



Deferred Consideration Report

| Summary | |
|---|---|
| Case Officer: Emma McCullagh | |
| Application ID: H/2014/0154/F | Target Date: |
| Proposal: New agricultural store | Location: 150m NE of 20 Newferry Road, Bellaghy |
| Applicant Name and Address: Alan Mawhinney 49 Ballyscullion Road Bellaghy | Agent name and Address: Diamond Architecture 77 Main Street Maghera |
| Summary of Issues: Following an amended scheme from a poultry unit to an agricultural store, recommend approval based on CTY12. | |
| Summary of Consultee Responses: No objections to a new agricultural store. | |
| Characteristics of the Site and Area: The site is relatively flat and sits slightly below the level of the road. It is accessed via an exiting laneway. Site is located within a flood plain, and is associated with Ballymacombs More ASSI, River Bann and Lough Beg. Two existing poultry are located to the west of the site, approved under H/2010/0384/F, approved for 8,700 birds in each unit. | |

Description of Proposal

The proposal has been changed from an additional poultry unit to a full application for a new agricultural store. It will be used for storage of feed, bedding and machinery.

Deferred Consideration:

The application was previously presented as a refusal to Planning Committee in December 2019 for the following reasons;

The proposal was contrary to CTY1, CTY12 and PPS2 and the potential impact on an ASSI.

It was subsequently deferred for additional information to be submitted.

Following a number of discussions with the agent, it was finally decided by the applicant that he would amend his proposal to a new agricultural store.

The store will be located adjacent to the existing two larger poultry sheds. It will be 50m x 14.8m, with profile roof cladding, the lower half will be block wall, and the upper profile cladding sheers. There is a roller shutter door on the front elevation. This is an acceptable design and typical for this type of proposal. It will remain in keeping with the character of this area. Its size and scale are acceptable and it will not be prominent from public viewpoints.

The same access will be used and DFI Roads have provided a condition and offer no objections.

The refusal reasons related to the fact that the original proposal was for an additional poultry unit, however these have now been overcome that the fact there will be no poultry unit built but rather an agricultural store so the issues raised are no longer of concern. NED now state they have considered the impacts of the amended proposal and have no concerns.

There was one objection to the original proposal, and the majority of these issues are no longer relevant as it is no longer a poultry unit. Flooding has been raised as a potential issue as the site was located within a floodplain. However a flood risk assessment was submitted with the original and Rivers Agency had no objection at time, as this proposal is now for a smaller shed with a less intensive use, flooding would be even less of an issue and so the same informatives and conditions would be applied to this amended proposal for a shed. The objector, along with relevant neighbours, was notified with the amended scheme in Feb 2020 and no further objections have been received.

Water Management Unit notes from the information available from the agent in relation to this proposal that there will be no livestock housed or silage stored in this agricultural building, and it is to be used purely for the storage of farm Machinery and Dry Agricultural materials/foodstuffs only. Water Management Unit's response is therefore based on:

Any feed materials being stored are dry/compound feeds and not silage.

No animals are to be housed.

Any farm machinery is for storage and the premises are not being used as a commercial repair / end of life facility. They have no objection to the use proposed.

The proposal for the agricultural shed would be assessed under CTY12 of PPS21. Planning permission will be granted under his policy on an active and established farm, where certain criteria can be demonstrated. DEARA have confirmed this farm has been active and established for at least 6 years. It has been shown it is necessary for the efficient use of the holding, as the applicant requires somewhere to store feed and machinery and there is nowhere suitable on the farm at present. In terms of character and scale it is appropriate to the location, it visually integrates, it will have no impact on the natural or built heritage, and it will not result in any detrimental impact on the amenity of nearby residential dwellings.

As this is a new building, the applicant has also confirmed there are no suitable building on the holding that can be used, the exiting poultry houses are fully utilised. Even if they were available, they would be too low to accommodate the agricultural equipment to be stored. The design and materials to be used are sympathetic to the locality and adjacent poultry buildings, which it will be sited directly beside.

Therefore, all the criteria for a new shed under CTY12 has been met.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 2019. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th March for 8 weeks. The re-consultation is due to close at 5pm on 21st May 2020. In light of this the draft plan cannot currently be given any determining weight.

The amended proposal is now acceptable in policy terms and the previous issues have been overcome, and approval is recommended with the following conditions.

Conditions

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

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

2. The building hereby approved, shall be used only for the storage of agricultural machinery and dry materials/ foodstuffs, and for no other purpose.

Reason: To prohibit a change to an unacceptable use.

3. The vehicular access including visibility splays 2.4 x 90 metres and any forward sight distance, shall be provided in accordance with Drawing No 02 bearing the date stamp 29 April 2014 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Signature(s):

Date

Development Management Officer Report Committee Application

| Summary | |
|--|---|
| Committee Meeting Date: | Item Number: |
| Application ID: H/2014/0154/F | Target Date: |
| Proposal: Proposed additional 1no poultry house and feed bins to house approximately 8000 birds to accompany existing houses on site | Location: 150m North East of 20 Newferry Road Bellaghy BT45 8ND |
| Referral Route: This application is being presented to Committee as it is being recommended for Refusal due to lack of information to satisfactorily demonstrate that the proposed development will not have an adverse impact on the adjacent Ballymacombs More ASSI. | |
| Recommendation: | REFUSE |
| Applicant Name and Address: Mr Alan Mawhinney CO/AGENT | Agent Name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB |
| Executive Summary: | |
| Signature(s): | |

For planning committee decision



19/1/19

Case Officer Report

Site Location Plan



Consultations:

| Consultation Type | Consultee | Response |
|-------------------|---|-------------------------------|
| Non Statutory | Env Health Magherafelt District Council | Substantive Response Received |
| Non Statutory | DAERA - Ballymena | Substantive Response Received |
| Non Statutory | DFI Roads - Enniskillen Office | Substantive Response Received |
| Non Statutory | Water Management Unit | Add Info Requested |
| Non Statutory | Natural Heritage | Add Info Requested |
| Non Statutory | Rivers Agency | Add Info Requested |
| Non Statutory | NIEA | Substantive Response Received |
| Non Statutory | Shared Environmental Services | Substantive Response Received |

| | | |
|--|---|-------------------------------|
| Non Statutory | Environmental Health Mid Ulster Council | Substantive Response Received |
| Non Statutory | Shared Environmental Services | Add Info Requested |
| Non Statutory | NIEA | Substantive Response Received |
| Non Statutory | Shared Environmental Services | |
| Non Statutory | Shared Environmental Services | Add Info Requested |
| Non Statutory | Shared Environmental Services | |
| Non Statutory | Shared Environmental Services | Add Info Requested |
| Statutory | NIEA | Advice |
| Statutory | NIEA | |
| 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 | | |
| <p>One representation was received from the RSPB.</p> <p>The site is within several hundred metres of statutory nature conservation designations and future peatland habitats restoration sites. Protection of these sites helps to conserve local habitat for breeding, wintering and migratory birds. RSPB are concerned that cumulative impact of the proposal with the existing developments could have negative impacts on the local environment. Potential impacts include :</p> <ul style="list-style-type: none">- habitat loss/fragmentation- increased risk of flooding- pollution of air, ground and water- Waste from poultry houses and the impact on adjacent habitats- emissions of ammonia, nutrient enriched runoff and dust. <p>The agent responded to advise that the applicant carried out a full wintering bird survey for the adjacent wind turbine (H/2014/0082/F) to which the conclusion of the survey was positive. A qualified comment from an ornithologist regarding RSPB's objection was offered, however, this was never submitted.</p> | | |
| Characteristics of the site | | |
| <p>The site is a large portion of land to the rear and approx. 150m NE of 20 Newferry Road, Bellaghy.</p> <p>Two poultry units exist on the western portion of the site, approved under planning ref: H/2010/0384/F. These are broiler breeder houses which were approved for a maximum of 8,700 birds in each unit.</p> <p>The site is relatively flat and sits slightly below road level. It is accessed via an existing concreted laneway to the west of No. 20.</p> | | |

Views of the site are limited due to its set back from the road and behind a row of mature vegetation.



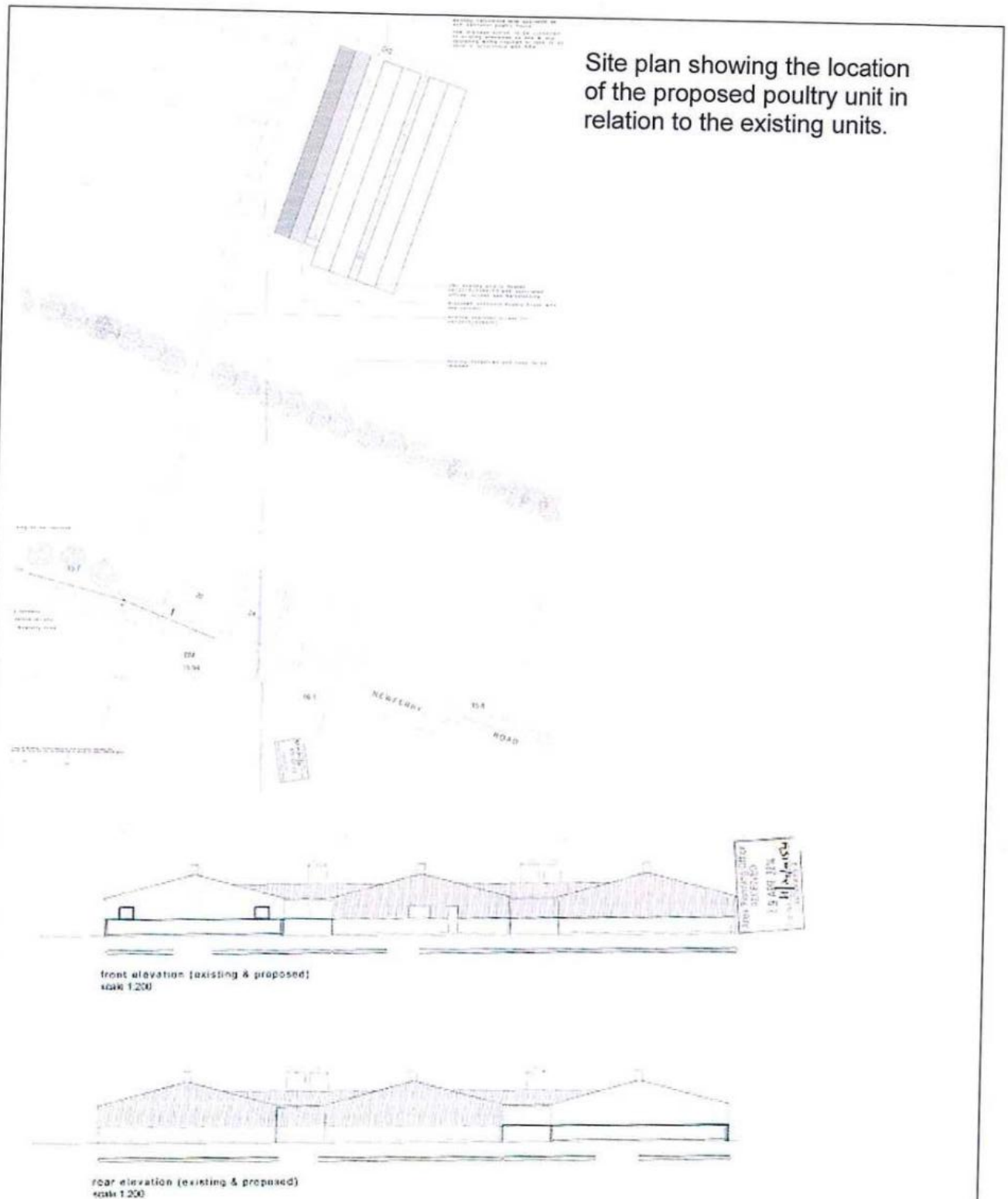
The site in association with Ballymacombs More ASSI, The River Bann and Lough Beg.

Description of Proposal

This proposal is for 1 additional poultry house for approx. 8,000 birds along with associated feed bins. If the existing houses are operating at maximum capacity this proposal take the total site capacity to 25,400.

However, the Air quality Impact Assessment provided by Marshall Day Acoustics in support of this application states 'At present, there are two poultry sheds on the existing site, housing a total of 18,000 layers. On completion, it is proposed that the site will have the provision for three mechanically ventilated poultry sheds housing a total of 27,000 layer birds. This is not consistent with the numbers stated on the previous planning approval ($8,700 \times 2 = 17,400$) in addition to the 8,000 now proposed bringing the total for the site to 25,400.

The shed has a floor area of approx. 1337.36m² (measured externally), with an eaves height of 3.0m and a ridge height of 3.8m, and will be positioned adjacent to the existing sheds.



Proposed elevations

Planning Assessment of Policy and Other Material Considerations

Consultation responses

Transport NI - Approval in principle, subject to conditions

Environmental Health - Satisfied that if poultry house operated in adherence with 'Odour and Noise Management Plan' residential amenity should not be adversely affected.

NIEA Natural Heritage - have concerns and considers that further information is required to comply with the Habitats Regulations.

NIEA Water Management Unit - further info required on litter utilisation - standard informatives.

DARD - Business ID has been in existence for more than 6 years and business claims subsidies.

Rivers Agency - Flood risk assessment carried out on the previous application H/2010/0384/F. Rivers Agency accepts the reports logic and has no reason to disagree with its conclusions.

Shared Environmental Services – requested additional information on the specific outlet which will process litter from the proposed poultry house.

Natural Environment Division (NED) has serious nature conservation concerns with this proposal in that development would, if permitted, have an unacceptable adverse impact on the conservation objectives of Ballymacombs More ASSI.

I have assessed the relevant policy, in particular:

The regional Development Strategy (RDS)

Magherafelt Area Plan 2015

Planning Policy Statement 1 General Principles

Planning Policy Statement 2 Natural Heritage

Planning Policy Statement 3 Access, Movement and Parking

- Policy AMP 2 Access to Public Roads

Planning Policy 6 Planning, Archaeology and The Built Heritage.

Planning Policy Statement 21 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

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

The Strategic Planning Policy Statement (SPPS) provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9 as these policies are cancelled by the introduction of the SPPS.

The SPPS states that Planning permission will only be granted for a development proposal that is not likely to have an adverse effect on the integrity, including the value of the site to the habitat network, or special interest of an Area of Special Scientific Interest. There is a legal duty to take reasonable steps to further the conservation and enhancement of the features by which the ASSI is of special scientific interest.

A development proposal which could adversely affect any of the above-mentioned sites of national importance may only be permitted where the benefits of the proposed development clearly outweigh the value of the site. In such cases, appropriate mitigation and/or compensatory measures will be required.

PPS 1 operates a general presumption in favour of development unless there is demonstrable harm to interests of acknowledged importance.

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.

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 proposal is for the expansion of the applicants existing poultry farm. DARD have confirmed that the applicant's business ID has been in existence for more than 6 years and that the business claims Single Farm Payment, Less Favoured Area Compensatory Allowances or Agri Environment scheme. Therefore there is an active and established business. This is an investment opportunity for the existing business and part of Moy Park's expansion programme and in line with the Agri-Food Strategy. Therefore it is my opinion that this proposal supports the needs of the existing business.

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

The proposed shed is located adjacent to the existing poultry units. It is a standard scale, form and design for a modern poultry unit and is of similar design to the existing poultry units and buildings of this type are common in the rural area.

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

Given the positioning of the proposed shed back from the public road and its grouping with the existing poultry unit and farm buildings, it will visually integrate into the local landscape.

d) It will not have an adverse impact on the natural or built heritage.

There are no built heritage feature on or adjacent to the site. The site is adjacent to Ballymacombs ASSI, 390m from Lough Beg ASSI, 440m from Culnafey ASSI and 3.83 km from Moneystaghan Bog ASSI. NIEA Natural Heritage had concerns and considered that further information was required to comply with the Habitats Regulations. NIEA also had serious nature conservation concerns with this proposal in that the development would, if permitted, have an unacceptable adverse impact on the conservation objectives of Ballymacombs More ASSI.

The agent was requested to provide the necessary information for Natural Environment Division on 12th October 2018 and on three subsequent occasions but has continually failed to provide any additional information to address this issue. Therefore the proposal cannot be fully considered and fails to meet the policy test in that regard.

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

The nearest neighbouring properties are the roadside dwellings in front of the site; Nos. 20 and 24 which are approx. 150m from the proposed poultry unit.

An odour and noise management plan was submitted with the previous application H/2010/0384/F - this is a generic report. An updated management plan has not been

received, however, Environmental Health have not raised any objections. Given the relatively modest scale of the operation and its location relative to sensitive receptors, the proposed development should not give rise to detrimental impacts on the amenity of residential dwellings outside the holding.

In the case where a new building is proposed the following points should be met:

- There are no suitable existing buildings;

There are no buildings which can be used as the existing two poultry units are at capacity;

- The design and materials are sympathetic to the locality and adjacent buildings;

The poultry houses are of a simple design and buildings of this style are characteristic of the rural area.

- It is sited beside existing farm buildings.

The proposal is sited beside the two existing poultry units.

The proposal meets all but one of the above criteria and therefore it fails to comply with Policy CTY 12.

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 mentioned above under point c) the proposal will visually integrate into the surrounding landscape and is an appropriate design.

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

Given that this proposal is for an expansion of an existing poultry farm and the new shed will group within the existing it will not cause a detrimental change to the rural character of this area.

Policy AMP3 of PPS3 deals with access to public roads.
Transport NI have no objections.

Policy NH 3 of PPS 2 deals with Site of Nature Conservation Importance – national; and advises that Planning permission will only be granted for a development proposal that is not likely to have an adverse effect on the integrity, including the value of the site to the habitat network, or special interest of an Area of Special Scientific Interest. This Policy also states that 'A development proposal which could adversely affect a site of national importance may only be permitted where the benefits of the proposed development clearly outweigh the value of the site. In such cases, appropriate mitigation and/or compensatory measures will be required'.

NIEA have raised concerns in relation to the impact on the adjacent ASSI. Due to the level of information provided, it will be very difficult to protect the ASSI as the proposed poultry unit will make the restoration of the adjacent peat extract site to bog land almost impossible.

The applicant has provided details of an outlet for the poultry litter. It has been confirmed that the operations on the site, including the proposed unit, will produce 396 tonnes of litter per year. This litter will be utilised as part of Moy Park's litter utilisation strategy

through land spreading in the Republic of Ireland, disposal via Anaerobic Digestion and combustion for renewable energy generation. No litter is to be landspread in Northern Ireland. There will be no storage of litter on site as litter will be cleared at the de-population stage and immediately transported to the relevant end user. However, Shared Environmental Services have requested details of the specific outlet which will process the litter from this proposed site. NIEA Water Management Unit have also requested a copy of the signed contractual agreement between the applicant and Moy Park to confirm that litter will be disposed of by way of the Moy Park litter Utilisation Strategy. Despite this additional information being requested from the applicant on four separate occasions, no additional information has been provided. Therefore it has not been satisfactorily demonstrated that there is an acceptable means of disposal for the poultry litter and the proposal is unacceptable in that regard.

| | |
|--------------------------------|-----|
| Neighbour Notification Checked | Yes |
|--------------------------------|-----|

Summary of Recommendation:

Refuse for the reasons listed below:-

Reasons for Refusal:

1. As provided for within Section 40 of the Planning Act (Northern Ireland) 2011, the applicant has failed to provide sufficient information to enable Mid Ulster District Council to determine this proposal, in respect of the potential adverse impact on Ballymacombs More ASSI.
2. The proposal is contrary to Policies CTY 1 and CTY 12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not satisfactorily demonstrated that the development, if permitted, will not have an adverse impact on natural heritage.
3. The proposal is contrary to Policy NH 3 of PPS2 Natural Heritage in that the applicant has failed to satisfactorily demonstrate that the development would, if permitted, have an unacceptable adverse impact on the conservation objectives of Ballymacombs More ASSI.

Signature(s)

Date:

| ANNEX | |
|--|---------------------------|
| Date Valid | 29th April 2014 |
| Date First Advertised | 12th May 2014 |
| Date Last Advertised | |
| Details of Neighbour Notification (all addresses) L Peoples 1 Forest Education Centre Belvoir Drive The Owner/Occupier, 20 New Ferry Road Ballymacombs More Bellaghy The Owner/Occupier, 24 New Ferry Road Ballymacombs More Bellaghy The Owner/Occupier, Bulrush Horticultural Ltd New Ferry Rd, Magherafelt BT45 8ND giving nature a home Northern Ireland HQ,Belvoir Park Forest,Belvoir Drive,BELFAST,BT8 7QT | |
| Date of Last Neighbour Notification | 13 th May 2014 |
| Date of EIA Determination | 21st May 2014 |
| ES Requested | No |
| Planning History Ref ID: H/1992/0228 Proposal: PEAT EXTRACTION(MILLED METHOD) Address: BEHIND 20 NEWFERRY ROAD BELLAGHY Decision: Decision Date: Ref ID: H/1978/0077 Proposal: EXTENSION TO FARM BUNGALOW Address: 25 NEWFERRY ROAD, BELLAGHY Decision: Decision Date: Ref ID: H/2003/0810/F Proposal: Replacement Dwelling & Garage Address: 25 Newferry Road, Bellaghy. Decision: Decision Date: 09.03.2004 Ref ID: H/2004/1354/O Proposal: Site of dwelling and garage | |

Address: To the rear of, 25 Newferry Road, Bellaghy

Decision:

Decision Date: 09.11.2005

Ref ID: H/2010/0384/F

Proposal: Proposed erection of two no. poultry houses to accomodate maximum of 8700 birds in each house and associated works

Address: 90m north of no.20 Newferry Road, Bellaghy

Decision:

Decision Date: 25.10.2011

Ref ID: H/2002/0109/O

Proposal: Site of Dwelling & Garage

Address: Adjacent to 25 Newferry Road, Bellaghy

Decision:

Decision Date: 05.03.2003

Ref ID: H/2004/0867/O

Proposal: Site of dwelling and garage.

Address: 140m North West of 27 Newferry Road Bellaghy.

Decision:

Decision Date: 24.11.2005

Ref ID: H/2014/0082/F

Proposal: Proposed 250kw wind turbine with a hub height of 50m and a blade diameter of 30m, giving a tip height of 65m from ground level.

Address: 310m North East of 22 Newferry Road, Bellaghy,

Decision:

Decision Date:

Ref ID: H/2014/0154/F

Proposal: Proposed additional 1no poultry house and feed bins to house approximately 8000 birds to accompany existing houses on site

Address: 150m North East of 20 Newferry Road, Bellaghy, BT45 8ND,

Decision:

Decision Date:

Ref ID: H/2013/0309/F

Proposal: Proposed In-vessel Composting Facility (IVCF) for (non-hazardous) green and organic waste, storage, access and ancillary site works.

Address: Lands east of Bulrush Horticulture Ltd, No. 16 Newferry Road, Bellaghy, BT45 8ND,

Decision:

Decision Date:

| Drawing Numbers and Title |
|---|
| <p>Drawing No. DOC 04 Type: Technical Specification Status: Submitted</p> <p>Drawing No. DOC 03 Type: Further Particulars Status: Submitted</p> <p>Drawing No. DOC 02 Type: Technical Specification Status: Submitted</p> <p>Drawing No. DOC 01 Type: Technical Specification Status: Submitted</p> <p>Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted</p> <p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p> <p>Drawing No. 03 Type: Existing and Proposed Elevations Status: Submitted</p> |
| <p>Notification to Department (if relevant)</p> <p>Date of Notification to Department: Response of Department:</p> |



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

| Summary | |
|---|---|
| Case Officer: Emma McCullagh | |
| Application ID: LA09/2018/0944/O | Target Date: |
| Proposal: Dwelling and Garage (Infill) | Location: Approx. 90M SE of 43 Rocktown Road Bellaghy. |
| Applicant Name and Address: Mr David Arrell 17 Taylorstown Hill Toomebridge BT41 3RL | Agent name and Address: J E McKernan & Son 12 Cennick Road Gracehill Ballymena BT42 2NH |
| Summary of Issues: Site now meets criteria for infill under CTY8 due to substantially built dwelling adjacent to site. | |
| Summary of Consultee Responses: No objections | |
| Characteristics of the Site and Area: The proposal site is located within agricultural land located on Rocktown Road, Bellaghy. The proposal site is located immediately adjacent two recently constructed dwellings, a large two storey on the western boundary and a detached single storey on the eastern boundary. The dwelling on the eastern boundary has a detached garage to the rear of it. The access to the proposed site is via an existing agricultural lane. The proposal site is bounded on all sides by mature vegetation and planting. | |

Description of Proposal

Dwelling and Garage (infill)

Deferred Consideration:

This application was previously presented as a refusal to Planning Committee in Feb 2019, and following a deferral by Committee members, an office meeting was held on 14th Feb 2019.

At this meeting it was agreed 3 months would be allowed for the adjacent approved dwelling to be constructed in order to be counted as part of the built up frontage for the site to comply with policy CTY8 of an infill gap.

Following a number of site visits in October, November and Dec 2019 the dwelling still had not reached a significant level to be considered as part of the continuous and substantial built up frontage. However on 26th Feb 2020 sufficient evidence was shown that the dwelling was up to roof level and could be now counted as part of the infill. The dwelling under construction and its completed garage can be viewed as two separate buildings, and along with the dwelling to the west, therefore can be counted as a line of three buildings as per policy CTY8.

Approval is now recommended as CTY8 has been met, as this site would be considered an exception and be permitted as a small gap site.

A 6m ridge height restriction should be imposed to remain in keeping with the character of the area and the adjacent dwelling approved under H/2005/0285/0 at Planning appeal ref 2009/A0160.

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.

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. Minimum visibility splays of 2.0m x 33m at the access should be put in place and parking should be designed to Creating Places standard.

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

5. The proposed dwelling shall have a ridge height of less than 6.0 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 and with the adjacent residential dwellings.

6. 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.

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

| Summary | |
|---|---|
| Committee Meeting Date: | Item Number: |
| Application ID: LA09/2018/0944/O | Target Date: |
| Proposal: Dwelling and Garage (Infill) | Location: Approx. 90M SE of 43 Rocktown Road Bellaghy. |
| Referral Route: Contrary to CTY 1, CTY 8 & CTY 14 of PPS 21 | |
| Recommendation: Refusal | |
| Applicant Name and Address: Mr David Arrell 17 Taylorstown Hill Toomebridge BT41 3RL | Agent Name and Address: J E McKernan & Son 12 Cennick Road Gracehill Ballymena BT42 2NH |
| Executive Summary: | |
| Signature(s): Lorraine Moon | |

For committee
decision



21/1/19

Case Officer Report

Site Location Plan



Consultations:

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

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 recommended – contrary to CTY 1, CTY 8 & CTY 14 of PPS21.

Characteristics of the Site and Area

The proposal site is located within agricultural land located on Rocktown Road, Bellaghy. The proposal site is located immediately adjacent two recently constructed dwellings, a large two storey on the western boundary and a detached single storey on the eastern boundary. The dwelling on the eastern boundary has a detached garage to the rear of it. The access to the proposed site is via an existing agricultural lane. The proposal site is bounded on all sides by mature vegetation and planting.

Description of Proposal

Dwelling and Garage (infill)

Planning Assessment of Policy and Other Material Considerations

I have assessed this proposal under the following:

SPSS

Magherafelt Area Plan 2015

Planning Policy Statement 21 - Sustainable Development in the Countryside

Neighbours: - Owners/Occupiers of Nos 43 & 45 Rocktown Road, Bellaghy were notified on 15.08.2018

Consultees: - Environmental Health were asked to comment and responded on 05.09.2018 with no objections to the proposal.

DfI were asked to comment and responded on 15.10.2018 stating:

'Council planning should note that the proposed access is onto a private road, as such DfI Roads have no formal response to give. We would advise the applicant ensure in the interest of pedestrian safety, road safety and convenience of road users, DfI would recommend that the minimum visibility splays of 2.0m x 33m at the access should be put in place and parking be designed to Creating places standard.'

NI Water were asked to comment and responded on 20.12.2018 with no objections subject to advice.

In line with legislation this proposal was advertised in the local press on 19.07.2018. No objections have been received to date.

According to policy there are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. One of these types of development is the development of a gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8. CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development however an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of environmental requirements.

This proposal site is located immediately adjacent to a large detached 2 storey dwelling on the western side and a newly constructed single storey dwelling and detached garage on the eastern. The dwelling and garage on the eastern boundary are not read as two buildings as the garage is set to the back of the dwelling and subordinate in size and when viewing the property. The proposed site is accessed via an existing agricultural laneway. Having considered the development surrounding the proposal site it is my consideration that the proposal site is not located within a substantial and built up frontage in a line of 3 or more buildings along a road frontage without accompanying development to the rear and as such fails to meet the requirements of policy CTY 8.

In addition the proposal should be assessed against the requirements of CTY 13 - Integration and Design of Buildings in the Countryside, whereby it states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. This proposal is an outline application and as such no design has been indicated at this stage. The criteria under CTY 13 also states that the proposed new building must not be a prominent feature in the landscape, this proposal site is not a prominent site and due to the surrounding development and accessibility there would be no issues regarding prominence. Integration has to be considered against CTY 13 also. This proposal site is defined by mature vegetation on all sides and as such the proposal adheres to this criteria of the policy.

Finally the proposal should be assessed against the requirements of CTY 13 - Integration and Design of Buildings in the Countryside whereby it is stated that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As previously discussed the proposal site is not located within a substantial or built up frontage and as a dwelling located within the proposal site would create a ribbon of development along the laneway.

Having considered all of the above it is my opinion that the proposal does not meet the requirements of Planning Policy Statement 21 in that the proposed building would create a ribbon of development and as such cause a detrimental change to the rural character of the area.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal recommended

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to 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 Rocktown Road.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted create 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 | 5th July 2018 |
| Date First Advertised | 19th July 2018 |
| Date Last Advertised | |
| Details of Neighbour Notification (all addresses) The Owner/Occupier, 43 Rocktown Road Bellaghy Londonderry The Owner/Occupier, 45 Rocktown Road, Bellaghy | |
| Date of Last Neighbour Notification | 15th August 2018 |
| Date of EIA Determination | |
| ES Requested | No |
| Planning History Ref ID: LA09/2018/0944/O Proposal: Dwelling and Garage (Infill) Address: Approx. 90M SE of 43 Rocktown Road, Bellaghy., Decision: Decision Date: Ref ID: LA09/2016/1403/F Proposal: Replacement Dwelling and Garage (Amendments Approved under H/2010/0424/F) (Amended drawings submitted) Address: 45 Rocktown Road, Bellaghy, Decision: PG Decision Date: 09.03.2018 Ref ID: H/2005/0285/O Proposal: Site of Dwelling and Garage Address: Approximately 110m South East of, 45 Rocktown Road, Bellaghy Decision: Decision Date: Ref ID: H/2000/0699/O Proposal: Site of dwelling and garage Address: Site adjacent to 43 Rocktown Road, Knockloughrim Decision: | |

Decision Date: 21.11.2000

Ref ID: H/2005/0288/O

Proposal: Site of Replacement Dwelling.

Address: 45 Rocktown Road, Bellaghy

Decision:

Decision Date: 03.02.2006

Ref ID: H/2001/0114/RM

Proposal: Dwelling And Garage

Address: Adjacent To 43 Rocktown Road, Knockloughrim

Decision:

Decision Date: 27.03.2001

Ref ID: H/2008/0553/RM

Proposal: Replacement Dwelling & Garage

Address: 45 Rocktown Road, Bellaghy.

Decision:

Decision Date: 21.01.2009

Ref ID: H/2010/0424/F

Proposal: Change of house type to that previously approved application

H/2008/0553/RM

Address: 45 Rocktown Road, Bellaghy

Decision:

Decision Date: 05.05.2011

Ref ID: H/2013/0335/RM

Proposal: Dwelling and garage

Address: Approx 110m South East of 45 Rocktown Road, Bellaghy,

Decision: PG

Decision Date: 06.11.2013

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Approved

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: Emma McCullagh | |
| Application ID: LA09/2019/0417/O | Target Date: |
| Proposal: Proposed dwelling and garage. | Location: 180m NW of 18 Lower Grange Road Cookstown. |
| Applicant Name and Address: Lawson Martin 2 Killycolp Road Cookstown BT80 9AD | Agent name and Address: Henry Marshall Brown Arcitectural Partnership 10 Union Street Cookstown BT80 8NN |
| Summary of Issues: Recommend approval based on CTY10. | |
| Summary of Consultee Responses: No objections | |
| Characteristics of the Site and Area: The proposed site is located approximately 0.7km North East of the development limits of Grange from such it is located within the open countryside as per the Cookstown Area Plan 2010. The red line covers a large portion of a large agricultural field which is accessed via an existing laneway that accesses directly onto Lower Grange Road. I note that directly north and adjacent of the site is two small agricultural buildings that are in need of some repairs. The site along the southern and eastern boundaries remain undefined given the nature of the red line with the northern boundary being defined by a line of mature trees and hedging with the western boundary being defined by a mix of post | |

and wire fencing with hedging. The immediate and surrounding area is predominately agricultural land uses with a scattering of residential properties.

Relevant planning history

LA09/2018/0207/LDP - Proposed cattle shed and fodder store. - Land approx. 100m South of 32 Lower Grange Road, Cookstown,- Permission Granted 02.08.2018

Representations

There were no representations received in connection with this application.

Description of Proposal

This is an outline application for a proposed dwelling and garage. The site is 180m NW of 18 Lower Grange Road, Cookstown.

Deferred Consideration:

The application was previously presented as a refusal to Planning Committee in Sept 2019 for the following reason;

The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business has been established and active for at least six years.

It was subsequently deferred for an office meeting which was held on 10th Sept 2019 with the Area Planning Manager. The agent was advised that he needed to demonstrate the farm business was active and established in the years 2014-2015.

Receipts were submitted, and following discussion these were deemed sufficient to prove farm business in the missing years 2014-2015 in relation to Mr Reid. The P1c form has been signed by the owner of the Farm Bus ID and the applicant. Therefore criteria c of CTY10 can be met and approval is being recommended with the conditions stated.

The proposed dwelling shall be sited in the area hatched red on the approved plan 01 date stamped 28 March 2019, to the north to ensure that the development is satisfactorily integrated into the landscape and sited to cluster/visually link to the existing farm buildings, in accordance with the requirements of Planning Policy Statement 21. There should be ridge height condition of 6.5m to ensure it integrates satisfactorily into this rural area.

The Mid Ulster District Council Local Development Plan 2030- Draft Plan Strategy was launched on the 22nd Feb 2019.

Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th March for 8 weeks. The re-consultation is due to close at 5pm on 21st May 2020.

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

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 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.

5. The proposed dwelling shall have a ridge height of less than 6 .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.

6. The proposed dwelling shall be sited in the area hatched red on the approved plan 01 date stamped 28 March 2019

Reason: To ensure that the development is satisfactorily integrated into the landscape and sited to cluster/visually link to the existing farm buildings, in accordance with the requirements of Planning Policy Statement 21

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

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

8. No development shall take place until there has been submitted to and approved by the Council a landscaping scheme providing for the planting of a new native species hedgerow/trees and shrubs of mixed woodland species along the southern and eastern boundaries of the site.

Reason: To ensure the proposal is in keeping with the character of the rural area

Signature(s):

Date

Development Management Officer Report
Committee Application

| Summary | |
|--|---|
| Committee Meeting Date: | Item Number: |
| Application ID: LA09/2019/0417/O | Target Date: |
| Proposal: Proposed dwelling and garage. | Location: 180m NW of 18 Lower Grange Road Cookstown. |
| Referral Route: Refusal – To Committee – Contrary to CTY 10 of PPS 21. | |
| Recommendation: | |
| Applicant Name and Address: Lawson Martin 2 Killycolp Road Cookstown BT80 9AD | Agent Name and Address: Henry Marshall Brown Arcitectural Partnersip 10 Union Street Cookstown BT80 8NN |
| Executive Summary: Refusal | |
| Signature(s): Peter Henry | |

For committee decision

17/9/2019

for committee decision



Case Officer Report

Site Location Plan



Consultations:

| Consultation Type | Consultee | Response |
|-------------------|--------------------------------|-------------------------------|
| Non Statutory | DAERA - Omagh | Substantive Response Received |
| Statutory | DFI Roads - Enniskillen Office | Advice |

Representations:

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

Summary of Issues

Refusal – To Committee – Contrary to CTY 10 of PPS 21.

Characteristics of the Site and Area

The proposed site is located approximately 0.7km North East of the development limits of Grange from such it is located within the open countryside as per the Cookstown Area Plan 2010. The red line covers a large portion of a large agricultural field which is accessed via an existing laneway that accesses directly onto Lower Grange Road. I note

that directly north and adjacent of the site is two small agricultural buildings that are in need of some repairs. The site along the southern and eastern boundaries remain undefined given the nature of the red line with the northern boundary being defined by a line of mature trees and hedging with the western boundary being defined by a mix of post and wire fencing with hedging. The immediate and surrounding area is predominately agricultural land uses with a scattering of residential properties.

Relevant planning history

LA09/2018/0207/LDP - Proposed cattle shed and fodder store. - Land approx. 100m South of 32 Lower Grange Road, Cookstown,- Permission Granted 02.08.2018

Representations

There were no representations received in connection with this application.

Description of Proposal

This is an outline application for a proposed dwelling and garage. The site is 180m NW of 18 Lower Grange 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 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 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, in their response they confirmed that the farm business identified has been allocated in 2016 and that there has been claims in 2016, 2017 and 2018. From this the agent was asked to provide additional information to show the business has been active and established for 6 years as per policy. Initially the agent tried to argue that the fact they got a carrel shed through LA09/2018/0207/LDP that this shows that Mr Reid has been farming for more than 6 years, unfortunately all this application shows that it complies with the permitted development rights for a farm and has not shown that the business has been established for an excess of 6 years. From this, the agent confirmed that the lands were previously farmed by a Mr Armstrong until Mr Reid purchased them, however DAERA later confirmed that Mr Armstrong is still currently actively farming, from this I am of the opinion that this does not constitute as continuation and does not show Mr Reid's business to operating for an excess of six years. From such, the agent provided another statement in which stated that Mr Reid has been farming for the last 30 years, in that he has a very keen interest in farming from a very young age and started off by helping and working with Mr Stanley Faulkner under his business number. In 2018, he made a CLUD application to provide a shed on the farm land which he inherited from Mr Faulkner prior to his death. After further conversations with DAERA it was concluded that Mr Faulkner's farm was changed to A. Reid & H. Gourley following Mr Faulkners death. Mr Reid formed a new business on 13/06/2016, with Basic Payment Scheme entitlements were leased from Mr Faulkner's Business to Mr Reid and another farm business, in which these entitlements were transferred by actual inheritance to these two businesses in 2018. The agent went on to submit what was noted to be farm invoices however all these receipts were addressed to Reid Engineering and after discussions with the Principal Planner these were agreed to be sufficient in demonstrating that the Farm Business was established. Finally, the agent provided documents showing leasing of lands but this just reinforces what DAERA had already confirmed and provides no new evidence. All of this information was taken to group and it was concluded that it was acknowledged that the lands were probably farmed for an excess of 6 years, however there farm business is not established for long enough and that it has not been

reasonably shown that this is a continuation of another farm business that is now ceased. From this it fails under this part of CTY 10.

With respect to (b) and upon a review of the history of the farm business, I note that the business appears to be only three years old and I did not find any development opportunities that had been sold off the farm during this time.

With respect to (c), I note that the proposed site is located some distance from the registered address of the farm business which upon review appears to be a single dwelling and not seen as a group. As noted there is a number of buildings directly north lying adjacent to the site which after group discussions have been agreed to be seen as a group of farm buildings. I note that there appears to another group of farm buildings to the south of the site however it has been agreed that the buildings to the north of the site is sufficient for grouping with. With this in mind it felt that a dwelling located within the northern half of the site would be able to group with these buildings. The policy does state where practicable that access should be taken from an existing laneway, I note that the site uses an existing laneway and intends to create an access point onto the laneway and appears to own all lands around the site to provide splays. It is considered that the application has complied with criteria b and c however has failed to demonstrate that the farm business is active and established for the relevant six years therefore I am of the opinion that it fails under CTY 10.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that this is an outline application in which the exact design and siting details have not been submitted, however I am of the opinion that an appropriately designed dwelling will not appear unduly prominent in the landscape. Given the nature of the red line, new boundaries will need to be planted out along the new southern and eastern boundaries but as much of the existing landscaping should be retained and supplemented with new planting to aid integration. Therefore a landscaping plan will be necessary in any 'Reserved Matters' application. Due to the surrounding landform and surrounding development it is felt necessary to restrict the height of the dwelling to a 6.5m ridge height from finished floor level. Finally, as noted the dwelling and curtilage would need to be restricted to the northern section of the site to ensure that it visually links with the farm buildings. From this I am content that the application is able to comply with 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. 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 want it noted that additional land to the NE of the access will be required in order to deliver the required sightlines in accordance with DCAN 15. In order for the applicant to create a safe access onto Lower Grange Road which meets the standards set out in PPS3 and DCAN15 the relevant conditions must be applied.

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 – To Committee – Contrary to CTY 10 of PPS 21.

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 farm business has been established and active for at least six years.

Signature(s)



Date: 17/9/19.

| ANNEX | |
|--|-----------------|
| Date Valid | 28th March 2019 |
| Date First Advertised | 11th April 2019 |
| Date Last Advertised | |
| Details of Neighbour Notification (all addresses) The Owner/Occupier, | |
| Date of Last Neighbour Notification | |
| Date of EIA Determination | |
| ES Requested | Yes /No |
| Planning History Ref ID: LA09/2019/0417/O Proposal: Proposed dwelling and garage. Address: 180m NW of 18 Lower Grange Road, Cookstown., Decision: Decision Date: Ref ID: I/1996/0086 Proposal: 11 kv rural spur (system improvement) Address: APPROX 180M SE OF JUNCTION OF LOWER GRANGE ROAD & TULLYVEAGH ROAD COOKSTOWN Decision: Decision Date: Ref ID: I/1997/0459 Proposal: Site for Replacement Dwelling Address: LOWER GRANGE ROAD COOKSTOWN Decision: Decision Date: | |
| Summary of Consultee Responses | |
| Drawing Numbers and Title | |

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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: LA09/2019/1220/F | Target Date: <add date> |
| Proposal: Dwelling and domestic garage. | Location: 35m N of 25 Annaghmore Road, Annaghmore Coalisland. |
| Applicant Name and Address: Ms Eithne O'Neill 32 Columbus Villas Coalisland | Agent Name and Address: CMI Planners 38b Airfield Road Toomebridge BT41 3SG |
| Summary of Issues: The size and scale of the proposed dwelling was excessive for this area site and as a result would not integrate. The site is of an excessive depth and does not respect the character of the adjoining site depths. Amended plans have been received to reduce the size of the dwelling, these are now of a scale appropriate to the area. | |
| Summary of Consultee Responses: DFI Roads – access to be provided as proposed with sight lines of 2.4m x 33.0m GSNI –no records of mines | |
| Characteristics of the Site and Area: With the exception the site has increased slightly to the west and a new dwelling is in the latter stages of construction further to the north of the site at the other side of an existing stable block abutting the site there does not appear to be any other significant changes on site or in the immediate vicinity from the outline application on site, as such the characteristics of the site and area by enlarge remain as per LA09/2016/1204/O. The site is located in the rural countryside as defined by the Dungannon and South Tyrone Area Plan approx. 300 metres south of Annaghmore village and 35 metres north of no. 25 Annaghmore Rd, Coalisland (a single storey dwelling). The red line of the site which encompasses part of the curtilage of the aforementioned no. 25 Annaghmore Rd and a portion of a larger agricultural field that runs to its rear is a | |

roadside plot situated within an existing line of development running along the Annaghmore Rd.

As the red line of the site encompasses two parcels of land the site boundaries are largely undefined. To the south the site is bounded by no. 25 Annaghmore Rd and to the north a horse stable. A hedgerow bounds the roadside boundary of the site.

The topography of the site rises from north to south and from west to east.

The area surrounding the site is largely characterised by agricultural land interspersed by single dwellings and farm holdings with this immediate stretch of Annaghmore Rd having come under some development pressure in recent years

Description of Proposal

This is a full application for a proposed dwelling and garage. The dwelling is single storey, 6.5m ridge height with a frontage of 15m, gable depth of 9.8m and a rear return that extends 12m back from the rear wall. It is proposed to finish the dwelling with black slate roof tiles and grey stone chip to the walls with locally sourced natural stone detail to at small front projection in the middle of the front elevation. The proposed garage is detached and set to the rear of the dwelling, it is similar in size and appearance to the dwelling and is 9m x 11m with a ridge height of 6.4m. It has a pitched roof with the gables facing NE and SW.

Deferred Consideration:

This application was before the Planning Committee in February 2020 where it was deferred to allow the applicants to submit an amended design.

Amended plans were received on 28 February 2020, these reduced the rear return by 8m and removed 2 bedrooms, a bathroom and a kitchen dining area. The rear return is now 12 metres in length and when added to the gable depth the house extends 21.4m from the front wall. The proposal is now for a 4 bedroom dwelling, one of which is a large master with ensuite and walk-in wardrobe room. The dwelling has a kitchen/dining/lounge area at the front with a playroom off it, a large utility room, large bathroom and small gym area are contained in the rear return. The front door is at the side of the dwelling and the front projection, whilst having the appearance of a storm porch, does not have any doors in it. The garage is detached and set to the rear of the proposed dwelling. It has a 9m x 11m footprint. It has 2 garage doors facing NE and has gables facing NE and SW. The garage is 6.4m to the ridge and will be finished as the dwelling.

Following a request to amend the siting of the dwelling and the garage, to pull it forward on the site and reduce the curtilage size, the agent advised there is a storm drain that traverses the front part of the site. The agent advised the drain is piped from outside the applicants land and it would not be possible to re-route the pipes as it could cause problems.

CTY8 requires infill dwellings to respect the existing development pattern and sets out 4 criteria that must be measured against, which are size, scale, siting and plot size. It also states that other environmental considerations must be met but does not elaborate on these.

The proposed design is still for a large dwelling on this site, however, from the critical views of the dwelling from the north, the proposed dwelling is similar in appearance, scale and massing to the development to the south. The development to the south, no 25

Annaghmore Road, is on higher ground and provides a backdrop to the proposed development.

The front wall of the proposed dwelling will be set back from the buildings immediately adjacent to it, however CTY8 does allow for this as it recognises that buildings sited back, staggered or at angles can still represent ribbon development, if they have a common frontage or are visually linked. I consider this proposal meets with the exception in CTY8 and I consider the revised design and siting is reflective of the surrounding area.

Mid Ulster Development Plan 2030 Draft Plan Strategy was launched on the 22nd Feb 2019. It is currently going through a further consultation period which commenced on 25th March 2020. Due to the COVID19 Pandemic there is currently no end date or timetable for public events in relation to this re-consultation. During the initial consultation period a number of objections to Policies contained in the Plan were received. In light of this the Draft Plan cannot be given any determining weight at this time.

I recommend that planning permission is granted.

Conditions:

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

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

2. Prior to the commencement of the development hereby approved the vehicular access including sight visibility splays of 2.4m x 90.0m in both directions shall be provided in accordance with the details on drawing No 01 Rev3 bearing the stamp dated 7 FEB 2020. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the levels of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. The existing hedgerows and vegetation along the boundaries and within the site outlined in red on drawing No 01 Rev3 bearing the stamp dated 7 FEB 2020 shall be retained unless otherwise agreed in writing with the Council.

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

4. The landscaping scheme as detailed in drawing No 01 Rev3 bearing the stamp dated 7 FEB 2020 shall be carried out in the first available planting season following the commencement of the development hereby approved. Any tree, shrub or plant that dies within the first 5 years of planting shall be replaced in the same position with a tree, shrub or plant of a similar size or species.

REASON: In the interests of visual amenity of this rural location

5. One dwelling only shall be erected within the site outlined in red on drawing no 01 bearing the stamp dated 16 SEP 2019.

Reason: This permission is in substitution for planning permission LA09/2016/1204/O and is not for an additional dwelling.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

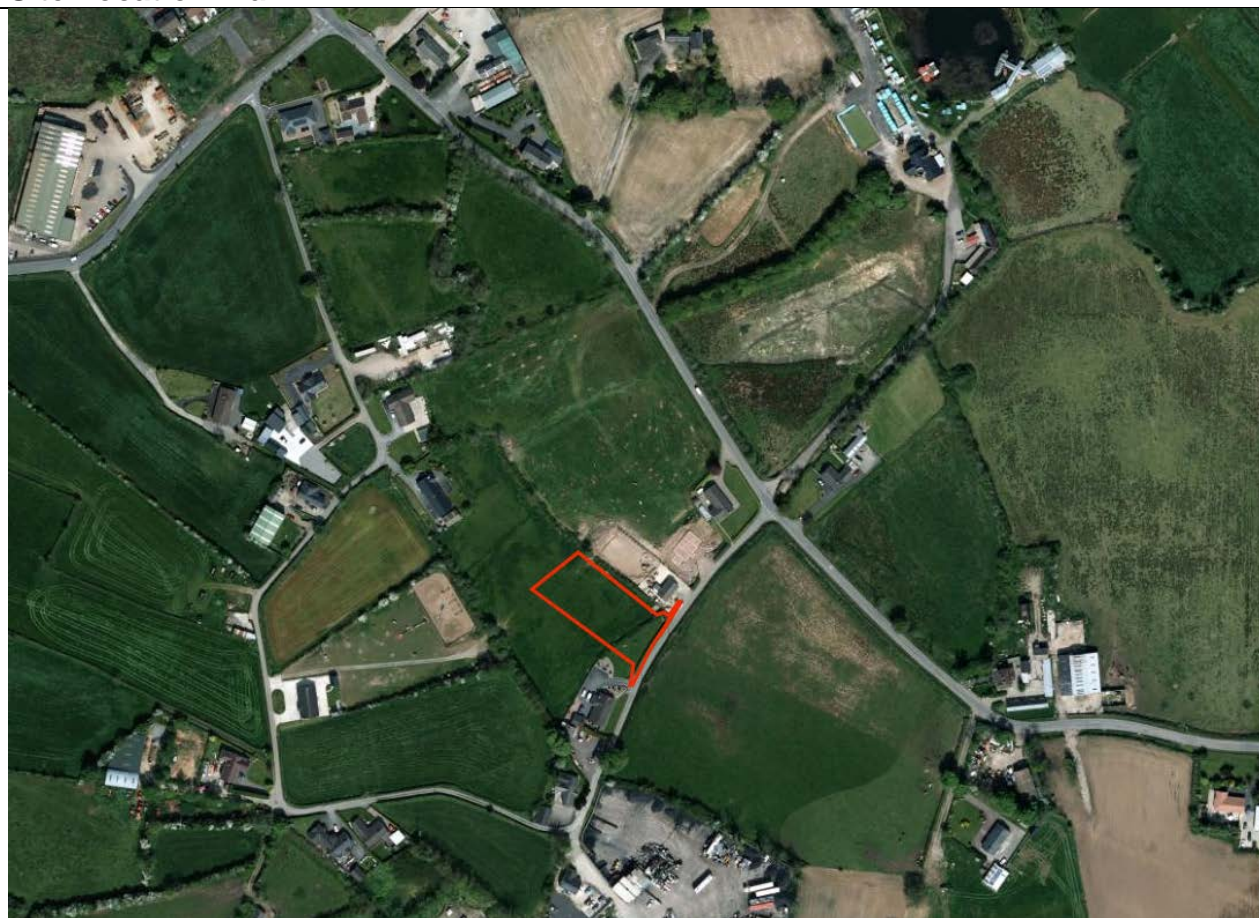
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

**Development Management Officer Report
Committee Application**

| Summary | |
|---|--|
| Committee Meeting Date: | Item Number: |
| Application ID: LA09/2019/1220/F | Target Date: |
| Proposal: Proposed dwelling and domestic garage (gap site under policy CTY 3) | Location: 35m North of 25 Annaghmore Road Annaghmore Coalisland |
| Referral Route: Application is being recommended as refusal. | |
| Recommendation: Refuse | |
| Applicant Name and Address: Ms Eithne O'Neill 32 Columbus Villas Coalisland | Agent Name and Address: CMI Planners 38b Airfield Road Toomebridge BT41 3SG |
| Executive Summary: | |
| Signature(s): | |

Case Officer Report

Site Location Plan



Consultations:

| Consultation Type | Consultee | Response |
|-------------------|--------------------------------|--------------|
| Statutory | DFI Roads - Enniskillen Office | No Objection |
| Non Statutory | DETI - Geological Survey (NI) | No Objection |

Representations:

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

Description of Proposal

This is a full application for a proposed dwelling and domestic garage (gap site under policy CTY3) to be located on lands 35m North of 25 Annaghmore Road Coalisland

An outline approval for a dwelling and domestic garage was granted on this site on the 10.01.2017 under application LA09/2016/1204/O.

It is noted the current site is slightly larger than that previously approved as it takes in a small strip of land to its immediate west previously identified in blue (under LA09/2016/1204/O) as land under the control of the applicant.

Characteristics of the Site and Area

With the exception the site has increased slightly to the west and a new dwelling is in the latter stages of construction further to the north of the site at the other side of an existing stable block abutting the site there does not appear to be any other significant changes on site or in the immediate vicinity from the outline application on site, as such the characteristics of the site and area by enlarge remain as per LA09/2016/1204/O.

The site is located in the rural countryside as defined by the Dungannon and South Tyrone Area Plan approx. 300 metres south of Annaghmore village and 35 metres north of no. 25 Annaghmore Rd, Coalisland (a single storey dwelling).

The red line of the site which encompasses part of the curtilage of the aforementioned no. 25 Annaghmore Rd and a portion of a larger agricultural field that runs to its rear is a roadside plot situated within an existing line of development running along the Annaghmore Rd.

As the red line of the site encompasses two parcels of land the site boundaries are largely undefined. To the south the site is bounded by no. 25 Annaghmore Rd and to the north a horse stable. A hedgerow bounds the roadside boundary of the site.

The topography of the site rises from north to south and from west to east.

The area surrounding the site is largely characterised by agricultural land interspersed by single dwellings and farm holdings with this immediate stretch of Annaghmore Rd having come under some development pressure in recent years.

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.

Key Policy and Guidance

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Dungannon and South Tyrone Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Access Standards

Planning Policy Statement 21: Sustainable Development in the Countryside

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

Mid Ulster Development Plan 2030 Draft Plan Strategy was launched on the 22nd Feb 2019. The initial consultation period has recently ended giving rise to a number of objections to Policies contained in the Plan. In light of this the Draft Plan cannot be given any determining weight at this time.

Representations

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

Planning History

On Site

LA09/2016/1204/O – Dwelling and Domestic Garage (gap site under policy CTY3) – 35m North of 25 Annaghmore Road Coalisland – Granted 10.01.2017

Adjacent Site

M/1996/0103 – Stables and Haystore (Agriculture use) – Adjacent to 23 Annaghmore Road Coalisland – Granted

LA09/2017/0945/O - Dwelling on Infill Site Replacing Existing Stables – Land between 23 and 25 Annaghmore Road Coalisland – Granted 06.12.2017

LA09/2018/1497/RM – Dwelling and Domestic Garage – Land between 23 and 25 Annaghmore Road Coalisland – Granted 22.01.2019

Consultees

1. Transport NI were consulted in relation to access arrangements and have no objection to the proposal subject to minor revisions to the block plan submitted (to show a detail of 'D' rail fence proposed to the rear of visibility splays and increased vehicular turning within the site), standard conditions and informatives. I am content subject to the aforementioned revisions to the block plan this proposal is satisfactory to the provisions of Planning Policy Statement 3: Access, movement and Parking.
2. DETI Geological Survey of Northern Ireland (GSNI) were consulted as the site is located within an area of constraint on abandoned mines – GSNI responded that having assessed the above planning proposal in view of stability issues relating to abandoned mine workings. A search of their "Shafts and Adits Database" indicates that the proposed site is not in the vicinity of any known abandoned mine workings.

Key Policy Considerations

Dungannon and South Tyrone Area Plan – The Dungannon and South Tyrone Area plan identifies the site as being in the rural countryside outside any settlement limit.

It is situated within an existing line of development made up of (from south to north along the Annaghmore Rd): no.27 Annaghmore Rd a single storey dwelling with associated garage; a building finished in corrugated metal cladding on small individual plot; no. 25 Annaghmore Road a single storey dwelling with associated garage; the subject site; a stable for horses; a new single storey dwelling in the latter stages of construction approved under LA09/2017/0945/O and LA09/2018/1497/RM respectively (see 'Planning History'); and no.23 Annaghmore Rd another single storey dwelling.

It is noted that the corrugated metal clad building is shown on google street view in April 2011, therefore has been in place for more than 5 years and immune from planning

enforcement. The stable building is constructed in masonry blockwork and has a tiled roof.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) – The SPPS retains the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside.

Planning Policy Statement 21 (PPS21) Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. It provides certain instances where the development of a dwelling is considered acceptable in the countryside subject to criteria. These instance are listed in CTY1 of PPS21.

I believe the principle of this development has already been considered and established under one these instances under outline planning application LA09/2016/1204/O which granted permission for a dwelling and garage on this site under the provisions of CTY 8 of PPS 21 – Ribbon Development .

Policy CTY 8 states that: exceptionally planning permission will be permitted for the development of a small gap site sufficient to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purposes of this policy, the definition of a substantial and continuous built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

I agree with the previous case officer's report that the proposed site is an obvious gap within an existing line of development. It has at least 3 no. buildings to its south (with associated garages to their rear) and whilst at the time of the previous report there was 1 building, the sable block to its north, there are now 3 (the stable block; a new dwelling in the latter stages of construction; and a bungalow which did exist but only now linked by the new dwelling under construction).

I am content the site which has a roadside frontage of approx. 30m does have the capacity to accommodate a dwelling and garage of a suitable design with a ridge height of no greater than 5m as conditioned under the previous application. However, I consider the proposal as it currently stands contrary to Policy in that it does not respect the existing development pattern of low ridge roadside bungalows of simple rural form, located on modest plots, running along the Annaghmore Rd, by reason of its size, scale, design, siting and increased plot size.

The dwelling whilst single storey has a 6.2m ridge height above FFL, approx. 1.7m higher than that conditioned under the previous outline approval on site, the neighbouring properties and in my opinion considered acceptable. Similarly the garage which is also single storey has a 5.6m ridge height above FFL, approx. 0.6m higher than considered acceptable.

The dwelling which is off a size and scale approx. twice that of the neighbouring properties for all intents and purposes with its internal layout could be subdivided into 2. I note there are 2 kitchen / dining areas at either end of the dwelling for example

The dwelling sits back from and extends the existing building line along the Annaghmore Rd excessively to the west due to its extensive depth. Notably the current site extends approx. 15 – 20m further west than the previously approved site. The proposed dwelling extends to the very back / western boundary of the previously approved site with the proposed garage located within the additional land taken in under the current application extending the overall development further west again.

Not only in my opinion does the dwelling not respect the existing development pattern along the Annaghmore Rd in terms of size, scale, siting and plot size but in general terms its design is not considered consistent with simple rural form particularly by reason of its glazed front projection and extensive depth of approx. 32.5m.

Furthermore, the extensive gable depth of the dwelling, which has a number of windows in both its side elevations, could impact on the amenities of the neighboring residents to its north by reason of overlooking. Although I note the degree of separation between the site and new dwelling being constructed.

Critical views of this dwelling from the surrounding road network. These views will be when passing along its roadside frontage and from the Annaghore Rd running diagonally further to its northeast, particularly when travelling in a northwest to southeast direction passing between nos. 18 and 23 Annaghmore Rd whereby there will be clear unbroken views of the dwelling, including its size, scale and extensive depth which alongside the existing garage extends the existing building line west.

The agent has been contacted on two occasions via email firstly on the 14/10/2019 and then again on the 11/11/2019 and offered the opportunity to submit an amended scheme to address the issues raised. To date no amendments have been received however in support of the application the agents via email on the 17/01/2020 submitted a photomontage (see below) of what the proposed dwelling would look like on site with few paragraphs as to how they considered it to integrate.



The photomontage was taken from what the agents considered the most critical view of the site when travelling due south along the main Annaghmore Rd. The agents said this demonstrated that it would be in no way dominant within the existing setting / landscape, combined with the existing stables building adjacent, the nearside hedgerow and the mature trees / hedgerow as a backdrop beyond. That the proposal integrates well into its surrounds. They noted the photomontage does not take into account the recently approved infill / dwelling to the northern side of the stables (LA09/2018/1497) which will add to the build up of this short stretch of road further integrating the proposal into its surrounds.

The supporting information submitted by the agents has been taken into consideration unfortunately the opinion remains as before.

Other Policy/Considerations

In addition to checks on the planning portal DAERA's Natural Environment Division and DfC's Historic Environment Division Map Viewers both available online have been checked. No significant natural heritage features or built heritage assets were identified on or in close proximity to the site.

Flood Maps NI does not indicate flooding on site.

Taking all of the above into consideration I would recommend the refusal of this application as contrary to CTY13 and CTY 14 of PPS 21

Neighbour Notification Checked

Yes

Summary of Recommendation: Refusal as contrary to CTY13 and CTY 14 of PPS 21

Reasons for Refusal:

1. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed building is inappropriate for the site and its locality.
2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposal as a result of its design and layout fails to achieve a satisfactory degree of integration and relies primarily upon new landscaping.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building as a result of the site's excessive plot depth does not respect the established form of development in this rural location.

Signature(s)

Date: