate vicinity with a further number of dwellings and buildings within the wider cluster. Although there is a visible cluster of development at Straw, which is defined as a

settlement in the Magherafelt Area Plan 2015, that cluster is in excess of 200m from the site. Therefore the site is not associated with an existing cluster of development;

- the cluster appears as a visual entity in the local landscape;
Although the settlement of Straw undoubtedly appears as a visual entity when viewed on approach from any direction, the proposed site is in excess of 200m from this and due to the topography of the surrounding landscape, the site is not visible from the public road system nor from any shared laneway from which there is a public interest. Therefore the site does not appear as part of nor have any association with the existing cluster;
- the cluster is associated with a focal point such as a social/community building/facility, or is located at a crossroads;
Although the cluster of development at Straw is clearly associated with several focal points such as Dean McGlinchey Park, St. Columbkille's RC Church, St. Columba's primary school and the local public house, the site has no linkage with the cluster either visual or otherwise and therefore it cannot be regarded as being at an existing cluster. Although it is acknowledged that there may be 5-6 dwellings with associated outbuildings/farm buildings in close proximity to the proposed site, there is no focal point at this location;
- The site provides a suitable degree of enclosure and has development on at least two sides;
Although the field has boundaries on all sides, however, at 1.15ha it is considered too large to accommodate a single dwelling. Therefore a dwelling would realistically have to be positioned close to the existing dwelling at No.60. In such case, at least the south eastern boundary would be undefined. However this is not considered to be critical, as a dwelling on the site would not be visible from a point of public interest.

The site as proposed has a single dwelling at the northern corner with a small agricultural shed at the southern corner. As discussed above, the proposed site at 1.15ha is considered too large to accommodate a single dwelling and consequently any dwelling on this site would fail to be bounded by development on at least two sides. Notwithstanding the above, in my opinion, the site as outlined in red does not have development on at least two sides as the single shed to the southern corner only extends 16m along a boundary of 120m. Therefore it is not accepted that the site has development on at least two sides. The site therefore fails this policy test.



The site is not bounded on two sides by existing development. The small storage building can be seen highlighted in yellow at the southern corner of the site

- 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;
Given that the proposed site is not considered to be associated with an existing cluster, it cannot be absorbed into such a cluster and therefore it fails this policy test;
- The development would not adversely impact on residential amenity;
Whilst this is only an outline application and details of the proposed dwelling are not available at this stage, any such dwelling could be sensitively designed so as to have a minimal impact on the existing dwellings to the north and west.

Policy CTY 13 – Integration and Design of Buildings in the Countryside is also relevant as the proposal is for a new dwelling in the countryside. Due to the location of the site and the extent of the existing vegetation both within and surrounding the site, a dwelling with a ridge height of 5.5m maximum above finished floor level could achieve an acceptable degree of integration.

Policy CTY 14 – advises that the proposal will be granted approval provided it does not cause a detrimental change to, or further erode rural character. The proposed dwelling will not be prominent due to being sited well back of the public road and due to the both the topography of the site and the existing vegetation it will not be read with nor will it be intervisible with any of the existing buildings in the immediate area. There will be very limited views of the site from the shared laneway and therefore the proposal will not result in a suburban style build-up, it will not create ribbon development, nor will the ancillary works damage rural character.

<p>PPS 3 – Access, Movement and Parking – The proposed dwelling will be accessed via an existing laneway and consequently DfI Roads have advised that the proposal is acceptable in terms of access subject to a satisfactory block plan being provided as part of the reserved matters application.</p> <p>All consultees responded positively and no issues of concern were raised.</p> <p>Recommendation</p> <p>Given the above assessment I am firmly of the opinion that the proposed development is contrary to Policies CTY 1 and CTY 2a.</p>	
Neighbour Notification Checked	Yes
<p>Summary of Recommendation:</p> <p>Refuse for the reasons stated below</p>	
<p>Refusal Reasons :</p> <ol style="list-style-type: none"> 1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. 2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that: <ul style="list-style-type: none"> the proposed site is not associated with an existing cluster of development which appears as a visual entity in the local landscape; the proposed site is not associated with a focal point, nor is it located at a cross-roads; the proposed site is not bounded on at least two sides with other development in the cluster; and the proposed dwelling cannot be absorbed into an existing cluster through rounding-off or consolidation. 	
<p>Signature(s)</p> <p>Date:</p>	

ANNEX	
Date Valid	23rd February 2021
Date First Advertised	9th March 2021
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 1 Shanmullagh Park Draperstown Londonderry</p> <p>The Owner/Occupier, 1 The Orchard, Draperstown, Londonderry, BT45 7GG</p> <p>The Owner/Occupier, 2 Shanmullagh Park Draperstown Londonderry</p> <p>The Owner/Occupier, 3 Shanmullagh Park Draperstown Londonderry</p> <p>The Owner/Occupier, 54 Sixtowns Road Draperstown Londonderry</p> <p>The Owner/Occupier, 54B Sixtowns Road Draperstown</p> <p>The Owner/Occupier, 54a Sixtowns Road Draperstown</p> <p>The Owner/Occupier, 55 Sixtowns Road Draperstown Londonderry</p> <p>The Owner/Occupier, 56 Sixtowns Road Draperstown Londonderry</p> <p>The Owner/Occupier, 57 Sixtowns Road Draperstown Londonderry</p> <p>The Owner/Occupier, 58 Sixtowns Road Draperstown Londonderry</p> <p>The Owner/Occupier, 58a Sixtowns Road Draperstown</p> <p>The Owner/Occupier, 60 Sixtowns Road Draperstown Londonderry</p> <p>The Owner/Occupier, 62 Sixtowns Road Draperstown Londonderry</p>	
Date of Last Neighbour Notification	30th March 2021
Date of EIA Determination	N/A
ES Requested	No

Planning History

Ref ID: LA09/2020/1153/O

Proposal: Infill site for dwelling and garage

Address: Approx 30m Nort of 60 Sixtowns Road, Draperstown.,

Decision:

Decision Date:

Ref ID: LA09/2021/0264/O

Proposal: Proposed dwelling and garage

Address: Site adjacent to 60 Sixtowns Road, Draperstown,

Decision:

Decision Date:

Ref ID: H/2004/0199/O

Proposal: Site of dwelling house and garage.

Address: Site at 62 Sixtowns Road, Draperstown.

Decision:

Decision Date: 24.02.2005

Ref ID: H/2007/0249/RM

Proposal: Dwelling and garage.

Address: 62 Sixtowns Road, Draperstown

Decision:

Decision Date: 25.06.2007

Ref ID: H/2007/0344/Q

Proposal: Removal of excess soil from one field to another

Address: Lands adjacent to Sixtowns Road Draperstown

Decision:

Decision Date:

Ref ID: H/1988/0483

Proposal: ALTS AND ADDS TO BUNGALOW

Address: 60 SIXTOWNS ROAD SHANMULLAGH LANE STRAW DRAPERSTOWN

Decision:

Decision Date:

Ref ID: H/2005/0146/F

Proposal: Erection of Residential Housing Development

Address: Site Opposite 55/57 Sixtowns Road, Straw, Draperstown

Decision:

Decision Date: 18.02.2009

Ref ID: H/1996/6067

Proposal: HOUSING DEVELOPMENT STRAW DRAPERSTOWN

Address: STRAW

Decision:

Decision Date:

Ref ID: H/2009/0275/F

Proposal: Proposed change of house types to ones previously approved on sites 15-20 and sites 25-29 in H/2005/0146/F and alterations to existing private laneway at Sixtowns Road for residential purposes.

Address: Opposite no's 55 & 57 Sixtowns Road, Straw, Draperstown

Decision:

Decision Date: 20.10.2009

Ref ID: H/1993/0037

Proposal: 2 NO SEMI DETACHED DWELLINGS AND ESTATE ROAD

Address: ADJ TO 68 SIXTOWNS ROAD DRAPERSTOWN

Decision:

Decision Date:

Ref ID: H/2001/0096/O

Proposal: Revised access to approved residential development lands (H/2001/0096/

Address: Land Beside, Behind And Opposite 55/57 Sixtowns Road, Straw, Draperstown

Decision:

Decision Date: 21.05.2001

Ref ID: H/2000/0104/O

Proposal: Site of residential development.

Address: Land Beside, Behind And Opposite 55/57 Sixtowns Road, Straw, Draperstown

Decision:

Decision Date: 05.02.2001

Ref ID: H/2004/0156/O

Proposal: Site of residential development.

Address: Lands beside, behind and opposite 55/57 Sixtowns Road, Straw, Draperstown.

Decision:

Decision Date: 12.10.2004

Ref ID: H/2002/0478/Q

Proposal: Development of land

Address: Land adjoining 55/57 Sixtowns Road, Draperstown

Decision:

Decision Date:

Ref ID: H/1992/0251

Proposal: SITE OF RESIDENTIAL DEVELOPMENT

Address: ADJ TO 68 SIXTOWNS ROAD DRAPERSTOWN

Decision:

Decision Date:

Ref ID: H/1974/0236

Proposal: 11KV AND M/V O/H LINES (C.4489)

Address: STRAW, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2000/0844/O

Proposal: Site of dwelling and garage
Address: 450 metres South East of 69 Sixtowns Road, Draperstown
Decision:
Decision Date: 16.10.2001

Ref ID: H/2005/0709/O
Proposal: Site of domestic dwelling and garage.
Address: Site adjacent to 60 Sixtowns Road, Draperstown.
Decision:
Decision Date:

Ref ID: H/1994/0092
Proposal: ALTS AND ADDS TO DWELLING
Address: 60 SIXTOWNS ROAD DRAPERSTOWN
Decision:
Decision Date:

Ref ID: H/2004/0467/O
Proposal: Site of Dwelling and Garage.
Address: 70 metres South West of 60 Sixtowns Road, Draperstown.
Decision:
Decision Date:

Ref ID: H/2003/0922/O
Proposal: Site of dwelling and garage.
Address: 70m North of 58 Sixtowns Road, Draperstown.
Decision:
Decision Date: 20.02.2004

Ref ID: H/2004/1053/RM
Proposal: Proposed Dwelling and Garage (outline H/2003/0922/0)
Address: 70m North of Sixtowns Road, Draperstown
Decision:
Decision Date: 04.01.2005

Ref ID: H/1996/0005
Proposal: SITE OF DWELLING
Address: 54 SIXTOWNS ROAD DRAPERSTOWN
Decision:
Decision Date:

Ref ID: H/1999/0239
Proposal: SITE OF DWELLING AND GARAGE
Address: ADJACENT TO 54 SIXTOWNS ROAD DRAPERSTOWN
Decision:
Decision Date:

Ref ID: H/2001/0358/F
Proposal: Dwelling and Double Garage
Address: Adjacent to 54 Sixtowns Road, Draperstown
Decision:

<p>Decision Date: 05.07.2001</p> <p>Ref ID: H/2012/0156/F</p> <p>Proposal: 33kv Overhead Powerline</p> <p>Address: Townlands: Drumard, Cahore, Cloughfin, Straw, Mountain Brackagh, Corick,</p> <p>Decision: PG</p> <p>Decision Date: 19.11.2012</p>
<p>Summary of Consultee Responses</p> <p>The consultees did not raise any issues of concern.</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 01</p> <p>Type: Site Location Plan</p> <p>Status: Submitted</p> <p>Drawing No. 02</p> <p>Type: Site Layout or Block Plan</p> <p>Status: Submitted</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department:</p> <p>Response of Department:</p>



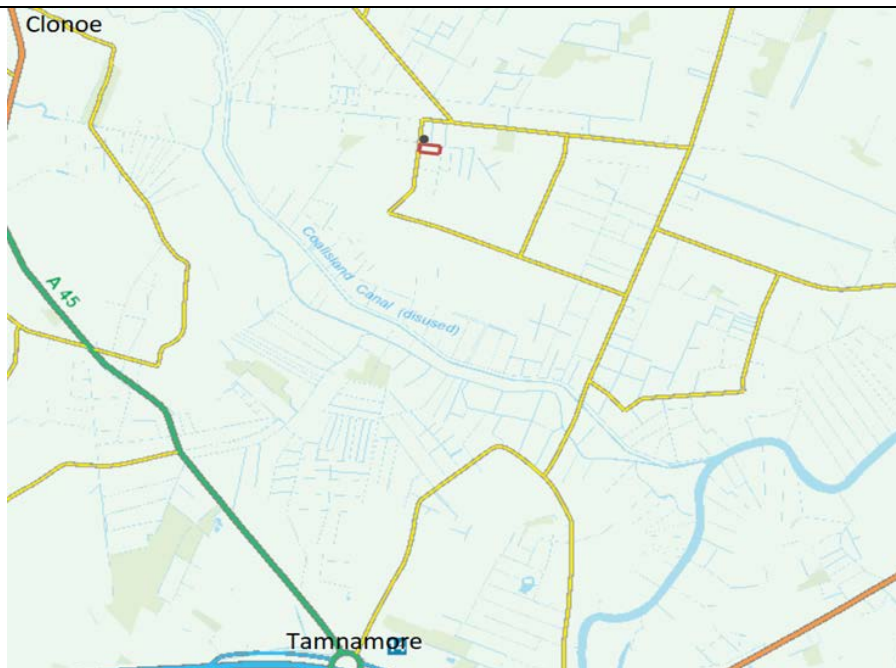
Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0299/O	Target Date:
Proposal: Two storey dwelling	Location: Infill gap site between No's 85 & 89 Derrytresk Road Coalisland
Referral Route: Contrary to policy	
Recommendation:	Refusal
Applicant Name and Address: Mr Eamon Hagan Derrytresk Road Coalisland	Agent Name and Address: McKeown & Shields Associates Ltd 1 Annagher Road Coalisland BT71 4NE
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

No objections have been received.

Characteristics of the Site and Area

The site lies within the open countryside a short distance to the north of Tamnamore roundabout and the M1 motorway and also to the South East of the settlement limit of Clonoe. It lies outside all other areas of constraint as depicted by the DSTAP 2010.

The red line of the site is rectangular in shape and includes the Northern half of a large agricultural field. It is bounded along the roadside west, rear east and northern boundaries by a row of mature trees and thick vegetation. The remaining southern boundary is undefined on the ground. The site lies just slightly below the road which is a single lane carriageway.

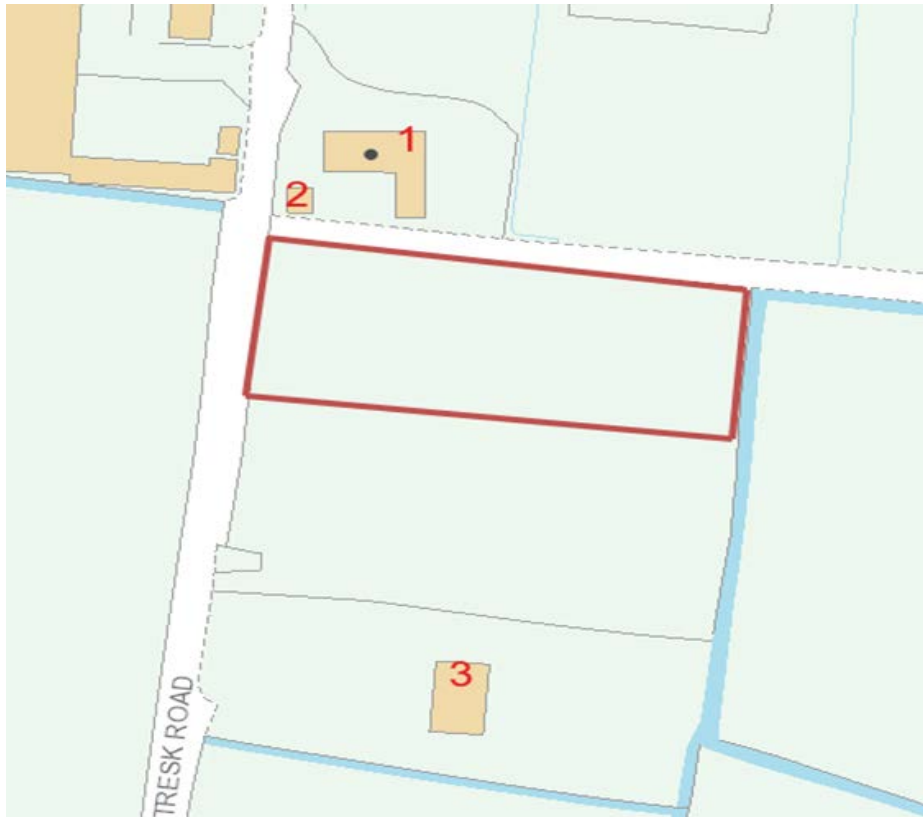


There is a newish two storey detached dwelling to the south and a bungalow to the North. The wider area is predominantly rural in nature with a scattering of farm holdings and single dwellings located along the roadside. Lough Neagh is also situated to the far east of the site.



Description of Proposal

The proposal seeks outline planning permission for a single infill site.



Planning Assessment of Policy and Other Material Considerations

Assessment

Regional Development Strategy

Dungannon and South Tyrone Area Plan (DSTAP) 2010

PPS3

PPS21

- Policy CTY 1 - Development in the Countryside
- Policy CTY 8 ? Ribbon development
- Policy CTY 13 - Integration and Design
- Policy CTY 14 - Rural character

Strategic Planning Policy Statement (SPPS)

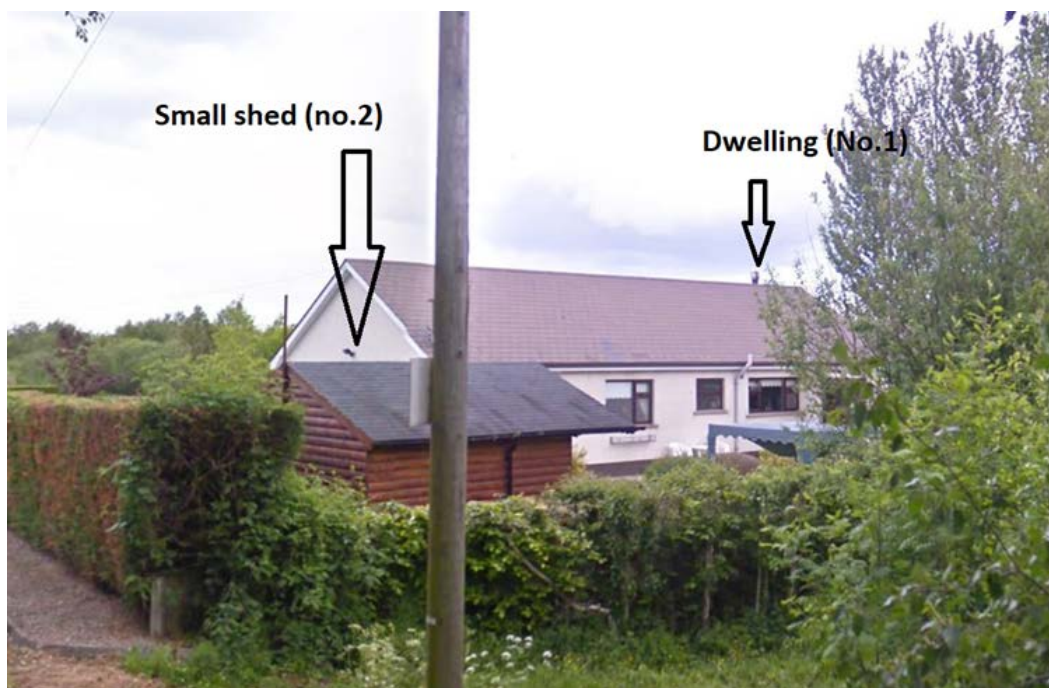
The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within retained policy documents together with the SPPS. 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 SPPS retains PPS21: Sustainable Development in the Countryside and PPS 3: Access, Movement and Parking which are relevant policies under which the proposal should be considered

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

Objections / comment received from 3rd Parties;

There have been no objections / comments received in relation to this proposal.

Policy CTY8 is to prevent ribbon development although it does allow development within gap sites. To the South of number 89 Derrytresk road, there is a gap of approx. 110 metres building to building or 75 metres plot frontage. The red line of the site for this application includes the northern half of the gap. The site lies in the middle of a dwelling to the south (no.3 in above drawing) and a dwelling (no.1 below) and a very small timber shed (no.2 below) to the North. The dwelling and the shed are in line with the road and not side by side to form a row and use the same access.



In my opinion according to the policy this row does not constitute the definition of a substantially built up frontage as the small timber shed would not be considered a building therefore leaving only two buildings in the row. The gap between the frontages of development is approx. 75 metres and is therefore sufficient to accommodate no more than 2 dwellings when taking into account existing plots sizes of between 30m and 45m and the roadside frontage size of surrounding dwellings. Therefore I consider the proposal is contrary to policy CTY8 of PPS21.

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 consider that a dwelling could blend in successfully with its immediate and wider surroundings if it were of a size and scale that is comparable to the dwellings and other buildings in the vicinity. Furthermore as the site has existing buildings on both sides and decent boundary vegetation to the rear and sits lower than the road, I considered that the site has the capacity to absorb a dwelling of a suitable size and scale. I have no concerns regarding integration albeit imposing a ridge height restriction of 6 metres.

In terms of policy CTY14 planning permission will only be granted for a building in the countryside where it is not a prominent feature, does not cause a detrimental change to, or further erode the rural character of an area. It is considered that the site and its surrounding environs are suitable for absorbing a dwelling of a suitable size and scale. I would recommend imposing a height of 6 metres and landscaping to the rear of the application site.

Conclusion

The proposed site does not fall within a row which can be considered a substantially built up frontage and as such is contrary to PPS21 CTY 8.

Recommendation refusal.

Neighbour Notification Checked

Yes

Refusal Reasons

1. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Derrytresk Road and cannot be considered an exception to policy as it does not constitute a substantially built up frontage.

Signature(s)

Date:

ANNEX	
Date Valid	25th February 2021
Date First Advertised	16th March 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 83 Derrytresk Road, Coalisland, Tyrone, BT71 4QL The Owner/Occupier, 85 Derrytresk Road, Coalisland, Tyrone, BT71 4QL The Owner/Occupier, 89 Derrytresk Road Coalisland Tyrone The Owner/Occupier, 90 Derrytresk Road Coalisland Tyrone The Owner/Occupier, 90 Derrytresk Road, Coalisland, Tyrone, BT71 4QL The Owner/Occupier, 92 Derrytresk Road Coalisland Tyrone The Owner/Occupier, 93 Derrytresk Road, Coalisland, Tyrone, BT71 4QL	
Date of Last Neighbour Notification	23rd March 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2021/0299/O Proposal: 2 storey dwelling Address: Infill gap site between No's 85 & 89 Derrytresk Road, Coalisland, Decision: Decision Date:	
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

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0490/F	Target Date:
Proposal: Ground floor bedroom & shower room extension to side of property with ramped access for persons with disabilities.	Location: 10 Sandy Row Coalisland BT71 4JB.
Referral Route: Objection	
Recommendation: Approve	
Applicant Name and Address: Michael Devlin 10 Sandy Row Coalisland BT71 4JB	Agent Name and Address: Michael Herron Architects 2nd Floor Corner House 64-66a Main Street Coalisland BT71 4NB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	DETI - Geological Survey (NI)	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Standing 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
<p>Description of Proposal</p> <p>This is a full planning application for a single storey gable extension with ramped access for persons with disabilities to an existing 2-storey end terrace dwelling located at 10 Sandy Row Coalisland BT71 4JB.</p> <p>The extension, which is to accommodate and provide access to a ground floor bedroom & shower room, has a simple rectangular floor plan with a pitched roof construction and finishes to match the dwelling. It measures approx. 7m in width (gable depth) by approx. 4.2m in length (frontage) by approx. 3.6m in height above FFL (main roof of the dwelling approx. 7.1m above FFL).</p>	
<p>Characteristics of the Site and Area</p> <p>The site is located within Coalisland Settlement Limits just within the Town Centre, as defined by the Dungannon and South Tyrone Area Plan.</p> <p>The site is a small square shaped plot containing a 2-storey end terrace dwelling, no. 10 Sandy Row Coalisland, and its curtilage. The dwelling, which has a simple rectangular shaped floor plan and pitch roof construction, has a 2 storey flat roofed rear return. Finishes to the dwelling include dark coloured slates, dashed walls painted white; and white window frames and doors.</p> <p>The dwelling is open to its front onto Sandy Row the estate road serving the development. Whilst it has a small hard-cored area of parking immediately adjacent its north gable within the site, it is also open to its north onto a gravelled yard used for parking / turning. A single storey relatively flat roofed end terrace outbuilding exists to the rear / east of the dwelling at the other side of an alleyway that runs along the rear of all the properties within Sandy Row. The alleyway separates the entire line of properties within Sandy Row from their outbuildings, which run parallel in a line to their rear.</p> <p>Views of the dwelling on site are limited due to its enclosed location at the end of a dead end road serving only Sandy Row. The immediate area surrounding the site is primarily residential in nature. Scott's Masonic Lodge, which appears to be unoccupied, exists on lands to the east of the site.</p>	
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to 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.</p> <p>Key Policy Context</p> <p>Regional Development Strategy Dungannon and South Tyrone Area Plan 2010 Strategic Planning Policy Statement (SPPS) for Northern Ireland Addendum to Planning Policy Statement (PPS7) Residential Extensions and Alterations</p>	

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

Relevant Planning History

On Site - None

Adjacent

M/2007/0977/F – Proposed two storey rear extension (Ground Floor kitchen with bedroom above) and renovations to dwelling - 9 Sandy Row Coalisland – Granted November 2007

Consultees

1. DFI Roads were consulted and advised the access lane is not on the Departments maintained roads network as such they have no comment to make on this proposal, however advised the turning head be extended in the interest of road safety so that service vehicles are not reversing out onto maintained roads network. The proposed extension and ancillary works largely entail replacing one existing hard-cored parking space in-situ on the applicants' lands therefore whilst I acknowledge Sandy Row is a narrow street I do not foresee the proposed works resulting in a significant loss of any existing car parking or turning space to the north of no. 10. Nor do I believe the works should cause any significantly greater obstacle to serving and / or servicing Sandy Row than presently exists. Accordingly, I do not believe it would be reasonable to request the tuning head be extended as part of this proposal.
2. DETI Geological Survey of Northern Ireland (GSNI) were consulted as the site is located within an area of constraint on abandoned mines – GSNI responded that having assessed the above planning proposal in view of stability issues relating to abandoned mine workings. A search of their "Shafts and Adits Database" indicates that the proposed site is 60+ metres from the closest known abandoned mine working. Given the nature of the proposal and spatial restriction for the proposed required works, the locations of known abandoned mines are unlikely to cause any increase to risk to the current property.

Dungannon and South Tyrone Area Plan 2010 – Policy SETT1 allows development provided it meets with 7 specified criteria which I consider are similar to those set out in EXT1 of PPS7 Addendum. If the proposal meets with EXT1 then I am content that it will also meet with SETT1.

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 7 Residential Extensions and Alterations – The proposal meets the criteria as set out in Policy EXT 1 of this policy in that:

The scale, massing, design and external materials of the proposed extension and ancillary works are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the property or the area. The extension, which is single storey and to be located to the gable of the property enclosed and screened from public view due to its location at the end of a dead end road, is sub ordinate in size to the existing property and has material finishes to match.

I am content the extension should not unduly affect the privacy or amenity of neighbouring residents in terms of overlooking or overshadowing given its size, scale, and location to the gable of the property overlooking only an existing open to view gravelled yard.

The extension is to be located on an existing concrete parking and gravelled amenity area to the side of the property as such will not cause any loss of, or damage to, trees or other landscape features contributing significantly to local environmental quality.

The proposal is to be served via an existing unaltered access to the public road and existing amenity space within the curtilage of the dwelling for recreational and domestic purposes will not be significantly impacted. Whilst the proposal will remove one parking space to the side of the dwelling sympathetic consideration, has been given to the fact, this proposal is to extend an older property, on a restricted plot, to meet the specific needs of a person with a disability.

Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, 2 objections had been received, from Ms Gervin, the owner / occupier of no 9 Sandy Row, the dwelling adjoining no. 10. The objections related to the use of the lands to the side of no. 10 for the proposed extension. The issues raised within the objections, which were accompanied by some photographs illustrating the difficulties encountered in the past 4 to 6 weeks, were as follows:

- The ground at the side of no. 10 has always been common ground used by all Sandy Row residents for access to the rear of their houses; turning and additional parking of cars, as Sandy Row is a very narrow street with limited parking; and bin collection.
- The occupiers of no. 10 have cement at the side of their house for parking one car. When all three of their vehicles or other residents' park at the side of no. 10 it can get congested and making access to the rear of the houses impossible and deliveries of coal, oil and bin collection difficult. At times, unable to turn, car and bin lorries must reverse out of the street onto the main road. Furthermore when congested bins must be taken midway on the street to be emptied.
- Emergency services would struggle to gain access to the rear of the houses and probably have to reverse out of the street.

- A few years ago, the occupiers of no. 10 constructed two sheds one of which sits on grounds previously used by all Sandy Row residents further reducing the available space at the side of no. 10. In fact, maps submitted show the family now own an area I used to gain access to my coalbunker and oil tank area. At moment, I cannot access my oil tank as there is debris placed in that area.
- When planning repairs of no. 10 almost 30 years ago Planners were hesitant to allow a door in the side of the house as this was not in keeping with the character off the terrace as all other houses had their backdoor at the rear. Surely, an extension to the side is completely changing the character of this row of houses well over 100 years old. They also insisted the footpath for all residents be retained at the side of no. 10.

In light of the land ownership issues raised above, the agent was contacted and asked to confirm the applicant owned / controlled all lands outlined in red, on the initial submission. Subsequently, the agent submitted an amended site location plan with the red line reduced but still including lands required for the proposed works; and an updated certificate of ownership confirming the applicant owned / controlled all lands. Accordingly, I am content land ownership has been raised has been brought to the attention of the agent and addressed and as any planning permission granted will not confer title, it will be the responsibility of the developer to ensure that he owns / controls all the lands necessary to carry out the proposed development. The proposed extension and ancillary works largely entail replacing one existing hard-cored parking space in-situ on the applicants' lands therefore whilst I acknowledge Sandy Row is a narrow street I do not foresee the proposed works resulting in a significant loss of any existing car parking or turning space to the north of no. 10. Nor do I believe the works should cause any significantly greater obstacle to serving and / or servicing Sandy Row than presently exists. Specifically, in relation to emergency vehicles servicing the site, I am content they will do all they can to serve the public need including where necessary reversing with hazard lights / sirens on; and the public by enlarge endeavour to help by making pathways clear. Sympathetic consideration, has also been given to the fact that this proposal is to extend an older property, on a restricted plot, to meet the specific needs of a person with a disability. The works as detailed above will not detract from the appearance and character of the property or the area. In relation to bullet point 4, raised above, I would again highlight any planning permission does not confer title; nor does it alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

Additional Considerations

Flood Maps NI identified no flooding on site.

Case Officer recommendation: Approve

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve

Conditions

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

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

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. Please see DETI Geological Survey of Northern Ireland (GSNI) consultation response received and scanned to the Planning Portal 26th April 2021.

Signature(s)

Date:



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0632/O	Target Date:
Proposal: Proposed Infill Dwelling & Garage	Location: Lands adjacent 126a Ballynease Road Portglenone BT44 8NU
Referral Route: Exception to Policy	
Recommendation:	Approval
Applicant Name and Address: Rory McErlean 126a Ballynease Road Portglenone BT44 8NU	Agent Name and Address: Vision Design 31 Rainey Street Magherafelt BT45 5DA
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Proposal does not fully comply with planning policies contained within PPS 21.

Characteristics of the Site and Area

The site is located within the open countryside, approximately 32m North of the settlement limits of Ballynease, as per the Magherafelt Area Plan. The site is located within an area identified as being within an archaeological site and monument. The red line of the application site includes a laneway used to access the site and the dwelling adjacent identified as 126a Ballynease Road. The site is flat in nature, with what appears to be foundations laid from a previous approval,

which are now overgrown with weeds. An existing mature hedgerow defines the southern boundary of the site, with a low lying hedge defining the eastern boundary. The northern boundary adjoins the property at 126a, with some planting along this boundary, but mainly undefined.

The surrounding area is a mixture of residential development and agricultural, with the dwellings within the settlement limits to the south of the site. Two dwellings are located to the south west of the site, which are outside the development limits and further dwellings located as you travel north, along the Ballynease Road.

Description of Proposal

This is an outline planning application for a proposed infill dwelling and garage and lands adjacent to 126a Ballynease Road.

Representations

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

Site History

H/2004/1596/O- Site of dwelling and garage- Adjacent to 126A Ballynease Road, Portglenone- Permission Granted 14th July 2007

H/2008/0278/RM- Single Storey dwelling- Site adjacent to 126a Ballynease Road, Portglenone- Permission Granted 12th

It should be noted at the time of the site visit I witnessed foundations on site, which have become overgrown suggesting they were laid a number of years ago. There is the possibility these are related to the previous approval on site but no information has been provided to establish if the previous permission on site is extant.

Planning Assessment of Policy and Other Material Considerations

Magherafelt Area Plan 2015
Strategic Planning Policy Statement (SPPS)
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, siting 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.



Image 1: The red arrow indicates the position of the application site with No.126a to the left and No.106a to the right.

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. I am content there is a substantial and continuously built up frontage to the north west of the application site with numbers 126a, 128, 130 and 132 Ballynease Road. However, the site is located partially behind the curtilage of No.106a so it does not share a common frontage with 106a. However, following a discussion with the planning manager, it was agreed the application site could be considered an exception to policy as although it does not fully comply with CTY 8, it does represent appropriate rounding off existing development.

I am content that the proposed site is of a sufficient size in that it could only reasonable accommodate one house at this location.

Policy CTY 8 also requires that the existing pattern of development is respected in terms of size, scale, siting and plot size. The existing pattern of development has all dwellings with a small driveway from the road leading to the dwelling. In terms of the size of the proposed site, it is slightly narrower than the adjoining sites, with the siting of the proposed dwelling in general conformity with the other properties along the road to the north west; however, it is located at the rear of the established curtilage of 106a.

As such, the proposed site does not have a frontage that matches the existing pattern of development along the Ballynease Road. The adjoining properties being 106a has a frontage of approximately 60m and 126a having a frontage of 45m. The proposed application will have a road frontage of approximately 10m. Further North West along the Ballynease road, the plot sizes do reduce in size, with the smallest being approximately 30m at No.132 Ballynease Road. Although the frontage at the roadside is smaller than the adjacent dwellings, the plot size of the proposed application is similar and does not represent a significant change of character when viewed with the existing pattern of development along the Ballynease Road.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate

design. I note that this is only an outline application therefore, no design details has been submitted however I am of the opinion that an appropriately designed dwelling will not appear prominent in the landscape. The site is well screened by both existing development and existing planting along the eastern and southern boundary. Additional planting would be required along the northern boundary. The ridge height should be restricted to no higher than 6m above finished floor level.

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. As previously noted the proposal is being considered as an exception to policy, and a dwelling in this location would not erode the character of the area and can be considered a rounding off opportunity.

Policy CTY 15 states that planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl. It is noted that the settlement limits of Ballynease are located to the south of the application site however, an agricultural field maintains a buffer between the settlement limits and the application site, as such I am content the development will mar the distinction between the settlement limits and the countryside.

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

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Approval

Conditions:

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

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

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

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

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

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

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

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

5. 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.

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

6. The dwelling hereby permitted shall have a ridge height not exceeding 6 metres above finished floor level

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

Informatives

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

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

Signature(s)

Date:

ANNEX	
Date Valid	21st April 2021
Date First Advertised	4th May 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 106a Ballynease Road Portglenone The Owner/Occupier, 106b Ballynease Road Portglenone The Owner/Occupier, 128 Ballynease Road,Portglenone,Londonderry,BT44 8NU	
Date of Last Neighbour Notification	10th May 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: H/2008/0278/RM Proposal: Single storey dwelling Address: Site adjacent to 126a Ballynease Road, Portglenone Decision: Decision Date: 12.09.2008 Ref ID: H/2004/1596/O Proposal: Site of dwelling and garage Address: Adjacent to 126A Ballynease Road, Portglenone Decision: Decision Date: 14.07.2005 Ref ID: LA09/2021/0632/O Proposal: Proposed Infill Dwelling & Garage Address: Lands adjacent 126a Ballynease Road, Portglenone, BT44 8NU, Decision: Decision Date: Ref ID: H/1983/0369 Proposal: SITE OF DWELLING Address: BALLYNEASE ROAD, PORTGLENONE Decision: Decision Date: Ref ID: H/1979/0419 Proposal: SITE OF BUNGALOW Address: BALLYNEASE, PORTGLENONE Decision:	

Decision Date:

Ref ID: H/1992/0611

Proposal: BUNGALOW WITH GARAGE

Address: BALLYNEASE RD PORTGLENONE

Decision:

Decision Date:

Ref ID: H/1989/0262

Proposal: SITE OF DWELLING

Address: BALLYNEASE ROAD PORTGLENONE

Decision:

Decision Date:

Ref ID: H/1978/0268

Proposal: SITE OF DWELLING

Address: BALLYNEASE ROAD, PORTGLENONE

Decision:

Decision Date:

Ref ID: H/1979/0123

Proposal: HV O/H LINE (BM 2784)

Address: BALLYNEASE, MAGHERAFELT

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Development Management Officer Report
Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0681/O	Target Date:
Proposal: Proposed dwelling and domestic garage Based on policy CTY8 (Infill)	Location: Approx 25m North East of 49 Moyagoney Road Portglenone
Referral Route: Refusal- Contrary to CTY 8 of PPS 21	
Recommendation:	Refusal
Applicant Name and Address: Mr Alan Donegan 49 Moyagoney Road Portglenone	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	Rivers Agency	Substantive Response Received

Representations:

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

Summary of Issues

Contrary to CTY 1, CTY 8 and CTY 14 of PPS 21.

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits as per the Magherafelt Area Plan. The red line of the application site consists of part of a larger agricultural field, which has a relatively flat topography. The northern and southern boundaries are defined by low level hedgerows, with the eastern boundary which runs along the public road defined by a wooden fence. An undesignated watercourse flows along the northern and eastern boundaries. The dwelling No.49 abuts the application site to the south, with an agricultural field to the north. The surrounding area is a mix of residential properties and agricultural land uses with three

dwelling located to the south with the dwelling No.47 located approximately 100m North of the application site.

Description of Proposal

This is an outline planning application for a proposed dwelling and domestic garage based on policy CTY 8 (Infill).

Representations

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

Planning Assessment of Policy and Other Material Considerations

Magherafelt Area Plan 2015
Strategic Planning Policy Statement (SPPS)
PPS 3- Movement, Access and Parking
PPS 15 (Revised)- Planning and Flood Risk
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, siting 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. I am content that No.51 and 49b to the south of the site have a built up frontage and this is very clear, as they are located close to the roadside. Although No. 49 is set back from the road I am also content that this dwelling shares a road frontage with the two dwellings south of it. From this I am content there is a substantial and continuously built up frontage present to the south, with the dwelling at No.47 located 100m north of the site also sharing a road frontage. However, given the gap between No.49 and No.47 being approximately 125m I do not believe this represents an infill opportunity within a substantial and continuously built up frontage as the gap between the two is much too large and represents an important visual break in the countryside.

Furthermore, given the size of the gap, although the application site is sufficient in size to allow for one dwelling, when read in the wider context with the adjacent field to the north, there is the potential for an additional two dwellings to be sited here, creating a ribbon of development along the Moyagoney Road.

Policy CTY 8 also requires that the existing pattern of development is respected in terms of size, scale, siting and plot size. I am content that the proposed application is in general conformity with the existing pattern of development on the Moyagoney Road. The red line of the application, is similar, yet slightly smaller than the adjoining property at No.49. In terms of the size of the plot, as previously stated I am content it is sufficient. It has a road frontage of approximately 35m along the Moyagoney Road, which is similar to the frontages of No.49b and No.51 to the south. It is noted that No.49 has a smaller frontage as it is sited further west from the road. A siting condition could be attached to any approval to ensure the siting on the proposed application site respects the existing pattern of development.

From this, I do not believe the application can be considered an exception to Policy CTY 8 as the gap to be filled is too large and would result in ribbon development along the Moyagoney Road.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that this is only an outline application therefore, no design details has been submitted however I am of the opinion that an appropriately designed dwelling will not appear prominent in the landscape. The site benefits from some established planting of the site which would allow a dwelling to blend with the existing landscape, with some additional planting required to aid integration.

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 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.

PPS 15 (Revised)- Planning and flood risk

DfI Rivers were consulted as the site is located adjacent to an undesignated watercourse. DfI Rivers confirmed a 5m maintenance strip is required unless the watercourse can be maintained from the opposite bank by agreement with the landowner. It should be marked up on a drawing and protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development by the way of a planning condition.

Other Material Considerations

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

period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan.

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

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 along the Moyagoney Road.

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.

Signature(s)

Date:

ANNEX	
Date Valid	4th May 2021
Date First Advertised	18th May 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 49 Moyagoney Road Portglenone Londonderry The Owner/Occupier, 49b Moyagoney Road Portglenone The Owner/Occupier, 51 Moyagoney Road Portglenone Londonderry The Owner/Occupier, 52 Moyagoney Road Portglenone Londonderry	
Date of Last Neighbour Notification	19th May 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: H/2001/0377/O Proposal: Site of Dwelling and Garage Address: 100m North West of 51 Moyagoney Road, Portglenone Decision: Decision Date: 18.10.2001 Ref ID: LA09/2021/0681/O Proposal: Proposed dwelling and domestic garage Based on policy CTY8 (Infill) Address: Approx 25m North East of 49 Moyagoney Road, Portglenone, Decision: Decision Date: Ref ID: H/2005/0875/O Proposal: Site of Dwelling and Garage Address: Adjacent to 51 Moyagoney Road, Portglenone Decision: Decision Date: 07.04.2006 Ref ID: H/2002/0690/O Proposal: Site of dwelling & garage Address: 150 metres North West of 51 Moyagoney Road, Portglenone Decision: Decision Date: 10.06.2003 Ref ID: H/2002/0691/O Proposal: Site of dwelling & garage	

Address: 200 metres north west of 51 Moyagoney Road, Portglenone

Decision:

Decision Date: 14.02.2003

Ref ID: H/2001/1003/F

Proposal: Alteration to Entrance

Address: 100m NW of 51 Moyagoney Road, Portglenone

Decision:

Decision Date: 18.01.2002

Ref ID: H/2001/0669/F

Proposal: Dwelling and Garage

Address: 100 Metres North West of No. 51 Moyagoney Road, Portglenone

Decision:

Decision Date: 15.11.2001

Ref ID: H/2001/0825/F

Proposal: Garage

Address: 100 Metres North West Of 51 Moyagoney Road, Portglenone.

Decision:

Decision Date: 07.11.2001

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0769/RM	Target Date:
Proposal: Proposed Gap Site CTY8 of PPS 21 for 2no. Dwellings and Domestic garage.	Location: Opposite 250 Ballygawley Road Dungannon BT70 1TG.
Referral Route: Approval – objections received.	
Recommendation:	Approval
Applicant Name and Address: Jason Kelly 62 Devesky Road Carrickmore Omagh BT79 9BU	Agent Name and Address: Donnelly Design Services 8 Devesky Road Carrickmore Omagh BT79 9BU
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	NIEA	Substantive Response Received

Representations:

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

Summary of Issues

There were two objections received in relation to the proposal. It should be noted that the application was originally classified wrong as a “Full” application rather than a “Reserved Matters” and both of these objections were received under LA09/2021/0257/F, which was later made invalid. The main issues raised in the objections were:

- Overlooking
- High Ground Level
- Private Laneway
- Effect of additional Septic Tanks

These concerns will be discussed later in the report.

Characteristics of the Site and Area

This site is accessed from a private laneway that serves 4 other dwellings, with access onto Ballygawley Road (a former protected route). Cabragh Petrol Filling Station located approx. 1 km to the East. Currently on site there is evidence of foundations of a dwelling that was granted permission under M/2005/0314/F for a 2 storey dwelling. Along the southern/south eastern boundaries of the site is a mature tree lined hedge. The site slopes gently downhill towards the southern boundary. Along the northern boundary, which is shared with the private laneway, is construction fencing to secure the site. To the west is a 1.5 storey dwelling and garage, to the east is a 2 storey dwelling with elongated lawn. North of the site, between the site and the Ballygawley Road are 2 two storey dwellings on generous plots. To the south is agricultural land. Land in the area is mostly defined by agricultural land, farm holdings and dispersed single dwellings.

Description of Proposal

The proposal is for a Proposed Gap Site CTY8 of PPS 21 for 2no. Dwellings and Domestic garage. The planning application seeks approval of matters reserved from previous outline planning consent re. LA09/2019/1587/O. Outline planning permission was granted for the "Proposed gap site CTY8 of PPS 21 for 2 No Dwellings (additional information to address septic tank arrangements)" on 4th September 2020 therefore the principle of development has already been established on this site with a number of conditions set out on the approval. This current application seeks consent for a number of matters which were reserved at the outline stage.

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: 250, 252, 254, 256 Ballygawley Road. At the time of writing, two representations were received.

The main issues raised within the objections were:

- Overlooking
- High Ground Level
- Private Laneway
- Effect of additional Septic Tanks

In terms of overlooking, I have no concerns about overlooking at this site. The objector (No. 256) has noted the number of windows on the gable wall which will face onto their property. There is a separation distance of approx. 26m between the proposed dwelling and the objectors property at the closest points (from the single storey side projection). There is two windows on the first floor which will face towards the objectors property, however one of these is to serve an en suite and therefore there will be frosted glass. I feel there is suitable separation distance between the properties and there is the objectors garage located between the two also.

In terms of high ground level, the agent has provided a section through of the site (Shown below in figure 1) which shows how the proposed dwellings would sit in relation

to the objectors property. The dwellings would only sit approx. 4m higher than objector's property which we don't feel is an excessive rise in ground levels.



In terms of parking and access issues, DfI Roads are the competent authority at dealing with these concerns. They were consulted in relation to the proposal and have noted they are content with the access arrangement shown on the plans. Adequate parking has also been shown within each of the dwellings site curtilages for two cars, with additional parking also available within the garage.

In relation to septic tank concerns, every septic tank is subject to separate licencing/permit from NIEA. It is the landowner/developers responsibility to ensure appropriate licence/permits are in place. If soakaway/discharge is required through third party land this is a third party matter between the interested parties. The septic tanks shown on drawing No 02a dated 7th May 2021, tie in with the indicative siting shown on the drawings which were submitted under the outline application which were assessed by Environmental Health.

Most of the issues raised in these objections were also raised at outline stage. The principle of development has already been agreed at this site and the access and septic tank arrangement are in line with what was agreed previously. As noted above, in terms of site levels and overlooking, we have no concerns surrounding these issues.

Planning History

LA09/2019/1587/O - Opposite 250 Ballygawley Road, Dungannon, BT70 1TG - Proposed gap site CTY8 of PPS 21 for 2 No Dwellings (additional information to address septic tank arrangements) – PERMISSION GRANTED

Planning Assessment of Policy and Other Material Considerations

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

When outline planning permission was granted re. LA09/2019/1587/O a number of conditions were imposed. I am content that the conditions set out have been complied with.

The Dungannon and South Tyrone Area Plan identifies the site as being outside any defined settlement limits, located South West of Cabragh.

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

Policy CTY 1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access and road safety. In particular Policy CTY 13 – Integration and Design of Buildings in the Countryside and Policy CTY 14 – Rural Character of PPS 21 are relevant to this proposal. These policies require development to be appropriately designed and integrated into the surrounding landscape to ensure the rural character of the area is not harmed.

The surrounding area has a mix of dwellings with a range of sizes, designs and materials. The dwellings proposed are two storey and are similar in size and scale to neighbouring properties, particularly the dwelling directly east of them. Both dwellings have a simple design with a small outshot to the side of the main body of the dwelling. Materials proposed include blue/black Capco Slates on the roof and natural stonework and render finish to the walls. Both of the dwellings are similar in design, however each dwelling has distinguishing features in terms of the placement of the stonework and front projections which will ensure that the same design is not duplicated on both of them. I don't consider that the dwellings proposed would be prominent at this site given that the neighbouring properties are similar in terms of size and scale. The design of both dwellings are considered acceptable for this rural setting and there is existing and proposed landscaping around the site and along the site boundaries which will aid with integration at this site. There are two single storey garage proposed also which are also considered acceptable.

The proposal intends to utilise existing access onto Ballygawley Road. DfI Roads were consulted and have noted no objection to the proposal subject to conditions and informatives.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

Approval is recommended.

Conditions/Reasons for Refusal:
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1. The development to which this approval relates must be begun by whichever is the later of the following dates:-

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

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

2. The vehicular accesses shall be provided in accordance with Drawing No.02a date stamped 7th May 2021 prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

4. The scheme of planting hereby approved shall be carried out in accordance with drawing No.02a bearing the date stamp 7th May 2021 during the first available planting season after the commencement of development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Mid Ulster District Council gives written consent to any variation.

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

5. No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

Reason: To ensure a practical solution to sewage disposal is possible at this site.

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. Please refer to DfI Roads informatives.

Signature(s)

Date:

ANNEX	
Date Valid	20th May 2021
Date First Advertised	1st June 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) Stephen Glendinning 250 BALLYGAWLEY ROAD, DUNGANNON, BT70 1TG The Owner/Occupier, 250 Ballygawley Road Dungannon Tyrone The Owner/Occupier, 252 Ballygawley Road Dungannon Tyrone The Owner/Occupier, 254 Ballygawley Road Dungannon Tyrone The Owner/Occupier, 256 Ballygawley Road Dungannon Tyrone Eamon Rafferty 256 Ballygawley Road, Dungannon, BT70 1TG	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2019/0410/PAD Proposal: Proposed gap site CTY8 of PPS21 for 2 dwellings Address: Opposite 250 Ballygawley Road, Dungannon, Decision: Decision Date: Ref ID: LA09/2021/0769/RM Proposal: Proposed Gap Site CTY8 of PPS 21 for 2no. Dwellings and Domestic garage. Address: Opposite 250 Ballygawley Road, Dungannon BT70 1TG., Decision: Decision Date: Ref ID: LA09/2019/1466/O Proposal: Proposed infill dwelling and garage Address: Approx 102m East of 260 Ballygawley Road Dungannon, Decision: PG	

Decision Date: 15.03.2021

Ref ID: LA09/2019/1587/O

Proposal: Proposed gap site CTY8 of PPS 21 for 2 No Dwellings (additional information to address septic tank arrangements)

Address: Opposite 250 Ballygawley Road, Dungannon, BT70 1TG.,

Decision: PG

Decision Date: 15.09.2020

Ref ID: M/1998/0502

Proposal: Site for dwelling

Address: APPROX 260M EAST OF 260 BALLYGAWLEY ROAD KILLEESHILL
DUNGANNON

Decision:

Decision Date:

Ref ID: M/1996/0106

Proposal: Dwelling

Address: OPPOSITE 250 BALLYGAWLEY ROAD DUNGANNON

Decision:

Decision Date:

Ref ID: M/1998/0502B

Proposal: Proposed dwelling house and garage

Address: APPROX. 260M EAST OF 260 BALLYGAWLEY ROAD KILLEESHIL
DUNGANNON

Decision:

Decision Date:

Ref ID: M/2004/0774/F

Proposal: Split level dwelling with basement and integral garage - change of house type from that previously approved in M/1999/0152.

Address: Opposite 250 Ballygawley Road, Dungannon

Decision:

Decision Date: 13.10.2004

Ref ID: M/2007/0870/F

Proposal: Proposed 3 no single storey extensions and alterations to provide 3 no bedrooms, garage and family room to dwelling

Address: 254 Ballygawley Road, Dungannon

Decision:

Decision Date: 19.12.2007

Ref ID: M/1999/0309
Proposal: 2 no.dwellings
Address: OPPOSITE 250 BALLYGAWLEY ROAD DUNGANNON
Decision:
Decision Date:

Ref ID: M/2005/0314/F
Proposal: Two storey dwelling - change of house type from that approved in M/2004/0774/F -amended plans.
Address: Opposite 250 Ballygawley Road, Dungannon
Decision:
Decision Date: 22.11.2005

Ref ID: M/1999/0152
Proposal: Erection of Dwelling
Address: Opposite 250 Ballygawley Road Dungannon
Decision:
Decision Date: 27.10.2003

Ref ID: M/2004/1546/O
Proposal: Dwelling house
Address: 70m South East of 250 Ballygawley Road, Dungannon
Decision:
Decision Date: 07.01.2005

Ref ID: M/2003/1116/O
Proposal: 1No. Dwelling house and garage
Address: 50m South East of 252 Ballygawley Road Dungannon
Decision:
Decision Date: 27.11.2003

Ref ID: M/2006/1158/RM
Proposal: Dwelling house & single garage
Address: 50m South East 252 Ballygawley Road, Dungannon
Decision:
Decision Date: 22.03.2007

Ref ID: M/1977/0623
Proposal: MOTEL
Address: CABRAGH, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1981/0353
Proposal: ERECTION OF MOTEL
Address: CABRAGH, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1986/0088
Proposal: NEW MOTEL (20 BEDROOM) AND ASSOCIATED WORKS
Address: CABRAGH, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1975/0156
Proposal: ERECTION OF DWELLING HOUSE
Address: KILLEESHIL, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1988/0342
Proposal: EXTENSION TO DWELLING
Address: 252 BALLYGAWLEY ROAD, KILLEESHIL, DUNGANNON
Decision:
Decision Date:

Ref ID: M/1975/015601
Proposal: ERECTION OF DWELLING HOUSE
Address: KILLEESHIL, CABRAGH, DUNGANNON
Decision:
Decision Date:

Summary of Consultee Responses

DfI Roads – No concerns.

NIEA

Drawing Numbers and Title

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

Drawing No. 04
Type: Proposed Plans
Status: Submitted

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

Drawing No. 03
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Melvin Bowman	
Application ID: LA09/2017/0319/F	Target Date:
Proposal: The relocation of 2 chimney stacks approved under ref. M/2011/0126/F and the retention of 4 further chimney stacks to facilitate spraying within existing approved building. All flues to discharge 6 metres above the existing ridge line. (Revised Odour Impact Assessment received)	Location: 70m South of 177 Annagher Road Dungannon
Applicant Name and Address: DMAC Engineering 204 Washing Bay Road, Dungannon	Agent name and Address: CMI Planners Ltd Unit 5 80/82 Rainey Street Magherafelt BT45 5AG
Summary of Issues: previous report to Committee identified concerns relating to amenity of nearby residents due to odour	
Summary of Consultee Responses: Latest Env Health response indicates no objections subject to conditions following a revised odour impact assessment report. Further local objection received.	

Characteristics of the Site and Area:

DMAC engineering site, Annagher Road, Dungannon.

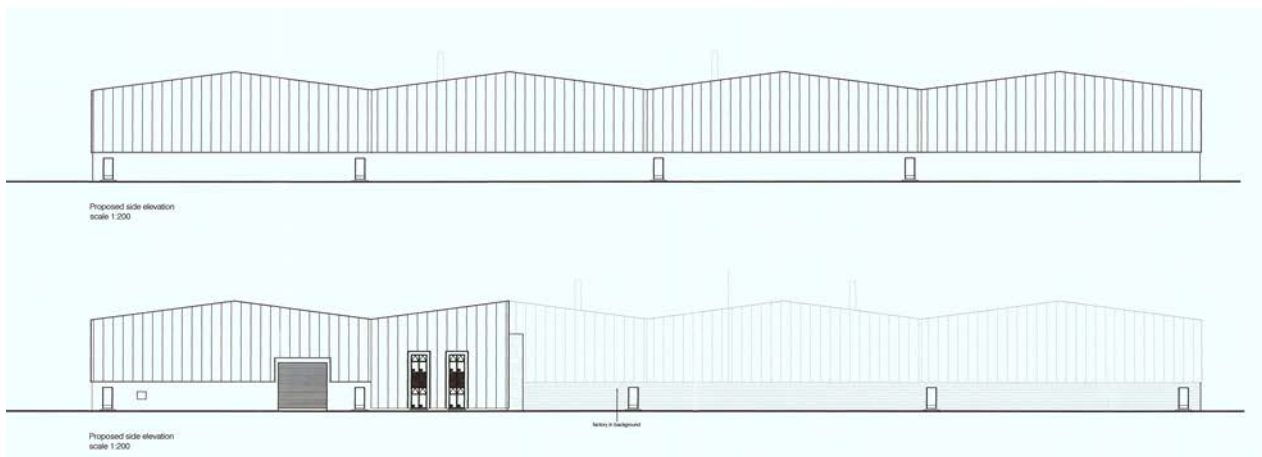
Description of Proposal

The relocation of 2 chimney stacks approved under ref. M/2011/0126/F and the retention of 4 further chimney stacks to facilitate spraying within existing approved building. All flues to discharge 6 metres above the existing ridge line

Deferred Consideration:

The original planning permission for DMAC on this site (M/2011/0126/F) was approved by Mid-Ulster District Council on the 15th April 2015. The approved elevations (below) show 2 small flues on the side elevation.

In the EIA summary which accompanied the application it was stated that, in relation to potential air pollution, the company had developed an air filtration and purification system which were to remove any pollutants from air output. As of 2011 the system was stated as being in the 'final stages of commissioning'. The decision notice does not contain any conditions relating to odour management from the development.

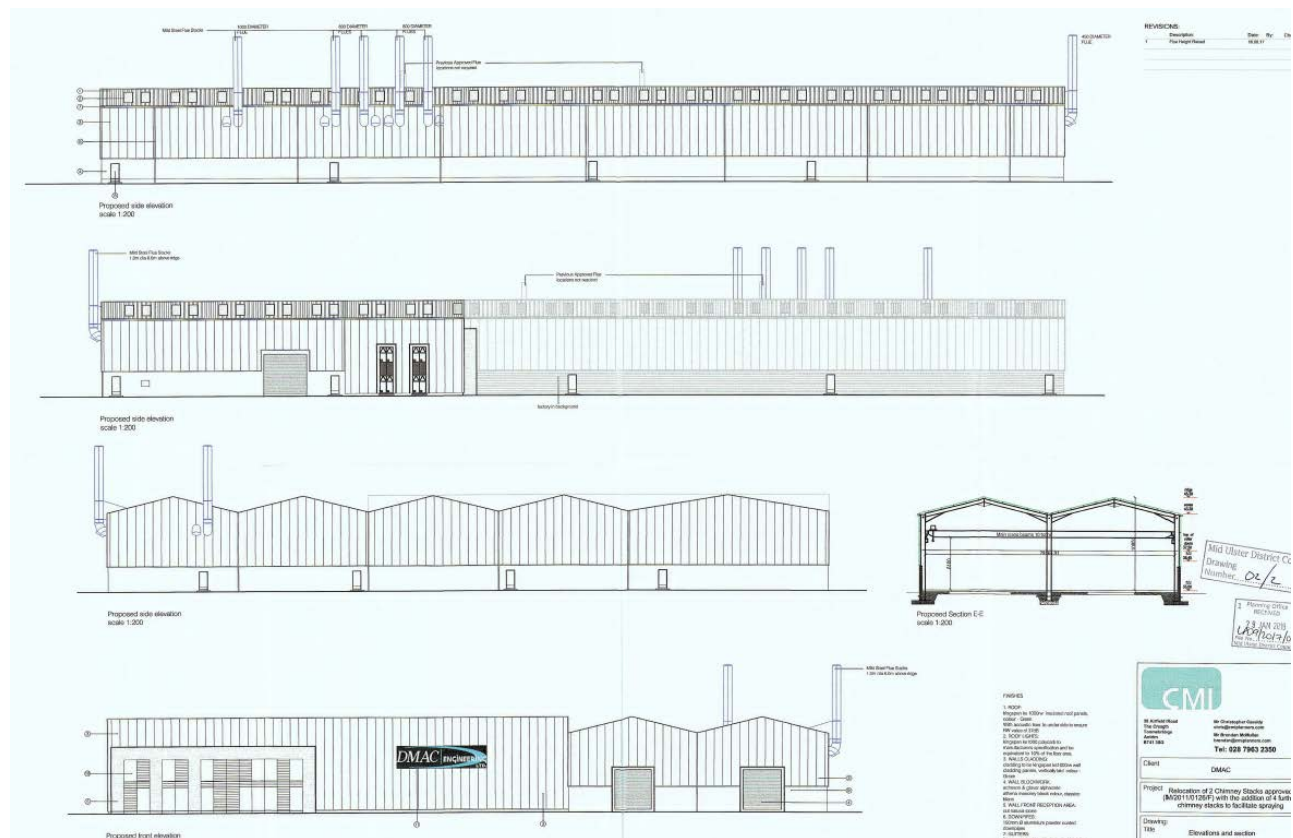
(approved elevations for DMAC showing 2 flues)

An application for a non material change was submitted in 2016 (LA09/2016/1761/NMC) proposing 4 external flues. The decision of the Council was not to accept these alterations as being non-material. The current planning application followed. There is also an open enforcement case on the issue.

This application was originally submitted on the 3 Mar 2017 and was a being to relocate 2 chimney stacks under planning reference M/2011/0126/F with the addition of 2 further chimney stacks to facilitate spraying. The agents supporting statement described this as being necessary for the most efficient system to be installed on site. This original spec for the extraction system

incorporated 4 extraction fans, double inlet centrifugal type. The exhaust stack was to terminate at a height of 3m above the apex of the building with an efflux velocity in excess of the minimum requirement of 15m/sec.

(Elevations to retain current stack arrangement)



At the time of writing the first report to Planning Committee the Environmental Health Department continued to receive odour complaints from nearby residential properties and officers had clearly observed these odours on a variety of occasions over the last few years.

A review of 2018 stack emissions testing undertaken by an independent company showed discharge velocities ranging from 9.4 – 1.2 m/s (3 of which returned discharge velocities <3 m/s) which are well below the 15 m/s discharge velocities used within Table 4 of the Irwin Carr report.

For this reason, it was requested that the odour assessment should be revisited using these measured inputs instead of theoretical values to establish if these produce figures more reflective of the situation witnessed at 3rd party receptors.

A refusal on the following basis was made previously to the Committee. The proposal is contrary to the SPPS and Policy PPS4 PED9 in that it has not been satisfactorily demonstrated that the development will not lead to an unacceptable loss of amenity to nearby residents by way of odour and fumes.

A revised Odour Impact assessment report was submitted on the 14th April 2021 and the views of EHD were sought. Third parties were also re-notified with 2 further letters of objection being received. I will summarise these later in this report.

EHD issued a consultation response on the 11 June 2021 stating:

'This updated odour impact assessment considers measured volume flow within the stacks at DMAC as opposed to the previously assumed 15 m/s in all six stacks at this site. Using a worst-case odour emission rate of 351 OU_E/m³ obtained from on-site measurements at this facility, AERMOD dispersion modelling shows that odour from the facility will be below 3 ou/s as a 98th percentile.

Environmental Health do not have access to AERMOD, nor any way of verifying inputs used within AERMOD. It should also be noted that Environmental Health continue to receive occasional complaints about odour from this facility and officers have detected odour at nearby receptors on occasions.

The paint spraying activity is currently regulated by Environmental Health under the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 and the applicant should be aware that they are required to comply with the requirements of these Regulations.

Whilst paint spraying activities are covered by the above legislation, we would request that the following conditions be attached to any planning approval. (see further below) We therefore have no objection to this proposal on planning grounds.

It was my view in the initial report to Committee that this proposal does not satisfy Criteria (b) and (f) of PED9 in that the present failure of the developer to demonstrate that this development will not lead to a loss of amenity has indicated that the DMAC facility is not capable of dealing satisfactorily with emissions. The chimney stacks discharge rates appeared well below the required standards which would assist with adequate dispersal. In light of the now acceptable Odour report received in April 2021 and the view of EHD I am more satisfied that the amenity concerns have been addressed.

In relation to integration into the landscape, given the level differences between the DMAC factory and the approaching roads, I didn't share some of the concerns raised by objectors in this case on the visual impact of the extended flues. Whilst extending well above the factory roof I still do not feel that these are excessive in relation to wider public aspect. On that basis I would adopt the view that the chimney stacks do not offend other rural policy, namely Policy CTY14 of PPS21 for example.

The 2 additional letters of objection were received from the occupants of No 36 Washingbay Road and No 181 Annagher Road. The issues raised are as follows:

1. Health and loss of amenity
2. Fumes are noticeable as early as 6am on occasion.
3. EHD is well aware and complaints are well documented / officials have personally experienced.
4. DMAC should be using the extraction system they claimed when permission was originally granted.
5. Enforcement action should commence asap to cease this toxic odour.

6. Impacts on livestock
7. What guarantees can the Council provide that the chimneys will not affect our health and that of our livestock.

Given that EHD are now content that the revised odour assessment achieves adequate volume flow, and that their worst case scenario produces a dispersion model below 3 ou/s as a 98th percentile it is in my view the case that subject to existing controls via the PPC regime and / or planning conditions listed that neighbouring amenity and health concerns should be able to be kept within recognised and accepted levels. In relation to amenity and nuisance at 6am the Council are in receipt of an application to extend the companies hours of operation, as yet no formal opinion has been formed on this application. DMAC have stated that they were not able to deliver on the initial means of dealing with extraction, whilst this is regrettable, the stance now taken by EHD shows that the current means of extraction can operate within acceptable limits.

An Enforcement Notice has recently been served given that the period for immunity was approaching. On the basis of impending enforcement appeal proceedings, members are asked to agree that the Council withdraws the recently served Enforcement Notice relating to the chimney stacks upon the decision to grant planning permission for this application.

Conditions:

1. Odour from each of the 6 stacks serving the building as annotated on Drawing Number 02/2 date stamped 29th January 2018 when measured during the bake and dump process shall not exceed 351 OU_E/m³ when measured in accordance with IS EN 13723 and analysed by a UKAS accredited test method.

Reason: To protect neighbouring property from excessive odour

2. Within 4 weeks of a written request by the Council following a reasonable odour complaint from the occupant of a residential dwelling which lawfully exists, the operator shall, at his/her expense, employ a suitably qualified and competent person, to assess the level of odour from the development and/or check compliance with the odour limit listed in condition 1. The Council shall be notified not less than 2 weeks in advance of the date of commencement of the odour monitoring and authorised officers may attend the development at any time during this monitoring. The results of all odour modelling shall be provided in writing to the council within 4 weeks from the date of the assessment having been undertaken.

Reason: To protect neighbouring property from excessive odour

3. Where odour is found to exceed the limits outlined within condition 1, the Council shall be provided with a suitable report detailing any necessary remedial measures. These remedial measures shall be carried out to the satisfaction of Council within 8 weeks from the date of approval of the remedial report, and shall be permanently retained and maintained to an acceptable level thereafter, unless otherwise agreed in writing with Council.

Reason: To protect neighbouring property from excessive odour

Signature(s): M.Bowman

Date: 21 June 2021



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: Feb 2021	Item Number:
Application ID: LA09/2017/0319/F	Target Date:
Proposal: The relocation of 2 chimney stacks approved under ref. M/2011/0126/F and the retention of 4 further chimney stacks to facilitate spraying within existing approved building. All flues to discharge 6 metres above the existing ridge line. (Amended description) (Revised Odour Impact Assessment received)	Location: 70m South of 177 Annagher Road Dungannon
Referral Route: Application recommended for refusal and objections received.	
Recommendation: Refusal.	
Applicant Name and Address: DMAC Engineering 204 Washing Bay Road Dungannon	Agent Name and Address: CMI Planners Ltd Unit 5 80/82 Rainey Street Magherafelt BT45 5AG
Executive Summary: Proposal fails to comply with policy in relation impacts on neighbouring amenity.	
Signature(s): M.Bowman	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received

Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received

Representations:

Letters of Support	None Received
Letters of Objection	8
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues – failure to demonstrate that neighbouring amenity is protected from unacceptable levels of odour nuisance.

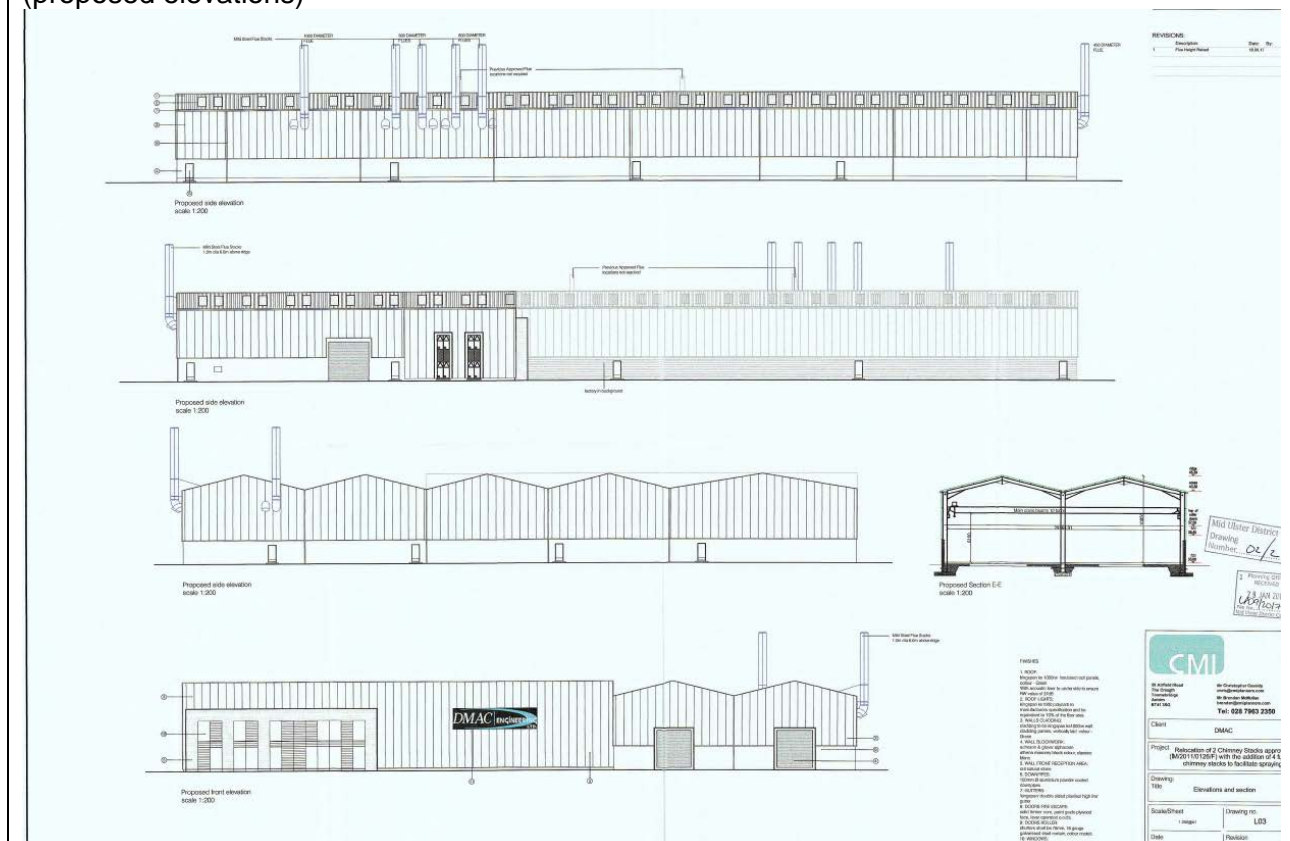
Characteristics of the Site and Area

Existing DMAC engineering site located on outskirts of Coalisland at Annagher Road. Rural area as defined by the Dungannon Area Plan with residential dwellings dispersed on all sides. Significant topographical differences with the DMAC facility being located well below Annagher Road but at a level where there are other private dwellings to the southern and SE boundaries of the site.

Description of Proposal

The relocation of 2 chimney stacks approved under ref. M/2011/0126/F and the retention of 4 further chimney stacks to facilitate spraying within existing approved building. All flues to discharge 6 metres above the existing ridge line. (Amended description) (Revised Odour Impact Assessment received)

(proposed elevations)

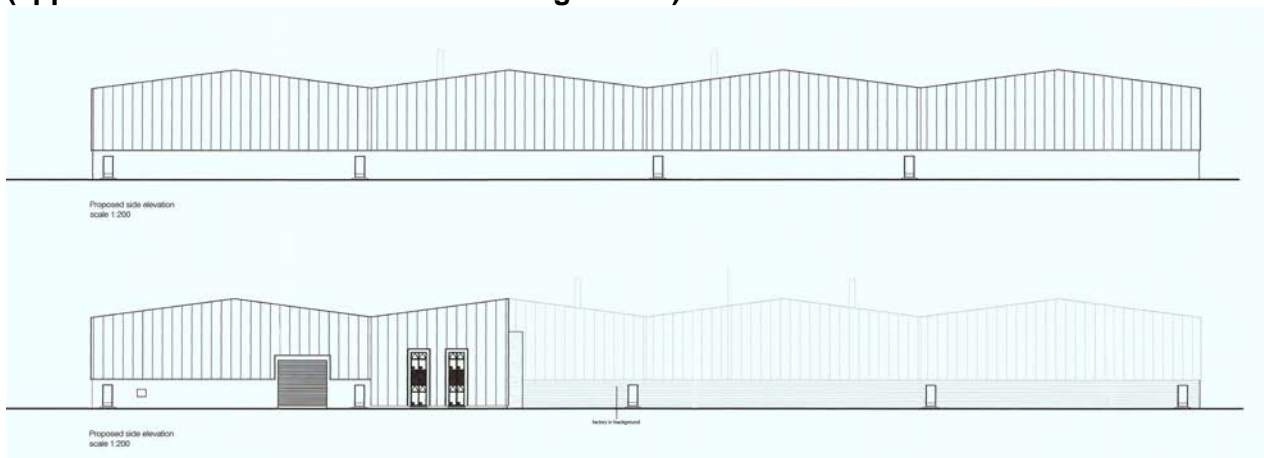


Planning Assessment of Policy and Other Material Considerations

The original planning permission for DMAC on this site (M/2011/0126/F) was approved by Mid-Ulster District Council on the 15th April 2015. The approved elevations (below) show 2 small flues on the side elevation.

In the EIA summary which accompanied the application it was stated that, in relation to potential air pollution, the company had developed an air filtration and purification system which were to remove any pollutants from air output. As of 2011 the system was stated as being in the 'final stages of commissioning'. The decision notice does not contain any conditions relating to odour management from the development.

(approved elevations for DMAC showing 2 flues)



An application for a non material change was submitted in 2016 (LA09/2016/1761/NMC) proposing 4 external flues. The decision of the Council was not to accept these alterations as being non-material. The current planning application followed. There is also an open enforcement case on the issue.

This application was originally submitted on the 3 Mar 2017 and was a being to relocate 2 chimney stacks under planning reference M/2011/0126/F with the addition of 2 further chimney stacks to facilitate spraying. The agents supporting statement described this as being necessary for the most efficient system to be installed on site. This original spec for the extraction system incorporated 4 extraction fans, double inlet centrifugal type. The exhaust stack was to terminate at a height of 3m above the apex of the building with an efflux velocity in excess of the minimum requirement of 15m/sec.

A consultation was issued to Environmental Heath (EHO) who returned a reply on the 3RD May 2017 seeking an odour assessment given a number of complaints which had already been received by the EHO department relating to odour and fumes. CMI planning indicated to the Council that this would be prepared by Irwin Carr and be submitted within 2 weeks.

A reminder was issued in Aug 2017 given the absence of the promised report. The report was received by the Council on the 14th Aug 2017 and issued to EHO for comments, as well as local objectors to the proposal. On the 18th Aug 2017 the case alerted CMI Planning that the flues were now extended and may not accord with the submitted application. CMI responded on the same day to state that the flues had indeed been extended to 3m above the ridge as opposed to 3m above the eaves of the building. CMI were further asked if this would have any bearing on

the recently submitted odour assessment report. In a reply on the 18th Aug 2017 CMI stated that the increased height would have no bearing on the results as 'it is the diameter of the pipe that gives the calculations. The increased height actually will reduce the area of turbulence'. Amended plans were uploaded to the portal on the 18th Aug 2017.

The EHO response to the above indicated that there may be anomalies between the inputs to the model and what is actually occurring on site. The response also indicated that odour complaints had been verified on site by members of EHO. In addition 2 further stacks had been identified on the building associated with an alleged additional spray booth.

In Jan 2018 CMI responded to amend the Odour assessment and alter the description of the proposal to refer to its present description, ie, proposing the retention of 4 additional stacks and the relocation of 2 originally approved with these discharging 6m above the buildings ridge line. A series of notification, further objection and re-consultation followed. I will go into detail on the nature of local objections later in this report. The EHO reply on 15/3/18 stated the odour report still indicates that the odour detected at the closest sensitive dwellings will be significantly below the 3ou/m³ target value set out in H4 Odour management. It also predicts that if the stacks were increased to 6m that this would lead to a decrease in odour levels from 0.93ou/m³ to 0.72. However, in continuing to receive complaints from spraying several officers from EHO are stated as having made visits and witnessed odour to be very strong on numerous occasions and that investigations have been carried out to eliminate any other source of odour (as claimed by CMI Planning), these investigations concluding that DMAC is the source of the odour. The EHO response concludes that as the odour model submitted predicts no odour impacts, and that given this is not the agreed on-site observation, that there are reservations as to the beneficial impact of only 3m in the stack heights. The applicant may therefore need to consider alternative means of odour abatement.

It is at this point the application has hit somewhat of a standstill. CMI planning it appears continues to question the EHO on-site observations and consequently the accuracy of their consultation replies. In early 2019, by which it is understood that the stack heights had been further extended to 6m, CMI was again asked to response to the outstanding position outlined by EHO. In April and May 2019 CMI wrote asking EHO to provide their site visits records for the purposes of cross-checking. On the 16 May 2019 CMI again indicated that they required a full explanation from EHO on their visit and observation dates.

A further EHO consultation (see below) issued on the 15th Oct 2019 is again challenged by CMI and refers to a later Odour report sent to them in Aug 2019 but which it is claimed has not been considered. In engaging with EHO it appears the Aug 2019 odour report is unknown to them and I do not see a record of it on file. What the agent is referring to is possibly a stack monitoring report submitted to EHO which the DMAC company are required to do to satisfy the Council under the PPC regime. Whilst these 2019 results show higher discharge velocities than the 2018 results, the Council have not been presented with an odour assessment with updated odour assessment with the figures requested (as per the 2018 report) which were considerably lower than 15 m/s.

Comments on Planning Application

15th October 2019

Proposal: The relocation of 2 chimney stacks approved under ref.M/2011/0126/F and the addition of 4 further chimney stacks To facilitate spraying within existing approved building

Location: 70m South of 177 Annagher Road, Dungannon

This application for relocation of 2 chimney stacks and the addition of an additional 2 stacks has been considered along with the submitted Irwin Carr Odour Impact Assessment dated 16th January 2018.

The Irwin Carr report uses AERMOD dispersion modelling to predict overall average impact of emissions from the existing facility using site specific inputs on odour emission rates, stack diameter, exit velocities etc. along with meteorological data and considers the impact at nearby residential properties over the previous 5 years. They concluded that the odour levels at all nearby receptors were significantly below the 3 ou/m³ whilst an increase of stack height by 3 metres (to 6 metres in total above ridge height) resulting in a 13.5 -23.5% reduction in odour levels at these receptors.

It is our understanding that the current stack heights are 6 metres above ridge height. Planners should satisfy themselves that this is the case.

The Environmental Health Department continue to receive odour complaints from nearby residential properties and officers have clearly observed these odours on a variety of occasions over the last few years.

A review of 2018 stack emissions testing undertaken by an independent company showed discharge velocities ranging from 9.4 – 1.2 m/s (3 of which returned discharge velocities <3 m/s) which are well below the 15 m/s discharge velocities used within Table 4 of the Irwin Carr report.

For this reason, we request that the odour assessment should be revisited using these measured inputs instead of theoretical values to establish if these produce figures more reflective of the situation witnessed at 3rd party receptors.

We would also request that new or additional mitigation measures be considered which will reduce the odour impact at nearby residential properties to further progress this application.

Policy Considerations.

The site is located in the countryside, on the edge of the settlement of Coalisland as defined by the current Dungannon Area Plan. The DMAC engineering business is now established here. My consideration of this proposal is therefore only concerned with the reposition and addition of the chimney stacks now on the building retrospectively. I don't see this proposal so much as an expansion of the premises in Policy PPS4 PED3 terms, but rather more a Policy PED9 test.

The SPPS in referring to Economic Development, Industry and Commerce, whilst recognising that economic development in the countryside, states:

6.87 The guiding principle for policies and proposals for economic development in the countryside is to facilitate proposals likely to benefit the rural economy and support rural communities, while protecting or enhancing rural character and the environment, consistent with strategic policy elsewhere in the SPPS.

6.91 All applications for economic development must be assessed in accordance with normal planning criteria, relating to such considerations as access arrangements, design, environmental and amenity impacts, so as to ensure safe, high quality and otherwise satisfactory forms of development.

Policy PED9 of PPS4.

A proposal for economic development use, in addition to the other policy provisions of this Statement, will be required to meet a number of criteria. Amongst these are 2 in particular which I feel require specific consideration not, namely:

- (b) it does not harm the amenities of nearby residents;
- (f) it is capable of dealing satisfactorily with any emission or effluent;
- (m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.

The Justification and Amplification of this Policy recognises that in making provision for economic development, and in considering proposals, the Department will seek to minimise adverse effects on the amenities of adjacent properties, particularly dwellings, and on natural and built heritage resources. Particular care will be taken to safeguard local, national and international natural heritage designations.

It is my view that this proposal does not satisfy Criteria (b) and (f) of PED9 in that the present failure of the developer to demonstrate that this development will not lead to a loss of amenity has indicated that the DMAC facility is not capable of dealing satisfactorily with emissions. The chimney stacks discharge rates appear well below the required standards which would assist with adequate dispersal. In relation to integration into the landscape, given the level differences between the DMAC factory and the approaching roads, I don't not share some of the concerns raised by objectors in this case on the visual impact of the extended flues. Whilst extending well above the factory roof I do not feel that these are excessive in relation to wider public aspect. On this basis I would adopt the view that the chimney stacks do not offend other rural policy, namely Policy CTY14 of PPS21 for example.

Consideration local objections.

There have been 8 objections received from properties at No 36 Washingbay Road, 181 Annagher Road, 160 Annagher Road, issues raised include:

1. The proposal, by transmitting air pollutants through the countryside including over arable lands / impacting on livestock / grazing, has been detrimentally impacting the air quality and residential amenity of nearby property
2. The previous permission for DMAC promised an air filtration system but to date this has failed to be delivered
3. The stacks have introduced a further visual impact and deterioration of rural character
4. The Council have a duty to protect / investigate nuisances including fumes emitted from premises under the Clean Neighbourhoods and Env Act (NI) 2011.
5. NI HSE are currently investigating the impacts and it is requested that the views of statutory bodies is sought.
6. That noise nuisance has increased from the factory
7. The proposal, by transmitting air pollutants through the countryside including over arable lands / impacting on livestock / grazing, has been detrimentally impacting the air quality and residential amenity of nearby property
8. The previous permission for DMAC promised an air filtration system but to date this has failed to be delivered
9. The stacks have introduced a further visual impact and deterioration of rural character

10. The Council have a duty to protect / investigate nuisances including fumes emitted from premises under the Clean Neighbourhoods and Env Act (NI) 2011.

11. The overall enjoyment of property is being effected on occasion by fumes by not being able to use my garden / relatives being unable to visit.

12. That to rely on computer generated modelling is of limited value. The presence of the 6 chimneys provides ample opportunity to use real air quality monitoring. A PAC decision, 2017/A0043 supports this view in terms of the weighting to be afforded to air dispersion modelling as opposed to real air samples.

I recognise and concur with many of the issues raised by residents. In reaching my recommendation I attach determining weight to these concerns when considered in conjunction with the on-site observations of EHO colleagues. The matter of noise concerns I feel relates to wider claimed issues associated with DMAC operations and not this specific proposal. I note that the HSENI in May 2017 advised the Council of an investigation into alleged paint fumes from the plant following a complaint from a member of the public and asked that the Council planning enforcement team further investigate and consider.

I fully appreciate that DMAC need a means of discharging emissions in the interests of the efficient and safe undertaking of the business, as stated within the agents supporting statement, this cannot however be at what appears to be the expense of the quality of residential amenity being experienced in the locality of the factory and as observed by EHO.

I refer back to the earlier promised means by which the company stated they would deal with emissions contained in the original approval for DMAC which it seems has not been incorporated into the factory. Given that the Council have not been presented with any other obvious alternative design solution or other means of demonstrating satisfactory compliance, and in considering the clear objections from EHO and local residents, my recommendation is to refuse permission for the reason set out below.

Neighbour Notification Checked

Yes

Summary of Recommendation: Refusal.

Reasons for Refusal: The proposal is contrary to the SPPS and Policy PPS4 PED9 in that it has not been satisfactorily demonstrated that the development will not lead to an unacceptable loss of amenity to nearby residents by way of odour and fumes.

Signature(s) M.Bowman

Date: 19th Jan 2021

ANNEX	
Date Valid	3rd March 2017
Date First Advertised	16th March 2017
Date Last Advertised	15th February 2018
Details of Neighbour Notification (all addresses) E Campbell 160 Annagher Road, Coalisland, Tyrone, Northern Ireland, BT71 4NF The Owner/Occupier, 177 Annagher Road Annagher Coalisland Martin and Kathleen Dooey 181 Annagher Road, Coalisland, Tyrone, Northern Ireland, BT71 5DA Martin and Kathleen Dooey 181, Annagher Road, Coalisland, Tyrone, Northern Ireland, BT71 5DA Martin Dooey 181, Annagher Road, Coalisland, Tyrone, Northern Ireland, BT71 5DA J Campbell 183 Annagher Road, Coalisland, Tyrone, Northern Ireland, BT71 5DA The Owner/Occupier, 185 Annagher Road Dernagh Coalisland Orlagh Campbell 197 Annagher Road, Coalisland, Tyrone, Northern Ireland, BT71 5DA James Hughes 36 Washingbay Road, Coalisland, Tyrone, Northern Ireland, BT71 4PU James Hughes 36 Washingbay Road, Coalisland, Tyrone, Northern Ireland, BT71 4PU	
Date of Last Neighbour Notification	2nd February 2018
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2016/1761/NMC Proposal: Relocation of previously approved flue stacks Address: 70m South of 177 Annagher Road, Coalisland, Decision: CR Decision Date: Ref ID: LA09/2015/1278/NMC	

Proposal: Minor change to planning approval M/2011/0126/F: change of exterior cladding colour of the unit to green and change of roof pitch to accommodate overhead cranes

Address: 70m South of 177 Annagher Road, Coalisland,

Decision: CG

Decision Date:

Ref ID: LA09/2017/0319/F

Proposal: The relocation of 2 chimney stacks approved under ref. M/2011/0126/F and the addition of 2 further chimney stacks to facilitate spraying within existing approved building

Address: 70m South of 177 Annagher Road, Dungannon,

Decision:

Decision Date:

Ref ID: M/2014/0027/LDE

Proposal: The continued use of the land for the storage of industrial machinery, steel. portacabins and general industrial equipment

Address: Lands south of 177 Annagher Road, Coalisland,

Decision: PR

Decision Date:

Ref ID: M/2010/0631/Q

Proposal: Zoning of Industrial Lands

Address: Lands South of 177 Annagher Road, Coalisland

Decision:

Decision Date:

Ref ID: M/2011/0126/F

Proposal: Small rural industrial enterprise on land situated adjacent to existing settlement limit of Coalisland.

Address: 70m South of 177, Annagher Road, Coalisland,

Decision: PG

Decision Date: 29.04.2015

Ref ID: M/1986/0582

Proposal: EXTRACTION OF SAND

Address: ANNAGHER, COALISLAND

Decision:

Decision Date:

Ref ID: M/1987/0421

Proposal: SAND EXTRACTION

Address: ANNAGHER ROAD, ANNAGHER, COALISLAND

Decision:

Decision Date:

Ref ID: M/1989/0159

Proposal: Extraction of sand

Address: BEHIND 177 ANNAGHER ROAD ANNAGHER COALISLAND

Decision:

Decision Date:

Ref ID: M/2013/0464/LDE

Proposal: Works which were subject to conditions have not been carried out

Address: Lands south of 177 annagher Road, Coalisland,

Decision: PG

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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Drawing No.

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Status: Submitted

Drawing No.

Type:

Status: Submitted

Drawing No. 02

Type: Proposed Elevations

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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: LA09/2017/0787/F	Target Date: <add date>
Proposal: Refurbishment of existing 3 storey house including demolition of rear return and new 3 storey extension to rear to provide kitchen, living, bedroom and ancillary space	Location: 33 Killyman Street Moy Dungannon
Applicant Name and Address: M & C McCallion 33 Killyman Street MOY Dungannon BT71 7SJ	Agent Name and Address:
Summary of Issues: The host property is a Grade B1 listed building and within the conservation area of MOY. The property was previously dilapidated with planning approval (M/2009/0248/F & M/2009/0378/LB) extant. The applicant purchased the property in 2016 and undertook renovation works with an objection being received in July 2017 from Mr John Curran of 55 Bovean Road who operates a business adjacent to 33 Killyman Street on the basis that works carried out did not match what was approved. Historic Environment Division (HED) have expressed concerns that the proposal fails to satisfy 6.12 and 6.13 of the Strategic Planning Policy statement with primary concerns over rear window finishes, rain water goods and quoin arrangement to the front elevation. At a site meeting on 24th January 2017 with HED, Mid Ulster District Council Enforcement Officer and applicant, it was agreed a new planning application and LBC application would be submitted to regularise the works (LA09/2017/0787/F and LA09/2017/0788/LBC)	
Summary of Consultee Responses: DFC - HED - HED commented that proposals may satisfy policies and have asked that the council/applicant considers the points raised in the explanatory notes of their response. HED recognise this was formerly a building at risk and welcomes its reuse as a family home.	

Characteristics of the Site and Area

33 Killyman Street is a 2 storey mid-terrace dwelling with a basement level, as the ground level falls away from the street. It has a slate roof and render walls, wooden sliding sash windows and painted wooden door to the street frontage. It also has ladder effect quoins at either end of the frontage with an arched carriageway at ground floor level providing shared access to the rear. At the rear is a 3 storey return with smooth render walls and slate roof. There are roof lights in the roof, 4 on the side facing into 33 and 1 on the side facing 31. The window frames are dark with single panes of glass and there is a 3 storey link stairway that has a flat roof on both sides.

The site slopes downwards from street level to a large garden area at the rear.



Front elevation



Rear views



Views from adjacent property

The dwelling is located on Killyman Street in the village of Moy, within Moy Conservation Area and located between 2 listed buildings, 31 and 37 Killyman Street. The street scene is predominately 2 storey buildings with a 3 storey building adjacent and other 3 storey properties towards the Square. The area is a mix of residential and commercial development and access to the rear of the properties

on this side of the street is through carriageway arches and on the opposite side by gaps between buildings.

Description of Proposal

This application is for retention of works to refurbish the existing three storey house including demolition of rear return, demolition of outhouse and new three storey extension to rear. The refurbishments include re-roofing, re-rendering, providing ladder effect quoins and replacing/repairing windows and doors. To the rear there is a 3 storey pitched roof return with smooth render walls and slated roof. A staircase connects the extension to the existing building, it is over 3 floors and is mostly glazing with a flat roof. The extension has a games room, bathroom and laundry room on the lower ground floor, kitchen/dining/family room at ground floor and a master bedroom with en-suite and dressing room to the 1st floor.

The windows to the front are wooden sliding sash and all windows to the rear are double glazed single sheet units within dark UPVC frames. All rain water goods are cast aluminium and a soil vent pipe at the rear is Upvc. The staircase has been re-moved from within the house and new doors, architrave, skirting's and mouldings have been provided.

The Design and Access statement dated 8th June 2017 indicates the proposal is to sympathetically restore the property to its original standard and character, repairing the visible fabric of the property with its original features that contribute to the improvement of the streetscape in its context as a Conservation Area, following a six year period of dereliction.

Deferred Consideration:

This application was before the Planning Committee in March 2021 and it was agreed to defer to allow a meeting between the Planning Manager, the Applicant and architects from Historic Environment Division of the Department for Communities. This meeting took place virtually on 11 March 2021.

Following the meeting HED were re-consulted to allow them to comment on the issues that were discussed at the meeting. HED commented that proposals may satisfy policies and have asked that the council/applicant considers the points raised in the explanatory notes of their response. HED recognise this was formerly a building at risk and welcomes its reuse as a family home. They had a number of concerns which were raised in previous responses and are broadly based on the following points:

1. Windows to the rear of the listed building to be opaque painted hardwood timber, sliding sash, putty fronted, 1 over 1 windows over archway and 2 over 2 to rear elevation).
2. Rainwater goods and drainage pipes to listed building to be cast iron or cast aluminium.
3. Quoins to the front elevation of the listed building to match original 'toothed' detailing.
4. External render to be lined
5. Stairs to be reinstated in the original position, as per existing stair to retain historic floor plan.
6. Details of doors, architraves, skirting and plaster mouldings to be provided to match existing.

Members are advised the policy context here is contained in BH8 of PPS6 and planning permission may be granted where all the following are met:

- a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

1. Windows to the rear of the listed building to be opaque painted hardwood timber, sliding sash, putty fronted, 1 over 1 windows over archway and 2 over 2 to rear elevation).

HED request that drawings are resubmitted showing new windows to the rear elevation as hardwood sliding sash windows. Mr McCallion advised there are 2 windows at the rear of the property that have been changed, one over the stairwell which was stained glass and has the stained glass inserted into a double glazed uPVC window and one which also uPVC and is for emergency egress. These 2 windows are wholly to the rear of the building and as such have a very limited public view or appreciation of them. All other windows at the front of the property on Killyman Street are complaint with HED requirements as there has been no request to change or amend these. Members will be aware there have been circumstances in the past where uPVC windows have been accepted, particularly where they have no significant public viewpoint. It is also worthy of noting the window openings have not been changed, just that the frames within them are not what would be expected in a property of this age. In view of the limited public views of these windows and that it is quite possible replicas of the originals could be reinstated at some point in the future, I do not consider these 2 windows have caused an unaccepted and irreversible change to the property.

2. Rainwater goods and drainage pipes to listed building to be cast iron or cast aluminium.

This relates to the uPVC Sewage Vent Pipe and other pipework that feeds into it which is located to the rear of the property. HED have requested this is replaced with a profiled heavy duty cast iron pipe. The applicant has indicates that he is willing to replace this and it was discussed that this could be carried out by means of a time locked condition to require this to be done. In light of this willingness to reinstate this element I consider it appropriate to condition that Mr McCallion submits and agrees details of profiled heavy duty cast iron SVP within 3 months of the date of any decision and that these are installed within 12 months of the date of any decision.

3. Quoins to the front elevation of the listed building to match original 'toothed' detailing.

HED are mindful that the straight line quoin detail is not historically accurate for this property but they are an architectural feature of properties either side of the subject property and as such are of a similar age and style. HED are willing to accept these and there is no further amendments required to this element.

4. External render to be lined

HED advise the original plasterwork was lined and ruled and have requested this is re-instated and drawings are submitted that shows these. The applicant has advised they had to remove the plasterwork and re-render the property as the finish was in a poor state of repair when they purchased it. Essentially HED are asking for this work to be hacked off the building and be redone with lines in it to match the records they have of the building when it was listed. While this will make the building appear historically accurate in terms of the records, it is not retaining historic fabric. Members may wish to consider what conservation merit would be had by redoing this plaster work. The applicant has advised they have held off from painting the exterior of the building for fear of having to remove the existing render and then redoing it before painting the building. I consider if the building was painted in a colour scheme agreed with HED this would improve the appearance of the building. HED have not sought any painting of the building and the applicant could render the building with lined plaster as requested but not repaint the building, which is not typical of the listed buildings or other buildings that surround it. I propose a condition that requires a colour scheme to be agreed with HED and carried out within 6 months of the date of any approval would enhance the appearance of the property and the conservation area.

5. Stairs to be reinstated in the original position, as per existing stair to retain historic floor plan.

The applicant provided HED with photographic evidence of a large bust that has been placed in the position of the original staircase as a focal piece to acknowledge the significance of the staircase and the original plan form of the building. HED have advised they accept the stairs removed were a modern unsympathetic insertion. They would prefer the reinstatement of the original stairs in their original form but accept the plan form of the building remains legible and that an authentic replacement could be inserted in the future. HED have not asked for any further changes to this element of the building.

6. Details of doors, architraves, skirting and plaster mouldings to be provided to match existing.

The applicant advised that when they acquired the building the internal doors, architraves, skirting's and mouldings had been trashed. The doors that remained were pressed MDF panel doors and not particularly in keeping with the building. Mr McCallion has advised he researched period interiors to specify dies for the profiling of the skirting boards/architraves and has provided appropriate doors. HED accepts the original historic joinery work is no longer in place. They have requested the applicant furnishes them with drawings to reflect what has been provided and is in situ. As it has been accepted all original historic joinery work has been removed the information must surely only be for information purposes, as a record of the internal of the building now. I suggest this could be dealt with by way of a condition that Mr McCallion submits these profiles and details to HED for their information within 3 months of the date of any decision.

It is clear that not all the criteria has been fully met in this proposal, however members may set aside some elements of the policy where they feel there are other material considerations that outweigh the policy. In this case members may wish to take account of the fact the applicants have undertaken a significant amount of work to this property to

bring it back into use as a family home. The property had been granted permission for conversion to apartments which was itself not historically accurate. The works that have been done have resulted in the property being removed from the Buildings at Risk Register, which HED welcome. I consider this should be given weight in the determination of this application and in my view it is better to have the building in its current condition than falling further into disrepair.

HED have requested conditions that require:

- the walls to be lined and ruled render with toothed quoins (at odds with the commentary in the explanatory notes relating to the quoins) and
- Painted hardwood sliding sash windows to the listed building

Members are reminded that where the Council is proposing to go against HED advice and/or not attach suggested conditions then the Council must notify the Department for Infrastructure in accordance with Section 89 of the Planning Act (NI) 2011 and The Planning (Notification of Applications) Direction 2017 before it issues its decision.

My recommendation is that Listed Building Consent is granted for these works, subject to the proposed conditions attached and satisfactory notification to the Department.

Conditions/Reasons for Refusal:

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

Reason: This is a retrospective application.

2. Within 3 months of the date of this decision, details of profiled heavy duty cast iron SVP to replace the uPVC SVP at the rear of the property shall be submitted to the Council for agreement with Historic Environment Division. The agreed heavy duty cast iron SVP as agreed shall be installed within 12 months of the date of this decision.

Reason: To protect the integrity and character of this listed building

3. Within 3 months of the date of this decision, drawings at a scale of 1:20 and photographs showing the details and profiles of all skirting's, architraves and doors within the listed part of this building shall be provided to Council for forwarding to HED.

Reason: To ensure Historic Environment Division have an accurate record of the replacement joinery works within this listed building.

Signature(s)

Date:



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: LA09/2017/0787/F	Target Date:
Proposal: Refurbishment of existing 3 storey house including demolition of rear return and new 3 storey extension to rear to provide kitchen, living, bedroom and ancillary space	Location: 33 Killyman Street Moy Dungannon
Referral Route: Application is being recommended for refusal Objections received from neighbour and Historic Environment Division have concerns.	
Recommendation:	Refusal
Applicant Name and Address: M & C McCallion 33 Killyman Street MOY Dungannon BT71 7SJ	Agent Name and Address: N/A
Executive Summary: The proposal is for the retention of works to a listed building and Historic Environment Division of the Department for Communities have advised they are not content with the works, both internally and externally. Additional plans have been requested to show internal features and these have not been submitted, despite a number of requests. An objection has been received from the neighbour raising a number of issues.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Fails to satisfy policy requirements of SPPS and BH8 & 11 in PPS6.

Representations:

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

Summary of Issues

HED have requested the following changes to the listed building: reinstatement of 3 wooden sliding sash windows to the rear (currently Upvc), reinstatement of the internal staircase (this has been removed), rainwater goods and drainage pipes to be cast iron or cast aluminium (SVP to the rear is Upvc), quoins to frontage sides of the property be toothed (currently ladder type), external render to be lined (currently smooth render), details of all internal doors, architraves, skirtings and plaster mouldings to match the original features.

The neighbour has raised concerns about the dominance of the extension, overlooking, overshadowing, loss of visual amenity and that what is proposed does not match what has been built.

Characteristics of the Site and Area

33 Killyman Street is a 2 storey mid-terrace dwelling with a basement level, as the ground level falls way from the street. It has a slate roof and render walls, wooden sliding sash windows and painted wooden door to the street frontage. It also has ladder effect quoins at either end of the frontage with an arched carriageway at ground floor level providing shared access to the rear. At the rear is a 3 storey return with smooth render walls and slate roof. There are roof lights in the

roof, 4 on the side facing into 33 and 1 on the side facing 31. The window frames are dark with single panes of glass and there is a 3 storey link stairway that has a flat roof on both sides. The site slopes downwards from street level to a large garden area at the rear.



Front elevation



Rear views



Views from adjacent property

The dwelling is located on Killyman Street in the village of Moy, within Moy Conservation Area and located between 2 listed buildings, 31 and 37 Killyman Street. The street scene is predominately 2 storey buildings with a 3 storey building adjacent and other 3 storey properties towards the Square. The area is a mix of residential and commercial development and access to the rear of the properties on this side of the street is through carriageway arches and on the opposite side by gaps between buildings.

Description of Proposal

This application is for retention of works to refurbish the existing three storey house including demolition of rear return, demolition of outhouse and new three storey extension to rear. The refurbishments include re-roofing, re-rendering, providing ladder effect quoins and replacing/repairing windows and doors. To the rear there is a 3 storey pitched roof return with smooth render walls and slated roof. A staircase connects the extension to the existing building, it is over 3 floors and is mostly glazing with a flat roof. The extension has a games room, bathroom and laundry room on the lower ground floor, kitchen/dining/family room at ground floor and a master bedroom with en-suite and dressing room to the 1st floor.

The windows to the front are wooden sliding sash and all windows to the rear are double glazed single sheet units within dark UPVC frames. All rain water goods are cast aluminium and a soil vent pipe at the rear is Upvc. The staircase has been re-moved from within the house and new doors, architrave, skirting's and mouldings have been provided.

The Design and Access statement dated 8th June 2017 indicates the proposal is to sympathetically restore the property to its original standard and character, repairing the visible fabric of the property with its original features that contribute to the improvement of the streetscape in its context as a Conservation Area, following a six year period of dereliction.

Planning Assessment of Policy and Other Material Considerations

The following planning publications and planning policy statements establish the policy context.

- Strategic Planning Policy Statement (SPPS)

- Dungannon and South Tyrone Area Plan 2010
- Planning Policy Statement 6 Planning Archaeology and the Built Heritage
- Planning Policy Statement 7 – Addendum – Residential Extensions and Alterations.

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.

Departmental publications cancelled by the introduction of the SPPS include PPS 1: General Principles, PPS 5: Retailing and Town Centres and PPS 9: The Enforcement of Planning Control.

Planning History

Members are advised the property was listed on 11th February 1982 and is Grade B1, this category is for good examples of particular period or style, a degree of alteration or imperfection may be acceptable and generally have a wide selection of attributes and usually include interior features where one or more features are of exceptional quality or interest.

Planning permission and listed building consent was granted under M/2009/0378/LB and M/2009/0248/F for the demolition of existing rear return proposed extension to rear and proposed refurbishment of existing listed building on 14 September 2010.

Previous to this an application reference M/2008/0679/F for proposed demolition of existing rear return, 3 storey rear office extension and refurbishment of existing property to include a change of use from dwelling to offices was granted at appeal. Members should note these have lapsed, however the policy context has not dramatically changed since they were approved and PPS6 is still the main consideration.

There is an on-going enforcement case for unauthorised works to a listed building. A conclusion of this planning application and the accompanying application for listed building consent is required in order to either resolve the breaches of planning control, or provide an opportunity for the Planning Department to further consider the merits of the enforcement case with a view to potential prosecution for unauthorised works to a Listed Building.

Representations

In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 an advert was placed in local newspapers together with neighbour notifications undertaken. Representations were sought from HED with comments received together with one objection received from No. 33 Killyman Street.

Considerations

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

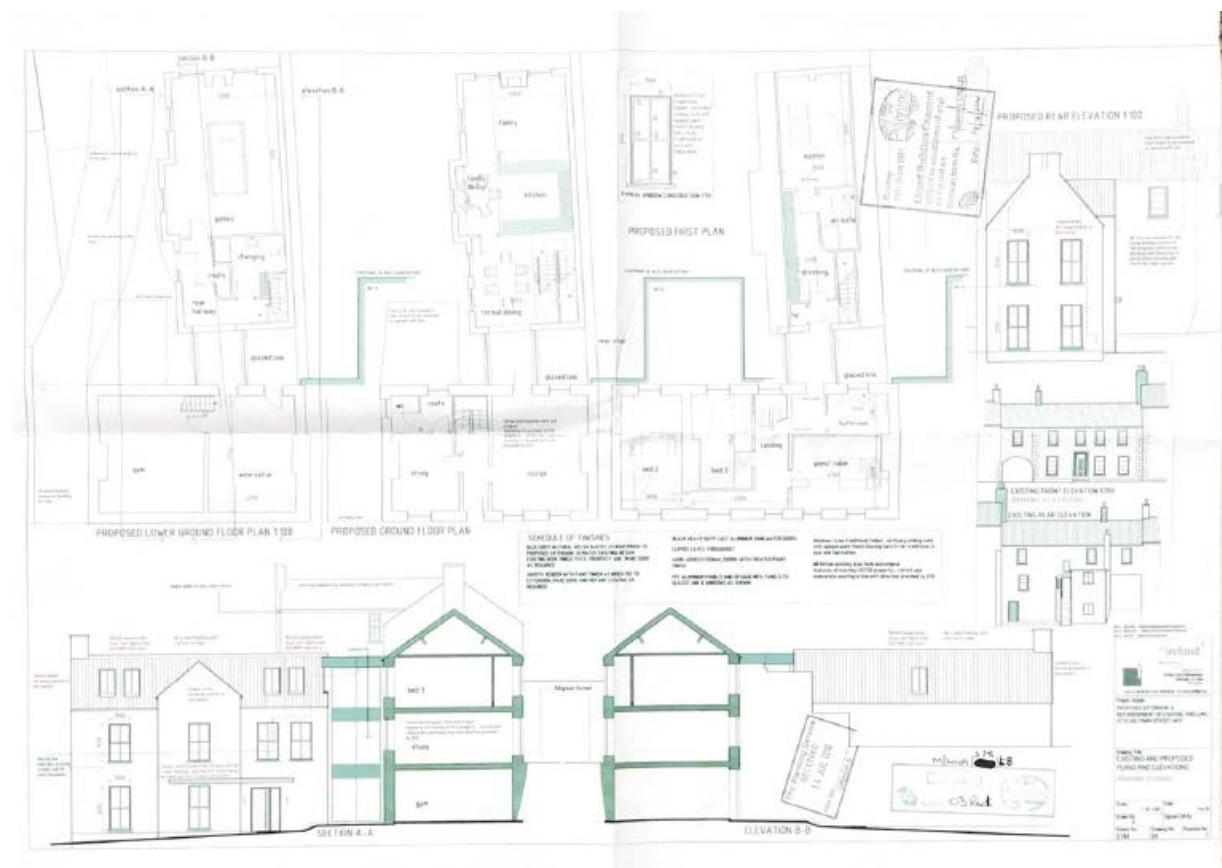
Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

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

In accordance with the Strategic Planning Policy Statement Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and all other material considerations, unless the development will cause demonstrable harm to interests of acknowledged importance.

The Dungannon and South Tyrone Area Plan 2010 identifies 33 Killyman Street as within the village of Moy where favourable consideration is given to development, provided it meets with stated criteria in SETT1. I consider if the proposal meets with other regional policy contained within PPS6 and PPS7 - Addendum, it will accord with the Area Plan.

Members are asked to note the Department already took a view on the acceptability of an extension to this property and granted planning permission for a broadly similar scheme. The previous proposal did not include any significant alterations to either the interior or the exterior of the listed building.



Plans approved M/2009/0247LB and M/2009/0248/F -14 September 2010

The proposal must accord with EXT 1 of PPS7 addendum in terms of design and amenity considerations. In regards to satisfying Policy EXT 1, it is my view the overall siting, scale and design of the proposed extension still remains subordinate to the original host property with a width of 5.6 metres and length/depth of 15 metres being similar with the extant application M/2008/0681/LB and the retrospective application LA09/2017/0788/LBC. The increase of height of the chimney by 600mm to the coping level is a noticeable change in the applications yet I still view it as not detrimental to the character and appearance of the host property, given the restricted views of the property. I am persuaded the proposal is in general compliance with the Area Plan.

Taking on board the objection and comments received, I am not persuaded that the extension as built is overly dominant to either property No. 31 or No. 35, particularly as it is below the ridge level of the host property. The perceived invasion of privacy onto 31 Killyman Street from the Velux bathroom window of No. 33 is not significant given the difficulties of obtaining a view combined with the consideration that commercial activities are also undertaken at No. 31. In relation to concerns of how the applicant proposes to maintain the wall and roof as raised by the objector at No. 31, this was a similar issue in relation to the scheme approved by the Department and I consider this is a common situation with this type of backland development which requires some degree of mutual co-operation between the parties.

In assessing the perceived loss of visual amenity, planning approval was previously given under M/2009/0378/LB and M/2009/0248/F for a very similar proposal. It is noted the proposal extends almost 10 metres beyond the extension in the neighbouring property, however that extension is over 3 stories and this one only 2. Neither extension interrupts the streetscape and the rear elevations are not easily viewed from Killyman Street, or any other area of public resort.

In relation to overshadowing, the objectors property at No. 31 is south of the host property and the extension will over shadow it to some degree, however this will be mostly in the early morning, the extension to no 31 provides a much greater shadowing effect to the windows in the north facing elevation of No 31.

Initially the plans for the development did not reflect what has been built on the ground, amended plans received in June 2019 do, in my opinion, show the development as built on the ground. Neighbour notification was carried out in relation to these plans and no further comments were received.

The proposal will not cause the unacceptable loss of, or damage to, trees, or other landscape features with sufficient space remaining within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles. I am therefore satisfied the proposal does not unduly affect the privacy or amenity of neighbouring residents in proximity of 33 Killyman Street and accords with the policy requirements of EXT1 in PPS 7 (Addendum).

Consequently, I consider the principle of the extension is acceptable and the main issue to be resolved is the objection and comments raised by Historic Environment Division (HED) in respect of the works to the original building. Following the receipt of the plans that show the development as built, HED were consulted and consider the development as built fails to satisfy the policy requirements of the SPPS and BH8 and BH11 of PPS6.

Policy BH 8, extension or alteration of a Listed Building, states the Department will normally only grant consent for the extension or alteration of a listed buildings where all the following criteria are met:

1. the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
2. the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
3. the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

Policy BH11 is similar to BH8, but it relates to the setting of the listed building.

The response dated 18 July 2019, identified 6 core areas of concern:

- 1) reinstatement of 3 wooden sliding sash windows to the rear (currently Upvc)
- 2) reinstatement of the internal staircase (this has been removed)
- 3) rainwater goods and drainage pipes to be cast iron or cast aluminium (SVP to the rear is Upvc)
- 4) quoins to frontage sides of the property to be toothed (currently ladder type)
- 5) external render to be lined (currently smooth render) and
- 6) details of all internal doors, architraves, skirting's and plaster mouldings should match the original features.

It is noted HED had previously requested the windows in the new extension to be changed to aluminium or wooden frames, they have not requested this in the most recent response and have solely concentrated on the works to the existing building.

HED provided photographs to show the property when it was inspected in 2000.



Front elevation with toothed quoins at sides and partially over archway



Lines in the plaster work to the front



Photographs of the internal features for the property

The applicant has advised they purchased the property in 2016 and at that time it had been vandalised with significant damage to the interior of the property and most of the internal joinery features stripped out and burned.



Extract from estate agents brochure

The applicants wished to retain the property as a family home and carried out extensive remedial works as the property had suffered defects due to the lack of maintenance. They have advised all works they carried out were without the benefit of any grant aid or other funding sources. The applicants advise the works they have carried out are not significantly different than those previously approved and that it was a matter of urgency the works were carried out to prevent the building falling into further disrepair. The applicant has submitted a statement that indicates they feel they have carried out the works in accordance with the guidance notes associated with the Historic Buildings Grant Aid Scheme and the 4 principles of conservation contained within the Burra Charter. These are: Minimum Intervention, Maximum Retention, Clarity and Reversibility.

In respect of the HED issues that have been raised the applicants wish the committee members and the planning officers to note:

- 1) reinstatement of 3 wooden sliding sash windows to the rear (currently Upvc) these are not visible from the public views and they match those in the extension, all windows to the front and the front door have been replaced like for like with high specification
- 2) reinstatement of the internal staircase (this has been removed)
The staircase had been removed by the previous owner, replacing it here would not meet current Building Regulations, it has been left that the stairs can be reinstated in the future so the change is reversible.
- 3) rainwater goods and drainage pipes to be cast iron or cast aluminium (SVP to the rear is uPVC)

only the SVP (Sewer Vent Pipe) is uPVC and this is due to the amount of pipes flowing into it , it would have required 2 pipes if this was not done.

4) quoins to frontage sides of the property to be toothed (currently ladder type)
the 'original' quoins were not original, when the plaster was removed it was noted the original cut stone quoins were ladder type and this has been replicated. This is the same as no 35.

5) external render to be lined (currently smooth render)
there were no lines obvious in the plaster work when the property was bought, there is a mix of different finishes in the area and this is in keeping with no 35.

6) details of all internal doors, architraves, skirting's and plaster mouldings should match the original features.

none of the original features were left when the house was bought as the majority of the interior was gone, anything that was left was not original. The replacements were replicated from other nearby properties of a similar era to try and find the correct match.

The applicants indicate they have gone to considerable expense to try to make the property as original as possible and have carried out extensive research to do this. They have brought the building back into use as a modern family home where otherwise it would have been lost.

Members should be aware that works to a listed building require the necessary consent before they are undertaken. It is a criminal offence to carry out works to a listed building without obtaining that consent. Planning permission and listed building consent were granted in 2010 for a similar scheme, but it is important to note they had a 5 year time limit and had lapsed before the applicants bought the property in 2016. The development that was carried out was similar to the approved scheme, but is not in accordance with it and these changes are the issues that have caused concerns with HED. The applicant was aware they were buying a listed building and they should have consulted with HED before they carried out the works that have been undertaken. The applicant advise they incurred expense in researching the materials and finishes for the property, however it is clear that contact with HED would have provided them with as much information as they needed to ensure they carried out the work in accordance with their standards. This could have resulted in the works being carried out to the necessary standard.

HED acknowledge this was a building at risk and welcomes its re-use as a family home. They have no issues with the principle of the extension and the alterations to the building, it is the manner and detailing that is at issue. They have identified 6 core elements that require attention, these will require significant investment to put right. It is commonly known that financial assistance from the Department is scarce for this type of work. That said HED have sought co-operation with the applicants to provide changes to respect the character of the building, these have not been forthcoming.

The most recent consultation response does not raise any issue with the windows or appearance of the extension. The amendments that have been requested are solely in relation to the fabric of the listed building. As it does not appear that HED have any further issues with the extension I do not considered BH11 is offended.

It is obvious that without the applicants intervention this building may have continued to deteriorate and what has been done is preferable to the previous derelict appearance of the property. However this is still a listed building and afforded statutory protection as such am bound by HED guidance that the proposal as built does not accord with policy and I am therefore recommending refusal of this application.

Neighbour Notification Checked**Yes/No****Summary of Recommendation:**

The works that have been carried out to this building have adversely affected the character of this listed the building thought the use of inappropriate finishes, materials and detailing.

Members should note any decision on this application is dependant on the outcome of the Listed Building Consent and any possible notification to the Department.

Reasons for Refusal:

The development as constructed fails to meet with Policy BH11 of Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage in that:

- the essential character of the building has not been retained as its features of special interest do not remain intact and unimpaired;
- the works do not make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- the architectural details (e.g. doors, gutters, windows) do not match and are not in keeping with the building.

Signature(s)**Date:**

ANNEX	
Date Valid	8th June 2017
Date First Advertised	22nd June 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 31 Killyman Street Moy Tyrone The Owner/Occupier, 35 Killyman Street Moy Tyrone John Curran 55 Bovean Road Bovean Dungannon The Owner/Occupier, Flat A 31 Killyman Street Moy The Owner/Occupier, Flat B 31 Killyman Street Moy The Owner/Occupier, Flat C 31 Killyman Street Moy The Owner/Occupier, Flat D 31 Killyman Street Moy The Owner/Occupier, Flat E 31 Killyman Street Moy The Owner/Occupier, Flat F 31 Killyman Street Moy	
Date of Last Neighbour Notification	3rd July 2017
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0788/LBC Proposal: Refurbishment of existing 3 storey house. Including demolition of rear return and new 3 storey extension to rear to provide kitchen ,living, bedroom and ancillary space. conversion from existing flats into residential house Address: 33 Killyman Street, Moy, Dungannon, Decision: Decision Date: Ref ID: LA09/2017/0787/F	

Proposal: Refurbishment of existing 3 storey house including demolition of rear return and new 3 storey extension to rear to provide kitchen, living, bedroom and ancillary space

Address: 33 Killyman Street, Moy, Dungannon,

Decision:

Decision Date:

Ref ID: M/2000/0330/DCA

Proposal: Demolition of 21A Killyman Street, Moy

Address: 21A Killyman Street, Moy, Dungannon

Decision:

Decision Date: 21.08.2000

Ref ID: M/2009/0248/F

Proposal: Demolition of existing rear return, proposed extension & refurbishment of ex dwelling

Address: 33 Killyman Street, Moy Dungannon

Decision:

Decision Date: 29.09.2010

Ref ID: M/2005/0879/Q

Proposal: 3 Detached Dwellings

Address: Rear of 33 Killyman Street, Moy

Decision:

Decision Date:

Ref ID: M/2009/0378/LB

Proposal: Demolition of existing rear return proposed extension to rear and proposed refurbishment of existing listed building

Address: 33 Killyman Street, Moy, Dungannon

Decision:

Decision Date: 08.10.2010

Ref ID: M/2008/0679/F

Proposal: Proposed demolition of existing rear return, proposed 3 storey rear office extension and refurbishment of existing property to include a change of use from dwelling to offices

Address: 33 Killyman Street, Moy, Dungannon

Decision:

Decision Date:

Ref ID: M/2008/0681/LB

Proposal: Proposed extension and refurbishment of existing property to include a change of use from dwelling to offices

Address: 33 Killyman Street, Moy, Dungannon

Decision:
Decision Date: 26.01.2009

Ref ID: M/1999/0058
Proposal: Proposed Extension and improvements to dwelling
Address: 33 KILLYMAN STREET MOY
Decision:
Decision Date:

Ref ID: M/1999/0054
Proposal: Proposed Improvements and Extension to Dwelling
Address: 33 KILYMAN STREET MOY
Decision:
Decision Date:

Ref ID: M/2000/1061/LB
Proposal: Proposed Improvements/Extension to Dwelling
Address: 33 Killyman Street, Dungannon
Decision:
Decision Date: 16.05.2001

Ref ID: M/2000/0835/F
Proposal: Improvements and extension to dwelling
Address: 33 Killyman Street Moy Dungannon
Decision:
Decision Date: 16.05.2001

Ref ID: M/1991/0380
Proposal: Conversion and extension to dwelling to 5 No units of accommodation
Address: 31 KILLYMAN STREET MOY
Decision:
Decision Date:

Ref ID: M/1986/0046
Proposal: IMPROVEMENTS TO DWELLING
Address: 33 KILLYMAN STREET, MOY
Decision:
Decision Date:

Ref ID: M/1986/0625
Proposal: ENLARGEMENT OF EXISTING SERVICES ACCESS TO SHOP AND YARD
Address: 31 KILLYMAN STREET, MOY
Decision:

Decision Date:

Ref ID: M/1988/0381

Proposal: NEW WINDOWS AND RE-RENDER FRONT OF DWELLING

Address: 35 KILLYMAN STREET, MOY, DUNGANNON

Decision:

Decision Date:

Summary of Consultee Responses

HED – the development as carried out does not meet with policies in SPPS and BH8 and BH11 of PPS6.

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Approved

Drawing No. 02Rev3

Type: Floor Plans

Status: Approved

Drawing No. 03Rev3

Type: Floor Plans

Status: Approved

Drawing No. 04Rev3

Type: Proposed Plans

Status: Approved

Drawing No. 05ev1

Type:

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:

GENERAL

All works to comply with current British Standards, Codes of Practice or EU equivalents and Building Regulations. The Contractor shall verify all information on site and report any discrepancies immediately to the Architect. All dimensions are in millimetres unless stated otherwise. Figure dimensions to be taken in preference to scaled dimensions. The Contractor shall complete all notices as required under Building Regulations for inspection of work as indicated previously. (B IN DOWNTOWN)

DRAINAGE

All foul and storm water drains are to be separate systems on site and constructed with underground UPVC pipework and fittings. Manufacture to be known on site and approved and all work to be in accordance with the manufacturer's instructions. All gullies having access to be built in accordance with B.T.T.O. All waste appliances to be fitted with deep seal traps. Provide inlets for waste traps of baths & showers. All drains are to be 100 mm Dia UPVC and surrounded with 150mm pea gravel. Where drains pass under the building they are to be encased in polythene sheathing to allow for thermal movement and surrounded with 150mm pea gravel. Where drains pass through the external walls they are to be sealed just at this point with a concrete lintel. Where drains are laid within 1000 mm of the foundations the trenches are to be filled with weak concrete up to the level of the underside of the foundations. Drains shall be laid 800mm under vehicle areas and 300mm under other areas. Fall in drains to be 1:40 for 100mm pipes and 1:80 for 150mm pipes. All drains to be laid to the satisfaction of the local Building Control and Public Health Inspectors. Where required internal manholes will have a mechanically fixed light cover. All drainage to comply with BS EN 752:2008 Specification.

Safety

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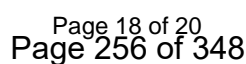
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VENTILATION STRATEGY - METHOD 2 VENTILATION SYSTEMS FOR DWELLINGS WITHOUT BASEMENTS - SYSTEM 1

Background ventilation and intermittent extract fans

MECHANICAL VENTILATION - INTERMITTENT EXTRACT FANS

Kitchen to be fitted with mechanical ventilation discharging to external air at a rate of 60 litres per second or 50 litres per second as appropriate. Extract fan to be fitted with mechanical ventilation discharging to external air at a rate of 20 litres per second. Bathrooms and shower rooms to be fitted with mechanical ventilation discharging to external air at a rate of 15 litres per second. All other ventilation accommodation to be fitted with mechanical ventilation discharging at a rate of 5 litres per second, or less to have an extraction capacity of 15 minutes. EXTRACT FANS TO BE QUIET AS NOT TO DISCOURAGE THEIR USE BY OCCUPANTS.

BACKGROUND VENTILATION

To be achieved by utilizing the approved Positive input ventilator system see calculation and details outlined below.

Dwelling ventilation

2nd Accredited Unit fitted in existing, installation and commissioning certificate to be forwarded to Building Control on completion. PIV unit as supplied by BEAM Control Systems (02878632424).

Calculation

347m² Area of total dwelling x ceiling height of 2.45m = 850m³ per hour
850m³ per hour ÷ 0.5 air changes ÷ 60mins = 283.33 US litres per second
400m³ per hour ÷ 0.5 air changes ÷ 60mins = 133.33 US litres per second
Beams systems confirm that the property will require 2 no Air Source PIV units as it can accommodate 127.8 US

RAPID VENTILATION REQUIREMENT

All windows to be top hung, double, which open minimum 30 degrees

for windows to be 60 and turns

HABITABLE ROOM	FLOOR AREA	100TH OF FLOOR AREA	ACTUAL AREA PROVIDED BY WINDOWS OR DOORS
LIVING ROOM	35.3m ²	3.53m ²	(1) 3.53m ² = 3.53m ² (2) 1.5m ² = 1.5m ² TOTAL 5.03m ²
DINING ROOM	17.3m ²	1.73m ²	(1) 1.73m ² = 1.73m ² (2) 0.5m ² = 0.5m ² TOTAL 2.23m ²
KITCHEN	35.3m ²	3.53m ²	(1) 3.53m ² = 3.53m ² (2) 1.5m ² = 1.5m ² TOTAL 5.03m ²
BATHROOM	17.3m ²	1.73m ²	(1) 1.73m ² = 1.73m ² (2) 0.5m ² = 0.5m ² TOTAL 2.23m ²
SHOWER ROOM	17.3m ²	1.73m ²	(1) 1.73m ² = 1.73m ² (2) 0.5m ² = 0.5m ² TOTAL 2.23m ²
LOBBY	12.3m ²	1.23m ²	(1) 1.23m ² = 1.23m ² (2) 0.5m ² = 0.5m ² TOTAL 1.73m ²
STAIRS	10.3m ²	1.03m ²	(1) 1.03m ² = 1.03m ² (2) 0.5m ² = 0.5m ² TOTAL 1.53m ²
CL. ROOM	7.3m ²	0.73m ²	(1) 0.73m ² = 0.73m ² (2) 0.5m ² = 0.5m ² TOTAL 1.23m ²

NON COMPLIANT - EXISTING OPENING

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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: LA09/2017/0788/LBC	Target Date: <add date>
Proposal: Refurbishment of existing 3 storey house including demolition of rear return and new 3 storey extension to rear to provide kitchen, living, bedroom and ancillary space	Location: 33 Killyman Street Moy Dungannon
Applicant Name and Address: M & C McCallion 33 Killyman Street MOY Dungannon BT71 7SJ	Agent Name and Address:
Summary of Issues: The host property is a Grade B1 listed building and within the conservation area of MOY. The property was previously dilapidated with planning approval (M/2009/0248/F & M/2009/0378/LB) extant. The applicant purchased the property in 2016 and undertook renovation works with an objection being received in July 2017 from Mr John Curran of 55 Bovean Road who operates a business adjacent to 33 Killyman Street on the basis that works carried out did not match what was approved. Historic Environment Division (HED) have expressed concerns that the proposal fails to satisfy 6.12 and 6.13 of the Strategic Planning Policy statement with primary concerns over rear window finishes, rain water goods and quoin arrangement to the front elevation. At a site meeting on 24th January 2017 with HED, Mid Ulster District Council Enforcement Officer and applicant, it was agreed a new planning application and LBC application would be submitted to regularise the works (LA09/2017/0787/F and LA09/2017/0788/LBC	
Summary of Consultee Responses: DFC - HED - HED commented that proposals may satisfy policies and have asked that the council/applicant considers the points raised in the explanatory notes of their response. HED recognise this was formerly a building at risk and welcomes its reuse as a family home.	

Characteristics of the Site and Area

33 Killyman Street is a 2 storey mid-terrace dwelling with a basement level, as the ground level falls away from the street. It has a slate roof and render walls, wooden sliding sash windows and painted wooden door to the street frontage. It also has ladder effect quoins at either end of the frontage with an arched carriageway at ground floor level providing shared access to the rear. At the rear is a 3 storey return with smooth render walls and slate roof. There are roof lights in the roof, 4 on the side facing into 33 and 1 on the side facing 31. The window frames are dark with single panes of glass and there is a 3 storey link stairway that has a flat roof on both sides.

The site slopes downwards from street level to a large garden area at the rear.



Front elevation



Rear views



Views from adjacent property

The dwelling is located on Killyman Street in the village of Moy, within Moy Conservation Area and located between 2 listed buildings, 31 and 37 Killyman Street. The street scene is predominately 2 storey buildings with a 3 storey building adjacent and other 3 storey properties towards the Square. The area is a mix of residential and commercial development and access to the rear of the properties

on this side of the street is through carriageway arches and on the opposite side by gaps between buildings.

Description of Proposal

This application is for retention of works to refurbish the existing three storey house including demolition of rear return, demolition of outhouse and new three storey extension to rear. The refurbishments include re-roofing, re-rendering, providing ladder effect quoins and replacing/repairing windows and doors. To the rear there is a 3 storey pitched roof return with smooth render walls and slated roof. A staircase connects the extension to the existing building, it is over 3 floors and is mostly glazing with a flat roof. The extension has a games room, bathroom and laundry room on the lower ground floor, kitchen/dining/family room at ground floor and a master bedroom with en-suite and dressing room to the 1st floor.

The windows to the front are wooden sliding sash and all windows to the rear are double glazed single sheet units within dark UPVC frames. All rain water goods are cast aluminium and a soil vent pipe at the rear is Upvc. The staircase has been re-moved from within the house and new doors, architrave, skirting's and mouldings have been provided.

The Design and Access statement dated 8th June 2017 indicates the proposal is to sympathetically restore the property to its original standard and character, repairing the visible fabric of the property with its original features that contribute to the improvement of the streetscape in its context as a Conservation Area, following a six year period of dereliction.

Deferred Consideration:

This application was before the Planning Committee in March 2021 and it was agreed to defer to allow a meeting between the Planning Manager, the Applicant and architects from Historic Environment Division of the Department for Communities. This meeting took place virtually on 11 March 2021.

Following the meeting HED were re-consulted to allow them to comment on the issues that were discussed at the meeting. HED commented that proposals may satisfy policies and have asked that the council/applicant considers the points raised in the explanatory notes of their response. HED recognise this was formerly a building at risk and welcomes its reuse as a family home. They had a number of concerns which were raised in previous responses and are broadly based on the following points:

1. Windows to the rear of the listed building to be opaque painted hardwood timber, sliding sash, putty fronted, 1 over 1 windows over archway and 2 over 2 to rear elevation).
2. Rainwater goods and drainage pipes to listed building to be cast iron or cast aluminium.
3. Quoins to the front elevation of the listed building to match original 'toothed' detailing.
4. External render to be lined
5. Stairs to be reinstated in the original position, as per existing stair to retain historic floor plan.
6. Details of doors, architraves, skirting and plaster mouldings to be provided to match existing.

Members are advised the policy context here is contained in BH8 of PPS6 and planning permission may be granted where all the following are met:

- a) the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
- b) the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- c) the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

1. Windows to the rear of the listed building to be opaque painted hardwood timber, sliding sash, putty fronted, 1 over 1 windows over archway and 2 over 2 to rear elevation).

HED request that drawings are resubmitted showing new windows to the rear elevation as hardwood sliding sash windows. Mr McCallion advised there are 2 windows at the rear of the property that have been changed, one over the stairwell which was stained glass and has the stained glass inserted into a double glazed uPVC window and one which also uPVC and is for emergency egress. These 2 windows are wholly to the rear of the building and as such have a very limited public view or appreciation of them. All other windows at the front of the property on Killyman Street are complaint with HED requirements as there has been no request to change or amend these. Members will be aware there have been circumstances in the past where uPVC windows have been accepted, particularly where they have no significant public viewpoint. It is also worthy of noting the window openings have not been changed, just that the frames within them are not what would be expected in a property of this age. In view of the limited public views of these windows and that it is quite possible replicas of the originals could be reinstated at some point in the future, I do not consider these 2 windows have caused an unaccepted and irreversible change to the property.

2. Rainwater goods and drainage pipes to listed building to be cast iron or cast aluminium.

This relates to the uPVC Sewage Vent Pipe and other pipework that feeds into it which is located to the rear of the property. HED have requested this is replaced with a profiled heavy duty cast iron pipe. The applicant has indicates that he is willing to replace this and it was discussed that this could be carried out by means of a time locked condition to require this to be done. In light of this willingness to reinstate this element I consider it appropriate to condition that Mr McCallion submits and agrees details of profiled heavy duty cast iron SVP within 3 months of the date of any decision and that these are installed within 12 months of the date of any decision.

3. Quoins to the front elevation of the listed building to match original 'toothed' detailing.

HED are mindful that the straight line quoin detail is not historically accurate for this property but they are an architectural feature of properties either side of the subject property and as such are of a similar age and style. HED are willing to accept these and there is no further amendments required to this element.

4. External render to be lined

HED advise the original plasterwork was lined and ruled and have requested this is re-instated and drawings are submitted that shows these. The applicant has advised they had to remove the plasterwork and re-render the property as the finish was in a poor state of repair when they purchased it. Essentially HED are asking for this work to be hacked off the building and be redone with lines in it to match the records they have of the building when it was listed. While this will make the building appear historically accurate in terms of the records, it is not retaining historic fabric. Members may wish to consider what conservation merit would be had by redoing this plaster work. The applicant has advised they have held off from painting the exterior of the building for fear of having to remove the existing render and then redoing it before painting the building. I consider if the building was painted in a colour scheme agreed with HED this would improve the appearance of the building. HED have not sought any painting of the building and the applicant could render the building with lined plaster as requested but not repaint the building, which is not typical of the listed buildings or other buildings that surround it. I propose a condition that requires a colour scheme to be agreed with HED and carried out within 6 months of the date of any approval would enhance the appearance of the property and the conservation area.

5. Stairs to be reinstated in the original position, as per existing stair to retain historic floor plan.

The applicant provided HED with photographic evidence of a large bust that has been placed in the position of the original staircase as a focal piece to acknowledge the significance of the staircase and the original plan form of the building. HED have advised they accept the stairs removed were a modern unsympathetic insertion. They would prefer the reinstatement of the original stairs in their original form but accept the plan form of the building remains legible and that an authentic replacement could be inserted in the future. HED have not asked for any further changes to this element of the building.

6. Details of doors, architraves, skirting and plaster mouldings to be provided to match existing.

The applicant advised that when they acquired the building the internal doors, architraves, skirting's and mouldings had been trashed. The doors that remained were pressed MDF panel doors and not particularly in keeping with the building. Mr McCallion has advised he researched period interiors to specify dies for the profiling of the skirting boards/architraves and has provided appropriate doors. HED accepts the original historic joinery work is no longer in place. They have requested the applicant furnishes them with drawings to reflect what has been provided and is in situ. As it has been accepted all original historic joinery work has been removed the information must surely only be for information purposes, as a record of the internal of the building now. I suggest this could be dealt with by way of a condition that Mr McCallion submits these profiles and details to HED for their information within 3 months of the date of any decision.

It is clear that not all the criteria has been fully met in this proposal, however members may set aside some elements of the policy where they feel there are other material considerations that outweigh the policy. In this case members may wish to take account of the fact the applicants have undertaken a significant amount of work to this property to

bring it back into use as a family home. The property had been granted permission for conversion to apartments which was itself not historically accurate. The works that have been done have resulted in the property being removed from the Buildings at Risk Register, which HED welcome. I consider this should be given weight in the determination of this application and in my view it is better to have the building in its current condition than falling further into disrepair.

HED have requested conditions that require:

- the walls to be lined and ruled render with toothed quoins (at odds with the commentary in the explanatory notes relating to the quoins) and
- Painted hardwood sliding sash windows to the listed building

Members are reminded that where the Council is proposing to go against HED advice and/or not attach suggested conditions then the Council must notify the Department for Infrastructure in accordance with Section 89 of the Planning Act (NI) 2011 and The Planning (Notification of Applications) Direction 2017 before it issues its decision.

My recommendation is that Listed Building Consent is granted for these works, subject to the proposed conditions attached and satisfactory notification to the Department.

Conditions/Reasons for Refusal:

1. This decision notice is issued under Section 85(3) of The Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

2. Within 3 months of the date of this decision, details of profiled heavy duty cast iron SVP to replace the uPVC SVP at the rear of the property shall be submitted to the Council for agreement with Historic Environment Division. The agreed heavy duty cast iron SVP as agreed shall be installed within 12 months of the date of this decision.

Reason: To protect the integrity and character of this listed building

3. Within 3 months of the date of this decision, drawings at a scale of 1:20 and photographs showing the details and profiles of all skirting's, architraves and doors within the listed part of this building shall be provided to Council for forwarding to HED.

Reason: To ensure Historic Environment Division have an accurate record of the replacement joinery works within this listed building.

Signature(s)

Date:



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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0788/LBC	Target Date:
Proposal: Refurbishment of existing 3 storey house including demolition of rear return and new 3 storey extension to rear to provide kitchen, living, bedroom and ancillary space	Location: 33 Killyman Street Moy Dungannon
Referral Route: Application is being recommended for refusal.	
Recommendation:	Refusal
Applicant Name and Address: M & C McCallion 33 Killyman Street MOY Dungannon BT71 7SJ	Agent Name and Address: N/A
Executive Summary: The host property is a Grade B1 listed building and within the conservation area of MOY. The property was previously dilapidated with planning approval (M/2009/0248/F & M/2009/0378/LB) extant. The applicant purchased the property in 2016 and undertook renovation works with an objection being received in July 2017 from Mr John Curran of 55 Bovean Road who operates a business adjacent to 33 Killyman Street on the basis that works carried out did not match what was approved. Historic Environment Division (HED) have expressed concerns that the proposal fails to satisfy 6.12 and 6.13 of the Strategic Planning Policy statement with primary concerns over rear window finishes, rain water goods and quoin arrangement to the front elevation.	

At a site meeting on 24th January 2017 with HED, Mid Ulster District Council Enforcement Officer and applicant, it was agreed a new planning application and LBC application would be submitted to regularise the works (LA09/2017/0787/F and LA09/2017/0788/LBC).

Signature(s):

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Fails to satisfy policy requirements of SPPS and BH8 & 11 in PPS6.

Representations:

Letters of Support	None Received
Letters of Objection	0
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

HED have requested the following changes to the listed building: reinstatement of 3 wooden sliding sash windows to the rear (currently Upvc), reinstatement of the internal staircase (this has been removed), rainwater goods and drainage pipes to be cast iron or cast aluminium (SVP to the rear is Upvc), quoins to frontage sides of the property be toothed (currently ladder type), external render to be lined (currently smooth render), details of all internal doors, architraves, skirtings and plaster mouldings to match the original features.

Characteristics of the Site and Area

33 Killyman Street is a 2 storey mid-terrace dwelling with a basement level, as the ground level falls way from the street. It has a slate roof and render walls, wooden sliding sash windows and

painted wooden door to the street frontage. It also has ladder effect quoins at either end of the frontage with an arched carriageway at ground floor level providing shared access to the rear. At the rear is a 3 storey return with smooth render walls and slate roof. There are roof lights in the roof, 4 on the side facing into 33 and 1 on the side facing 31. The window frames are dark with single panes of glass and there is a 3 storey link stairway that has a flat roof on both sides. The site slopes downwards from street level to a large garden area at the rear.



Front elevation



Rear views



Views from adjacent property

The dwelling is located on Killyman Street in the village of Moy, within Moy Conservation Area and located between 2 listed buildings, 31 and 37 Killyman Street. The street scene is predominately 2 storey buildings with a 3 storey building adjacent and other 3 storey properties towards the Square. The area is a mix of residential and commercial development and access to the rear of the properties on this side of the street is through carriageway arches and on the opposite side by gaps between buildings.

Description of Proposal

This application is for retention of works to refurbish the existing three storey house including demolition of rear return, demolition of outhouse and new three storey extension to rear. The refurbishments include re-roofing, re-rendering, providing ladder effect quoins and replacing/repairing windows and doors. To the rear there is a 3 storey pitched roof return with smooth render walls and slated roof. A staircase connects the extension to the existing building, it is over 3 floors and is mostly glazing with a flat roof. The extension has a games room, bathroom and laundry room on the lower ground floor, kitchen/dining/family room at ground floor and a master bedroom with en-suite and dressing room to the 1st floor.

The windows to the front are wooden sliding sash and all windows to the rear are double glazed single sheet units within dark UPVC frames. All rain water goods are cast aluminium and a soil vent pipe at the rear is Upvc. The staircase has been re-moved from within the house and new doors, architrave, skirting's and mouldings have been provided.

The Design and Access statement dated 8th June 2017 indicates the proposal is to sympathetically restore the property to its original standard and character, repairing the visible fabric of the property with its original features that contribute to the improvement of the streetscape in its context as a Conservation Area, following a six year period of dereliction.

Planning Assessment of Policy and Other Material Considerations

The following planning publications and planning policy statements establish the policy context.

- Strategic Planning Policy Statement (SPPS)

- Dungannon and South Tyrone Area Plan 2010
- Planning Policy Statement 6 Planning Archaeology and the Built Heritage

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.

Departmental publications cancelled by the introduction of the SPPS include PPS 1: General Principles, PPS 5: Retailing and Town Centres and PPS 9: The Enforcement of Planning Control.

Planning History

Members are advised the property was listed on 11th February 1982 and is Grade B1, this category is for good examples of particular period or style, a degree of alteration or imperfection may be acceptable and generally have a wide selection of attributes and usually include interior features where one or more features are of exceptional quality or interest.

Planning permission and listed building consent was granted under M/2009/0378/LB and M/2009/0248/F for the demolition of existing rear return proposed extension to rear and proposed refurbishment of existing listed building on 14 September 2010.

Previous to this an application reference M/2008/0679/F for proposed demolition of existing rear return, 3 storey rear office extension and refurbishment of existing property to include a change of use from dwelling to offices was granted at appeal. Members should note these have lapsed, however the policy context has not dramatically changed since they were approved and PPS6 is still the main consideration.

There is an on-going enforcement case for unauthorised works to a listed building. A conclusion of this planning application and the accompanying application for planning permission is required in order to either resolve the breaches of planning control, or provide an opportunity for the Planning Department to further consider the merits of the enforcement case with a view to potential prosecution for unauthorised works to a Listed Building.

Representations

In line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015 an advert was placed in local newspapers.

Considerations

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

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

In accordance with the Strategic Planning Policy Statement Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and all other material considerations, unless the development will cause demonstrable harm to interests of acknowledged importance.

The Dungannon and South Tyrone Area Plan 2010 identifies 33 Killyman Street as within the village of Moy where favourable consideration is given to development, provided it meets with stated criteria in SETT1. I consider if the proposal meets with other regional policy contained within PPS6, it will accord with the Area Plan.

Members are asked to note the Department already took a view on the acceptability of an extension to this property and granted planning permission for a broadly similar scheme. The previous proposal did not include any significant alterations to either the interior or the exterior of the listed building.



Plans approved M/2009/0247LB and M/2009/0248/F -14 September 2010

The main issue to be resolved is the comments raised by Historic Environment Division (HED) in respect of the works to the original building. Following the receipt of the plans

that show the development as built, HED were consulted and consider the development as built fails to satisfy the policy requirements of the SPPS and BH8 and BH11 of PPS6.

Policy BH 8, extension or alteration of a Listed Building, states the Department will normally only grant consent for the extension or alteration of a listed buildings where all the following criteria are met:

1. the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired;
2. the works proposed make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
3. the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

Policy BH11 is similar to BH8, but it relates to the setting of the listed building.

The response dated 18 July 2019, identified 6 core areas of concern:

- 1) reinstatement of 3 wooden sliding sash windows to the rear (currently Upvc)
- 2) reinstatement of the internal staircase (this has been removed)
- 3) rainwater goods and drainage pipes to be cast iron or cast aluminium (SVP to the rear is Upvc)
- 4) quoins to frontage sides of the property to be toothed (currently ladder type)
- 5) external render to be lined (currently smooth render) and
- 6) details of all internal doors, architraves, skirting's and plaster mouldings should match the original features.

It is noted HED had previously requested the windows in the new extension to be changed to aluminium or wooden frames, they have not requested this in the most recent response and have solely concentrated on the works to the existing building.

HED provided photographs to show the property when it was inspected in 2000.



Front elevation with toothed quoins at sides and partially over archway



Lines in the plaster work to the front



Photographs of the internal features for the property

The applicant has advised they purchased the property in 2016 and at that time it had been vandalised with significant damage to the interior of the property and most of the internal joinery features stripped out and burned.



Extract from estate agents brochure

The applicants wished to retain the property as a family home and carried out extensive remedial works as the property had suffered defects due to the lack of maintenance. They have advised all works they carried out were without the benefit of any grant aid or other funding sources. The applicants advise the works they have carried out are not significantly different than those previously approved and that it was a matter of urgency the works were carried out to prevent the building falling into further disrepair. The applicant has submitted a statement that indicates they feel they have carried out the works in accordance with the guidance notes associated with the Historic Buildings Grant Aid Scheme and the 4 principles of conservation contained within the Burra Charter. These are: Minimum Intervention, Maximum Retention, Clarity and Reversibility.

In respect of the HED issues that have been raised the applicants wish the committee members and the planning officers to note:

- 1) reinstatement of 3 wooden sliding sash windows to the rear (currently Upvc) these are not visible from the public views and they match those in the extension, all windows to the front and the front door have been replaced like for like with high specification
- 2) reinstatement of the internal staircase (this has been removed)
The staircase had been removed by the previous owner, replacing it here would not meet current Building Regulations, it has been left that the stairs can be reinstated in the future so the change is reversible.
- 3) rainwater goods and drainage pipes to be cast iron or cast aluminium (SVP to the rear is uPVC)

only the SVP (Sewer Vent Pipe) is uPVC and this is due to the amount of pipes flowing into it , it would have required 2 pipes if this was not done.

4) quoins to frontage sides of the property to be toothed (currently ladder type)
the 'original' quoins were not original, when the plaster was removed it was noted the original cut stone quoins were ladder type and this has been replicated. This is the same as no 35.

5) external render to be lined (currently smooth render)
there were no lines obvious in the plaster work when the property was bought, there is a mix of different finishes in the area and this is in keeping with no 35.

6) details of all internal doors, architraves, skirting's and plaster mouldings should match the original features.

none of the original features were left when the house was bought as the majority of the interior was gone, anything that was left was not original. The replacements were replicated from other nearby properties of a similar era to try and find the correct match.

The applicants indicate they have gone to considerable expense to try to make the property as original as possible and have carried out extensive research to do this. They have brought the building back into use as a modern family home where otherwise it would have been lost.

Members should be aware that works to a listed building require the necessary consent before they are undertaken. It is a criminal offence to carry out works to a listed building without obtaining that consent. Planning permission and listed building consent were granted in 2010 for a similar scheme, but it is important to note they had a 5 year time limit and had lapsed before the applicants bought the property in 2016. The development that was carried out was similar to the approved scheme, but is not in accordance with it and these changes are the issues that have caused concerns with HED. The applicant was aware they were buying a listed building and they should have consulted with HED before they carried out the works that have been undertaken. The applicant advise they incurred expense in researching the materials and finishes for the property, however it is clear that contact with HED would have provided them with as much information as they needed to ensure they carried out the work in accordance with their standards. This could have resulted in the works being carried out to the necessary standard.

HED acknowledge this was a building at risk and welcomes its re-use as a family home. They have no issues with the principle of the extension and the alterations to the building, it is the manner and detailing that is at issue. They have identified 6 core elements that require attention, these will require significant investment to put right. It is commonly known that financial assistance from the Department is scarce for this type of work. That said HED have sought co-operation with the applicants to provide changes to respect the character of the building, these have not been forthcoming.

The most recent consultation response does not raise any issue with the windows or appearance of the extension. The amendments that have been requested are solely in relation to the fabric of the listed building. As it does not appear that HED have any further issues with the extension I do not consider BH11 is offended.

It is obvious that without the applicants intervention this building may have continued to deteriorate and what has been done is preferable to the previous derelict appearance of the property. However this is still a listed building and afforded statutory protection as such am bound by HED guidance that the proposal as built does not accord with policy and I am therefore recommending refusal of this application.

Neighbour Notification Checked**Yes/No****Summary of Recommendation:**

The works that have been carried out to this building have adversely affected the character of this listed the building thought the use of inappropriate finishes, materials and detailing.

Members should note any decision to approve this application for Listed Building Consent contrary to HED advice will require notification to the Department before the decision can issue.

Reasons for Refusal:

The development as constructed fails to meet with Policy BH11 of Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage in that:

- the essential character of the building has not been retained as its features of special interest have been removed;
- the works do not make use of traditional and/or sympathetic building materials and techniques which match or are in keeping with those found on the building; and
- the architectural details (e.g. doors, gutters, windows) do not match and are not in keeping with the building.

Signature(s)**Date:**

ANNEX	
Date Valid	8th June 2017
Date First Advertised	22nd June 2017
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 31 Killyman Street Moy Tyrone The Owner/Occupier, 35 Killyman Street Moy Tyrone John Curran 55 Bovean Road Bovean Dungannon The Owner/Occupier, Flat A 31 Killyman Street Moy The Owner/Occupier, Flat B 31 Killyman Street Moy The Owner/Occupier, Flat C 31 Killyman Street Moy The Owner/Occupier, Flat D 31 Killyman Street Moy The Owner/Occupier, Flat E 31 Killyman Street Moy The Owner/Occupier, Flat F 31 Killyman Street Moy	
Date of Last Neighbour Notification	3rd July 2017
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2017/0788/LBC Proposal: Refurbishment of existing 3 storey house. Including demolition of rear return and new 3 storey extension to rear to provide kitchen ,living, bedroom and ancillary space. conversion from existing flats into residential house Address: 33 Killyman Street, Moy, Dungannon, Decision: Decision Date: Ref ID: LA09/2017/0787/F	

Proposal: Refurbishment of existing 3 storey house including demolition of rear return and new 3 storey extension to rear to provide kitchen, living, bedroom and ancillary space

Address: 33 Killyman Street, Moy, Dungannon,

Decision:

Decision Date:

Ref ID: M/2000/0330/DCA

Proposal: Demolition of 21A Killyman Street, Moy

Address: 21A Killyman Street, Moy, Dungannon

Decision:

Decision Date: 21.08.2000

Ref ID: M/2009/0248/F

Proposal: Demolition of existing rear return, proposed extension & refurbishment of ex dwelling

Address: 33 Killyman Street, Moy Dungannon

Decision:

Decision Date: 29.09.2010

Ref ID: M/2005/0879/Q

Proposal: 3 Detached Dwellings

Address: Rear of 33 Killyman Street, Moy

Decision:

Decision Date:

Ref ID: M/2009/0378/LB

Proposal: Demolition of existing rear return proposed extension to rear and proposed refurbishment of existing listed building

Address: 33 Killyman Street, Moy, Dungannon

Decision:

Decision Date: 08.10.2010

Ref ID: M/2008/0679/F

Proposal: Proposed demolition of existing rear return, proposed 3 storey rear office extension and refurbishment of existing property to include a change of use from dwelling to offices

Address: 33 Killyman Street, Moy, Dungannon

Decision:

Decision Date:

Ref ID: M/2008/0681/LB

Proposal: Proposed extension and refurbishment of existing property to include a change of use from dwelling to offices

Address: 33 Killyman Street, Moy, Dungannon

Decision:
Decision Date: 26.01.2009

Ref ID: M/1999/0058
Proposal: Proposed Extension and improvements to dwelling
Address: 33 KILLYMAN STREET MOY
Decision:
Decision Date:

Ref ID: M/1999/0054
Proposal: Proposed Improvements and Extension to Dwelling
Address: 33 KILYMAN STREET MOY
Decision:
Decision Date:

Ref ID: M/2000/1061/LB
Proposal: Proposed Improvements/Extension to Dwelling
Address: 33 Killyman Street, Dungannon
Decision:
Decision Date: 16.05.2001

Ref ID: M/2000/0835/F
Proposal: Improvements and extension to dwelling
Address: 33 Killyman Street Moy Dungannon
Decision:
Decision Date: 16.05.2001

Ref ID: M/1991/0380
Proposal: Conversion and extension to dwelling to 5 No units of accommodation
Address: 31 KILLYMAN STREET MOY
Decision:
Decision Date:

Ref ID: M/1986/0046
Proposal: IMPROVEMENTS TO DWELLING
Address: 33 KILLYMAN STREET, MOY
Decision:
Decision Date:

Ref ID: M/1986/0625
Proposal: ENLARGEMENT OF EXISTING SERVICES ACCESS TO SHOP AND YARD
Address: 31 KILLYMAN STREET, MOY
Decision:

Decision Date:

Ref ID: M/1988/0381

Proposal: NEW WINDOWS AND RE-RENDER FRONT OF DWELLING

Address: 35 KILLYMAN STREET, MOY, DUNGANNON

Decision:

Decision Date:

Summary of Consultee Responses

HED – the development as carried out does not meet with policies in SPPS and BH8 and BH11 of PPS6.

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Approved

Drawing No. 02Rev3

Type: Floor Plans

Status: Approved

Drawing No. 03Rev3

Type: Floor Plans

Status: Approved

Drawing No. 04Rev3

Type: Proposed Plans

Status: Approved

Drawing No. 05Rev1

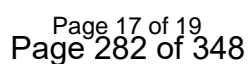
Type:

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:





Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2019/1262/O	Target Date:
Proposal: Proposed site for a dwelling and domestic garage based on policy CTY10 (dwelling on a farm)	Location: Approx 45m West of 140 Kilrea Road Upperlands Maghera
Applicant Name and Address: Daniel O'Kane 11 Keady Road Upperlands Maghera	Agent name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Summary of Issues: Approval with conditions following additional information being submitted.	
Summary of Consultee Responses: No objections	
Characteristics of the Site and Area: The site is located approximately 1.73km north east of the development limits of Upperlands, in which the site is located within the open countryside as per the Magherafelt Area Plan 2015. The site is identified as approx. 45m west of 140 Kilrea Road, Maghera, in which the red covers a small portion of a much larger agricultural field. I note the site is accessed via an existing shared laneway that serves four residential properties. Given the nature of the red line I note that a portion of the western boundary remains undefined with the remaining boundaries being defined by mix of mature hedging and trees and hedging. The surrounding land is defined by predominately agricultural land uses, interspersed with single dwellings.	

Representations

Five neighbour notifications were sent out however no representations were received in connection with this application.



Description of Proposal

This is an outline application for a proposed site for a dwelling and domestic garage based on policy CTY10 (dwelling on a farm). The site is located approx. 45m West of 140 Kilrea Road, Upperlands, Maghera.

Deferred Consideration:

This application was presented to Planning Committee in Jan 2020 as a refusal for following reasons;

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to 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 there is an active farm business and that the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.

It was subsequently deferred for an office meeting, held with the Area Planning Manager on 17th January 2020.

The main issue was discussed at the meeting, that no information had been provided in relation to the ownership of nearby properties ,140b and 140a Kilrea Road to ascertain if they were farm buildings that could be associated with the site to meet CTY10.

After a number of requests to the agent, confirmation was received in May 2021 that the applicant Mr Daniel O’Kane who has worked on the farm all of his life, that the buildings (dwelling and shed) at 140b Kilrea Road are in his ownership and are now and always has been, used as part of the farm. DEARA had confirmed the farm business has been in existence for more than 6 years and the farm is currently active.

No.140b and its shed are therefore a group of farm buildings on the holding which do visually link with the site and the proposal now meets the criteria of policy CTY10. Approval with conditions is recommended. A ridge height of 5.7m should be added to ensure the dwelling is in keeping with the existing character of the area.

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

Conditions

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

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

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

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

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

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

4. 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.

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

5. A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development, hereby approved, at the Reserved Matters stage. Any trees or shrubs which may be damaged or die within a period of 5 years from the date of planting shall be replaced by plants of similar species and size at the time of their removal. All landscaping shall take place within the first available planting season after the Commencement of the development.

Reason: In the interests of visual amenity.

6. The proposed dwelling shall have a ridge height of less than 5.7 metres above finished floor level.

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

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


Reason: In the interest of visual amenity.

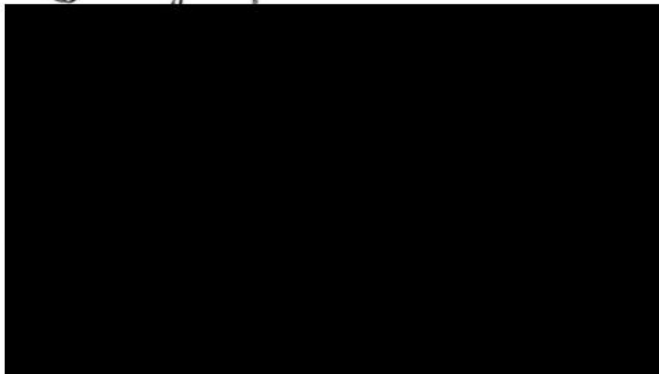
Signature(s):

Date

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/1262/O	Target Date:
Proposal: Proposed site for a dwelling and domestic garage based on policy CTY10 (dwelling on a farm)	Location: Approx 45m West of 140 Kilrea Road Upperlands Maghera
Referral Route: To Committee – Refusal – Contrary to CTY 1 and 10 of PPS 21.	
Recommendation:	
Applicant Name and Address: Daniel O'Kane 11 Keady Road Upperlands Maghera	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary: Refusal	
Signature(s): Peter Henry	


 To the
 Secretary to



Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	DAERA - Coleraine	Substantive Response Received
Statutory	Historic Environment Division (HED)	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 10 of PPS 21.

Characteristics of the Site and Area

The site is located approximately 1.73km north east of the development limits of Upperlands, in which the site is located within the open countryside as per the Magherafelt Area Plan 2015. The site is identified as approx. 45m west of 140 Kilrea Road, Maghera, in which the red covers a small portion of a much larger agricultural field. I note the site is accessed via an existing shared laneway that serves four residential properties. Given the nature of the red line I note that a portion of the western boundary remains undefined with the remaining boundaries being defined by mix of

mature hedging and trees and hedging. The surrounding land is defined by predominately agricultural land uses, interspersed with single dwellings.

Relevant planning history

H/2010/0592/F - Retention of three detached kennel building two metal cladded and one timber framed and partial conversion of part of garage to a cattery - 140A Kilrea Road, Upperlands, Maghera. – Permission Granted 16.09.2011

Representations

Five neighbour notifications were sent out however no representations were received in connection with this application.

Description of Proposal

This is an outline application for a proposed site for a dwelling and domestic garage based on policy CTY10 (dwelling on a farm). The site is located approx. 45m West of 140 Kilrea Road, Upperlands, Maghera.

Planning Assessment of Policy and Other Material Considerations

Decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

Mid Ulster Local Development Plan 2030 – Draft Strategy

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 10 – Dwellings on Farms

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

CTY14 – Rural Character

PPS 3 - Access, Movement and Parking;

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

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

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

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

With respect to (a) a consultation was sent to DAERA with regards to the Farm Business, in their response confirmed that the farm business identified in the P1C was established in 1991 however that it had not made any claims in the previous six years. From such, additional information was requested to show some level of activity over the past six years. I note that the agent submitted a number of invoices over the last six years, these were discussed during group conversations but it was confirmed that by DAERA that the lands associated with another farm business. From which it has been contended that the lands remain in good agricultural condition and on balance it has been accepted at group that the initial tests in terms of active and established is met.

With respect to (b) and despite the issue over the farm business it appears that there does not appear to be any development opportunities approved or sold off the farm in the previous 10 years.

With respect to (c), I first must note that the registered address of the farm business is 11 Keady Road, Upperlands in which at this location there appears to be a dwelling and number of buildings, able to demonstrate as a group of farm buildings.(as shown below in blue)



In terms of the proposed site I note that it is located away from the registered address and within the submitted plans the agent has noted a number of buildings which he claims are associated with the farm business. There are a number of concerns with these identified buildings, the first is that they are not shown in blue showing to be at least under the control of the applicant. Secondly, all the buildings located at 140a Kilrea Road are being used as part of a kennels and cattery known as 'Lisgorgan Kennels and Cattery', confirmed in the previous approval H/2010/0592/F, in addition there does not appear to be any association between the owners of the kennels and applicant. With this in mind, I cannot constitute there to be any association with the farm business. I then note that at 140B Kilrea Road that there is only a detached dwelling and shed. Therefore I am of the opinion that any dwelling should be sited with the established group of farm buildings located at 11 Keady Road. From this, the agent was asked to justify his siting and determine as to why he could not locate at Keady Road, I note that after a number of attempts to get this information the agent did not respond on this and for this reason I am of the opinion that the application fails under CTY 10 due to siting and lack of evidence demonstrating an active farm business. A clear clarification to the relationship between Nos. 140a and 140b and the farm business which has not been forthcoming.

I note that no other policy considerations have been put forward by the agent but I note the following; the site is not located within a dispersed rural community. It is not located within an existing cluster that is associated with a focal or located at a cross-roads. There is no valid replacement opportunity on the site nor is there any conversion of an existing building. The application is not for social and affordable housing nor has there been any personal or domestic circumstances provided to justify the house. Finally, I am of the opinion that it cannot constitute compliance under CTY 8. From this, the application fails under CTY 1.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that this is an outline application in which the exact design and siting details have not been submitted, however I am content that an appropriately designed dwelling would not appear as a prominent feature in the landscape. I am of the opinion that as much of the existing landscaping should be retained where possible and supplemented with additional landscaping to aid integration, therefore a landscaping plan will be necessary. Due to the surrounding landform and surrounding development I feel it necessary to restrict any dwelling on the site to have a ridge height of no more than 6.0m above finish floor. However as noted it has been demonstrated that the site is not visually linked or clustered with an established group of buildings on the farm, from which it has failed under CTY 13 as a result.

In terms of policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As stated that an appropriately designed dwelling would not appear as visually prominent. I am of the opinion that the proposed dwelling would not result in a suburban style build-up of development when viewed with existing and approved buildings. I note that that a dwelling located within the site will not lead to future development through infilling. From all of this it has been agreed that the application is able to comply with CTY 14 on balance.

The Mid Ulster District Council Local 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. In light of this the Draft Plan cannot be given any determining weight at this time.

I have no flooding, ecological or residential amenity concerns.

Other policy and material considerations

PPS 3 - Access, Movement and Parking;
DFI Roads were consulted and responded confirmed that DfI Roads do not offer an objection subject to the conditions as per attached RS1 Form being complied with at Reserved Matters Stage.

I have no ecological, flooding or residential amenity concerns.

As the application has failed under CTY 10 of PPS 21 I must therefore recommend refusal for the application.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it the proposed new building is not visually linked or sited to cluster with an established group of buildings on the farm.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.

Signature(s)

Date:

ANNEX	
Date Valid	24th September 2019
Date First Advertised	8th October 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 138 Kilrea Road, Upperlands, Londonderry, BT46 5TB The Owner/Occupier, 139 Kilrea Road, Upperlands, Londonderry, BT46 5TB The Owner/Occupier, 140 Kilrea Road Upperlands Londonderry The Owner/Occupier, 140a Kilrea Road Upperlands The Owner/Occupier, 140b Kilrea Road Upperlands	
Date of Last Neighbour Notification	2nd October 2019
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2019/1262/O Proposal: Proposed site for a dwelling and domestic garage based on policy CTY10 (dwelling on a farm) Address: Approx 45m West of 140 Kilrea Road, Upperlands, Maghera, Decision: Decision Date: Ref ID: H/1996/0570 Proposal: BUNGALOW AND GARAGE Address: ADJACENT TO LANEWAY OF 138 DRUMAGARNER ROAD KILREA Decision: Decision Date: Ref ID: H/1996/0097 Proposal: SITE OF CHALET BUNGALOW Address: DRUMAGARNER ROAD KILREA Decision: Decision Date: Ref ID: H/2010/0592/F	

Proposal: Retention of three detached kennel building two metal cladded and one timber framed and partial conversion of part of garage to a cattery.

Address: 140A Kilrea Road, Upperlands, Maghera, BT46 5TB,

Decision:

Decision Date: 16.09.2011

Ref ID: H/1994/0286

Proposal: SITE OF REPLACEMENT DWELLING

Address: 257 KILREA ROAD UPPERLANDS

Decision:

Decision Date:

Ref ID: H/2003/0856/O

Proposal: Site of replacement dwelling and garage.

Address: Approx. 180m NW of 138 Kilrea Road, Upperlands, Maghera.

Decision:

Decision Date: 18.04.2004

Ref ID: H/2004/1054/F

Proposal: Erection of Proposed Replacement Dwelling and Garage.

Address: Land 180m North West of 138 Kilrea Road, Upperlands.

Decision:

Decision Date: 31.08.2005

Ref ID: H/1993/0383

Proposal: SITE OF BUNGALOW

Address: ADJ TO 138 KILREA ROAD UPPERLANDS

Decision:

Decision Date:

Ref ID: H/1995/0493

Proposal: ALTS AND ADDS TO DWELLING

Address: 138 KILREA ROAD UPPERLANDS

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2020/1080/F	Target Date:
Proposal: Proposed new Vehicular access	Location: Approx 200 m East of no 33 Oldtown Road Bellaghy
Applicant Name and Address: Mrs Emma McCoy 26 Castle Lodge Randalstown	Agent name and Address: CMI Planners Ltd 38 Airfield Road The Creagh Toomebridge BT41 3SQ
Summary of Issues: No representations were received in relation to this proposed development. DFI Roads had initially objections, however amended plans were received and DFI now have provided a condition to be attached to any approval.	
Characteristics of the Site and Area: The site is located on the north western side of the Oldtown Road 0.75km from the centre of Bellaghy. The site is a small field adjacent to an existing bungalow on a long straight part of the Oldtown Road. There are a number of dwellings located along this stretch of the Oldtown Road, some of which have a road frontage and others which are set back from the road. The site is bounded by a post and rail fence to the rear of a 1.5m wide public footpath along the site frontage, a 1.2m high hedge and open drain along the north-eastern boundary, a 4m high conifer hedge along the south western boundary and tall semi-mature trees along the rear boundary. The public road rises gently for around 200m to the north east towards a crest before dropping towards Bellaghy. The proposed access is located in a dip in the road with a second crest located close to the entrance of no.35 approximately 40m to the south west.	

Description of Proposal

This is a full application for the creation of a new access into a site approved for a dwelling.

Deferred Consideration:

This application was originally presented as a refusal to March 2021 Planning Committee for the following reasons. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking Policy AMP2, in that it would if permitted, prejudice the safety and convenience of road users since adequate forward sight distance of 120 metres is not available, on the public road, at this proposed access in accordance with the standards contained in the Departments Development Control Advice note 15.

1. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking Policy AMP2, in that it would, if permitted, prejudice the safety and convenience of road users since a visibility splay of 2.4 x 120 metres cannot be provided in a South Western direction, in accordance with the standards contained in the Departments Development Control Advice Note 15.

It was subsequently deferred to allow agent to make amendments to DFI Roads satisfaction. DfI Roads had advised that the proposed access is unacceptable and unsafe due to the proximity to a crest on the road. The agent amended the access point and on 19th May 2021 DFI Roads replied with an approval subject to condition to ensure a satisfactory means of access in the interests of road safety and convenience of roads users.

There are no other planning issues with the proposed access and submitted landscaping plan will be conditioned. Approval is now therefore recommended.

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.

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 2.4 x 120 metres and a 120 metre forward sight distance, shall be provided in accordance with Drawing No 02/01 bearing the date stamp 16 Apr 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. The existing natural screenings of the site, as indicated on approved drawing ref 02/01 , date stamped received 16 April 2021, shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal. All new planting indicated on the same drawing shall be carried out during the first available planting season.

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

Informative

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

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

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

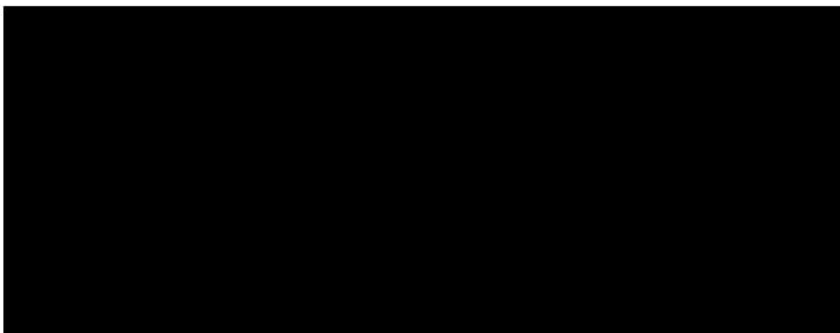
Signature(s):

Date

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1080/F	Target Date:
Proposal: Proposed new Vehicular access	Location: Approx 200 m East of no 33 Oldtown Road Bellaghy
Referral Route: This application is presented to Committee as it is being recommended for Refusal.	
Recommendation:	REFUSAL
Applicant Name and Address: Mrs Emma McCoy 26 Castle Lodge Randalstown	Agent Name and Address: CMI Planners Ltd 38 Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	
Signature(s):	

For committee decision



Case Officer Report

Site Location Plan

**Consultations:**

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

Representations:

Letters of Support	None Received
Letters of Objection	None Received

Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

No representations were received in relation to this proposed development.

Characteristics of the site and area

The site is located on the north western side of the Oldtown Road 0.75km from the centre of Bellaghy. The site is a small field adjacent to an existing bungalow on a long straight part of the Oldtown Road. There are a number of dwellings located along this stretch of the Oldtown Road, some of which have a road frontage and others which are set back from the road. The site is bounded by a post and rail fence to the rear of a 1.5m wide public footpath along the site frontage, a 1.2m high hedge and open drain along the north-eastern boundary, a 4m high conifer hedge along the south western boundary and tall semi-mature trees along the rear boundary. The public road rises gently for around 200m to the north east towards a crest before dropping towards Bellaghy. The proposed access is located in a dip in the road with a second crest located close to the entrance of no.35 approximately 40m to the south west. It was noticed during the site inspection that a car, on approach from the south west, was almost completely obscured from view by that crest when standing at the proposed site entrance.



Photo taken from the propose access point

Description of Proposal

This is a full application for the creation of a new access into a site approved for a dwelling.

Planning Assessment of Policy and Other Material Considerations

The proposal accords with the Magherafelt Area Plan 2015 insofar as it is for an entrance for an approved dwelling in the rural area.

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

PPS 3 - Access, Movement and Parking

Policy AMP 2 Access to Public Roads states that planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where, such access will not prejudice road safety or significantly inconvenience the flow of traffic.

DfI Roads were consulted on the proposal and advised that 'the access as outlined in application LA09/2020/1080/F will not provide a safe access unto the Oldtown Road due to a crest on the road in the South Western direction preventing an unobstructed 2.4 x 120 metre visibility splay and F.S.D. The agent / applicant should revert back to the access point as outlined on planning ref: LA09/2017/0387/O and LA09/2019/1192/RM for the acceptable access details.'

It is therefore clear that the proposed access point is unacceptable as it would lead to an unsafe access, contrary to policy AMP 2. The application is therefore being recommended for refusal for that reason.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refuse for the reason below:-

Refusal Reasons

1. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking Policy AMP2, in that it would if permitted, prejudice the safety and convenience of road users since adequate forward sight distance of 120 metres is not available, on the public road, at this proposed access in accordance with the standards contained in the Departments Development Control Advise note 15.
2. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking Policy AMP2, in that it would, if permitted, prejudice the safety and

convenience of road users since a visibility splay of 2.4 x 120 metres cannot be provided in a South Western direction, in accordance with the standards contained in the Departments Development Control Advice Note 15.

Signature(s)

Date:

ANNEX	
Date Valid	4th September 2020
Date First Advertised	22nd September 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 33 Oldtown Road, Bellaghy, Londonderry, BT45 8LQ The Owner/Occupier, 34 Oldtown Road, Bellaghy, Londonderry, BT45 8LQ The Owner/Occupier, 35 Oldtown Road Bellaghy Londonderry The Owner/Occupier, 36 Oldtown Road, Bellaghy, Londonderry, BT45 8LQ	
Date of Last Neighbour Notification	13th November 2020
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: LA09/2020/1080/F Proposal: Proposed new Vehicular access Address: Approx 200 m East of no 33 Oldtown Road, Bellaghy, Decision: Decision Date: Ref ID: H/1993/6054 Proposal: ELECTRICITY SUB-STATION AND 110 KV/33 KV OVERHEAD LINES NEAR BELLAGHY MAGHERAFELT Address: NEAR BELLAGHY Decision: Decision Date: Ref ID: H/2004/1067/O Proposal: Site of dwelling and garage Address: Site adjacent to 35 Oldtown Road, Bellaghy Decision: Decision Date: Ref ID: H/1980/0396 Proposal: SITE OF BUNGALOW Address: OLDTOWN ROAD, BELLAGHY	

Decision:
Decision Date:

Ref ID: H/1981/0300
Proposal: FARM BUNGALOW WITH GARAGE
Address: OLDPARK ROAD, BELLAGHY
Decision:
Decision Date:

Ref ID: LA09/2019/1192/RM
Proposal: Proposed new bungalow dwelling
Address: 20m North of 33 Oldtown Road, Bellaghy,
Decision: PG
Decision Date: 06.12.2019

Ref ID: LA09/2017/0387/O
Proposal: Proposed dwelling and domestic garage/store
Address: Approx 20m North of 33 Oldtown Road, Bellaghy,
Decision: PG
Decision Date: 05.10.2018

Summary of Consultee Responses

DfI Roads advised that the proposed access is unacceptable and unsafe due to the proximity to a crest on the road and that the applicant should revert back to the approved access.

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)

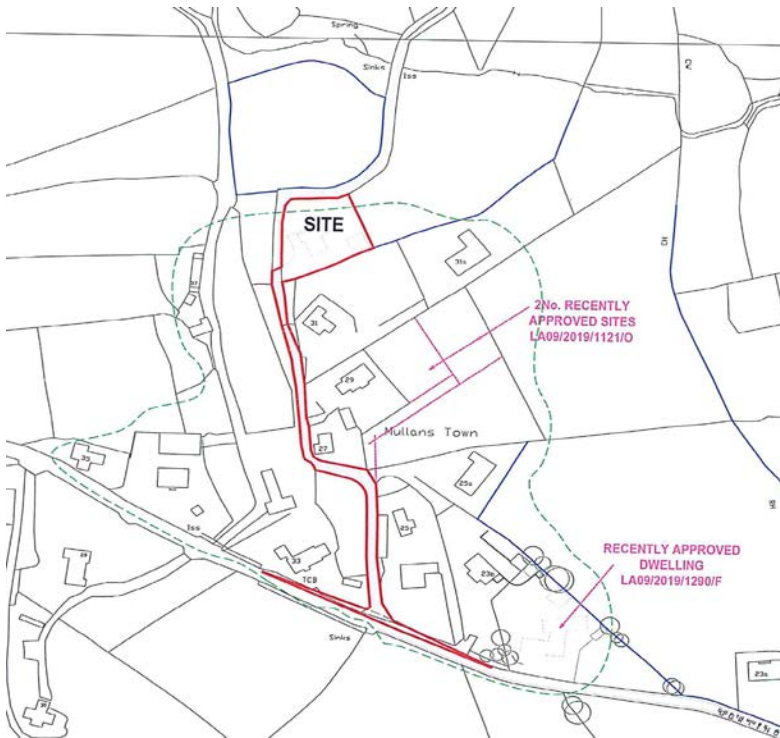
Date of Notification to Department:
Response of Department:



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2020/1626/O	Target Date: <add date>
Proposal: Proposed Site for Dwelling & Garage	Location: Approx 30m North of No.31 Gortinure Road Maghera BT46 5PA
Applicant Name and Address: Mr S McEldowney 23a Gortinure Road Maghera BT46 5RB	Agent name and Address: D.M.Kearney Design 2a Coleraine Road Maghera BT46 5BN
Summary of Issues: No representations have been received in respect of this proposed development.	
Summary of Consultee Responses: All consultees responded positively.	
Characteristics of the Site and Area: The site is located in the rural area and within Carntogher Dispersed Rural Community as designated within the Magherafelt Area Plan 2015. It is accessed via an existing laneway located between existing road frontage buildings. The site is located to the western end of a small agricultural field which is accessed via a shared laneway service six other dwellings. The laneway extends along both the northern and western boundaries defined by mature trees with post and wire fencing on a stone embankment, whilst the southern boundary, which is shared with No.31 is defined by mature trees, with the eastern boundary being undefined. The site falls gently away from laneway towards the north. A separate and associated planning application (LA09/2019/1226/O) is sited on a small outcrop of gorse immediately to the north.	

The mature trees to the south and west ensure that there are limited views of the site from the public road in addition to the distance the site is set back and the intervening built form and vegetation along the laneways. A single wind turbine operates on a site around 600m to the North of the Site and which can be accessed from the existing farm lane which bounds the site.



Description of Proposal

The proposal is for a site for a dwelling and garage.

Deferred Consideration:

This application was presented as a refusal to Planning Committee in May 2021 for the following reasons;

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY2 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal is for a single dwelling which is located within a Dispersed Rural Community (DRC) designated in a development plan but is not located at an identified focal point.
3. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:

the cluster is not associated with a focal point nor is it located at a cross-roads; the proposed site is not bounded on at least two sides with other development in the cluster; and the proposed dwelling would if permitted significantly alter the existing character of the cluster and visually intrude into the open countryside.

4.The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the extension of ribbon development along this private lane.

5.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:
a farm business is currently active or has been established for at least six years;
the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm.

6.The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would, if permitted add to a ribbon of development and would therefore result in a detrimental change to further erode the rural character of the countryside.

It was subsequently deferred for a virtual office meeting which was held on 13th May 2021 with the Area Planning Manager. It was agreed a re-assessment would be made by the senior planner. It was discussed if the farm case has been used and the agent confirmed it had been.

Although the site does not strictly meet the policy criteria for CTY2a, I would consider that this site could be viewed as rounding off and the dense vegetation to the north as shown below, would prevent any further development from extending and would act as 'natural' book end. This vegetation to the north of the site should be conditioned to be retained in order to protect the character of the area and enclose the extent of development. I would view the site as being an exception to policy, as a dwelling here would not significantly alter the rural character of this area and have no detrimental impact on surrounding area or any properties.



On balance, an approval with conditions is recommended.

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.

Conditions-

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

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

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called

"the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

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

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

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

4. 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.

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

5. A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development, hereby approved, at the Reserved Matters stage. Any trees or shrubs which may be damaged or die within a period of 5 years from the date of planting shall be replaced by plants of similar species and size at the time of their removal. All landscaping shall take place within the first available planting season after the Commencement of the development.

Reason: In the interests of visual amenity.

6. The vegetation in the area shaded blue on stamped approved plan 01 dated 17 Dec 2020 should be permanently retained.

Reason: To protect the existing rural character of the area and enclose the extent of development.

7. The proposed dwelling shall have a ridge height of less than 7 metres above finished floor level.

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

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

Reason: In the interest of visual amenity.

Signature(s):

Date

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1626/O	Target Date:
Proposal: Proposed Site for Dwelling & Garage	Location: Approx 30m North of No.31 Gortinure Road Maghera BT46 5PA
Referral Route: This application is being presented to Committee as it is being recommended for refusal.	
Recommendation:	REFUSAL
Applicant Name and Address: Mr S McEldowney 23a Gortinure Road Maghera BT46 5RB	Agent Name and Address: D.M.Kearney Design 2a Coleraine Road Maghera BT46 5BN
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection

Representations:

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

Summary of Issues

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

Characteristics of the Site and Area

The site is located in the rural area and within Carnogher Dispersed Rural Community as designated within the Magherafelt Area Plan 2015. It is accessed via an existing laneway located between existing road frontage buildings.

The site is located to the western end of a small agricultural field which is accessed via a shared laneway service six other dwellings. The laneway extends along both the northern and western boundaries defined by mature trees with post and wire fencing on a stone embankment, whilst the southern boundary, which is shared with No.31 is defined by mature trees, with the eastern boundary being undefined. The site falls gently away from laneway towards the north. A separate and associated planning application (LA09/2019/1226/O) is sited on a small outcrop of gorse immediately to the north.

The mature trees to the south and west ensure that there are limited views of the site from the public road in addition to the distance the site is set back and the intervening built form and vegetation along the laneways. A single wind turbine operates on a site around 600m to the North of the Site and which can be accessed from the existing farm lane which bounds the site.

Description of Proposal

The proposal is for a site for a dwelling and garage.

Planning Assessment of Policy and Other Material Considerations

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

The main planning policies in the assessment of this application are:-

Strategic Planning Policy Statement (SPPS)
 PPS 21: Sustainable Development in the Countryside
 CTY 1 - Development in the Countryside
 CTY 2 - Development in Dispersed Rural Communities
 CTY 2A - New Dwellings in Existing Clusters
 CTY 10 - Dwelling on farms
 CTY 13 - Integration and Design of Buildings in the Countryside; and
 CTY 14 - Rural Character
 PPS 3 - Access, Movement and Parking;

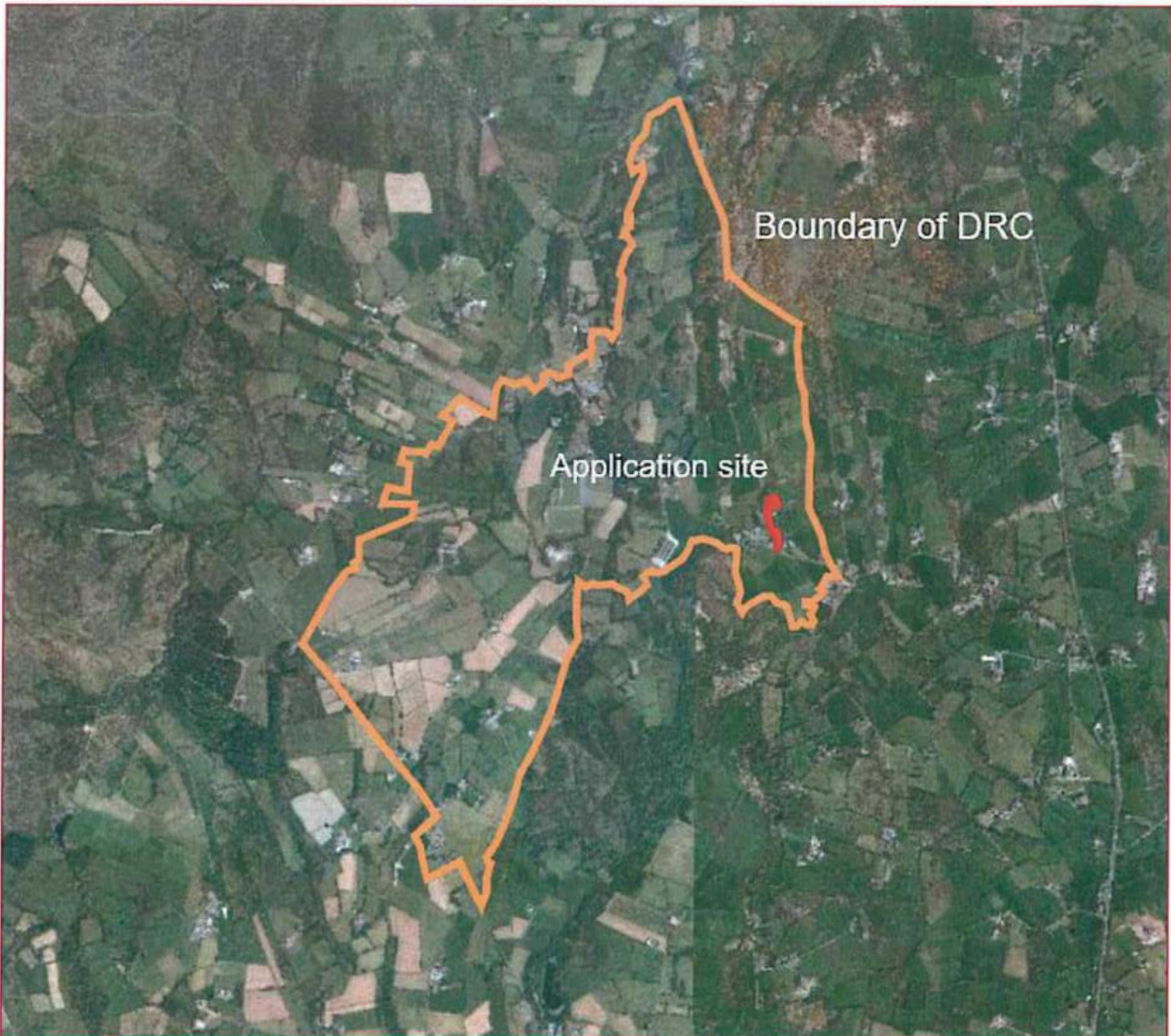
The Strategic Planning Policy Statement (SPPS) provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9 as these policies are cancelled by the introduction of the SPPS.

The proposal accords with the Magherafelt Area Plan 2010 insofar as it is for a single dwelling in an area designated as a dispersed rural community.

PPS 21 Policy CTY 1 advises that 'there are a range of types of development which in principle are considered to be acceptable in the countryside' including a small group of houses in a Dispersed Rural

Community in accordance with Policy CTY 2A. Proposals for such development will continue to be considered in accordance with existing published planning policies.

The applicant has not submitted any supporting statement to justify the proposed development or to demonstrate how it should be considered acceptable under policy CTY 2 - Development in Dispersed Rural Communities.

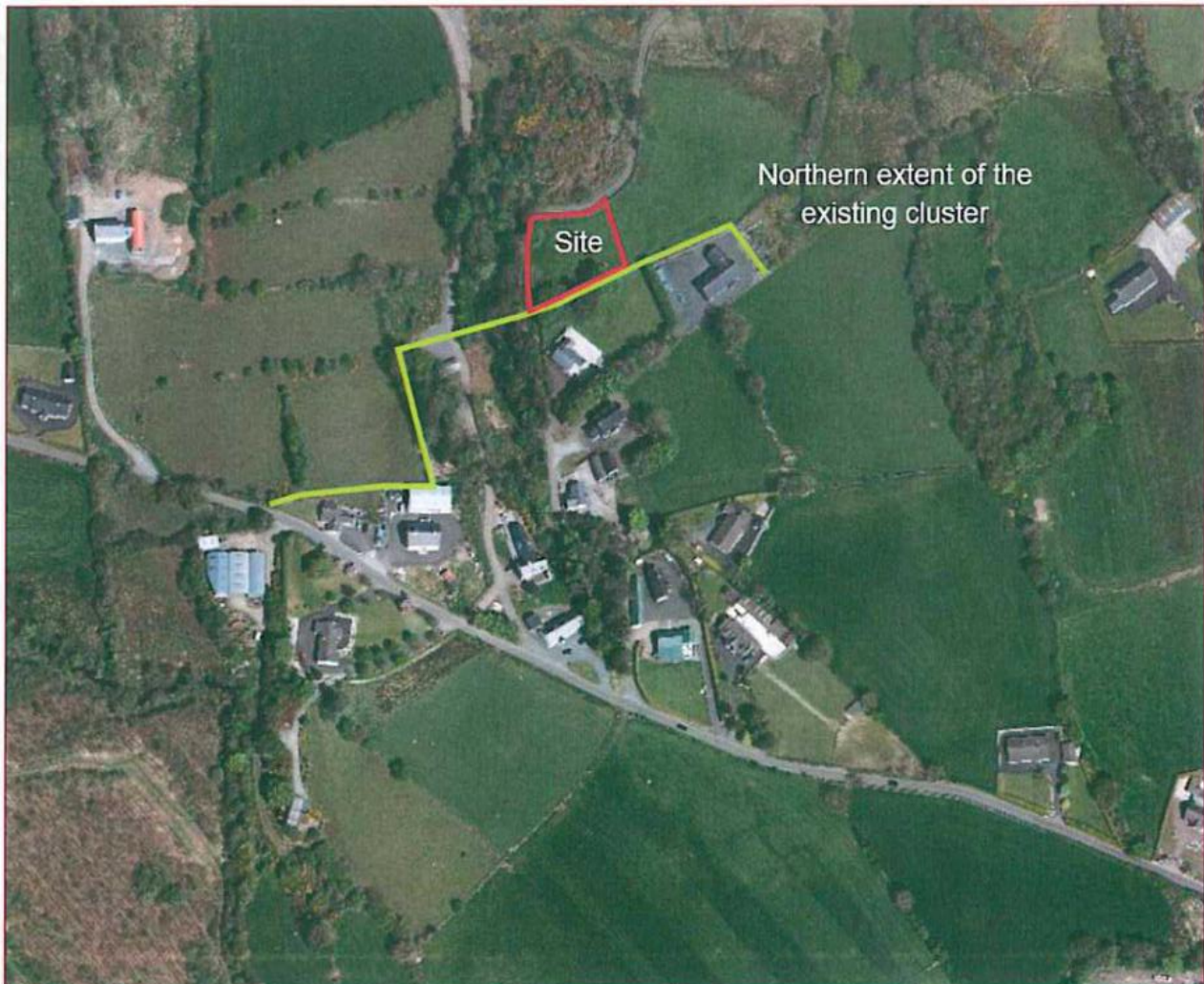


The proposed site in relation to the boundary of Carntogher DRC

Policy CTY 2 provides for developments of small cluster or 'clachan' style developments of up to 6 houses at an identified focal point, within a dispersed rural community designated in a development plan, with permission generally being limited to one cluster per focal point. The proposed site is within Carntogher Dispersed Rural Community as defined in the Magherafelt Area Plan 2015. Whilst it is accepted that there is a cluster of development around the point where the laneway meets the Gortinure Road and which extends partially up along the existing laneway, there is no focal point associated with this cluster. Although no supporting statement has been submitted with this application, the applicant suggested under the associated planning application (LA09/2019/1226/O) that 'the community is the focal point'.. however, as the community is not a fixed visual entity, it is cannot be accepted as being a focal point in that sense and therefore the proposal does not meet the policy test.

The policy goes on to state that 'Proposal for individual dwellings.... in DRCs will be assessed against the other policy provisions of this PPS'. Therefore the proposal must also be assessed against the other policies as listed above.

Para. 5.13 states 'The determining factors, on any proposal in a DRC, will be the scale of development proposed, visual impact, and its association or integration with the existing pattern of settlement'. The proposed site sits at the end of the existing cluster of development and extends that cluster further northwards. Consequently, it is my opinion that the site would not consolidate the cluster, but instead, it would only serve to expand and elongate the cluster away from the existing built form. The site clearly fails to satisfy the criteria of this policy and is therefore unacceptable.



The proposed site in relation to the boundary of the existing cluster

CTY 2A - New Dwellings in Existing Clusters

As the proposed site fails to meet the policy tests of Policy CTY 2, it was also assessed against the criteria of CTY 2A, however, it fails to meet the policy tests as follows:-

- The cluster of development lies outside of a farm and consists of four or more buildings, of which at least three are dwellings;
- The cluster does appear as a visual entity in the local landscape;
- The cluster is not associated with any focal point such as social/community building/facility, nor is it located at a cross-roads;

- Although the site does have a suitable degree of enclosure it is not bounded on two sides with other development in the cluster. The proposed site only has a single dwelling to the south with no development on the three other sides;
 - As discussed above, due to the location of the proposed site in relation to the existing built development, it only serves to extend the built form away from the cluster. This is neither rounding off nor consolidation and if approved, would significantly alter the existing character and visually intrude into the open countryside.
- Therefore the proposal is clearly contrary to Policy CTY 2A.

Policy CTY 8 – Ribbon Development states that permission will be refused for a building which creates or adds to a ribbon of development. The proposed site is located at the end of a laneway which serves around six other dwellings in addition to two approved sites. Therefore there is a public interest on this laneway and the proposed dwelling would only serve to extend the line of dwellings further in a northerly direction. This extension of ribbon development is contrary to this policy.

CTY 10 - Dwellings on farms provides the opportunity for sites to be approved where they are linked to an active and established farm business. In this case, while it would appear the applicant owns additional farmland, no supporting evidence has been submitted to support the application under this policy. In any event, if the necessary information was submitted, the site would still be unacceptable as it is not visually linked nor sited to cluster with existing buildings on the farm. At present the only buildings which would appear to be on the applicant's farm holding are their dwelling and detached garage. Consequently the proposed site is contrary to Policy CTY 10.

Policy CTY 13 - Integration and Design of Buildings in the Countryside is also relevant as the proposal is for a new dwelling in the countryside. Due to the location of the site and the extent of the existing vegetation both within and surrounding the site, a dwelling with a low ridge height of 5.5m maximum above finished floor level could achieve an acceptable degree of integration.

Policy CTY 14 - advises that the proposal will be granted approval provided it does not cause a detrimental change to or further erode rural character. The proposed dwelling will not be prominent due to being sited well back of the public road. However, any dwelling on this proposed site will be read with the existing dwellings to the south and will therefore result in a suburban style build-up of development when read with the existing buildings.

As the proposed site is located on a laneway serving six existing dwellings in addition to two extant approved sites, there is a public interest from the laneway. The proposed site is located at the very northern end of the existing built development and will extend the ribbon of development in that direction. The proposal is therefore contrary to this policy as it extends an existing ribbon of development.

PPS 3 - Access, Movement and Parking - DfI Roads advised that in terms of the proposed access the proposal is acceptable subject to the relevant condition.

Recommendation

Given the above assessment I am firmly of the opinion that the proposed development is contrary to Policies CTY 1 and CTY 2, CTY 2A, CTY 8, CTY10 and CTY 14.

Neighbour Notification Checked	Yes
Neighbour Notification Checked	Yes

Summary of Recommendation:

Refuse for the reasons listed below:-

Refusal Reasons:

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

2. The proposal is contrary to Policy CTY2 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal is for a single dwelling which is located within a Dispersed Rural Community (DRC) designated in a development plan but is not located at an identified focal point.

3. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:

the cluster is not associated with a focal point nor is it located at a cross-roads;

the proposed site is not bounded on at least two sides with other development in the cluster; and

the proposed dwelling would if permitted significantly alter the existing character of the cluster and visually intrude into the open countryside.

4. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the extension of ribbon development along this private lane.

5. 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:

a farm business is currently active or has been established for at least six years;

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

6. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted result in a suburban style build-up of development when viewed with existing and approved buildings and would, if permitted add to a ribbon of development and would therefore result in a detrimental change to further erode the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	17th December 2020
Date First Advertised	12th January 2021
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 23b Gortinure Road Maghera</p> <p>The Owner/Occupier, 25 Gortinure Road Maghera Londonderry</p> <p>The Owner/Occupier, 25a Gortinure Road Maghera</p> <p>The Owner/Occupier, 27 Gortinure Road Maghera Londonderry</p> <p>The Owner/Occupier, 29 Gortinure Road Maghera Londonderry</p> <p>The Owner/Occupier, 31 Gortinure Road Maghera Londonderry</p> <p>The Owner/Occupier, 31a Gortinure Road Maghera</p> <p>The Owner/Occupier, 33 Gortinure Road Maghera Londonderry</p>	
Date of Last Neighbour Notification	15th January 2021
Date of EIA Determination	N/A
ES Requested	No
<p>Planning History</p> <p>Ref ID: LA09/2020/1626/O Proposal: Proposed Site for Dwelling & Garage Address: Approx 30m North of No.31 Gortinure Road, Maghera, BT46 5PA, Decision: Decision Date:</p> <p>Ref ID: H/2012/0021/F Proposal: Replacement dwelling Address: No. 31 Gortinure Road, Maghera, Decision: Decision Date: 16.04.2012</p> <p>Ref ID: H/1981/0080 Proposal: EXTENSIONS TO BUNGALOW Address: 31 GORTINURE ROAD, MAGHERA</p>	

Decision: Decision Date:
Summary of Consultee Responses All consultees responded positively.
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:

Report on	Updated Planning Officer Authorisation list.
Reporting Officer	M.Bowman
Contact Officer	Dr Chris Boomer

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	x

1.0	Purpose of Report
1.1	The purpose of this report is to seek Members' approval for Mr Paul McClean to be authorised to sign decisions and Orders on behalf of the Council in accordance with its Schemes of Delegation.
2.0	Background
2.1	Upon the transition of Planning Powers to the Council in April 2015 Member's previously agreed to authorise key officers, namely SPTO / Team leads, to sign decisions on the Council's behalf, in line with the agreed Schemes of Delegation.
3.0	Main Report
3.1	<p>As of the 14 June 2021 Mr Paul McClean has been temporary promoted to fill Ms Maeve McKearneys role as Team lead for the Enforcement Team. As such he will require to be authorised as above.</p> <p>It should be noted that signing decisions is not the same as taking decision. All decisions will be undertaken either by:</p> <p>(i) Planning Committee Or (ii) Planning Manager under the scheme of delegation.</p> <p>Where a decision is made under the scheme of delegation it will be the Planning Managers responsibility to ensure decisions are made in accordance with the policies of the Council and that the right checks and balances are in place</p>
4.0	Other Considerations n/a
4.1	<p><u>Financial & Human Resources Implications</u></p> <p>Financial: this will allow for efficient use of Officer time</p> <p>Human: internal team restructuring.</p>

4.2	<u>Equality and Good Relations Implications</u> <u>None</u>
4.3	<u>Risk Management Implications</u> None
5.0	Recommendation(s)
5.1	That Mr Paul McClean is nominated as an authorised officer.
6.0	Documents Attached & References

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 8 June 2020 in Council Offices, Ballyronan Road, Magherafelt and by virtual means

Members Present

Councillor Black, Chair

Councillors Bell, Brown, Clarke, Corry, Cuthbertson, Hughes, Mallaghan, McFlynn, McKinney, D McPeake, S McPeake, Quinn

Officers in Attendance

Dr Boomer, Planning Manager
Mr Bowman, Head of Development Management
Ms Doyle, Senior Planning Officer
Ms McCullagh, Senior Planning Officer
Ms Donnelly, Council Solicitor
Mr Marrion, Senior Planning Officer
Mr McGinley, IT Support
Mrs Grogan, Democratic Services Officer

* Denotes members and members of the public present in remote attendance

** Denotes Officers present by remote means

The meeting commenced at 7.00 pm

The Chair, Councillor Black welcomed everyone to the meeting and those watching the meeting through the Live Broadcast. The Chair, in introducing the meeting detailed the operational arrangements for transacting the business of the Committee in the Chamber and by virtual means, by referring to Annex A to this minute.

The Chair also referred to addendum which had been circulated earlier in the day and asked if everyone had seen this document and had time to read it.

All confirmed that they had seen the addendum and had time to read it.

P074/21 Apologies

Councillors Colvin, Glasgow and Robinson.

P075/21 Declarations of Interest

The Chair reminded members of their responsibility with regard to declarations of interest.

Councillor Mallaghan declared an interest in agenda item 4.18 – LA09/2020/1612/F - Learning and development centre comprising of several training buildings and structures and two small ancillary buildings; a number of training areas and props and a small network of roadways for training. Site development infrastructure works, landscaping enhancements and all ancillary development at lands S of Desertcreat Road, E of A29

Dungannon Road and NW of Downs Road, Desertcreat for Northern Ireland Fire and Rescue Service.

The Chair, Councillor Black declared an interest in agenda item 4.23 – LA09/2021/0118/RM – Two storey dwelling & detached double garage with loft room at Tulnacross Road, Doons opposite & S of 23 Tulnacross Road, Cookstown for Mr Kyle Black & Miss Adele Bradley.

The Chair, Councillor Black declared an interest in agenda item 5.2 – LA09/2019/0944/F – Infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin for Mr Paul Bradley.

D076/21 Chair's Business

The Planning Manager advised that agenda item 7 – Planning Department Service Improvement Plan 2021-22 would now be brought forward as a decision immediately after deferred applications.

He brought members attention to the circulated addendum and late correspondence received from an objectors view point. He reminded members to be careful when dealing with objectors and applicants and best to listen and not getting involved with emailed correspondence etc.

He referred to energy and windfarms in Northern Ireland and advised that this was more to do with PAC, but DoE and SONI presently carrying out a consultation on achieving ambitious climate targets which would require significant levels of renewable deployment. They are keen to seek peoples' views on how the industry was approaching financing and deployment of renewable technologies and how this may change in the future. They feel that this would be critical to the delivery of a good service whilst minimising costs for consumers.

He sought members' approval to make representation on behalf of the Council to DoE and SONI on their consultation as the deadline was before the next Planning Committee meeting.

Resolved Agreed that the Planning Manager make representation on behalf of the Council to DoE and SONI on their consultation relating to Renewable Energy.

The Planning Manager referred to additional information received today relating to agenda item 5.2 – LA09/2019/0944/F and sought approval from members to defer the application for one month so proper consideration can be given to the late information received today.

Proposed by Councillor McKinney
Seconded by Councillor Brown and

Resolved That planning application LA09/2019/0944/F be deferred for one month.

Councillor Brown raised concern about this application already being deferred on two previous occasions and was going nowhere. He stated that if the applicant had co-operated and put in the pipe required and provided the information sought that this would have been resolved. He said that this committee cannot continue to defer this application month on month and needed to be resolved once and for all.

The Planning Manager concurred with Councillor Brown but stated that this was a matter for the committee to decide. He said that it was irritating for case officers to continually seek information and not get it but when the applicant then realises that the application is being brought forward to committee for refusal, they make a commitment to provide the relevant information but never does so. He said that a deferral tonight was a safeguarding measure for this committee in the event of the application not being considered properly, being refused and then successfully appealed with the Planning Appeals Commission, resulting in this Council being liable for outstanding costs which could be huge if the case was successful.

Councillor Brown said that he understood what the Planning Manager was saying but enquired how long it was expected to get a resolution to this application.

The Planning Manager advised that correspondence would be issued to Rivers Agency tomorrow where they can hopefully make a determination to resolving the issue. If the Rivers Agency come back to say that the matter is resolved then we can proceed on with this, but in the event of no clear guidance from them, this would be referred back to this committee to make a decision as all the relevant information has been considered and not leaving this Council liable. He said that it took time to resolve these difficult issues and let each party have their say, but there was also a right for homeowners to enjoy their home surroundings as a basic human right.

The Planning Manager also referred to the below applications which were on the agenda for determination and sought approval to have the following applications deferred/withdrawn from tonight's meeting schedule for an office meeting/to receive relevant information –

Agenda Item 4.6 – LA09/2020/0896/O - Infill dwelling and garage at 20m West of 6 Five Mile Straight, Draperstown for Joe McWilliams

Agenda Item 4.9 – LA09/2020/1205/F – Farm Shed at approx. 150m NW of 53 Ballybeg Road, Coalisland for Tony McBride

Agenda Item 4.12 - LA09/2020/1476/O - Dwelling and garage between 21 and 23 Iniscarn Road, Moneymore for FJS Contracts Ltd

Agenda Item 4.13 – LA09/2020/1481/A - 3 Non Illuminated composite aluminium free standing signs located along a section of the Drum Road. Sign 1 90m E, Sign 2 148m and Sign 3 66m SE of 2 Teebane Road, Cookstown for Furniture Store NI Ltd

Agenda Item 4.14 – LA09/2020/1498/F - Retention of Gym and Wellbeing Facility currently under construction; car parking and associated drainage and septic tank at site adjacent to 99 Ardboe Road, Ardboe, for Mr Ryan Quinn

Agenda Item 4.15 – LA09/2020/1533/F – Retention of change of use to rear of existing public house to beer garden including steel framed building with cladded roof and sitting area with acoustic fence to perimeter at 9-10 The Square, The Moy for Barry McNeice

Agenda Item 4.25 – LA09/2021/0146/0 – Infill site for 2 Storey dwelling and garage between Oakland Villas and 167 Drum Road, Cookstown for Philip and Judith Mitchell

Agenda Item 4.27 – LA09/2021/0305/F - Dwelling & carport with detached garage & loft room at approx. 50m SSW of 31 Sherrigrim Road Stewartstown for Mr Daryl Morrison & Miss Rachel Mullan

Agenda Item 4.29 – LA09/2021/0331/O - Infill site for dwelling at approx 30m SE of 43 Ardagh Road, Coagh, for Pat McGuckin

Agenda Item 4.30 - LA09/2021/0333/O - Infill site dwelling at approx 20m NW of 90 Ballinderry Bridge Road, Coagh for Pat McGuckin

Agenda Item 4.31 – LA09/2021/0334/O – Infill dwelling and garage at 60m N of 88 Annaghmore Road, Magherafelt for Alexander Scott Esq (withdrawn)

Agenda Item 4.32 – LA09/2021/0381/F – Change of house type at approx. 110m SW of 125 Killycolpy Road, Ardboe for Mr R O'Neill and Ms L Donnelly

Agenda Item 4.33 – LA 09/2021/0495/O – Infill dwelling at site NW of 7a Killycurragh Road, Orritor, Cookstown (access via Craigs Road) for Mr Maurice Freeburn

Agenda Item 5.2 – LA09/2019/0944/F – Infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin for Mr Paul Bradley

Matters for Decision

P077/21 Planning Applications for Determination

The Chair drew Members attention to the undernoted planning applications for determination.

LA09/2019/1221/F 38kV substation to serve approved Wind Turbine at Beltonanean Mountain, Beltonanean, Cookstown for Graham Bell

Members considered previously circulated report on planning application LA09/2019/1221/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Brown and

Resolved That planning application LA09/2019/1221/F be approved subject to conditions as per the officer's report.

LA09/2020/0248/F Retention of workshop, vehicles storage area and roadside fence at 15 Ballynargan Road Coagh for Billy Gibson

Members considered previously circulated report on planning application LA09/2020/0248/F which had a recommendation for approval.

Proposed by Councillor Brown
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2020/0248/F be approved subject to conditions as per the officer's report.

LA09/2020/0376/F Recreational water park consisting of water based inflatables and subsidiary water based activities, ancillary welcome building; changing buildings and toilets, soft landscaped space including inland beach, car & bus parking and all associated ancillary works including associated public road improvements at 140m NW of No.4 Maghadone Road, Moneymore, for Splash (Ireland) Ltd.

Members considered previously circulated report on planning application LA09/2020/0376/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2020/0376/F be approved subject to conditions as per the officer's report.

LA09/2020/0712/F Retention of existing external smoking area in rear yard and retrospective change of use of ground and first floors from redundant bar and function rooms into 5 flats at 2-4 High Street, Moneymore for William Drennan

Members considered previously circulated report on planning application LA09/2020/0712/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Brown and

Resolved That planning application LA09/2020/0712/F be approved subject to conditions as per the officer's report.

LA09/2020/0723/LBC Retention of existing external smoking area in rear yard and retrospective change of use of ground and first floors from redundant bar and function rooms into 5 flats at 2-4 High Street, Moneymore for William Drennan

Members considered previously circulated report on planning application LA09/2020/0723/LBC which had a recommendation for approval.

Proposed by Councillor Brown
Seconded by Councillor Quinn and

Resolved That planning application LA09/2020/0723/LBC be approved subject to conditions as per the officer's report.

Councillor McKinney left the meeting at 7.25 pm.

LA09/2020/0896/O Infill dwelling and garage at 20m West of 6 Five Mile Straight, Draperstown for Joe McWilliams

Agreed earlier in the meeting that planning application LA09/2020/0896/O be deferred for an office meeting.

LA09/2020/0905/F Retention of change of use of former farm shed to engineering works, at approx. 40m S of 28 Slatmore Road, Clogher, for Wiltshire Engineering

Mr Marrion (SPO) presented a report on planning application LA09/20220/0905/F advising that it was recommended for refusal.

Councillor McKinney returned to the meeting at 7.27 pm.

Councillor Brown advised that he wasn't familiar with this case but enquired if this application could be deferred for one month until the relevant information was submitted to address concerns which the case officer has.

The Planning Manager advised that the case officer had already requested the relevant information which wasn't submitted and was now before committee tonight for a recommended refusal and the applicant hasn't made a representation.

Councillor Bell advised that he would be happy to proceed with the case officer's recommendation of refusal.

Councillor Cuthbertson seconded Councillor Brown's proposal for a deferral.

Councillor Bell said that he would be content to defer the application for one month.

Proposed by Councillor Brown
Seconded by Councillor Cuthbertson and

Resolved That planning application LA09/2020/0905/F be deferred for one month.

LA09/2020/1093/F Agricultural general purpose storage shed adjacent to 68 Lurgylea Road, Dungannon for James Gerard McElroy

Mr Marrion (SPO) presented a report on planning application LA09/20220/1093/F advising that it was recommended for refusal.

Councillor Mallaghan enquired if the applicant was aware that this was going as a refusal tonight.

Mr Marrion (SPO) advised that the Planning Department do not make contact with anyone including applicants, agents, objectors or supporters advising them that their application was being brought to committee for decision. He said that this would be within the best interests of those involved to be aware of applications being brought forward to committee for determination.

It was proposed by Councillor Mallaghan to defer the application for one month to provide the applicant with an opportunity to submit the relevant information and in the event of this not being provided, then refusal be recommended.

The Planning Manager said that he would be content to defer the application for an office meeting in this instance to identify what the situation really was.

Councillor S McPeake seconded Councillor Mallaghan's proposal for a deferral.

He enquired if everything else was in order in principle to demonstrate an active farming case with a building and integration.

Mr Marrion (SPO) stated that the case officer was not satisfied that the building would be required for the holding due to the size of it and looking through the photographs there were quite a few machines on site and stored in the open air. He said that if a farming case can be made to demonstrate that it was active and established then he would be confident that everything would fall into place behind it.

Proposed by Councillor Mallaghan
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2020/1093/F be deferred for an office meeting.

LA09/2020/1205/F Farm shed at approx. 150m NW of 53 Ballybeg Road, Coalisland, for Tony McBride

Agreed earlier in the meeting that planning application LA09/2020/1205/F be deferred for an office meeting.

LA09/2020/1428/F Pitch observation stand & strength & conditioning gym; walking / running trail around perimeter of grounds. Minor alterations to existing changing rooms; internal reconfiguration of rooms and the alteration of existing shared toilets / showers to provide separate facilities at Club House, Monaghan Road, Aughnacloy, for Aghaloo O'Neill's GFC

Members considered previously circulated report on planning application LA09/2020/1428/F which had a recommendation for approval.

Proposed by Councillor Mallaghan
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2020/1428/F be approved subject to conditions as per the officer's report.

LA09/2020/1443/O Dwelling on a farm adjacent to 34 and 36 Ferry Road, Derrylaughan, Dungannon, for Aodhan Corr

Members considered previously circulated report on planning application LA09/2020/1443/O which had a recommendation for approval.

Proposed by Councillor Quinn
Seconded by Councillor McFlynn

Resolved That planning application LA09/2020/1443/O be approved subject to conditions as per the officer's report.

LA09/2020/1476/O Dwelling and garage between 21 and 23 Iniscarn Road, Moneymore for FJS Contracts Ltd

Agreed earlier in the meeting that planning application LA09/2020/1476/O be deferred for an office meeting.

LA09/2020/1481/A 3 Non Illuminated composite aluminium free standing signs located along a section of the Drum Road. Sign 1 90m E, Sign 2 148m and Sign 3 66m SE of 2 Teebane Road, Cookstown for Furniture Store NI Ltd

Agreed earlier in the meeting that planning application LA09/2020/1481/A be deferred for an office meeting.

LA09/2020/1498/F Retention of Gym and Wellbeing Facility currently under construction; car parking and associated drainage and septic tank at site adjacent to 99 Ardboe Road, Ardboe, for Mr Ryan Quinn

Agreed earlier in the meeting that planning application LA09/2020/1498/F be deferred for an office meeting.

LA09/2020/1533/F Retention of change of use to rear of existing public house to beer garden including steel framed building with cladded roof and sitting area with acoustic fence to perimeter at 9-10 The Square, The Moy, for Mr Barry McNeice

Agreed earlier in the meeting that planning application LA09/2020/1533/F be deferred for one month for consideration of further information.

LA09/2020/1550/F Two storey dwelling at 20m S of 2 The Brambles, Magherafelt, for P Ward

Members considered previously circulated report on planning application LA09/2020/1550/F which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor McKinney and

Resolved That planning application LA09/2020/1550/F be approved subject to conditions as per the officer's report.

LA09/2020/1575/F Retention of existing wooden platform/decking and wooden building/cabin at 35m W of 74 Tullyodonnell Road, Tullyreavy Cookstown for Mr Rory McGarrity

Members considered previously circulated report on planning application LA09/2020/1575/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Clarke and

Resolved That planning application LA09/2020/1575/F be approved subject to conditions as per the officer's report.

LA09/2020/1612/F Learning and development centre comprising of several training buildings and structures and two small ancillary buildings; a number of training areas and props and a small network of roadways for training. Site development infrastructure works, landscaping enhancements and all ancillary development at lands S of Desertcreat Road, E of A29 Dungannon Road and NW of Downs Road, Desertcreat for Northern Ireland Fire and Rescue Service

Members considered previously circulated report on planning application LA09/2020/1612/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2020/1612/F be approved subject to conditions as per the officer's report.

LA09/2020/1651/O Site for two storey replacement dwelling and double domestic garage at approx. 190m NW of 16 Soarn Road, Cookstown, for Ms Catherine McCrea

Mr Marrion (SPO) presented a report on planning application LA09/2020/1651/O advising that it was recommended for refusal.

Councillor S McPeake suggested deferring this application for one month to give officers an opportunity to go back to the applicant advising that this committee would be mindful of refusing the application unless a more acceptable proposal comes forward. He said that he totally agreed with the officer that the sites were set too high but felt that it may be a bit harsh to completely refuse the application altogether, but in the event of nothing more realistic coming forward, then a recommendation of refusal be applied.

The Planning Manager concurred with Councillor S McPeake's comments and said that it would be beneficial to write to the applicant advising that the application was brought forward tonight for decision and the committee were mindful to refuse it, but were also mindful of the view that a site could take a dwelling. He felt that there was also a need to change the description of the dwelling to suit their needs and change their plans.

Councillor Brown seconded Councillor S McPeake's proposal for a deferral.

Councillor McKinney enquired if the applicant was not agreeable would the application be brought back to committee for consideration again or would the decision be delegated. The Planning Manager advised that it would be safer to bring back the application to committee within a very clear timeframe to give the applicant a chance to comply with the relevant requirements.

The Chair sought approval from members to defer for one month to explore the avenues discussed here tonight.

Proposed by Councillor S McPeake
Seconded by Councillor Brown and

Resolved That planning application LA09/2020/1651/O be deferred for one month.

LA09/2021/0075/F Change of house type from previously approved at 95 Creagh Road, Castledawson, for Ciaran & Roisin Higgins

Members considered previously circulated report on planning application LA09/2021/0075F which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor McKinney and

Resolved That planning application LA09/2021/0075/F be approved subject to conditions as per the officer's report.

LA09/2021/0080/O Detached house at 20m N of 66 Drumconvis Road, Cookstown for Nuala Ryan

Members considered previously circulated report on planning application LA09/2021/0080/O which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Quinn and

Resolved That planning application LA09/2021/0080/O be approved subject to conditions as per the officer's report.

LA09/2021/0100/F Vary the wording of condition No.4 (parking and service areas) of approval M/2014/0567/F for an in vessel composting facility (IVCF) at lands at Northway Mushrooms 24m S of 17 Aghnagar Road, Ballygawley for Northway Mushrooms Ltd

Members considered previously circulated report on planning application LA09/2021/0100/F which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor Quinn and

Resolved That planning application LA09/2021/0100/F be approved subject to conditions as per the officer's report.

The Chair withdrew from the meeting and the Vice Chair, Councillor S McPeake took the Chair.

LA09/2021/0118/RM Two storey dwelling & detached double garage with loft room at Tulnacross Road, Doons opposite & S of 23 Tulnacross Road Cookstown, for Mr Kyle Black & Miss Adele Bradley

Members considered previously circulated report on planning application LA09/2021/0118/RM which had a recommendation for approval.

Proposed by Councillor Cuthbertson
Seconded by Councillor Hughes and

Resolved That planning application LA09/2021/0118/RM be approved subject to conditions as per the officer's report.

The Chair, Councillor Black returned to the Chair. .

LA09/2021/0120/F Renewal of LA09/2015/1121/F between 9 Old Coagh Mill & Old Coagh Road, Cookstown for J & M Developments Ltd

Members considered previously circulated report on planning application LA09/2021/0120/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Quinn and

Resolved That planning application LA09/2021/0120/F be approved subject to conditions as per the officer's report

LA09/2021/0146/O Infill site for 2 Storey dwelling and garage between Oakland Villas and 167 Drum Road, Cookstown, for Philip and Judith Mitchell

Agreed earlier in the meeting that planning application LA09/2021/0146/O be deferred for an office meeting.

LA09/2021/0224/F Dwelling at 80m W of 67 Dungorman Road, Dungannon Mr Paul Brannigan

The Planning Manager sought approval to raise this application in Confidential Business due to personal circumstances.

Proposed by Councillor McKinney
Seconded by Councillor Brown and

Resolved That planning application LA09/2021/0224/F be raised in Confidential Business.

LA09/2021/0305/F Dwelling & carport with detached garage & loft room at approx. 50m SSW of 31 Sherrigrim Road Stewartstown for Mr Daryl Morrison & Miss Rachel Mullan

Agreed earlier in the meeting that planning application LA09/2021/0305/F be deferred for an office meeting.

LA09/2021/0326/F Change of house type (from approved I/2007/0308/RM) at 300m SW of 16 Dirnan Road, Cookstown, for Colm Canavan

Members considered previously circulated report on planning application LA09/2021/0326/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Clarke and

Resolved That planning application LA09/2021/0326/F be approved subject to conditions as per the officer's report.

LA09/2021/0331/O Infill site for dwelling at approx. 30m SE of 43 Ardagh Road, Coagh, for Pat McGuckin

Agreed earlier in the meeting that planning application LA09/2021/0331/O be deferred for an office meeting.

LA09/2021/0333/O Infill site dwelling at approx. 20m NW of 90 Ballinderry Bridge Road, Coagh for Pat McGuckin

Agreed earlier in the meeting that planning application LA09/2021 be deferred for an office meeting.

LA09/2021/0334/O Infill dwelling and garage at 60m N of 88 Annaghmore Road, Magherafelt for Alexander Scott Esq

Planning application LA09/2021/0334/O to be withdrawn from planning schedule.

LA09/2021/0381/F Change of house type at approx. 110m SW of 125 Killycolpy Road Ardboe, for Mr R O'Neill and Ms L Donnelly

Agreed earlier in the meeting that planning application LA09/2021/0381/F be deferred for an office meeting.

LA09/2021/0495/O Infill dwelling at site NW of 7a Killycurragh Road, Orritor, Cookstown (access via Craigs Road) for Mr Maurice Freeburn

Agreed earlier in the meeting that planning application LA09/2021/0495/O be deferred for an office meeting.

LA09/2017/0489/F Farm shed for the housing of animals and storage of farm machinery, 210m E of 91 Ballynakilly Road Coalisland, for Mr Gavin Quinn

Members considered previously circulated report on planning application LA09/2017/0489/F which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor Bell and

Resolved That planning application LA09/2017/0489/F be approved subject to conditions as per the officer's report.

LA09/2019/0944/F Infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin for Mr Paul Bradley

Agreed earlier in the meeting that planning application LA09/2019/0944/F be deferred for one month.

LA09/2020/0234/O Dwelling and garage on a farm at 100m W of 63 Iniscarn Road, Desertmartin for Connor Monaghan

Members considered previously circulated report on planning application LA09/2020/0234/O which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Clarke and

Resolved That planning application LA09/2020/0234/O be approved subject to conditions as per the officer's report.

LA09/2020/1548/F Dwelling & garage, 40m NE of 59 Ferry Road, Coalisland, for Patrick McNeice

Members considered previously circulated report on planning application LA09/2020/1548/F which had a recommendation for approval.

Proposed by Councillor Quinn
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2020/1548/F be approved subject to conditions as per the officer's report.

LA09/2021/0006/F Roadside hot food sales and ancillary development (farm diversification Scheme) at 100m SSE of Knockaconny House, 37 Sandholes Road, Cookstown for IT and RS Mayne

Members considered previously circulated report on planning application LA09/2021/0006/F which had a recommendation for approval.

Proposed by Councillor Brown
Seconded by Councillor McKinney and

Resolved That planning application LA09/2021/0006/F be approved subject to conditions as per the officer's report.

The Chair advised that Agenda Item 7 would now be brought forward for decision.

P078/21 Receive Planning Department Service Improvement Plan 2021-22

The Planning Manager presented previously circulated report which provided members with a copy of the Planning Department's Service Improvement Plan (SIP) for the period 2021-2022.

The Planning Manager referred to the Service Improvement Plan and said that although we didn't reach our targets last year we did pretty well considering there was a pandemic and still managed to deliver a service and get things out in 16 weeks and commended all the officers on their hard work. He said however there was now a backlog and we were not through the pandemic yet and were juggling things in a very difficult situation. He referred to the Development Plan and advised that there was a re-consultation and when this was started, new regulations came out on the pandemic which also put things back. Looking at the way forward, there are targets that are there by law and these cannot be juggled to make them fit as targets for Development Management were set in statute. In relation to the Development Plan, the only part that's within Planning's control is the submission of the Development Plan which was anticipated to be complete by the springtime and pleased to say that this has now been submitted to the Department and target met. He stated that there was still a struggle in Development Management and realistically if we can get through this pandemic and get the backlog cleared, the real aim would be to meet the targets on a monthly basis come the end of the year.

He stated that there was an item which was not on the agenda but would like members and parties to think about it carefully regarding the amount of work which needed to be cleared, a lot of refusals which needs to be brought for a second time and now is not the time to do it because we want to give everybody the chance to have their say and bringing everyone into the committee would be awkward. He said that it would be wrong to have people sitting to speak at 11 pm at night and suggested that if it was anticipated to have a long meeting that we go back to the previous method of having a break at 9 pm for members to refresh themselves and clear any business which we can within the next half hour or so and be away by 10 pm, with any remaining business being brought to another meeting. He said that his problem was perceiving how long a meeting was going to take and we were lucky tonight as there were a lot of deferrals. He suggested if a meeting was anticipated to take longer than expected, then this should be split as it was unfair to have the public waiting too long and not fair to have staff going home late at night due to health & safety issues, particularly if they have to come in early the next morning for other meetings. He asked members to seriously think about this so everyone can move forward very sensibly.

He referred to a large item on the Service Improvement Plan which will change the way the service is delivered where everything can be done online i.e. submission of plans, submission of revisions, submissions of omissions and objections and is a major project for Mid Ulster as we are doing their own computer system and a substantive saving to the ratepayer, nearly 90% saving and in time we will be doing a better service as we won't be tied into something for 20 years. He said that this would improve development management on planning applications and also improve the development plan as there would be an opportunity to record and analyse decisions for the future i.e. how much retail is in the pipeline, how many houses in the pipeline and hopefully that information can be at our fingertips which is a huge undertaking. He suggested that a 10 to 15 minute presentation be made to the next meeting to make members aware of what the Planning Department were doing.

The Chair said that it was good to see the Development Plan moving forward and was interesting time for the Council. In relation to the Service Improvement Plan, it has obviously been very challenging this last year and wanted to place on record his appreciation to the Planning Manager and his staff on being able to perform the way that this Council has. He stated that he was aware of the work still to be carried out clearing the backlog and hoped that we will work constructively to best move this forward. He said it was very interesting to hear about the new portal and felt that this would be a very welcome addition as it would make the service even more efficient and looked forward to seeing it materialise.

Councillor S McPeake concurred with the Planning Manager regarding the backlog over the last 14 – 15 months which had accumulated, but was more curious about the longer applications which had been in the system for a number of years for some uncertain reasons i.e. lack of information and enquired due to the large amount should these not be focused on. He asked if these applications could be sifted out and refused if there were not going to meet any threshold.

The Planning Manager said that he was pleased to say that there were not many and we were lucky as some other Councils have huge amounts which they inherited from the Department. We did however inherit some awkward things relating to quarrying etc. and some of these applications do take years to deal with as they were complex issues relating to environmental matters. There were some that were deliberately put on the back shelf waiting on the progress of the Development Plan, but were only minimal and not hundreds and would not be worried. He said that there does come a point like tonight where there were people asked for information and these were deferred on the basis that a person is given an opportunity to go away and do something before next month or it would be refused and finds that if this is operated as a way forward that this would help to clear things. He stated that the thing he was most proud of about Mid Ulster was that if you speak to any agent or councils, they always indicate that this council was always seen as the most reasonable council because we work with people to make development sustainable and listen to people's arguments and views and try our best to try and find solutions for a favourable outcome.

Councillor Mallaghan referred to the Development Committee where there was a combination of deputations brought to an additional meeting that month to try and clear all those people who wish to talk to Council and try and get their ideas across. He agreed with the Planning Manager's suggestion of having a second meeting occasionally if there was anticipation that the cases were going to involve speakers and the application was going to make up to 25 minutes or longer to discuss and could be up to half a dozen or more could be set aside for a particular night and just get them cleared up. He stated that it was very difficult to estimate how long a particular case was going to take, some were known as going to be tricky ones and if already deferred a few times and site visits, then getting to this final point of last chance to speak on it and ultimately making a decision. He said that it would be worthwhile looking at this suggestion, even for a few months as it was better than sitting here to midnight and people sitting on a zoom link for four hours to have their say for a 3 minute opportunity to put their case across.

The Chair agreed that there was a need to clear the backlog and stated that there were some good sensible suggestions made tonight.

Proposed by Councillor Mallaghan
Seconded by Councillor Brown and

Resolved To accept the Planning Department's Service Improvement Plan 2021-22.

Matters for Information

P079/21 Minutes of Planning Committee held on 4 May 2021.

Members noted minutes of Planning Committee held on 4 May 2021.

P080/21 Receive Report on Appeal Decision

The Planning previously circulated report which provided members with Appeal decision dated the 18th May 2021 relating to an Advertisement consisting of a flat screen fixed to a gable wall with brackets at Walsh's Hotel, 53 Main Street, Maghera (sign to be displayed on the Coleraine Road side of the building). The appeal is allowed subject to conditions set out within the report.

The Planning Manager felt that this was an interesting decision as the key issue at this location was road safety and Roads Service has very much taken a view against these signs repeatedly and very difficult for officers and committee to sit down and say that we know any better because we are not road Engineers. It's right for a person to go to appeal if they were dissatisfied with a decision and their right to defend that appeal. He said that he wasn't annoyed with the decision but at Roads Service as the only thing they did to defend that appeal was to issue the same piece of paper and if he was representing something would not turn around and say that 'this is my opinion', but would provide his evidence to show statistics in terms of accident blackspots, accidents in terms of signs and the controls of illumination being affective. If there was no evidence, then guidance and policy should be consulted upon which sets out what was acceptable and what wasn't so that it was based on a wider public view. He said that Roads Service had nothing other than working on a policy which tells us that something would be refused if it was detrimental to highway safety and all we have was Roads Service opinion.

The Planning Manager stated that he had asked the Head of Development Management to send on his concerns to Roads Service and tell them if they wanted to do these appeals then they needed to do more on whether it was the right or wrong decision. He concluded by saying that if this site was dangerous and someone is harmed or killed, then this was not our fault as Roads Service should be better on their game.

Councillor McKinney advised that it was a long time before this decision had been taken. He stated that he totally disagreed with the decision and when a person was coming over the Coleraine Road at the 30 mph limits, the sign is real visible to the public eye and Roads Service has indicated that this was not intrusive amongst a lot of other things. He said that he would question whether the Commissioner was in the right town and cannot agree with what was said on a winter's day. He stated that two Sunday night's ago his son mentioned how the sign was very bright and felt that the decision was unacceptable and what was wrote within the report for anyone which knows the area, it doesn't match up and likewise for other signage which had to be taken down on protected routes and felt that this decision stinks.

The Planning Manager stated that a decision is a decision and we were faced on whether to proceed to a judicial review and his decision would be not too for the simple reason that the Commissioners took great play on how long it took Planning to make a decision and quite clear when you read the decision in-between the words that the view was taken that planning were quite happy to live with the sign for that long and his opinion that the sign had been up for long and no-one reported an accident. He said that after considering this correspondence, the opinions of the committee would be very weak, but felt that the decision to refuse was very reasonable.

Councillor Mallaghan said when he was reading through the report originally, he thought the committee's decision as upheld and had to read it again to see that it wasn't and was very surprised as usually the case would be when a planning application is considered unsatisfactory by Roads Service, then this is the final line and the committee don't question it, but finds it very surprising regarding this application. He stated that there had been so many of these signs appearing over Mid Ulster over a short period of time and Roads Service were quick to go around putting in lots of objections and would result in a lot of people who purchased these signs/tvs asking questions if they become aware of this application being approved. He said that this would make people think twice in the future when consultation is received back from Roads Service regarding these types of issues on how hard the line is held in future in terms of road safety as this Planning Appeals report has tainted this a little.

Councillor Mallaghan enquired if there was any cost to Council regarding this decision.

The Planning Manager advised that there was no cost as it was a reasonable decision. He stated that this was a very difficult when dealing with expert witnesses and would read it by our experience of dealing with the courts and where we have an expert witness and we go against them i.e. Roads Service or Rivers Agency, it is highly likely that a judge would quash any decision and put it back to Council as we would be asked to provide evidence on why we were going against them. The difference with the Planning Appeals Commission is that they are not a judicial body and use the term quasi-judicial as an administrative body, but still operate like a tribunal and similar to courts as they do not investigate, but considers the evidence which is set before them, they can be inquisitive but do not investigate, but Roads Service need to justify the position of their decision. He said that it would be his opinion that Roads Service invest some money and carry out some work on signage and not just looking at statistics which should be open to public debate and the way we wish to go forward.

The Chair concurred with comments and said that going forward there was a need for clarity on how these type of things were viewed when brought before committee in the future.

Councillor Cuthbertson enquired why it took so long to make a decision as he was aware of this being brought up in few times at committee and then ultimately forgot about. He felt there was a need to address this especially when there may have been a small bearing on the Commissioner's view and decision on how this sign has been here for a number of years. He said there was a need to take this on board going forward especially taking things back from deferrals which were continuously being deferred and it's up to this committee to make decisions and not keep putting them off.

The Planning Manager said that things happen which were different each day within Planning. He said that there were decisions he would make on signage and in some incidents could move to a straight prosecution as it was illegal to erect a sign without planning permission, but in this instance he didn't because there wasn't a discussion within committee regarding signage as such. The Council give Mr Walsh every opportunity rather than proceeding to prosecution and commended the committee on trying to give him a chance to resolve the matter as he was a key person within his community providing employment.

Councillor Cuthbertson stated that there was a need to be careful and for example if someone erected a sign in Dungannon, it could take Mid Ulster District Council three years to make a decision, resulting in the sign being well paid for by that time.

Live broadcast ended at 8.22 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Mallaghan
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 P081/20 to P085/21.

Matters for Decision

P081/21 Receive Enforcement Report

Matters for Information

P082/21 Confidential Minutes of Planning Committee held on 4th May 2021

P083/21 Enforcement live Case List

P084/21 Enforcement Cases Opened

P085/21 Enforcement Cases Closed

P086/21 Duration of Meeting

The meeting was called for 7 pm and concluded at 8.40 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 please raise your hand in the normal way and keep raised until advised to lower
- 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.



ADDENDUM TO PLANNING COMMITTEE AGENDA

FOR PLANNING COMMITTEE MEETING ON: 8th June 2021

Additional information has been received on the following items since the agenda was issued.

Chairs Business - Wind energy subsidies - NIAO

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
4.1	The elevation of the substation is 260m, not 296m, as stated in report. Agent has withdrawn speaking rights.	Members to note
4.25	Supporting information submitted by agent	Members to note
4.31	Application withdrawn	Members to note
5.1	Condition 3 should refer to: drawing no 01 stamp dated 4 April 2017.	Members to note
5.2	Amendment to report in yellow, should read as follows; Rivers were re-consulted on the information submitted by the applicant in order to get the application deferred at April Committee. They replied on 23 rd May 2021. In terms of FLD1, the hydraulic model used to assess fluvial flood risk in the original FRA, dated 31st October 2019, has been independently assessed. This independent assessment has	Members to note

	<p>concluded that there is a low level of confidence in the model outputs. Consequently fluvial flood risk remains an unresolved issue.</p> <p>Updated Flood Risk Assessment received on 05th June 2021.</p> <p>Late Correspondence received from applicant</p>	<p>Members to note</p> <p>Members to note</p>
5.4	Condition 5 should refer to: approved drawing no 01 received 12 April 2021.	Members to note