



08 June 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, 08 June 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 - 334

	Planning Reference	Proposal	Recommendation
4.1.	LA09/2019/1221/F	38kV substation to serve approved Wind Turbine at Beltonanean Mountain, Beltonanean, Cookstown for Graham Bell.	APPROVE
4.2.	LA09/2020/0248/F	Retention of workshop, vehicles storage area and roadside fence at 15 Ballynargan Road Coagh for Billy Gibson.	APPROVE

4.3.	LA09/2020/0376/F	Recreational water park consisting of water based inflatables and subsidiary water based activities; 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 4 Maghadone Road, Moneymore, for Splash (Ireland) Ltd.	APPROVE
4.4.	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.	APPROVE
4.5.	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.	APPROVE
4.6.	LA09/2020/0896/O	Infill dwelling and garage at 20m West of 6 Five Mile Straight, Draperstown for Joe McWilliams.	REFUSE
4.7.	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.	REFUSE
4.8.	LA09/2020/1093/F	Agricultural general purpose storage shed adjacent to 68 Lurgylea Road, Dungannon for James Gerard McElroy.	REFUSE
4.9.	LA09/2020/1205/F	Farm shed at approx. 150m NW of 53 Ballybeg Road, Coalisland, for Tony McBride.	REFUSE
4.10.	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	APPROVE

		Road, Aughnacloy, for Aghaloo O'Neill's GFC.	
4.11.	LA09/2020/1443/O	Dwelling on a farm adjacent to 34 and 36 Ferry Road, Derrylaughan, Dungannon, for Aodhan Corr.	APPROVE
4.12.	LA09/2020/1476/O	Dwelling and garage between 21 and 23 Iniscarn Road, Moneymore for FJS Contracts Ltd.	REFUSE
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.	REFUSE
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.	REFUSE
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 Mr Barry McNeice	REFUSE
4.16.	LA09/2020/1550/F	Two storey dwelling at 20m S of 2 The Brambles, Magherafelt, for P Ward.	APPROVE
4.17.	LA09/2020/1575/F	Retention of existing wooden platform/decking and wooden building/cabin at 35m W of 74 Tullydonnell Road, Tullyreavy Cookstown for Mr Rory McGarrity.	APPROVE
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	APPROVE

		Northern Ireland Fire and Rescue Service.	
4.19.	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.	REFUSE
4.20.	LA09/2021/0075/F	Change of house type from previously approved at 95 Creagh Road, Castledawson, for Ciaran & Roisin Higgins.	APPROVE
4.21.	LA09/2021/0080/O	Detached house at 20m N of 66 Drumconvis Road, Cookstown for Nuala Ryan.	APPROVE
4.22.	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.	APPROVE
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.	APPROVE
4.24.	LA09/2021/0120/F	Renewal of LA09/2015/1121/F between 9 Old Coagh Mill & Old Coagh Road, Cookstown for J & M Developments LTD.	APPROVE
4.25.	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.	REFUSE
4.26.	LA09/2021/0224/F	Dwelling at 80m W of 67 Dungormon Road, Dungannon Mr Paul Brannigan.	REFUSE
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.	REFUSE
4.28.	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.	APPROVE

4.29.	LA09/2021/0331/O	Infill site for dwelling at approx 30m SE of 43 Ardagh Road, Coagh, for Pat McGuckin.	REFUSE
4.30.	LA09/2021/0333/O	Infill site dwelling at approx 20m NW of 90 Ballinderry Bridge Road, Coagh for Pat McGuckin.	REFUSE
4.31.	LA09/2021/0334/O	Infill dwelling and garage at 60m N of 88 Annaghmore Road, Magherafelt for Alexander Scott Esq.	REFUSE
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.	REFUSE
4.33.	LA09/2021/0495/O	Infill dwelling at site NW of 7a Killycurragh Road, Orritor, Cookstown (access via Craigs Road) for Mr Maurice Freeburn	REFUSE

5. Receive Deferred Applications

335 - 414

	Planning Reference	Proposal	Recommendation
5.1.	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.	APPROVE
5.2.	LA09/2019/0944/F	Infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin for Mr Paul Bradley.	REFUSE
5.3.	LA09/2020/0234/O	Dwelling and garage on a farm at 100m W of 63 Iniscarn Road, Desertmartin for Connor Monaghan.	APPROVE
5.4.	LA09/2020/1548/F	Dwelling & garage, 40m NE of 59 Ferry Road, Coalisland, for Patrick McNeice.	APPROVE
5.5.	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.	APPROVE

Matters for Information

6	Minutes of Planning Committee held on 4 May 2021	415 - 430
7	Receive Planning Department Service Improvement Plan 2021-22	431 - 450
8	Receive Report on Appeal Decision	451 - 466

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

Matters for Decision

9. Receive Enforcement Report

Matters for Information

10. Confidential Minutes of Planning Committee held on 4 May 2021
11. Enforcement Live Case List
12. Enforcement Cases Opened
13. Enforcement Cases Closed

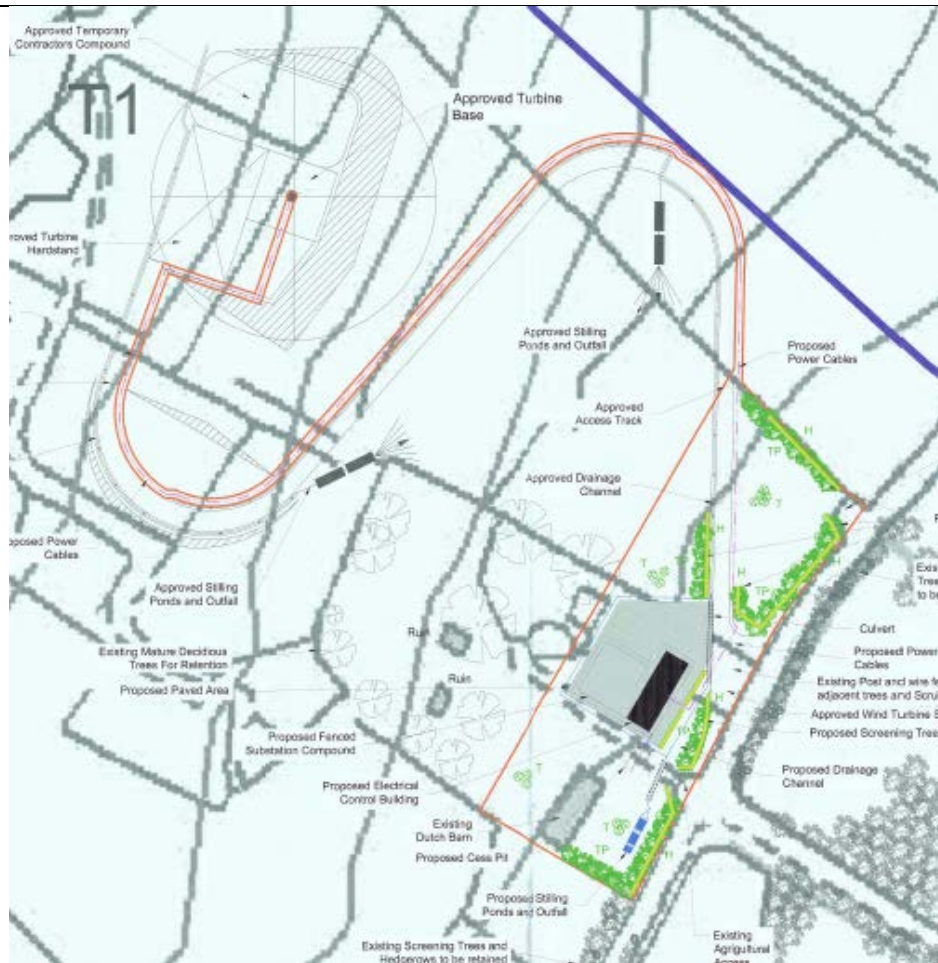


**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date: 8 th June 2021	Item Number:
Application ID: LA09/2019/1221/F	Target Date:
Proposal: Proposed 38kV substation to serve approved Beltonanean Wind Turbine	Location: Beltonanean Mountain Beltonanean Townland Cookstown
Referral Route: Objections received	
Recommendation: APPROVAL	
Applicant Name and Address: Graham Bell 30 Ballinasollus Road Cookstown	Agent Name and Address: Canavan Associates Ltd 23 Princes Street Derry BT48 7EY
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
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
Non Statutory	Public Health Agency	Substantive Response Received
Non Statutory	NIEA	Substantive Response Received
Statutory	Historic Environment Division (HED)	Content
Non Statutory	Public Health Agency	

Non Statutory	Public Health Agency	
Non Statutory	Public Health Agency	
Statutory	NIEA	
Statutory	NIEA	Content
Statutory	NIEA	
Non Statutory	Public Health Agency	Substantive Response Received
Statutory	NIEA	

Representations:

Letters of Support	1
Letters of Objection	3
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Characteristics of the Site and Area

The site is located in the townland of Beltonanean some 9km north west of Cookstown on Beltonanean Mountain (at 296m elevation) immediately north of Corvanaghan Mountain. In the immediate environs, the site is accessed off Beltonanean Road on rising ground close to old derelict farm buildings and some sheds with some mature trees and hedges. To the north and east beyond lies the main body of the Sperrins AONB. This site lies metres just within that designated landscape. A quarry and associated buildings, plant and machinery is located immediately south of the site on Corvanaghan Road.

Description of Proposal

Proposed 38kV substation to serve approved Beltonanean Single Wind Turbine.

The substation building will house NIE/SONI and wind farm control rooms and switch rooms and W/C. There will be 2 lighting columns, one at each of the rear corners of the site. The compound will be enclosed with palisade fencing of 2.5m. No pylons have been proposed.

Planning Assessment of Policy and Other Material Considerations

SPSS

Cookstown Area Plan 2010

Planning Policy Statement 18

Best Practice Guidance to PPS18

PPS21
PPS3
PPS6

This proposed 38kV electrical substation is proposed to facilitate connection of the previously approved Beltonanean 2.3MW turbine (LA09/2017/0272/F, PAC ref 2017/A0176) into the N.Ireland electricity power grid. The proposed development is located approx. 139m from the approved turbine and approx. 578m from the nearest dwelling.

Policy provision of PPS18 and its associated Best Practise Guidance is applicable in this case, except where it differs from SPPS. 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. The SPPS also states that 'a cautious approach for renewable energy development proposals will apply within designated landscapes which are of significant value, such as AONB'S.

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;

- Public safety, human health, or residential amenity;
- visual amenity and landscape character;
- biodiversity, nature conservation or built heritage interests;
- local natural resources, such as air quality, water quality/quantity;
- public access to the countryside

The proposal is only for a substation and the turbine it relates to has been granted planning approval. Paragraph 1.3.28 'ancillary development' from Best Practise Guide is a relevant consideration, in terms of the visual impact of ancillary development.

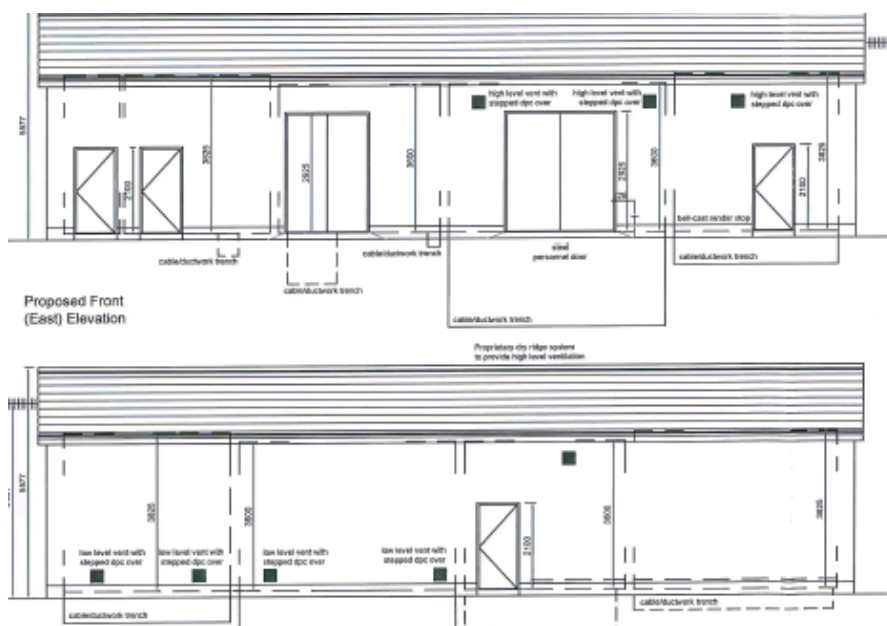
Site History - LA29/2017/0272/F, PAC Ref 2017/A0176 approval for wind turbine. Approval was granted by the PAC on 18th April 2018 for a single wind turbine of up to 2.3megawatt power output with a max overall base blade to tip height of 92.5metres, including ancillary developments (including electrical control kiosk). It is now proposed to install a 38kV substation to allow the approved turbine to connect onto the Northern Ireland Grid for the applicant, Mr Graham Bell.

The currently approved small electrical control kiosk dimensions now does not meet the NIE requirement, hence the reason for the submission of this proposal. The proposed substation will consist of a fully enclosed standard control building, with electrical equipment enclosed within a compound area which will be sited to the rear of the building. The substation building will house NIE/SONI and wind farm control rooms and switch rooms, as well as a WC. The compound will be enclosed with palisade security fencing of 2.5m in height and will be floored as a gravel hardstanding area. There will be

2 lighting columns installed, one at each of the rear corners of the compound area. The compound will contain electrical transformers and switch gear.

The substation building has a ridge height of 5.57m and is a single storey building. It is proposed that vehicular access will be gained along the route of the access approved for LA09/2017/0272/F from the Beltonanean Road.

The site for the proposed substation building and compound is to be levelled and will thus be above the existing ground level and height of the adjacent public road (1.95m above). Intervening landscaping is proposed, where the substation is in proximity to the Beltonanean Road. Native trees and hedgerows species will be installed along the frontage of the public road to extend the length of the existing roadside hedgerow. The site is not subject to any ecological conservation designations.



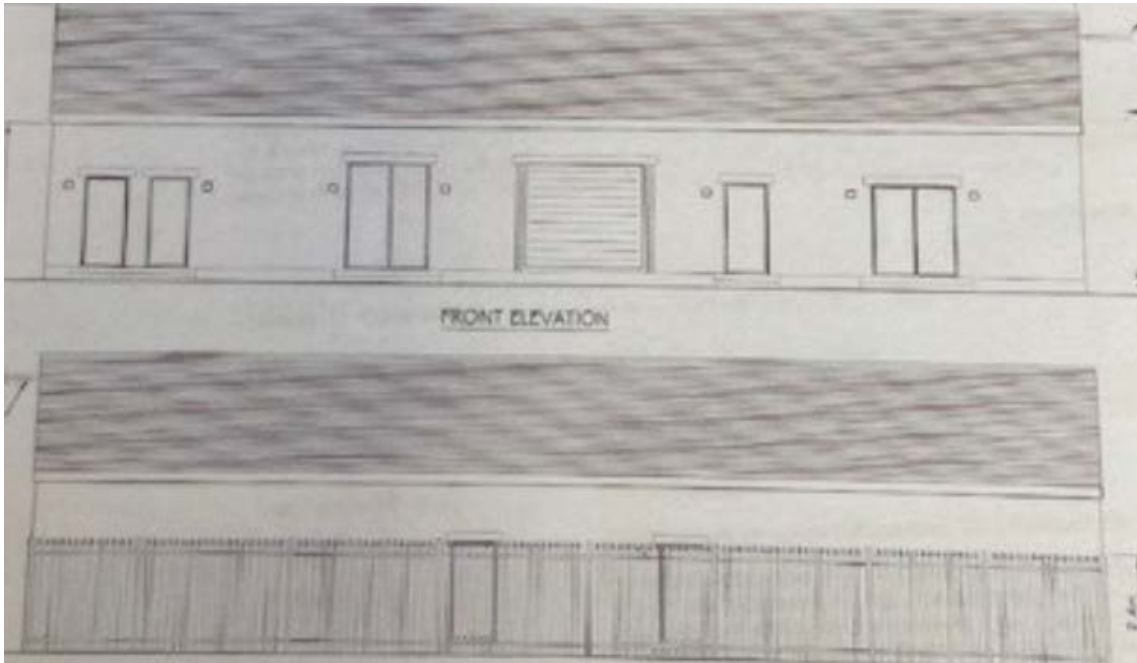
Elevations of proposed substation

A substation is clearly essential for the approved turbine to be used. The Council initially questioned the size of the substation given its larger proportions when compared to what had been approved with the turbine under LA09/2017/0272/F.

The agent had advised the applicant must install a substation to facilitate connection of the approved turbine due to changes in the grid code. The approved kiosk does not meet NIE requirements and this was outside the applicant's control. It has been designed in line with the SONI functional designs and is the minimum requirements for this project. The development is proposed to meet the rule set for connection of renewable generators as set out by NI grid operators and regulators – NIE and SONI.

NIE were consulted and have clearly stated that for the approved turbine, which is 2.3MW, 10 times the capacity of the typical single wind turbines (which are usually 225/250kw), requires a supply of 33V, which requires a substation such as the one being applied for. It therefore must be of this size and scale and is necessary to be so to allow the turbine to become operational.

Another example given by NIE of a single turbine in Ballyclare, had a similar sized and designed proposal approved under U/2011/0072/F. (*image shown below*)



Public safety, human health, or residential amenity:

Public Health Agency (PHA) were consulted and state although there will be some electromagnetic radiation associated with the development, they note there are no pylons and the nearest residential property is over 500m away. PHA cannot comment on issues relating to the health of the population such as visual amenity of property values or any occupational health issues. The risk on site will be mitigated by complying with appropriate health and safety standards.

Env Health Dept have no objection to the proposal. They are satisfied there will be no impact on amenity due to noise, vibration or dust/odour.

Visual amenity and landscape character:



It is a single storey building, with ridge height of 5.57m which is being proposed. The access used will be that approved for the wind turbine under LA09/17/0272/F creating no greater visual impact. The development will be set back 17m from the road, with mature tree and hedgerow screening proposed in between and at the front of the road. In addition the power cables to the turbine are to be placed underground.

In an attempt to address the Council's concerns on visual impact alternative sites were suggested by the Council. In analysing these more closely however it was the case that the other locations were more elevated and potentially more visually more harmful in the landscape. Where it is currently located, means it will group with the existing Dutch barn and remain clustered with it.

To further aid in its integration and lessen its visual impact, the finish was changed to show a stone grey with a slate roof. This helps in that the building will look less industrial and remain more in keeping with a rural type building typically found in the rural area. Additional landscaping has been proposed to lengthen existing hedgerows which assist in augmenting the current vegetation to provide greater integration on the site, as well as enhancing biodiversity.

Biodiversity, nature conservation or built heritage interests:

NIEA – Natural Heritage Division (NED) provided comment on the proposal and have no objection subject to conditions. NED note the Dutch barn, included within the red line, was classified as negligible/low for bat roosting potential and the building is shown to be retained, which will be conditioned as such. Two trees on the site were also recorded as negligible/low for bat roosting potential and they were content the landscaping plan compensates for any loss of vegetation. Informatives have been provided in relation to bird nests and damage to tree root systems.

In terms of the lighting proposed Bats are very sensitive to light. It will be less than 1lux and will be 2No sensor activated lighting columns. These lights will be sensor activated by movement of visitors to the site. Sensor lights have been confirmed as acceptable to NIE. NED are content with lighting proposals. I suggest a condition is attached to ensure that sensor lighting is used only to light the compound.

It is my view that the site is far enough from Davagh or Dark Skies projects not to have any detrimental impact on these tourism activities, and with rising topography between, not to have any measurable detrimental impact on these amenities. The lighting sensor will also ensure the compound remains in darkness unless being visited after dark for maintenance, and I would anticipate these visits would be infrequent.

Local natural resources, such as air quality, water quality/quantity:

NED noted the proximity of 2 offsite ditches and welcomes the measure provided to mitigate adverse effects, including no proposal to discharge directly into a watercourse. NED will require at least 10m buffer between all activities relating to the proposal and the ditch to prevent pollution to offsite priority habitats and this will be conditioned.

Public access to the countryside

PPS 3 - (revised) Access, Movement and Parking - Roads Service has no objection to the proposal subject to conditions.

Telecommunications/Television/Aircraft Traffic- There are no concerns in terms of aircraft safety.

No issues have been raised in terms of potential impacts on telecommunication links.

Unaltered existing access therefore DFI Roads were not considered necessary to consult.

Objections:

Objections have been received from Broughderg Townlands Residents Association in relation to the proposal concerning a range of issues set out below. The agent has also submitted a letter of support to counter the objections.

Size of the substation

As previously detailed in the report, the kiosk approved along the wind turbine under LA09/2017/0272/F does not meet current NIE requirements for the turbine proposed and must be replaced with something at least this size and scale.

Cumulative impact of development

There are no current applications for consideration at the site or the surrounding area for wind related development.

Renewable targets having been met

This issue is not relevant for the proposed substation as it is a power generator. The renewable targets were taken into account when assessing the single wind turbine linked to this proposal.

Impact on protected species

The agent has submitted additional reports to address any initial queries raised by NIEA, who are now content subject to conditions provided. The proposal doesn't lie within a Ramsar protection site and has no hydrological links with designations.

Does it require an Environmental Statement?

A nil determination was carried out on the single wind turbine approval.

In terms of this proposal in line with The Planning (EIA) Regulations 2017, an EIA determination was carried out as the proposal could be read to fall under Sch 2, **Part 13 (a)** Any change to or extension of development of a description listed in paragraphs 1 to 12 of this table, where that development is already authorised, executed, or in the process of being executed or **3 (a)** The carrying out of development to provide for industrial installations for the production of electricity, steam and hot water (unless falling within Schedule 1) and **(j)** The carrying out of development to provide for installations for the harnessing of wind power for energy production (wind farms) – **Energy industry**. The site is also located in an AONB and therefore is a 'sensitive' area as per the EIA Regulations. Following a determination, It was deemed that the proposal would not

cause significant environmental impacts and a nil determination was made. No Environmental Statement was therefore considered necessary.

The other issues raised relate to the approved turbine by the PAC. Health and safety issues, Damaging the environment, Noise and Visual impact of the turbine. These were all taken into account in the assessment of the approved turbine and not relevant specifically to this application.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Taking into account policy considerations, objector comments and consultations responses including confirmation from NIE in relation to the necessity of a building this size, Approval with conditions is recommended.

Conditions-

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

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

2. All onsite lighting shall be carried out in accordance with the Revised Planning Support Statement (PSS) which details that all onsite lighting will be directed away from boundary vegetation and will be less than 1 lux of light at said vegetated boundaries. The lighting shown will be sensory activated as indicated.

Reason: To protect local bat population and reduce visual impact and protect amenity.

3. There shall be no construction works, infilling, disturbance by machinery, dumping or storage of materials, within 10 metres of the drainage ditches located off the eastern boundary of the site.

Reason: To ensure the protection of the local hydrological network which connects with offsite priority habitats.

4. All works shall be carried out in accordance with drawing number 03 which shows the retention of the onsite 'Dutch barn' and illustrates the unconnected drainage system.

Reason: To ensure the protection of the local bat population and local hydrological network which connects with offsite priority habitats.

5. The existing natural screenings of the site, as indicated on approved drawing ref 03 date stamped received 17 Sept 2019 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 proposed planting shown on the same plan should be carried out during the first available planting season.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

Signature(s)

Date:

ANNEX	
Date Valid	17th September 2019
Date First Advertised	1st October 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 123 Broughderg Road, Greencastle, BT79 8JN Townlands Residents Association 123 Broughderg Road, Greencastle, Tyrone, Northern Ireland, BT79 8JN Townlands Residents Association 123 Broughderg Road, Greencastle, Tyrone, Northern Ireland, BT79 8JN Aine Coyle Canavan Associates, 23 Prince's Street, Derry, BT48 7EY	
Date of Last Neighbour Notification	26th January 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2017/0272/F Proposal: A single wind turbine of up to 2.3 megawatt power output with a maximum overall base blade to tip height of 92.5 metres. Ancillary developments will comprise turbine transformer; turbine hardstand, site entrance with sight line provision; 1 no. electrical control kiosk, construction of new access track; communications antenna; underground electrical cables and communication lines connecting wind turbine to electrical control kiosk; on-site drainage works; temporary site compound; and all ancillary and associated works at Beltonanean Mountain (renewal of I/2010/0211/F) Address: Beltonanean Mountain, Beltonanean TD, Cookstown, Co. Tyrone., Decision: PR Decision Date: 04.10.2017 Ref ID: LA09/2019/1221/F Proposal: Proposed 38kV substation to serve approved Beltonanean Wind Turbine Address: Beltonanean Mountain, Beltonanean Townland, Cookstown, Decision: Decision Date: Ref ID: I/2008/0362/E Proposal: Proposed single wind turbine development	

Address: Beltonanean Mountain, Cookstown

Decision:

Decision Date:

Ref ID: I/2008/0684/F

Proposal: Wind farm consisting of 2 wind turbines of up to 1.3 megawatt power output (2.6 MW total) each with a maximum overall base to blade tip height of 81 metres; Ancillary developments will comprise a single meteorological mast of up to 50 metres in height, turbine transformers; turbine hardstands, site entrances with sight line provision; 2 no. electrical control kiosks, construction of new access tracks and junctions; communications antennae; underground electrical cables and communications lines connecting wind turbines to electrical control kiosks; on site drainage works; temporary site compounds and all ancillary and associated works at Beltonanean Mountain.

Address: Beltonanean Mountain, Beltonanean TD, Co Tyrone.

Decision:

Decision Date: 08.02.2010

Ref ID: I/2010/0211/F

Proposal: A single wind turbine of up to 2.3 megawatt power output with a maximum overall base blade to tip height of 92.5 metres. Ancillary developments will comprise turbine transformer; turbine hardstand, site entrance with sight line provision; 1 no. electrical control kiosk, construction of new access track; communications antenna; underground electrical cables and communication lines connecting wind turbine to electrical control kiosk; on-site drainage works; temporary site compound; and all ancillary and associated works at Beltonanean Mountain.

Address: Beltonanean Mountain, Beltonanean TD, Cookstown, Co. Tyrone.

Decision:

Decision Date: 17.05.2012

Ref ID: I/2013/0348/PREAPP

Proposal: A wind farm consisting of 11 no wind turbines each with a maximum overall blade to tip height of 119 metres; turbine transformers; electrical control building; communications antennae on control building, widening of existing tracks, construction of new access tracks, junctions and site entrance; turbine hardstands; underground electrical cables and communications lines; drainage works; a temporary site compound; and all ancillary developments and associated works.

Address: Beltonanean Road, lands west of cookstown, Co. Tyrone.,

Decision: EOL

Decision Date:

Ref ID: I/2013/0188/F

Proposal: Planning application to amend the previously approved Beltonanean Mountain Wind Turbine (Planning Ref I/2010/0211/F) by relocating the turbine 54 metres to the north/northwest from the previously approved position; increasing the overall base to blade tip height to 119 metres; and with the addition of a proposed new electrical

substation with underground electrical cables and communication lines connecting the wind turbine to electrical substation. Address: Beltonanean Mountain, Beltonanean Townland, Cookstown, Co Tyrone, Decision: PR Decision Date: 28.01.2015
Drawing Numbers 01, 02, 03, 04, 05, 06/01, 07, 08, 09
Notification to Department (if relevant) n/A



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report
Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0248/F	Target Date:
Proposal: Retention of workshop, vehicles storage area and roadside fence	Location: 15 Ballynargan Road Coagh
Referral Route: This application is being presented to Committee as it is contrary to Planning Policy but it is recommended that Committee consider granting approval for a temporary three year period.	
Recommendation:	APPROVAL
Applicant Name and Address: Mr Billy Gibson 15 Ballynargan Road Coagh	Agent Name and Address: C McIlvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown BT80 9LU
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues including Representations
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, 1.5Km south of the centre of Coagh. It is located towards a crest of a hill on the Ballynargan Road.



The site is occupied by an existing commercial building, currently used as a mechanics workshop, measuring 15.3m x 12.2m with an eaves height of 3.6m and a ridge height of 5.3m. The external finishes are smooth precast concrete walls to the lower half with grey cladding to the upper half and the roof. There is a single roller shutter door in the north-western elevation which faces away from the Ballynargan Road. The building is positioned around 15m back from the road frontage boundary and roughly inline with the building line of the applicants dwelling.

There are limited views of the proposed building on approach from the north-east (from Coagh) due to the crest of the hill, the hedgerow along the roadside and a number of mature trees within the roadside hedgerow. There are also limited views of the building on approach from the south-west due to it being reasonably well screened by the applicants dwelling.

Description of Proposal

The proposal is for the retention of an existing workshop, vehicles storage area and roadside fence. The workshop has apparently been used as a mechanics workshop and was built for that purpose. The yard area is positioned to the north-eastern side of the applicants dwelling and has a road frontage of around 30m. This yard has been laid out in hardcore and extends back around 50m from the road frontage boundary.



A close boarded fence extends along the road frontage boundary of the yard and has a height of 1.8m. A single access point is positioned at the north-eastern corner of the site adjacent to an existing laneway which leads to a single dwelling to the rear of No.15 and adjoining farmlands. The site also wraps around the rear of the applicants dwelling to where there is a modest single domestic garage measuring approximately 9m x 6m.

There is restricted visibility from the existing access due to the road frontage hedgerow to the north-east –



and the close-boarded fence to the site frontage, the frontage of the applicants dwelling and adjoining third party field to the south-west –



Planning Assessment of Policy and Other Material Considerations

Relevant planning history

The relevant planning history on this site is :-

I/1992/0502 - Domestic Garage and extension to dwelling at 15 Ballynargan Road Coagh - Approved 23.01.1993

LA09/2019/0141/CA - Alleged unauthorised building and vehicles storage and unauthorised fence at 15 Ballynargan Road Coagh - Enforcement Notice served 20th March 2020.

Development Plan and key policy 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 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 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. Farm diversification, the re-use of rural buildings and appropriate redevelopment and expansion proposals for industrial and business purposes will normally offer the greatest scope for sustainable economic development in the countryside.

The RDS recognises that to sustain rural communities, new development and employment opportunities are required which respect local, social and environmental circumstances. Facilitating development in appropriate locations is considered necessary to ensure proposals are integrated appropriately within rural settlements or in the case of countryside locations, within the rural landscape.

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.

The policy approach must be to cluster, consolidate and group new development with existing established buildings, and promote the re-use of previously used buildings.

The site lies outside any defined settlement limits and is open countryside as identified in the Cookstown Area Plan 2010. No other constraints have been identified.

Key Planning Policy

The following policy and legislation was considered in the assessment of this application:

- Strategic Planning Policy statement (SPPS)
- Cookstown Area Plan 2010
- Planning Policy Statement 21 (PPS21) Sustainable Development in the Countryside
- PPS4 Policy PED 2 Economic Development in the Countryside
- PED 9 General Criteria for Economic Development

Representations

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

Assessment

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

The Strategic Planning Policy Statement (SPPS) for Northern Ireland-Planning for Sustainable Development, is a material consideration. The provision within PPS21 has been retained under transitional arrangements. The SPPS sets out that planning authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of

acknowledged importance. Until a Plan Strategy for the whole of the council area has been adopted planning applications will be assessed against policy.

PPS 21 sets out planning policies for development in the countryside. Policy CTY 1 highlights a number of developments which may be acceptable in the countryside. PPS 4 Policy PED 2 - Economic Development in the Countryside states that proposals for economic development in the countryside will be permitted in the following cases:

- The expansion of an established economic development use;
- The redevelopment of an established economic development use;
- Major industrial development;
- Small rural projects.
- All other economic development proposals in the countryside will only be permitted in exceptional circumstances.

When assessed under PED 2, the proposal does not appear to meet any of the above policy tests and would appear to be contrary to this policy. However, given the applicant has already erected the building in question and has used it for the proposed use, this is a retrospective application. The applicant has submitted several signed statements from 17 customers, including two from local coach operators, stating that he has provided garage services since 2010-2011. Although this would appear to be more than the five years required to prove immunity, these statements do not indicate nor prove that the services provided were undertaken from the proposed building. Indeed on checking the orthophotography records, it is clear that the proposed building was only erected around 2016, ie. less than 5 years before the submission of the application. It is accepted, however, that the existing yard area has been in-situ since around 2011. Therefore the yard is immune from enforcement action and is lawful in that respect.

The applicant claims to have been undertaking his business from the domestic garage for some time, since 2010/2011 according to the letters of support submitted from customers. Whilst it would appear the applicant has been conducting some form of mechanics business from his property since 2010-2011, the only building available to him, until the proposed building was erected, was a domestic garage. As the applicant does not have the benefit of a CLUD to prove the existing use is established, nor do they appear to have been paying commercial rates on the property, the scale and nature of working from a domestic garage would have been considered as 'home working' and would not be regarded as constituting operating a commercial business in that sense. Therefore the business would not be considered to be an established commercial business in the countryside.

Notwithstanding the above and the fact that the proposal does not meet the policy tests for operating an economic development in the countryside, the business, it would seem, had been operating at some level without complaint for a number of years. In the current economic climate and due to the restrictions currently imposed due to the Covid-19 Pandemic, it would in my opinion be unreasonable to expect the applicant to relocate his business to a more suitable location at this time. In this instance and given the above circumstances, it is again my opinion, that it would in this case be entirely reasonable to treat the proposed development as an exception to policy and therefore grant a temporary approval to the proposed development for a period of three years after which the development can be reassessed under the economic climate existing at that time.

Conclusion

Whilst the proposed development is contrary to the planning policies as set out above, it is my opinion, that it is reasonable to take into consideration the impact that refusing the application would cause to the applicants business in the current climate and therefore the proposed development should be granted approval for a temporary period of three years after which time the situation can be reassessed.

Recommendations

That planning approval be granted for the proposed development subject to the conditions listed below:-

Neighbour Notification Checked	Yes
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Summary of Recommendation:

Approve subject to the conditions listed below:-

Conditions

1. The permission hereby granted shall be for a period of 3 years from the date of this permission.

Reason: Time limit

2. The premises hereby approved shall be used only for Use Class B3: General Industrial in connection with the applicant's mechanics business and for no other purpose in the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015.

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

3. The vehicular access including visibility splays 2.4m x 90metres shall be provided in accordance with Drawing No 02/1 bearing the date stamp 1st June 2020 within 1 month of the date of approval of any 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.

4. Hard surfaced areas shall be constructed and permanently marked in accordance with the approved drawing No 02/1 bearing date stamp 1st June 2020 within 1 month of this approval 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 approval notice relates to Drawing No's. 01/1, 02/1 which were received on 1st June 2020, 03 received 20th February 2020.
2. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by Mid Ulster District Council or other statutory authority.
3. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent property for the removal of or building on the party wall or boundary whether or not defined.
4. 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.
5. 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.
6. Notwithstanding the terms and conditions of Mid Ulster District Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the DfI Roads consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is Loughrey Campus, 49 Tullywiggan Road, Cookstown, BT80 8SG. A monetary deposit will be required to cover works on the public road.
7. 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
8. The applicant is advised to ensure that all activities, plant and equipment used in connection with the development are so situated, operated and maintained as to prevent the transmission of noise, dust, odour etc. to nearby dwellings.
9. The proposal must satisfy the requirements of the Health & Safety at Work (N.I.) Order 1978 and the Regulations made thereunder. The applicant should liaise with the Environmental Health Department in relation to these matters.
10. The applicant's attention is drawn to the attached information note from Northern Ireland Water.

Signature(s)

Date:

ANNEX	
Date Valid	24th February 2020
Date First Advertised	10th March 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 12 Ballynargan Road Coagh Tyrone The Owner/Occupier, 13 Ballynargan Road Coagh Tyrone The Owner/Occupier, 14 Ballynargan Road Coagh Tyrone	
Date of Last Neighbour Notification	4th March 2020
Date of EIA Determination	N/A
ES Requested	No
Planning History I/1992/0502 - Domestic Garage and extension to dwelling at 15 Ballynargan Road Coagh - Approved 23.01.1993 LA09/2019/0141/CA - Alleged unauthorised building and vehicles storage and unauthorised fence at 15 Ballynargan Road Coagh - Enforcement Notice served 20th March 2020.	
Summary of Consultee Responses All consultees responded positively.	
Drawing Numbers and Title Drawing No. 01 Type: Site Location Plan Status: Approved Drawing No. 03 Type: Proposed Plans Status: Approved	

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:

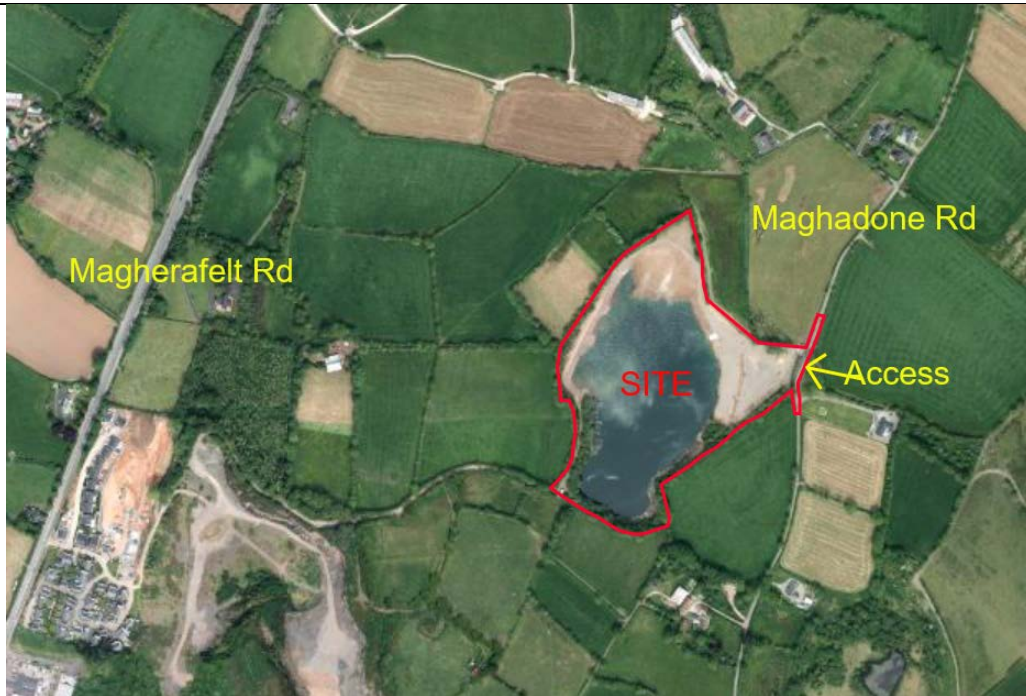


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0376/F	Target Date:
Proposal: Proposed recreational water park consisting of water based inflatables and subsidiary water based activities, ancillary welcome building (with reception, kitchen, storage & ancillary facilities), changing buildings and toilets, soft landscaped space including inland beach, car & bus parking and all associated ancillary works including associated public road improvements.	Location: 140m NW of No.4 Maghadone Road, Moneymore, BT45 7SW.
Referral Route: This is a Major planning application.	
Recommendation:	APPROVE
Applicant Name and Address: Splash (Ireland) Ltd, 60 Desertmartin Road, Moneymore, BT45 7RB.	Agent Name and Address: OJQ Architecture, 89 Main Street, Garvagh, Coleraine, BT51 5AB.
Executive Summary:	
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
Non Statutory	NI Water - Multi Units West - Planning Consultations	Consulted in Error
Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	NIEA	Error
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	NIEA	Advice
Non Statutory	NI Water - Strategic Applications	Substantive Response Received
Non Statutory	Shared Environmental Services	Substantive Response Received

Statutory	NIEA	Content
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Rivers Agency	Substantive Response Received
Statutory	NIEA	Content
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	NIEA	Advice
Statutory	NIEA	Content
Statutory	DFI Roads - Enniskillen Office	

Representations:

Letters of Support	10
Letters of Objection	11
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

We received a number of objections to the proposed development following the neighbour notification procedure and press advertisement. There have also been a number of letters of support to the proposed development.

The letters of objection raised the following issues:

- Danger of swimming in quarry lakes that can lead to serious injury and death;
- Risk of contamination of the water from previous quarry use;
- The road network is too small to carry the increase in traffic;
- The applicant has proceeded with works to the site without planning permission;
- If buses use the roads this will exacerbate potential congestion;
- Increase in risk of accidents from additional traffic;
- There are concerns over who will maintain the passing bays;
- Noise and air pollution will increase from the use of the site itself and from the increase in traffic;
- Existing house prices in the area will be detrimentally affected;

- Negative impact on the local residents from this business being located in a quiet rural area;
- Local residents will be forced to go elsewhere to walk as the roads will become too busy;

With regards to the concerns raised to the planning application I will address each concern in turn;

- Should planning permission be granted the operator will be governed by health and safety legislation with regards to the use of the lake for outdoor swimming;
- Both Environmental Health and NIEA have been consulted on the planning application. The Regulation Unit of the Land and Groundwater Team in NIEA considered a Preliminary Risk Assessment (PRA). The PRA concluded that historic quarrying activities within the site boundary do not pose a significant contamination risk. The Regulation Unit considered the PRA and they support the conclusions. They have no objections to the development provided conditions and informatives, as suggested, are placed on any decision notice if the application is approved.
- The applicant has carried out works to the application site without planning permission and entirely at his own risk;
- DfI Roads were consulted on the application. Following consultation responses and the submission of amended plans and further details they find the proposal acceptable subject to a number of conditions;
- Environmental Health have considered the noise report and have not raised any concerns with regards to noise pollution. They have not raised any concerns with regards to air pollution;
- Any possible negative impact on house prices is not a material consideration;
- There have been no concerns raised with regards to noise by Environmental Health;
- DfI Roads have not raised any road safety concerns for the local residents.

The letters of support welcome the proposal for the following reason:

- Creation of jobs;
- The local roads will be safer with the provision of passing pays for the existing road users;
- There are positive mental health benefits from cold water swimming;
- Would enhance tourism in the local area;
- The land will be used more safely than lying empty as a disused quarry which could be dangerous if unmanaged;
- This will create revenue back into other local businesses with an increase in visitors to the area;

Characteristics of the Site and Area

The proposed site lies in the rural area and less than one kilometre from the settlement of Moneymore. Access to the site will be from the Maghadone Road.

The application site sits on a disused quarry. The land rises to the west where the land has been where the land has been excavated and the former quarry faces currently

stand. The boundaries of the site contain a mix of some vegetation along with a post and wire fence.

The surrounding area is mostly made up of agricultural fields, farm buildings and residential dwellings.

Description of Proposal

Proposed recreational water park consisting of water based inflatables and subsidiary water based activities, ancillary welcome building (with reception, kitchen, storage & ancillary facilities), changing buildings and toilets, soft landscaped space including inland beach, car & bus parking and all associated ancillary works including associated public road improvements.

Planning Assessment of Policy and Other Material Considerations

Regional Development Strategy 2035
 Strategic Planning Policy Statement
 Magherafelt Area Plan 2015
 Cookstown Area Plan 2010
 MUDC Local Development Plan 2030 - Draft Plan Strategy
 Planning Policy Statement 2 - Natural Heritage
 Planning Policy Statement 3 - Access, Movement and Parking
 Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage
 Planning Policy Statement 8 - Open Space, Sport and Outdoor Recreation.
 Planning Policy Statement 15 - (Revised) Planning and Flood Risk
 Planning Policy Statement 21 - Sustainable Development in the Countryside

The vast majority of this site lies within the former Magherafelt District Council area with the remainder to the east lying within the former Cookstown District Council area and currently wholly in the Mid Ulster District Council area.

MUDC received a planning application for this development on 13 March 2020. The application was advertised in the local press, neighbours were notified and a series of consultations were issued.

The proposal involves the reuse of the disused quarry for the purposes of providing outdoor sports and recreation activities, mainly water based and on an inflatable water course for members of the public for a fee for its usage.

Additional ancillary features will be developed to support the proposed use comprising of a reception building with kitchen and storage facilities, a toilet block, changing rooms, internal pathways, a native species meadow, an inland beach, vehicular parking and manoeuvring for all vehicles, boundary and internal fencing and gates, updated access on Maghadone Road, road improvements and hard landscaping.

The site will operate from May to September each year. The proposed hours and days of operation will be as follows:

- May and June: Saturday and Sundays, 11am to 6pm
- July and August: 7 days, 11am to 6pm

- September: Saturdays and Sundays 11am to 6pm

This is a Major planning application as prescribed in the Development Management Regulations. Consequently, Section 27 of the 2011 Act places a statutory duty on applicants for planning permission to consult the community in advance of submitting an application.

Section 27 also requires that a prospective applicant, prior to submitting a major application must give notice, known as a 'proposal of application notice' (PAN), to the council, that an application for planning permission for the development is to be submitted. There must be at least 12 weeks between the applicant giving the notice and submitting any such application. The applicant has complied with the legislative requirements in this regard.

Assessment of proposal within the planning policy and guidance context:

Regional Development Strategy:

The RDS 2035, whilst is not an operational policy, it does provide the overarching framework for NI, from which planning policies are derived. The vision of the RDS is supported by eight aims:

- Support strong, sustainable growth for the benefit of all parts of NI;
- Strengthen Belfast as the regional economic driver and Londonderry as the principal city of the North West;
- Support NI's towns, villages and rural communities to maximise their potential;
- Promote development which improves the health and well-being of communities;
- Improve connectivity to enhance the movement of people, goods, energy and information between places;
- Protect and enhance the environment for its own sake;
- Take actions to reduce Northern Ireland's carbon footprint and facilitate adaptation to climate change; and
- Strengthen links between north and south, east and west, with Europe and the rest of the world.

Policy RG4 seeks to "Promote a sustainable approach to the provision of tourism infrastructure". RG4 acknowledges that investment in tourism brings new facilities to our towns, cities and surrounding landscapes, thereby creating a sense of pride. It also provides the opportunity to get maximum benefit from our wealth of environmental and heritage assets; our waterways, landscapes, coastline and built heritage. There are health benefits for a more active resident population who are motivated to be out exploring more of Northern Ireland's tourism assets. Tourism can make a step change in its contribution to the economy if the public, private and voluntary sectors work together. All new or extended infrastructure required to support and enhance the tourist industry needs to be appropriately located and sited with proper regard to tourism benefit and the safeguarding of the natural and built environment on which tourism depends. RG 4 also seeks to encourage environmentally sustainable tourism development. Development of tourism infrastructure needs to be appropriate to the location to ensure that the natural assets are protected and enhanced.

In terms of the Rural Area para 3.96 states:

“To sustain rural communities, new development and employment opportunities which respect local, social and environmental circumstances are required. This means facilitating the development of rural industries, businesses and enterprises in appropriate locations, and ensuring they are integrated appropriately within the settlement or rural landscape. The expansion of rural tourism and associated development that is both sustainable and environmentally sensitive should be encouraged”.

Strategic Planning Policy Statement:

The SPPS is a statement of the Department's policy on important planning matters that should be addressed across Northern Ireland. The provisions of the SPPS are material to all decisions on individual planning applications and appeals. The SPPS states that objective of the planning system is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being. The SPPS goes on to state the planning system should positively and proactively facilitate development that contributes to a more socially economically and environmentally sustainable Northern Ireland.

Para 3.7 of the SPPS states furthering sustainable development also means ensuring the planning system plays its part in supporting the Executive and wider government policy and strategies in efforts to address any existing or potential barriers to sustainable development.

Para 5.45 of the SPPS acknowledges that major developments have important social, economic and environmental implications for a council area.

One of the core principles of the SPPS is to improve health and well-being. The SPPS states that when plan-making and decision-taking planning authorities should contribute positively to health and well-being, most relevant to this application:

- Facilitate quality open space, sport and outdoor recreation;
- Provide for safe and secure age-friendly environments;
- Encourage and support quality, environmentally sustainable design;
- Support the provision of jobs, services and economic growth

The regional strategic objectives for open space, sport and outdoor recreation include:

- facilitate appropriate outdoor recreational activities in the countryside that do not negatively impact on the amenity of existing residents;
- ensure that new open space areas and sporting facilities are convenient and accessible for all sections of society, particularly children, older people and those with disabilities;
- achieve high standards of siting, design and landscaping for all new sporting facilities; and
- ensure that the provision of new sporting facilities is in keeping with the principles of environmental conservation and helps sustain and enhance biodiversity.

Magherafelt Area Plan 2015:

The site lies outside the settlement limit of Moneymore. The vast majority of this site lies within the former Magherafelt District Council area with the remainder to the east lying within the former Cookstown District Council area and currently wholly in the Mid Ulster District Council area.

MAP acknowledges that various private organisations provide sports and outdoor recreational facilities as well as by the District Council.

Cookstown Area Plan 2010:

The CAP acknowledges that provision of adequate recreational facilities within the former Cookstown District is the statutory responsibility of the District Council. Other bodies who contribute to the provision and development of sport, recreation and open space facilities do, however, also play an important role.

MUDC 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 Policy Statement 2 - Natural Heritage:

PPS 2 - Planning and Nature Conservation sets out the planning policy for nature conservation for the whole of Northern Ireland. It describes the statutory framework that helps to protect designated areas. It also outlines the criteria the Local Planning Authority will employ when processing planning applications that might affect nature conservation interests.

In their preliminary consultation response NIEA: NED identified the site to be hydrologically connected to Lough Neagh and Lough Beg ASSI, SPA and Ramsar site. The site contains bats, which is a European protected species under the Habitats Regulations. The site contains breeding birds, protected under the Wildlife (NI) Order 1985. The site contains an historical peregrine falcon nesting site, which is protected under Schedule A1 of the Wildlife (NI) Order 1985. The site contains open water, hedgerows and semi-natural broadleaved woodland habitats.

NED assessed the shadow Habitats Regulations Assessment and noted several mitigation measures to be included in a Construction Environmental Management Plan (CEMP). NED recommends an appropriate condition be attached requiring a final CEMP to be submitted and agreed prior to any development activity commencing.

The applicant removed an area of c.9.200 square metres of semi-natural broadleaved woodland from the site. NED has stated the loss of this woodland has significantly

reduced the biodiversity value of the site, including the removal of available bird nesting and foraging habitat and bat foraging habitat, which the Ecological Impact Assessment (EclA) acknowledges. NED considered that appropriate compensation is required for the loss of this woodland habitat. New woodland areas of at least the equivalent size either are required within the site or on land within the applicant's ownership and details of this should be contained within an Ecological Management Plan (EMP) for the site.

Although there is no evidence of peregrine falcons nesting on the old quarry rock face in 2019 there is historical evidence, up to 2016. Given the protection afforded to peregrine nesting sites NED considers it important that the historic nesting site and any potential future nesting sites be retained and protected. NED notes there is no development proposed on the old quarry face where the previous nesting site was located. However, appropriate mitigation measures will be required to prevent access to the old quarry rock face in the west and south of the site in order to avoid disturbance to potential nest sites. NED recommends details of these mitigation measures are included in the EMP and plans submitted to show clearly where appropriate security fences will be located.

As previously stated, woodland and scrub clearance has taken place within the site. With regards to breeding birds, NED is content that provided the implementation of the compensatory woodland creation and the habitat enhancement measures, the proposal is unlikely to have a significant impact on breeding birds.

NED notes the recordings from the EclA of high levels of bat activity on the site with six species of bats recorded as using the site for foraging and commuting. NED is content that the woodland and scrub clearance is unlikely to have had a significant impact on any potential roosting bats and the recommended compensatory woodland creation will provide sufficient compensation for the loss of foraging habitat for bats.

NED is content that provided the applicant implements the recommended mitigation and enhancement measures and compensatory woodland creation, the proposal is unlikely to have a significant impact on the local bat population.

The applicant submitted an Ecological Management Plan following a request, together with details showing the woodland creation/ restoration scheme on the applicant's lands. NED is content with the mitigation and compensation measures in the EMP for bats and birds, including Peregrine Falcon, such as bird and bat boxes and the measures to prevent access to the quarry faces. The final details of the woodland creation/restoration scheme are also to the satisfaction of NED. Therefore, based on the information provided to date, NED is content with the proposal, subject to the recommended conditions below.

Shared Environmental Services considered the application in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) on behalf of MUDC. Having considered the nature, scale, timing, duration and location of the project SES conclude that, provided a condition covering the suggested mitigation in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

Planning Policy Statement 3 - Access, Movement and Parking:

The applicant submitted a Transport Assessment Form with the planning application. The applicant has provided details on how visitors to the proposed water park will be managed, e.g. the use of organised hourly time slot sessions, the use of incentives to encourage high occupancy per vehicle. The previous use of the site as a quarry involved larger vehicles accessing the site. The applicant will improved the access to the site as part of this planning application with parking provided for 40 cars, 4 minibus spaces and 3 coach spaces. The number of car parking spaces was at the request of DfI Roads to allow for crossover times between the hourly sessions.

24 passing bay areas are shown along the Maghadone Road and 17 along the Gortagilly Road to facilitate two-way traffic along the route to the application site. There have been discussions between DfI Roads and the applicant's road engineer to agree the widths of these passing bays. The applicant for the consideration of DfI Roads has submitted a visitor management plan.

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

HED (Historic Monuments) assessed the application and based on the information provided is content that the proposal is satisfactory to SPSS and PPS 6 archaeological policy requirements. If further development along the western side of the pond are proposed in future then archaeological mitigation may be required.

Planning Policy Statement 21 - Sustainable Development in the Countryside:

PPS 21 sets out planning policies for development in the countryside. Planning and other environmental policies must play their part in facilitating economic development but not at the expense of the Region's rich natural assets and not at the expense of the natural and built environment in order to deliver sustainable economic development. Great importance is attached to a sustainable approach to development in the countryside. An approach that strikes a balance between the need to protect the environment while simultaneously sustaining a strong and vibrant rural community.

The objectives of PPS 21 are:

- to manage growth in the countryside to achieve appropriate and sustainable patterns of development that meet the essential needs of a vibrant rural community;
- to conserve the landscape and natural resources of the rural area and to protect it from excessive, inappropriate or obtrusive development and from the actual or potential effects of pollution;
- to facilitate development necessary to achieve a sustainable rural economy; including appropriate farm diversification and other economic activity; and
- to promote high standards in the design, siting and landscaping of development in the countryside.

Policy CTY 1 states there are a range of types of development which in principle are considered acceptable in the countryside and that will contribute to the aims of

sustainable development. One of the listed acceptable non-residential uses in the countryside is that for outdoor sport and recreational uses in accordance with Planning Policy Statement 8.

All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

Under Policy CTY 1 of PPS 21, it states that there are a range of developments, which are in principle considered acceptable in the countryside. There are cases for which non-residential development will be acceptable.

Planning Policy Statement 8 - Open Space, Sport and Outdoor Recreation:

PPS 8 acknowledges that open space, sport and outdoor recreation are important components of life. Open space, for the purposes of PPS 8 is defined as all open space of public value. It includes not just land, but also inland bodies of water that offer important opportunities for sport and outdoor recreation. Two of the policy objectives of PPS 8 are to

- facilitate appropriate outdoor recreational activities in the countryside; and
- ensure that the provision of new open space areas and sporting facilities is in keeping with the principles of environmental conservation and helps sustain and enhance biodiversity.

Policy OS 3 - Outdoor Recreation in the Countryside lists the criteria which must be met when applications are being assessed for this type of development. I will deal with each one in turn

- (i) *there is no adverse impact of features of importance to nature conservation, archaeology or built heritage;*
As addressed earlier in this report under my consideration of the proposed development under PPS 2 and PPS 6 there is no adverse impact on these features.
- (ii) *There is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities;*
The application site is on lands formerly used as a quarry. The nature of the proposal will not result in any unacceptable impact on nearby agricultural activities.
- (iii) *There is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography;*
- (iv) *There is no unacceptable impact on the amenities of people living nearby;*
Following consultation with EHO, they raised some concerns the proposal may affect residential amenity and requested the submission of a noise impact assessment outlining all the potential noise sources, the impact at a nearby residential property and the effectiveness of any mitigation at managing noise.

Following the submission of the Noise Impact Assessment they conclude they are satisfied the predicted noise level would be below the measured background noise level for the locality. To ensure residential amenity continues to be protected, EHO request the inclusion of suggested conditions should planning permission be granted.

- (v) *public safety is not prejudiced and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed;*

The former use of the application site was as a quarry where extraction of minerals took place and transported away from the site via heavy goods vehicles. The proposed use as a recreational water park is compatible with other countryside uses. The operator is bound by other legislation for health and safety for the daily operation of the facility but planning permission of the facility itself will not prejudice public safety.

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

The buildings proposed are a welcome building with reception, kitchen, storage and ancillary features, as well as changing building and toilets. The buildings have been designed to a scale that is appropriate to this rural area. The applicant has removed some vegetation but has provided a compensatory scheme of planting. There are two earth mounds proposed as well as existing hedges being supplemented with new hawthorn hedges. There are areas of soft landscaping proposed with planting.

- (vii) *the proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car;*

The site levels are to be flat with any changes in levels occurring gradually. Bicycles stands have been shown on the site layout to encourage people to cycle to the proposed site as well as coach and mini bus parking spaces.

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

DfI Roads have been consulted on the application and find the proposal acceptable subject to a number of conditions.

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

The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 coastal plain. A watercourse that is undesignated in accordance with the Drainage (NI) Order 1973 affects the site. An undesignated watercourse flows to the north east of the site and there is an agreement with the applicant for watercourse maintenance. The applicant submitted a Drainage Assessment following a review by Rivers Agency and they request a condition requiring the submission of a final Drainage Assessment.

Contamination:

Water Management Unit has considered the impacts of the proposal on the water environment and would advise the proposal has the potential to affect adversely the surface water environment. Should the application be approved there are suggested conditions requiring the submission of details on method of sewage disposal and a full CEMP.

Following an initial response from Regulation Unit: Land and Groundwater Team the applicant submitted a Preliminary Risk Assessment (PRA). The priority for Regulation Unit is to consider the potential for contamination to be present at the site that could impact on environmentally sensitive receptors including groundwater and surface water. The PRA identifies one potentially contaminating on-site land use associated with the historic quarrying activities. There is one off-site potentially contaminating land use identified as a historic ceramics, cement and asphalt works some 95 metres from the application site. The PRA note that records indicate that site activities included only excavation and removal of material and no backfilling of the quarry has taken place. The quarrying activity ended more than 45 years ago and the proposed area of development was not subject to quarrying activities. The PRA conclude that historic quarrying activities within the site boundary do not pose a significant contamination risk. The Regulation Unit considered the PRA and they support the conclusions. They have no objections to the development provided conditions and informatives, as suggested, are placed on any decision notice if the application is approved.

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

Approve subject to the conditions 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. No development activity, including ground preparation or vegetation clearance, shall take place until a Final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority. The approved CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Planning Authority. The CEMP shall include the following:
 - a) Construction methodology and timings of works;
 - b) Pollution Prevention Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site;
 - c) Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;

- d) Water Quality Monitoring Plan;
- e) Environmental Emergency Plan;
- f) Mitigation measures as detailed in the shadow Habitats Regulations Assessment.

Reason: To protect Northern Ireland priority habitats and to prevent likely significant effects on Lough Neagh and Lough Beg Area of Special Scientific Interest, Special Protection Area and Ramsar site.

3. No development activity, including ground preparation or vegetation clearance, shall take place until a final Ecological Management Plan (EMP) has been submitted to and approved in writing by the Planning Authority. The approved EMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved EMP, unless otherwise agreed in writing by the Planning Authority. The EMP shall include the following:
 - a) Mitigation and compensation measures as detailed in the Ecological Management Plan (Gareth Grindle Associates, January 2021) and Woodland Creation/Restoration document (5 March 2021);
 - b) Planting Schedule with numbers, species and sizes of trees to be planted;
 - c) Long term management plan to ensure the viability of the new woodland;
 - d) Details of the appointment of an Ecological Clerk of Works (ECow) and their roles and responsibilities.

Reason: To minimise the impact of the proposal on the biodiversity of the site and protected species.

4. The appointed contractor must submit a Final Construction and Environmental Management Plan (CEMP) for approval by Mid Ulster District Council Planning before commencement of any works on site. This plan should contain all the appropriate environmental mitigation as detailed in the CEMP description in the Shadow HRA by Gareth Grindle Associates dated March 2020 and the advice in the consultation response of NIEA WMU and NED dated 28/10/2020.

Reason: To ensure that the appointed contractor is aware of and implements the appropriate environmental mitigation during construction phase that will negate any potential effects on the features of the hydrologically connected Lough Neagh and Lough Beg SPA/Ramsar.

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 for a private WWTW/septic tank system has been granted under the terms of the Water (NI) Order 1999 by NIEA WMU and a Schedule 6 consent to discharge surface water under the Drainage (Northern Ireland) Order 1973 has been obtained from DFI Rivers.

Reason: To ensure a practical solution to sewage and surface water disposal is possible at this site.

6. In the event that previously unknown contamination is discovered, development on the site shall cease pending submission and agreement of a written report,

detailing the proposed investigation, risk assessment and remediation scheme, by Mid Ulster District Council and the Northern Ireland Environment Agency. Development works shall not resume until the approved written report has been fully implemented to the satisfaction of Mid Ulster District Council and the Northern Ireland Environment Agency.

Reason: To protect end users from land contamination.

7. All areas marked within the red line as marked on Drawing Number 01 date stamped 10th March 2020 shall only operate at the following times:

Season	Operational days	Operational Hours
May and June	Saturdays and Sundays only	11:00 – 18:00
July and August	All days	11:00 – 18:00
September	Saturdays and Sundays only	11:00 – 18:00

Reason: To protect nearby residential amenity.

8. The maximum occupancy during the times specified in condition 1 shall not exceed 60 customers per hour.

Reason: To protect nearby residential amenity.

9. Loudspeakers are not permitted to operate at any time anywhere within the red line as marked on Drawing No. 01 date stamped 10th March 2020.

Reason: To protect nearby residential amenity.

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

Reason: To protect nearby residential amenity.

11. Prior to the commencement of any of the approved development on site, a final drainage assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to the Planning Authority for its consideration and approval.

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

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

The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 20/1 bearing the date stamp 29 April 2021.

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

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

No other development hereby permitted shall be operational until the access works necessary on the public road have been completed in accordance with the details outlined blue on Drawing Number 20/1 bearing the date stamp 29 April 2021. The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

14. The visibility splays at the junction of the proposed access road with the public road shall be provided in accordance with Drawing No 20/1 bearing the date stamp 29 April 2021, prior to the commencement of any other works or other development. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

15. No other development hereby permitted shall become operational until the road improvement works including passing layby provision on the public road network have been fully completed in accordance with the approved plans. (Drawing Numbers 06/1, 076/1, 08/1, 09/1, 10/1, 11/2, 12/2, 13/2, 14/2, 15/1)

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

16. No operation in or from any development hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawings 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.

Signature(s)

Date:

ANNEX	
Date Valid	13th March 2020
Date First Advertised	24th March 2020
Date Last Advertised	27th October 2020
Details of Neighbour Notification (all addresses) Stephen and Agi Dorrity, 25 Clarkes Square, Gulladuff, Magherafelt, BT45 8RJ The Owner/Occupier, 3 Maghadone Road Moneymore Londonderry Trevor Currie, 3 Gortagilly Road, Moneymore, Londonderry, Northern Ireland, BT45 7UX John Woods, 31 Heagles Road, Ballybogy, Antrim Sam Rankin, 31 Heagles Road, Ballybogy, Antrim, Northern Ireland, BT53 6NZ Ronan McCrystal, 31 Tirruadh Square, Draperstown, Londonderry, Northern Ireland, BT45 7HF The Owner/Occupier, 4 Maghadone Road Moneymore Londonderry Wesley Currie, 5 Gortagilly Road, Moneymore, Londonderry, Northern Ireland, BT45 7UX The Owner/Occupier, 5 Maghadone Road Moneymore Londonderry The Owner/Occupier, 6 Maghadone Road Moneymore Londonderry George Caskey, 7 Gortagilly Road, Moneymore, Londonderry, Northern Ireland, BT45 7UX Norma Clarke, 8 Maghadone Road, Moneymore, Londonderry, Northern Ireland, BT45 7SW George M Glover, 84 Magherafelt Road, Moneymore, Londonderry, Northern Ireland, BT45 7UR Seamus McCrystal, 9 Loup Road, Moneymore, Northern Ireland, BT45 7SN Karen McCrystal, 9 Loup Road, Moneymore, Northern Ireland, BT45 7SN Bridie Kelly, AWARE, 15 Queen Street, Derry/Londonderry, Northern Ireland, BT48 7EQ Richard McGaw, Email Mark O'Connor, Email Padraig & Emma O'Neill, Email John Woods, Email Address Carol Doey, The Hub Bt80, 14 Burn Road, Cookstown, BT80 8DN Padriag O'Neill	
Date of Last Neighbour Notification	10 May 2021
Date of EIA Determination	
ES Requested	No

Planning History

Ref ID: LA09/2020/0376/F

Proposal: Proposed recreational water park consisting of water based inflatables and subsidiary water based activities, ancillary welcome building (with reception, kitchen, storage & ancillary facilities), changing buildings and toilets, soft landscaped space including inland beach, car & bus parking and all associated ancillary works including associated public road improvements.

Address: 140m NW of No.4 Maghadone Road, Moneymore, BT45 7SW.,

Decision:

Decision Date:

Ref ID: LA09/2019/1507/PAN

Proposal: Proposed recreational waterpark at former quarry lands at 140m NW of No4 Maghadone Road with provision of passing bays and ancillary works to Maghadone Road & Gortagilly Road, Moneymore BT45 7SW.

Address: 140m NW of No.4 Maghadone Road, Moneymore BT45 7SW.,

Decision: PANACC

Decision Date:

Ref ID: LA09/2018/0647/F

Proposal: New underground gas transmission pipeline (intermediate pressure) approximately 9km in length, both in-road/verge, with associated temporary site works, including open cut excavation and horizontal directional drilling for pipe installation, and temporary storage areas for pipes and soil

Address: Lands at Conyngham Street from Circular Road to Springhill Road, Springhill Road to Loup Road; Loup Road to its junction with Maghadone Road; Maghadone Road to the Gortagilly Road; Gortagilly Road to the Magherafelt Road, Moneymore; Maghera

Decision: PG

Decision Date: 08.08.2018

Ref ID: LA09/2019/0855/PAD

Proposal: Residential Development, Creation of a Parkland Area, Use of former quarry rock faces, Use of existing lake and creation of a sculpture trail

Address: Moneymore Quarry, Magherafelt Road, Moneymore, Magherafelt,

Decision:

Decision Date:

Ref ID: LA09/2019/1025/PAD

Proposal: Proposed recreational water tank to include inflatables, inland beach, associated building for changing, wc, reception and cafe and ancillary parking provision

Address: Former quarry lands at 140m North West of No. 4 Maghadone Road, Moneymore,

Decision:

Decision Date:

Summary of Consultee Responses

NIEA

Natural Environment Division has considered the impacts of the proposal on designated sites and other natural heritage interests and, based on the information provided, has no concerns subject to conditions and the advice contained in the referred Explanatory note.

The Regulation Unit has considered A Preliminary Risk Assessment provided by McCloy Consulting Ltd in support of this application. They have not identified any unacceptable risks to environmental receptors. Regulation Unit (Land and Groundwater Team) have no objections to the development provided conditions and informatives are placed on any decision notice as recommended.

Rivers Agency

The Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200 costal flood plain. A watercourse that is undesignated in accordance with the Drainage (Northern Ireland) Order 1973 affects this site. An undesignated watercourse flows to the north east of the site. The landowner and Rivers Agency agree watercourse maintenance can be from the opposite bank as agreed by landowner on document date stamped 8th October 2020.

DfI Rivers has reviewed the Drainage Assessment by McCloy Consulting, date stamped 10th March 2020, and while not being responsible for the preparation of the Drainage Assessment accepts its logic and has no reason to disagree with its conclusions. It should be brought to the attention of the applicant that the responsibility for justifying the Drainage Assessment and implementation of the proposed flood risk measures (as laid out in the assessment) rests with the developer and his/her professional advisors (refer to section 5.1 of Revised Planning Policy Statement 15).

This is a conceptual drainage design to demonstrate safe discharge is feasible. Accordingly Rivers Agency have requested a condition be included should planning permission be granted for the submission of a final drainage assessment.

NI Water

NI Water has consider the application and has no objections.

HED: Historic Monuments.

HED (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. If further development along the western side of the pond are proposed in future then archaeological mitigation may be required.

Environmental Health Department.

Historical maps indicate that the application site was a former quarry with associated lime kiln. There is potential for land contamination to pose a risk to future site users. For this reason, the applicant was requested to submit a preliminary risk assessment outlining the risks, if any, posed by contamination to future site users.

An acoustic feature correction was not added to the predicted noise levels of the noise report to take account of the intermittency and impulsivity of the typical noises involved with users of the waterpark. However, EHO are satisfied that even with the addition of these corrections, the predicted noise level (27 dB(A) + acoustic feature corrections) would still be below the measured background noise level for the locality (39 dB(A)).

EHO then considered the submission of the A McCloy Consulting report entitled 'Preliminary Risk Assessment – Splash Water Park, Maghadone Road, Moneymore' (M03002-02-DG02 | September 2020) to address issues raised in previous EHO consultation responses. This report considered the historical maps, anecdotal information and a site walkover, which informed a conceptual model and concluded that no pollutant linkages exist on site. Their findings conclude that there is no risk to future site users from any land contamination. Thus, EHO have no objection to this proposal subject to the inclusion of the suggested conditions on any planning approval.

Shared Environmental Services

SES considered the planning application in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) on behalf of Mid Ulster District Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations.

Having considered the nature, scale, timing, duration and location of the project they conclude that, provided conditions are included for suggested mitigation in any planning approval, the proposal will not have an adverse effect on site integrity of any European site.

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02/3

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 03/1

Type: Elevations and Floor Plans

Status: Submitted

Drawing No. 04

Type: Road Access Plan

Status: Submitted

Drawing No. 05

Type: Levels and Cross Sections

Status: Submitted

Drawing No. 06/1

Type: Roads Details

Status: Submitted

Drawing No. 07/1

Type: Roads Details

Status: Submitted

Drawing No. 08/1

Type: Roads Details

Status: Submitted

Drawing No. 09/1

Type: Roads Details

Status: Submitted

Drawing No. 10/1

Type: Roads Details

Status: Submitted

Drawing No. 11/2

Type: Roads Details

Status: Submitted

Drawing No. 12/2

Type: Roads Details

Status: Submitted

Drawing No. 13/2
Type: Roads Details
Status: Submitted

Drawing No. 14/2
Type: Roads Details
Status: Submitted

Drawing No. 15/1
Type: Roads Details
Status: Submitted

Drawing No. 16/2
Type: Roads Details
Status: Submitted

Drawing No. 17/1
Type: Roads Details
Status: Submitted

Drawing No. 18/1
Type: Roads Details
Status: Submitted

Drawing No. 19/1
Type: Roads Details
Status: Submitted

Drawing No. 20/1
Type: Roads Details
Status: Submitted

Drawing No. 21
Type: Miscellaneous
Status: Submitted

Drawing No. 22
Type: Levels and Cross Sections
Status: Submitted

Drawing No. 23
Type: Levels and Cross Sections
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: LA09/2020/0712/F	Target Date:
Proposal: Retention of existing external smoking area in rear yard associated with existing basement bar and retrospective change of use of ground and first floors from redundant bar and function rooms into 5 flats (3 x 2bed , 2 x 1bed)	Location: 2-4 High Street Moneymore
Referral Route: Approval is recommended. This recommendation conflicts with non-statutory consultee advice from Environmental Health.	
Recommendation:	Approval
Applicant Name and Address: William Drennan 2-4 High Street Moneymore	Agent Name and Address: OJQ Architecture 89 Main Street Garvagh Coleraine
Executive Summary: Proposal considered against prevailing planning policy and all material considerations below. It is considered the proposal complies with the relevant policy and no letters of representation received. Environmental Health objection is considered in more detail below and relates to potential impact to residential amenity from existing noise from bars and road traffic and unwanted tobacco smoke.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Characteristics of the Site and Area

The application site is located within the settlement limits of Moneymore as defined in the Magherafelt Area Plan 2015 within the designated Moneymore Conservation Area. The site is located at the junction of Moneymore Main Street and Stonard Road. The site encompasses a car park to the northwest section of the site and the existing building of 2-4 High Street. The existing building is a 19th Century Georgian building currently used as a bar over three levels with a Turkish barbers use to a portion of the ground floor which does not form part of the proposed development however is accessed via High Street. There is a yard to the rear of the existing building which includes parking, an existing smoking hut subject to this planning application and outbuildings which are

outside the red line of the application site. There is an existing wall approximately 2.5 metres in height along the northern boundary of the centre of the site. There is mature vegetation to the northwest and western boundary of the site. The Draper's Arms (2 - 4 High Street) is Grade B2 Listed which is of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI) 2011. The proposal forms part of a terrace on High Street, the building has a 4 bay wide, projecting porch, 2 storey building with a bay extending over a gateway, basement, slated and gabled back return. The existing building is finished with smooth render to external walls with white sash windows. There are existing vehicular accesses to the site from both Stonard Street and High Street. The surrounding area is urban in character with a varying uses including residential, commercial and professional services.

Description of Proposal

This application seeks full, retrospective planning permission for

- The retrospective change of use of ground and first floor of 2-4 High street from redundant bar and function rooms into 5 flats (3 x 2bed , 2 x 1bed); and
- The retention of the existing external smoking area in the rear yard of 2-4 High Street associated with existing basement bar.

Planning Assessment of Policy and Other Material Considerations

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

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

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland
- Cookstown Area Plan 2010
- PPS 3 - Access, Movement and Parking
- PPS 6 -Planning, Archaeology and the Built Heritage
- PPS 7 - Quality Residential Environments
- Addendum to PPS 7-Safeguarding the Character of Established Residential Area
- DCAN 7: Public House
- Moneymore Conservation Area Guide

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

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

I/2001/0124/F - Restoration, Renovation and Modifications of Licenced Premises & Shops and additional shops fronting High Street and Stonard Street - The Draper's Arms, 2-4 High Street, Moneymore – Permission Granted 26/09/01

I/2001/0125/LB - Restore, Renovate and Modify Facade, Provide Additional Shop on High Street and Demolish No 5 Stonard Street, Modify Interior of Licenced Premises -- The Draper's Arms, 2-4 High Street, Moneymore – Permission Granted 26/09/01

LA09/2017/1078/F - Proposed temporary modular building for existing day care facility - 8 High Street, Moneymore, - Permission Granted 02/11/17

LA09/2017/1075/LBC - Proposed temporary modular building for existing day-care facility- 8 High Street, Moneymore, - Permission Granted 02/11/17

Key Policy Considerations/Assessment

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

Cookstown Area Plan (CAP) 2010 is the statutory local development plan for the application site. The application site is located within the settlement limits of Moneymore within a designated Area of Archaeological Potential and Moneymore Conservation Area. Immediately west of the application site is a designated Local Landscape Policy Area. Plan Policy SETT 1 Settlement Limits of the extant Area Plan states favourable consideration will only be given to development proposals within settlement development limits provided that the proposal is sensitive to the size and character of the settlement in terms of scale, form, design and use of materials; there is no significant detrimental impact on amenities or the recognised conservation interests; and where there are satisfactory arrangements for access, parking and sewage disposal. The sensitivity of the proposal to the settlement and conservation area will be considered in more detail below when considering the prevailing policy criteria and there are no key site requirements on the application site.

CAP 2010 states the core of the village has exceptional architectural character and was designated a Conservation Area in 1980. As the proposal site is located within Moneymore Conservation Area, I carried out internal consultation with the Environment and Conservation Team Conservation Officer. The agent has amended Drawing 03 Rev 1 as per the Conservation Officer's advice and the Environment and Conservation Team have advised they are content with the proposal. Given the scale and siting of the proposed 'smoking area' development to the rear and the nature of the change of use to residential with minimal external changes, I consider that the development preserves and is sympathetic to the appearance and characteristic built form of the area. I do not

consider this application will impact of the characteristics of the adjoining buildings along High Street. A condition will be attached to any forthcoming approval requiring the retention of existing boundary treatment to protect the landscaping features which contribute to the appearance of the area. The proposed smoking area is minor in scale and ancillary to the existing operations on the site. It is therefore considered that the development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area, however further consideration will be given to residential amenity impact and Environmental Health consultation response later in the report. Overall, it is considered the proposal complies with PPS 6 Policy BH 12 New Development in a Conservation Area.

Historic Environment Division are the relevant statutory consultee under The Planning (General Development Procedure) Order (Northern Ireland) 2015 (as amended) to provide advice on archaeological impact. The existing building subject to this application is Grade B Listed and the site is also located in proximity to identified archaeological site and monument POLREF: LDY046:038 & LDY046:023. Historic Environment Division were consulted and responded initially on 24/07/20 advising the Historic Monuments Team are content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy due to the scale and nature of the proposal. However, the Historic Buildings Team required further information to enable a full assessment of the proposal and its impact on the listed building. The agent provided the information requested and HED provided further consultation response on 28/10/20 advising on the basis of the additional information provided they are content. HED advised they are supportive of any endeavour to revitalise a listed building and whilst they noted little historic fabric had been retained, which was possibly removed at an earlier reincarnation of the building, they welcomed the lack of intervention to the front exterior elevations – especially to the fenestration.

The proposal seeks retrospective permission for the erection of an external smoking area to the rear of the building and partial change of use of the building from a bar to residential flats. PPS6 Policy BH 7 Change of Use of a Listed Building and Policy BH 11 Development affecting the Setting of a Listed Building therefore apply.

Policy BH7 permits the change of use of a listed building where this secures its upkeep and survival and the character and architectural or historic interest of the building would be preserved or enhanced. It is considered the use proposed is acceptable, residential use will ensure the preservation of the building which will in turn will secure the upkeep of the building for future years. There is minimal intervention to the external appearance of the building and I consider the appearance, character and setting will not be detrimentally impacted. The proposal is retrospective and it was noted on the date of the site inspection that the flats appeared to be already occupied. It is noted that the SPPS promotes housing in town centres and the reuse of buildings to accommodate urban housing. The SPPS states “Within town centres, residential use above shops and other business premises should be facilitated, where appropriate, as this can promote sustainability through utilising underused space, maintaining the fabric of buildings and contributing to the vitality and viability of town centres”.

The proposed smoking area to be retained is minor in scale and sited to the rear of the building therefore there will be no public views when travelling on the adjacent road network. It is recognised that “smoking areas” are now a regular feature to bars and

therefore it is accepted this feature will assist in the vitality of the existing, established business. The design and nature of the use is considered acceptable given the siting and that the smoking area will be a subordinate and ancillary use of the bar therefore will not detrimentally impact on the existing character. It was identified from a search of Department for Communities Listed Building Database, that an evaluation survey was carried out on the subject building in November 2020 which concluded that the building had been disfigured by brash colour scheme and signs; the interior had lost all original features; and the back return and rear outbuildings do not contribute to the architectural merit though the yard is a good historical item reminiscent of the old market yard.

In light of the HED's response which has not raised any objections and having considered the supporting information and assessed the site, I am satisfied that the proposed works comply with the policy criteria of PPS6 BH7 and BH11.

Planning Policy Statement 7: Quality Residential Environments (PPS 7) is a retained policy document under the SPPS and provides the appropriate policy context. Policy QD 1 of PPS 7 sets out the policy framework under which applications of this nature in an urban setting should be assessed against. The proposal has been considered against all criteria outlined under Policy QD1.

- a) The proposed change of use from bar to 5 No. flats is appropriate to the character of this area. The site is within the development limits of Moneymore with a mix of land uses and where housing in urban areas is encouraged. As this is a change of use application it is noted that there are minimal external changes and from this I am content the development will respect the surrounding area.
- b) As stated above the building is listed and the application site is within a Conservation Area. Both Mid Ulster District Council Conservation Officer and Historic Environment Division (HED) have been consulted on this application and are content with the proposed works. I consider the proposal will not have a significant impact on any features of built/archaeological interest therefore complying with this criterion.
- c) Drawing 02 Rev 2 indicates a small area to the rear of the building as private amenity space on. Following internal discussions it is considered this is acceptable as communal space for residents in this instance given the town centre location and the public open space and walkway located in close proximity to the west on Ministers Walk, Moneymore.
- d) The proposal site is situated within the settlement limits of Moneymore thus it is considered there is easy accessibility to local neighbourhood facilities. It is not considered the proposed development would significantly intensify or place unnecessary demands on the existing neighbourhood provisions and amenities within the area.
- e) It is noted that a footpath is located adjacent to the application site which will support walking and cycling. Existing access arrangements are in place and DfI Roads have no objections to the proposal subject to conditions. The proposal is convenient to public transport and it is considered an acceptable movement pattern is provided in compliance with this criterion.

- f) Drawing 02 Rev2 indicates the provision of 5 no formal car parking spaces. There are a further 7 car parking spaces located to NW of the site within an overflow carpark/amenity space area. It is noted that part of the building will continue to be used as a bar, however the proposed smoking area subject to this application is considered to be ancillary use and should not significantly impact on parking. It is also noted that the site is in a town centre location therefore there is on street car parking available also. Overall, it is considered there is adequate and appropriate provision of car parking.
- g) The proposed design is considered to be sympathetic to the listed building and conservation area with minimal external changes with works seeking to retain or replace to match the existing.
- h) Following internal discussions, it was the group consensus that the design and layout would not create conflict with adjacent land uses. It is not considered that the proposal would give rise to unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light or overshadowing. It is acknowledged that the proposed flats will be located above an existing bar therefore there is the potential for adjacent land uses to impact on the amenity of the residents of these flats in terms of noise and disturbance. Environmental Health were consulted and have objected to the proposal. EHD have advised that road traffic noise is likely to give rise to significant impact to residents given the windows are single glazing; the existing basement bar has potential to give rise to noise particularly from patrons entering or leaving the premises or using the external smoking area; and the smoking shelter also has potential for amenity impacts from unwanted fugitive tobacco smoke to residents. The agent responded to EHD comments advising that floors and walls have been upgraded to building regulation standards with regard soundproofing; the building is listed therefore the upgrade of the sliding sash single glazed windows would be resisted by Historic Environment Division; and the smoking area is located at the furthest point from bedroom 1 of Flat 5 and the dining area of Flat 2 to allow for the adequate dispersion of the smoke/fumes. It is agreed that the replacement of the existing historic fabric of the listed building would not be encouraged under PPS6 and HED have provided consultation response welcoming the lack of intervention to the front exterior elevations especially to the fenestration. Following detailed consideration of the comments of Environmental Health at internal group meeting, it was considered that any future occupiers of the flats will already be aware of potential nuisance/noise associated with the existing bar and the adjacent road network. The smoking area will be considered in more detail later in the report. However it is considered that whilst there is potential for adjacent land uses to impact on the amenity of the resident(s) living in the flats due to their location, this will be a consideration for any future buyer/occupier and should therefore not warrant refusal.
- i) I have no significant concerns in terms of crime or health and safety with respect the proposed design.

Policy LC2 of APPS 7 Addendum to PPS 7 Safeguarding the Character of Established Residential Areas is a material consideration. Policy LC 2 of the Addendum to PPS7, deals with the conversion or change of use of existing buildings to flats or apartments. It sets down 5 criteria which must be adhered to along with Policy QD 1 of PPS 7.

- a) *there is no adverse effect on the local character, environmental quality or residential amenity of the surrounding area;*

Given the minimal external changes proposed I have no concern in this regard. I do not consider that the change of use from a bar to flats will negatively impact on the residential amenity of the surrounding area.

- b) *the proposal maintains or enhances the form, character and architectural features, design and setting of the existing building;*

HED have been consulted and have no objections to the proposal from a built heritage perspective.

- c) *the original property is greater than 150 square metres gross internal floorspace;*

- d) *all flats or apartments are self-contained and have a separate bathroom, w.c. and kitchen available for use only by the occupiers.*

The existing building No. 2-4 High Street is greater than 150m² gross internal floorspace and all 5no flats are self-contained.

- e) *the development does not contain any flat or apartment which is wholly in the rear of the property and without access to the public street.*

All proposed flats include windows to the front elevations which face onto the public road. Flat 1, 2 and 4 are accessed via the main door onto High Street, Apartment 3 and 5 are accessed to the rear of the property but each have their own private access.

DCAN 7: Public House provides general guidance to intending developers, their professional advisors and agents when an application for this form of development is being considered. Part 15 states a proposed extension to a public house requires planning permission regardless of the size of that extension. When considering such extensions account will be taken of the likely effects of the intensification of the existing use on the surrounding area. In particular, the suitability of any existing access and parking facilities will be carefully considered as well as any loss of amenity due to an increase in noise and disturbance.

In terms of location, the existing building is sited in the town centre in an area of mixed uses including entertainment, residential, retail and commercial. It is noted that the public house is an already established use on the site and the application now seeks retrospective planning permission to regularise the erection and use of a smoking area to the rear of the building. The smoking area is accessed via the existing basement bar and the yard to the rear of the building. It should be noted that this application is retrospective and the smoking area is currently in place. The beer garden is considered to be ancillary to the main use of the existing bar, the agent has not completed Q.25 of the P1 Form to indicate any expected increase in the intensification of the site as a result of the smoking area. The facility of having a smoking area is to provide outdoor space to facilitate the existing clientele to smoke and it is not considered will increase the numbers of customers. With regards to visual amenity, the smoking area is located

entirely to the rear of the existing building therefore I do not consider the development will negatively impact on the surrounding character or built form. The smoking area is small in scale and subordinate to the existing building, approximately 43sqm of which approx. 10sqm is covered, finished with close board fencing approximately 2 metres high painted black. It is noted that a number of buildings surrounding the site are commercial and/or vacant. However there are two existing residential dwellings adjoining the site No.1 and 3 Stonard Street, as well as the proposed flats above the existing basement bar. As previously stated above, Environmental Health have provided consultation response objecting to the proposal. With respect the smoking area, EHD have advised that *"The existing basement bar has potential to give rise to noise which may impact residents in the flats above. Furthermore, there is no way of controlling noise from patrons entering or leaving the premises or from patrons using the external smoking area. The position of the smoking shelter also has potential for unwanted fugitive tobacco smoke to permeate into residential units above and surrounding it."*

It is accepted that the smoking area has the potential for nuisance impacting on the existing residential properties and/or the proposed flats subject to this application. However, it is considered siting the smoking area elsewhere within the application site is unlikely to significantly reduce any potential impact and in reality it is likely that patrons would continue to stand at the external rear door of the basement bar when smoking rather than walking across a car park to a designated smoking area. The established use of the site is a public house and existing and proposed residents will be aware of this. Furthermore this use will be reduced from a bar over 3 floors to a bar at basement level only as a result of this application. Following careful consideration with the Principle Planner, it is considered given the small scale of the smoking area and the existing established use on site the smoking area is acceptable in this instance and should be granted permission for a temporary period of 2 years which will assist in monitoring any nuisance and to ensure no detrimental impact to neighbouring residents amenity. The smoking area will also be subject to further conditions which will offer protection to residential amenity should neighbouring dwellings experience unacceptable disturbance.

PPS 3: Access, Movement and Parking – It was noted that the application site includes two vehicular access points, an existing access onto Stonard Street and an existing access onto High Street. DfI roads were consulted and initially advised the access onto High Street should not be used as part of this proposal, recommending the access onto Stonard Street should be solely used for this application to promote road safety. The agent has subsequently amended the proposal to annotate that the existing entry onto High Street will not be used by the apartments (tenants, visitors etc.) which could also be conditioned to any forthcoming approval. Following the submission of amended drawing, DfI Roads responded advising they have no objections subject to conditions therefore it is accepted that the proposal will not compromise road safety or prejudice the flow of traffic and therefore complies with PPS3.

Neighbour Notification Checked

Yes

Summary of Recommendation:

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

Conditions:

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

Reason: This is a retrospective application.

2. The smoking area hereby permitted shall be for a limited period and removed permanently from the site within 2 years form the date of this permission unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To enable The Council to monitor any potential nuisance in the interests of residential amenity.

3. The rear external door basement level bar which provides access to the smoking area as identified on Drawing No. 03 Rev 1 date stamped 21st September 2020 shall remain closed when the Beer Garden/Smoking area is in use.

Reason: To protect residential amenity.

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

Reason: To protect nearby residential amenity from noise.

5. The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 02 rev 2 bearing the date stamp 18th March 2021 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

6. No occupation, 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 02 rev 2 bearing date stamp 18th March 2021 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.

7. The existing access onto High Street indicated on Drawing 02 Rev 2 date stamped 18th March 2021 shall not be utilised by the development hereby approved without the prior written consent of the Council.

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

8. The existing mature trees and vegetation along the northeast and west boundaries of the site shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: In the interests of visual amenity.

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

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

Informatives

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
4. The applicant's attention is drawn to Historic Environment Division Consultation Response dated 28th October 2020.
5. The applicant's attention is drawn to NI Water Consultation Response dated 19th November 2020.
6. 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.

7. 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)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0723/LBC	Target Date:
Proposal: Retention of existing external smoking area in rear yard associated with existing basement bar and retrospective change of use of ground and first floors from redundant bar and function rooms into 5 flats (3 x 2bed , 2 x 1bed)	Location: 2-4 High Street Moneymore
Referral Route: Approval is recommended however Environmental Health have objected to the full application which accompanies this listed building consent - LA09/2020/0712/F.	
Recommendation:	Approval
Applicant Name and Address: William Drennan 2-4 High Street Moneymore	Agent Name and Address: OJQ Architecture 89 Main Street Garvagh Coleraine
Executive Summary: Proposal considered against prevailing planning policy and all material considerations below.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division	Advice
Statutory	Historic Environment Division	Content

Representations:

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

Characteristics of the Site and Area

The application site is located within the settlement limits of Moneymore as defined in the Magherafelt Area Plan 2015 within the designated Moneymore Conservation Area. The site is located at the junction of Moneymore Main Street and Stonard Road. The site encompasses a car park to the northwest section of the site and the existing building of 2-4 High Street which is a 19th Century Georgian building currently used as a bar over three levels, as well as a Turkish barbers to the ground floor which does not form part of the proposed development however is accessed via High Street. There is a yard to the rear of the existing building which includes parking, an existing smoking hut subject to this planning application and outbuildings which are outside the red line of the application site. There is a existing wall approximately 2.5 metres in height along the northern boundary of the centre of the site. There is mature vegetation to the northwest and western boundary of the site. The Draper's Arms (2 - 4 High Street) is Grade B2 Listed which is of special architectural and historic interest and is protected by Section 80 of the Planning Act (NI) 2011. The proposal forms part of a terrace on High Street, the building has a 4 bay wide, projecting porch, 2 storey building with a bay extending

over a gateway, basement, slated and gabled back return. The existing building is finished with smooth render to external walls with white sash windows. There are existing vehicular accesses to the site from both Stonard Street and High Street. The surrounding area is urban in character with a varying uses including commercial and professional services.

Description of Proposal

This application seeks listed building consent for

- The retrospective change of use of ground and first floor of 2-4 High street from redundant bar and function rooms into 5 flats (3 x 2bed , 2 x 1bed); and
- The retention of the existing external smoking area in the rear yard of 2-4 High Street associated with existing basement bar.

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.

History on Site

I/2001/0124/F - Restoration, Renovation and Modifications of Licenced Premises & Shops and additional shops fronting High Street and Stonard Street - The Draper's Arms, 2-4 High Street, Moneymore – Permission Granted 26/09/01

I/2001/0125/LB - Restore, Renovate and Modify Facade, Provide Additional Shop on High Street and Demolish No 5 Stonard Street, Modify Interior of Licenced Premises -- The Draper's Arms, 2-4 High Street, Moneymore – Permission Granted 26/09/01

LA09/2017/1078/F - Proposed temporary modular building for existing day care facility - 8 High Street, Moneymore, - Permission Granted 02/11/17

LA09/2017/1075/LBC - Proposed temporary modular building for existing day-care facility- 8 High Street, Moneymore, - Permission Granted 02/11/17

Key Policy Considerations/Assessment

The Strategic Planning Policy Statement for Northern Ireland (SPPS) - Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The SPPS states Listed Buildings of special architectural or historic interest are key elements of our built heritage and are often important for their intrinsic value and for their contribution to the character and quality of settlements and the countryside. It is important therefore that development proposals impacting upon such buildings and their settings are assessed, paying due regard to these considerations, as well as the rarity of the type of structure and any features of special architectural or historic interest which it possesses. The SPPS advises that the policy provisions of Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage are retained.

Cookstown Area Plan (CAP) 2010 is the statutory local development plan for the application site. The application site is located within the settlement limits of Moneymore within a designated Area of Archaeological Potential and Moneymore Conservation Area. CAP 2010 states the core of the village has exceptional architectural character and was designated a Conservation Area in 1980. As the proposal site is located within Moneymore Conservation Area, I carried out internal consultation with the Environment and Conservation Team Conservation Officer who provided detailed advice which was relayed to the agent. It noted the advice provided has been included on Drawing 03 Rev 1 and the Conservation Officer has subsequently advised the Environment and Conservation Team are content. Given the scale and siting of the proposed development to the rear and the nature of the change of use to residential with minimal external changes, I consider that the development preserves and is sympathetic to the appearance and characteristic built form of the area. I do not consider this application will impact of the characteristics of the adjoining buildings along High Street. A condition will be attached to any forthcoming approval requiring the retention of existing boundary treatment to protect the landscaping features which contribute to the appearance of the area. The proposed smoking area is minor in scale and ancillary to the existing operations on the site. It is therefore considered that the development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area, however further consideration will be given to residential amenity impact and Environmental Health consultation response later in the report. Overall, it is considered the proposal complies with PPS 6 Policy BH 12 New Development in a Conservation Area.

The host building is a Grade B2 Listed Building. The proposal seeks retrospective permission for the erection of an external smoking area to the rear of the building and partial change of use of the building from a bar to residential flats. PPS6 Policy BH 7 Change of Use of a Listed Building and Policy BH 11 Development affecting the Setting of a Listed Building therefore apply. Policy BH7 permits the change of use of a listed building where this secures its upkeep and survival and the character and architectural or historic interest of the building would be preserved or enhanced. It is considered the use proposed is acceptable and residential use will ensure the preservation of the building to ensure its upkeep for future years. There is minimal intervention to the external appearance of the building and I consider the appearance, character and setting will not be detrimentally impacted. The proposal is retrospective and it was noted on the date of the site inspection flats appeared to be already occupied. It is noted that the SPPS promotes housing in town centres and the reuse of buildings to accommodate urban housing. The SPPS states "Within town centres, residential use above shops and other business premises should be facilitated, where appropriate, as this can promote sustainability through utilising underused space, maintaining the fabric of buildings and contributing to the vitality and viability of town centres". The proposed smoking area to be retained is minor in scale and sited to the rear of the building therefore there will be no public views when travelling on the adjacent road network. It is recognised that "smoking areas" are now a regular feature to bars and therefore it is accepted this feature will assist in the vitality of the existing, established business. The design and nature of the use is considered acceptable given the siting and that the smoking area will be an ancillary use of the bar therefore will not detrimentally impact on the existing character. It was identified from a search of Department for Communities Listed Building Database, that an evaluation survey was carried out on the subject building in November 2020 which concluded that the building had been disfigured by brash colour scheme and

signs; the interior had lost all original features; and the back return and rear outbuildings do not contribute to the architectural merit though the yard is a good historical item reminiscent of the old market yard. Historic Environment Division are the relevant statutory consultee under The Planning (General Development Procedure) Order (Northern Ireland) 2015 (as amended). HED Historic Buildings provided consultation response on 28/10/20 advising on the basis of the additional information provided they are content. HED advised they are supportive of any endeavour to revitalise a listed building and whilst they noted little historic fabric had been retained, which was possibly removed at an earlier reincarnation of the building, they welcomed the lack of intervention to the front exterior elevations – especially to the fenestration. HED have not recommended any conditions.

Summary of Recommendation:

Having considered the proposed works impact on the Listed Building and its setting and in light of HED's response which has not raised any objections, I am satisfied that the proposed works are sympathetic to the existing built and comply with the relevant policy considerations outlined above.

Conditions:

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

Reason: This is a retrospective application.

2. The smoking area hereby permitted shall be for a limited period and removed permanently from the site within 2 years from the date of this permission unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To enable The Council to monitor any potential nuisance in the interests of residential amenity.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0896/O	Target Date:
Proposal: Proposed Infill dwelling and garage	Location: 20m West of 6 Five Mile Straight Draperstown
Referral Route: Refusal recommended - Contrary to Policies CTY1 & CTYO of PPS21.	
Recommendation:	
Applicant Name and Address: Joe McWilliams 5 Slievegallion Drive Draperstown BT45 7JR	Agent Name and Address: CMI Planners 38b Airfield Road Toomebridge Magherafelt BT41 3SG
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

- 1.Does the proposed development represent an infill opportunity within an existing ribbon of development in accordance with Policy CTY8 of PPS21; and
- 2.Does the proposed development meet the criteria for a dwelling within an existing cluster of development in accordance with Policy CTY2a - No objections received and all other material considerations have been addressed within the determination below

Characteristics of the Site and Area

The proposed site is identified as lands approximately 20m west of No 6 Moneyneaney and is approximately 1 mile north east of the Village of Moneyneaney. The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. Ground levels elevate in a northerly direction. Boundaries comprise mature vegetation with intermittent semi-mature trees on the north and east boundaries; post and wire fencing and sporadic vegetation on the west and post and wire fence to the south (running appavelled with the Five Mile Straight Rd). The surrounding landform is best described as undulating countryside with farmsteads and detached dwellings

Description of Proposal

The applicant is seeking outline planning approval for a dwelling and garage based on an infill site located 20m west of No 6 Five Mile Straight Draperstown. 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 alterations to an existing lane that accesses.

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

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 10th August 2020 (publication date 11th August 2020) Four (4) neighbouring properties were notified on 14th August 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, there is no watercourse directly abutting this site, therefore it is unlikely that there will be any adverse effects from development works on integrity of any National or European site or any water stream by way of a hydrological link to the site.

Relevant planning history

Reference	Location	Proposal/Complaint	Status	Date
LA09/2018/0782/D	79m North West of 6 Five Mile Straight	Dwelling and garage	PERMISSION GRANTED	12.12.2018
LA09/2019/1242/F	80 Meters North West of 6 Fivemile Str	Relocation of dwelling & change of house type from apt	PERMISSION GRANTED	16.01.2020
LA09/2019/0661/F	80m North West of 6 Fivemilestraight, [Dwelling and garage	PERMISSION GRANTED	01.08.2019
LA09/2020/0896/D	20m West of 6 Five Mile Straight, Drap	Proposed Infill dwelling and garage	VALID APPLICATION RECEIVED	
H/1997/0478	6 FIVEMILE STRAIGHT DRAPERSTC	AFTER SCHOOL CLUB	PERMISSION GRANTED	

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.

Planning Assessment of Policy and Other Material Considerations

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

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The Magherafelt Area Plan 2015 does not contain provided by PPS 21 and the SPPS.

1. Strategic Planning Policy Statement (SPPS).
2. Cookstown Area Plan 2010
3. PPS 21 Sustainable Development in the Countryside (CT8, CTY 13 & 14)
4. PPS 3 Access, Movement and Parking.
5. Building on Tradition A sustainable design guide for rural NI.

Magherafelt Area Plan 2015

The site lies in the rural countryside and outside any designated settlement limits as depicted in the CP 2015. The CAP has no material policies for dealing with dwellings in the countryside.

The Strategic Planning Policy Statement for Northern Ireland.

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, which advises that the policy provisions of Planning Policy Statement Sustainable Development in the Countryside.

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 CTY8 of PPS21.

Assessment

According to Planning Policy Statement 21 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. The main issues in this assessment are:-

1. Does the proposed development represent an infill opportunity within an existing ribbon of development in accordance with Policy CTY8 of PPS21; and
2. Does the proposed development meet the criteria for a dwelling within an existing cluster of development in accordance with Policy CTY2a.

Policy CTY8 states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern

along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

For the purpose of 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 site is located west of No 6 a small single storey building that was formerly as a shop. Located to the rear of the site is a large grass field and beyond a two storey dwelling with surrounding farm buildings. Abounding the west boundary of the site is a grass field that has recently granted planning permission for a farm dwelling under CTY10.

At the time of my site visit i noted a new dwelling under construction (roof level) located approx. 35m west and is set back from the Public Road and accessed is by a private lane. I am of the view that, while the building No 6 has a frontage onto the public road, it is my considered view that the new dwelling under construction located 35m west does have a frontage and is not is not within a substantial and continuously built up frontage. The application fails the Policy CTY8 of PPS21.

Policy CTY 2a New Dwellings in Existing Clusters states planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria 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 - The proposal site does lie outside of a farm complex, when viewing the development located immediately adjacent to the proposal site from the submitted map it does appear there is a cluster of buildings however when actually viewing the situation on the ground there does not appear to be cluster as there is no visual linkage between existing buildings due to existing vegetation, separation distances, landform and siting;
- 2.the cluster appears as a visual entity in the local landscape - as previously mentioned when viewing the existing development on site there is no visual linkage between No 6 and a new dwelling under construction with the application site when travelling along Five Mile Straight Road at this point;
- 3.The cluster is associated with a focal point such as a social/community building/facility, or is located at a cross –roads. It is established that in certain incidences buildings such as shops can be considered a local focal point even if their use is redundant. Therefore, I accept that the former shop can be considered a local focal point and can be considered material in the assessment of this application. Whilst there is a cross roads to the east of the site the separation distance between and the cross roads reduces the visual linkages thus failing to meet this criteria;
- 4.The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster - the proposal site provides a suitable degree of .enclosure with mature vegetation to all existing sides however it is noted that only one bounded is adjacent to No Five Mile Straight thus failing to meet this criteria;
- 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 as previously stated I do not recognised as an existing cluster;
- 6.Development would not adversely impact on residential amenity - the proposal would not adversely impact on residential amenity as the proposal site is large enough to facilitate a suitable degree of separation and the existing planting could provide integration.

As I must make my assessment on the basis of the current situation on the ground, I cannot attach weight to the outline planning approval for a farm dwelling adjacent to the west boundary of the application site. Thus having considered all of the above it is my judgement that the proposal as presented does not comply with the requirements of CTY2a of Planning Policy Statement 21.

Considering the requirements of CTY14 of PPS21 Rural character

Policies CTY 13 and CTY 14 are also applicable in relation to the proposal. Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

Given 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. I find no reason why a dwelling could not be designed and sited to integrate successfully into this site. The dwellings and buildings at either side of the site which this application proposes to infill include a single storey and a two storey.

Having considered all of the information presented it is my professional opinion that the proposal does not adhere to the requirements of CTY 1, CTY 2a and CTY8 of PPS21 and as such a refusal should be issued.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

:

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 CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development associated with a focal point or located at a cross-roads,
3. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is not a continuous frontage along 5 Mile Straight Road to allow for the infilling of the site.

Signature(s)
Date:

ANNEX	
Date Valid	27th July 2020
Date First Advertised	11th August 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 4 Dunmurry Road Draperstown Londonderry The Owner/Occupier, 4 Five Mile Straight Draperstown Londonderry The Owner/Occupier, 4a Dunmurry Road Draperstown The Owner/Occupier, 6 Five Mile Straight Draperstown Londonderry	
Date of Last Neighbour Notification	14th August 2020
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2018/0782/O Proposal: Dwelling and garage Address: 79m North West of 6 Five Mile Straight Draperstown, Decision: PG Decision Date: 12.12.2018 Ref ID: LA09/2019/1242/F Proposal: Relocation of dwelling & change of house type from approval LA09/2019/0661/F. Increase site curtilage Address: 80 Meters North West of 6 Five mile Straight, Draperstown, Decision: PG Decision Date: 16.01.2020 Ref ID: LA09/2019/0661/F Proposal: Dwelling and garage Address: 80m North West of 6 Five mile straight, Draperstown, Decision: PG Decision Date: 01.08.2019 Ref ID: LA09/2020/0896/O	

Proposal: Proposed Infill dwelling and garage
Address: 20m West of 6 Five Mile Straight, Draperstown,
Decision:
Decision Date:

Ref ID: H/1997/0478
Proposal: AFTER SCHOOL CLUB
Address: 6 FIVEMILE STRAIGHT DRAPERSTOWN
Decision:
Decision Date:

Summary of Consultee Responses

DFI Roads / NI Water Standard condition and Informatives

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: LA09/2020/0905/F	Target Date:
Proposal: Retention of change of use of former farm shed to engineering works	Location: Approx 40m South of 28 Slatmore Road Clogher
Referral Route: Refuse for lack of information	
Recommendation:	Refuse
Applicant Name and Address: Wiltshire Engineering 28 Slatmore Road Clogher BT76 0HQ	Agent Name and Address: Desmond O'Neill 17 Main Street Dromore BT78 3AE
Executive Summary: Insufficient information has been provided to show that; -the farm business is both active and established; -the proposal can be run in conjunction with the farming operations on site; -materials can be stored in an orderly fashion within a portion of the site that will not cause detriment to rural character; -the proposal will not result in a risk to road safety; and, -the proposal will not have a detrimental impact on natural heritage interests.	
Signature(s):	

Case Officer Report

Site Location Plan



Representations: None Received

Description of proposal

This is a full planning application for the retention of change of use of former farm shed to engineering works.

Characteristics of Site and Area

This is an irregular shaped narrow roadside frontage plot located along the Slatmore Road, between Fivemile Town and Clogher within Mid Ulster District Council, opposite No. 28. There is a building with roller shutter door to the NW elevation located within the center of the site with a small building attached. The large building is currently used for engineering purposes and there is a diesel generator located to the rear. The smaller of the buildings seems to be used for agricultural purposes and is for general storage and shelter of animals. There are some tractors, trailers, log piles, pallets of cricks, a container, machinery parts, tractor tyres, metal sheets and wooden pallets strewn around the site which is open to the public road along its entire length. Mature trees and a stream abuts the SW boundary, beyond which is a forested area to the west and south. The NW boundary is not clearly defined and is open to a larger agricultural field.

Land in the area is mostly agricultural grazing, with dispersed single dwellings and farm holdings. Opposite the site is a single storey dwelling which is within control of the applicant. There are no other dwellings within the immediate vicinity of this rural and secluded setting.

Planning Assessment of Policy and Other Material Considerations

Planning Act 2011

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

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

Area Plan

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

Dungannon and South Tyrone Area Plan 2010 (DSTAP)- this is the extant area plan for the area. This proposal is not located within any settlement limit and is in the open countryside. The site has no particular land use designation in the Area Plan.

Key Planning Policy

SPPS- Strategic Planning Policy Statement for NI
 PPS 21 Sustainable development in the countryside
 PPS3- access, movement and parking
 PPS2- Natural Heritage

Relevant Planning History

An enforcement case was opened on this site in 2019. This planning application has been submitted in response to this case and further enforcement proceedings suspended pending the outcome of this application. There are no other relevant planning histories on this site.

Third Party Representations

No objections have been received on this application. I am satisfied that the proposal has been advertised and neighbour notification carried out in accordance with Council's statutory duties.

Consultee responses

DfI Roads require additional information to show parking provision and servicing areas within the site.

NIEA require a full drainage plan and land contamination information. The agent also has to provide a biodiversity checklist.

SES require the same information as NIEA so that they can complete their Habitats Regulation Assessment.

Environmental Health no objection

NIW no objection

Rivers Agency were consulted and raise no objection to the proposal.

Consideration

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.

Paragraph 5.27 states that planning authorities should be guided by the principle that sustainable development should be permitted...unless the proposed development will cause demonstrable harm.

In support this proposal the applicant has provided a Supporting Statement on 25/11/2020 which contains the applicants farm business ID number, details of lands owned by the applicant and a case for how the proposal meets the policy requirements of CTY11 Farm Diversification policy of PPS21. I request from the agent on 25/11/2020 a P1C form so that I could consult with DAERA, and sent a reminder 26/02/2021 but to date have not received this.

The proposal is for the retention of change of use of former farm shed to engineering works. I consider that policy CTY 11 of PPS21 is the appropriate policy in which to consider this proposal.

As the applicant has not provided a P1C form so that consultation with DAERA can take place, there is insufficient information to demonstrate that the applicant's farm holding is both established for a period of 6 or more years and is currently active. In the statement of case provided by the agent, there is a strong case put forward that this is likely to be the case, however this has not been confirmed by DAERA.

In the statement of case the agent states that the applicant carries out repairs to farm machinery in the surrounding area, as well as being metal fabricators. In my view, if there is a financial link to the farming business then I am of the view that the proposal could be considered as being run in conjunction with the farming business. There is no clarification within the justification or amplification of CTY11 of what 'in conjunction' means and a very liberal application of this term has been applied by Mid Ulster Council in the past.

The applicant states that the smaller shed is retained in agricultural use. This is a very confined site and DfI Roads require additional information to ensure that parking and servicing of the site can be achieved for both the engineering operations and the existing agricultural operations on site. I requested this information on 16/11/2020 and nothing has been provided by the agent to date to address these issues. Therefore it is difficult to say that this business can be run in conjunction with the farming operations on site without this information.

This is a roadside frontage plot in the countryside with an open roadside boundary. There is a lot of machinery and materials strewn around the site which is somewhat unsightly. The block plan provided does not show how the site will be laid out, and for this reason I am of the view that the proposal is not of a character that is appropriate to its rural location. The scale is modest however adhoc storage of material throughout the site is in my view detrimental to the character of this area of countryside.

A stream flows along the western boundary of the site. On the day of my site visit there was torrential rainfall. When I went to the rear of the building I noticed a diesel generator and diesel sludge was leaking towards the stream. For this reason I consulted NIEA and

SES for comment on potential impacts on the natural environment. NIEA and SES require a full drainage assessment and land contamination information. I requested this from the agent on 25/11/2020 and again in a final reminder on 26/03/2021. No information is forthcoming so I cannot determine the impact of this proposal on the natural environment. There is no identified build heritage or monument interest in the area.

The only dwelling close to the business is in ownership or control of the applicant. I consulted with Environmental Health and they have no concern that the proposal will result in detrimental impacts on the amenity of nearby residential dwellings, part (d) of CTY11 is met.

In my view the proposal integrates into the landscape given the mature boundary to the west and the backdrop of a larger forested area. The building has the appearance of an agricultural building and is of a modest size and scale and groups with the existing holding (as it was once part of it). I am satisfied that the building does not offend policies CTY13 or 14 of PPS21.

PPS3 Access Movement and Parking

In my view the agent has not demonstrated that parking and servicing of both land uses on this restricted site can be achieved. The proposal is contrary to policy AMP2 of PPS3 as there is insufficient information to demonstrate that sufficient parking and servicing can be achieved and could therefore pose a risk to road safety.

PPS2 Natural Heritage

As assessed under part (c) of CTY11 above, the agent has not supplied sufficient information to demonstrate that the proposal will not have a detrimental impact to natural heritage interests and should be refused for lack of information.

Neighbour Notification Checked: **Yes**

Summary of Recommendation:

That planning permission be refused for the following reasons;

Reasons for Refusal:

1.The proposal is contrary to PPS21 Sustainable Development in the Countryside Policy CTY11 Farm Diversification in that there is insufficient information provided to demonstrate the following;

- that the farm business has been established for a period of 6 years and is currently active and a P1C form and full suite of farm maps have not been provided;
- that the proposal can be run in conjunction with farming operations on the site in terms of parking, manoeuvring and servicing of vehicles and no information has been supplied to show parking and movement of vehicles on site for both landuses;
- that materials can be stored in an orderly fashion within a portion of the site that will not cause detriment to rural character;
- that the proposal will not have a detrimental impact on natural heritage and a full drainage plan and land contamination information has not been provided.

2. The proposal is contrary to PPS3 Access, Movement and Parking as insufficient information has been provided to demonstrate that there is sufficient space on site to allow for the safe parking and manoeuvring of vehicles for both landuses which could result in a risk to road safety.

3. The proposal is contrary to PPS2 Natural Heritage in that insufficient information has been provided to demonstrate that the proposal will not result in detrimental impacts to interests of natural heritage importance.

Signature(s)

Date:

ANNEX	
Date Valid	27th July 2020
Date First Advertised	11th August 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 28 Slatmore Road, Clogher, Tyrone, BT76 0HQ	
Date of Last Neighbour Notification	25th August 2020
Date of EIA Determination	
ES Requested	Yes /No
Notification to Department (if relevant): NA 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: LA09/2020/1093/F	Target Date:
Proposal: Proposed Agricultural general purpose storage shed for agricultural plant & Machinery	Location: Adjacent to 68 Lurgylea Road Dungannon BT70 2NY
Referral Route: This proposal fails to meet the fundamental prerequisite of CTY 12 in PPS 21.	
Recommendation:	Refusal
Applicant Name and Address: James Gerard McElroy 68 Lurgylea Road Dungannon	Agent Name and Address: Paul McMahon Cottage Studios Gortrush Great Northern Road Omagh BT78 5EJ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Characteristics of the Site and Area

This application site is located adjacent to No 68 Lurgeylea Road, approximately half a kilometre north of Cappagh village. It is located in the countryside as is identified in the Dungannon and South Tyrone Area Plan (DSTAP). The surrounding area comprises a winding network of narrow roads which traverse the undulating elevated countryside. Dwellings are dispersed along the roadside or laneways of farm holdings.

The site is a square plot cut out of a larger agricultural field which extends to the north, east and west. It sits 10 metres west of No 68 Lurgylea Road, a 2 storey dwelling which is accessed via a laneway approximately 300 metres from the roadside. The application site is slightly elevated above this part of the Lurgylea Road and to the north of the site at a more elevated position is another laneway off the Lurgylea Road which leads to a quarry. The access laneway is bound by a 1 metre high close board fence in front of No 68 and post and wire fence for the remainder with hedgerow along the eastern boundary of the lane.

The site is undefined on the ground except for the eastern boundary which defines the curtilage of No 68. Here a close board fence defines this boundary as the land rises to the north. Adjacent to it and within the curtilage of the dwelling is a small shed.

Alongside this and within the site at a higher level is a lorry container which appears to be utilised for storage. A small section of the site including this container is fenced off from the rest of the site by post and wire fence.

Planning History

There is no relevant planning history associated with this site.

Description of Proposal

This application seeks full planning permission for a Proposed Agricultural general purpose storage shed for agricultural plant & Machinery on land Adjacent to 68 Lurgylea Road, Dungannon.

It measures 15 metres long, 10 metres wide and has a ridge height of 5.1 metres FGL. The front elevation which faces eastwards towards the dwelling has an access door in the centre with 2 green roller shutter doors either side measuring 2.9 metres high and 3.5 metres wide. The gables facing north and south have no openings and there is 1 roller shutter door on the rear western elevation.

Planning Assessment of Policy and Other Material Considerations

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

Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise. The Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. 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, which in this instance is the Dungannon and South Tyrone Area Plan.

The Strategic Planning Policy Statement (SPPS) published in September gives provision for Agriculture and Forestry Development, subject to a number of policy provisions. As it

does not present any change in policy direction with regards to this type of development, the prevailing policies are applicable.

As this application site is located in the rural countryside, outside of any designated settlement development limit identified in DSTAP, the relevant policy context is provided by Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21).

Policy CTY 1 of PPS 21 lists a range of types of development which in principle are considered acceptable in the countryside and 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 conforms to a number of criteria.

Firstly it must be determined the applicant has an established agricultural farm or forestry holding and is active prior to assessing if it 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.

The applicant submitted a DARD Farm Map which had a farm business ID number on it and details of the applicant's Sheep Herd Register information.

The Department for Agriculture, Environment and Rural Affairs (DAERA) confirms that the applicant's Business ID number was established on 03/05/2016 and claims were made in 2019 and 2020. This demonstrates the farm holding falls short of the 6 years requirement.

The agent was requested to provide evidence of farm business activity and why this proposal was essential for the efficient running of the farm business. Two invoices were provided, one for hedge cutting in February 2014 and another for digger work in August 2015. A Sheep Herd Register was submitted as part of this application, however there was no information provided as to the number of livestock the applicant has and they were not visible on the applicant's land. The applicant's farm holding comprises a total of 4.79 hectares all of which surround this application site. It appears there are 3 sites which at a time would have been encompassed within this field which is the only parcel of land owned and farmed by this applicant. Foundations appear to have been laid for these 3 individual dwellings which may insinuate that development has commenced.

Although it has been demonstrated this proposal fails to meet the fundamental criteria of this policy, for the benefit of the Members I will continue to assess this proposal against the subordinate criteria of Policy CTY 12.

- The proposed development is necessary for the businesses efficient use;
In justification for this agricultural shed, the agent provided information stating it was necessary as there are no buildings on the farm. The applicant's plant and machinery are sitting outside and thus this building is required to securely store them.
It was noted during the site visit there were numerous plant and machinery scattered around the surrounding land, however I am not convinced the said machinery is for the efficient use of this applicant's farm holding which is not of a medium or large scale.
Neither have I been convinced this proposal is necessary for the efficient running of a farm holding of this size and nature, notwithstanding the issues of length of establishment and activity as discussed above.

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

This shed would have a footprint of 150 metres squared and a ridge height of 5.1 metres FGL. It is typical of an agricultural building and I am satisfied the scale and design of this proposal is appropriate in this area.

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

This shed would read with the farm dwelling however there are no boundaries natural boundaries to enclose this building. As this building is set back well from the road and the elevated land beyond it to the north of the site would provide a backdrop, thus adding its integration into the surrounding area.

- 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. Due to the positioning of this shed at adjacent to the applicant's dwelling and at the end of a private laneway, I am satisfied there are no occupied dwellings in close proximity to the proposal and therefore it will not result in detrimental impact on residential amenity.

CTY 12 goes on to state that 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 design and materials to be used are sympathetic to the locality and adjacent buildings; and
- the proposal is sited beside existing farm buildings.

I am content, based on the information submitted, there are no buildings on the applicant's farm holding and therefore none to site the shed beside. The materials proposed are typical of an agricultural building and are therefore suitable and acceptable on this application site.

Policy CTY 13 Integration and Design of Buildings in the Countryside and Policy CTY 14 Rural Character of PPS 21 are also relevant to this proposal. These policies require development to be appropriately designed and integrated into the surrounding landscape to ensure the rural character of the area is not harmed. It is considered the design and materials of this proposed agricultural shed are typically traditional to farm buildings and are acceptable in that respect. The backdrop provided by the elevated land aids its integration into the locality without detrimental impact.

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. I have no concerns regarding the siting of this agricultural shed as it is the first building on the farm holding and of a design typical of the surrounding area.

Consultations and Representations

The applicant has indicated in the application form they propose to utilise an existing access onto the Lurgylea Road. DFI Roads were consulted on this application and they requested the applicant submit amended drawings showing the visibility splays of 2.4 metres by 60 metres in both directions and a forward sight distance of 60 metres. They stated the hedge/fence line needs to be moved back in order to provide the 2.4 metre X-distance and their assessment was based on up to 60 vehicles per day as Q 25 in the P1 form was not fully completed. The amended drawings showing the visibility splays were submitted and Q27 of the P1 form was amended to include Certificate C. DFI Roads were reconsulted and clarity as to whether the machinery to be stored in the proposed shed relates to current farm activities or activities not associated with the applicant's farm. This issue could be controlled by a condition attached to any approval restricting the use of the building solely to the storage of the applicant's farm plant/machinery.

This application was advertised in the local press and one neighbour was notified, in line with the Council's statutory duty. No objections were received for this application.

I have no concerns about any significant detrimental impacts in terms of neighbour amenity including, overshadowing, dominance or privacy concerns as the shed is to be sited adjacent to the applicant's dwelling, of which he is the registered owner of the farm business this agricultural shed is applied for. It is also a reasonable distance away from any other neighbouring properties.

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

Neighbour Notification Checked	Yes
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Summary of Recommendation:

Having considered the criterion set out in PPS 21, this proposal fails to meet the fundamental prerequisite of CTY 12 on which the subsequent criteria are to be assessed against. It has not been demonstrated the applicant's farm holding is active and has been established 6 years or more, therefore refusal is recommended.

Reasons for Refusal:

1. The proposal is contrary to Policy CTY 12 of PPS 21 in that it has not been demonstrated the farm business associated with this application is active and established over 6 years.

Signature(s)

Date:

ANNEX	
Date Valid	10th September 2020
Date First Advertised	22nd September 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 68A Lurgylea Road, Galbally Dungannon, Tyrone,BT70 2NY	
Date of Last Neighbour Notification	15th October 2020
Date of EIA Determination	
ES Requested	No
Planning History	
Summary of Consultee Responses	
Drawing Numbers and Title	
Drawing No. 01 Type: Site Location Plan Status: Submitted Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted	
Notification to Department (if relevant) Date of Notification to Department: Response of Department:	



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1205/F	Target Date:
Proposal: Proposed farm shed for the secure storage of farm machinery and to enable the safe treatment of sick or injured animals.	Location: Approx. 150m NW of 53 Ballybeg Road Coalisland.
Referral Route: Recommendation to refuse	
Recommendation:	Refusal
Applicant Name and Address: Tony McBride 53 Ballybeg Road Coalisland	Agent Name and Address: CMI Planners LTD 38 Airfield Road Toomebridge
Executive Summary: Contrary to policies CTY12, 13, 14 and 8 of PPS21 (see full reasons for refusal towards end of report).	
Signature(s):	

Case Officer Report

Site Location Plan



Representations: None Received

Description of proposal

This is a full planning application for a proposed farm shed for the secure storage of farm machinery and to enable the safe treatment of sick or injured animals.

Characteristics of site and area

This is a large site measuring almost 1 ha, cut out of the center of a larger agricultural field, with access from Ballybeg Road and is located approx.. 4 miles east of Coalisland within Mid Ulster District Council area. NW and SE boundaries are not clearly defined and are open to the larger field. Boundaries to the NE are defined by tree lined hedgerows. The roadside boundary is defined by mature hedgerow and an agricultural field gate. Levels within the site are undulating.

To the south and east of the site is a 2 storey dwelling and garage within control or ownership of the applicant. Further east is a farm holding set back from the public road. To the south there is a farm holding and associated farm buildings at roadside. The area is rural in character and is defined mostly by agricultural grazing land and dispersed single dwellings and farm holdings.

Planning Assessment of Policy and Other Material Considerations

Planning Act 2011

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

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

Area Plan

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

Dungannon and South Tyrone Area Plan 2010: this site is located in the countryside where the SPPS and PPS21 apply. The site is not currently zoned.

Key Planning Policy

SPPS Strategic Planning Policy Statement
PPS21 Sustainable Development in the Countryside
PPS3 Access Movement and Parking

3rd Party Objections

No objections or other representations have been received. I am satisfied that the proposal has been advertised and that proper neighbour notification has been carried out in accordance with Council statutory duties.

Relevant site history

No relevant site history.

Consideration

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

Policy CTY 1 of PPS21 allows a number of types of development in the countryside including policy CTY12 Agricultural and Forestry Development states that planning permission will be granted for development on an active and established agricultural or forestry holding where certain criteria are met.

Therefore before assessing the proposal against any of the 5 criteria it is important to establish if the holding is active and established. For the purposes of this policy the determining criteria for an active and established business is that set out under Policy CTY 10.

To demonstrate that the farm business is currently active and has been established for at least 6 years the agent provided a supporting e-mail has been provided by the agent

which quotes a farm business ID (ABIN), flock number and herd number. In the e-mail there is also maps included of the applicants holding, but these are not registered Farm Maps issued by DAERA. The agent has indicated that the ABIN number has only been in existence from 2017 and therefore has not been established for a period of 6 years which is required by policy. The agent states that as the proposal is for a new entry farmer that it would be unreasonable to refuse the application on these grounds. The agent also stated that the applicant has 110 sheep in his flock number. I have sent a consultation to DAERA seeking their views on the information provided and am still awaiting their response. Should DAERA confirm that the applicant has a current herd or flock, and the proposal is for animal shelter during winter months, then I find it reasonable to allow the building even though the ABIN has not been established for a period of more than 6 years. Members have been sympathetic with new entry farmers in such cases and precedent has been set in these circumstances.

My concern with this proposal is its location from the applicants dwelling. The building has a semi-industrial appearance and will be accessed via a new access which traverses an open field. Hedgerow along the roadside will be cleared to provide visibility splays. The shed will be sited in the middle of an open field approx. 120m from the applicants dwelling, and in my view the building will look like a separate planning unit, and will not reflect the traditional farming unit that is prevalent in this area and throughout the NI countryside. This sizable building and ancillary access will not integrate into the landscape. The agent in his supporting e-mail states that the building will be sited in its proposed location to be away from neighbouring dwellings where the applicant can utilise and grow his business without detriment to neighbours. The neighbouring dwellings are both surrounded by farm buildings and are on the opposite side of the applicants dwellings. I find that if the proposed building was sited beside the applicant's dwelling to the west, that there would be sufficient separation distance from these properties for there to be any detrimental impacts to amenity. Given that these nearby properties are also involved in agriculture and are surrounded by existing agricultural buildings in a traditional farm layout, I do not feel that the agent's arguments for separation makes sense in this particular case. There is also sufficient of land to the west for the business to expand. The proposal does not meet criteria (b) and (c) of CTY12.

The agent states that the building will be used for storage of machinery, and that only a small portion of the site will be used for penning and shelter of animals. There are no identified natural or built heritage interests in this location. I do not believe that the proposal will have a detrimental impact on interests of natural or built heritage importance.

The proposal is of a sufficient distance for there to be any detrimental impacts associated with this proposal on residential amenity. The 2 closest dwellings not associated with this proposal are also involved in agriculture and are located away from the applicant to the east and south.

CTY12 then goes on to say that a new building will be allowed where there are no suitable existing buildings on the holding that can be used, where design and materials to be used are sympathetic to the locality and adjacent buildings and the proposal is sited beside existing farm or forestry buildings. The agent makes it clear that this is the first agricultural building for a new entry farmer. As stated above I do not feel that the

new building is sited close enough to the applicants dwelling and the arguments provided by the agent do not meet the exceptions test for buildings sited away from the farm dwelling.

I do not feel that the proposed building is located at an appropriate location, and the appearance of the building is semi-industrial in nature with a large roller shutter door and, and two small exit doors to the rear. This building and access does not integrate into the landscape and in my view would have a detrimental impact to the character of this area of countryside and is contrary to both CTY 13 and 14 of PPS21.

The building and separate access will also create a ribbon of development along this stretch of road when it is read with No. 53 Ballybeg Road to the south, and is contrary to CTY8 of PPS21.

PPS3 Access, Movement and Parking

DfI Roads have provided comment on the proposed access and raise no objection to the proposal subject to conditions. I am not concerned that the proposal will pose a road safety risk.

Other Considerations

There is no land contamination issues at present on this site and no concern has been raised by any consultees in this regard.

The site is not located within a flood plain and is unlikely to cause flooding elsewhere. There will be no overlooking or overshadowing of neighbouring property.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That the proposal is refused for the following reasons;

Reasons for Refusal:

1.The proposal is contrary to policy CTY12 Agricultural and Forestry Development, and subsequently CTY1, of PPS21 in that;

-it has not been demonstrated that the farm business has been established for a period of 6 or more years;

-in terms of character and scale it is not appropriate to it's location;

-it will not visually integrate into the local landscape;

-it has not been demonstrated that the location away from the farm dwelling is essential for the functioning of the farm or that there are demonstrable health and safety reasons.

2. The building and associated access is contrary to policy CTY13 Integration and Design of Buildings in the Countryside, and subsequently CTY1, of PPS21 in that;

-the site lacks long established natural boundaries and is unsuitable to provide a suitable degree of enclosure for the building to integrate into the landscape;

-it relies primarily on the use of new landscaping for integration;

-ancillary works, specifically the new access laneway, do not integrate with their surroundings.

3. The building and associated access is contrary to policy CTY14 Rural Character, and subsequently CTY1, of PPS21 in that;
-it does not respect the traditional pattern of settlement exhibited in that area;
-it will create a ribbon of development;
-the impact of the ancillary works would damage rural character;
And as such will cause a detrimental change to the rural character of the area.

4. The building and associated access is contrary to policy CTY8 Ribbon Development, and subsequently CTY1, of PPS21 in that it will result in the creation of ribbon development.

Signature(s)

Date:

ANNEX	
Date Valid	2nd October 2020
Date First Advertised	13th October 2020
Date Last Advertised	
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): NA Date of Notification to Department: Response of Department:	



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1428/F	Target Date:
Proposal: Proposed new pitch observation stand & strength & conditioning gym for Aghaloo O'Neill's GFC. Proposed walking / running trail around perimeter of grounds. Minor alterations to existing GAA changing rooms comprising internal reconfiguration of rooms including proposed new server hatch between kitchen & committee room, the installation of toilet cubicle style privacy screens in shower rooms and the alteration of existing shared toilets / showers to provide separate facilities.	Location: Aghaloo O'Neill's GFC Club House Monaghan Road Aughnacloy BT69 6HU
Referral Route: A Committee Member of the applicant Aghaloo GFC is also an elected member of Mid Ulster Council.	
Recommendation:	Approval
Applicant Name and Address: Aghaloo O'Neill's GFC Club House Monaghan Road Aughnacloy BT69 6HU	Agent Name and Address: Blackbird Architecture Ltd 4 Glenree Avenue Dungannon BT71 6XG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

This application site is located within the flood plain and outside of the development limits of Aughnacloy but is zoned as an Area of Existing

Characteristics of the Site and Area

This application site is located at Aghaloo GFC, Aughnacloy. It occupies an area around the perimeter of the site and includes the clubhouse along with a parcel of land between the main pitch and the training pitch. The site sits to the west of the Monaghan Road, just outside of and immediately adjacent to the settlement limits of Aughnacloy as identified in the Dungannon and South Tyrone Area Plan (DSTAP). Although the site is located in the rural countryside, the entire site has been zoned as Existing Recreation and Open Space in the plan.

The main pitch is parallel to the southern boundary, beyond which lies the River Blackwater which defines the land border with the Republic of Ireland. The site continues along the riverside for part of the western boundary where at the training pitch the boundary is then defined by hedgerow. The eastern boundary of the site runs below and alongside the Monaghan Road with a gravel/stoned parking area in the south eastern corner of the grounds. The clubhouse is a single storey building which sits parallel to the road almost in the middle of the site. The entrance to the grounds is located close to the clubhouse and comprises stone walls with palisade fencing marking the perimeter of the site and the adjacent public footpath.

Planning History

In February 2009, application M/2008/1324/F was granted permission for a new training pitch with running track, (around perimeter of site) associated floodlighting, perimeter fencing & path around

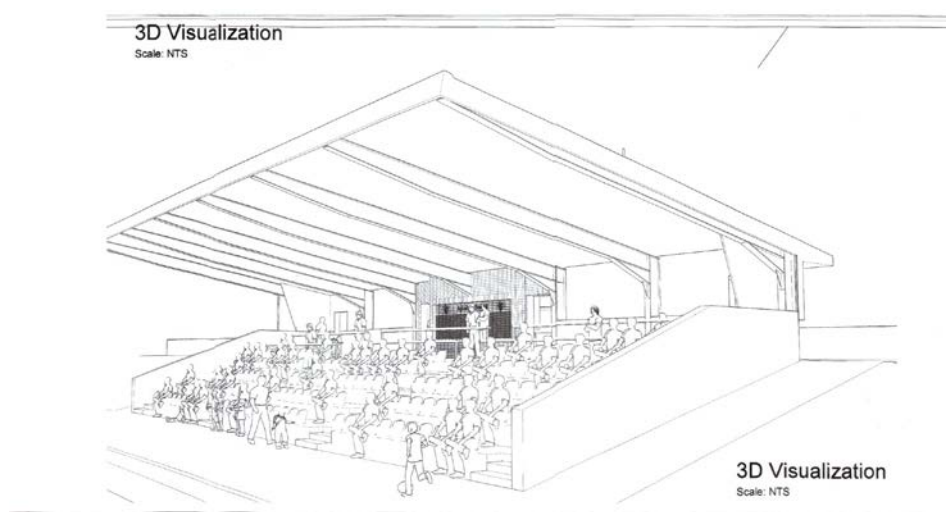
M/2003/0064/F was granted permission in May 2003 for the provision of new entrance wall, gates and fencing to existing entrance/internal fencing and gates and additional parking.

Description of Proposal

This planning application includes a number of different components at the Aghaloo O'Neill's Gaelic Football Club (GFC) including,

- a) New pitch observation stand
- b) Strength & conditioning gym
- c) Walking / running trail around perimeter of grounds.
- d) Minor alterations to existing changing rooms

New pitch observation stand



The new spectator stand will be sited on a parcel of land to the rear of the goalposts of the training pitch and facing the main pitch to the south. This proposed stand will have 7 different levels as it slopes down to pitch level, with a difference of 3.5 metres from its entrance to the sideline. It measures 24 metres in length and is 10.5 metres deep, with the cantilevered roof having a maximum height of 7.1 metres from pitch level.

This stand will create space for 66 spectators standing and a wheelchair area, as well as 165 seats. It is divided into 3 sections with 4 sets of steps amongst them. The rear elevation will see a covered entrance area in the centre which is recessed some 1.5 metres. Either side of this main access point are 2 storage areas for the Club's equipment with 2 more entrances at each corner. The finishes of grey/red steel columns, dark grey steel roof cladding and doors with smooth red painted render walls.

Strength & Conditioning Gym

This proposed new strength and conditioning gym is a new building sited north of the clubhouse which will be linked to it via a small flat roofed lobby area measuring 3.5 metres at its entrance. This building measuring 11.5 metres at its widest and 13.5 metres in length is not aligned with the existing clubhouse as it is orientated at an angle. It has a ridge height of 6 metres FGL and the roof being larger than the building creates a covered area around the northern and western elevations.

The eastern front elevation will have 3 narrow strips of glazing while the western elevation facing the training pitch will see 3 large window features and an access door. The northern elevation will also have a large 6.2 metre picture sliding door and a regular door. These doors will allow access to a covered outside area which will facilitate an enclosed outdoor gym space and a covered area for observation of the training pitch at the western side.

The finishes include dark grey roof panelling, aluminium rainwater goods, black aluminium windows and smooth painted render walls. A number of grey columns will help form the covered outdoor areas. A section of the upper hardcore upper parking area will require some modifications to the north and east of this new building.



Walking / Running Trail

The designated walking/running track will be just over 1 kilometre. It is worth noting a track in this same position was granted approval as part of application M/2008/1324/F.

Minor alterations to existing Changing Rooms

The minor alterations to the changing rooms includes the internal reconfiguration of rooms. A new server hatch between kitchen & committee room is proposed, the installation of toilet cubicle style privacy screens in shower rooms and the alteration of the existing shared toilets and showers to provide separate facilities.

Planning Assessment of Policy and Other Material Considerations

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

Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.

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

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.

This application site lies within the Countryside Policy Area as defined in the Dungannon and South Tyrone Area Plan (DSTAP) and development is therefore to be considered under PPS21 - Sustainable Development in the Countryside. In DSTAP 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.

Policy OS3 - Outdoor Recreation in the Countryside in PPS 8 sets out eight criteria which are to be taken in to consideration when determining this application.

(i) There is no adverse impact on features of importance to nature conservation, archaeology or built heritage.

There are no archaeology or built heritage features on site or in close proximity to be impacted by this proposal. A Habitats Regulations Assessment (HRA) was conducted to determine any potential impact this proposal may have on Special Protection Areas, Special Areas of Conservation and Ramsar sites. This was assessed in accordance with

the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). The outcome of this HRA is this proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites. I am content that given the proposed development in this application will all be located within the grounds of an existing GFC, it should not have any significant adverse impact on any conservation interests.

(ii) There is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities.

No additional land is required for any of the components of this development proposal, which will be located within the curtilage of the Aghaloo GFC grounds.

(iii) There is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography.

Whilst it is noted the addition of the new gym building will increase the amount of floorspace associated with the club and the spectator stand, I am content that the scale, massing, design and external materials of the proposed development are sympathetic with the built form and appearance of the existing building. Furthermore, I believe the extensive grounds of Aghaloo GFC does have the capacity to absorb this new building and stand without detracting from the appearance and character of the existing premises or the area. When travelling along the A5 towards Monaghan, there are limited views of the site until the entrance is approached. As this is located close to a bend even these views would be fleeting. When travelling north towards Aughnacloy village, the clubhouse is currently visible which would result in part of the gym building also being visible. However hedgerow just beyond the stone entrance and palisade fencing encloses the site from the Monaghan road thus preventing views into the grounds.

(iv) There is no unacceptable impact on the amenities of people living nearby.

There are no dwellings in close proximity to the Aghaloo GFC grounds which could be impacted by the proposed development to any unreasonable degree.

(v) Public safety is not prejudiced and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed.

The new walkway in this proposal will be beneficial to the wider public as it will provide a safe place to walk/exercise off the road network. The development proposed in this application is compatible as the entire site at Aghaloo GFC is zoned in DSTAP as an Existing Recreation and Open Space Area.

(vi) Any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment.

The function of and need for the spectator stand means its siting is quite limited to where the best obtainable view of action on the pitch can be experienced. I am content the

contemporary design of the new proposed new gym building and outdoor covered area has taken the existing building into consideration while also respecting it. When travelling along the A5 towards Monaghan, there are limited views of the site until you near the entrance. As this is located close to a bend in the road, any views of this proposal would be fleeting. When travelling northwards towards Aughnacloy village the new building would be visible, however I am not concerned it will appear prominent. The existing hedgerow along the footpath after the entrance and palisade fence provides enclosure to the site thus preventing open views into the site. The stand will also be briefly visible when travelling from this direction but the existing clubhouse at a higher level will obscure the bulk of it and its location well below road level will certainly aid its absorption into the site. I am not concerned the new development will be obtrusive and am satisfied it will effortlessly integrate into the existing grounds, providing state-of-art facilities for the local community.

(vii) The proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car.

This proposed development provides for disabled visitors. The location of the grounds outside of and adjacent to the settlement limit of Aughnacloy means it is connected to the town via pavement.

DfI Roads were consulted and as all the works are internal they have no concerns as it doesn't seem to impact the current in curtilage parking facilities.

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

All the development within this proposal, the gym, walkway and spectator stand will be used ancillary and in association with the existing Aghaloo O'Neill's GAC. This application will not create any additional increase in attendance and therefore it will not have any detrimental impact.

Due to the proximity of this site to the River Blackwater which flows adjacent to the southern and western site boundaries and the Aughnacloy River flowing adjacent to the western boundary, a Flood Risk Assessment was submitted as part of this application and Rivers Agency were consulted.



Rivers Agency responded confirming part of the proposed development lies within the 1 in 100 year fluvial flood plain. PPS 15 Planning and Flood Risk (Revised) aims to prevent future development that may be at risk from flooding or which may increase the risk of flooding elsewhere.

FLD 1 - Development in Fluvial and Coastal flood plains states there is a presumption against development here unless it is deemed an exception. Although there will be a localised 14 mm increase in flood level adjacent to the proposed stand, this will dissipate within the site boundary demonstrating there will not be an increase in flood risk to third party land outside of the site. The risk of flooding is mitigated in the form of flood resilient construction and a Flood Risk Management Plan, therefore complying with FLD 1.

In order to comply with FLD 2 - Protection of Flood Defence and Drainage Infrastructure a maintenance strip is required due to the proximity of The River Blackwater and the Aughnacloy River. This strip must be level, identified on all drawings and be protected from any impediments, allowing clear access and egress to be provided at all times. Following discussion with Rivers Agency, the agent submitted amended drawings detailing the provision of a 10 metre wide unobstructed maintenance strip to the side of the River Blackwater and a 5 metre wide maintenance strip along the Aughnacloy River. These maintenance strips can be attached as a Condition to any approval.

This application was advertised in the local press and neighbouring properties were notified as is the statutory duty of the Council and there were no third party objections have been received.

The agent identified in Question 26 of the P1 form that a Committee Member of Agahaloo GFC is also an elected member of Mid Ulster Council. Therefore this application does is exempt from the Scheme of Delegation and therefore must be decided by the Planning Committee.

Neighbour Notification Checked

Yes

Summary of Recommendation:

I am content this application complies with the policy provisions of the Strategic Planning Policy Statement, Dungannon and South Tyrone Area Plan, Policy OS3 in PPS 8 - Open Space, Sport and Outdoor Recreation along with Policies FLD 1 and FLD 2 in PPS 15 Planning and Flood Risk. Therefore I recommend this application is granted approval.

Conditions

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

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

2. The provision of a Maintenance Strip as detailed in Drawing No 02 REV 1 date stamped 11th May 2021, must be provided prior to the commencement of any

development and permanently protected from any impediments, allowing clear access and egress should be provided at all times

Reason: To ensure there is a satisfactory means of access for DFI Rivers.

Informatives

This notice relates to Drawing Nos 01, 03, 04, 05 and 06 which were received on 16th November 2020 and Drawing No 02 REV1 which was received on 11th May 2021.

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.

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.

Under the terms of Schedule 6 of the Drainage (Northern Ireland) Order 1973 the applicant must submit to DfI Rivers, for its consent for any proposal to carry out works which might affect a watercourse such as culverting, bridging, diversion, building adjacent to or discharge of storm water etc. Failure to obtain such consent prior to carrying out such proposals is an offence under the aforementioned Order which may lead to prosecution or statutory action as provided for.

Signature(s)

Date:

ANNEX	
Date Valid	16th November 2020
Date First Advertised	1st December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 12a Monaghan Road Aughnacloy The Owner/Occupier, 17 Monaghan Road Aughnacloy Tyrone The Owner/Occupier, 28 Monaghan Road Aughnacloy Tyrone	
Date of Last Neighbour Notification	2nd March 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: M/2008/1324/F Proposal: Proposed new training pitch with running track, (around perimeter of site) associated floodlighting, perimeter fencing & path around Address: Aghaloo GFC Football Grounds, Monaghan Road, Aughnacloy Decision: Decision Date: 13.02.2009 Ref ID: M/1987/0717 Proposal: IMPROVEMENTS TO PLAYING FIELDS Address: MONAGHAN ROAD, TULLY, AUGHNACLOY Decision: Decision Date: Ref ID: LA09/2020/1428/F Proposal: Proposed new pitch observation stand & strength & conditioning gym for Aghaloo O'Neill's GFC. Proposed walking / running trail around perimeter of grounds. Minor alterations to existing GAA changing rooms comprising internal reconfiguration of rooms including proposed new server hatch between kitchen & committee room, the installation of toilet cubicle style privacy screens in shower rooms and the alteration of existing shared toilets / showers to provide separate facilities. Address: Aghaloo O'Neill's GFC Club House, Monaghan Road, Aughnacloy, BT69 6HU, Decision: Decision Date: Ref ID: M/1976/0334	

Proposal: SITE FOR PLAYING FIELD

Address: TULLY, AUGHNACLOY

Decision:

Decision Date:

Ref ID: M/1991/6058

Proposal: Todd Service Station Aughnacloy

Address: Aughnacloy

Decision:

Decision Date:

Ref ID: M/1980/0542

Proposal: IMPROVEMENTS TO DWELLING

Address: 17 MONAGHAN ROAD, AUGHNACLOY

Decision:

Decision Date:

Ref ID: M/1984/0010

Proposal: EXTENSION AND ALTERATIONS TO TYPE AND MOTOR SUPPLIES PREMISES

Address: MONAGHAN ROAD, AUGHNACLOY

Decision:

Decision Date:

Ref ID: M/1994/0228

Proposal: Erection of changing rooms

Address: APPROX 190M NORTH OF 28 MONAGHAN ROAD, AUGHNACLOY.

Decision:

Decision Date:

Ref ID: M/2003/0064/F

Proposal: Provision of new entrance wall, gates and fencing to existing entrance/internal fencing and gates and additional parking

Address: Approx. 190 Metres North of 28 Monaghan Road, Aughnacloy

Decision:

Decision Date: 09.05.2003

Ref ID: M/1974/0084

Proposal: LV/MV O/H LINE

Address: TULLY, DUNGANNON

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 04
Type: Proposed Floor Plans
Status: Submitted

Drawing No. 05
Type: Proposed Plans
Status: Submitted

Drawing No. 06
Type: Proposed Plans
Status: Submitted

Drawing No. 07
Type: Existing Plans
Status: Submitted

Drawing No. 08
Type: Existing Plans
Status: Submitted

Drawing No. 03
Type: Proposed Floor Plans
Status: Submitted

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

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1443/O	Target Date:
Proposal: Proposed dwelling on a farm (CTY 10)	Location: Adjacent to 34 & 36 Ferry Road Derrylaughan Dungannon
Referral Route: Approval – exception to CTY 10, not sited to cluster with existing “group” of buildings on the farm.	
Recommendation:	Approval
Applicant Name and Address: Aodhan Corr 34 Ferry Road Derrylaughan Dungannon BT71 4QT	Agent Name and Address: J. Aidan Kelly Ltd 50 Tullicullion Road Dungannon BT70 3LY
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	NIEA	Substantive Response Received

Representations:	
Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Summary of Issues Not sited with established group of buildings on the farm. There were no representations received.	
Characteristics of the Site and Area The site is located adjacent to No 34 and 36 Ferry Road, Derrylaughen. The red line of the site comprises of a portion of a larger agricultural field which is set back a considerable distance from the roadside and the access arrangement which includes a section of existing laneway. The site sits on an elevated location when view from Ferry Road. There is existing farm buildings to the east of the site however are not within the ownership of the applicant but there are a number of agricultural fields surrounding the site and a single dwelling south of the site which is outlined in blue, indicating ownership. 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 a dwelling on a farm.	
Planning Assessment of Policy and Other Material Considerations <u>Planning History</u> There is not considered to be any relevant planning history associated with this site. <u>Representations</u> Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 32, 34 and 36 Ferry Road. At the time of writing, no third party representations have been received. <u>Planning Assessment of Policy and Other Material Considerations</u> <ul style="list-style-type: none"> • Dungannon and South Tyrone Area Plan 2010 • Strategic Planning Policy Statement (SPPS) • PPS 21: Sustainable Development in the Countryside • PPS 3: Access, Movement and Parking • Local Development Plan 2030 - Draft Plan Strategy 	

The Dungannon and South Tyrone Plan 2010 identifies the site as being in the rural countryside. There are no other zonings or designations within the Plan, however it is located within a RAMSAR 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 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.

With respect to (c), the proposed dwelling would not be visually linked with an existing group of farm building. The site location plan shows No.34 within blue lands which is

south of the site, however this is a single dwelling and therefore cannot be considered a “group” of buildings, as referred to in the policy. There is a further dwelling to the east of the site and farm buildings which the agent has confirmed is the applicants brother’s address. From the farm maps provided by agent, it appears there is only one other farm building within the applicants’ ownership and is located in a field west of this application site. Therefore, an exception is recommended for this particular case as the proposal is sited with an existing building on the farm (No.34) and will also will cluster with the brother’s house (No.36) and the associated farm buildings to the south of this, despite them being outside of blue lands/the applicants ownership. There are no other alternative sites on the farm which would allow the dwelling to be sited with a *group* of buildings and therefore we feel an exception should be made in this case. The proposed access for the proposal is obtained from an existing lane which currently serves the applicants home address and brothers address.

CTY 13 and CTY 14 deal with rural character and the integration and design of buildings in the countryside. If the committee agree with my recommendation and the site is deemed to be acceptable in principle, I have no concerns that the site would be able to accommodate a modest size dwelling comfortably. A ridge height restriction of 7.5m is felt necessary at this site given the slightly elevated positioning of the site when travelling along Ferry Road and noting that the dwelling directly east and south are both 1.5 storey dwellings. 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 I find no reason why a dwelling could not be designed and sited to integrate successfully into this site.

The applicant has noted that they intend to alter the existing access from Ferry Road. DfI Roads were consulted and have noted no issues with the amended access arrangement subject to condition. They also noted within their response that land to the NW will be required in order to deliver sightlines in accordance with DCAN 15 and additional land will be required to accommodate a 4.1m wide access for first 10m.

NIEA were consulted in relation to the proposal given it is sited within a RAMSAR site. They have not raised any concern in relation to the proposal.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

Approval is recommended.

Conditions/Reasons for Refusal:

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 Mid Ulster District Council, in writing, before any development is commenced.

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

3. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.4m x 70m in both directions and a 70m forward sight line, shall be provided in accordance with the 1:500 site plan submitted as part of the reserved matters application. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

4. The existing natural screenings of this site shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be submitted to Mid Ulster District Council in writing, and agreed, prior to the commencement of any works.

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

5. 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.

6. The dwelling hereby permitted shall have a ridge height not exceeding 7.5 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.

7. 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.

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	18th November 2020
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Date First Advertised	1st December 2020
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Date Last Advertised	
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Details of Neighbour Notification (all addresses)

The Owner/Occupier,
32 Ferry Road, Coalisland, Tyrone, BT71 4QT
The Owner/Occupier,
34 Ferry Road Coalisland Tyrone
The Owner/Occupier,
36 Ferry Road Coalisland Tyrone

Date of Last Neighbour Notification	13th January 2021
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Date of EIA Determination	
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ES Requested	Yes /No
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Planning History

Ref ID: LA09/2019/1175/PAD
Proposal: Temporary peat extraction and bog restoration works.
Address: Lands to the NE and SW of Ferry Road (loughshore area), Coalisland, BT71 4QU.,
Decision:
Decision Date:

Ref ID: LA09/2020/1201/PAN
Proposal: Temporary peat extraction and bog restoration works
Address: Lands to the Northwest and Southwest of Ferry Road(Loughshore Area)Coalisland,
Decision:

Decision Date:

Ref ID: LA09/2018/1633/PAD

Proposal: Extraction of Peat

Address: Lands 230m S.W. of 34 Ferry Road, Coalisland,

Decision:

Decision Date:

Ref ID: LA09/2017/1021/F

Proposal: Infill site for dwelling and garage

Address: Adjacent to and South East of 36 Ferry Road, Roskeen, Coalisland,

Decision: PG

Decision Date: 19.02.2018

Ref ID: LA09/2018/0136/F

Proposal: Art studio for applicants own use.

Address: 38 Ferry Road, Roskeen, Coalisland BT71 4QT,

Decision: PG

Decision Date: 22.06.2018

Ref ID: LA09/2018/0137/F

Proposal: Temporary dwelling.

The applicants have a live planning application in the system LA09/2017/1021/F and want to be on site as they are doing a self built dwelling. Also it will cut back on renting another dwelling and travelling to and from the site.

Address: 38 Ferry Road, Roskeen, Coalisland BT71 4QT,

Decision: PG

Decision Date: 04.05.2018

Ref ID: LA09/2020/1443/O

Proposal: Proposed dwelling on a farm (CTY 10)

Address: Adjacent to 34 & 36 Ferry Road, Derrylaughan, Dungannon,

Decision:

Decision Date:

Ref ID: M/2004/1223/O

Proposal: Replacement Dwelling (To Replace Older Dwelling)

Address: 35m South East of 34 Ferry Road, Derrylaughan, Coalisland, Dungannon

Decision:

Decision Date: 16.10.2004

Ref ID: M/2005/2092/F

Proposal: Replacement dwelling

Address: 40 metres North East of 34 Ferry Road, Derrylaughan, Coalisland

Decision:

Decision Date: 16.03.2006

Ref ID: M/1974/0152

Proposal: ERECTION OF FARM DWELLING

Address: ROSKEEN, DERRYLAUGHAN, COALISLAND

Decision:

Decision Date:

Ref ID: M/1974/015201

Proposal: ERECTION OF FARM DWELLING

Address: ROSKEEN, DERRYLAUGHAN, COALISLAND

Decision:

Decision Date:

Ref ID: M/2013/0414/F

Proposal: Farm dwelling and garage.

Address: 50m NW of 34 Ferry Road, Coalisland,

Decision: PG

Decision Date: 14.10.2014

Summary of Consultee Responses

DfI Roads – Content.

NIEA – Content.

DAERA – Content.

Drawing Numbers and Title

Drawing No. 1a

Type: Site Location Plan

Status: Amended

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: LA09/2020/1476/O	Target Date:
Proposal: New dwelling and garage	Location: Between 21 and 23 Iniscarn Road Moneymore
Referral Route: 2 letters of objections Proposed development is contrary to Policy CTY8 of PPS 21	
Recommendation:	Refusal
Applicant Name and Address: FJS Contracts Ltd 12a Gortahurk Road Magherafelt	Agent Name and Address: CMI Planners 38 Airfield Road Toome BT41 3SG
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	3
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

Neighbour Notifications and press advertisement has been carried out in line with the Council's statutory duty. No third-party representations have been received. All other material considerations have been addressed within the determination within the report.

Characteristics of the Site and Area

The proposed site comprises part of a grass field sandwiched between Nos 21 and 23 both detached modern dwellings with garages to the side and rear. The site topography elevates in a northerly direction where the plot size is similar to the other established sites. The proposed access involves the construction of a new access on the public road. Site boundaries comprise mature trees and low level vegetation on the north and east; post and wire fencing and sporadic vegetation on the west and post and wire fencing with sporadic hedgerow on the south boundary

(running appurtenant with the Iniscarn Road. The surrounding landform is one of undulating countryside with farms and individual dwellings scattered throughout the area.

Description of Proposal

The applicant is seeking outline planning permission for a dwelling and garage between 21 and 23 Iniscarn Road, Moneymore. 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 alterations to an existing lane that accesses.

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

Site History

Reference	Location	Proposal/Complaint	Status	Date
LA09/2020/1476/O	Between 21 and 23 Iniscarn Road, Mo	New dwelling and garage	VALID APPLICATION RECEIVED	
H/2002/0675/O	Adjacent to 23 Iniscarn Road, Moneymore	Site of Dwelling	APPEAL DISMISSED	
H/1995/0527	INISCARN ROAD MONEYMORE	DWELLING AND GARAGE	PERMISSION GRANTED	
H/2003/0665/O	Iniscarn Road, Moneymore.	Site of dwelling and garage.	APPLICATION WITHDRAWN	21.02.2005
2003/A057	Adjacent to 23 Iniscarn Road, Moneymore		APPEAL DISMISSED	30.09.2003

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. NI Water were consulted and responded with no objections subject to standard informatives.

Design and Access Statement

The agent submitted a Design and Access Statement – the site is located within an Area of High Scenic Value

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 2 letters of objection were received. This application was initially advertised in the local press on w/c 7th December 2020 (publication date 8th December 2020). Five (5) neighbouring properties were notified on 15th December

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, there is no watercourse directly abutting this site, therefore it is unlikely that there will be any adverse effects from development works on integrity of any National or European site or any water stream by way of a hydrological link to the site.

Planning Assessment of Policy and Other Material Considerations

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The Magherafelt Area Plan 2015 does not contain provided by PPS 21 and the SPPS.

1. Strategic Planning Policy Statement (SPPS);
2. Regional Development Strategy 2035;
3. Magherafelt Area Plan 2015;
4. PPS 21 Sustainable Development in the Countryside (CT8, CTY 13 & 14);
5. PPS 3 Access, Movement and Parking & DCAN 15 vehicular Standards; and
6. Building on Tradition A sustainable design guide for rural NI.

Magherafelt Area Plan 2015

The site lies in the rural countryside and outside any designated settlement limits as depicted in the MAP 2015.

The Strategic Planning Policy Statement for Northern Ireland.

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, which advises that the policy provisions of Planning Policy Statement Sustainable Development in the Countryside.

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 CTY8 of PPS21.

Policy CTY8 states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of 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 site sits between Nos 23 to west and 21 to the east. It is noted that within the curtilage of No 21 are 2 outbuildings (garage and a smaller second shed) located to the side and rear. Whilst I acknowledge that there are three buildings within the curtilage of No 21. That said, the curtilage of No 23 is setback from the road and is accessed by a driveway with a small strip of grass area abutting the Iniscarn Road.

I am not persuaded that No 23 is read as a roadside frontage in accordance with the spirit of Policy CTY8. It is noted that the proposed site cuts across the southern boundary of the garden to No 23, which reinforces that the curtilage of No 23 does form part of a substantial and continuously built up frontage. I am not satisfied that No 23 does not 'book end' the dwelling to the west No 21 and therefore fails Policy CTY8.



Fig. 1 Aerial photograph.



Fig. 2 No shows No 23 set back in the distance from Iniscarn Road

Objections

Two letters of objection were received dated 19th and 22 December 2020 representing Nos 21 and 23 Iniscarn Road, Moneymore.

Summary of the objections are as follows:

1. The proposed development would severely affect privacy;
2. Concerns raised the applicant is not the landowner;
3. Concerns raised that further development would adversely impact Slieve Gallion as an area of "High Scenic Value";
4. Concerns raised that the proposed development is contrary to Policy CTY8 of PPS21 and would create Ribbon Development;
5. Concerns raised on the conservation if one more dwellings are built this would result in the removal of trees and hedges, the area is home to the mountain hares, red grouse;
6. Concerns raised that sight- lines on the plan indicate 60m, which is not enough under current regulation;
7. Concerns raised relate to privacy and potential devaluation of existing properties; and
8. Concerns that the proposed dwelling if permitted, would be directly in front of No 23.

In response to the above concerns it is noted valuation of properties are considered non-planning concerns. Those matters that are considered material would be accessed against the relevant policies for example, siting and landscaping on the character of the area are accessed under Policies CTY13 and CTY 14 of PPS21.

Concerns were raised relating to an infill approval between 21 and 23. However, a search of the planning history shows that a replacement under H/2009/0165/O was approved north of No 21.

In response to point 2 – a letter was received by email dated 1st April 2021 from O'Kane Boyle solicitors acting on behalf of the applicant that confirms that FJS Contracts Limited are the landowners of lands at Iniscarn Rd. Attached to the letter is a copy of Land Registry for folio LY68480 which is outlined in red.

In response to point 6 - DFI Roads have not objected subject to complying with RS1 visibility splays 2.4m X 60m.

Checks carried out on the Planning Portal Historic Environment Division (HED) and Natural Environment Division (NED) map viewers available online identified no built heritage assets or natural heritage features of significance on site.

NI Flood Maps have been checked and no flooding issues have been identified.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal as the site is not in my opinion located within an otherwise substantial and continuously build up frontage i.e. a line of 3 or more buildings running along Iniscarn Road, without accompanying development to the rear. This will result in the creation of ribbon development leading to further erosion of rural character

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 Policy CTY8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the extension of ribbon development along Iniscarn Road further eroding the rural character of this area.

Signature(s)

Date:

ANNEX	
Date Valid	20th November 2020
Date First Advertised	8th December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 21 Iniscarn Road Moneymore Londonderry Samantha & Owen O'Kane 21, Iniscarn Road, Moneymore, Londonderry, Northern Ireland, BT45 7RH The Owner/Occupier, 23 Iniscarn Road Moneymore Londonderry Mark Kelly Email Address Mark Kelly	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/1476/O Proposal: New dwelling and garage Address: Between 21 and 23 Iniscarn Road, Moneymore, Decision: Decision Date: Ref ID: H/2002/0675/O Proposal: Site of Dwelling Address: Adjacent to 23 Iniscarn Road, Moneymore Decision: Decision Date: Ref ID: H/1995/0527 Proposal: DWELLING AND GARAGE Address: INISCARN ROAD MONEYMORE Decision: Decision Date:	

Ref ID: H/2003/0665/O Proposal: Site of dwelling and garage. Address: Iniscarn Road, Moneymore. Decision: Decision Date: 21.02.2005
Summary of Consultee Responses Content
Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Submitted
Notification to Department (if relevant) Date of Notification to Department: Response of Department:

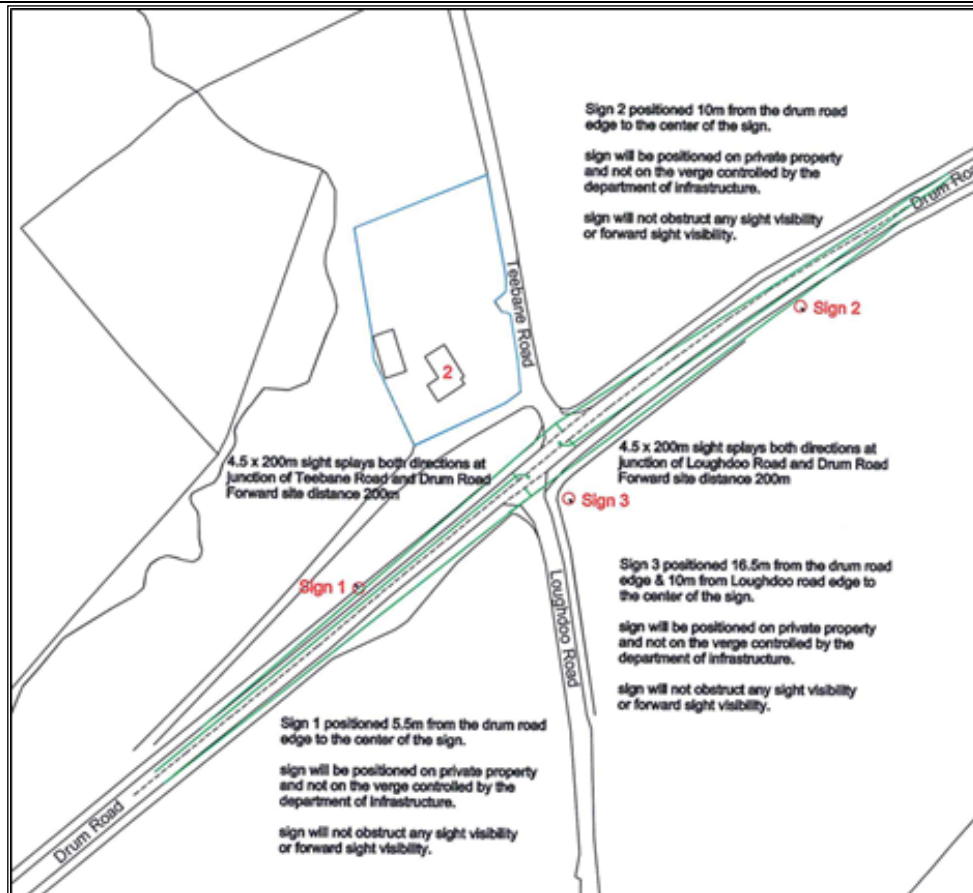


**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1481/A	Target Date:
Proposal: Erection of 3 Non Illuminated composite aluminum free standing signs located along a section of the drum road, to the south of number 2 Teebane Road, Cookstown.	Location: Sign 1 90m SE Sign 2 148m East and Sign 3 66m Southeast of 2 Teebane Road Cookstown BT80 9PJ.
Referral Route: DfI Roads have objected- Contrary to policy	
Recommendation:	Refusal
Applicant Name and Address: Furniture Store NI LTD 2 Teebane Road Cookstown BT80 9PJ	Agent Name and Address: APS Architects LLP 4 Mid Ulster Business Park Sandholes Cookstown BT80 9LU
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
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

Summary of Issues

Proposal is contrary to PPS 17- Control of Outdoor Advertisements

Characteristics of the Site and Area

The application site is located on three separate small parcels of land along the Drum Road, is closed proximity to the Teebane Crossroads. The application proposes three signs to be placed on each part of the land for advertisements in relation to the business known as the Furniture Store NI which is located at 2 Teebane Road. The location of the signs are to be located at the

edge of the Drum Road, on private land, not on the verge controlled by the department of infrastructure.

Representations

No third party representations have been received in relation to the proposal

Description of Proposal

This is an application seeking consent for the erection of 3 non-illuminated composite aluminium free standing signs located along a section of the Drum Road, to the South of No.2 Teebane Road.

Planning Assessment of Policy and Other Material Considerations

Cookstown Area Plan 2010
Regional Development Strategy 2035
Strategic Planning Policy Statement (SPPS)
Planning Policy Statement 17: Control of Outdoor Advertisements

The Cookstown Area Plan 2010 identifies the site as being within the open countryside, outside any other designations.

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. One of the subject policies set out is the 'Control of Outdoor Advertisements' which notes that advertising is a familiar feature of our environment that can contribute to a vibrant and competitive economy.

PPS 17 is used to assess development proposals relating to the display of advertisements. In terms of this policy, consent will be given where the proposed signage respects the amenity, when assessing in the context of the general characteristics of the locality and it does not prejudice public safety. The guidance set out in Annex A for different categories of outdoor advertisement will be taken into account in assessing this proposal.

Amenity

In assessing the impact of an advertisement on the amenity, a number of factors will have to be considered as set out in paragraph 4.7 of PPS 17. As the signs are free standing along the edge of a road, I have concerns of the impact of the signs would have on the appearance of the area. With regards the size and number of signs proposed within close proximity to this junction, I am concerned the cumulative effect of the signs would result in clutter. As per paragraph 4.8 of PPS 17, "the only advertisements likely to be acceptable in the countryside are those proposed on site and which relate to existing or approved commercial enterprises. These should be small in scale and not detract from the quality and character of the local landscape."

Whilst travelling along the Drum Road the character of the area is rural and as these signs are not located on the site of the business, I believe these will detract from the quality and character of the local landscape. Furthermore, I do not consider the signs can be considered small in scale and as such, they are not appropriate for the proposed location. The signs are not to be illuminated so I have no concerns on residential amenity given there are no dwellings located nearby.

Public Safety

In order to fully assess any potential impacts on public safety a consultation was issued to DfI Roads who after requesting amended drawings to provide more details on the signage have objected to the application as it will cause a distraction on a protected route. However, the

applicant has shown on the plans that the signs will not obstruct the sightlines at this junction, so I am content that is not an issue. However, the issues arise that the signs are proposed to be sited in close proximity to a staggered crossroad junction, the concern is these signs would distract road users. PPS 17 also states that signs sited or designed primarily to be visible from a motorway or other special road are likely to pose a threat to public safety. DfI Roads have stated the proposed signs would create a traffic hazard along the Drum Road. As such, the consent for advertisement is recommended for refusal.

Other Material Considerations

DfI Roads offered an alternative suggestion being that a solution may be to erect an appropriately sized sign on the buildings along with appropriate advertising (not road signage). This would be subject to assessment via a new separate application.

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

Refusal Reasons

1. The proposal would if permitted, prejudice the safety and convenience of road users since it is contrary to Planning Policy Statement 17, Control of Outdoor Advertisements, Policy AD1 Amenity and Public Safety. In that the erection of the signs with commercial information, adjacent to the A505 Drum Road, a Protected Route, and in close proximity to a staggered crossroad junction would distract the attention of motorists, thereby creating a traffic hazard and result in a clutter of advertisements at this location.
2. The proposal would if permitted, result in a clutter of advertisements within close proximity to a staggered crossroad junction and detract from the quality and character of the local landscape, contrary to Planning Policy 17, Control of Outdoor Advertisements, Policy AD1 Amenity and Public Safety.
3. The size of the proposed signs are not an acceptable scale in this location and are contrary to Planning Policy 17, Control of Outdoor Advertisements, Policy AD1 Amenity and Public Safety.

Signature(s)

Date:

ANNEX	
Date Valid	24th November 2020
Date First Advertised	
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: I/1999/0488/O Proposal: Dwelling Address: Junction of Teebane and Drum Road Teebane Cookstown Decision: Decision Date: 11.01.2000 Ref ID: I/2002/0287/O Proposal: Site for dwelling Address: 120 Metres West of junction of Teebane & Drum Road, Cookstown Decision: Decision Date: 16.08.2002 Ref ID: I/1997/0530 Proposal: Site for dwelling Address: TEEBANE ROAD COOKSTOWN Decision: Decision Date: Ref ID: I/2001/0393/O Proposal: Proposed single storey dwelling Address: Junction of Teebane and Drum Road Cookstown Decision: Decision Date: 12.11.2001 Ref ID: I/1998/0134 Proposal: Erection of Dwelling Address: TEEBANE ROAD COOKSTOWN Decision: Decision Date:	

Ref ID: I/1992/0402

Proposal: Site for dwelling

Address: 50 M N.W. OF JUNCTION OF TEEBANE ROAD AND DRUM ROAD COOKSTOWN

Decision:

Decision Date:

Ref ID: I/2001/0632/F

Proposal: Proposed domestic garage

Address: 2 Teebane Road Cookstown

Decision:

Decision Date: 10.12.2001

Ref ID: I/2006/0690/F

Proposal: Retrospective application for furniture retail unit in the basement of No 2 Teebane Road, Cookstown

Address: 2 Teebane Road, Cookstown

Decision:

Decision Date:

Ref ID: I/2004/1043/F

Proposal: Proposed domestic garage & store

Address: 2 Teebane Road, Cookstown

Decision:

Decision Date: 24.06.2006

Ref ID: LA09/2018/0711/F

Proposal: Proposed lorry Store for existing haulage business

Address: 2 Teebane Road, Cookstown,

Decision: PG

Decision Date: 07.03.2019

Ref ID: LA09/2017/0688/LDE

Proposal: Use required is for retail of furniture. Operation presently on land of haulage business which has been in operation since 1998

Address: 2 Teebane Road, Cookstown,

Decision: PG

Decision Date:

Ref ID: LA09/2020/1481/A

Proposal: Erection of 3 Non Illuminated composite aluminum free standing signs located along a section of the drum road, to the south of number 2 Teebane Road, Cookstown.

Address: Sign 1 90m SE, Sign 2 148m East and Sign 3 66m Southeast of 2 Teebane Road, Cookstown BT80 9PJ.,

Decision:

Decision Date:

Summary of Consultee Responses

Drawing Numbers and Title

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

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

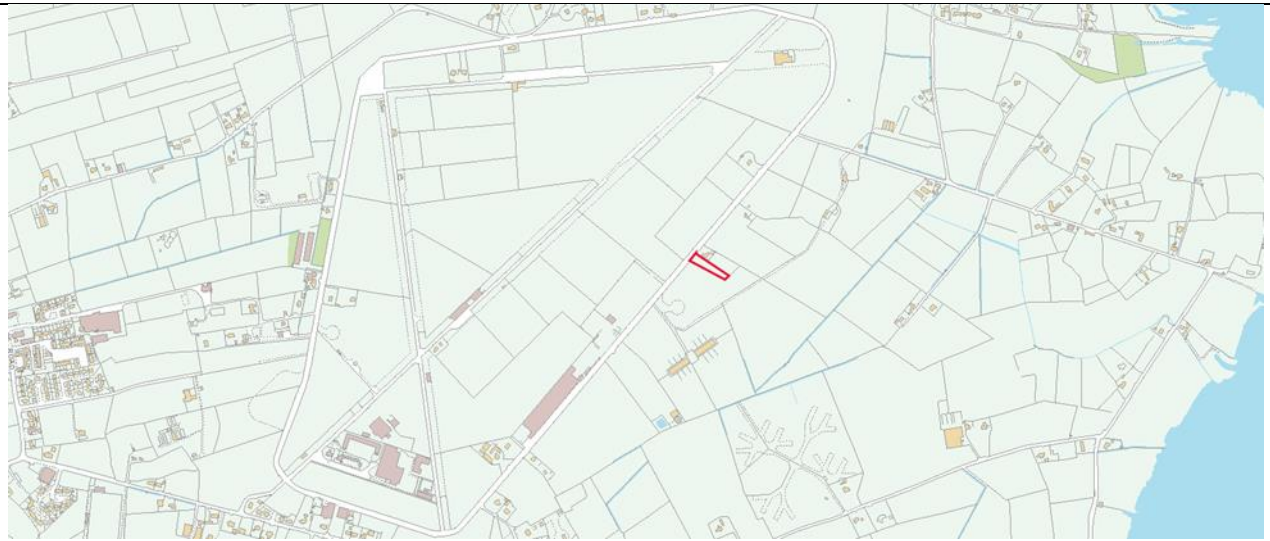
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1498/F	Target Date:
Proposal: Retention of the Gym and Wellbeing Facility currently under construction on this site. This will comprise of a portal framed and cladding building 297sqm in floor space, tarmac car parking surface and associated drainage and septic tank.	Location: Site adjacent to 99 Ardboe Road Ardboe Co Tyrone.
Referral Route: Refusal	
Recommendation: Refusal	
Applicant Name and Address: Mr Ryan Quinn 99 Ardboe Road Ardboe BT80 0HU	Agent Name and Address: Darcon Architectural Services 23 Tobin Park Moortown BT80 0JL
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Rivers Agency	Advice
Non Statutory	Health & Safety Executive for NI	Substantive Response Received
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Description of Proposal		
<p>This is a full planning application for the retention of a Gym and Wellbeing Facility currently under construction on lands adjacent to 99 Ardboe Road Ardboe Co Tyrone.</p> <p>This proposal compromises a portal framed and clad building with an external floor space of approx. 304.75m2, tarmac car parking surface and associated drainage and septic tank.</p> <p>The main body of the building has a rectangular floor plan measuring approx. 33.5m x 8m (268m2) and pitched roof construction (approx. 4m above EGL); and comprises a gym and exercise area. The main body has 2 attached annexes. The smaller annex has a squared floor plan measuring approx. 3.5m x 3.5m (12.25m2) and a flat roof construction (approx. 2.7m above EGL); and comprises a private therapy room. The larger annex has a rectangular floor plan measuring approx. 7m x 3.5m (24.5m2) and a flat roof construction (approx.2.7m above EGL); and comprise changing rooms.</p> <p>I note whilst the Gym and Wellbeing Facility may have been under construction when this application was made, as detailed below in ‘Characteristics of Site and Area’, the works described above were largely complete on the date of site inspection. Furthermore they were not entirely as detailed in the initial drawings submitted. E.g. the smaller annex detailed above appeared detached rather than attached to the main body of the gym building; an additional area of tarmac, existed on lands immediately south of the building; and fenestration in the building varies. The agent submitted revised drawings during the processing of the application largely addressed the aforementioned discrepancies with the exception of the additional area of tarmac.</p>		
Characteristics of the Site and Area		
<p>This site is located in the rural countryside as defined by the Cookstown Area Plan 2010 approx. 2km northeast of Ardboe.</p>		

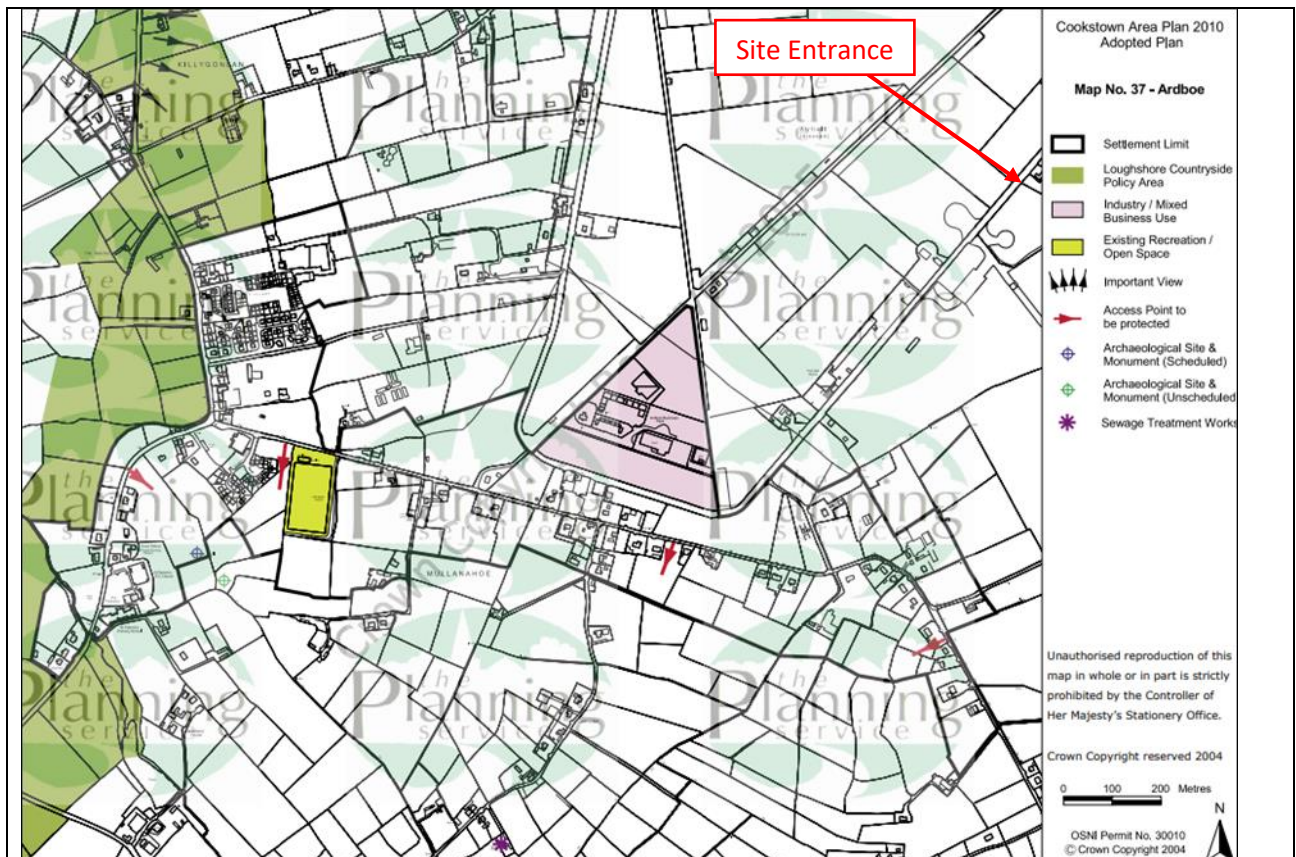


Fig 1: Ardboe Settlement Limits (Cookstown Area Plan 2010). Access to site has been identified.

The site comprises a flat rectangular plot cut from a much larger agricultural field. It sits adjacent and accessed off Ardboe abandoned airstrip at Kinrush. It also sits immediately adjacent and south of no. 99 Ardboe Road, a modest bungalow identified on the P1 Form accompanying this application, as the applicant's home address.

The site, which is orientated narrow end onto the airstrip, comprises a relatively new gym and wellbeing facility / building, 'LS Results', associated parking, drainage and septic tank (see Fig 2, 3 & 4 below). The building is located relatively central on site and orientated gable end facing onto the airstrip. It has a portal frame, a simple rectangular shaped floor plan and pitched roof construction, grey cladding to its roof and walls, and black pvc windows and doors.

The building has a couple of small flat roofed annexes located on / to its' northern elevation of the main gym / exercise area, the smaller of the 2 is detached from the main building and houses a reception room; and the larger is attached and houses changing rooms.

The associated parking, which is tarmac, is located to the south side and front of gym / western half of the site adjacent the airstrip.



Fig 2 & 3: Photos of site / building on site taken from old airstrip / frontage of site.



Fig 4: Photos of front and south side of building on site

The site is bound to its south and east by an approx. 1.2m high post and wire fence. The northern boundary of the site is open to its' eastern half and bound only in part to its' western half by low wooden fencing defining the curtilage of no. 99 Ardboe Rd and some higher perimeter fencing seen in Fig 2, above. The frontage of the site is undefined and open onto the adjacent airstrip, used as a road. The section of airstrip the site is accessed off is relatively pot holed and it appears a tarmac strip along its' east side providing access to the site, but outside the red outline of the site, has been recently formed (see Fig 4, below).

Critical views of this site and building on it are on the southern approach to it along the old airstrip from a point just before passing an anaerobic digester plant visible from site (see Fig 4, below) and passing along the site's frontage. The building on site will also be visible to the rear of no. 99 Ardboe Rd over a short distance on the northern approach to it along the old airstrip.



Fig 4: Photo from site of land to south



Fig 5: Photo on north approach to site

Whilst the site is located in the countryside and the lands to its' west, north and east comprise flat agricultural lands, the area is largely characterised by its' location adjacent the airfield and industrial development located along the airstrip located south of the site to other side of an anaerobic digestion plant also visible from site (see Fig 4).

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 8: Open Space, Sport and Outdoor Recreation
 Development Control Advice Note 15: Vehicular Standards
 Revised Planning Policy Statement 15: Planning and Flood Risk
 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 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.

Representations

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

Relevant History

On Site

- I/2008/0033/O – New workshop unit and associated hardstanding areas and parking areas – Lands 50m E of No. 99 Ardboe Rd Dungannon – Withdrawn September 2009
- LA09/2020/0192/CA – Alleged unauthorised gym and building – Lands adjacent to and SW of 101 Ardboe Rd Cookstown – Enforcement case ongoing

Consultees

1. DfI Roads were consulted on the 5th December 2020, in relation to access, movement and parking arrangements. DfI Roads responded on the 18th January 2021 raising no objections to the proposal.
2. Environmental Health were consulted on the 5th December 2020 as Poultry Houses and an Anaerobic Digestion Plant with ancillary facilities are located on lands approx. 220m and 180m to the south and southwest of site respectively; and the proposal includes a septic tank. Environmental Health responded on the 12th February 2021 with no objections subject to the following which I am content could be attached to any subsequent decision notice as an informative:
 - A Consent to Discharge Sewage Effluent being obtained from Water Management unit, The Northern Ireland Environment Agency, as required by the Water (NI) Order 1999.
 - Any new or existing septic tank unit being a minimum of 15M from the proposed development or any other habitable dwelling/building such as an office or such dwelling/building in the course of construction or the subject of a planning approval.
 - A legal agreement being obtained in relation to lands used in connection with any septic tank/drainage arrangement where such lands are outside the ownership of the applicant or outside the area marked in red, which is the subject of this application. This agreement must ensure that the lands in question will always be available for the intended purpose and also that any occupier/owner of the proposed development will have access to these lands for maintenance/improvement works as required. Such legal agreement should be included in any planning approval as a planning condition.
 - The applicant ensuring that the proposal does not compromise any existing drainage arrangements serving existing neighbouring premises or developments not completed/commenced which are the subject of a planning approval.
 - Planning receiving confirmation from NI Water that a mains water supply is available and that it is feasible for the proposed development to be connected to same. Where mains water supply is not available, the applicant/agent is strongly advised to contact this department before any detailed plans are prepared. (The District Council cannot approve plans for housing development unless a satisfactory water supply is available).
 - The Clean Neighbourhood and Environment Act 2011 – The applicant is advised to ensure that all activities, plant and equipment used in connection with the development is so situated, operated and maintained as to prevent the transmission of noise to nearby premises.

3. Rivers Agency were consulted on the 5th December 2020 to comment on the proposal from a drainage and flood risk aspect. River's Agency responded on the 20th January 2021 as follows under Revised Planning Policy Statement 15: Planning and Floodrisk, policy:
- FLD1 Development in Fluvial Flood Plains – the development does not lie within the 1 in 100 year fluvial or 1 in 200 costal flood plain.
 - FLD2 Protection of Flood Defence and Drainage Infrastructure – the site may be affected by undesignated watercourses which we have no record. If an undesignated watercourse is discovered Policy FLD 2 will apply.
 - FLD3 Development and Surface Water – a Drainage Assessment (D.A) is required due to the size and nature of the development. The applicant should refer to para. D17 & 18 of Revised PPS 15 and in carrying out the D.A and acquire from the relevant authority evidence the proposed storm water run-off from the site can be safely discharged. If the proposal is to discharge into a watercourse then an application should be made to the local DfI Rivers office for consent to discharge storm water under Schedule 6 of the Drainage (NI) Order 1973. If it is proposed to discharge storm water into an NI Water system then a Pre-Development Enquiry should be made and if a simple solution cannot be identified then a Network Capacity Check should be carried out. Correspondence with both authorities should be included in the drainage assessment regardless of outcome.
 - *FLD4* Artificial Modification of watercourses & *FLD5* Development in Proximity to Reservoirs – N/A

With regards the above, as the principle of this proposal has not been established on site, a D.A has not been requested.

4. The Health & Safety Executive for NI (HSENI) were consulted on the 1st February 2021 as Poultry Houses and an Anaerobic Digestion Plant with ancillary facilities located are located on lands approx. 220m and 180m to the south and southwest of site respectively. HSENI responded on the 17th February 2021 raising no concerns. HSENI outlined the digester is not on the register for COMAH sites and as far as aware does not have hazardous substance consent, therefore any associated Land Use Planning (LUP) zones linked to it. Therefore using measurements from mapping software and basic calculations, HSENI estimated the site would have a capacity for around 10 tonnes of bio-methane. For perspective, the threshold for lower-tier COMAH sites is 50 tonnes. An LPG tank often used in commercial developments will range from 5 to 10 tonnes. Under the PADHI guidelines, a gym would be classified as DT2.4 – INDOOR USE BY PUBLIC with a sensitivity level of 2. The proposed gym is over 170 meters away, so even if there were the equivalent of a 60 tonne LPG tank at the digester, HSENI would respond with a do not advise against.

Consideration

Strategic Planning Policy Statement (SPPS) for Northern Ireland – Three of the six regional strategic objectives for open space, sport and outdoor recreation outlined in the SPPS are to:

- to ensure that new open space areas and sporting facilities are convenient and accessible for all sections of society, particularly children, older people and those with disabilities;

- achieve high standards of siting, design and landscaping for all new open space areas and sporting facilities; and
- ensure that the provision of new open space areas and sporting facilities is in keeping with the principles of environmental conservation and helps sustain and enhance biodiversity.

The SPPS also highlights the precise location of intensive sports facilities can be contentious, and by their very nature and scale can give rise to particularly complex planning considerations such as impact on amenity, and sustainability issues. Such facilities shall be located within settlements in order to maximise the use of existing infrastructure. An 'intensive sport facility', for the purpose of the SPPS, is defined as a purpose built indoor or outdoor resource, which facilitates one or more activity fundamental to maintaining individual health and fitness. This may include stadia, sports halls, leisure centres, swimming pools and other indoor (and outdoor) sports facilities. They can also serve as a focus for the community.

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

Cookatown Area Plan 2010 – The site lies within the rural countryside outside any settlement limit defined by the Cookstown Area Plan, approx. 2km northeast of Ardboe (see Fig 1, further above.)

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – Is the overarching policy for development in the countryside. It outlines certain instances when non-residential development is considered acceptable in the countryside subject to certain criteria. These instances are listed in Policy CTY1 of PPS21 - Development in the Countryside. Whilst a couple of these instances have been considered below my opinion is that this proposal does not fall under any listed.

The proposal has been considered against but would not fall under 'industry and business uses in accordance with PPS 4'. For the purposes of PPS4, economic development uses comprise industrial, business and storage and distribution uses, as defined in Part B 'Industrial and Business Uses' of the Planning (Use Classes) Order (Northern Ireland) 2015. A gym does not fall under this definition as it has a sui generis use class.

The proposal has been considered against, 'outdoor sport and recreational uses in accordance with PPS 8.' PPS8 - Open Space, Sport and Outdoor Recreation, contains 7 policies as detailed below:

- OS 1 Protection of Open Space;
- OS 2 Public Open Space in New Residential Development;
- OS 3 Outdoor Recreation in the Countryside;
- OS 4 Intensive Sports Facilities;
- OS 5 Noise Generating Sports and Outdoor Recreational Activities;
- OS 6 Development of Facilities ancillary to Water Sports; and

- OS 7 The Floodlighting of Sports and Outdoor Recreational Facilities

The only policy above the proposal in my opinion could be considered under is Policy OS 4 Intensive Sports Facilities. Whilst, owing to its size, scale and purpose, it may not sit neatly within the definition of such facilities the policy approach may be useful in assessing proposal. Policy OS4 outlines such facilities will only be permitted within settlements. An exception may be permitted in the case of the development of a sports stadium where all the following criteria are met:

1. there is no alternative site within the settlement which can accommodate the development;
2. the proposed development site is located close to the edge of the settlement and can be clearly identified as being visually associated with the settlement;
3. there is no adverse impact on the setting of the settlement; and
4. the scale of the development is in keeping with the size of the settlement.

The current proposal fails to comply with Policy OS 4 in that the development in the first instance it is not located within a settlement. In the second instance, it is not an exception to policy as it is not a sports stadium.

During the processing of this application the agent was contacted via email on the 18th March 2021 and advised Planning's initial consideration is that the proposal does not fall under any of the exceptions listed in Policy CTY 1 of PPS21 to permit this development. Accordingly, Planning offered the agent the opportunity to submit:

- A Supporting Statement to justify this development in the countryside.
- Amended drawings to address some discrepancies between submitted drawings and works done on site, including:
 - Block plan and elevations to reflect main building, ancillary buildings and hard cored area, as on site.
 - Amended site location plan with red line extended to include tarmac access to site along airstrip and updated P2 Certificate to correspond.
 - Amended block plan to include tarmac access to site along airstrip and to reflect main building, ancillary buildings and hard cored area as on site.
- Confirmation site address is adjacent 99 Ardboe Rd as our system shows adjacent house as 101 Ardboe Rd.

Subsequently, on the 27th April 2021, the agent submitted a revised block plan, floor plans and elevations more accurately reflecting works done on site with the exception of the additional area of tarmac on site to south side of dwelling not shown. The amended site location plan and block plan to show the tarmac access to the site along the airstrip and updated P2 Certificate was not received as the agent advised the applicant was only making good a road continually being damaged and unmaintained by any local authority. He also confirmed the site address as 99 Ardboe Rd.

The agent also submitted a Supporting Statement outlining the following reasons why this development should be justified in the locality:

1. The aerodrome area of Ardboe is a significant area that historically has always been a place used for small business enterprises. That although his client has

recently moved out of the actual Business Park this new location is beside his house where he will be residing.

2. The immediate area is densely, built up with Creagh Concrete and their facilities. The retention of his client's premises will not add to or seem to create any overdevelopment in the area.
3. His client has a proven track record of running a successful practice and provides a very healthy sustainable and much needed facility to the local population.

Whilst the additional information above, has been taken into consideration, opinion has not changed. The proposal is still considered contrary to Policy CTY1 of PPS 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. And contrary to Policy OS4 of PPS 8, Intensive Sports Facilities in that, the development is not located with a settlement nor has it been demonstrated an exceptional case.

Additional considerations

I am content there should be no unacceptable impact on the amenities of people living nearby, including any noise or light pollution likely to be generated, as the only property in close proximity is the applicant's home adjacent the site and Environmental Health were consulted and raised no concerns.

The site is located within an area of constraint on wind turbine development, SG Defence Estates area and Met Office area, however no consultation in this regard is necessary given the nature of the proposal and that no part of the development will be above the 15.2m height threshold for consultation with the Met Office.

In addition to checks on the planning portal Historic Environment Division (HED) and Natural Environment Division (NED) map viewers available, online have been checked . HED identified no built heritage assets on or in close proximity to the site and whilst NED identified the site to be within an area known to breeding waders having visited the site viewed historical orthos I am content the site was cut from a larger agricultural field comprising improved grassland.

If this proposal was deemed acceptable a D.A would be required to address Rivers Agency consultation response further above.

Recommendation: Refuse

Neighbour Notification Checked

Yes

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 OS4 of Planning Policy Statement 8, Intensive Sports Facilities in that the development is not located with a settlement nor has it been demonstrated an exceptional case.

Signature(s)

Date:



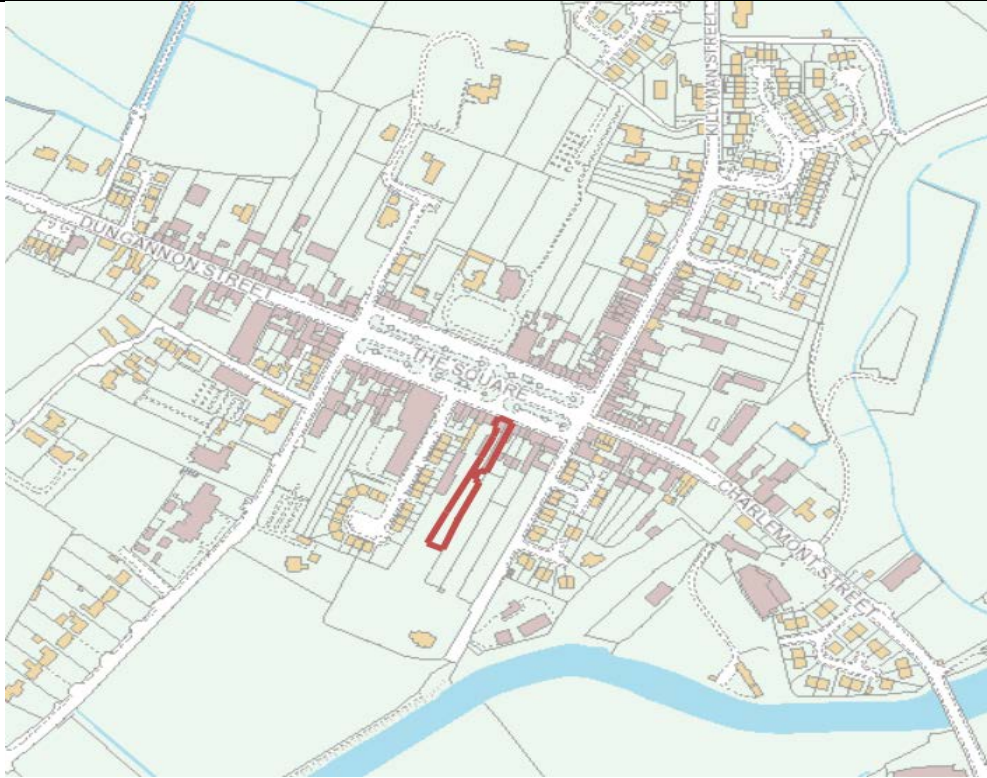
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1533/F	Target Date:
Proposal: Retention of change of use of lands to rear of existing public house to beer garden including steel framed building with cladded roof sitting area with acoustic fence to perimeter.	Location: 9-10 The Square Moy Co Tyrone BT71 7SH.
Referral Route: Objections received + contrary to policy	
Recommendation:	Refusal
Applicant Name and Address: Mr Barry McNeice 8 The Square Moy BT71 7SH	Agent Name and Address: Paul Douglas 16 Collegelands Road Charlemont Moy BT71 7SE
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Historic Environment Division (HED)	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received

Representations:

Letters of Support	None Received
Letters of Objection	13
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

13 Objections were received. Concerns were;

- Impact on private amenity via;
- Noise nuisance
- Vibrations
- Smells from portaloos and chip van.
- Increase in anti-social behaviour
- Increase in littering in the area, bottles and other rubbish thrown into rear gardens

- Fear over personal safety due to patrons climbing over rear fences
- Traffic congestion via taxis using neighbouring estate for drop off points and Sewerage lorry blocking estate whilst emptying portaloos each weekend.
- Impact on wildlife along river
- Operating after hours
- Devaluation of property.

Characteristics of the Site and Area

The site is located in The Square in the settlement limit of Moy and also within the Moy conservation area, as defined in the Dungannon and South Tyrone Area Plan 2010. The site is located in a row of three-storey buildings that face onto a car parking area, The Square, in the Moy. The surrounding area has a mix of residential and retail/service uses such as beauty salon, antiques shop and restaurants.

The application site is a Grade 2 Listed building and is a three-storey mid terrace property with a pitched roof with natural slate tiles, a smooth render with a painted finish external walls and softwood painted sliding sash windows. The site is currently a public bar 'Tomneys' with the bar on the ground floor and living accommodation on the upper floors of the building.



The site also includes a long narrow rear garden area which has been laid in decorative stone, and D rail fencing along the sides and also separating off particular areas. There are a number of picnic tables in the upper part which is now used as a smoking area for the associated bar.



The site slopes from the roadside North to the rear and the rear portion of the site houses a large steel framed structure with open sides and at the time of site visit the roof had not been completed.



Description of Proposal

The proposal seeks full planning permission for the retention of change of use of lands to rear of existing public house to beer garden including steel framed building with cladded roof sitting area with acoustic fence to perimeter.

Planning Assessment of Policy and Other Material Considerations

Planning History

LA09/2019/0847/F - Tomneys Bar, 9-10 The Square, Moy - Extension of public house into the existing basement - PERMISSION GRANTED - 30.09.2019

LA09/2019/0850/LBC - Tomneys Bar, 9-10 The Square, Moy - Extension of public house into the existing basement - PERMISSION GRANTED - 27.09.2019

LA09/2020/0098/CA - Tomneys Bar, 9-10 The Square, Moy -Alleged unauthorised 'beer garden' to rear of Tomneys Bar – Ongoing.

- Strategic Planning Policy Statement (SPPS)
- Dungannon and South Tyrone Area Plan 2010
- Mid Ulster District Council Local Development 2030 - Draft Plan Strategy
- Planning Policy Statement 3 - Access, Movement and Parking.
- PPS 6 - Planning, Archaeology and the Built Heritage
- DCAN 7 Public Houses

Representations

A number of third party objections have been received from the local residents.

6 objections have been received from residents of Brick row to the East of the site including dwellings at no's 8, 12, 16, 22 and 2 x not numbered.

6 objections were received from residents of Diamond court to the West of the site including dwellings at no's 3, 6, 12 and 3 x not numbered.

1 objection was received from No.5 Cashel Court.



Concerns

- Impact on private amenity via;
- Noise nuisance
- Vibrations
- Smells from portaloos and chip van.
- Increase in anti-social behaviour
- Increase in littering in the area, bottles and other rubbish thrown into rear gardens
- Fear over personal safety due to patrons climbing over rear fences
- Traffic congestion via taxis using neighbouring estate for drop off points and Sewerage lorry blocking estate whilst emptying portaloos each weekend.
- Impact on wildlife along river
- Operating after hours
- Devaluation of property.

Consideration

The objectors raise a number of significant concerns which need thorough consideration. There is a considerable amount of detrimental impact on the private rear amenity of the residents in Diamond Court and Brick Row. The lack of any real partition gives weight to objectors concerns over noise, smells, littering, witnessing anti-social behaviour etc which would severely impact their amenity. EHO were consulted and re iterated these concerns. (discussed in detail below). The applicant has suggested an acoustic wall which may have reduced this impact however, as yet no details of this wall have been received. The operating hours would be dealt with by way of condition should the application receive approval. The river is over 110metres from the nearest part of the site and there would therefore be minimal impact on the wildlife at the river. It is also separated by 3 boundaries, a road, a dwelling and a yard and shed. Devaluation of property whilst understandable a concern for the residents is not a material consideration we as the council can accredit any weight.

Strategic Planning Policy Statement (SPPS)

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.

The SPPS provides a regional framework of planning policy that is taken account of in the preparation of Mid Ulster Councils 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. The SPPS encourages development in villages and small settlements of a scale, nature and design appropriate to the character of the settlement. In my opinion, the proposed change of use from rear yard area to beer garden including steel framed building with cladded roof sitting area with acoustic fence to perimeter will increase the amount of area for entertainment and services in Moy, however, these changes will not have a positive impact on the local area. Paragraph 6.278 states policies and proposals in villages and small settlements must be consistent with the aim, objectives and policy approach for town centres and retailing, meet local need (i.e. day-to-day needs), and be of a scale, nature and design appropriate to the character of the settlement.

Mid Ulster Draft Plan Strategy 2030

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

Dungannon and South Tyrone Area Plan 2010

The application site is located within the settlement limit for Moy as defined in the Plan. It is also located within the designated Moy Conservation Area. I consider if the proposal meets the policy in BH12 - new development in a conservation area and BH8 - extension or alteration of a listed building in PPS 6 it will also meet SETT 1 - Settlement Limit in Dungannon and South Tyrone Area Plan 2010.

PPS 6 - Planning, Archaeology and the Built Heritage**Policy BH8 - Extension or Alteration of a Listed Building**

The proposal is to change the use of the rear yard area to beer garden including steel framed building with cladded roof sitting area with acoustic fence to perimeter.



These works include an acoustic fence along the full length of the sides, a large steel framed covered seating area in the most rear portion of the site and a stoned slope between the existing bar and the rear steel structure. This slope area is the beer garden space and is dotted with numerous picnic tables. The scale of the proposal massively increases the amount of overall area covered by the premises and would allow punters to roam freely the full length of the current rear yard. Consequently, it is my opinion that the essential character of the premises is affected and the works will have a negative impact on the local area.

Historic Environment Division (HED) were consulted as the building is listed building HB13/08/009B and is within the 200m buffer zone of an archaeological site and monument. HED had no objections with regards to the historic monument, however, have requested further information in regards to historic buildings. See HED HB comments below.

The application site is located to the rear of HB13/08/010, which together with a substantial number of the adjoining properties are listed in their own right. Therefore, consideration for any proposal which may affect the setting of all or any of these buildings needs careful evaluation.

As a consequence, HED – (Historic Buildings) requires further information on the following, before it would be in a position to provide a substantive response;

- Longitudinal site sections illustrating the proposal in context with the listing building (outline will suffice).
- Details of the physical size, including height, of the covered seating area. Please provide details of all external finishes.
- Landscaping proposals to indicate how the structure will assimilate into the existing garden area. Please confirm the composition of the existing boundaries of the Beer Garden and the extent to which they will be affected by this proposal.
- Further details on the proposed acoustic fence installation – including composition, height and colour.

*To date none of this information has been received.

In conclusion, in my opinion the proposals would not respect the essential character of the existing listed building and its setting; 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 do not match or are in keeping with the existing building. Therefore it is contrary to Policy BH8.

However, it must be noted that in the absence of the requested information, EHO have not provided a substantial response as yet and this is my assessment of the policy.

Policy BH12 - New Development in a Conservation Area

As stated earlier in the assessment there are no external works to the facade or extension proposed at the site and all works are for a change of use. I consider there will be no impact on the character and appearance of Moy Conservation Area.

The council will normally only permit development proposals for new buildings, alterations, extensions and changes of use in, or which impact on the setting of, a conservation area where all the following criteria are met:

- (a) the development preserves or enhances the character and appearance of the area;
- (b) the development is in sympathy with the characteristic built form of the area;
- (c) the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area;
- (d) the development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area;
- (e) important views within, into and out of the area are protected;
- (f) trees and other landscape features contributing to the character or appearance of the area are protected; and
- (g) the development conforms with the guidance set out in conservation area documents.

In consideration of the above the proposal will not preserve or enhance the character of the area, the large steel structure in particular would have a negative impact on the appearance of the area. In addition it would not have any sympathy to the surrounding built form, in terms of scale, form and materials. It would also result in noise, nuisance or disturbance which would be detrimental to the local area in particular the neighbouring residential properties on each side and therefore is contrary to policy BH12.

Environmental Health were consulted on this application and have recommended refusal. See comments from EHO below.

This department has visited the location on numerous occasions in the past year as the site and activities were subject to several noise complaints. During a most recent site visit it was observed that the steel frame is in place along with several areas of seating. There are domestic dwellings overlooking the garden area, with another residential properties within 20 metres along the other boundary. It is noted that the previous land use was a green/yard area to the rear of the established public house. The applicant has submitted additional information by way of a proposed acoustic barrier, however, no supporting information has been submitted.

It is the Environmental Health opinion that the barrier will be of limited effect in mitigating noise at residential receptors.

This department is of the opinion that the proposed would cause a disturbance due to noise from patrons and activities associated with outdoor socialising. It is the view of the

Environmental Health department that the land use is incompatible with the existing land use, which is predominately residential. Therefore, this department is of the opinion that this proposal be recommended for refusal.

EHO recommendations:

The proposed, if approved would result in an unacceptable level of disturbance to neighbouring properties due to noise levels from patrons and activities associated with outdoor socialising. It is the view of the Environmental Health department that the land use is incompatible with the existing land use, which is predominately residential.

Reason; in the interests of protecting neighbouring residential amenity.

Parking Standards

I am aware there can be issues with parking in Moy, especially at busy times. There are spaces to the front of the site at The Square, which are shared with other businesses and there is other on-street car parking within Moy.

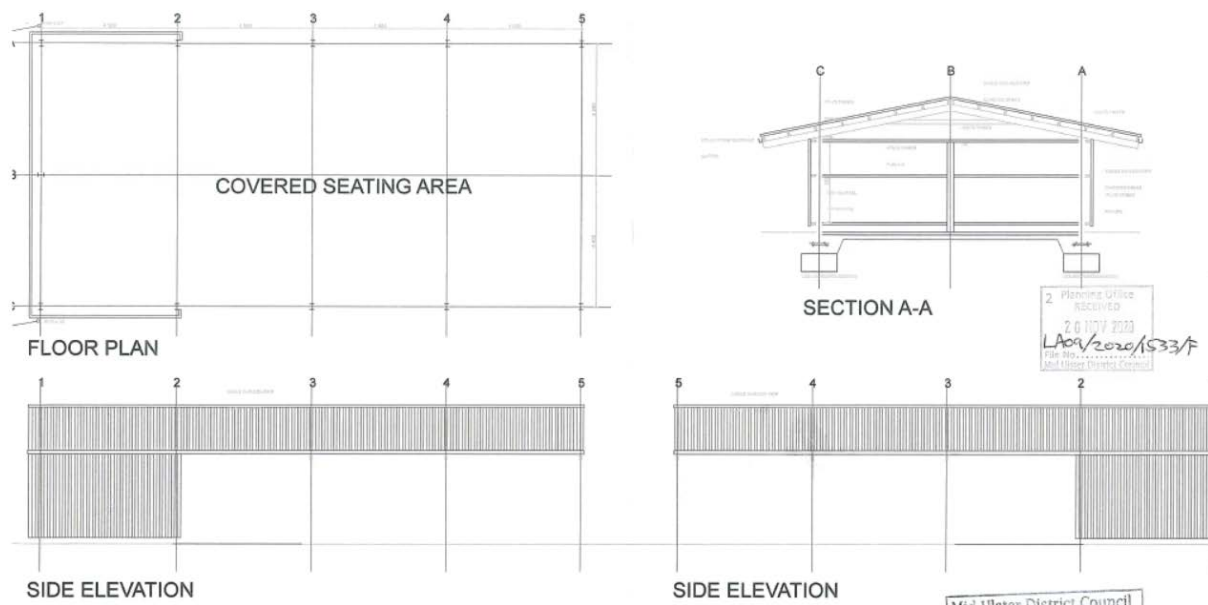
On balance, given the scale of the proposal and the type of development it relates to, I consider it will not significantly increase the need for parking provision within the village.

DCAN 7 Public Houses:

This development control advice note gives the council general guidance on the regulations of Public houses.

In this case the proposed changes include:

- Change of use from the existing rear yard to an outdoor beer garden
- Acoustic perimeter fence
- Steel framed building with cladded roof sitting area



There are no external changes to the existing building fronting on The Square.

Conclusion.

On balance it is my opinion that there will be a significant affect the privacy and private rear amenity of neighbouring residents. The proposed development would have an adverse impact upon the character of the surrounding area and outstanding information requested by HED HB has not been received, and for the reasons documented above I recommend Refusal.

Unacceptable level of disturbance to neighbouring properties
 Incompatible with surrounding land uses.
 PPS 6 bh8
 PPS6 bh12
 Lack of information

Neighbour Notification Checked

Yes

Refusal Reasons

1. The proposed, if approved would result in an unacceptable level of disturbance to neighbouring properties due to noise levels from patrons and activities associated with outdoor socialising. It is the view of the Environmental Health department that the land use is incompatible with the existing land use, which is predominately residential.

2.The proposal is contrary to Policy BH12 of the Council's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage in that the site lies within the Moy Conservation Area and the development would, if permitted, result in problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area. In addition the steel framed building is not in sympathy with the characteristic built form of the area in terms of scale, form and materials and does not conform with the guidance set out in the Moy Conservation Area document.

3. Having notified the applicant under Article 7 (4) of the Planning (General Development) Order (Northern Ireland) 1993 that further details regarding Historic Environment Division concerns were allowed the Council to determine the application, and having not received sufficient information, the Council refuses this application as it is the opinion of the Council that this information is material to the determination of this application.

Signature(s)

Date:

ANNEX	
Date Valid	2nd December 2020
Date First Advertised	15th December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 The Square,Moy,Tyrone,BT71 7SG The Owner/Occupier, 10a,The Square,Moy,Tyrone,BT71 7SG The Owner/Occupier, 11 The Square Moy Tyrone B & K Grimley 12 Diamond Court, Moy, Tyrone, Northern Ireland, BT71 7TZ Doreen Dowds 16 BRICK ROW, MOY, TYRONE, BT71 7UL The Owner/Occupier, 16-19 ,The Square,Moy,Tyrone,BT71 7SG C Fox 22 BRICK ROW, MOY, TYRONE, Northern Ireland, BT71 7UL Stefano Zennaro 3 Diamond Court, Moy, Tyrone, Northern Ireland, BT71 7TZ Greg Connolly 5 Cashel Grove, Moy, Tyrone, BT71 7UJ The Owner/Occupier, 7 The Square Moy Tyrone Kelly Little 8 BRICK ROW, MOY, TYRONE, Northern Ireland, BT71 7UL The Owner/Occupier, 8 The Square,Moy,Tyrone,BT71 7SG The Owner/Occupier, 8b ,The Square,Moy,Tyrone,BT71 7SG The Owner/Occupier, 8c ,The Square,Moy,Tyrone,BT71 7SG The Owner/Occupier, 9 The Square,Moy,Tyrone,BT71 7SG The Owner/Occupier, 9 The Square,Moy,Tyrone,BT71 7SG Wilfried Sharp Email R O'Neill Email A O'Neill Email Fintan Kelly	

Daisy O'Mahony Ciaran Mullen Brenda Nugent	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/1533/F Proposal: Retention of change of use of lands to rear of existing public house to beer garden including steel framed building with cladded roof sitting area with acoustic fence to perimeter. Address: 9-10 The Square, Moy, Co Tyrone BT71 7SH., Decision: Decision Date: Ref ID: LA09/2019/0850/LBC Proposal: Extension of Public House in to Existing Basement Address: Tomneys Bar, 9-10 The Square, Moy, Dungannon, BT71 7SG, Decision: CG Decision Date: 27.09.2019 Ref ID: LA09/2019/0847/F Proposal: Extension of public house into the existing basement Address: Tomney's Bar, 9-10 The Square, Moy, Dungannon, Decision: PG Decision Date: 30.09.2019 Ref ID: M/1995/6182 Proposal: Refurbishment of properties 8,9,10,11 & 12 The Square Moy Address: 8,9,10,11 & 12 The Square Moy Decision: Decision Date: Ref ID: M/1995/0684 Proposal: Re-roofing of existing premises Address: 9-12 THE SQUARE MOY Decision: Decision Date: Ref ID: M/1995/0685 Proposal: Re-roofing of existing premises Address: 9-12 THE SQUARE MOY Decision: Decision Date:	

Ref ID: M/1999/0636/F

Proposal: Change of use and alterations (including increase in height) to domestic store to create dwelling house.

Address: Store to rear of no.8 The Square, Moy

Decision:

Decision Date: 08.05.2001

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 03

Type: 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: LA09/2020/1550/F	Target Date:
Proposal: Two storey house	Location: 20m South of 2 The Brambles Magherafelt
Referral Route: 1no. Objection received	
Recommendation:	Approval
Applicant Name and Address: P Ward 2 The Brambles Magherafelt	Agent Name and Address: Ward Design 10 Main Street Castledawson BT45 8AB
Executive Summary: Proposal complies with relevant prevailing planning policy. 1No. objection letter received and considered below.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen	Standing Advice
Statutory	Rivers Agency	Advice
Non Statutory	NI Water	Content
Statutory	DFI Roads - Enniskillen	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

Characteristics of the Site and Area

The site is located within the development limits of Magherafelt within an area zoned for housing as defined within the Magherafelt Area Plan 2015. The site is located within the existing housing development known as "The Brambles" which encompasses a relatively high density residential development with a mix of detached and semi-detached dwellings all with in curtilage parking and front and rear amenity space. The site comprises a plot of land between No.02 and No.04 The Brambles which is currently used as a rear garden space for No.04. The dwelling of No.04 has a northern orientation

and is also under the applicant's control, outlined in blue. It is one of three substantial houses at the entrance to The Brambles. The site has a relatively flat topography with mature vegetation defining the SE and SW boundaries. The NW boundary is defined by close board fencing and the NE boundary is currently undefined. The surrounding area is urban in character with a mix of land uses however the immediate area is predominantly residential.

Description of Proposal

This planning application seeks full planning permission for a 2 storey dwelling located 20m South of 2 The Brambles, Magherafelt.

Planning Assessment of Policy and Other Material Considerations

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

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

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland
- Magherafelt Area Plan 2015
- PPS 3 - Access, Movement and Parking
- PPS 7 - Quality Residential Environments
- Addendum to PPS 7 - Safeguarding the Character of Established Residential Areas (APPS 7)
- Planning Policy Statement 12 - Housing in Settlements
- PPS 15 – Planning and Flood Risk
- DCAN 8 - Housing in Existing Urban Areas

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

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, 1 objection letter was received from the occupier of No.04 The Brambles. The concerns outlined in this letter are summarised below:

- Not all neighbours within 90 metres from the boundary of the proposed house have been served notice;
- The plans do not include the old established trees around the boundary of the site however do include a garage on my property which does not or never did exist. Loss of character and ecological habitats from existing trees including squirrels, hedgehogs and a wide variety of birds;

- Questions the safety of three driveways so close together and proximity of an additional access to the entrance of the cul-de-sac which could increase traffic and affect pedestrian safety particularly during construction. Parking spaces seem small to accommodate the movement of a vehicle. The proposed fencing up to the boundary would impact on my view when driving out of my driveway;
- The proposed two side windows and proximity of the parking spaces could cause overlooking to No.04 and reduce privacy. Potential noise and disturbance during the construction of this dwelling;
- The proposed fence and angle of the proposed house would partly overshadow the front of my house causing loss of light;
- Approval may risk creating a precedent within the development.

I will aim to consider all concerns and points raised in the objection letter in turn below:

- The neighbour notification has been checked and has been carried out in line with legislative requirements. The Planning (General Development Procedure) Order (Northern Ireland) 2015 places a legislative requirement to serve notice of an application to any identified occupier on neighbouring land. Neighbouring land is defined as land which directly adjoins the application site or which would adjoin it but for an entry or a road less than 20 metres in width.
- It is noted that Drawing 04 Rev 1 appears to indicate a garage within the curtilage of No.04 and it was confirmed on the date of the site inspection that this garage is not in place. However, it should be noted the presence of this garage is not material and would not have a bearing on the outcome of this application. Drawing 04 Rev 1 has indicated some trees to the rear boundary. It was noted on the date of the site inspection that existing boundary treatment to the SE and SW boundary includes mature trees and vegetation. It is considered should approval be granted this should be retained for amenity benefits and this can be secured through an appropriately worded condition. As it is agreed the trees should be retained, this should not result in a loss of ecological habitat.
- Having considered the objectors comments regarding the boundary fence restricting visibility for No.04, I requested an amended drawing from the agent to ensure the proposed screen fence would be kept a minimum of 2.4m back from the kerb line. DfI Roads are the relevant statutory consultee under The Planning (General Development Procedure) Order (Northern Ireland) 2015 (as amended) to provide advice on road safety. Having reviewed the proposed access and parking arrangements, DfI Roads have not provided any objections or comments which suggest the proposal will prejudice road safety or significantly inconvenience the flow of traffic.
- The proposed dwelling includes two bathroom windows to the gable wall adjacent to No.04. It can be conditioned that these windows use obscure glass which will ensure no overlooking or loss of privacy. The curtilages located southwest of the proposed site are relatively open plan and include parking to the front of the semi-detached dwellings. I do not considered the siting of parking spaces to the front of the proposed dwelling will result in unacceptable overlooking. Whilst it is noted that the construction phase has the potential to give rise to some level of disturbance it is considered as this is for a short term period only it would not warrant the refusal of planning permission. DfI Roads require an informative to any forthcoming approval to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site.

- As previously stated the proposed fence has been amended and is now set back 2.4 metres from the kerb line. Having considered the potential of overshadowing, I have no concerns the proposal will result in unacceptable loss of light to No.04. As the sun rises in the East and sets in the West, there may be slight overshadowing to the front amenity space of No.04 during summer months however this is restricted to early morning sun.
- It should be noted that planning approval has already been granted for a dwelling on this application site through planning appeal reference 2007/A0934. Planning applications are each considered on their merits and the specifics of the site therefore I do not consider this proposal would set a precedent.

History on Site

H/2007/0332/F (2007/A0934) - Proposed 2 storey detached dwelling - Land between No.'s 2 & 4 The Brambles, Magherafelt – Planning Appeal Upheld Permission Granted 16/09/09

LA09/2017/1676/F - Application to provide 1 detached dwelling and garage and 4 semi detached dwellings with car parking and new access onto Station Road - 32 Station Road, Magherafelt – Permission Granted 05/03/20

Key Policy Considerations/Assessment

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

Magherafelt Area Plan 2015 is the statutory local development plan for the application site. The site is located within the settlement limits of Magherafelt on land zoned for housing under Zoning MT02/03 “The Brambles”. Plan Policy SETT2 of the extant Area Plan states favourable consideration will only be given to development proposals within settlement development limits provided that the proposal is sensitive to the size and character of the settlement in terms of scale, form, design and use of materials; and where applicable is in accordance with any key site requirements. The sensitivity of the proposal to the settlement will be considered in more detail below when considering the prevailing policy criteria. There are no key site requirements specified within the Plan for the application site.

Planning Policy Statement 7: Quality Residential Environments (PPS 7) is a retained policy document under the SPPS and provides the appropriate policy context. Policy QD 1 of PPS 7 sets out the policy framework under which applications of this nature should be assessed. Planning appeal reference 2007/A0934 considered a 2 storey dwelling of a similar design and scale on the application site was in compliance with PPS7 Policy QD1. The criteria of Policy QD1 is considered below:

- a) The proposal dwelling has a western orientation and is sited within a wedge-shaped portion of the rear garden of No.02 The Brambles. The application site has a frontage of 6.5m wide with a maximum depth of 23.5 metres and a 14.3m wide rear boundary. It is considered the proposed curtilage would not be significantly different in overall size from that of the semi-detached properties No.08-18 which are sited a short distance to the west on the same side of the road. It is noted that the surrounding context is relatively open plan with no defined front boundary treatment enclosing the properties and each with a 6m deep front garden area. The proposal contrasts with this and includes the provision of 2 park spaces to the front of the proposed dwelling with the driveway to be finished with pink gravel. It is considered that the surface material proposed would lessen any impact to the surrounding character and street scene. The scale and massing is considered to be in keeping with the surrounding context.
- b) No protected archaeological or built heritage features have been identified within the site or in close proximity thus it is not considered that the proposal would have a significant impact on any local landscape features of built/archaeological interests.
- c) There is adequate private open space within the site with a private amenity space to the rear of the proposed dwelling in excess of the 40m² recommended in Creating Places Guidance Document.
- d) As the proposal is for a single detached dwelling, it is considered to be inappropriate to ask the developer to provide additional neighbourhood facilities. The proposal would not significantly intensify or place unnecessary demands on the existing neighbourhood provisions and amenities within the area.
- e) The proposal creates a new driveway within The Brambles development. DfI Roads have been consulted and have no objection to the proposal subject to conditions therefore I consider the access and parking arrangements are adequate and in accordance with PPS3. The proposal is located within the settlement limits of Magherafelt where there is accessibility to public transport. It is considered an acceptable movement pattern is provided in compliance with this criterion
- f) I consider that adequate provision has been made for the provision of parking on the site. Drawing 04 Rev 1 indicates 2 in-curtilage parking spaces in line with Parking Standards Guidance.
- g) The design, form, detailing and materials are in keeping with the surrounding built form and are reasonably reflective of the wider Brambles development therefore are considered appropriate and acceptable.
- h) It is considered the existing, mature trees and vegetation along the rear boundary and SW boundary should be retained and would assist in preventing any loss of privacy to No.04 and any future development to the rear along Station Road. Drawing No.04 Rev 1 includes the provision of a 1.8 metre high close-boarded fence along the boundary with No.02. The proposed dwelling includes 1no first floor landing window to the northern side elevation, with 1no ground floor and 1no

first floor bathroom windows to the southern side elevation. These windows serve a low occupancy area of the house which does not encourage congregation, it is considered that there will not be lingering or significant overlooking. It is considered the use of a condition to ensure the use of obscure glass will ensure the privacy of the occupiers of the neighbouring properties. It is noted that there potential for a degree of overlooking from the first floor bedroom windows of No.02 onto the private amenity space of the proposed dwelling with approximate separation distance of 10-12 metres. However such a relationship and distance is not considered unusual within an urban, established residential area. In terms of loss of light and overshadowing, the positioning and orientation of the new dwelling approx. 6.5m NE of No.04 would not materially affect the level of light. Overall, I do not consider the proposal will result in significant detrimental impact on neighbouring amenity.

- i) The proposal seeks permission for a dwelling within an established residential area. I have no significant concerns in terms of crime or health and safety with respect the proposed design.

Further to that above APPS 7 Addendum to PPS 7 Safeguarding the Character of Established Residential Areas was introduced in August 2010 and is a material consideration. It is considered the proposal complies with all the additional criteria set out within Policy LC 1 as it the proposed plot and dwelling size and scale will be proportionate to that in the surrounding context and the proposal will not significantly alter the existing pattern of development and it is not considered the proposal will have a negative impact on the character and environmental quality of the established residential area.

Development Control Advice Note 8 (DCAN 8) establishes that new development in existing residential areas should respect the architectural, streetscape and landscape character of the area. It is considered the proposed development will not detract from the surrounding established character. The articulation of the roof, detailing and finishes, landscape and boundary treatment proposed will integrate effectively in order to maintain the established character of the area.

PPS 15: Planning and Flood Risk – It was identified that a portion of the site is located within a fluvial flood plain therefore it was necessary to consult with Rivers Agency. Rivers Agency responded on 20/01/21 advising that part of the site is within the 1 in 100 year fluvial flood plain and therefore can only be developed if the application is deemed to be an exception by the planning authority and in this case will require consideration of a flood risk assessment as per the requirements of Policy FLD1. Rivers Agency advised alternatively the applicant may wish to challenge the Strategic Flood Map (NI) and carry out an assessment to better determine the extent of the flood plain. This was relayed to the agent and he responded providing a Flood Map (Drawing 05) and a supporting statement. The statement submitted argued that the blue shading of the floodplain appears to follow the development road suggesting that any colouration beyond the roads is imprecise given the scale and the footprint of the house is entirely outside the blue shaded area with no ground raising or development within the flood risk area. The agent also contends that the previous planning approval for a similar scheme on the application site and the entire housing development which the subject site forms part of and which was developed in 1997 should carry significant weight. Whilst the planning

history is a material consideration, it is noted that PSP15 was published after both of the planning approvals relied upon. Nevertheless, having considered the supporting argument and the flood map provided it was agreed with the Principle Planner that on the basis of supporting information submitted that it is accepted that the proposed dwelling and associated works is not within the floodplain and acceptable in this instance.

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. The vehicular access including visibility splays 2.0 x 33 metres and any forward sight distance, shall be provided in accordance with Drawing No 04 rev 1 bearing the date stamp 29 Mar 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 development shall be carried out in accordance with the stamped approved Drawing Numbers 01 and 03 bearing the date stamped 26th November 2020, 04 Rev 1 bearing the date stamp 29th March 2021 and 05 bearing the date stamp 1st February 2021.

Reason: To ensure the provision of a quality residential development.

4. The existing mature trees and vegetation along the southeast and southwest boundary shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: In the interests of visual amenity.

5. No development hereby permitted shall take place until a 5 metre level maintenance strip is provided along the eastern boundary of the site to be protected from impediments, land raising or future unapproved development.

Reason: To facilitate replacement, maintenance or other necessary operations of a culverted watercourse.

6. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order, no extension or enlargement (including alteration to roofs, new window openings and erection of outbuildings) or provision within its curtilage of any building or enclosure shall be made to the dwelling house hereby permitted without the grant of a separate planning permission from the Council.

Reason: To safeguard adjacent residential amenity and ensure no development within the floodplain.

7. The hall and bathroom windows on the side elevations as indicated on Drawing 03 of the dwelling hereby approved shall be obscure glazing.

Reason: To safeguard the privacy of neighbouring residents.

Informatives

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
4. The applicant should consider all comments considered in the consultation response Rivers Agency dated 23rd November 2020.
5. The applicant's attention is drawn to NI Water consultation response dated 20th January 2021.
6. 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.
7. 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.

8. 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:



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1575/F	Target Date:
Proposal: Proposed retention of existing wooden platform/decking along with the associated wooden building/cabin.	Location: 35m West of no 74 Tullyodonnell Road Tullyreavy Dungannon BT70 3JH.
Referral Route: Objection	
Recommendation:	APPROVE
Applicant Name and Address: Mr Rory McGarrity 74 Tullyodonnell Road Tullyreavy Dungannon BT70 3JH	Agent Name and Address: Brendan Monaghan Lissan Design 45 Letteran Road Moneymore BT45 7UB
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	NI Water - Single Units West - Planning Consultations	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

Summary of Issues

One letter of objection and all other material considerations have been assessed within the determination in this report.

Characteristics of the Site and Area

The proposed site is identified as at 35m west of no 74 Tullyodonnell Road, Tullyreavy, Dungannon, which is located in open countryside in accordance with the Cookstown Area Plan 2010. The host site consists one and a half story dwelling and detached garage. There is a wooden cabin measuring 4.8m x 4.2m and 2.9m in height located on a raised wooden platform standing 1m high. The decking that surrounds the front and side of the cabin measures 3.360m by 8.240m. The cabin is 5.07m by 4.210m. The inside of the cabin has been laid similarly to a living room found inside a dwelling. The owner of the property confirmed that the wooden shed was erected in spring of 2020 and is used as a sun/living room ancillary to the existing dwelling. The adjoining the property to the south there is another residential property and mature hedgerow defines the common boundary with No 72.

Description of Proposal

The applicant is seeking retrospective planning permission for the proposed retention of existing wooden platform/decking along with the associated wooden cabin. . All finishes are annotated on Drawing Nos 01, 02, 03 stamp date 10/12/2020.

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

Planning History

I/1996/0504

74 Tullyodonnell road rock Cookstown change of use from school to dwelling PG

I/2002/0360/F

74 Tullyodonnell road rock Cookstown Retrospective Double Garage PG 24.07.2002

LA09/2020/0130/CA

74 Tullyodonnell road rock Cookstown: Alleged building under construction negotiate to resolve

Consultation.

DFI Roads were consulted in error

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 one letter of objection was received. This application was initially advertised in the local press on w/c 21st December 2020 (publication 22nd December 2020). One (1) neighbouring property was notified on 13 January 2021; 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, there is no watercourse directly abutting this site, therefore it is unlikely that there will be any adverse effects from development works on integrity of any National or European site or any water stream by way of a hydrological link to the site.

Planning Assessment of Policy and Other Material Considerations

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The Magherafelt Area Plan 2015 does not contain provisions provided by PPS 21 and the SPPS.

1. Strategic Planning Policy Statement (SPPS).
2. Cookstown Area Plan 2010.
3. PPS 7 Residential Extension and Alterations 'The Addendum' (APPS 7).
4. The Planning (General Permitted Development) Order (Northern Ireland) 2015.

Cookstown Area Plan 2010

The site lies in the rural countryside and outside any designated settlement limits as depicted in the CAP 2010.

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, which advises that the policy provisions of Planning Policy Statement 7 Residential Extension and Alterations 'The Addendum' (APPS 7).



Fig. 1 Shows wooden cabin located to the rear of No 74 Tullydonnell Road.



Fig. 2 Floor plan and elevations



Fig. 3 Aerial Photograph

Assessment.

PPS 7 Residential Extension and Alterations 'The Addendum' (APPS 7).

Policy EXT1 within the addendum is the relevant to be considered in assessing the proposal, which states that planning permission will be granted for an extension and alterations including garages and outbuildings as set out under Justification and Amplification A11.

Justification and Amplification A11

States buildings within the residential curtilage, such as, garages, sheds and greenhouses can often require as much care in siting and design as works to the existing residential property. They should be subordinate in scale and similar in style to the existing property, taking account of materials, the local character and the level of visibility of the building from surrounding views. The use of false pitches should be avoided as these often detract from the appearance of these buildings, particularly when viewed from the side.

Amplification 11 A

Garages or outbuildings wholly located in front gardens or those that extend in front the established building line can over-dominate the front of the property and detract from the street scene and will therefore generally be resisted.

A13 In the countryside, ancillary buildings should be designed as part of the overall layout to result in an integrated rural group of buildings.

Policy EXT 1 Residential Extensions and Alterations

Planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

- (a) The scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;
- (b) The proposal does not unduly affect the privacy or amenity of neighbouring residents;
- (c) The proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and
- (d) Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles. The guidance set out in Annex A will be taken into account when assessing proposals against the above criteria.

In regards to visual amenity, part A identifies that the overall siting, scale and design of the proposed wooden cabin is considered subordinate to the original host property and should not be detrimental to the character and appearance of the surrounding area. The proposal is sited far enough back behind the host dwelling and garage that would help aid the integration of the proposal into this existing rural setting. The size of the proposed of the cabin is subordinate in size and scale to that of the existing dwelling. A11 of the amplification states buildings within the residential curtilage, such as, garages, sheds and greenhouses can often require as much care in siting and design as works to the existing residential property. They should be subordinate in scale and similar in style to the existing property, taking account of materials, the local character and the level of visibility of the building from surrounding views. The proposal does not add to the existing ridge height of the dwelling and this ensures that there is no significantly greater impact in terms of character when compared with the setting of the existing dwelling.

The development is not considered to significantly alter the character and appearance of the application property or the character of the surrounding streetscape. Materials proposed are in keeping with that used in the original dwelling.

I am content that the development is considered to be acceptable in regards to the objectives of Part A of Policy EXT 1.

Part B of Policy EXT 1 identifies that a development proposal of this nature would only be considered acceptable where there would be no harmful impact conferred upon the occupiers of adjoining or neighbouring properties.

The adjacent dwelling No 72 Tullyodonnell Road is a detached dwelling set back from the public road and is bordered by hedgerows and fencing. This property's curtilage is much larger than that of the application site and is set further back. I am content given the separation distance and existing vegetation the cabin would not unduly affect the privacy or amenity of neighbouring property No 72.

The proposal is not considered to give rise to any material impact upon the amenity of the neighbouring property No 74 as stated above and I am content that there would be no impact by reason of over-dominance, over-shadowing or a loss of privacy. The proposal is therefore considered to accord with the objectives of Part B of Policy EXT 1.

There would be no loss of any landscape features, whilst the reduction of private amenity space would be minimal given the overall scale of the application site. The proposal is therefore considered to satisfy the objectives of Part C and D of Policy EXT 1.

A letter of objection was received from the occupier of No 72 Tullyodonnell Road stamp date 14/01/2021. The objector made generalised comments regarding the following:-

- Commencement of works without planning permission;
- The objector wants the Planning process to be put on hold pending the outcome of legal action according the objector was due to be heard in the County Court scheduled for 10-03-2021.

In response to the first point made by the objector that works commenced without planning.

MUDC Planning have opened an enforcement file in response to the breach of planning and have issued a submission letter requesting the applicant of No 72 to submit a planning application as a means to remedy the breach.

In response to the legal action mentioned in the objector's letter - I am now led to understand the matter regarding the common boundary dispute between Nos 72 and 74 has been resolved at a recent Court hearing.

Conclusion

I am content that the scale massing, design and external materials used will be sympathetic with the built form and appearance of the existing property. The proposal does not unduly affect the privacy or amenity of neighbouring residents. The proposal does not cause unacceptable loss of trees or other landscape features and sufficient space remains within the curtilage of the property for recreational and domestic purposes. The proposed development would not have an adverse impact upon the character of the area. From this the proposal accords with the policy tests of the Addendum to PPS 7 and is able to be taken forward as an approval

Recommendation to approve	
Neighbour Notification Checked	Yes
Summary of Recommendation:	
Approved subject to conditions	
<p>Conditions:</p> <p>1.This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.</p> <p>Reason: This is a retrospective application.</p> <p>2. The wooden building/cabin hereby permitted shall not be occupied at any time other than for the purpose ancillary to the residential use of the dwelling known as 74 Tullyodonnell Road, Tullyreavy, Dungannon</p> <p>Reason: To prevent creation of additional dwelling units</p> <p>Informatives</p> <ol style="list-style-type: none"> 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 prevailing legislation or may be administered by the Planning Authority or other statutory authority. 	
Signature(s)	
Date:	

ANNEX	
Date Valid	10th December 2020
Date First Advertised	22nd December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 72 Tullyodonnell Road Dungannon Tyrone Oliver Martin 72 Tullyodonnell Road, Dungannon, BT70 3JH	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2020/1575/F Proposal: Proposed retention of existing wooden platform/decking along with the associated wooden building/cabin. Address: 35m West of no 74 Tullyodonnell Road, Tullyreavy, Dungannon BT70 3JH., Decision: Decision Date: Ref ID: I/1974/0378 Proposal: ERECTION OF FARM WORKER'S BUNGALOW Address: TULLYREAVY, ROCK, DUNGANNON Decision: Decision Date: Ref ID: I/1974/037801 Proposal: ERECTION OF FARMWORKER'S BUNGALOW Address: TULLYREAVY, ROCK, DUNGANNON Decision: Decision Date: Ref ID: I/1994/6159 Proposal: Convert the old School House to private dwelling Rock Road Tullyreavy Cookstown Address: Rock Road Tullyreavy Cookstown	

Decision:
Decision Date:

Ref ID: I/1996/0504
Proposal: Change of use from School to Dwelling (including extension to same)
Address: 74 TULLYODONNEL ROAD ROCK COOKSTOWN
Decision:
Decision Date:

Ref ID: I/2002/0360/F
Proposal: Retrospective Double Garage
Address: 74 Tullyodonnell Road, Rock, Cookstown
Decision:
Decision Date: 24.07.2002

Summary of Consultee Responses

N/A

Drawing Numbers and Title

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

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

Drawing No. 03
Type: Proposed Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Development Management Officer Report
Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1612/F	Target Date:
Proposal: A new" Learning and development centre" for Northern Ireland Fire and Rescue Service (NIFRS) for the training of NIFRS employees which comprises: A main learning and development centre building 2 storey, accommodating training classrooms and administrative and welfare facilities. Several training buildings and structures; a Training Warehouse (a multi-storey and multi-purpose training building) a call-out village (domestic fire rescue training) houses a Flood water facility (for simulated water rescue training) a Drill Tower (for ladder training) an Agricultural Barn (for farm and animal rescue training) and two small ancillary buildings (a breathing apparatus servicing facility, and an extension to the support building for the existing fire-fighter training fire house) A number of training areas and props, an area for flood water pump training, a small network of roadways simulating short stretches of A and B roads , dual carriageway and motorway (for road traffic collision training) a driver training area (for low speed vehicle manoeuvring and skid control training), a search and rescue training area (with simulated underground and collapsed structure training scenarios) and prop structure for training in industrial and chemical scenarios (utilising only simulations of hazardous materials). Site development infrastructure works, site landscaping enhancements and all ancillary development.	Location: Lands South of Desertcreat Road, East of A29 Dungannon Road and North West of Downs Road, Desertcreat, Cookstown, Northern Ireland Fire and Rescue Service
Referral Route: This is a Major Planning application.	

Recommendation:	Approve
Applicant Name and Address: Northern Ireland Fire and Rescue Service, 1 Seymour Street, Lisburn	Agent Name and Address: Kennedy Fitzgerald Architects, Dill House Studio, Castlereagh Business Park, Belfast, BT5 6BQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	NIEA	Advice
Statutory	NIEA	Advice
Statutory	Shared Environmental Services	
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	NI Water - Strategic Applications	Substantive Response Received
Statutory	Shared Environmental Services	Advice
Statutory	NIEA	Advice

Representations:	
Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Summary of Issues Not applicable.	
Characteristics of the Site and Area <p>The application site comprises of c.27 hectares of primarily agricultural farmland and some smaller woodland areas and is enclosed by strong hedgerow field boundaries. The site is located between Dungannon and Cookstown and is accessed directly off the A29 Dungannon Road. Some low lying areas of the site contain wet rush pasture. The Killymoon River runs outside the boundary of the site to the North. Generally, the area is rural in nature and has a mix of farmhouses and residential dwellings.</p> <p>The Phase 1 NIFRS Tactical Fire Fighting Unit and Support Building has been constructed to the east of the current application site and is now operational. This site is clearly visible from the A29; however, it is for a short distance at the site frontage. The building is also visible from various viewpoints in the surrounding rural road network.</p>	
Description of Proposal <p>This application is specifically for a new " Learning and development centre" for Northern Ireland Fire and Rescue Service (NIFRS) for the training of NIFRS employees which comprises:</p> <ul style="list-style-type: none"> • A main learning and development centre building 2 storey, accommodating training classrooms and administrative and welfare facilities; • Several training buildings and structures; a Training Warehouse (a multi-storey and multi-purpose training building) a call-out village (domestic fire rescue training) houses, a Flood water facility (for simulated water rescue training), a Drill Tower (for ladder training) an Agricultural Barn (for farm and animal rescue training) and two small ancillary buildings (a breathing apparatus servicing facility, and an extension to the support building for the existing fire-fighter training fire house); • A number of training areas and props, an area for flood water pump training, a small network of roadways simulating short stretches of A and B roads, dual carriageway and motorway (for road traffic collision training), a driver training area (for low speed vehicle manoeuvring and skid control training), a search and rescue training area (with simulated underground and collapsed structure training scenarios) and prop structure for training in industrial and chemical scenarios (utilising only simulations of hazardous materials); • Site development infrastructure works, site landscaping enhancements and all ancillary development. 	

Planning Assessment of Policy and Other Material Considerations

The Regional Development Strategy 2035
 Strategic Planning Policy Statement
 Cookstown Area Plan 2010
 MUDC Local Development Plan 2030 - Draft Plan Strategy
 Planning Policy Statement 2 - Natural Heritage
 Planning Policy Statement 3 - Access, Movement and Parking
 Planning Policy Statement 15 - (Revised) Planning and Flood Risk
 Planning Policy Statement 21 - Sustainable Development in the Countryside

MUDC received a planning application for this development on 16 December 2020. The application was advertised in the local press, neighbours were notified and a series of consultations were issued.

There is planning history to this site, which is detailed later in the report. The applications to highlight for members are the following:

I/2004/0967/O - Police Training College, Ancillary Facilities And Associated Site Works for which permission was granted 5 August 2005

I/2012/0240/F - Joint services Training College (for the Police Service of Northern Ireland, the Northern Ireland Prison Service, and the Northern Ireland Fire and Rescue Service) consisting of new teaching, training and residential facilities together with associated car parking, access, landscaping and other ancillary site works. The proposal also includes construction of a single wind turbine for which permission was granted 13 February 2013

LA09/2017/0439/F - Provision of a training and support building ,a revised internal single carriageway access road and car parking on behalf of Northern Ireland Fire and Rescue Services (NIFRS) as part of Desertcreat Phase 1 (approved under planning application I/2012/0240/F) for which permission was granted 16 August 2017

This current planning application is for a much smaller area of land included in I/2012/0240/F through which the principle of the proposal was accepted though not all of those approved lands have been developed to date. Thus far, a new entrance and associated road infrastructure off the A29 Dungannon Road as well as a Tactical Fire Fighting Facility and support accommodation have been delivered and known as Phase 1, which was approved under LA09/2017/0439/F.

The 2012 application included proposals for NIFRS, the Prison Service of NI and the Police Service of NI. However, it is only the NIFRS currently proceeding with proposals to develop the site. Therefore the overall area to be developed is approximately one-third of that approved under the 2012 approved application. The approved wind turbine has not been deemed a viable option for the NIFRS and is omitted from this planning application.

Having carried out local public consultation together with differing requirements the proposed driver training area has moved position and is now sited further from the key

residential boundaries. This area is proposed to be enclosed with planting which will help to reduce the noise nuisance across the site.

The agent considers the proposal will be more compact than previously proposed and approved with lands to the eastern and northern boundaries within the red line boundary now remaining as open countryside. The applicant also demonstrates a greater retention of woodland and hedgerow across the site resulting in ecological benefits. Car parking is located behind retained woodland areas to help reduce the visual impact of the development on the surrounding open countryside.

Through a reworking of the approved masterplan there will be a reduction in the required amount of cut and fill for the current proposal. The siting of most of the training buildings remain unchanged with the exception of the call out village and the floodwater facility, which have swapped places. The agent asserts this move ensures the busiest core training facilities are located in the centre of the site. The 2020 application meets the training needs of the NIFRS and it responds to the site and its context.

The new Learning and Development Centre will provide a national base for high quality standardised training education for NIFRS. It is a Northern Ireland Executive Flagship Project, which represents an important investment in public safety. The new facilities will allow firefighters to complete realistic training in a simulated environment where hazards and scenarios can be safely recreated. With the new facilities, the firefighters will benefit greatly with better training outcomes and improved public safety. Given the central location in Mid Ulster, they envisage that fire crews from across NI will visit and benefit from the facilities.

You will see a site masterplan below detailing the new buildings and areas.



The buildings are a mix of heights as follows:

- Learning and Development Centre: 2 storey
- Training Warehouse: 4 storey
- Hazmat Prop Area: single storey
- Call out village: Bungalows and 2 storey
- Existing phase 1 facility: Single storey
- Drill tower: 13 metres
- Agricultural Shed and slurry pit: 5.5 metres

This is a Major planning application as prescribed in the Development Management Regulations. Consequently, Section 27 of the 2011 Act places a statutory duty on applicants for planning permission to consult the community in advance of submitting an application.

Section 27 also requires that a prospective applicant, prior to submitting a major application must give notice, known as a 'proposal of application notice' (PAN), to the council, that an application for planning permission for the development is to be submitted. There must be at least 12 weeks between the applicant giving the notice and submitting any such application. The applicant has complied with the legislative requirements in this regard.

Assessment of proposal within the planning policy and guidance context:

Regional Development Strategy:

The RDS 2035, whilst is not an operational policy, it does provide the overarching framework for NI, from which planning policies are derived. The vision of the RDS is supported by eight aims:

- Support strong, sustainable growth for the benefit of all parts of NI;
- Strengthen Belfast as the regional economic driver and Londonderry as the principal city of the North West;
- Support NI's towns, villages and rural communities to maximise their potential;
- Promote development which improves the health and well-being of communities;
- Improve connectivity to enhance the movement of people, goods, energy and information between places;
- Protect and enhance the environment for its own sake;
- Take actions to reduce Northern Ireland's carbon footprint and facilitate adaptation to climate change; and
- Strengthen links between north and south, east and west, with Europe and the rest of the world.

In the RDS, Cookstown is identified as a Main Hub and it states

"With a growing population of around 12,000 is centrally located in Mid Ulster within an hour's drive to Belfast and Londonderry. With an emphasis on manufacturing, construction and retail sectors, this traditional market town provides services to a wider rural hinterland. In addition to a range of cultural and leisure amenities Cookstown has an agricultural college and will be home to a new Public Service Training College".

Policy SFG 11 of the RDS seeks to "Promote Economic Development Opportunities at Hubs". As part of this SFG 11 states, for long term policy direction;

“Promote and exploit the potential for economic development. Hubs are all performing economic roles and have potential for further economic expansion. Small businesses and service sector offices could locate in these towns.

• Consider Hubs and clusters of Hubs first. *When new development is being considered, the relationship and benefits between towns/cities in the clusters should be taken into account. The Hub and the higher performing town/city in the cluster should be considered first in the decision process”.*

Strategic Planning Policy Statement:

The SPPS is a statement of the Department’s policy on important planning matters that should be addressed across Northern Ireland. The provisions of the SPPS are material to all decisions on individual planning applications and appeals. The SPPS states that objective of the planning system is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being. The SPPS goes on to state the planning system should positively and proactively facilitate development that contributes to a more socially economically and environmentally sustainable Northern Ireland.

Para 3.7 of the SPPS states furthering sustainable development also means ensuring the planning system plays its part in supporting the Executive and wider government policy and strategies in efforts to address any existing or potential barriers to sustainable development.

Para 5.45 of the SPPS acknowledges that major developments have important social, economic and environmental implications for a council area. With potential to deliver important benefits for the local community, these applications will be given appropriate priority to avoid undue delay and risk to investment decisions. I understand the investment required by the Northern Ireland Executive for this training facility to be in the region of £42 million.

Cookstown Area Plan 2010:

This is the current statutory area plan for the former Council District of Cookstown. The application site lies outside and to the south west of the settlement of Desertcreat as identified in the Area Plan.

The proposed site lies outside the Local Landscape Policy Area designated along the banks of the Ballinderry River and in the grounds of Drumraw House, which is to protect archaeological and nature conservation interests and the wooded surroundings of Desertcreat Church, the Church Hall and Drumraw House.

Planning permission for I/2012/0240/F for a joint services Training College (for the Police Service of Northern Ireland, the Northern Ireland Prison Service, and the Northern Ireland Fire and Rescue Service) consisting of new teaching, training and residential facilities together with associated car parking, access, landscaping and other ancillary site works.

With the publication of PPS 21 Sustainable Development in the Countryside PPS 21 has superseded the Green Belt designations and the majority of Countryside Policy Areas, and the application site now lies within the countryside.

Under Policy CTY 1 of PPS 21, it states that there is a range of developments, which in principle are acceptable in the countryside. Non-residential development will be acceptable in a number of cases. The proposed training college is acceptable under CTY 1 as it falls within the type of development that will only be permitted where there are "overriding reasons why that development is essential and could not be located in a settlement." All proposals for development in the countryside must be sited and designed to integrate sympathetically and to meet all other planning and environmental considerations.

Given the regional significance of this proposal, the planning history, and the feedback from the consultees, it is considered that the development is acceptable under the prevailing development plan.

MUDC 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.

LA09/2019/0740/DETEIA concluded an ES was not required for the proposed development.

Planning Policy Statement 2 - Natural Heritage:

PPS 2 - Planning and Nature Conservation sets out the planning policy for nature conservation for the whole of Northern Ireland. It describes the statutory framework that helps to protect designated areas. It also outlines the criteria the Local Planning Authority will employ when processing planning applications that might affect nature conservation interests.

The agent submitted an Ecological Impact Assessment, an Outline Construction Environmental Management Plan and a shadow Habitats Regulation Assessment with the application. Both NIEA and SES were consulted with the information.

Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, Shared Environmental Services have advised the project will not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. In reaching this conclusion, SES has assessed the manner in which the project will be carried out including any mitigation. This conclusion is subject to mitigation measures being conditioned in any approval and these are listed later in this report.

Having reviewed the appropriate assessment I would advise that Mid Ulster District Council, in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 10/05/2021. This found that the project would not be likely to have an adverse effect on the integrity of any European site.

NED notes that a shadow Habitats Regulations Assessment (sHRA) submitted concludes “significant adverse impacts on the integrity of Lough Neagh & Lough Beg SPA/Ramsar are unlikely to arise as a result of the proposed development”.

NED is generally content with the mitigation measures set out in the Outline Construction Environmental Management Plan (OCEMP) but notes that additional measures to protect watercourses from pollution have been recommended. NED is content that provided these mitigation measures are implemented the proposed development is unlikely to have significant effects on the designated sites. NED has recommended a condition that final details of the proposed mitigation measures, are provided in a final CEMP by way of condition.

As highlighted in our previous response, NED notes that a Common pipistrelle bat roost was identified in a derelict stone building in the east of the site during the original surveys of the site. Bats are a European protected species under the Habitats Regulations, and as such are subject to a strict level of protection. NED notes that this building is to be retained and that no significant works are proposed in this area. NED would highlight that if any works were proposed to be carried out on this building then a wildlife licence would have to be obtained from NIEA beforehand.

Bats are nocturnal species and are highly sensitive to artificial lighting in their environments. This can have a significant adverse effect on their natural behaviour such as foraging or commuting, causing disturbance and/or displacement and affecting their ability to survive. NED raised concerns regarding the impact of proposed lighting on bats, in particular the potential impact on Brown long-eared bats. A response letter from Kennedy Fitzgerald Architects and the Electrical Site Lighting plan submitted notes that in general the site will be unoccupied between the hours of 8pm and 7am. During these times external lighting will be reduced to 10% of its total output or turned off completely with the exception of some night time lighting intermittently throughout the year for training purposes. NED also notes a light spill of 1 lux or less on woodland and hedgerows can be achieved through the implementation of mitigation such as the use of cut-off hoods, lower output fittings and reduced column spacing. NED is content that provided these mitigation measures are implemented the proposal is unlikely to have a significant impact on foraging and commuting bats.

NED notes from the EcIA that there are several outlier and subsidiary badger setts located within and in close proximity to the site. The subsidiary sett located within the site is proposed to be closed as it will be impacted by the proposed development. All other setts are proposed to be retained. NED is content with the mitigation measures proposed within the EcIA and OCEMP to protect the local badger population. NED would highlight that a wildlife licence must be obtained from NIEA for the closure of the subsidiary set within the site.

NED have considered the Environmental Mitigation Drawing contained in Appendix A of the OCEMP, which shows a 25m protection buffer to the retained badger setts. NED has assessed the unredacted drawing submitted and notes that it shows 30m protection buffers to the badger setts. NED is content that no development works are proposed within the majority of these buffers. However, from Drawing Number 08, Proposed Layout – Sheet 5 of 5, date stamped 14 December 2020 by the Council, NED notes that material from earthworks are proposed to be deposited and graded in two areas in the east of the site. It appears that some of these earthworks may be within 25m of the two outlier setts in this area and NED has serious concerns that these works could have a significant impact on badgers through damage to setts and disturbance. Therefore, NED recommends that no works including earthworks take place within 25m of these badger setts and have included a suggested condition.

NED notes the revised Environmental Mitigation Drawing shows a 100m radius from the location of proposed piling activities. NED is content that no piling activities are proposed within 100m of the existing badger setts and that updated surveys will be carried out prior to any works commencing to identify any new setts that may be created within the site. NED have suggested an amendment to the OCEMP with regards to the proposed piling when it is submitted for approval.

NED notes that a smooth newt survey was carried out of suitable breeding habitat within the site and that 4 newts were confirmed in a drainage ditch in the east of the site. Smooth newts are protected under the Wildlife (Northern Ireland) Order 1985 (as amended). NED notes that this ditch is to be retained and mitigation measures have been proposed to protect the breeding pond and smooth newts within the site. NED notes the revised Environmental Mitigation Drawing shows a 20m protection buffer to the newt pond. NED is content that provided the mitigation measures set out in the OCEMP are implemented, the proposal is unlikely to have a significant impact on the local smooth newt population.

There are several drainage ditches and a small watercourse within the site. The watercourse and the Killymoon River to the north, which it flows into, are Northern Ireland priority habitats. NED is generally content with the mitigation proposed to protect the watercourses and recommends that full details of proposed mitigation measures are included in the final CEMP.

NED notes that no construction methods or details on pollution prevention measures have been provided in the OCEMP for the construction of any culverts. NED recommends full construction method details and pollution prevention measures to be implemented during construction of any culvert are included in the final CEMP.

The native hedgerows on site are a Northern Ireland priority habitat. NED notes that some hedgerow and woodland removal is proposed to facilitate the development. NED is content that proposed planting plan provides sufficient compensation for the loss of existing woodland and hedgerows on site. Should planning permission be granted NED have suggested a condition requesting the submission of a planting schedule.

NED notes it is recommended in the EcIA that a long term Habitat Management Plan (HMP) should be developed for the site to help NIFRS meet their obligations under the Wildlife and Natural Environment Act (Northern Ireland) 2011 (the WANE Act), to further

the conservation of biodiversity. NED welcomes the development and implementation of a HMP for the site. NED agrees that the HMP should be based on this agreed plan approved under Phase 1 and updated to take into account for changing site conditions and the proposed landscaping and planting. The HMP should contain details on the long-term management of new and existing habitats to ensure their long term viability.

NED notes from the EclA that whilst no evidence of otters was found within the site, the small stream corridor is suitable albeit sub-optimal for otters, but they are present in the adjoining Killymoon River. Otters are a European protected species under the Habitats Regulations. NED is content that provided the mitigation measures proposed in the EclA and OCEMP to protect the watercourses on site are implemented, there are unlikely to be any significant impacts on the local otter population.

It is stated in the EclA that “boundary and internal hedgerows and areas of woodland and scrub provide good nesting and foraging for a variety of passerines”. As previously stated hedgerow removal will be required as part of the proposed development. NED would highlight that all wild birds and their nests are protected under the Wildlife (Northern Ireland) Order 1985 (as amended). However, providing this is carried out outside of the bird breeding season or following a check by a suitably qualified ecologist, as recommended in the EclA, NED considers that this is unlikely to have a significant impact on breeding birds.

NED notes from the EclA that the site provides suitable habitat for Irish hare and hedgehog. Irish hare and hedgehog are Northern Ireland priority species. NED considers there is unlikely to be any significant impacts on the local hare and hedgehog populations provided appropriate mitigation measures are implemented.

As previously stated the Killymoon River runs to the north of the proposed site and is part of the Ballinderry catchment, which flows on to Lough Neagh. Monitoring has shown stocks of both salmon and trout, fry and parr and thus it is deemed to be of high importance from a fisheries perspective. The Ballinderry and its tributaries are of significant importance as migratory corridors for several species, salmon, trout (including dollaghan), eels and lamprey and holds excellent habitat for juvenile adult and spawning salmonids. There are a number of angling clubs both on the Ballinderry and Killymoon Rivers who utilise the rivers for recreational purposes and the applicant should be aware of this. Inland Fisheries have confirmed there has been significant investment of time and resources by the Ballinderry River Trust, DAERA Inland Fisheries and AFBI to enhance the habitats utilised by these species and are committed to further improving the catchment as a whole.

Inland Fisheries confirm they are content with the surface water management systems that are proposed and they welcome the adoption of the SuDS principles with the permeable hard surfaces used for pavements and carparks, swales, soakaways, rainwater harvesting and the attenuation lake proposed. The applicant must ensure that any potential discharges from the proposed foul water treatment package are of a nature that will not be to the detriment of the aquatic environment.

Inland Fisheries have indicated some concerns relating to the potential for the release of deleterious materials to the Killymoon River during the construction of the access road and the associated relocation of a watercourse to facilitate the road. Fish populations

are sensitive to reductions in water quality and salmonids are particularly susceptible to siltation. There could be an impact on the aquatic ecology not only in the immediate area of works but also significant distances downstream unless comprehensive mitigation measures are applied. Given this potential Inland Fishers would recommend the conditioning of a specific CEMP for this particular procedure.

There is also the potential for the release of deleterious materials to the watercourses within the boundary of the site and subsequently the Killymoon River. Therefore, Inland Fisheries would recommend the intention of the applicant to provide an overall CEMP is a condition in any approval before any preparation works or ground clearance works are carried out to ensure that any attenuation is in place prior to commencement.

Planning Policy Statement 3 - Access, Movement and Parking:

Following an initial consultation with DfI Roads additional information was sought from the agent including a Transport Assessment, parking and cycle information and a Stage 3 Road Safety Audit. Upon receipt, DfI Roads were consulted.

In their most recent consultation response, DfI Roads advise that the recommended remedial works as identified in the Stage 3 Safety Audit have not been carried out to date. Any licence permitting works on the public road issued by the Roads Authority will not be released until the agreed works are completed and the RSA report and response report is completed. The applicant is reminded of their liability responsibilities for the road works until the licence is released. DfI Roads have no objection to the current planning application subject to the condition listed below. This condition requires visibility splays of 6 metres by 215 metres at the junction of the proposed access with the A29 Dungannon Road, shall be provided in accordance with the approved plans, prior to the operation of any other works or other development hereby permitted. This will allow for the future development of the lands.

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

The Strategic Flood Map (NI) indicates that the development does not lie within the fluvial flood plain. Numerous undesignated watercourses traverse the site. A Drainage Assessment was submitted with the application and following a consultation with Rivers Agency, they requested a Schedule 6 Consent letter from the DfI Rivers Area Office in relation to the proposed discharge to the watercourse. However, following a discussion with the architect and planning consultant it has been agreed with Rivers Agency to seek this submission under a planning condition. The proposed development will be a Design and Build with an as yet un-appointed building contractor and it will be their responsibility to design the drainage network. If a plan is submitted at this stage, it will be a generic plan, which will change once it is finalised.

A number of culverts were installed as part of the Phase 1 works to maintain flow and allow for the installation of the temporary access road. They propose to extend these culverts where the new access road is due to both road widening and a change in level. It is noted in the Drainage Assessment one of the existing culverts requires a significant extension of c. 150m to accommodate the new facility as it passes the Learning and Development Centre rear yard.

The Drainage Assessment states that any watercourses that impact the proposed development will be diverted and incorporated into the proposed drainage strategy.

Policy FLD 4 of PPS 15 states artificial modification of a watercourse is not normally permitted unless it is necessary to provide access to a development site or for engineering reasons, which is a matter for the Planning Authority. Rivers Agency are content to accept an approval of this application subject to the condition listed below.

Planning Policy Statement 21 - Sustainable Development in the Countryside:

PPS 21 sets out planning policies for development in the countryside. Planning and other environmental policies must play their part in facilitating economic development but not at the expense of the Region's rich natural assets and not at the expense of the natural and built environment in order to deliver sustainable economic development. Great importance is attached to a sustainable approach to development in the countryside. An approach that strikes a balance between the need to protect the environment while simultaneously sustaining a strong and vibrant rural community.

The objectives of PPS 21 are:

- to manage growth in the countryside to achieve appropriate and sustainable patterns of development that meet the essential needs of a vibrant rural community;
- to conserve the landscape and natural resources of the rural area and to protect it from excessive, inappropriate or obtrusive development and from the actual or potential effects of pollution;
- to facilitate development necessary to achieve a sustainable rural economy; including appropriate farm diversification and other economic activity; and
- to promote high standards in the design, siting and landscaping of development in the countryside.

Policy CTY 1 states there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development.

Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. Access arrangements must be in accordance with the Department's published guidance.

Under Policy CTY 1 of PPS 21, it states that there are a range of developments, which are in principle considered acceptable in the countryside. There are a number of cases for which non-residential development will be acceptable. The proposed training college

is acceptable under CTY 1 as it falls within the type of development that will only be permitted where there are "overriding reasons why that development is essential and could not be located in a settlement."

The principle of development in this rural location was established through the planning history on a larger area of land under approved planning application I/2012/0240/F. The current application is on lands included in the approved 2012 application.

Contamination

NIEA: Regulation Unit (RU) note that there are no significant records of previous potentially contaminating land uses on this application site or in the adjacent area (see below table & map). RU consider the proposed development as a low risk to the water environment. RU would have no objection to any planning application subject to Conditions and Informatives.

Noise and air pollution

Noise monitoring of typical equipment used at the existing NIFRS facility at Boucher Road was used to predict noise impact at nearby residential receptors and found to be below typical background noise levels. As a result, it is concluded that noise levels from the proposed development will be significantly lower than the noise levels stated within condition 13 of the previously approved permission of I/2012/0240/F. The Environmental Health Department is satisfied with this conclusion subject to the suggested conditions being included should planning permission be granted.

With regards to air quality, the Irwin Carr Air Quality Impact Assessment considers the impact of emissions from on-site fires, which would be used to replicate real life scenarios. Additional emission to the existing Tactical Fire Fighting Building would be from the 'Call out village'. Air Quality has been considered in the context of UK Air Quality Standards, whilst dust and odour were assessed against relevant criteria.

AERMOD modelling was used, along with 5 year meteorological data, to predict the impact using input parameters such as odour concentration, temperature of emissions, exit velocity and odour emission rate. The consultancy concluded that the effect of burning against UK Air Quality Standards, dust and odour limits were all below the acceptable standards and this is not disputed by the Environmental Health Department.

The Mott MacDonald lighting report has been considered and shows that no light spill will occur beyond the boundary of the proposal except for the entrance/exit to the facility, where light will not exceed 10 lux. Consequently, we have no issue with the lighting proposal and do not envisage it having an impact on residential amenity.

Neighbour Notification Checked	Yes
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Summary of Recommendation: Approve subject to the conditions below.

<u>Conditions:</u>

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 appointed contractor must submit a site specific Final Construction Environmental Management Plan (CEMP) for approval by Mid Ulster Council Planning before commencement of any works on site. This plan should contain all the appropriate environmental mitigation as contained within the Outline CEMP by Mott MacDonald, March 2021, HRA by Gareth Grindle Associates, December 2020, and as advised by NIEA WMU and NIEA NED in their responses to the consultation dated 08/02/2021 and 29/04/2021.

Reason: To ensure that the appointed contractor is aware of and implements the appropriate environmental mitigation during construction phase that will negate effects on hydrologically connected European Site features.

3. 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 for a private WWTW has been granted under the terms of the Water (NI) Order 1999 by NIEA WMU.

Reason: To ensure a practical solution to sewage disposal is possible at this site to protect hydrologically connected European Site features.

4. Prior to the commencement of any of the approved development on site, a final drainage assessment, compliant with Annex D of PPS 15 and containing a detailed drainage network design including a demonstration of how out of sewer flooding will be managed must be submitted to the Planning Authority for its consideration and approval.

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

5. A detailed Construction Method Statement, for works in, near or liable to affect any waterway, as defined by the Water (Northern Ireland) Order 1999, must be submitted to Water Management Unit, at least 8 weeks prior to the commencement of the works or phase of works.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

6. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance. In the event of unacceptable risks being identified, a Remediation Strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction. This strategy should be completed by competent persons in accordance with Land Contamination: Risk Management (LCRM) guidance.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

7. After completing the remediation works under Condition 6 and prior to occupation of the development, a Verification Report needs to be submitted in writing and agreed with the Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Land Contamination: Risk Management (LCRM) guidance. The Verification Report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

8. The visibility splays of 6 metres by 215 metres at the junction of the proposed access with the A29 Dungannon Road, shall be provided in accordance with the approved plans, prior to the operation of any other works or 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: In the interest of road safety

9. The level of noise emission from operational activities within the permitted site shall not exceed 29 dB $L_{Aeq, 1 \text{ hour}}$ when measured at 3 metres from the façade of 16 Downs Road between the hours of 07:00 and 23:00 hours and 29 dB $L_{Aeq, 15 \text{ minute}}$ when measured at 3 metres from the façade of 16 Downs Road between 23:00 hours and 07:00 hours.

Reason: To protect neighbouring residential amenity.

10. Within 4 weeks of a written request by the Council following a reasonable noise complaint from the occupant of a dwelling which lawfully exists, the operator shall, at his/her expense, employ a suitably qualified and competent person, to assess the level of noise from the development and assess it against the limits stated within Condition 1. Details of noise monitoring survey shall be submitted to the 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 to reduce noise levels contained within Condition 1. These remedial measures shall be carried out to the satisfaction of the 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 residential amenity.

11. No development activity, including ground preparation or vegetation clearance, shall take place until a Final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority. The approved CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Planning Authority. The CEMP shall include the following:
- a) Construction methodology and timings of works;
 - b) Pollution Prevention Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site;
 - c) Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;
 - d) Water Quality Monitoring Plan;
 - e) Environmental Emergency Plan;
 - f) Mitigation measures as detailed in the shadow Habitats Regulations Assessment and Ecological Impact Assessment;
 - g) Details of culverting of the watercourses and of the watercourse relocation;
 - h) Details of appropriate mitigation measures to protect badgers, including an updated survey prior to works commencing;
 - i) Details of appropriate mitigation measures to protect smooth newts;
 - j) Earthworks Management Plan;
 - k) Details of the appointment of an Ecological Clerk of Works (ECoW) to oversee mitigation measures for priority/protected species and their roles and responsibilities.

Reason: To protect Northern Ireland priority habitats and protected species and to prevent likely significant effects on Lough Neagh and Lough Beg Area of Special Scientific Interest, Special Protection Area and Ramsar site.

12. No development activity, including ground preparation or vegetation clearance, shall take place until protection zones, clearly marked with posts joined with hazard warning tape, has been provided around each badger sett entrance at a radius of 25 metres (as shown on the Environmental Mitigation Drawing contained in Appendix A of the Outline Construction Environmental Management Plan, dated March 2021). No works, vegetation clearance, disturbance by machinery, dumping or storage of materials shall take place within the protection zones unless an appropriate Wildlife Licence has been obtained from NIEA. The protection zones shall be retained and maintained until all construction activity has been completed on site.

Reason: To protect badgers and their setts on the site.

13. No development activity, including ground preparation or vegetation clearance, shall take place until a protection zone, clearly marked with posts joined with hazard warning tape, has been provided around the smooth newt breeding pond, as shown on the Environmental Mitigation Drawing contained in Appendix A of the Outline Construction Environmental Management Plan, dated March 2021, at a

radius of 20 metres from the edge of the pond. No works, vegetation clearance, disturbance by machinery, dumping or storage of materials shall take place within this protection zone without the consent of the Planning Authority. The protection zone shall be retained and maintained until all construction activity has been completed on site.

Reason: To protect newts and their place of refuge.

14. No development activity shall take place until a final Landscaping and Planting Plan has been submitted to and approved in writing by the Planning Authority. The approved Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority. The Plan shall include the following:
- a) The retention of mature trees and hedgerows on the site;
 - b) Details of the protection of retained trees and hedgerows by appropriate fencing in accordance with British Standard 5837:2012 *Trees in relation to design, demolition and construction – Recommendations*;
 - c) Planting Schedule to include appropriate numbers of native species of trees/shrub;
 - d) Details of the aftercare of all planting on the site.

Reason: To compensate for the loss of existing trees and hedgerows and to minimise the impact of the proposal on the biodiversity of the site.

Signature(s)

Date:

ANNEX	
Date Valid	16th December 2020
Date First Advertised	29th December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 105 Dungannon Road, Cookstown, Tyrone, BT80 9BD The Owner/Occupier, 109 Dungannon Road, Cookstown, Tyrone, BT80 9BD The Owner/Occupier, 41 Killygarvan Road, Dungannon, Tyrone, BT71 4DE	
Date of Last Neighbour Notification	5th January 2021
Date of EIA Determination	
ES Requested	Yes
Planning History Ref ID: I/2004/0967/O Proposal: Police Training College, Ancillary Facilities And Associated Site Works Address: Land South Of Desertcreat Road, East Of A29 Dungannon Road, West of Lindsayville Road And West of Down's Road, Desertcreat, Cookstown Decision: Decision Date: 05.08.2005 Ref ID: I/2012/0240/F Proposal: Joint services Training College (for the Police Service of Northern Ireland, the Northern Ireland Prison Service, and the Northern Ireland Fire and Rescue Service) consisting of new teaching, training and residential facilities together with associated car parking, access, landscaping and other ancillary site works. The proposal also includes construction of a single wind turbine. Address: Land south of Desertcreat Road east of A29 Dungannon Road and north west of Downs Road Desertcreat Cookstown Co. Tyrone, Decision: PG Decision Date: 13.02.2013 Ref ID: LA09/2016/0468/PAN Proposal: Proposed gas pipeline to supply natural gas to west of Northern Ireland Address: High pressure (HP) gas transmission pipeline of approximately 80 kilometres in length between Portadown and Tullykenneye (just west of Fivemiletown). Intermediate pressure (IP) gas pipeline, approximately 100 kilometres in length from HP I Decision:	

Decision Date:

Ref ID: LA08/2016/1328/F

Proposal: Construction of an underground gas pipe line and associated infrastructure comprising: a new 85 bar High Pressure (HP) cross-country gas transmission pipeline, approximately 78km in length and varying between 300-400mm diameter; New Intermediate Pressure (IP) gas pipelines, (approximately 107km and varying between 250-315mm diameter) laid primarily in the public road, 7 Above Ground Installations (AGI) and 8 District Pressure Governors (DPG); temporary ancillary development comprising temporary construction compounds, temporary pipe storage areas and temporary construction accesses.

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: PG

Decision Date:

Ref ID: LA09/2017/0439/F

Proposal: Provision of a training and support building ,a revised internal single carriageway access road and car parking on behalf of Northern Ireland Fire and Rescue Services (NIFRS) as part of Desertcreat Phase 1 (approved under planning application I/2012/0240/F)

Address: Lands South of Desertcreat Road, East of A29 Dungannon Road and North West of Downs Road, Desertcreat, Cookstown,

Decision: PG

Decision Date: 16.08.2017

Ref ID: LA08/2017/1016/DC

Proposal: Discharge of Conditions 20 (CEMP), 21 (HMP) and 22 (ECOW) of planning permission LA08/2016/1328/F.

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2017/1126/DC

Proposal: Discharge of Condition 2 (programme of archaeological work) of planning approval LA08/2016/1328/F.

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Pressu

Decision: AL

Decision Date:

Ref ID: LA08/2017/1352/DC

Proposal: Discharge of Condition 15 of planning permission LA08/2016/1328/F.
Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA09/2017/1598/DC

Proposal: Discharge of Condition 2 of Planning Application I/2012/0240/F
Address: Land south of Desertcreat Road east of A29 Dungannon Road and north west of Downs Road Desertcreat Cookstown Co. Tyrone,

Decision: AL

Decision Date:

Ref ID: LA09/2017/1599/DC

Proposal: Discharge of Condition 7 of Planning Application LA09/2017/0439/F
Address: Lands South of Desertcreat Road, East of A29 Dungannon Road and North West of Downs Road, Desertcreat Cookstown,

Decision: AL

Decision Date:

Ref ID: LA08/2017/1619/DC

Proposal: Discharge of Condition 27 (Construction Method Statement) of planning permission LA08/2016/1328/F (G2W) - (Off road - IP Crossing - Colebrook River, Maguiresbridge)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: RL

Decision Date:

Ref ID: LA09/2017/1627/DC

Proposal: Discharge of conditions 22 and 23 Of Planning Application I/2012/0240/F
Address: Land south of Desertcreat Road east of A29 Dungannon Road and north west of Downs Road Desertcreat Cookstown Co. Tyrone,

Decision: AL

Decision Date:

Ref ID: LA09/2017/1648/DC

Proposal: Discharge of condition 38 and 39 of Planning application I/2012/0240/F
Address: Land south of Desertcreat Road east of A29 Dungannon Road and north west of Downs Road Desertcreat Cookstown Co. Tyrone,

Decision: AL

Decision Date:

Ref ID: LA09/2017/1663/DC

Proposal: Discharge of Conditions 21, 36 and 37 of Planning Application I/2012/0240/F

Address: Land South of Desertcreat Road, East of A29 Dungannon Road and NW of Downs Road, Desertcreat, Cookstown,

Decision:

Decision Date:

Ref ID: LA08/2018/0145/DC

Proposal: Discharge of Condition 21 (Habitat Management Plan) of planning permission LA08/2016/1328/F - Gas to the West. (3 areas of Purple Moor Gass and Rush Pasture)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2018/0146/DC

Proposal: Discharge of Condition 21 (Habitat Management Plan) of Planning Permission LA08/2016/1328/F - Gas to the West (Traditional Orchard locations)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2018/0155/DC

Proposal: Discharge of Condition No. 27 (Construction Method Statement) of Planning Permission LA08/2016/1328/F - Gas to the West (IP Crossing of the Seskinore River, Corkhill Road)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2018/0156/DC

Proposal: Discharge of Condition No. 27 (Construction Management Statement) of Planning Permission LA08/2016/1328/F - Gas to the West. (Quiggery Stream, Corkill Road)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd,

Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.
Intermediate Press
Decision: AL
Decision Date:

Ref ID: LA08/2018/0157/DC

Proposal: Discharge of Condition No. 27 (Construction Method Statement) of Planning Permission LA08/2016/1328/F - Gas to the West (IP Crossing of Colebroke River, Maguiresbridge)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.
Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2018/0964/DC

Proposal: Discharge of Condition 4 (Traffic Management Plan) of Planning Permission LA08/2016/1328/F - Gas to the West (HP Line - RDX19: Pedan's Road Section)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.
Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2018/0965/DC

Proposal: Discharge of Condition 4 (Traffic Management Plan) of planning permission LA08/2016/1328/F - Gas to the West. (HP Line - RDX80: Ballagh Road section)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.
Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA09/2018/1172/A

Proposal: Non-illuminated Northern Ireland Fire & Rescue Service (NIFRS) signs to Tactical Firefighting Facility Building and Training Support Building. Illuminated NIFRS totem sign at roadside

Address: Land South of Desertcreat Road East of A29 Dungannon Road and NW of Downs Road, Desertcreat, Cookstown,

Decision: CG

Decision Date: 16.11.2018

Ref ID: LA08/2018/1354/DC

Proposal: Ecological Monitoring Report relating to Condition 24 of Planning Permission LA08/2016/1328/F

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision:

Decision Date:

Ref ID: LA08/2018/1422/DC

Proposal: Discharge of condition 5 (works affecting the A5 preferred route) of planning permission LA08/2016/1328/F

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2018/1467/DC

Proposal: Discharge of Condition 29 (Construction Method Statement) of Planning Permission LA08/2016/1328/F

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: RL

Decision Date:

Ref ID: LA08/2018/1710/DC

Proposal: Discharge of Condition 29 (Construction Method Statement) of Planning Permission LA08/2016/1328/F

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2019/0022/DC

Proposal: Discharge of Condition 5 (works affecting A5WTC preferred route) of planning permission LA08/2016/1328/F

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd,

Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.
Intermediate Press
Decision: AL
Decision Date:

Ref ID: LA09/2019/0740/DETEI

Proposal: To develop a section of the Original tri-services (NIFRS, PSNI and Prison Service) planning application site (I/2012/0240/F) as their new Learning and Development Centre.

Address: Lands South of Desertcreat Road, East of A29 Dungannon Road and North West of Downs Road, Desertcreat, Cookstown.

Decision: NRES

Decision Date:

Ref ID: LA08/2019/1403/DC

Proposal: Discharge of condition 24 of planning permission LA08/2016/1328/F

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision:

Decision Date:

Ref ID: LA09/2020/1040/PAN

Proposal: Proposal to develop a section of the original tri-service (NIFRS, PSNI and Prison Service) Planning application site (I/2012/0240/F) as their new Learning and Development Centre

Address: Lands south of Desertcreat Road, East of A29 Dungannon Road and North West of Downs Road, Desertcreat, Cookstown. Northern Ireland Fire and Rescue Service, Learning and Development Centre, 120 Dungannon Road, Cookstown, BT80 9BD,

Decision: PANACC

Decision Date:

Ref ID: LA09/2020/1341/PAD

Proposal: Phase 2 Learning and Development Centre

Address: South of Desertcreat Road, East of A29 Dungannon Road and North West of Downs Road, Desertcreat, Cookstown,

Decision:

Decision Date:

Summary of Consultee Responses

Rivers:

Due to the size and nature of the development, FLD3 of PPS15 applies. DfI Rivers has reviewed the submitted Drainage Assessment. The DA states in section 3.5 that due to the proposed topography of the site and the available landscape areas to create depressions for storage, the attenuation system has been designed to cater for 1 in 100 year storm events. If this was achieved it would satisfy the requirement under PPS 15, FLD 3 to provide adequate measures to mitigate the flood risk from the development to elsewhere. The applicant will be responsible for the design, construction and maintenance of the drainage network, and managing the flood risk associated with this network. DfI Rivers advises that, as a minimum requirement, the drainage network should be designed and constructed in accordance with Sewers for Adoption (NI). Details of how runoff from the site will be controlled by a storm water attenuation system and safely disposed of at limited rate has been submitted as part of the drainage assessment. DfI Rivers, while not being responsible for the preparation of the report accepts its logic and has no reason to disagree with its conclusions. It should be 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. Rivers Agency are content with a conditional approval.

NIEA:

Regulation Unit (RU) note that there are no significant records of previous potentially contaminating land uses on this application site or in the adjacent area (see below table & map). The proposed development is therefore considered to be a low risk to the water environment. RU would have no objection to any planning application subject to recommended Conditions and Informatives.

NIW:

Applicant proposes to discharge foul sewage to a private package treatment plant. There are no objections.

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Existing Plans

Status: Submitted

Drawing No. 03/1

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 04/1

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 05/1

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 06/1

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 07/1

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 08

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 09

Type: Detailed Drawing Plans

Status: Submitted

Drawing No. 10

Type: Detailed Drawing Plans

Status: Submitted

Drawing No. 11

Type: Detailed Drawing Plans

Status: Submitted

Drawing No. 12

Type: Detailed Drawing Plans

Status: Submitted

Drawing No. 13

Type: Detailed Drawing Plans
Status: Submitted

Drawing No. 14
Type: Detailed Drawing Plans
Status: Submitted

Drawing No. 15
Type: Detailed Drawing Plans
Status: Submitted

Drawing No. 16
Type: Roads Details
Status: Submitted

Drawing No. 17
Type: Roads Details
Status: Submitted

Drawing No. 18
Type: Roads Details
Status: Submitted

Drawing No. 19
Type: Miscellaneous
Status: Submitted

Drawing No. 20
Type: Proposed Elevations
Status: Submitted

Drawing No. 21
Type: Detailed Drawing Plans
Status: Submitted

Drawing No. 22
Type: Roads Details
Status: Submitted

Drawing No. 23
Type: Proposed Elevations
Status: Submitted

Drawing No. 24
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 25
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 26
Type: Levels and Cross Sections
Status: Submitted

Drawing No. 27
Type: Levels and Cross Sections
Status: Submitted

Drawing No. 28
Type: Proposed Elevations
Status: Submitted

Drawing No. 29
Type: Roof Details
Status: Submitted

Drawing No. 30
Type: Proposed Floor Plans
Status: Submitted

Drawing No. 31
Type: Proposed Elevations
Status: Submitted

Drawing No. 32
Type: Levels and Cross Sections
Status: Submitted

Drawing No. 33
Type: Levels and Cross Sections
Status: Submitted

Drawing No. 34
Type: Levels and Cross Sections
Status: Submitted

Drawing No. 35
Type: Roof Details
Status: Submitted

Drawing No. 36
Type: Proposed Floor Plans
Status: Submitted

Drawing No. 37
Type: Proposed Floor Plans
Status: Submitted

Drawing No. 38
Type: Levels and Cross Sections
Status: Submitted

Drawing No. 39
Type: Proposed Elevations
Status: Submitted

Drawing No. 40
Type: Proposed Elevations
Status: Submitted

Drawing No. 41
Type: Proposed Elevations
Status: Submitted

Drawing No. 42
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 43
Type: Levels and Cross Sections
Status: Submitted

Drawing No. 44
Type: Proposed Elevations
Status: Submitted

Drawing No. 45
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 46
Type: Proposed Elevations
Status: Submitted

Drawing No. 47
Type: Levels and Cross Sections
Status: Submitted

Drawing No. 48
Type: Proposed Elevations
Status: Submitted

Drawing No. 49
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 50
Type: Site Layout or Block Plan
Status: Submitted

Drawing No. 51
Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 52

Type: Proposed Elevations

Status: Submitted

Drawing No. 53

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 54

Type: Proposed Floor Plans

Status: Submitted

Drawing No. 55

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 56

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 57

Type: Landscaping Plan

Status: Submitted

Drawing No. 58

Type: Landscaping Plan

Status: Submitted

Drawing No. 59

Type: Landscaping Plan

Status: Submitted

Drawing No. 60

Type: Landscaping Plan

Status: Submitted

Drawing No. 61

Type: Landscaping Plan

Status: Submitted

Drawing No. 62

Type: Landscaping Plan

Status: Submitted

Drawing No. 63

Type: Landscaping Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:

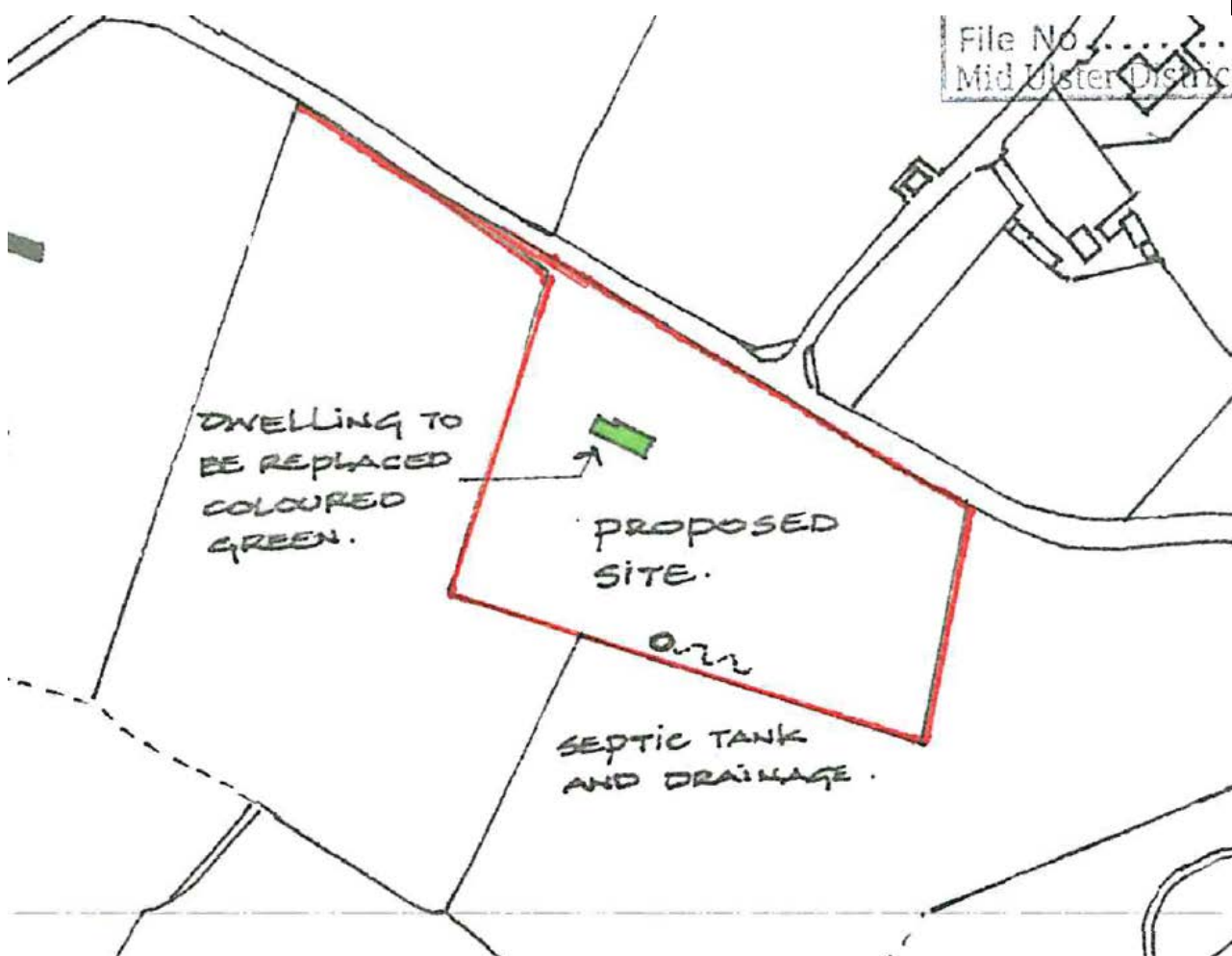


**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1651/O	Target Date:
Proposal: Proposed site for two storey dwelling and double domestic garage to replace unoccupied dwelling	Location: 190m (approx.) North West of 16 Soarn Road Cookstown
Referral Route: Refusal – Contrary to CTY 13 and CTY 14.	
Recommendation:	REFUSAL
Applicant Name and Address: Ms Catherine Mc Crea C/o 9 Templereagh Road Stewartstown Dungannon	Agent Name and Address: R G Leonard 33 Sessiagh Road Tullyhogue Cookstown BT80 9SN
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	DETI - Geological Survey (NI)	Substantive Response Received

Representations:

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

Summary of Issues

Contrary to CTY 13 and CTY 14 where a two-storey dwelling would be considered unduly prominent at this site.

Characteristics of the Site and Area

The site is located at lands approx. 190m NW of 16 Soarn Road, Cookstown. The red line of the site comprises a roadside portion of a larger agricultural field which includes the remains of an old dwelling which is shaded green on the site location plan. The existing building sits on lands which appear slightly elevated however the lands are generally quite flat throughout the site. There is low level hedging along the roadside boundary however the remainder of the site does not have any current boundaries in place. The surrounding context appears rural and is characterised predominantly by agricultural fields, farm complexes and dispersed single dwellings. The site lies within the open countryside as defined in the Cookstown Area Plan 2010.

Description of Proposal

Outline planning permission is sought for a proposed two storey dwelling and double domestic garage to replace unoccupied dwelling.

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 were received.

Planning History

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

Planning Assessment of Policy and Other Material Considerations

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

The site is located outside any defined Settlement Limit in the rural countryside and the site has no other zonings or designations related to 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. 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 outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. It notes the importance of sustainable development in the countryside which promotes high standards in the design, siting and landscaping. It doesn't offer any change in policy direction with regards to replacement dwellings.

Policy CTY 1 states that there are a range of types of development which in principle are considered to be acceptable in the countryside, one of these being a replacement dwelling in accordance with Policy CTY 3. Policy CTY 3 of PPS 21 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact. The structure in question is single storey with most of the external walls intact. It exhibits many of the characteristics which all help determine that the application is a dwelling, including chimney breasts and window and door openings. From my findings on site, I am content that the building in question represents a genuine replacement opportunity. However, CTY 3 also states within it that the overall size of the new dwelling should allow it to integrate into the surrounding landscape and it should not have a visual impact significantly greater than the existing building. The dwelling proposed is noted as two storey, and figure 1 below shows the preliminary design the applicant is envisaging on the site which in my opinion would appear significantly greater than the small single storey building which it is proposing to replace.

Policies CTY 13 and CTY 14 are also applicable in relation to the proposal. Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. 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 other dwellings in this vicinity. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As 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. A 6m ridge height is considered to be appropriate on this site, noting the current structure on site as well as taking account of the characteristics of neighbouring properties and the topography of the area too. Views of the site are open and there isn't adequate landscaping in place to help aid with integration either.

The concern relating to a "two storey dwelling" as noted in description was put to the agent, noting that we would be content with a 6m ridge height at this site, however the agent submitted a supporting statement and a preliminary drawing of the size/type of dwelling the applicant is envisaging at this site. I don't consider that the supporting statement offered any overriding reasons why a two storey dwelling would be acceptable at this site. Reference was given to the existing farm house and fields owned by the applicant, however there was no reference to overcoming the issue of prominence of a two storey dwelling at this particular site. The preliminary design which was submitted is shown below (figure 1). The dwelling submitted has a ridge height of approx. 8m which is considered excessive for the site and would be contrary to criterion (a) of both CTY 13 and CTY 14 where it would appear a prominent feature in the landscape and would be unduly prominent at this site. Figure 2 below highlights the characteristics of the site and shows how views of the site are open whilst travelling along Soarn Road. There is no landscaping or features within the site to help aid with integration.



Figure 1 – Preliminary Design of Two Storey dwelling



Figure 2 – Existing structure on open site (taken from google street view)

The proposal intends to create a new access onto Soarn Road. DfI Roads were consulted and have noted they are content with proposal, subject to condition and informatives. DETI were also consulted in relation to stability issues relating to abandoned mine workings, however have noted that the proposed site is greater than 200m from the closest known abandoned mine workings and therefore they have no concern in relation to the proposal.

Neighbour Notification Checked	Yes
Summary of Recommendation: Refusal is recommended.	
Conditions/Reasons for Refusal: 1. 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. 2. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, be unduly prominent in the landscape.	
Signature(s) Date:	

ANNEX	
Date Valid	21st December 2020
Date First Advertised	12th January 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) N/A	
Date of Last Neighbour Notification	N/A
Date of EIA Determination	N/A
ES Requested	No
Planning History Ref ID: LA09/2020/1651/O Proposal: Proposed site for two storey dwelling and double domestic garage to replace unoccupied dwelling Address: 190m (approx.) North West of 16 Soarn Road, Cookstown, Decision: Decision Date:	
Summary of Consultee Responses DETI: No issue DFI Roads: No issue, subject to condition.	
Drawing Numbers and Title Drawing No. 02 Type: Road Access 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: 8 th June 2021	Item Number:
Application ID: LA09/2021/0075/F	Target Date:
Proposal: Proposed change of house type from previously approved planning application LA09/2015/0173/F	Location: 95 Creagh Road Castledawson Magherafelt
Referral Route: This application is being presented to Planning Committee as the applicant is a relation of one of the staff in Mid Ulster Council Planning department.	
Recommendation:	Approval
Applicant Name and Address: Ciaran and Roisin Higgins 95 Creagh Road Castledawson Magherafelt	Agent Name and Address: Healy Mc Keown Architects 11-13 Maghera Street Kilrea BT51 5QL
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	

Summary of Issues

No third party representations were received during the assessment of this application. All material considerations have been addressed within the determination below.

Characteristics of the Site and Area

The application site is located approximately 80 metres north of the development limit of Creagh, and is in the open countryside as defined in the Magherafelt area Plan, 2015. The site is located in an existing green field site and is accessed via an existing laneway used for three existing dwellings and is well set back from the Creagh Road. The site is defined by mature trees and hedgerow boundaries on all sides. The topography of the site is relatively flat.

Description of Proposal

This application seeks planning permission for a change of house type from previously approved under LA09/2015/0173/F.

Planning Assessment of Policy and Other Material Considerations

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

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

Planning History

Reference	Location	Proposal/Complaint	Status	Date
H/2007/0591/Q	(Site 1) 23 Blackpark Road, (Site 2) 87	Primary School.	PRE APPLICATION ENQUIRY - NO	
LA09/2021/0116/O	Lands East of 91 Creagh Road, Castle	Outline planning permission for a dwelling & garage.	VALID APPLICATION RECEIVED	
LA09/2021/0075/F	95 Creagh Road, Castledawson, Magh	Proposed change of house type from previously approv	VALID APPLICATION RECEIVED	
LA09/2015/0173/F	95 Creagh Road, Castledawson, Magh	Proposed change of house type from previously approv	PERMISSION GRANTED	18.08.2015
H/1993/0362	SITE 4-9 CREAGH/BLACKPARK ROAD	CHANGE OF HOUSE TYPES	PERMISSION GRANTED	
H/1973/0114	CREAGH, CASTLEDAWSON	SUBSIDY BUNGALOW	PERMISSION GRANTED	
H/2000/0185/F	89 Creagh Road, Castledawson	Alterations to Dwelling	PERMISSION GRANTED	14.04.2000
H/2008/0039/F	91 Creagh Road, Castledawson	Proposed off-site replacement dwelling	PERMISSION GRANTED	12.09.2008
H/2011/0152/F	91 Creagh Road, Castledawson, BT45	Proposed change of house type to that previously appri	PERMISSION GRANTED	17.08.2011
H/2011/0585/F	Rear of 93 Creagh Road, Castledawso	Removal of condition no. 2 from approval ref H/2009/0	PERMISSION GRANTED	13.03.2012
H/2009/0147/F	93 Creagh Road, Castledawson	Proposed replacement dwelling & garage	PERMISSION GRANTED	15.10.2009
H/2008/0592/F	95 Creagh Road, Castledawson.	Proposed off-site replacement dwelling.	PERMISSION GRANTED	12.12.2008

Representations

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

Assessment

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

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

Strategy closed at 5pm on 24th September 2020. All valid representations received will be subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan.

The proposal is for a change of house type from a previous approval LA09/2015/0173/F which was approved on 18.08.2015 and H/2008/0592/F which was for a replacement dwelling and was approved on 12th December 2008. The proposed dwelling is contemporary in design, as was the previous approval. The footprint of the dwelling is staggered linear pattern with smooth render, natural slate roof, natural vertical timber cladding and natural stone work. The ridge height of the proposed dwelling is 6.6 metres.

The principal of development has been established on the site through the approval of the earlier approvals H/2008/0592/F, which was for a replacement dwelling (which has since been demolished) and LA09/2015/0173/F for a change of house type, which was approved on 18th August 2015. This current application has been made outside the 5 year time limit however the applicant has submitted evidence from Building Control to confirm that development had commenced in time. Photographic evidence has also been submitted (see below). The garage approved under approval LA09/2015/0173/F has also been built as per the LA09/2015/0173/F approval and the applicant is temporarily living in it.

Site prior to commencement of construction of the previous approval



Photograph below shows the original dwelling house to be replaced under the application H/2008/0592/F, this dwelling has since been demolished.



Photograph from the applicant showing the foundations had been put in, which were then inspected by building control.



Photograph below shows the garage approved under LA09/2015/0173/F which has been built in time and in the approved location.



Policy CTY 13 provides guidance on the integration and design of buildings in the countryside and CTY 14 provides guidance on rural character. The new dwelling will blend with the existing surroundings and will, therefore not be unduly prominent in the landscape. The site provides a suitable degree of enclosure for integration and the building integrates sympathetically with the existing landscape features. The mature trees to the rear provide an effective backdrop. The design of the building is appropriate for the site and locality. I am also content that the dwelling will not cause a detrimental change to the rural character of the area, as it respects the traditional pattern of settlement exhibited in the area and will not result in a suburban style build-up of development or create or add to a ribbon of development.

Access

It was not deemed necessary to consult with Transport Ni on this application as there are no proposed amendments to the access which was approved under the previous approvals mentioned above. Therefore, I am content that there is an adequate means of access to and from the site and that the proposal complies with the requirements of PPS 3.

Conclusion

I am content that the proposal satisfies the requirements of the relevant policies and therefore should be recommended for approval.

Neighbour Notification Checked	Yes
Summary of Recommendation	
Approve, subject to conditions below.	
Conditions	
<p>1.The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. Upon occupation of the new dwelling, the garage built under approval LA09/2015/0173/F, shall no longer be used or adapted for the purpose of human habitation and may only be used for non-residential use.</p> <p>Reason: To ensure that the proposed development does not result in the creation of an additional dwelling in the rural area</p> <p>3.This permission is granted solely as a substitute for the permission for a dwelling previously granted on the site under Ref: LA09/2015/0173/F on the 18th August 2015 and only one dwelling shall be constructed on the site.</p> <p>Reason: To ensure that only one dwelling is constructed on the site.</p> <p>4.This permission is granted solely as a substitute for the permission for a dwelling previously granted on the site under Ref: LA09/2015/0173/F on the 18th August 2015 and only one dwelling shall be constructed on the site.</p> <p>Reason: To ensure that only one dwelling is constructed on the site.</p>	
Informatives	
<p>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.</p> <p>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.</p>	
Signature(s)	
Date:	

ANNEX	
Date Valid	19th January 2021
Date First Advertised	2nd February 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 2 Meadowlands Castledawson Londonderry The Owner/Occupier, 4 Meadowlands Castledawson Londonderry The Owner/Occupier, 6 Meadowlands Castledawson Londonderry The Owner/Occupier, 87 Creagh Road Castledawson Londonderry The Owner/Occupier, 89 Creagh Road Castledawson Londonderry The Owner/Occupier, 91 Creagh Road Castledawson Londonderry The Owner/Occupier, 93 Creagh Road Castledawson Londonderry	
Date of Last Neighbour Notification	29th January 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: H/2007/0591/Q Proposal: Primary School. Address: (Site 1) 23 Blackpark Road, (Site 2) 87, 89, 93 Creagh Road, (Site 3) adj. 88 Creagh Road and (Sites 4,5,6) opp. 153 Aughrim Road, Magherafelt Decision: Decision Date: Ref ID: LA09/2021/0116/O Proposal: Outline planning permission for a dwelling & garage. Address: Lands East of 91 Creagh Road, Castledawson BT45 8EY., Decision: Decision Date: Ref ID: LA09/2021/0075/F	

Proposal: Proposed change of house type from previously approved planning application LA09/2015/0173/F
Address: 95 Creagh Road, Castledawson, Magherafelt,
Decision:
Decision Date:

Ref ID: LA09/2015/0173/F
Proposal: Proposed change of house type from previously approved planning application ref: H/2008/0592/F
Address: 95 Creagh Road, Castledawson, Magherafelt,
Decision: PG
Decision Date: 18.08.2015

Ref ID: H/1993/0362
Proposal: CHANGE OF HOUSE TYPES
Address: SITE 4-9 CREAGH/BLACKPARK ROAD TOOMEBRIDGE
Decision:
Decision Date:

Ref ID: H/1973/0114
Proposal: SUBSIDY BUNGALOW
Address: CREAGH, CASTLEDAWSON
Decision:
Decision Date:

Ref ID: H/2000/0185/F
Proposal: Alterations to Dwelling
Address: 89 Creagh Road, Castledawson
Decision:
Decision Date: 14.04.2000

Ref ID: H/2008/0039/F
Proposal: Proposed off-site replacement dwelling
Address: 91 Creagh Road, Castledawson
Decision:
Decision Date: 12.09.2008

Ref ID: H/2011/0152/F
Proposal: Proposed change of house type to that previously approved under planning application H/2008/0039/F and proposed garage (amended description to include garage).
Address: 91 Creagh Road, Castledawson, BT45 8EY,
Decision:
Decision Date: 17.08.2011

Ref ID: H/2011/0585/F

Proposal: Removal of condition no. 2 from approval ref H/2009/0147/F. Retention of existing dwelling and conversion to garage.

Address: Rear of 93 Creagh Road, Castledawson, BT45 8EY,

Decision:

Decision Date: 13.03.2012

Ref ID: H/2009/0147/F

Proposal: Proposed replacement dwelling & garage

Address: 93 Creagh Road, Castledawson

Decision:

Decision Date: 15.10.2009

Ref ID: H/2008/0592/F

Proposal: Proposed off-site replacement dwelling.

Address: 95 Creagh Road, Castledawson.

Decision:

Decision Date: 12.12.2008

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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

Drawing No. 03
Type: Floor Plans
Status: Submitted

Drawing No. 04
Type: Floor Plans
Status: Submitted

Drawing No. 05
Type: Proposed Elevations
Status: Submitted

Drawing No. 06

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:



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0080/O	Target Date:
Proposal: Detached house under policy CTY2A new dwellings in existing clusters	Location: 20m North of 66 Drumconvis Road Cookstown
Referral Route: Objection received	
Recommendation:	Approval
Applicant Name and Address: Nuala Ryan 42 Derrycrin Road Cookstown	Agent Name and Address: John O Hara 25 Strews Road Cookstown BT80 9EZ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Summary of Issues

An anonymous objection has been received in relation to this planning application. The issues are summarised below:

- No overriding reasons as to why the development is essential in this rural location
- The cluster is not associated within a focal point or at a crossroads
- A dwelling here would alter the existing character of the area
- Construction here would affect pheasants in the area
- Raised concerns regarding the access to the site and consequent concerns regarding road safety

Characteristics of the Site and Area

The site is located within the open countryside as per the Cookstown Area Plan. The red line of the application site includes the existing access to 66 Drumconvis Road leading to lands at the rear of the dwelling, which at the time of the site visit had been cleared and levelled, to top soil. The site sits at a level slightly lower than that of No.66. The northern and eastern boundaries of the site are defined by a strong mature tree line. The western boundary is defined by a low level post and wire fence, separating the site from the garden of No.66a Drumconvis Road. The immediate surrounding area is residential with dwellings to the east and south west, with a filling station located within close proximity. The wider landscape beyond this area is agricultural in nature.

Description of Proposal

This is an outline planning application for a detached house under Policy CTY2a- New dwellings in existing clusters at lands 20m North of 66 Drumconvis Road, Cookstown.

Planning Assessment of Policy and Other Material Considerations

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

The Cookstown Area Plan identifies the site as being outside any defined settlement limits. There are no other specific designations or zonings.

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

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

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

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

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

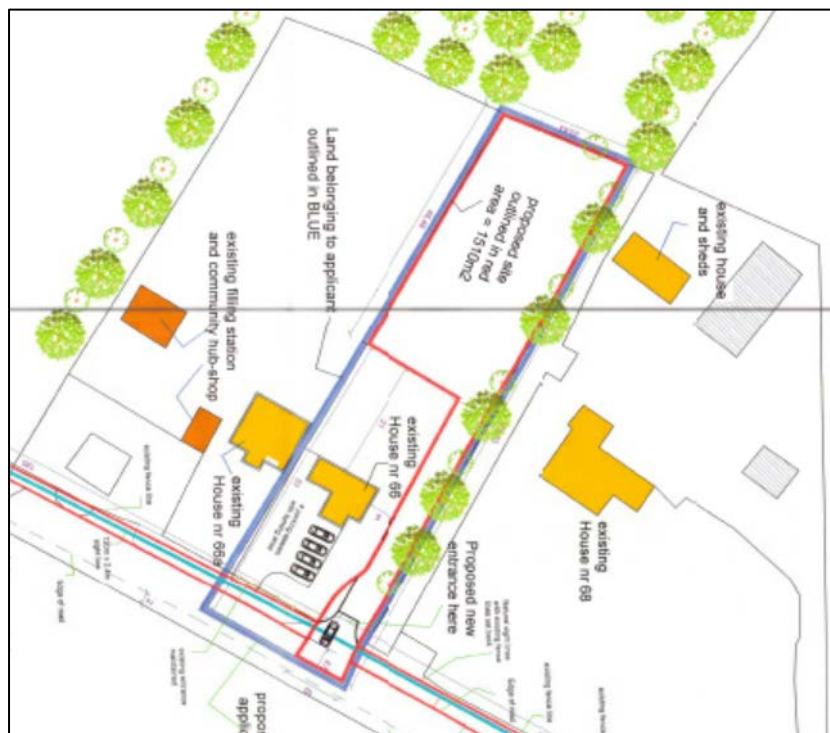
I am content that the cluster of development lies outside of a farm and consists of four or more buildings, three of which are dwellings. The three dwellings being Nos 68, 66 and 66a Drumconvis Road. There is also an existing filling station and community hub-shop to the west of the application site.

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

I am content that the cluster appears as a visual entity in the local landscape. Whilst travelling along the Drumconvis Road in both directions the cluster of development appears and can be read within the local landscape with the filling station, dwellings and associated buildings all located here.

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

I am content that the cluster is associated with a focal point being the local filling station and community hub-shop. It is a well known point within the local area and provides a sense of identity in the area. I note the objector did not agree that the filling station could not be considered a focal point and raised concerns that it could close given the current business climate. Whilst I acknowledge the comments, I cannot given determining weight to these comments as any social club or community facility could also close in the future, but as this application is being assessed in the current situation, I am content it meets this policy criteria.



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

I am content that the site provides a suitable degree of enclosure. It is bounded to the south east by the property 66 Drumconvis Road. It is also bounded to the north east by buildings to the rear of No.68 Drumconvis Road. I also believe the curtilage of No.66a Drumconvis Road provides a degree of enclosure to the north west of the application 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

I am content a well-designed dwelling on this site can be absorbed into the existing cluster through rounding off. As mentioned the site has a suitable degree of enclosure and will not visually intrude into the open countryside with the strong mature tree line to the north of the site providing a suitable buffer. The objector raised concerns that a dwelling here would alter the character of the area however, I do not agree. A dwelling at this location will have limited impacts on the area and with the presence of the dwellings along the road providing a strong screening of the site, so public views will be limited.

- Development would not adversely impact on residential amenity.

As this is an outline application, design details have not been submitted to fully assess any potential impact on residential amenity. However, in principle I am content that the development would not adversely impact on residential amenity. The applicant has identified No.66 is within their ownership.

From this, I am content the proposal complies with the policy criteria set out within Policy CTY2a.

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. Given the location of the site, it is well screened from public views by dwellings along the Drumconvis Road and strong mature trees to the north and east boundaries which will ensure a dwelling integrates and blends with the surrounding area. Additional planting will be required along the north western boundary, and this can be dealt with as part of a reserved matters application where a detailed landscaping scheme should be provided with existing planting being retained and detailing the proposed planting required.

Policy CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I am content that an appropriately designed building will not appear prominent in the landscape. As previously mentioned the objector raised concerns regarding the impact a dwelling would have on the character of the area however, I am content that this development can be viewed as rounding off and that a dwelling at this site would not change the character of the area.

There is ample space within this site to provide septic tank provision. The onus is on the landowner/developer to ensure there are appropriate consents in place for any private septic tank provision. In my view the proposal does not offend policy CTY16 of PPS21.

PPS 3- Access, Movement and Parking:

The objector raised concerns regarding road safety concerns. As part of the application DfI Roads were consulted who initially requested amendments and further details to overcome any concerns they had. The applicant provided the information requested and DfI Roads responded to state that the conditioned sightlines will be in accordance with DCAN15 guidelines and that additional parking is being provided for No.66 to reduce potential detrimental impact on the public road. On this basis DfI Roads do not offer an objection subject to conditions. From this I am content that any road safety concerns can be overcome by the conditions provided by DfI Roads, and as such the application complies with PPS 3.

Other Policy and Material Considerations

The objector raised concerns regarding the potential impact on the wooden area which is located beyond the northern boundary of the application site. As no works are proposed to affect this area, I am content the proposal in principle will have no negative ecological impacts.

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

Neighbour Notification Checked**Yes/No****Summary of Recommendation:**

Approval

Conditions

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

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

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

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

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

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

4. No development shall take place until a landscaping scheme has been submitted to and approved by the Council showing the location, numbers, species and sizes of trees and shrubs to be planted. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the 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 Council gives written consent to any variation.

Reason: In the interest of visual amenity and to ensure the provision, establishment and

maintenance of a high standard of landscape.

5. The vehicular accesses including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 03 rev 01 bearing the date stamp 04 March 2021 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

6. No development hereby permitted shall commence until hard surfaced areas have been constructed in accordance with approved drawing no 03 rev01 bearing date stamp 04 March 2021 to provide adequate facilities for parking and circulating within the house site of No 66. 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.

Informative

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Planning Authority or other statutory authority.
4. Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the DfI Roads consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is Loughrey Campus, 49 Tullywiggan Road, Cookstown, BT80 8SG. A monetary deposit will be required to cover works on the public road.
5. It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site. This planning approval does not give authority to discharge any drainage into a DfI Roads drainage system
6. The approval does not empower anyone to build or erect any structure, wall or fence or encroach in any other manner on a public roadway (including a footway and verge) or on any other land owned or managed by the DfI Roads for which separate permissions and arrangements are required.

Signature(s)

Date:

ANNEX	
Date Valid	19th January 2021
Date First Advertised	2nd February 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 66 Drumconvis Road Coagh Tyrone The Owner/Occupier, 66a Drumconvis Road Coagh The Owner/Occupier, 68 Drumconvis Road Coagh Tyrone The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/0080/O Proposal: Detached house under policy CTY2A new dwellings in existing clusters Address: 20m North of 66 Drumconvis Road, Cookstown, Decision: Decision Date: Ref ID: I/2003/0661/O Proposal: Proposed Site for 2 Storey Dwelling & Domestic Garage Address: Adjacent to 66 Drumconvis Road, Coagh Decision: Decision Date: 11.03.2004 Ref ID: I/1989/0238 Proposal: Extension to Dwelling Address: 68 DRUMCONVIS ROAD COAGH Decision: Decision Date:	
Summary of Consultee Responses	
Drawing Numbers and Title	

Drawing No. 03 Rev 01
Type: Site Layout or Block Plan
Status: Submitted

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

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



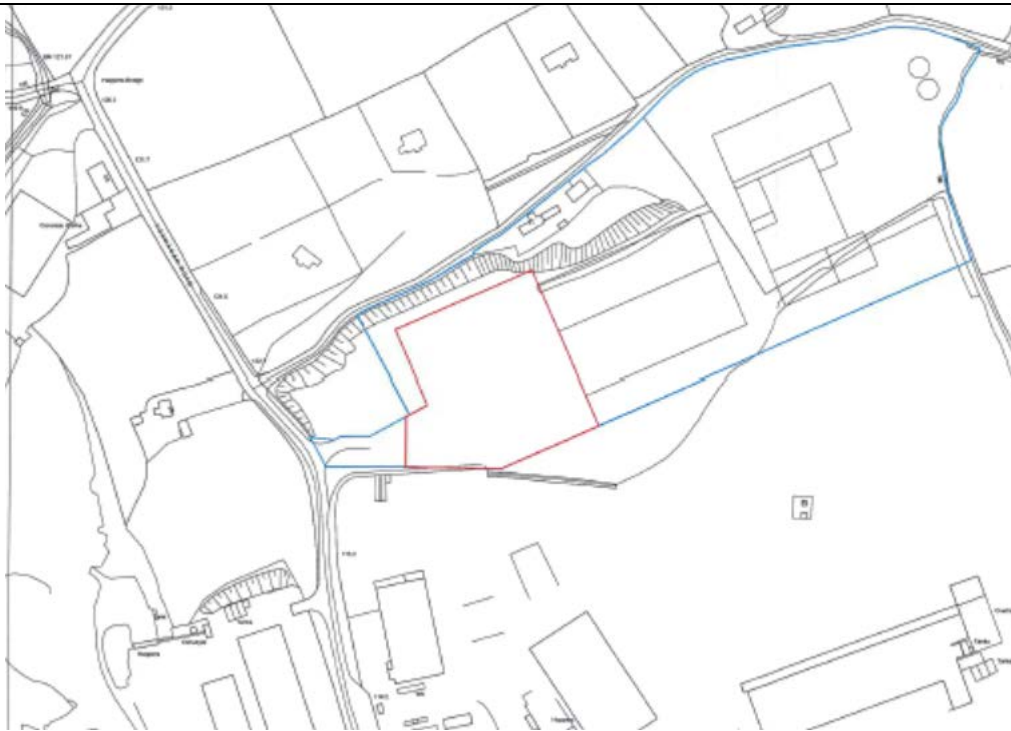
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0100/F	Target Date:
Proposal: An application under section 54 of The Planning Act (N.I.) 2011 to vary the wording of condition No.4 (parking and service areas) of approval M/2014/0567/F for an in vessel composting facility (IVCF) comprising a reception building, enclosed tunnels, office, weighbridge/wheelwash, storage compound, access and ancillary site works	Location: Lands at Northway Mushrooms 24m South of 17 Aghnagar Road Ballygawley
Referral Route: This proposal relates to wider Northway Mushroom business, within wider public interest to present to Members.	
Recommendation:	Approve
Applicant Name and Address: Northway Mushrooms Ltd Unit 10 Bridge Business Park Main Street Blackwatertown	Agent Name and Address: Clyde Shanks Ltd Second Floor 7 Exchange Place Belfast BT1 2NA
Executive Summary: This proposal relates on to a planning condition that controls parking and servicing of vehicles on site, and will not affect odour emissions from the site.	
Signature(s):	

Case Officer Report

Site Location Plan



Representations: None Received

Description of proposal

This is an application made under section 54 of The Planning Act (N.I.) 2011 to vary the wording of condition No.4 (parking and service areas) of approval M/2014/0567/F for an in vessel composting facility (IVCF) comprising a reception building, enclosed tunnels, office, weighbridge/wheelwash, storage compound, access and ancillary site works.

Condition 4 of M/2014/0567/F currently states;

Prior to the development hereby permitted becoming operational all parking and servicing areas shall be provided as detailed on drawing No. 02 rev1 bearing the area planning office stamp dated 21 JAN 2015. These areas, once provided, shall not be used for any purpose other than parking and turning of vehicles.

Reason: To ensure adequate provision of parking and turning areas within the site.

Characteristics of the Site and Area

This is the site of Northway Mushrooms, a mushroom growing and processing facility. On site there are currently large factory buildings and associated plant, parking and vehicle movement areas. Permission was granted for this facility under M/2014/0567/F. This permission has been broadly implemented, however there is currently ongoing enforcement on this site for unauthorised elements, including parking and service areas which this application aims to rectify.

The site is accessed via Aghnagar Road, there are security barriers at the entrance to the site to ensure only authorised visitors are allowed entrance to the facility. Boundaries

are defined by security fencing and landscaping to the north, no boundaries are located to the south which are adjacent and open to the recently vacated Acheson Glover site.

Sandvic is located further to the south, and there are some residential properties close to the site along the northern boundary.

Planning Assessment of Policy and Other Material Considerations

Under Planning Act (Northern Ireland) 2011, Section 54 Council must only consider the question of the condition subject to which planning permission was granted.

Condition 4 of M/2014/0567/F is only being considered.

The condition in question relates only to parking and service provision for vehicles at the facility which was granted under M/2014/0567/F. The agent has provided a supporting statement to say that the parking and service yard areas are broadly in place as per the requirements of the previous permission, however the layout is slightly different to what was previously granted, and that this application is to rectify this situation.

No planning objections have been received on this proposal, however there is ongoing enforcement, part of which relates to parking and service areas not being implemented in accordance with the previous permission M/2014/0567/F.

The main differences in this proposal and what was granted approval are as follows;

- Staff and visitor parking have been relocated from the southern boundary of the site adjacent to the security hut, to the front of the factory building. There are an additional 9 parking spaces provided, now 29 from 20 which were approved under 14/0567/F;
- 4 HGV lorry parking spaces have been relocated from the front of the factory building to approx. 21m to the west;
- the weigh bridge and wheel wash have been relocated south and east of their approved locations with the weigh bridge remaining immediately adjacent to the site office;
- with these changes there is now a central landscaped area.

The access road which was approved to the north of the factory under 14/0567/F remains unchanged, with all the changes taking place between the front of the factory and the roadside.

DfI Roads were consulted on this proposal, and they raise no objections to the proposal in terms of road safety and offer the following condition;

The parking / hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No 03 bearing date stamp 22 January 2021 and shall be provided within 3 months of the date of the decision notice.

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.

In the agent's Supporting Statement it states that all the works are currently in situ. From my site visit on 15/02/2021 most of the work was carried out, except for the surface finish and marking out of HGV spaces. Therefore DfI Roads condition shall be amended to; ;

All parking and hard surfaced areas indicated on drawing No. 03 bearing date stamp 22 JAN 2021 shall be constructed, permanently marked and completed in accordance with details shown on drawing No. 03 bearing the date stamp 22 JAN 2021 within 3 months from the date of this permission, unless otherwise agreed in writing with Mid Ulster District Council.

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.

The changes will not cause any greater detriment to visual amenity or rural character from what was previously granted, nor will there be any greater impacts on neighbouring amenity. The addition of a central landscaped area will help soften the large hard yard and circulation areas which were previously granted.

I am satisfied that this proposal for permission to develop lands without compliance with a condition 4 previously attached to M/2014/0567/F can be approved with the revised condition relating to drawing No. 03 date received 22/01/2021.

While this article 54 application is in itself not of a nature that is usually presented to Planning Committee Members, given the contentious nature of the wider development it is the view of the Planning Manager that this proposal be presented to Members due to the wider public interest of the larger Northway Mushroom complex to which this proposal relates. To reiterate, there will be no implications to odour experienced at the site or surrounding area should permission for this proposal be granted.

Neighbour Notification Checked	Yes
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Summary of Recommendation:

That planning permission is granted subject to the following condition;

Conditions

1. All parking and hard surfaced areas indicated on drawing No. 03 bearing date stamp 22 JAN 2021 shall be constructed, permanently marked and completed in accordance with details shown on drawing No. 03 bearing the date stamp 22 JAN 2021 within 3 months from the date of this permission, unless otherwise agreed in writing with Mid Ulster District Council.

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.

Signature(s)

ANNEX	
Date Valid	22nd January 2021
Date First Advertised	9th February 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 17 Aghnagar Road, Galbally, Ballygawley, Tyrone, BT70 2HP The Owner/Occupier, 38 Aghnagar Road, Galbally, Ballygawley, Tyrone, BT70 2HP	
Date of Last Neighbour Notification	10th February 2021
Date of EIA Determination	
ES Requested	No



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0118/RM	Target Date:
Proposal: Proposed two storey dwelling & detached double garage with loft room.	Location: On Tulnacross Road Doons Opposite & South of 23 Tulnacross Road Cookstown.
Referral Route: Applicant is a member of MUDC Planning Committee	
Recommendation:	Approval
Applicant Name and Address: Mr Kyle Black & Miss Adele Bradley 2a Maloon Road Cookstown BT80 9RA	Agent Name and Address: Rodney Henry Architects 2 Liscoole Cookstown BT80 8RG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Summary of Issues

This is a Reserve Matters application which complies with the ambit of the outline application planning reference LA09/2020/0630/0. Neighbour Notification and press advertisement has been carried out in line with the Council's statutory duty and no third-party representations were received. All other material considerations have been addressed within the determination in this report.

Characteristics of the Site and Area

The application site is identified as lands opposite and south of No 23 Tulnacross Road, Cookstown County Tyrone. The proposed site forms the front portion of a grass field with an access opening onto Tulnacross Road, wherein the topography is relatively flat. The site boundaries comprise post and wire fencing, mature vegetation with intermittent trees and low level vegetation abutting the boundary with public road. Located to the west boundary is a lane

which serves farmland to the south, whilst to the north is a two storey dwelling with a series of farm buildings located to the rear.

The proposed site is situated in a rural location outside any settlement limits as depicted within the Cookstown Area Plan 2010. The surrounding landform is one of undulating countryside characterised by a mix of detached residential properties, farms and agricultural buildings. The applicant is seeking approval for Reserves Matters relating to a proposed dwelling and garage originally approved at outline under LA09/2020/0630/O at Tulnacross Road, Doons, opposite and South of No 23 Tulnacross Road, Cookstown

Description of Proposal

The applicant is seeking approval for Reserves Matters relating to a proposed dwelling and garage originally approved at outline under LA09/2020/0630/O at Tulnacross Road, Doons, opposite and South of No 23 Tulnacross Road, Cookstown. materials and design are annotated on DWG Nos 01, 02, 03 stamp date 28/01/2021.

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

Site history.

LA09/2020/0630/O

Proposed site for a new 2 storey dwelling and garage at Tulnacross Road, Doons, opposite and South of No 23 Tulnacross Road, Cookstown. PG 19.10.2020.

I/2009/0262/O

30m South of 23 Tulnacross Road, Cookstown, Proposed 2 storey dwelling and garage Application withdrawn 10.11.2010

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 8th February 2021 (publication date 10th February 2021). One (1) neighbouring property was notified on 17th February 2021: 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, there is no watercourse directly abutting this site, therefore it is unlikely that there will be any adverse effects from development works on integrity of any National or European site or any water stream by way of a hydrological link to the site.

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.

Planning Assessment of Policy and Other Material Considerations

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

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The Cookstown Area Plan 2010 does not contain provided by PPS 21 and the SPPS.

1. Strategic Planning Policy Statement (SPPS).
2. Cookstown Area Plan 2010.
3. PPS 21 Sustainable Development in the Countryside (CTY 13, 14 &15)
4. PPS 3 Access, Movement and Parking.
5. Building on Tradition A sustainable design guide for rural NI.

Cookstown Area Plan 2010

The site lies in the rural countryside and outside any designated settlement limits as depicted in the CAP 2010.

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, which advises that the policy provisions of Planning Policy Statement Sustainable Development in the Countryside.

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 approval of Reserves Matters for a two storey dwelling and detached garage previously approved as a dwelling on a farm in accordance with Policy CTY10 of PPS21.

Assessment

The principle of development has been established on the application site, which was initially approved under CTY10 dwelling on a farm. The main considerations in the processing of this application is to access whether the conditions imposed on the outline consent have been adhered to, and the acceptability of siting, design, and finishes of the proposal.

The conditions on the outline consent relate to time limit, reserved matters to be dealt with including the details to be presented, requirement for the proposal to exhibit the traditional features of rural design in accordance with Building on Tradition ridge height restrictions, location and siting restrictions, access considerations, and existing/proposed landscaping requirements.

This application for reserved matters has been submitted within the conditioned time frame, as per condition No. 1 of the outline approval. The proposal is sited as per the location highlighted in the outline application plans and site splays have been provided in accordance with condition No. 6 of the approved outline permission.

A landscaping scheme has accompanied this Reserved Matter application and details surrounding existing and proposed landscaping, along with existing and proposed ground/floor levels have been annotated on Drawing No. 02, date stamped 20/06/2017. Details surrounding the height, design and materials to be used on the proposal have been provided in accordance with condition Nos.04, 05, and 07.

Having assessed the ridge height of the proposal I am satisfied that the 8m ridge height condition imposed at the outline stage has been complied with.

Based on that above, I am content that the conditions imposed on the outline approval have been met.

Policy CTY 13 provides guidance on the integration and design of buildings in the countryside and CTY 14 provides guidance on rural character. The new building blends sympathetically with the existing surroundings and will therefore, not be unduly prominent in the landscape. The site provides a suitable degree of enclosure for integration and the building blends with the existing features, such as the surrounding vegetation, existing buildings and the topography of the site which provides an effective backdrop.

The proposed design of the building is considered appropriate for the site and locality. I am also satisfied that the dwelling will not cause a detrimental change to the rural character of the area, as it respects the traditional pattern of settlement exhibited in the area and will not result in a suburban style build-up of development or create or add to a ribbon of development. The proposal therefore complies with Policies CTY13 & CTY14 of PPS21

Recommendation

I consider the proposed development to be acceptable and recommend approval subject to conditions.

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

Approval subject to conditions

Conditions:

1.The development to which this approval relates must be begun by whichever is the later of the following dates:-

- i. The expiration of a period of 5 years from the grant of outline planning permission; or
- ii. The expiration of a period of 2 years from the date hereof.

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

2. The vehicular access including visibility splays of 2.4 x 70 metres and any forward sight distance, shall be provided in accordance with Drawing No 01 bearing the date stamp 28 January 2021 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. All planting comprised in the approved details of drawing No 01 bearing the date stamp 28/01/2021, shall be carried out during the first planting season following the commencement of the development and any tree, shrub or hedge, 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 other similar size and species.

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

4.The existing mature trees and vegetation along the entire 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 the prior consent in writing of the Council, unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing at the earliest possible moment.

Reason: In the interests of visual amenity.

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.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.

4. 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

5. The applicant's attention is drawn to the need to comply with all conditions imposed on the outline planning permission, some of which may need to be satisfied prior to the commencement of any work on the site pursuant to that permission and to this approval of reserved matters.

6. This determination relates to Planning Control only and does not cover any consent or approval which may be necessary to authorise the development under prevailing legislation or may be administered by the Planning Authority or other statutory authority.

Signature(s)

Date:

ANNEX	
Date Valid	28th January 2021
Date First Advertised	9th February 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 23 Tulnacross Road Cookstown Tyrone	
Date of Last Neighbour Notification	17th February 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/0118/RM Proposal: Proposed two storey dwelling & detached double garage with loft room. Address: On Tulnacross Road, Doons, Opposite & South of 23 Tulnacross Road, Cookstown., Decision: Decision Date:	
Ref ID: LA09/2020/0630/O Proposal: Proposed site for a new 2 storey dwelling and garage Address: On Tulnacross Road, Doons, Opposite and South of 23 Tulnacross Road, Cookstown, Decision: PG Decision Date: 19.10.2020	
Ref ID: I/2009/0262/O Proposal: Proposed 2 storey dwelling and garage Address: 30m South of 23 Tulnacross Road, Cookstown Decision: Decision Date: 10.11.2010	

Summary of Consultee Responses
Content
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: Garage Plans Status: Submitted
Notification to Department (if relevant) Date of Notification to Department: Response of Department:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0120/F	Target Date:
Proposal: Renewal of Planning Application LA09/2015/1121/F	Location: Between 9 Old Coagh Mill & Old Coagh Road Cookstown BT80 0NE.
Referral Route: Approval - To Committee - Objection received.	
Recommendation:	
Applicant Name and Address: J & M Developments LTD 1 St Malachys Park Moortown Cookstown BT80 0ST	Agent Name and Address: Gibson design & Build 25 Ballinderry Bridge Road Coagh Cookstown BT80 0BR
Executive Summary: Approve	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
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

Approval - To Committee - Objection received.

Characteristics of the Site and Area

The site is located within the housing development known as Old Coagh Mill which is a housing development of some 23no dwellings. The ground level of the site is on or about that of the adjoining estate road which defines the western site boundary and from which access is proposed. The site level is significantly lower than that of the site to the south, which is a dwelling with good boundary definition and a bank exists on the site side of the boundary. To the north is a detached dwelling and to the west on the opposite side of the estate road is another detached dwelling. Further into the site are detached and semi-detached dwellings. The dwellings are a mixture of designs with two storey and one and a half type dwellings with differing finishes including full brick and a mixture of brick and smooth plaster.

Relevant Site Histories:

Within the estate are a number of previous planning applications which relate to the development currently built. This history includes the following:

I/1998/0383 2no dwellings and estate road for future development. Approved 17/5/00.

I/2001/0741/F: change of house type on site 2, new house on site 3 and minor road amendments. Approved 7/5/03.

I/2004/0296/F: 6 no semidetached dwellings and garages. Approved 22/6/04.

I/2004/0350/F: 4no semidetached dwellings and garages. Approved 14/7/04

I/2002/0464/F: change of house type on sites 4 & 5. Approved 15/5/03.

I/2005/0481/F: Proposed dwelling for site 1 and minor amendments to approved entrance road. Approved 21/12/05.

LA09/2015/1121/F - Proposed 2 no.semi detached dwellings. - Between 9 Old Coagh Mill and 42 Old Coagh Road Cookstown BT80 0NE, - Permission Granted 13.04.2016

Neighbour notification

5 neighbours were notified of this planning application with one objection being received. Summary of issues raised in the objection are;

- Inaccurate information was given during the Planning Committee meeting
- The application is not in-keeping and out of character with the rest of the housing development
- Issues over parking
- Adverse impact on quality of life of objector

Description of Proposal

This is a proposed full application for the renewal of planning permission LA09/2015/1121/F, the site is located between 9 Old Coagh Road and 42 Old Coagh Mill, 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

Mid Ulster Local Development Plan 2030 - Draft Strategy

Strategic Planning Policy Statement (SPPS)

PPS 7: Quality Residential Environment

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. The SPPS sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

Policy QD1 of PPS 7 states that planning permission will be granted for new residential development only where it is demonstrated that it will create a quality and sustainable

residential environment. I note that the principle of development has already been established through the recent approval of LA09/2015/1121/F. I note that this application has been received before the expiry of this permission so it is seen a valid in-time renewal where the policy has not changed since the decision of the previous approval. From such I hold the opinion that this application is still able to comply with QD1 of PPS 7.

PPS 3: Access, Movement and Parking

I note that the access arrangements are the same as previously approved, as such I am content that this acceptable subject to conditions.

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.

As the application has complied under Policy QD1 of PPS 7 I must recommend approval for this application.

In response to the comments made by the objector;

- To start, the objector raised concerns that some of the information during the planning committee was inaccurate. Claims that "Mr Ross stated that the current development currently consists of mainly semi-detached housing with differing styles and materials used, the size of the plot is the same as for other semi-detached housing within the development". Raised issue that this statement is inaccurate for the simple reason being that if the plot was the same size as other semi-detached why not have the same design as the other semi-detached houses within the development.

In response to this, I note that the design has already been accepted where the Council tries to promote a mix of suitable design and is not required to replicate the design.

- In addition the objector has drawn from the minutes wherein "Councillor Mallaghan clarified whether the housing beside the application site was also of semi-detached type and Ms McCullagh stated that was correct" I note that Objector now states that this statement by Ms McCullagh is also factually incorrect. The application area/site is surrounded by detached houses with the semi-detached housing further down the site and as previously stated above is not in keeping within the housing surrounding the proposed site.

In response to this, by the objectors own admission there are existing semi detached dwellings within the housing development and this was carefully considered and accepted in the previous Committee meeting.

- The objector has reiterated that the application is not inkeeping with the rest of the development. From the plans submitted it is abundantly clear that the proposed design is not like the existing semi-detached houses and for that reason the application should be deemed as not in keeping with the existing designs.

I would like reaffirm that this has been considered previously, as such I am content that the proposed design is acceptable within this area.

- The objector has referred back to the previous case officers report, in that they initially recommended refusal for the application. The report concluded that the development did “not respect the surrounding context and introduces a design which is inappropriate for the site” and the development was “contrary to the Policy SETT of the Cookstown Area Plan 2010 ... if permitted, be detrimental to the character of the surrounding area by reason of its scale and layout which are out of character of the immediate area.” As such these are line with the objectors claim and in direct contrast to the comments made by the developer.

In response to this, whilst I acknowledge the comments made by the previous case officer, I note that the Committee has already reviewed and made the consensus to approve this, as such based on the history of the site I share the view of the committee.

- The objector has raised issues over the limited parking arrangements and will inevitably lead to on-street parking which will make it virtually impossible for us to enter and exit our property safely and no doubt cause major congestion on an already restricted access route. It will also encourage parking on the public footpath leading to a significant safety issue particularly in a development with many young families.

From review of the approved plans and the comments from the previous case officer it has been agreed that sufficient parking has been provided.

- In addition, the impact of having such a housing development opposite our property will seriously impact our quality of life, as much of the natural light our home receives at the moment will be obstructed, particularly in our living room.

Again upon review of the approved plans that there is sufficient space between properties to not have an adverse impact on quality of life.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve

Conditions:

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

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

2. Prior to the commencement of any development on the site hereby approved details of the proposed retaining walls (including finishes) indicated on drawing no 01 (rev 1) date received 5/2/16 of approved LA09/2015/0120/F, and finished floor levels, shall be submitted to and approved by Mid Ulster District Council and shall be carried out in accordance with approved plans.

Reason: To ensure a satisfactory form of development which takes account of the site features.

3. Prior to the commencement of the development hereby approved a landscape plan shall be submitted to and approved by Mid Ulster District Council and the scheme shall be carried out in accordance with approved plans.

Reason: To ensure that a satisfactory landscape design is provided for the site.

4. The existing hedge as shown on drawing no 01 (rev 1) date received 5/2/16 of approved LA09/2015/0120/F shall be permanently retained.

Reason: To ensure that a satisfactory landscape design is provided for the site.

5. The vehicular access, including visibility splays 2.0 x 30 in both directions, shall be in place, prior to the commencement of any other development hereby permitted.

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

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

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

Informatives

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

2. The applicant is advised that under Article 11 of the Roads (NI) Order 1993, the Department for Regional Development 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.

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.

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

Notwithstanding the terms and conditions of the Department of Environment's 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 Regional Development'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 Transportni, Molesworth Street, Cookstown. A monetary deposit will be required to cover works on the public road.

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 DRD Transportni drainage system.

Signature(s)

Date:

ANNEX	
Date Valid	29th January 2021
Date First Advertised	9th February 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 4 Old Coagh Mill, Cookstown, Tyrone, BT80 0NE The Owner/Occupier, 42 Old Coagh Road, Cookstown, Tyrone, BT80 8QG Ciaran and Clare Cunningham 6 Old Coagh Mill, Cookstown, Tyrone, Northern Ireland, BT80 0NE The Owner/Occupier, 6 Old Coagh Mill, Cookstown, Tyrone, BT80 0NE The Owner/Occupier, 8 Old Coagh Mill, Cookstown, Tyrone, BT80 0NE The Owner/Occupier, 9 Old Coagh Mill, Cookstown, Tyrone, BT80 0NE	
Date of Last Neighbour Notification	22nd February 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2021/0120/F Proposal: Renewal of Planning Application LA09/2015/1121/F Address: Between 9 Old Coagh Mill & Old Coagh Road, Cookstown, BT80 0NE., Decision: Decision Date: Ref ID: I/2003/0028/F Proposal: Two no. dwellings and garages Address: Sites 8 & 14 Old Coagh Mill, Old Coagh Road, Cookstown Decision: Decision Date: 07.05.2003 Ref ID: I/2004/0296/F Proposal: 6 No Semi Detached Dwellings & Garages Address: Approximately 20 M North East of Site 4 Old Coagh Mill, Old Coagh Road, Cookstown Decision: Decision Date: 22.06.2004	

Ref ID: I/1983/0382
 Proposal: ERECTION OF DWELLING
 Address: OLD COAGH ROAD, COOKSTOWN
 Decision:
 Decision Date:

Ref ID: I/2004/0699/F
 Proposal: Housing Development
 Address: 10m East of No. 44 Old Coagh Rd, Cookstown
 Decision:
 Decision Date: 23.06.2008

Ref ID: I/2001/0760
 Proposal: Housing Development
 Address: Old Coagh Road Cookstown
 Decision:
 Decision Date: 14.04.2003

Ref ID: LA09/2015/1121/F
 Proposal: Proposed 2 no.semi detached dwellings.
 Address: Between 9 Old Coagh Mill and 42 Old Coagh Road Cookstown BT80 0NE,
 Decision: PG
 Decision Date: 13.04.2016

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 01 (Rev 1)
 Type:
 Status: Submitted

Drawing No. 02
 Type:
 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: LA09/2021/0146/O	Target Date: 18/05/21
Proposal: Proposed infill site for 2 storey dwelling and garage at builders yard with use of existing entrance to the Drum Road	Location: Site between Oakland Villas and 167 Drum Road Cookstown
Referral Route: Recommended refusal	
Recommendation:	Refusal
Applicant Name and Address: Philip and Judith Mitchell 167 Drum Road Cookstown	Agent Name and Address: PDC Chartered Surveyors 16 Gortreagh Road Cookstown BT80 9ET
Executive Summary: Proposal considered against prevailing planning policy – considered the proposal fails to comply with Policy CTY1 of PPS21. 2no. letters of objection have been received.	
Signature(s): 	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen	Content

Representations:

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

Characteristics of the Site and Area

The application site lies outside any defined settlement limits as defined in the Cookstown Area Plan 2010. The site is located in the rural area, the settlement limit of Cookstown is located approx. 2.2km east of the proposal site. The application site comprises a portion of land located to the rear of the detached chalet dwelling No.167. On the date of the site inspection it was noted there appeared to be recent clearing of the application site. The application proposes to utilise the existing access on to Drum Road via Oakland Villas which currently serves 6 dwellings. Whilst the proposal argues the entrance of the application site to Oakland Villas is existing and in use, it appears recent clearing has taken place and it is noted that there is an ongoing enforcement

investigation regarding this. The topography of the site is relatively flat. Close board fencing currently defines the southern boundary separating the site with the curtilage of No.167. The western boundary of the site is defined by mature trees and hedging, whilst the remaining boundaries are currently undefined. There is a medium degree of development pressure in the immediate context given the 2 storey terrace dwellings within Oakland Villa to the west of the site and detached dwelling of No. 167 with associated outbuildings to the south east. The wider landscape character is rural with the predominant land use being agricultural fields and dispersed holdings and dwellings. Drum Manor Forest Park is located a short distance to the west.

Description of Proposal

This is an outline planning application for a dwelling and garage on lands Oakland Villas and 167 Drum Road, Cookstown.

The dwelling is being considered as a gap site under Planning Policy Statement 21, Policy CTY 8, Ribbon 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
- PPS 3: Access, Movement and Parking
 - Policy AMP 2 Access to Public Roads
 - Policy AMP 3 Access to Protected Routes
- PPS 21: Sustainable Development in the Countryside
 - Policy CTY 1 Development in the Countryside
 - Policy CTY 8 Ribbon Development.
 - Policy CTY 13 Integration and Design of Buildings in the Countryside
 - Policy CTY 14 Rural Character

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

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, 1 letter of support and 2 letters of objection have been received. The address of the letter of support is No.167, which is

outlined in blue within the applicant's control, and the representation states "suitable infill site". The issues outlined in the 2no objection letters are summarised below:

- Both objection letters argue that the application includes false information. The representations state the application attempts to open a new access into the car parking area at Oakland Villas and this was never previously used as an entrance. They state this proposed entrance was only opened up on 08/02/21 involving the removal of 20ft of hedging and cutting down of 3 large trees. It is argued the reference on the block plan that the existing entrance is used to access 6 dwellings at Oakland Villas and the builder's yard for over 30 years with up to 30 vehicles using it per day is false.

Following a review of the original block plan submitted, I requested that the agent remove the annotations to the existing access use / current vehicle numbers accessing the builder's yard as this information is not necessary to be included on drawings. I also requested reference to "Commenced footings for commercial buildings" to be removed as no planning approval relating to commercial buildings was identified and regardless this does not form part of this planning application. The agent has submitted an amended block plan removing these annotations and has also provided what appears to be a land registry map showing the access through Oakland Villas shaded blue which he has advised is a right of way to the premises from this entrance. He also submitted a site layout plan from the 1990s however this Drawing does not include any DOE Planning Service stamps and also does not include the said "commercial building" that is annotated on the original layout plan. On the date of the site inspection, I noted that there appeared to be recent clearing of the application site and proposed entrance. It is noted there is currently an enforcement investigation ongoing with respect the entrance/access from Oakland Villa to the parcel of land subject to this application. Following observations on the site inspection, a review of google street view and aerial images, it appears that the access from the application site to Oakland Villas was not always in place. I requested that the agent amend Q.12 of the P1 Form as this is not "use of an existing unaltered access" and the agent has subsequently amended accordingly.

Planning History

I/1980/0144 - Proposed store for owners use – 167 Drum Road, Cookstown – Permission Granted

I/1993/0031 - Change of use from store, garage and office to manufacturing workshop and stores including construction of new access – Adjacent to Oakland Villas, Cookstown – Permission Refused

Key Policy Considerations/Assessment

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

The Strategic Planning Policy Statement for Northern Ireland – advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained. The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside –

PPS21 is the overarching policy for development in the countryside. Policy CTY 1 provides clarification on circumstances in which development will be permitted in the countryside. This application is being considered against Policy CTY 8 of PPS21. Considering the requirements of CTY 8, planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of 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.

In this case, it is my opinion that the proposal does not constitute a small gap site within an otherwise substantial and continuously built up frontage and the application site does not respects the existing development pattern along the frontage. It is noted from the submitted block plan that the applicant is relying on No.01 and No.5-6 Oakland Villas; and No.167 Drum Road and the associated outbuilding/garage as a line of three or more existing buildings along the road frontage for the purposes of meeting Policy CTY8. When approaching the site from the west, the rear of the terrace dwellings of No.1-4 Oakland Villas are visible. These dwellings have an eastern orientation and do not face onto Drum Road, set back approx. 18 metres from this public road. When continuing from this approach, the semi-detached units No.5-6 Oakland Villa and the detached dwelling of No.167 only come into clear view when almost at the entrance of Oakland Villas. No.167 is located on the roadside set on a large curtilage with amenity space 22 metres in length to the west of the dwelling. When approaching the site from the east the side elevation of No.167 is viable, whilst they are only partial/isolated views of the front elevation of the terrace block No.1-4 Oakland Villa and little to no views of No.5-6 Oakland Villa which are set back 48 metres from Drum Road. It is noted that the amplification to policy CTY8 states “Buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they have a common frontage or they are visually linked.” However, I do not consider that the terrace block of No.1-4 Oakland Villas; the semi-detached dwellings No.5-6 Oakland Villas; the application site and No.167 are in a line with a common frontage along Drum Road. It is considered the land within the curtilage of No.167 provides a gap between the development of Oakland Villas and No.167 and outbuilding. Whereas the proposed application site is not located along the road frontage, set back approx. 51 metres from the Drum Road and comprising the land to the rear of the curtilage of No.167. The road frontage portion of the site currently serves as the access for dwellings to Oakland Villas and only forms a means of access to the where the dwelling would have to be accommodated. In the context of the size, scale, siting and plot size of existing built form within Oakland Villas, the application site would not respect the existing development pattern. The buildings of No.1-4 and No.5-6 Oakland Villa face into the development, not onto Drum Road and I do not consider they form “a line of 3 or more buildings along a road frontage without accompanying development to the rear”. It is considered an approval of this application would add to a ribbon of development and Policy CTY 8 is clear when it states that planning permission will be refused for a building which creates or adds to a ribbon of development.

Policy CTY2a of PPS21 provides an opportunity for a new dwelling at an existing cluster of development provided all listed criteria is met. I am content that the site lies outside of a farm and consists of four or more buildings in which more than three of such are dwellings. Given the build-up of development, this cluster could be considered as a visual entity in the local landscape. It is also accepted, given this is an outline application, that the proposed dwelling could be sited and designed to ensure no adverse impact to residential amenity. However, there does not appear to be a focal point in close proximity to the site nor is the site located at a cross-roads, failing this part of the policy. Therefore, it is considered the proposal would also fail under Policy CTY2a.

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. Given the existing, established vegetation to the boundaries of the site and the flat topography, I consider a dwelling and garage could be accommodated without appearing as an overly prominent feature in the landscape. I am content that a dwelling and garage on the site will not be a prominent feature in the landscape given the set back to Drum Road and the flat topography of the site. There are minimal critical views when travelling in an easterly direction, however should planning permission be granted a condition requiring the submission of a landscaping plan to accompany any forthcoming reserved matters application will be required, particularly to ensure integration along the east boundary. Should permission be granted the design of the proposed dwelling would also be a matter for consideration at the Reserved Matters stage.

CTY 14 states that planning permission will be granted for a building where it does not cause a detrimental change to, or further erode the rural character of the area. As stated above, I do not consider the proposal site represents a small gap site within a line of 3 or more buildings with a common frontage. In my opinion, the proposal would add to a ribbon of development which is detrimental to the surrounding rural character contributing to a localised sense of build-up of development. The proposed dwelling will access via Oakland Villas, I do not consider the plot size or siting to respect the traditional pattern of settlement. In my opinion, the proposal has the potential to further erode the rural character of the area and as such is contrary to Policy CTY 14.

PPS 3: Access, Movement and Parking

DfI Roads were consulted and have responded with no objections subject to conditions. It is noted that the adjacent road network is a protected route. DfI Roads Checklist provided states "A505 is not accessed directly but via Oakland Villas therefore PPS3 AMP3 not applicable". Annex 1 of PPS21 "Consequential amendment to Policy AMP 3 of PPS 3 Access, Movement and Parking" provides exceptions for a development proposal involving access onto a Protected Route in certain cases and removes reference to intensification of an existing access as was previously the criteria within PPS3 (Clarification). Therefore, on the basis of DfI Roads response it is not considered the proposal will prejudice road safety or significantly inconvenience the flow of traffic.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The proposal is recommended for refusal for the reasons stated below.

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 CTY 8 Ribbon Development of Planning Policy Statement 21 in that the proposal does not constitute a gap site within a substantial and continuously built up frontage along this part of Drum Road and would create or add to a ribbon development.
3. The proposal is contrary to CTY 14 Rural Character of Planning Policy Statement 21 in that the development would further erode rural character adding to a ribbon of development.
4. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point or it is not located at a cross-roads.

Signature(s)**Date:**



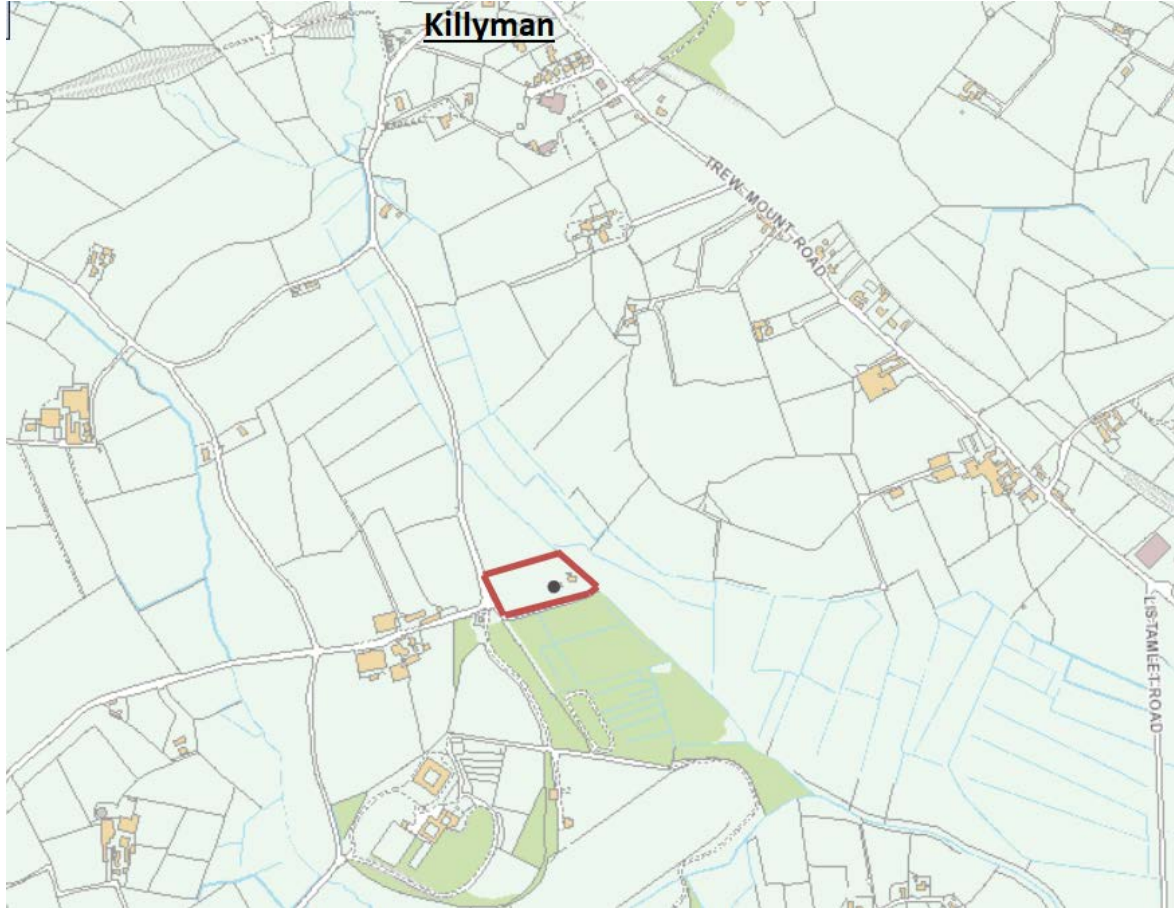
Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0224/F	Target Date:
Proposal: Dwelling for a person with long term needs under Policy CTY6.	Location: 80m West of 67 Dungormann Road Dungannon BT71 6SE.
Referral Route: Contrary to Policy	
Recommendation:	Refusal
Applicant Name and Address: Mr Paul Brannigan 67 Dungormann Road Dungannon BT71 6SE	Agent Name and Address: Hamill Architects Ltd Unit T2 Dungannon Enterprise Centre 2 Coalisland Road Dungannon BT71 6JT
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Characteristics of the Site and Area

The site lies within the open countryside just a short distance to the south of the settlement limits of Killyman and outside all other areas of constraint as depicted in the DSTAP 2010.

The red line of the site is rectangular and includes a large two storey detached dwelling situated at number 67 Dungorman Road, Killyman.



The site is bounded on three sides by mature trees and other vegetation and there is a large forest/wooded area directly south of the site. The existing dwelling has a long winding driveway with pillars and a 1.5 metre wall along the whole site frontage. There is also a small tennis court in the northern section and the dwelling itself is two storey, finished in grey render with three front peaks, two chimneys on the ridgeline and a large detached garage. The site also boasts a large front and side lawn.



Description of Proposal

The application seeks full planning permission for a dwelling for personal and domestic circumstances.



Planning Assessment of Policy and Other Material Considerations

History

M/2000/0519/F - Replacement Dwelling - 67 Dungormon Road - GRANTED

Assessment

Regional Development Strategy
Dungannon Area Plan (CAP) 2010
SPPS
PPS1
PPS3
PPS21

The **Strategic Planning Policy Statement** for Northern Ireland 'Planning for Sustainable Development? (SPPS) is material to all decisions on individual planning applications and appeals. The SPPS retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS.

The **Dungannon and South Tyrone Area Plan 2010 (CAP)** operates as the local development plan of the area the application site lies within. The site sits in a rural location outside any defined settlement limits. The CAP offers no specific policy or guidance in respect of this application. There is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for N Ireland (SPPS) and those of Planning Policy Statement 21 (PPS21) in respect of this application thereby the policy provisions of PPS 21 remain applicable.

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.

Key Planning issues;

Planning Policy Statement 21

Policy CTY 1 - Development in the Countryside

Policy CTY 6 - Personal and Domestic Circumstances

Policy CTY 13 - Integration and Design

Policy CTY 14 - Rural character

Objections / comment received from 3rd Parties;

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

Policy CTY 6 is centred on permitting dwellings in the countryside for those who may have special personal or domestic circumstances (eg) a young adult who requires a high level of care but who also will benefit from independent living. It specifically refers to the applicant as being the person who has long term needs. The policy provides an opportunity for those who have specific long term needs to live in the countryside where they otherwise may have to consider alternative accommodation (eg) care home, in an urban area, away from their family and support systems.

In this case the proposal seeks permission for a two storey dwelling of over 200m² floor space, and also includes a double garage. The applicant has put forward a supporting statement detailing a number of compelling health conditions, which I will not describe for the purposes of confidentiality.

However, Criteria A, of PPS 21 CTY 6 states that 'planning permission for a new dwelling must be necessary to prevent genuine hardship should planning permission be refused?'. In this case the applicant already resides on a large two storey property (over 4000ft²) on the existing site which could easily be adapted for the purposes required in this case. Therefore, it is my opinion that the applicant would not be subject to genuine hardship should permission be refused.

Criteria B, of PPS21 CTY6 also states 'there must be no alternative solutions to meet the particular circumstances such as an extension, or conversion of existing property?'. In this case the site is part of the applicants existing curtilage of over two acres in size and the dwelling itself is over 4000ft², therefore there is ample room for an extension to the existing dwelling and plenty of existing floor space that could be converted to meet the applicant's needs.

The applicant has failed to demonstrate refusal would cause demonstrable hardship, and there are clear alternative solutions rather than the erection of a new dwelling, therefore in my opinion this is contrary to PPS21 CTY6.

Policy CTY13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design.

In my opinion I consider that the proposed house type in the position suggested would not blend in successfully with its immediate and wider surroundings. Furthermore as the position of the dwelling is to the front of the plot, with very little in the way of roadside landscaping, would cause the dwelling to be a prominent feature in the landscape. The site would rely primarily on roadside landscaping plan and therefore it is considered that the site does not have the capacity to absorb a dwelling of this size and scale.

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. I consider that the site and its surrounding environs are not suitable for absorbing a dwelling of this size and scale on this particular footprint. A dwelling if approved would create a suburban style build up within the area and would not respect the traditional pattern of settlement exhibited in the area, therefore damaging rural character.

Recommendation - Refusal

CTY1

CTY6 CRITERIA A + B

CTY13

CTY14

Neighbour Notification Checked

Yes

Summary of Recommendation:

The applicant has not provided evidence to show how the proposed dwelling is needed and would create genuine hardship should it be refused;
the existing dwelling and site has room and capabilities of being extended or converted;
the proposed dwelling would result in a suburban style build up of development and the site is open along the front and would rely on landscaping for integration.
In conclusion there are no overriding reasons why this development is essential in the countryside.

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 CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused, in addition it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and the proposed building relies primarily on the use of new landscaping for integration.
4. 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 therefore result in a detrimental change to the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	15th February 2021
Date First Advertised	2nd March 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 65 Dungorman Road Dungannon Tyrone The Owner/Occupier, 67 Dungorman Road Dungannon Tyrone The Owner/Occupier, 67 Dungorman Road,Dungannon,Tyrone,BT71 6SE	
Date of Last Neighbour Notification	26th February 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2021/0224/F Proposal: Application for house for a person with long term needs under Policy CTY6. Address: 80m West of 67 Dungorman Road, Dungannon BT71 6SE., Decision: Decision Date: Ref ID: M/2000/0519/F Proposal: Replacement Dwelling Address: 67 Dungorman Road Dungannon Decision: Decision Date: 09.11.2000 Ref ID: M/2001/0436/F Proposal: Revision of approved house type (M/2000/0519/F). Address: 67 Dungorman Road, Dungannon. Decision: Decision Date: 24.07.2002 Ref ID: M/1979/0931 Proposal: ALTERATIONS AND EXTENSIONS TO EXISTING DWELLING Address: 67 DUNGORMAN ROAD, KILLYMAN, DUNGANNON Decision: Decision Date:	

Ref ID: M/2006/1346/F
 Proposal: Extension to dwelling
 Address: 67 Dungorman Road, Killyman, Dungannon
 Decision:
 Decision Date: 05.04.2007

Ref ID: M/2006/1349/F
 Proposal: Retention of existing garden wall
 Address: 67 Dungorman Road Killyman Dungannon
 Decision:
 Decision Date:

Drawing Numbers and Title

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

Drawing No. 04
 Type: Proposed Plans
 Status: Submitted

Drawing No. 03
 Type: Proposed Plans
 Status: Submitted

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

Notification to Department (if relevant)

Date of Notification to Department:
 Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

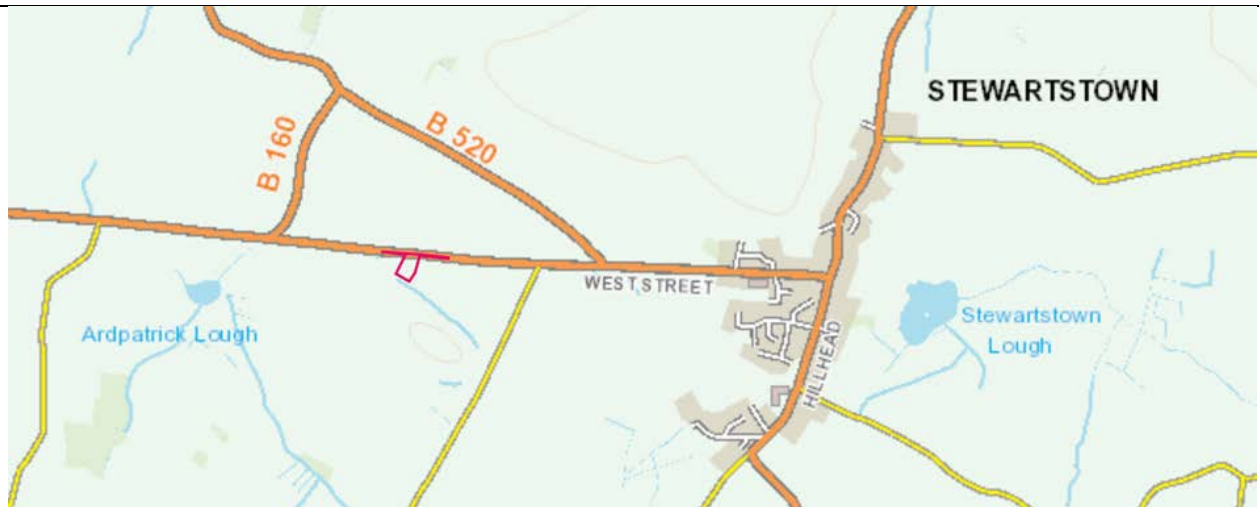
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0305/F	Target Date:
Proposal: Proposed dwelling & carport with detached garage & loft room.	Location: Approx. 50m SSW of 31 Sherrigrim Road Stewartstown.
Referral Route: Objection, Refusal	
Recommendation: Refuse	
Applicant Name and Address: Mr Daryl Morrison & Miss Rachel Mullan 44 Lambfield Drive Dungannon BT71 6GG	Agent Name and Address: Rodney Henry 2 Liscoole Cookstown BT80 8RG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:	
Letters of Support	None Received
Letters of Objection	1
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Description of Proposal <p>This is a full planning application for a proposed dwelling and carport with detached garage and loft room on lands located approx. 50m SSW of 31 Sherrigrim Rd Stewartstown.</p> <p>There is a live outline planning application for an infill dwelling and detached garage on this site at present: LA09/2020/0222/O granted 7th September 2020.</p>	
Characteristics of the Site and Area <p>Whilst there has been an relatively modest increase to the site's proposed curtilage there does not appear to be any significant changes on site or in the immediate vicinity from the outline applications on site (LA09/2020/0222/O), as such the characteristics of the site and area remain largely as before.</p> <p>The site is located in the rural countryside, as depicted within the Cookstown Area plan. There is a degree of development pressure along the road frontage of the Sherrygrim Rd. With the wider area defined by a small number of farm holdings and a number of single dwellings.</p> <p>The site comprises a small, flat rectangular shaped roadside plot, located within a larger agricultural field. The site lies within a ribbon of existing development (3 no. of buildings) running along the south side of the Sherrigrim Rd.</p> <p>The site which is to be accessed, directly off, the Sherrigrim Rd lies between a small agricultural byre and no. 32 Sherrigrim Rd, a single storey dwelling. A further relatively newly erected 2-storey dwelling exists to the immediate west of no. 32 Sherrigrim Rd. This dwelling, no. 32A Sherrigrim Rd, approved under planning applications LA09/2015/0099/O & LA09/2016/0135/RM (see 'Planning History' further below) contributes to the overall continually built up frontage.</p> <p>The land within this ribbon of development is capable of accommodating a maximum of two dwellings. The current site only includes approx. half (eastern) the entire gap site as such only one detached dwelling is proposed. The site is relatively in keeping with the plot shapes and sizes surrounding the site.</p> <p>The site possesses a sense of closure, with mature hedgerows to the north and west, which screen the site from the western approach and providing a backdrop from the eastern approach. In addition, the landform rises to the south to provide a backdrop to the proposed development. Critical views will be just before and passing the roadside frontage of the host field on the eastern approach.</p>	
Planning Assessment of Policy and Other Material Considerations	

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement 21: Sustainable Development in the Countryside in particular:

Supplementary Planning Guidance for PPS21 - 'Building on Tradition' A Sustainable Design Guide for the Northern Ireland Countryside.

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

History

On Site

- LA09/2020/0222/O - Proposed site for dwelling (with ridge height no more than 8m above finished ground floor level) and detached domestic garage - Approximately 50m S.S.W of 31 Sherrigrim Rd Stewartstown – Granted 22nd September 2020

Adjacent Site

- LA09/2015/0099/O – 7.5m ridge height 2 storey dwelling with domestic garage on farm (under Policy CTY 10 of PPS21) - Approx 120m SE of 34 Sherrigrim Rd Stewartstown – Granted 16th September 2015
- I/2016/0135/RM – Proposed 2 storey dwelling and domestic garage on farm (under policy CTY10 of PPS21) – Approx. 120m East of 34 Sherrygrim Rd Stewartstown Dungannon – Granted 14th April 2016

The above applications related to lands to the west of the site and no. 32 Sherrygrim Rd, containing no. 32A Sherrygrim Rd, a relatively newly erected 2-storey dwelling.

Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, 1 third party objection had been received from the owners / occupiers of no. 31 Sherrygrim Rd, a bungalow located immediately northeast of the site at the opposite side of the road. The objectors outlined their concern is two entrances to the site, one of which is for agricultural use. That it is directly opposite their property entrance. That it is a very busy and dangerous stretch of road. It is extremely fast and there is a hidden dip on the road coming from Sherrygrim/Pomroy direction, quite close to the proposed site. It has been difficult to access their entrance and they feel that with the added entrances it will present a major hazard for all road

users. The objectors concerns having been taken into consideration alongside DfI Roads response. See 'Consultees' below.

Consultees

1. DFI (Roads) were consulted at the outset of this application in relation to access, movement and parking arrangements and had no objections to the proposal subject to standard conditions. Upon receipt of the objection letter detailed above Roads were re-consulted for further comment and responded with no objection to the proposal subject to conditions as per previous consultation response. Roads advised field gates are normally subject to a separate Article 80 approval under the Roads Order; noted acceptable sightlines can be achieved for the gate location and would be a condition for any approval; and asked Council to advise if the location of a new field gate as suggested is to be considered under this planning application.

DfI Roads have not raised any concerns with the access to the proposed dwelling subject to standard conditions, accordingly I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking, in that the access arrangements will not prejudice road safety or significantly inconvenience the flow of traffic. In relation to the objectors concerns regarding the additional agricultural access, this would benefit from permitted development rights under 'The Planning (General Permitted Development) Order (Northern Ireland) 2015', and would not require planning permission. That said, any subsequent determination of this application would relate to planning control only and would not cover any other 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 e.g. Roads advised Article 80 approval normally required under the Roads Order.

Cookstown Area Plan 2010 – The site is located in the open countryside outside any settlement limit designated by the Area Plan.

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

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria.

I am content the principle of this development has already been established on site under outline planning application LA09/2020/0222/O. This approval granted permission for a dwelling and garage under the provisions of CTY 8 of PPS 21 - a small gap site within an otherwise substantial and continuously built up frontage.

It would appear this proposal has been submitted as a full rather than reserved matters application as there has been an increase to the original sites curtilage as it complies with all the planning conditions set at outline. I do not believe the relatively modest

increase to the site's curtilage alone would result in a dwelling on this site with a significantly greater visual impact, than that approved.

The above said with respect to the design of the dwelling (including garage) proposed it must still comply with Policies CTY 13 and 14 of PPS 21. CTY 13 states that the proposed development must be able to visually integrate into the surrounding landscape and be of an appropriate design. Policy CTY 14 allows for a building in the countryside where it does not cause detrimental change to or further erode the rural character of the area.



Fig 1: Proposed Block Plan

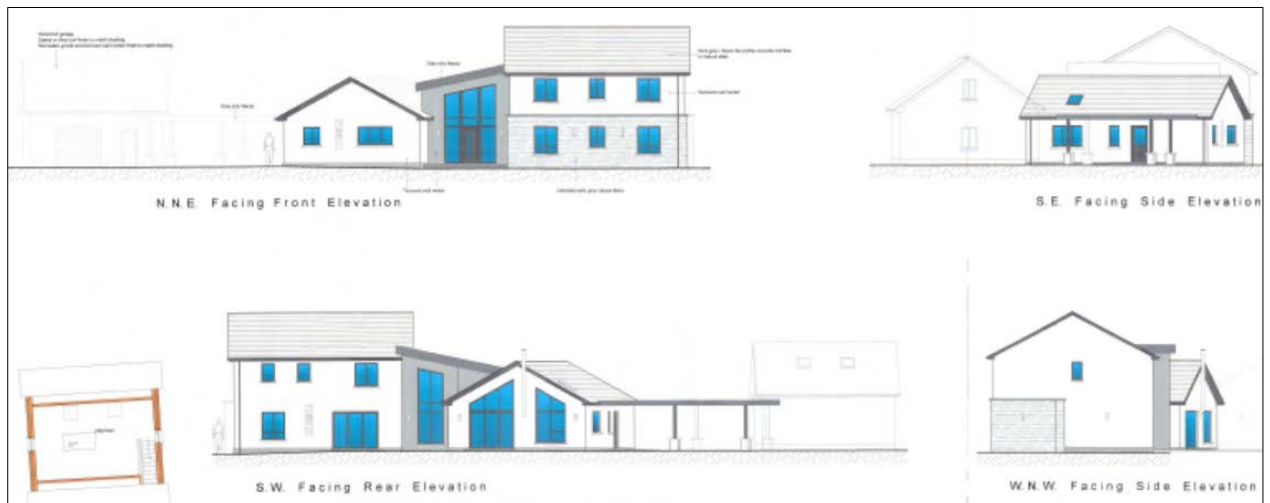


Fig 2: Proposed Elevations

Whilst the site has approval for a dwelling with an 8m ridge height above FFL I do not believe the site has the capacity to absorb the proposed dwelling in accordance with Policy CTY13 and 14. The size, scale, and design of the dwelling is inappropriate for the site and locality and if permitted would be a prominent feature in the landscape when viewed from the surrounding vantage points (see 'Characteristics of the Site and Area') leading to a detrimental change to the rural character of the area. It is considered the dwelling has an excessive frontage length, which when read with the proposed garage

will span the full width of the current site; and would not have been accommodated within the red line of the outline site. Due to the layout of the scheme, the aforementioned frontage will be orientated / tilted to view on the eastern approach to the site along Sherrygrim Rd. Whilst there is vegetation along the western boundary of the site the scheme will rely on proposed planting to enclose the site to the east.

Accordingly, the agent was contacted via email on the 19th April 2021 and advised that Planning did not consider the proposed dwelling acceptable for the site and locality by reason of its' size, scale and design and offered the opportunity to submit an amended scheme to reflect the rural design guide for further consideration.

The agent subsequently submitted a revised block plan showing additional in-curtilage planting; and a Supporting Statement dated 29th April 2021 and received 4th May 2021, within which he:

- Enclosed photos of existing dwellings noted as good examples of design within the rural design guide. Added that they had elongated frontages with a mix of contemporary features, traditional style and finished materials with variance in ridge heights to take in the dwelling, garage and other outside features. That current proposal is not dissimilar to examples particularly one whereby the 2-story section is fairly dominant.
- Advised a recently constructed contemporary style 2-storey dwelling exists approx. 100m west of the application site.
- Advised proposal submitted in one go, as that is how clients, wish to carry out works. That the double carport as far as aware would be permitted development; and though attached to dwelling, it is open on 3 sides with a slim line flat roof, which does not form a mass extension to dwelling or link to garage behind.
- Advised outline on site granted dwelling with 8m ridge above FFL. As such, proposal could have full 2-story dwelling footprint subject to approval. The proposal complies with ridge condition for the 2-storey section of dwelling with more than half footprint averaging 5 – 5 ½ m.
- Advised FGL's around dwelling are on average 1.2m below road frontage level. Topography to south and west of site rise as hills, and will form a backdrop to views. Public views from Sherrygrim Rd will be semi screened on east and completely screened on west approaches (enclosed photos to demonstrate). Additional landscaping along site boundaries and within curtilage will further mature the site in time.

Whilst the additional information above, has been taken into consideration, the opinion has not changed the dwelling is still considered inappropriate for the site and its locality, and if permitted it would be a prominent feature in the landscape leading to a detrimental change to the rural character of the area. In response to the examples provided and contemporary dwellings noted within the vicinity, every site is assessed on its individual merit and that of its surrounding context. Whilst the site has approval for a dwelling with an 8m ridge, it is considered the dwelling has an excessive frontage length, which when read with the proposed garage will span the full width of the current site; and would not have been accommodated within the red line of the outline site. Due to the layout of the scheme, the aforementioned frontage will be orientated / tilted to view on the eastern approach to the site along Sherrygrim Rd. Whilst there is vegetation along the western boundary of the site the scheme will rely on proposed planting to enclose the site to the east.

Additional considerations

I am content neighbouring amenity should not be impacted to any unreasonable degree in terms of overlooking or overshadowing by this proposal due to its' location, orientation, design and separation distance from existing properties.

Flood Maps NI identified no flooding on site.

In addition to checks on the planning portal Natural Environment and Historic Environment Map viewers available online have been checked and identified no natural heritage features of significance or built heritage assets of interest on site.

Recommendation: Approve

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

Reasons for Refusal:

1. The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the dwelling is inappropriate for the site and its locality, and if permitted it would be a prominent feature in the landscape.
2. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted be unduly prominent in the landscape and would therefore result in a detrimental change to the rural character of the countryside.

Signature(s)

Date:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0326/F	Target Date:
Proposal: Proposed change of house type from that originally approved under planning ref I/2007/0308/RM.	Location: 300m SW of No.16 Dirnan Road Cookstown BT80 9XL.
Referral Route: Approval - To Committee - One objection received.	
Recommendation:	
Applicant Name and Address: Mr Colm Canavan 34 Rathmore Cookstown BT80 8JD	Agent Name and Address: Brendan Monaghan Lissan Design 45 Letteran Road Moneymore BT45 7UB
Executive Summary: Approve	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Summary of Issues

Approval - To Committee - One objection received.

Characteristics of the Site and Area

The site is identified as approximately 300 SW of 16 Dirnan Road, Cookstown which is located within the open countryside and outside the settlement limits of both Cookstown and Moneymore as per defined by the Cookstown Area Plan 2010. The site rises towards the west to the top of the site in which the foundations of /2007/0308/RM sits. Along the southern boundary is a post and wire fencing, the eastern is defined by mature hedging whilst the northern boundary remains undefined however new native hedge within a timber post and wire fence has been proposed. The surrounding area is predominantly agricultural uses with scattering of residential dwellings

Relevant planning history

I/2007/0308/RM - Proposed dwelling and domestic garage/store - Permission Granted 16/08/2007.

LA09/2017/0569/F - Proposed new entrance to dwelling - Approx 300m S.W. of 16 Diran Road, Cookstown - Permission Granted - 14.08.2017

Representations

There were no notifiable neighbours on this application, however one objection was received in connection with this application. Summary of issues of the objection are in

relation to ownership of splay lines and their has been no permission from the objector given for use of these.

Description of Proposal

The proposed full application for a change of house type from that originally approved under planning ref I/2007/0308/RM, the site is located 300m SW of No.16 Dirnan 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

Mid Ulster Local Development Plan 2030 - Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

PPS 3: Access, Movement and Parking

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

The principle of development has already been established on the site through previous approval with the most recent approval being I/2007/0308/RM. Upon investigation and discussions with Building Control I am content that the site has lawfully commenced with the foundations of the approval present during the site visit. As such the application must still comply under CTY 13 and 14 of PPS 21.

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that the site is located at the top of the long laneway with limited views into the site, as such and in comparison to that approved, I am content that the proposed dwelling is unlikely to appear as visually prominent in the landscape. Given the landform coupled with the existing and proposed landscaping I am content that the proposed dwelling and ancillary works are able to successfully integrate into the landscape. In terms of the proposed design, upon review of the site and the previous approval I am content that the proposed design is still acceptable within this rural context. From this, I am content that the application is able to comply with CTY 13.

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

character of an area. As mentioned previously I am content that a dwelling in this location will not be unduly prominent in landscape, from this I am content that the development is able to respect the pattern of development in the area. I am content on balance that this proposed application will not unduly change the character of the area. On a whole I am content that the proposed development complies with CTY 14.

PPS 3 - Access, Movement and Parking;

I note that the intention is to create a new access point, as such DFI Roads were consulted, in that I acknowledge comments made by the objector. In their response DFI Roads stated in response to the objectors claims that the visibility splays proposed for this access are achievable without the need for third party lands. In addition, went on to confirm that they had no objections subject to conditions.

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.

As per the previous application LA09/2017/0569/F, it has been confirmed that a portion of the site falls within an area that is affected by surface water. Although a Drainage Assessment is not required by the policy the developer should still be advised to appoint a competent professional to carry out their own assessment of flood risk and construct in a manner that minimises flood risk to the proposed development and elsewhere.

In response to the comments made by the objector, I first note that all ownership matters are a civil matter and no under planning control. In addition, given the comments from DFI Roads I am content that the access works can be put in place without the need for third party lands.

I have no concerns with regards to residential amenity or ecology.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Approve

Conditions:

1. This permission is granted solely as a substitute for the permission for a dwelling previously granted on the site under Ref: I/2007/0308/RM on the 16/08/2007 and only one dwelling shall be constructed on the site.

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

2. All landscaping comprised in the approved details of landscaping on the stamped approved Drawing No. 02/1 date stamped 22nd March 2021 shall be carried out in the

first planting season following the commencement of the construction of the development hereby approved.

Reason: To ensure the development integrates into the countryside

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

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

4. The existing natural screenings of the site shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

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

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

6. The vehicular access including visibility splays 2.4 x 60 metres N.N.E. and 45 metres S.S.W. any forward sight distance, shall be provided in accordance with Drawing No 02/1 bearing the date stamp 22nd March 2021 prior to the commencement of any other development hereby permitted.

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

7. 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.

Informatives

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

2.This permission authorises only private domestic use of the proposed garage and does not confer approval on the carrying out of trade or business there from.

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

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

5.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

Signature(s)

Date:

ANNEX	
Date Valid	2nd March 2021
Date First Advertised	16th March 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) Charlie Quigley Email Address	
Date of Last Neighbour Notification	21st April 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2017/0569/F Proposal: Proposed new entrance to dwelling Address: Approx 300m S.W. of 16 Diran Road, Cookstown, Decision: PG Decision Date: 14.08.2017 Ref ID: LA09/2021/0326/F Proposal: Proposed change of house type from that originally approved under planning ref I/2007/0308/RM. Address: 300m SW of No.16 Dirnan Road, Cookstown BT80 9XL., Decision: Decision Date: Ref ID: I/2005/0234/O Proposal: Proposed site for dwelling and garage Address: 300 metres (approx) South West of 16 Dirnan Road, Cookstown Decision: Decision Date: 23.05.2005 Ref ID: I/2007/0308/RM Proposal: Proposed dwelling and domestic garage/store Address: Approx 300m SW of 16 Dirnan Road, Cookstown Decision: Decision Date: 22.08.2007	

Summary of Consultee Responses**Drawing Numbers and Title**

Drawing No. 02/1

Type:

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 03

Type: Proposed Plans

Status: Submitted

Drawing No. 04

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0331/O	Target Date:
Proposal: Proposed site for new dwelling in infill	Location: Approx 30m SE of 43 Ardagh Road Coagh Cookstown
Referral Route: Recommended refusal	
Recommendation:	Refusal
Applicant Name and Address: Mr Pat Mc Guckin 25 Mullan Road Coagh Cookstown	Agent Name and Address: Gibson Design and Build 25 Ballinderry Bridge Road Coagh Cookstown
Executive Summary: Proposal considered against prevailing planning policy – considered the proposal fails to comply with Policy CTY8 of PPS21. No letters of representation received.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Characteristics of the Site and Area

The site is located immediately adjacent to and outside the settlement development limit of Ballinderry as defined within the Cookstown Area Plan 2010. The settlement development limits to the east of the site consolidate existing development around the Ballinderry Bridge Road and Ardagh Road junction. The application site comprises a portion of a large roadside field. It should be noted that a similar application has also been submitted for an infill dwelling on the remaining portion of this agricultural field immediately south under Planning Reference LA09/2021/0333/O. The topography of the site is relatively flat. The roadside boundary is defined by mature hedging, the northern boundary is currently defined by post and wire fencing and the remaining boundaries are currently undefined. The surrounding area is characterised predominantly by agricultural land and dispersed dwellings with residential and commercial uses and Ballinderry GAC located in proximity to the south and east of the site. The detached single storey building, No.43 Ardagh Road, is located to the north of the site with a NE orientation. There is a long rectangular outbuilding and the dwelling No.90 Ballinderry Bridge Road

located south of the application, both of which have a southern orientation, facing onto Ballinderry Bridge Road.

Description of Proposal

This is an outline planning application for a new dwelling and garage on lands approx. 30m SE of 43 Ardagh Road, Coagh.

The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 8 Ribbon 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

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

LA09/2021/0333/O – Proposed site for new dwelling in infill - Approximately 20m North West of 90 Ballinderry Bridge Road, Coagh – Under Consideration

LA09/2020/0935/O - Proposed site for dwelling - Approx 60m S.W of 90 Ballinderry Bridge Road, Coagh, Cookstown – Application Withdrawn

Key Policy Considerations/Assessment

Cookstown Area Plan 2010 – the site is located in the rural countryside outside any defined settlement limits. The settlement limits of Ballinderry are immediately SE of the application site and associated application LA09/2021/0331/O. The site lies within the designated Loughshore Countryside Policy Area designated in order to protect the amenity of the overall Lough Neagh shore area. Plan Policy CTY 2 Countryside Policy Areas states development proposals will be determined in accordance with the

provisions of prevailing regional planning policy. The plan identifies there has been significant pressure for individual dwellings in the countryside beyond the several small villages located within the area. This has resulted in the erosion of rural character through the build-up of clusters of suburban-style dwellings. The Department considers that further ribbon development along these roads will serve only to devalue and further erode the rural character and landscape quality of the area.

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

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. Policy CTY2a of PPS21 provides an opportunity for a new dwelling at an existing cluster of development provided all of the following criteria are met. Considering the requirements of CTY 8 - Ribbon development planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of 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 proposal site is relying on the existing development of No.43 Ardagh Road and No.90 and No.90a Ballinderry Bridge Road as a line of 3 or more buildings along a road frontage. I have concerns whether the dwelling of No.90 shares a common road frontage along Ardagh Road. However regardless the buildings of No.90 and No.90a are located within the settlement limits of Ballinderry. PPS 21 policy and specifically Policy CTY 8 in this case, applies to development in the rural area outside defined settlement limits. Cookstown Area Plan designates settlement limits in order to protect the individual character of each settlement and to prevent ribbon development and urban sprawl into the surrounding countryside. CTY 8 states clearly that an application for permission will be refused for a building which creates or adds to a ribbon of development. In my opinion to rely on development within the settlement limits to meet PPS21 policy goes against the principle upon which it was designed. Therefore, it is considered that the proposal fails to comply with the exception to CTY 8 as the development to the south of the application site is within the designated limit of development for Ballinderry.

Development proposals located just outside the limit of development should also be considered under Policy CTY 15: The Setting of Settlements. In my opinion this proposal will mar the distinction between the settlement and surrounding countryside particularly when travelling on Ardagh Road to and from the Ballinderry Bridge Road.

Notwithstanding the above, members should note that on 13th June 2016, a similar proposal was presented to Committee in respect of a development adjacent to 154 Battery Road Moortown under application LA09/2015/1163/O. That application was for two dwellings on a gap site with a 58m frontage, immediately adjacent to but outside the settlement development limits. Planning Committee, in consideration of that proposal were of the opinion that although the site relied on buildings within the development limit, it would represent “rounding off” and should be treated as an exception to Policy. Consequently that proposed development was approved.

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 first note that this application is only outline therefore I cannot speak on the design, layout etc. Given the relatively flat topography, I am content that the dwelling will not appear as a prominent feature in the landscape. The mature vegetation along the roadside boundaries should be maintained and additional landscaping will be required along the remaining boundaries. Should the Planning Committee consider the proposal acceptable and planning permission be granted, a landscaping scheme will be required with any forthcoming reserved matters application. It is considered that an appropriately designed dwelling in keeping with building on tradition guidance could successfully integrate into the site landscape. However, I consider a ridge height restriction of 6.5 metres (with 0.3m under build) would be required to respect the existing built form in the surrounding area.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. It is considered an appropriately designed dwelling on the application site would not appear overly prominent or resulting in a suburban form of development. Although a dwelling on this site will read with the existing buildings on either side of the site, only the existing dwelling at No.43 is within the rural area. Therefore the proposed dwelling would only be read with one existing building in the countryside and therefore, it is not considered it would result in a detrimental change to rural character. The proposal should be considered together with LA09/2021/0333/O for the site immediately adjacent. I am content these applications will not provide any further development opportunities through infilling.

PPS 3: Access, Movement and Parking - The application site seeks to create a new access on to Ardagh Road. DfI Roads have been consulted and have offered no objections subject to conditions. It is considered a dwelling on the site will not prejudice road safety or significantly inconvenience the flow of traffic and accords with Policy AMP2 of PPS3.

Additional considerations

In addition to checks on the planning portal, the environmental map viewers available online have been checked and identified no built or natural heritage assets interests of significance on site. 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.

Neighbour Notification Checked	Yes
Summary of Recommendation: Having considered all relevant prevailing planning policy, the proposal is recommended for refusal for the reasons stated below.	
Reasons for Refusal: <ol style="list-style-type: none"> 1. The proposal does not meet the policy tests as contained in CTY 1 and CTY 8 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the proposal relies on development inside a settlement limit and would create a ribbon extending from the settlement into the rural area. 2. The proposal is contrary to Policy CTY 15 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the development if permitted would mar the distinction between the designated settlement limits and the surrounding countryside. 	
Signature(s) Date:	



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0333/O	Target Date:
Proposal: Proposed site for new dwelling in infill	Location: Approximately 20m North West of 90 Ballinderry Bridge Road Coagh
Referral Route: Recommended refusal	
Recommendation:	Refusal
Applicant Name and Address: Mr Pat Mc Guckin 25 Mullan Road Coagh Cookstown	Agent Name and Address: Gibson Design and Build 25 Ballinderry Bridge Road Coagh Cookstown
Executive Summary: Proposal considered against prevailing planning policy – considered the proposal fails to comply with Policy CTY8 of PPS21. No letters of representation received.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Characteristics of the Site and Area

The site is located immediately adjacent to and outside the settlement development limit of Ballinderry as defined within the Cookstown Area Plan 2010. The settlement development limits to the east of the site consolidate existing development around the Ballinderry Bridge Road and Ardagh Road junction. The application site comprises a portion of a large roadside field. It should be noted that a similar application has also been submitted for an infill dwelling on the remaining portion of this agricultural field immediately north under Planning Reference LA09/2021/0331/O. The topography of the site is relatively flat. The roadside boundary is defined by mature hedging with the remaining boundaries are currently undefined. The surrounding area is characterised predominantly by agricultural land and dispersed dwellings with residential and commercial uses and Ballinderry GAC located in proximity to the south and east of the site. The detached single storey building, No.43 Ardgagh Road, is located to the north of the site with a NE orientation. There is a long rectangular outbuilding and the dwelling No.90 Ballinderry Bridge Road located south of the application, both of which have a southern orientation, facing onto Ballinderry Bridge Road.

Description of Proposal

This is an outline planning application for a new dwelling and garage on lands approx. 20m North West of 90 Ballinderry Bridge Road, Coagh.

The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 8 Ribbon 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.

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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

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

LA09/2021/0333/O – Proposed site for new dwelling in infill - Approx 30m SE of 43 Ardagh Road, Coagh, Cookstown – Under Consideration

LA09/2020/0935/O - Proposed site for dwelling - Approx 60m S.W of 90 Ballinderry Bridge Road, Coagh, Cookstown – Application Withdrawn

Key Policy Considerations/Assessment

Cookstown Area Plan 2010 – the site is located in the rural countryside outside any defined settlement limits. The settlement limits of Ballinderry are immediately SE of the application site and associated application LA09/2021/0331/O. The site lies within the designated Loughshore Countryside Policy Area designated in order to protect the amenity of the overall Lough Neagh shore area. Plan Policy CTY 2 Countryside Policy Areas states development proposals will be determined in accordance with the provisions of prevailing regional planning policy. The plan identifies there has been significant pressure for individual dwellings in the countryside beyond the several small

villages located within the area. This has resulted in the erosion of rural character through the build-up of clusters of suburban-style dwellings. The Department considers that further ribbon development along these roads will serve only to devalue and further erode the rural character and landscape quality of the area.

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

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. Policy CTY2a of PPS21 provides an opportunity for a new dwelling at an existing cluster of development provided all of the following criteria are met. Considering the requirements of CTY 8 - Ribbon development planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of 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 proposal site is relying on the existing development of No.43 Ardagh Road and No.90 and No.90a Ballinderry Bridge Road as a line of 3 or more buildings along a road frontage. I have concerns whether the dwelling of No.90 shares a common road frontage along Ardagh Road. However regardless the buildings of No.90 and No.90a are located within the settlement limits of Ballinderry. PPS 21 policy and specifically Policy CTY 8 in this case, applies to development in the rural area outside defined settlement limits. Cookstown Area Plan designates settlement limits in order to protect the individual character of each settlement and to prevent ribbon development and urban sprawl into the surrounding countryside. CTY 8 states clearly that an application for permission will be refused for a building which creates or adds to a ribbon of development. In my opinion to rely on development within the settlement limits to meet PPS21 policy goes against the principle upon which it was designed. Therefore, it is considered that the proposal fails to comply with the exception to CTY 8 as the development to the south of the application site is within the designated limit of development for Ballinderry.

Development proposals located just outside the limit of development should also be considered under Policy CTY 15: The Setting of Settlements. In my opinion this proposal will mar the distinction between the settlement and surrounding countryside particularly when travelling on Ardagh Road to and from the Ballinderry Bridge Road.

Notwithstanding the above, members should note that on 13th June 2016, a similar proposal was presented to Committee in respect of a development adjacent to 154 Battery Road Moortown under application LA09/2015/1163/O. That application was for two dwellings on a gap site with a 58m frontage, immediately adjacent to but outside the settlement development limits. Planning Committee, in consideration of that proposal were of the opinion that although the site relied on buildings within the development limit, it would represent “rounding off” and should be treated as an exception to Policy. Consequently that proposed development was approved.

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 first note that this application is only outline therefore I cannot speak on the design, layout etc. Given the relatively flat topography, I am content that the dwelling will not appear as a prominent feature in the landscape. The mature vegetation along the roadside boundaries should be trained and additional landscaping will be required along the remaining boundaries. Should the Planning Committee consider the proposal acceptable and planning permission be granted, a landscaping scheme will be required with any forthcoming reserved matters application. It is considered that an appropriately designed dwelling in keeping with building on tradition guidance could successfully integrate into the site landscape. However, I consider a ridge height restriction of 6.5 metres (with 0.3m under build) would be required to respect the existing built form in the surrounding area.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. It is considered an appropriately designed dwelling on the application site would not appear overly prominent or resulting in a suburban form of development. Although a dwelling on this site will read with the existing buildings on either side of the site, only the existing dwelling at No.43 is within the rural area. Therefore the proposed dwelling would only be read with one existing building in the countryside and therefore, it is not considered it would result in a detrimental change to rural character. The proposal should be considered together with LA09/2021/0331/O for the site immediately adjacent. I am content these applications will not provide any further development opportunities through infilling.

PPS 3: Access, Movement and Parking - The application site seeks to create a new access on to Ardagh Road. DfI Roads have been consulted and have offered no objections subject to conditions. It is considered a dwelling on the site will not prejudice road safety or significantly inconvenience the flow of traffic and accords with Policy AMP2 of PPS3.

Additional considerations

In addition to checks on the planning portal, the environmental map viewers available online have been checked and identified no built or natural heritage assets interests of significance on site. 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.

Neighbour Notification Checked	Yes
Summary of Recommendation: Having considered all relevant prevailing planning policy, the proposal is recommended for refusal for the reasons stated below.	
Reasons for Refusal: <ol style="list-style-type: none"> 1. The proposal does not meet the policy tests as contained in CTY 1 and CTY 8 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the proposal relies on development inside a settlement limit and would create a ribbon extending from the settlement into the rural area. 2. The proposal is contrary to Policy CTY 15 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the development if permitted would mar the distinction between the designated settlement limits and the surrounding countryside. 	
Signature(s) Date:	



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0334/O	Target Date:
Proposal: Infill dwelling and garage	Location: 60m North of 88 Annaghmore Road Magherafelt
Referral Route: To Committee - Refusal - Contrary to CTY 1, 8 and 14 of PPS 21.	
Recommendation:	
Applicant Name and Address: Alexander Scott Esq 85 Annaghmore Road Magherafelt	Agent Name and Address: Russell Finlay 350 Hillhead Road Knockcloghrim Magherafelt BT45 8QT
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	Rivers Agency	Advice

Representations:

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

Summary of Issues

To Committee - Refusal - Contrary to CTY 1, 8 and 14 of PPS 21.

Characteristics of the Site and Area

The site is located approximately 1.4km south of the development limits of Castledawson, from such the site is located within the open countryside as per the Magherafelt Area Plan 2015. The site is identified 60m north of 88 Annaghmore Road, Magherafelt, wherein the red line covers the southern portion of a much larger agricultural field. I note that a watercourse runs along the southern boundary towards the eastern boundary, but there is a line of mature trees along the southern boundary also running towards the eastern boundary. I note that the immediate and surrounding area are predominately agricultural land uses with a scattering of residential dwellings.

Representations

Eight neighbour notifications were sent out however no representations were received.

Description of Proposal

This is an outline application for the proposed Infill dwelling and garage, the site is located 60m North of 88 Annaghmore Road, Magherafelt.

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

Mid Ulster Local Development Plan 2030 - Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 8 - Ribbon Development

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

CTY14 - Rural Character

PPS 3 - Access, Movement and Parking;

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

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

CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements.

With regards to the continuous and built up frontage, I note that directly south sits a detached dwelling (No.88) with a tennis court and a small shed, towards to the north beyond the adjacent field sits a detached dwelling (No.78) and detached garage both sharing a frontage along the same road as number 88. As such I am content that No.88 and the dwelling and garage at No.78 are able to constitute as a continuous and built up frontage. With regards to the gap, upon review and what was witnessed on site I am of the opinion that the gap between Nos. 78 and 88 could easily accommodate at least

three modest sized dwelling contrary to CTY 8. This opinion is reinforced by the fact there are three modest sized dwellings within a similar sized gap across the road as shown in blue below, the site is shown in red.



From such I am of the opinion that this application fails under CTY 8 due to the fact that the gap is too large as it could easily accommodate more than 2 dwellings as per the policy.

I note that no other policy considerations have been put forward, in that it cannot be constituted as replacement nor conversion as there is no building to be replaced or converted. Nor is the site within a dispersed rural community, nor is the site for social housing or is there personal and domestic circumstances provided. Furthermore, there has been no farm case nor non-agricultural business enterprise. Finally, I hold the opinion that the site cannot be considered as a cluster, whilst despite there are two focal points along the Annaghmore Road that they are too far detached and have no association with the site.

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 have been submitted however I am of the opinion that an appropriately designed dwelling will not appear prominent in the landscape. I note that as much of the existing landscaping should be retained as possible and supplemented with additional landscaping where necessary. Therefore a landscaping scheme will be required in any 'Reserved Matters' application. Finally given the site, landform and surrounding development I feel it necessary to restrict the ridge height to be no more than 6.5m above finished floor level. From this I am content that the application is able to comply with CTY 13.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. I am content that an appropriately designed dwelling will not appear prominent in the landscape. As this application has failed under CTY 8 as the gap is too big and would therefore add to the ribbon of development along the Annaghmore Road which would have an adverse impact on the rural character of the area. As such, I am of the opinion that application would fail under CTY 14.

Other policy and material considerations

PPS 3 - Access, Movement and Parking;

DFI Roads were consulted and in their response confirmed that they were content subject conditions and informatives.

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.

As noted there is a water course running along the southern boundary as such it appeared from review of the Flood Maps NI that the site is affected by flooding, as such a consultation was sent to Rivers Agency. In their response Rivers Agency confirmed that The Flood Hazard Map (NI) indicates that a large portion of the site lies within the 1 in 100 year fluvial flood plain which has an approximate level at this location of 21.97mOD. DfI Rivers would consider that development within the 1 in 100 year flood plain is contrary to revised PPS 15, Planning and Flood Risk, FLD 1. Development within the 1 in 100 year flood plain would require Planning Authority to deem the application an exception, then to allow proper consideration of flood risk to the site DfI Rivers would recommend that the applicant undertakes a Flood Risk Assessment (FRA) appropriate to the scale of development. As such, I do not consider this an exception to PPS 15 but given the failure under CTY 1 it was not felt prudent to put the applicant to the expense of an FRA at this time. In addition, Rivers Agency confirmed that a designated watercourse, known as the Moyola River flows along the southern and eastern boundaries of the site. Under 6.32 of the policy it is essential that a working strip of minimum width 5m is retained. The applicant should contact the local DfI Rivers area staff to establish their needs. DfI Rivers would recommend that the working strip is shown on a site layout drawing and be protected from impediments (including new tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development by way of a planning condition. Access to and from the maintenance strip should be available at all times.

Given the failure under CTY 1, 8 and 14 of PPS 21 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 CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the addition of ribbon development along Annaghmore Road and that the gap is too large as it could accommodate at least three dwelling and could lead to further ribbon development on neighbouring lands.

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 would add to a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

Signature(s)**Date:**

ANNEX	
Date Valid	3rd March 2021
Date First Advertised	16th March 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 78 Annaghmore Road Castledawson Londonderry The Owner/Occupier, 81a Annaghmore Road Castledawson The Owner/Occupier, 81b Annaghmore Road Castledawson The Owner/Occupier, 81c Annaghmore Road Castledawson The Owner/Occupier, 83 Annaghmore Road Castledawson Londonderry The Owner/Occupier, 83a Annaghmore Road,Castledawson,Londonderry,BT45 8DU The Owner/Occupier, 85 Annaghmore Road Castledawson Londonderry The Owner/Occupier, 88 Annaghmore Road Castledawson Londonderry	
Date of Last Neighbour Notification	15th March 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2021/0334/O Proposal: Infill dwelling and garage Address: 60m North of 88 Annaghmore Road, Magherafelt, Decision: Decision Date: Ref ID: H/1991/0062 Proposal: UNDERGROUND SEWAGE PUMPING STATION (SITE B) Address: ANNAGHMORE ROAD CASTLEDAWSON Decision: Decision Date: Ref ID: H/2007/0944/F Proposal: Revised access plans to previously approved application H/2004/0246/F	

<p>Address: Tullylinkesay Mills Ltd. Annaghmore Road, Castledawson</p> <p>Decision:</p> <p>Decision Date: 22.04.2008</p> <p>Ref ID: H/2001/0016/O</p> <p>Proposal: Site of dwelling and garage</p> <p>Address: Opposite 81b Annaghmore Road, Castledawson</p> <p>Decision:</p> <p>Decision Date: 07.09.2001</p>
<p>Summary of Consultee Responses</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 01</p> <p>Type: Site Location 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

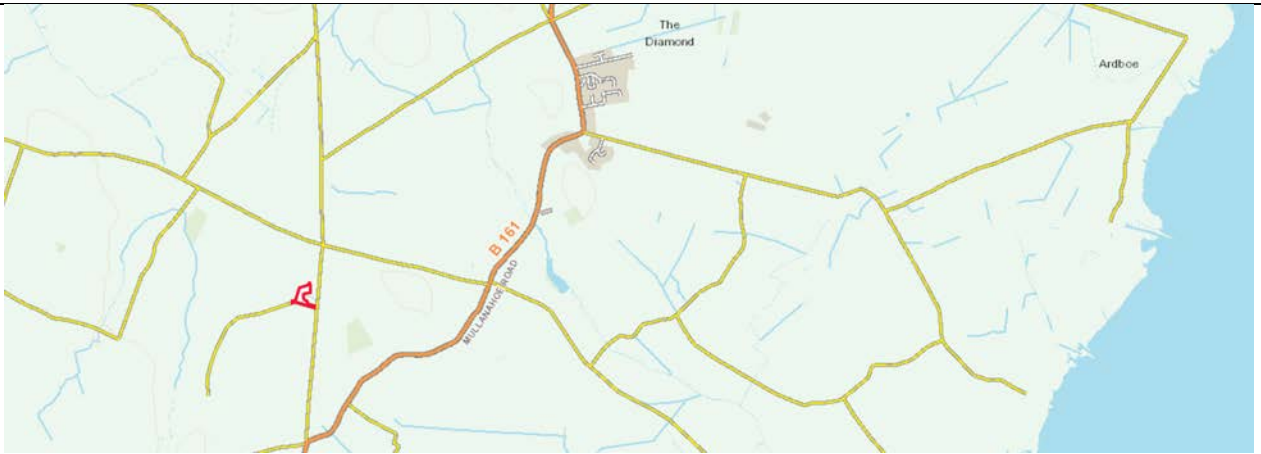
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0381/F	Target Date:
Proposal: Change of house type	Location: Approx 110m S.W. of 125 Killycolpy Road Ardboe Dungannon
Referral Route: Refusal	
Recommendation: Refuse	
Applicant Name and Address: Mr R O'Neill And Ms L Donnelly 25 Battery Road Cookstown	Agent Name and Address: APS Architects LLP 4 Mid Ulster Business Park Sandholes Road Cookstown BT80 9LU
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Representations:		
Letters of Support		None Received
Letters of Objection		None Received
Number of Support Petitions and signatures		No Petitions Received
Number of Petitions of Objection and signatures		No Petitions Received

Description of Proposal

This is a full planning application for a proposed change of house type to that previously approved and deemed to have commenced on site under application I/2012/0098/F.

I/2012/0098/F on the 17th July 2012 granted permission for the re-siting of a dwelling approved under previous application I/2010/0309/F; and a proposed new garage (including storage and incidental residential use ancillary to main dwelling) on lands approx. 110m SW of 125 Killycolpy Rd Ardboe. Works under this permission were to have commenced prior to 1st September 2012.

Works on site would appear to have commenced in accordance with I/2012/0098/F. The access into the site and foundations of the dwelling approved appear to be place; and building control (via email received 7th April 2021) confirmed they carried out an inspection of the foundations on the 1st August 2012.

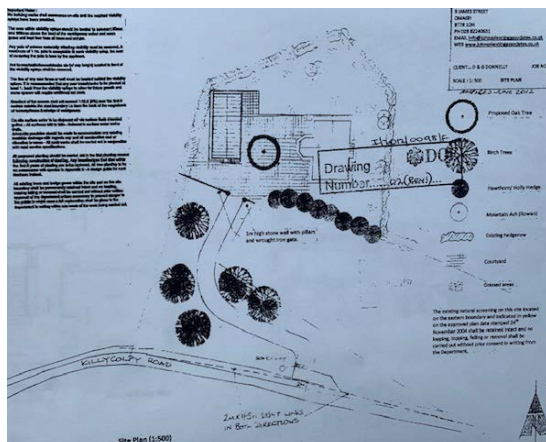


Fig 1: Block Plan (I/2012/0098/F)



Fig 2: Elevations (I/2012/0098/F)

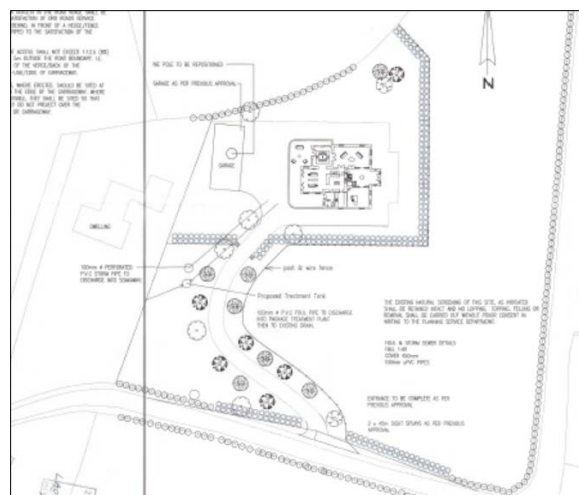


Fig 3: Proposed Block Plan



Figs 4 & 5: Proposed Elevations

Characteristics of the Site and Area

The proposed site is located in the rural countryside outside any defined settlement limit as designated under Cookstown Area Plan 2010.

The site is a relatively flat, irregular parcel of agricultural land, cut out of a larger agricultural field. The field sits adjacent a junction in the Killycolpy Rd. The field is bound to its east via the main Killycolpy Rd and to its south by a minor dead end road off the Killycolpy Rd.

The site contains the foundations of a dwelling set back on the site. An existing access off the minor Killycolpy Rd and a sweeping gravelled driveway through the site leads up to the foundations.

The western boundary of the site is relatively open, defined only by some light, scattered vegetation / scrub. A low approx. 1.2m high hedge defines the northern boundary of the site. An approx. 1.2m high post and wire fence defines the southern / minor roadside boundary of the site to the outside of the access. A mature hedgerow approx. 1.8m high defines the eastern boundary of the site's host field adjacent the main Killycolpy Rd.

Critical views of the site are from the main Killycolpy Rd over a short distance on the south and north approach to the junction of the minor road the site sits adjacent and when travelling along the southern minor roadside frontage of the site's host field. Long distance views of the site also exist from the northeast, from the Ballymaquire Rd when travelling west to east on the approach to the Ballymaquire / Killycolpy crossroads.

The area surrounding the site is rural, characterised by generally flat or gently sloping agricultural landscape. An existing 1 ½ storey dwelling, no. 122a Killycolpy Rd, bounds the site to the west. A small ribbon of development is evident further east/southeast of the site along the Killycolpy Rd. A dispersed settlement pattern defines the wider area.

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

Cookstown Area Plan 2010

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 3 - Access, Movement and Parking

Planning Policy Statement 21 - Sustainable Development in the Countryside

Supplementary Planning Guidance for PPS21 - 'Building on Tradition' A Sustainable Design Guide for the Northern Ireland Countryside.

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

Representations

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

Planning History

On Site

- I/2004/1070/O – 1 ½ storey domestic dwelling with twin domestic garages – Withdrawn 2nd December 2004
- I/2004/1336/O – 1 ½ storey domestic dwelling with twin garage – Granted 12th January 2005
- I/2008/0011/RM – 1 ½ storey domestic dwelling with twin domestic garages – Granted 2nd July 2008
- I/2009/0449/F – Change of access to that approved under I/2008/0011/RM relocated 45m SE of previously approved – Granted 29th September 2009
- I/2010/0013/F – Proposed change of house type and resiting from that approved under I/08/0011/RM using access as approved under I/09/0449/F – Granted 10th March 2010
- I/2010/0309/F – Proposed change of house type to that previously approved under I/2010/0013/F – Granted 15th September 2010
- I/2012/0098/F – Resiting of approved dwelling (under I/2010/0309/F) and proposed new garage (including storage and incidental residential use ancillary to main dwelling) – Granted 17th July 2012

Adjacent

- I/2005/0347/O – Proposed dwelling house – Granted 20th May 2005

- I/2009/0256/F – Proposed dwelling house – Granted 15th October 2009
- I/2011/0494/F – Proposed one and a half storey dwelling with garage - change of house – Granted 8th February 2012

The above application relate to the lands immediately west of the current site containing no. 122a Kilycolpy Rd

Consultees

1. DfI Roads were consulted in relation to access arrangements and have raised no objections to this proposal, subject to standard conditions and informatives. Accordingly, subject to these conditions and informatives I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.

Consideration

Cookstown Area Plan 2010 - is the statutory local development plan for the application site. The site is located outside any development limit and the development plan offers no specific policy or guidance in respect of the proposal.

The Strategic Planning Policy Statement for Northern Ireland - Retains the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside.

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

I am content the principle of this development has been established on site through the previous approval I/2012/0098/F and the subsequent commencement of development. As detailed in 'Description of Proposal' further above works on site would appear to have commenced in accordance with I/2012/0098/F. The access into the site and foundations of the dwelling approved appear to be place; and building control (via email received 7th April 2021) confirmed they carried out an inspection of the foundations on the 1st August 2012.

The above said with respect to the design of the dwelling and garage proposed it must still comply with Policies CTY 13 and 14 of PPS 21. CTY 13 states that the proposed development must be able to visually integrate into the surrounding landscape and be of an appropriate design. Policy CTY 14 allows for a building in the countryside where it does not cause detrimental change to or further erode the rural character of the area.

I do not believe the site has the capacity to absorb the proposed dwelling in accordance with Policy CTY13 and 14. The size, scale, and design of the dwelling is inappropriate for the site and locality and if permitted would be a prominent feature in the landscape when viewed from the surrounding vantage points (see 'Characteristics of the Site and Area') leading to a detrimental change to the rural character of the area.

Whilst the previous dwelling was a substantial size and scale with a ridge height approx. 8.2m above FFL, I believe the proposed dwelling, which has an increased footprint, ridge height approx. 9.5m above FFL and hipped roof design would have a significantly

greater visual impact when viewed from surrounding vantage points. I would also note that the previously approved scheme/(s) on site would appear to have benefitted from mature vegetation along the western boundary of the site, no longer present. Whilst it would not enclose this relatively open site to critical views, it would have provided a backdrop to soften the proposal. I would also note whilst there is one low ridge hipped roof bungalow, no. 144 Kilycolpy Rd located just to the northeast of the site adjacent the main Kilycolpy Rd, it would appear to have been approved in the 1990's, and pitched roofs would be typical of the vicinity.

Accordingly, the agent was contacted via email on the 19th April 2021 and advised that Planning did not consider the proposed dwelling acceptable for the site and locality by reason of its' size, scale and design and offer him the opportunity to submit an amended house type for further consideration.

The agent subsequently emailed on the 27th April 2021 to advise:

- His clients have put time into travelling around Mid Ulster to get an idea of houses currently being built and recently approved to imagine their ideal home. That they have referred to a house on Deerpark Rd approved (LA09/2019/1228/F – picture included) as something they based their design on, that in their opinion their house is much more compact, and that they did not think the overall scale and density of their dwelling presented any issues on a like for like comparison. In fact, the Deerpark Rd house has a 10m ridge height, hipped roof and a garage with an 8m ridge height.
- In any event, his clients are willing to reduce the dwelling from a 9.5m to 8.34m ridge height. (Previously approved dwelling had an 8.2m ridge height from FFL with a standard gable type roof). In his opinion, the revised height with a hipped roof would reduce the overall scale and massing considerably and it should blend into the surroundings especially with a hipped roof adjacent and so many more in the local area (for evidential purposes he has attached a few hipped roof houses in the local area).
- His clients intend, over time, to have good mature planting on site and over the past few years have allowed the hedge adjacent the main Kilycolpy Rd to grow from approx. 4 to 12ft meaning the house cannot be seen from directly in front.
- The house is to be located on a very minor road used only by locals who live in this area so the traffic count is very low.

Whilst the additional information above, including reduced ridge height has been taken into consideration, the opinion has not changed the dwelling is still considered inappropriate for the site and its locality, and if permitted it would be a prominent feature in the landscape leading to a detrimental change to the rural character of the area. In relation to the approval at Deerpark Rd and hipped roofed houses referenced in the evidence provided, I would note that every site is assessed on its individual merit and that of its surrounding area / context. With the exception of no. 144 Kilycolpy Rd the dwellings referenced would not be viewed within the surrounding area / context of the site. No. 144 Kilycolpy Rd, a low ridge, hipped roof bungalow as stated above is not a recent approval nor is its hipped roof construction typical of the area. The assessment of integration is judged from critical views along stretches of the public road. This proposed dwelling will be viewed from the minor dead-end road it sits adjacent, the main Kilycolpy over a short distance on the south and north approach to the junction of the aforementioned minor road; and the Ballymaguire Rd to the northeast of the site.

Other Policy/Considerations

The only property in close proximity to the site is no. 122a Kilycolpy Rd, located immediately to the west. I have no concerns regarding the newly proposed dwelling impacting the amenity of no. 122a to an unreasonable degree given previous separation distances are to be retained and a previously approved garage is to be erected along the western boundary of the site between the two properties, helping enclose / screen both private amenity areas.

In addition to checks on the planning portal Historic Environment Division (HED) and Natural Environment Division (NED) map viewers available, online have been checked and identified no built heritage assets or natural heritage interests of significance on site or within the immediate vicinity.

Checks of the Planning portal and Flood Maps NI indicate the site is not subject to flooding

The site is located within SG Defence Estates relating to Met Office Radar however the proposal would be under the height threshold (10.7m) for consultation to Defence Estates. The site is also located within an area of constraint on wind turbines however proposal is for a dwelling and garage.

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

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refuse

Reasons for Refusal:

1. The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the dwelling is inappropriate for the site and its locality, and if permitted it would be a prominent feature in the landscape.
2. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted be unduly prominent in the landscape and would therefore result in a detrimental change to the rural character of the countryside.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0495/O	Target Date:
Proposal: Proposed infill dwelling	Location: Site NW of 7a Killycurragh Road Orritor Cookstown (with access via Craigs Road)
Referral Route: Recommended refusal	
Recommendation:	Refusal
Applicant Name and Address: Mr Maurice Freeburn 7a Killycurragh Road Orritor Cookstown	Agent Name and Address: Mark Nelson Architecture Garden Studio 2 Craigmount Orritor
Executive Summary: Proposal considered against prevailing planning policy – considered the proposal fails to comply with any of the policy set out under Policy CTY1 of PPS21 for an individual dwelling house. No letters of representation received.	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Characteristics of the Site and Area

The application site is located within the open countryside, just outside the development limits of Orritor as defined in the Cookstown Area Plan 2010. The red line covers a portion of a larger agricultural field with roadside frontage along Craigs Road. There is a small metal structure located immediately north of the application site. The east and west boundaries are defined by mature vegetation and trees. The southern boundary of the

site is defined by post and wire fencing and given the nature of the red line I note that the northern boundary is currently undefined. The topography of the site is relatively flat however the surrounding landform is undulating with an incline when travelling northerly along Craigs Road towards the site. The surrounding fields further north beyond the red line are at a lower ground level. The surrounding area is predominantly agricultural in nature with the predominant land use being agricultural fields. It is noted there is a degree of development pressure along the adjacent road network Kilcurragh Road with a number of detached road side dwellings. Speed signs are located along the roadside adjacent to the existing agricultural entrance to the site which accord with the settlement limits of Orritor.

Description of Proposal

This is an outline planning application for a new dwelling and garage on lands NW of 7a Killycurragh Road, Orritor, Cookstown.

The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 8 Ribbon 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

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

LA09/2020/1661/RM – Proposed dwelling & garage - Adjacent to 7a Killycurragh Road, Cookstown – Permission Granted 09/03/21

LA09/2020/0824/O - Gap site for dwelling & garage - Adjacent to 7a Killycurragh Road, Cookstown – Permission Granted 08/12/20

LA09/2019/1245/O - Gap site for dwelling & garage - Junction of Craigs Road & Killycurragh Road, Orritor, Cookstown – Permission Granted 04/03/20

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.

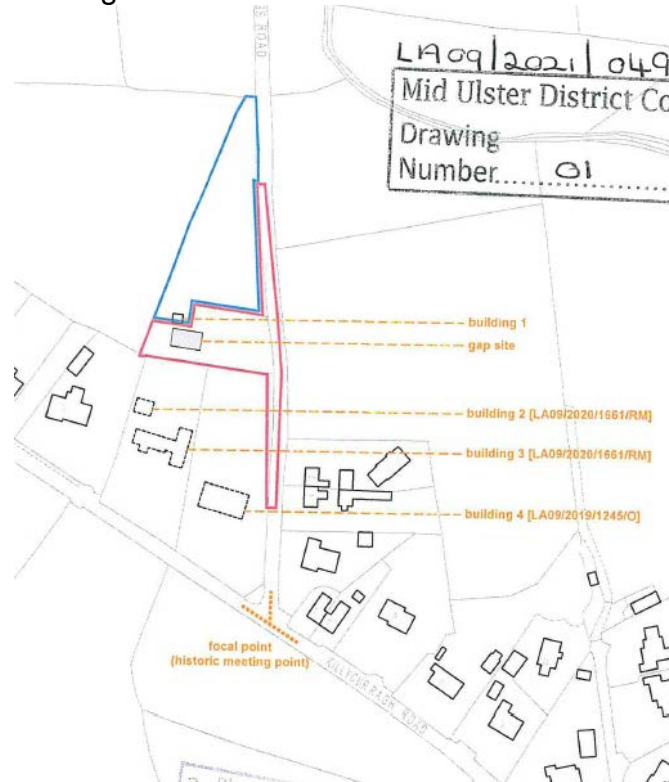
The Strategic Planning Policy Statement for Northern Ireland – The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within 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. SPPS advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. 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 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.

Immediately north of the application site is a small square metal structure which appears to be used for storage. This structure does not appear to have the benefit of planning permission however ortho imagery does appear to indicate it has existed in place for more than five years. Given the nature, small scale and finish of this structure, I am not satisfied this would constitute a building which could be used to bookend a gap site. Furthermore, the said structure does not have frontage with the road. South of the application site there is a green field. It is noted that Drawing 01 has indicated a dwelling and garage annotated Building 2 & 3 (Approved under LA09/2020/1661/RM) and a dwelling annotated Building 4 (Approved under LA09/2019/1245/O). It is noted that both these planning applications were approved by the Planning Committee as an exception to policy as they relied on buildings to the east within the settlement limits of Orritor therefore failed Policy CTY8 however it was considered they would result in a 'rounding off' of development. It does not appear development has yet commenced on site and on the date of the site inspection I did not note any construction started on either approved site. The field currently represents an undeveloped piece of land. Therefore cannot be considered to constitute a line of 'buildings' for the purpose of satisfying CTY8 criterion.

This application does not currently represent a gap site located within a substantial and continuously built up frontage and therefore fails to meet Policy CTY8.

It is noted the agent has annotated on the site location plan the road junction of Killycurragh Road and Craigs Road as a “Focal Point – historic meeting point”.



Policy CTY2A provides an opportunity for a new dwelling at an existing cluster of development subject to the following criteria.

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

With regards to the first criteria, I am content that the site lies outside of a farm however I do not consider the application site is located within a cluster given that the 3 buildings included in the site location plan immediately to the south have not yet been build and all development to the east is within the settlement limits of Orritor. I do not consider that buildings within the settlement limits can be relied upon to meet policy requirements within PPS21. As such I am of the opinion that there is no clear cluster evident, and as such the cluster it cannot appear as a visual entity, failing the first two criteria. In terms of a focal point, no further information has been provided that this road junction is a historic meeting point and therefore I do not consider this to be an acceptable ‘focal point’ for the purpose of policy. In terms of the site having a suitable degree of enclosure, I note north of the site there is an existing metal structure with a shared boundary however I do not

consider this structure is located within a cluster of development and the site is not currently bounded by development on any other side. I am of the opinion that a dwelling would mar the distinction between the settlement limits and countryside which would alter the existing character of the area and the site does not represent rounding off. However, I am content that an appropriately designed dwelling would unlikely have an adverse impact on residential amenity.

Having considered the above, I am of the opinion that this application would fail under CTY 2a as no evident cluster exists. I note that no other policy considerations were offered and I am content that there is no replacement opportunity on site, nor personal and domestic circumstances or farm case provided. As such, the site fails under CTY 1 of PPS 21.

Given the proximity to the defined development limits of Orritor, approx. 30m SW of the site, I am also of the opinion that a dwelling in this location would fail under CTY 15 as it will mar the distinction between the settlement and the surrounding countryside. Whilst the planning approvals immediately south were considered to be acceptable as rounding off with no detrimental impact to rural character, it is considered to continue development north of this would result in urban sprawl and would set an unfavourable precedent. The proposal site is not considered a 'gap' as demonstrated above, however it is considered it does represent a visual break and clearly defines the transition into the countryside. Cookstown Area Plan designates settlement limits in order to protect the individual character of each settlement and to prevent ribbon development and urban sprawl into the surrounding countryside.

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 in keeping with building on tradition guidance will not appear prominent in the landscape. However, it is considered a ridge height restriction of 6 metres would be required to respect the existing built form in the surrounding area. It is considered the site has an acceptable degree of enclosure to integrate into the landscape being bound on the eastern, western and southern sides by some degree of existing vegetation. It is considered the existing vegetation should be retained along with additional landscaping therefore a landscaping scheme will be required should the Planning Committee consider the proposal acceptable and planning permission be granted.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. I am content that an appropriately designed dwelling will not appear prominent in the landscape. I note that this application has failed under Policy CTY2A, CTY 8 and CTY 15 therefore it will erode rural character and will extend a ribbon of development. It is therefore considered the proposal fails under Policy CTY 14.

PPS 3: Access, Movement and Parking - The application site seeks to create a new access on to Craigs Road. DfI Roads have been consulted and have offered no objections subject to conditions. It is considered a dwelling on the site will not prejudice road safety or significantly inconvenience the flow of traffic and accords with Policy AMP2 of PPS3.

Neighbour Notification Checked	Yes
Summary of Recommendation: Having considered all relevant prevailing planning policy, the proposal is recommended for refusal for the reasons stated below.	
Reasons for Refusal: <ol style="list-style-type: none"> 1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. 2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development; it does not appear as a visual entity in the local landscape; the cluster is not associated with a focal point or located at a cross-roads; it is not bounded on at least two sides with other development; and it cannot be absorbed into an existing cluster through rounding off. 3. The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site within a substantial and continuously built up frontage. 4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it would result in a detrimental change to the rural character of 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. 5. The proposal is contrary to Policy CTY 15 of Planning Policy Statement 21 Sustainable Development in the Countryside in that the development if permitted would mar the distinction between the designated settlement limits and the surrounding countryside. 	
Signature(s) Date:	



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2017/0489/F	Target Date: <add date>
Proposal: Proposed farm shed for the housing of animals and storage of farm machinery	Location: 210m East of 91 Ballynakilly Road Coalisland BT71 6JJ
Applicant Name and Address: Mr Gavin Quinn 9 Woodhouse Road Killycolpy Stewartstown	Agent name and Address: CMI Planners 38 Airfield Road The Creagh Toomebridge BT41 3SQ
Summary of Issues: Size of the building, its need for the efficient function of the farm, impacts on ammonia and whether or not the farm business is established.	
Summary of Consultee Responses: DFI Rivers – Outside flood plain, Drainage Assessment needed if new hard surfaces over 1000sqm DFI Roads – safe access with sight splays of 2.4m x 120.0m to be conditioned DEARA – Category 3 business, not in place for over 6 years, SFP last claimed on this field under different business number in 2013 SES – unlikely to have any adverse impacts on European sites NIEA – content provided guidance is followed EHO – no objections in principle	
Characteristics of the Site and Area: The application site is located 210m East of 91 Ballynakilly Road, COALISLAND within the townland of GREENAGH. The site is outside the settlement limits of COALISLAND as defined in the Dungannon and South Tyrone Area Plan 2010 and north-west of the settlement limit for Ballynakilly.	

The topography of the land is relatively flat. The common land use around the wider site area includes agricultural, industrial/commercial with some dispersed dwellings and farm holdings. The site is in close proximity to The McAvoy Group Ltd, that is to the West of the site outlined in red. The impact of the proposal on the amenity and landscape plus character of the area is a key consideration in this area.

Description of Proposal

Proposed farm shed for the housing of animals/ sheep storage of farm machinery and animal fodder. Access to the building is via a new lane which follows the north west boundary of the site.

The proposed farm shed has a footprint of 14750mm by 9000mm and a maximum ridge height of 5700mm, this was reduced . The roof will be insulated roof panels in the colour green with ridge and flashing trims also green as are cladding panel sliding doors with the walls fair facing block grey.

Deferred Consideration:

This application was deferred at Planning Committee on 5th February 2019 to allow the Planning Manager to meet with the applicant to explore further the farming case. A meeting was held on 14 February 2019 and it was established that Mr Quinn is a sheep farmer, he was allocated a Class 3 business ID by DEARA on 15 November 2015 and this is the first building on his holding. It is apparent that Mr Quinn cannot demonstrate he has been active for the requisite 6 years as stipulated in the criteria for an active and established farm in Policy CTY10. This is the definition that Policy CTY12 directs the decision maker to take into account when assessing this type of development. This Council is aware of a policy gap for new farmers and there is a desire, in Policy AFR1 in the Draft Plan Strategy, to accommodate new farming enterprises that are of an appropriate scale.

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. Members are therefore advised that Policy AFR1 in the Draft Plan Strategy may not be used to approve development at this time.

In view of the above, Members are advised that Mr Quinn has not been able to demonstrate that he has been active and established for the requisite 6 years and as such planning permission could be refused. Mr Quinn could apply for planning permission after 15 November 2021, when he will be able to demonstrate that he does meet the policy.

Mr Quinn is however concerned about loss of livestock and indeed he indicates that out of his small flock he has lost lambs and ewes over the winter months, for the past couple of years. Mr Quinn has indicated this is due to not having a building in which to lamb and house his sheep, this is not sustainable for a small operation such as this. Members are asked to note that Mr Quinn lives approximately 13kms from his farm and lives in a row of houses. (Fig 1) As can be seen in the aerial photograph, Mr Quinn does not have the capacity to bring his sheep from the farm to his home during lambing season. I consider this meets with the exception contained within CTY12 for a new building away from

existing forestry or farm building and is necessary for the efficient functioning of the business.

Fig 1. Mr Quinns home in red



Members will be aware that this application was considered to meet all other parts of Policies CTY12, 13 and 14 of PPS21, as well as the Policies in PPS3 – Access, Parking and Movement and PPS15 – Planning and Flood Risk as set out in the previous report. I would also remind members that if an application does not fully meet with the Policy it could be refused and where other material factors dictate, the members can make an exception to policy. The only issues still open for debate in this application are that Mr Quinn has not been able to demonstrate that he has been farming for the requisite 6 years and as the policy does allow and that the building will not cluster with an established group of farm buildings on the holding. The Departments Business ID is helpful to provide evidence of when the business was started, however it is quite clear that having a business id is not the only way to establish agricultural activity. Mr Quinn has advised that since 2013, when the Department have last records of SFP being claimed on the land, he has been farming he land. Evidence was submitted that Mr Quinn took the land from 15th May 2013 and there is a stipulation in the terms of the contract that it is for agricultural purposes. This does not however demonstrate that Mr Quinn did use it for agricultural activities. The applicant has been afforded a number of opportunities to provide further supporting evidence to show he has been farming for the requisite period and this has not been forthcoming. Given the length of time this application has been in the system and the information that has already been presented about Mr Quinn’s farming activities, I consider it would be unduly harsh to refuse planning permission now, as in November

2021 the 6 year period will be achieved. If the members were to refuse this application any planning appeal would unlikely be heard or decided until after that date, by this time Mr Quinn will be into another winter without shelter for his flock.

In view of these circumstances, I would recommend that an exception to the requirement to demonstrate the business has been established for 6 years is allowed and that planning permission is granted for this development with the conditions proposed.

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.

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 12.0m radii, access width of 6m for the first 20m back from the edge of the public road, visibility splays of 2.4m x 120.0m), and any forward sight distance shall be provided in accordance with Drawing No 2B bearing the date stamp 29 APR 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 northeast and southwest boundaries of the field, as identified in yellow on drawing no 01 bearing the stamp dated 10 OCT 2018 shall be retained unless otherwise agreed in writing with the Council.

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

4. The proposed landscaping, as shown on drawing no 2B bearing the stamp dated 19 APR 2020 shall be provided in accordance with the approved details within 6 months of the date of the commencement of the development. The trees and hedges shall be native species and any tree or shrub dying within 5 years of planting shall be replaced in a similar position with a similar size and species.

Reason: In the interests of visual amenity.

5. The building hereby approved shall be used for agricultural purposes only.

REASON: To prohibit a change to an unacceptable use within the countryside

Signature(s):
Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2017/0489/F	Target Date:
Proposal: Proposed farm shed for the housing of animals and storage of farm machinery	Location: 210m East of 91 Ballynakilly Road Coalisland BT71 6JJ
Referral Route: Contrary to policy	
Recommendation:	Refusal
Applicant Name and Address: Mr Gavin Quinn 9 Woodhouse Road Killycolpy Stewartstown	Agent Name and Address: CMI Planners 38 Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Environmental Health Mid Ulster Council	
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Rivers Agency	Substantive Response Received
Statutory	DAERA - Omagh	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	No Response
Statutory	DAERA - Omagh	Advice

Statutory	DAERA - Omagh	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	
<p>Characteristics of the Site and Area</p> <p>The application site is located 210m East of 91 Ballynakilly Road, COALISLAND within the townland of GREENAGH. The site is outside the settlement limits of COALISLAND as defined in the Dungannon and South Tyrone Area Plan 2010 and north-west of the settlement limit for Ballynakilly.</p> <p>The topography of the land is relatively flat. The common land use around the wider site area includes agricultural, industrial/commercial with some dispersed dwellings and farm holdings. The site is in close proximity to The McAvoy Group Ltd., that is to the West of the site outlined in red.</p> <p>The impact of the proposal [LA09/2017/0489/F] on the amenity and landscape plus character of the area is a key consideration in this area.</p>		
<p>Description of Proposal</p> <p>Proposed farm shed for the housing of animals/ sheep storage of farm machinery and animal fodder.</p> <p>The proposed farm shed has a footprint of 18450mm by 9000mm and a maximum ridge height of 5700mm. The roof will be insulated roof panels in the colour green with ridge and flashing trims also green as are cladding panel sliding doors with the walls fair facing block grey [Drawing 03 Received 4th April 2017].</p>		
<p>Planning Assessment of Policy and Other Material Considerations</p> <p>The following policy documents provide the primary policy context for the determination of this application;</p> <ol style="list-style-type: none"> 1. Strategic Planning Policy Statement (SPPS). 2. Dungannon & South Tyrone Area Plan 2010. 3. Planning Policy Statement (PPS) 3 – Access, Movement and Parking. 4. PPS 6 - Planning, Archaeology and the Built Heritage. 5. PPS 15 - Planning and Flood Risk. 6. PPS 21 - Sustainable Development in the Countryside. 		

Consultees:

Transportni were asked to comment and responded with no objections subject to conditions.

Environmental Health were asked to comment and responded with no objections.

DAERA were asked to comment and responded stating that the farm business is established and has been inactive since 2009. It is a category 3 business there not able to claim single farm payments. They were re consulted a second and third time with a different business id number and Dard responded stating the business has not been active for 6 years, and does not claim SFP.

Representations

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

The Strategic Planning Policy Statement (SPPS) for Northern Ireland – Planning for Sustainable Development, is a material consideration. The SPPS supersedes the policy provision within Planning Policy Statement (PPS) 1, 5 and 9. The policy provision within PPS 21, PPS 15 and PPS 3 have been retained under transitional arrangements. Until a Plan Strategy for the whole of the Council Area has been adopted planning applications will be assessed against existing policy.

PPS 21 sets out planning policies for development in the countryside whilst the policy provision within PPS 15 and PPS 3 deals with flood risk and access provision, respectively.

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

CTY 12

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

The applicant, within the supporting information submitted with the application, has conceded that the proposal is for a hobby farm and that the requisite DAERA farm business ID No. have become inactive as they are unable to claim single farm payments. The supporting information outlines that the applicant has currently 6 sheep, with varying numbers from 6 to 14 at any point but is unable to expand the flock due to lack of housing. They have also submitted a record of sheep movements and a DARD letter confirming veterinarian inspections.

Whilst visiting the site I observed the grass had been harvested on the application lands and noted that the lands were in good agricultural condition.

On this basis on that above I can conclude that whilst the farm/field appears active the applicant has not been established for a period of at least 6 years. With this in mind I am not content that the agricultural holding is both active and established.

In support of adopting this approach to determining that the farm is both active and established, I would remind members of the approach taken by the PAC in two recent planning appeal decisions under 2016/A0007 and 2015/A0136. In both referenced appeals, the respective commissioners determined that although there was evidence that the appellant was actively engaged in farming activities they could not prove that they had been established for a period of at least 6 years and therefore they failed to meet the requirements of the policy.

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

a) The proposal would provide a farm building on this farm holding for existing livestock and this would help the applicant provide facilities for livestock over the winter months. It would also provide facilities for sick and/or injured livestock. I consider that the applicant has provided sufficient evidence to confirm that the proposed farm shed (and associated facilities) would be necessary for the efficient use of the agricultural holding.

b) The proposal presents an agricultural building which is not considered uncommon within the context of this rural landscape. The materials used are similar to other types of agricultural development within this area.

The level of vegetation surrounding the site coupled with the existing pattern and type of buildings in the area are that of industrial sheds and large buildings therefore the level of impact associated with the proposal will be minimal and on that basis I consider that the proposal will not have a significant detrimental impact on the rural character of the area.

c) The proposed agricultural shed would benefit from the existence of natural vegetation and screening especially to the rear which surround the site area. As documented above, the location of other large buildings to the North West, help the proposal to fit into the wider. The proposal would not present a prominent feature in the context of this rural landscape setting and I consider it to be successfully integrated.

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

e) It is noted that the proposal is sited some 160m away from the closest unconnected residential dwelling at No. 96 Ballynakilly Road. The Council's Environmental Health Department (EHD) were consulted and returned comment on this application highlighting that they had no concerns. It is my opinion that there are no immediate neighbours that could be potentially affected by this proposal.

CTY 12 – Additional Requirements

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

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

The applicant has provided a supporting statement which identifies that there are no other buildings on the holding and that the proposal relates to the provision of a farm

building to allow for a small farm business to be able to expand. It is therefore considered that there are no other buildings on the holding or enterprise which could be used. It must be noted that there is no specific planning policy for first farm sheds for start-up farmers.

CTY 13 & 14

An assessment of the proposed siting of the development along with its visual and physical impact has been documented within parts b and c, above. In terms of visual integration and impact on rural character members are advised that the proposal is deemed to satisfactorily integrate into the surrounding rural landscape setting. I consider the proposal to be compliant with the policy provision contained within Policies CTY 13 and 14 of PPS 21.

PPS 15

Department for Infrastructure Rivers Agency were consulted and returned comment on this application. Rivers Agency have assessed the application in relation to flood risk and have outlined that the proposal is in compliance with the policy provisions contained within PPS 15 – Planning and Flood Risk.

PPS 3

Department for Infrastructure Roads (DFI Roads) were consulted on this application and have returned comment highlighting that they are content with the proposed access to the site and as such I consider the proposal to comply with the policy requirements contained with PPS 3 – Access, Movement and Parking.

Conclusion

Members are advised that the applicant has failed to demonstrate that the proposal has been established for at least 6 years and the applicant has not demonstrated why this application should be considered an exception.

Recommendation Refusal

Neighbour Notification Checked

Yes

Refusal Reasons

1. The proposal is contrary to Policy CTY 12 of Planning Policy Statement 21, sustainable development in the countryside in that it has not been demonstrated that the farm business has been established for a period of at least 6 years.

Signature(s)

Date:

ANNEX	
Date Valid	4th April 2017
Date First Advertised	20th April 2017
Date Last Advertised	18th May 2017
Details of Neighbour Notification (all addresses) The Owner/Occupier, 81 Ballynakilly Road, Creenagh, Coalisland, Tyrone, BT71 6HD, The Owner/Occupier, 89 Ballynakilly Road, Creenagh, Coalisland, Tyrone, BT71 6HD, The Owner/Occupier, 91 Ballynakilly Road, Creenagh, Coalisland, Tyrone, BT71 6HD, The Owner/Occupier, 96 Ballynakilly Road, Ballynakilly, Coalisland, Tyrone, BT71 6HD,	
Date of Last Neighbour Notification	3rd May 2017
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2017/0489/F Proposal: Proposed farm shed for the housing of animals/ sheep storage of farm machinery and animal fodder Address: 210m East of 9 Ballynakilly Road, Coalisland, Decision: Decision Date: Ref ID: M/1995/6162 Proposal: Industrial Development Land at Ballynakilly Road Address: Land at Ballynakilly Road Decision: Decision Date:	
Drawing Numbers and Title	

Drawing No. 03

Type: Proposed Floor Plans

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2019/0944/F	Target Date:
Proposal: Infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin (retrospective) New access laneway 130m West from the Junction of Iniscarn Road/Gortahurk Road, existing access onto Iniscarn Road to be permanently closed.	Location: Between 90 and 92 Iniscarn Road Desertmartin
Applicant Name and Address: Mr Paul Bradley 90A Inniscarn Road Desertmartin	Agent name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge
Summary of Consultee Responses: DFI Rivers have responded with issues relating to FL1, FL3 and FL4. DFI Roads are satisfied their conditions are acceptable in relation to the proposed access.	
Characteristics of the Site and Area: The site is located at no. 90a Iniscarn Road, Desertmartin and is located within the open countryside and there are no further designations on the site as designated by the Magherafelt Area Plan 2015. The site is located between no. 90 and no. 92 Iniscarn Road and located on the site is a large 2 storey dwelling with a smooth render finish, detached garage and a dolls house / storage building, both with smooth render finish. The southern boundary of the property is currently defined by laurel hedging and wire and post fencing, the northern boundary is defined by mature trees and some laurel hedging, the western boundary is defined by white wooden fencing and the eastern boundary remains	

undefined with a number of pillars having been constructed along the boundary. Access is currently served at the front of the property onto the main Iniscarn Road. The immediate surrounding area is predominantly characterised by single dwellings and some agricultural uses.

Description of Proposal

Infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin (retrospective)
New access laneway 130m West from the Junction of Iniscarn Road/Gortahurk Road, existing access onto Iniscarn Road to be permanently closed.



Deferred Consideration:

Following the April planning committee meeting, the applicant was given 4 weeks to submit additional information which ended on 12th May. No information was received by this date, however the Flood Risk consultation for the applicant advised on 13th May work was urgently being carried out to provide a flood risk assessment to address the issues. Nothing has been received at the time of writing this report.

Rivers Agency were re-consulted on the information submitted by the applicant in order to get the application deferred at April Committee. They replied on 23rd May 2021. In terms of FLD1, a pre-development model of the watercourse would need to be provided. In terms of FLD3, additional measures would need to be carried out for analysis. The applicant put forward health and safety concerns in terms of FLD4 and a reason to pipe

the open watercourse. Paragraph 6.53 of PPS15 states when H & S concerns arising from open access to watercourse alternatives should be considered. Further clarification is required in relation to the documents submitted by the applicant and DFI Rivers can't further comment on FLD4 until some information has been received.

Refusal is recommended as previously as the issues have not been overcome.

Refusal Reasons

1. The proposal does not comply with SPPS and Policy FLD 1 - Development in Fluvial (Rivers) and Coastal Flood Plains, of PPS15 - Planning and Flood Risk in that it has not been adequately demonstrated there is no risk of fluvial flooding.
2. The proposal does not comply with SPPS and Policy FLD 3 - Development and surface water (pluvial) flood risk outside flood plains, of PPS15 - Planning and Flood Risk in that it has not been demonstrated that the existing drainage network effectively mitigates flood risk or potential for surface water flooding.
3. The proposal does not comply with SPPS and Policy FLD 4 - Artificial Modification of Watercourses of PPS15 - Planning and Flood Risk in that it has not been demonstrated that a specific length of the watercourse needs to be culverted for engineering reasons and no exceptional circumstances have been demonstrated.

Signature(s):

Date



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2019/0944/F	Target Date:
Proposal: Infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin (retrospective) New access laneway 130m West from the Junction of Iniscarn Road/Gortahurk Road, existing access onto Iniscarn Road to be permanently closed.	Location: Between 90 and 92 Iniscarn Road Desertmartin
Applicant Name and Address: Mr Paul Bradley 90A Inniscarn Road Desertmartin	Agent name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge
Summary of Consultee Responses: DFI Rivers have given a final response on March 2021 with issues relating to FL1, FL3 and FL4. DFI Roads are satisfied their conditions are acceptable in relation to the proposed access.	
Characteristics of the Site and Area: The site is located at no. 90a Iniscarn Road, Desertmartin and is located within the open countryside and there are no further designations on the site as designated by the Magherafelt Area Plan 2015. The site is located between no. 90 and no. 92 Iniscarn Road and located on the site is a large 2 storey dwelling with a smooth render finish, detached garage and a dolls house / storage building, both with smooth render finish. The southern boundary of the property is currently defined by laurel hedging and wire and post fencing, the northern boundary is defined by mature trees and some laurel hedging, the western boundary is defined by white wooden fencing and the eastern boundary remains	

undefined with a number of pillars having been constructed along the boundary. Access is currently served at the front of the property onto the main Iniscarn Road. The immediate surrounding area is predominantly characterised by single dwellings and some agricultural uses.

Description of Proposal

Infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin (retrospective)
New access laneway 130m West from the Junction of Iniscarn Road/Gortahurk Road, existing access onto Iniscarn Road to be permanently closed.



Deferred Consideration:

This application was presented to Committee in Feb 2020 for the following refusal reason;

The proposal does not comply with SPPS and Policy FLD 4 - Artificial Modification of Watercourses of PPS15 - Planning and Flood Risk in that it has not been demonstrated that a specific length of the watercourse needs to be culverted for engineering reasons.

It was subsequently deferred as additional information was submitted prior to the Committee meeting and it was agreed by Committee that this information should be considered by DFI Rivers. Rivers were re-consulted and replied that there were outstanding issues relating to PPS15.

In an attempt to resolve the flooding matter, the applicant was then offered the opportunity by the Council to remove the existing pipe and restore the open drain at the previous levels. The applicant has advised they do not wish to remove the pipe but rather 'work with DfI Rivers on site to carry out flood risk measures to prevent future flooding' and they state it is impossible to determine previous watercourse levels.

The main issues raised by neighbouring properties, is regarding flooding to their property and on the Iniscarn Road due to pipework and culverting carried out at this site. Objector comments raise the point that previous levels were given in a 2007 application, which would indicate how ground levels have changed and has in turn increased surface water runoff. The Objector mentions that the work carried out is unauthorised, there is a current enforcement case on the site which is pending the outcome of this application before any action will be taken. No.92 also mentions an issue relating to access to manhole covers, however this would not be considered a planning matter and should be dealt with between the two parties.

DFI Rivers have provided comment in relation to PPS15 – 'Planning and Flood Risk' and have had sight of all relevant objector and applicant correspondence, which has all been taken into account in their detailed responses. Following a number of reports, assessments and correspondence from both parties the latest response from Rivers dated 10 March 2021 (Appendix A) and concludes the following in summary;

FLD1- Development in Fluvial (Rivers) and Coastal Flood Plains- The Hydraulic model used to assess fluvial flood risk in the original FRA, dated 31st October 2019, has been independently examined. The independent assessment has led to the conclusion there is a low level of confidence in the model outputs. Consequently fluvial flood risk remains an unresolved issue.

FLD2 – Protection of flood defences and drainage infrastructure - Rivers have advised this issue could be dealt with by an informative and it would be unreasonable to condition it for a single dwelling.

FLD3 – Development and surface water (pluvial) flood risk outside flood plains, Plans were submitted by the applicant in an attempt to overcome this. However the drainage network assessed in the DA is not representative of the existing drainage network. If the drainage network is to be retained it should be discharged via the network as shown on submitted plans. If however the existing drainage is to be retained then additional analysis would be required to demonstrate management of flooding and overflow and to demonstrate proposed mitigation measures.

FLD4 – Artificial Modification of Watercourses- the applicant has identified Health and safety concerns as the reason to pipe the open watercourse, however these are included as invalid reasons under FLD4 of PPS15 to pipe a watercourse. Paragraph 6.53 of PPS15 states that when there are health and safety concerns arising from open access to a watercourse alternatives to piping should be considered.

FLD5 – Developments in proximity to reservoirs - Development in proximity to reservoirs, is not relevant.

Basis on the information currently submitted refusal is recommend for the following in relation to PPS15 for the reasons stated below.

- 1. The proposal does not comply with SPPS and Policy FLD 1 - Development in Fluvial (Rivers) and Coastal Flood Plains, of PPS15 - Planning and Flood Risk in that it has not been adequately demonstrated there is no risk of fluvial flooding.*
- 2. The proposal does not comply with SPPS and Policy FLD 3 - Development and surface water (pluvial) flood risk outside flood plains, of PPS15 - Planning and Flood Risk in that it has not been demonstrated that the existing drainage network effectively mitigates flood risk or potential for surface water flooding.*
- 3. The proposal does not comply with SPPS and Policy FLD 4 - Artificial Modification of Watercourses of PPS15 - Planning and Flood Risk in that it has not been demonstrated that a specific length of the watercourse needs to be culverted for engineering reasons and no exceptional circumstances have been demonstrated.*

Apart from the flooding concerns, objectors also raised issues relating to other planning matters, these have been received from No.92 and No. 90.

Overlooking/ privacy issues

In relation to No.90, there is sufficient separation distance between the two houses and a strong laurel hedge exists as a common boundary, the window referred to is a first floor bedroom window on the gable, and would be classed as a low occupancy room, although it has been argued by the objector that during recent Covid circumstances bedroom are being used more often for home schooling/offices etc. However, this is in the short term and not permanent, and would not change overall how these rooms would be considered. I do not consider there are overlooking or privacy issues which are significantly detrimental to the enjoyment of the neighbour's amenity space.



Common boundary with No 90

No.92 raise concerns about windows on the side gable overlooking their private garden area, which were not shown on the original plans. Although the windows weren't shown on original plans they will be assessed as part of this retrospective application. Part of the common boundary is a strong laurel hedge and close boarded wooden fence and further along the boundary are mature trees which would limit any impact of these windows and there is also adequate separation distance. The dwelling is set back from No.92 and its associated buildings and garden, with strong vegetation between them so there is no detrimental impact from overlooking. (see common boundary with No.92 in image below)



An objection was received concerned about road safety due to the number of accesses on this part of Iniscarn Road, as they state there are already lorries and tankers brake testing here. The occupant of No.90 countered this objection by saying they have never been aware of this taking place. DFI Roads were consulted for their comments and have stated any issues of road safety as a result of reckless driving is a matter for PSNI. They are satisfied their recommended conditions are acceptable in relation to the proposed access.

One of the objections received was in terms of the planning assessment and questioned if the site complies with CTY8, in that it is not a small gap site in a continuous and substantially built up frontage, and in relation to the visual impact and rural character of the dwelling and proposed access. These issues were fully considered in the original case officer report under PPS21 and I would still agree with this assessment. An appeal decision 2016/A0160 was forwarded by the objector, however each case is assessed on its own merits and this appeal case is not directly comparable. I am satisfied this site and access meets the policies CTY1, CTY8, CTY13 and CTY14 and are acceptable in principle.

In conclusion, when taking into account all the information provided by the applicant and objectors and DFI Rivers final response of 10th March 2021 (attached as appendix A), the proposal must be recommended for refusal for the three reasons stated.

Refusal Reasons

1. The proposal does not comply with SPPS and Policy FLD 1 - Development in Fluvial (Rivers) and Coastal Flood Plains, of PPS15 - Planning and Flood Risk in that it has not been adequately demonstrated there is no risk of fluvial flooding.

2. The proposal does not comply with SPPS and Policy FLD 3 - Development and surface water (pluvial) flood risk outside flood plains, of PPS15 - Planning and Flood Risk in that it has not been demonstrated that the existing drainage network effectively mitigates flood risk or potential for surface water flooding.

3. The proposal does not comply with SPPS and Policy FLD 4 - Artificial Modification of Watercourses of PPS15 - Planning and Flood Risk in that it has not been demonstrated that a specific length of the watercourse needs to be culverted for engineering reasons and no exceptional circumstances have been demonstrated.

Signature(s):

Date

Appendix A – DFI Rivers response dated 10th March 2021



Department for
Infrastructure

An Roinn

Bonneagair

www.infrastructure-ni.gov.uk

DfI Rivers Planning, Advisory & Modelling Unit

Ms. Emma McCullagh
Mid Ulster
Local Planning Office
Mid Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

44 Seagoe Industrial Estate
CRAIGAVON
Co. Armagh
BT63 5QE
Tel: 028 3839 9118

Your Ref: LA09/2019/0944/F
Our Ref: IN1-19-11202

10th March 2021

Dear Madam

Re: Infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin (retrospective).

In response to your consultation dated 23rd February 2021 requesting comments on the most recent uploaded information (including emails) in relation to how it addresses FLD3 and to confirm if it addresses the issues with FLD1 and FLD4 or if they remain unresolved. DfI Rivers comments in accordance with PPS 15 are as follows.

Policy FLD 1

The hydraulic model used to assess fluvial flood risk in the original FRA, dated 31st October 2019, has been independently examined in order to confirm or allay DfI Rivers concerns about the model construction. The independent assessment has identified aspects of the model construction that have led to the conclusion that there is a low level of confidence in the model outputs. Consequently fluvial flood risk remains an unresolved issue.

The effects of piping the watercourse on downstream water levels and velocities have not been addressed. For an accurate assessment of potential downstream worsening with, respect to flooding and erosion, a pre-development model of the watercourse would be required for comparison. This is not possible.

Policy FLD 2

An undesignated piped watercourse flows along the south eastern boundary of the site. Under 6.32 of the policy a 5m maintenance strip is required. It is the legal responsibility of the land owner to maintain this watercourse.



Policy FLD 3

Drawing No. C101 entitled '*Proposed Surface Water Attenuation System Using Storage Pipes And Hydrobrake For a 100 Year Return Period Event*' shows a proposal to construct a drainage network, with attenuation being provided by two 62.5m long lines of 750mm diameter pipes. It has been demonstrated that this drainage network would have the necessary capacity to be a viable solution. All surface runoff from the site should be collected, stored and discharged via this proposed drainage network. The drainage network assessed in the DA is not representative of the existing drainage network.

It is DfI Rivers understanding that the planning application for the dwelling is retrospective and therefore may include the existing drainage network as part of the application. If the existing drainage network is to be retained then it should be discharged via the proposed network as detailed on Drg. No. C101.

If the existing drainage network is to be retained, as the only drainage option, then the hydraulic capacity of the already constructed drainage network will have to be calculated. An analysis of the storm network, using FEH rainfall runoff methodology, will have to be provided to determine, in terms of return period, what the capacity of the network is. Other analysis to demonstrate the management of out of sewer flooding and overland flow, and to demonstrate the provision of necessary mitigating measures and safe storage areas will need to be carried out for a 1 in 100 year rainfall event.

Policy FLD 4

An email, dated 23rd February 2021, from the applicant identifies health and safety concerns as the reason to pipe the open watercourse. Health and safety concerns are not included as valid reasons under Policy FLD4 of PPS 15 to pipe a watercourse. Paragraph 6.53 of PPS 15 states that when there are health and safety concerns arising from open access to a watercourse alternatives to piping should be considered.

Policy FLD 5

Policy FLD 5 does not apply to this application.

I trust you find the foregoing to be helpful but should you require any further information or clarification please contact me at the above address.

Yours faithfully

Neil Jenkinson
Planning, Advisory & Modelling Unit



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: LA09/2019/0944/F	Target Date:
Proposal: Infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin (retrospective) New access laneway 130m West from the Junction of Iniscarn Road/Gortahurk Road, existing access onto Iniscarn Road to be permanently closed.	Location: Between 90 and 92 Iniscarn Road Desertmartin
Referral Route: Proposal is contrary to SPPS and Policy FLD 4 of PPS15.	
Recommendation:	REFUSAL
Applicant Name and Address: Mr Paul Bradley 90A Inniscarn Road Desertmartin	Agent Name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge
Executive Summary:	

For committee decision

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	Rivers Agency	Advice
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	Rivers Agency	Advice

Representations:

Letters of Support	None Received
Letters of Objection	9
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

A number of issues were raised and they are discussed in this report.

Characteristics of the Site and Area

The site is located at no. 90a Iniscarn Road, Desertmartin and is located within the open countryside and there are no further designations on the site as designated by the Magherafelt Area Plan 2015. The site is located between no. 90 and no. 92 Iniscarn Road and located on the site is a large 2 ? storey dwelling with a smooth render finish, detached garage and a doll?s house / storage building, both with smooth render finish. The southern boundary of the property is currently defined by laurel hedging and wire

and post fencing, the northern boundary is defined by mature trees and some laurel hedging, the western boundary is defined by white wooden fencing and the eastern boundary remains undefined with a number of pillars having been constructed along the boundary. Access is currently served at the front of the property onto the main Iniscarn Road.

The immediate surrounding area is predominantly characterised by single dwellings and some agricultural uses.

Description of Proposal

The applicant seeks full planning permission for an Infill dwelling and garage between 90 & 92 Iniscarn Road, Desertmartin (Retrospective). New access laneway 130m west from the junction of Iniscarn / Gortahurk Road. Existing access onto Iniscarn Road to be permanently closed.

Planning Assessment of Policy and Other Material Considerations

Planning History

LA09/2019/0005/CA - Alleged piping of a watercourse and Extension to Curtilage. Enforcement Case Closed 28.02.2019.

LA09/2019/0868/F - New laneway 130m West from the junction of Iniscarn Road/Gortahurk road to the dwelling between 90 & 92 Iniscarn Road - Withdrawn.

LA09/2018/0054/CA - Unauthorised Dwelling, unauthorised access, unauthorised piping of a watercourse, extension of curtilage area Enforcement Action Being Pursued - this application is relevant to this enforcement action.

H/2007/0691/RM - Proposed new 2 storey dwelling house and associated landscaping - Permission Granted 23.05.2008

H/2005/0636/O - Site of dwelling - Permission Granted 19.10.2005

Neighbour Notification

2 neighbours were notified of this planning application including nos. 90 & 92 Iniscarn Road, Desertmartin.

9 letters of objection and 1 non-committal letter was received at time of writing this report.

6 letters of objection were received from the occupier of no. 90 Iniscarn Road who raised concerns as follows:

1) Principle of development - the objector has concerns that the dwelling does not comply with Policy CTY1, CTY8, CTY13 and CTY14 of PPS21 - Sustainable Development in the Countryside, claiming that the dwelling does not meet the criteria to be an infill dwelling and does not comply with policies CTY13 or CTY14.

2) Unauthorised culverting of a watercourse and surface water flooding - the objector has raised concerns about the unauthorised pipework which has been installed around the dwelling. The objector has stated that this pipework has caused serious flooding at their property as well as at no.92 and along the Iniscarn Road. The objector has also stated that site levels have been raised during the development of the site which has increased surface water run off.

3) Overlooking and Loss of Privacy - concerns were raised about the bedroom window on the southern side elevation of the dwelling which looks out onto no.90's rear garden.

4) Increased extension to curtilage - the objector raised concerns about the increased curtilage of the site which could lead to further development around the dwelling.

5) Package Treatment Plant - the objector stated that in the past, the PTP had failed which led to a foul smelling odour in the past.

6) Lack of Landscaping - the objector raised concerns that submitted plans did not show much in way of landscaping.

7) Flood Risk Assessment - the objector raised a number of concerns regarding the Flood Risk Assessment, which was received on 11/11/2019. The concerns included objecting to the assessments reasoning for a flood occurrence happening at the objector and applicant's sites and states that not all gullies have been shown and assessed in this Flood Risk Assessment.

3 letters of representation were received from the owner of no. 92 Iniscarn Road. These objections raised concerns with the second floor window on the right hand side elevation of the dwelling (northern elevation). The objector also raised concerns that the dwelling does not comply with policy CTY14 of PPS21. This objector also raises the previous flooding event which also effected their property stating that it caused the downstairs had been flooded due to the culverting of the opening pipe.

One miscellaneous letter was received from the applicant at 90a Iniscarn Road. This letter rebutted initial comments made by the objector at 90 Iniscarn Road, suggesting that a lack of gullies at no. 90 Iniscarn Road contributed to the impact of the flooding event that occurred in the past.

Development Plan and Key Policy Consideration

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.

Magherafelt Area Plan 2015: The site is located in the open countryside. There are no other designations on the site.

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

PPS3: Access, Movement and Parking (Revised 2005) and PPS3 (Clarification 2006): sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. Policies CTY1, CTY8, CTY13 and CTY14 are applicable.

Revised PPS15: Planning and Flood Risk: sets out planning policies to minimise and manage flood risk to people, property and the environment. Policy FLD4 is applicable to this application.

Planning Policy CTY1 of PPS21 states that planning permission will be granted for the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY8.

Policy CTY8 states that planning permission will be refused for a building which creates or adds to a ribbon development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise and 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 built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

I am content that this proposal complies with policy CTY8 in principle as nos. 86a, 88, 90 & 92 create a substantially built up frontage along the main Iniscarn Road.

I am content that the site is a small gap site. Therefore, I am content that this proposal complies with Policy CTY8 of PPS21.

Integration

Policy CTY13 of PPS21 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 has been noted that this is a large 2 storey dwelling. The ridge height is 8.1m high at its highest point and the left hand side portion of the dwelling has a ridge height of 7.2m. Although no. 90 Iniscarn Road is a single storey dwelling, no. 92 is a two storey dwelling to the north and the Iniscarn Road is characterised by a mix of single and two storey dwellings.

I am content that the laurel hedging which has been planted along the southern boundary has addressed issues of overlooking as it has grown quite considerably in a short space of time. The window which has been raised by the objector at no. 90, is a bedroom window which I consider to be a low occupancy room and is located approx. 7m from the boundary of no. 90 Iniscarn Road. Therefore this, coupled with the mature laurel hedging addresses the issue of overlooking.

The window which has been raised by the owner of no. 92 Iniscarn Road on the northern boundary of the property is again a bedroom window which is considered a low occupancy room. There is a considerable amount of mature trees and hedging along the northern boundary of the property and the window is set far enough back from the private amenity space of no. 92 Iniscarn Road. Therefore, I am content that this window does not propose any demonstrable harm on the amenity of no. 92 Iniscarn Road.

The new access proposed 130m west from the junction of Iniscarn / Gortahurk Road will run along the southern boundary of the property therefore complies with CTY13. On a whole, I am content that the dwelling complies with Policy CTY13 of PPS21.

Rural Character

Policy CTY14 of PPS21 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.

It has been noted that this is a substantially large 2 storey dwelling however as mentioned above under CTY13 there is a mix of single storey and two storey dwellings along the Iniscarn Road therefore I am content that this proposal is in keeping with CTY14.

I am content on balance that this proposed application will not unduly change the character of the area. On a whole I am content that the proposed development complies with CTY 14.

PPS15: Planning and Flood Risk - Policy FLD4

Policy FLD4 states that the planning authority will only permit the artificial modification of a watercourse, including culverting or canalisation operations in either of the following exceptional circumstances:

- Where the culverting of a short length of a watercourse is necessary to provide access to development site or part thereof;
- Where it can be demonstrated that a specific length of watercourse needs to be culverted for engineering reasons and that there is no reasonable or practicable alternative courses of action.

Justification for the culverted watercourse was requested from the agent on 16/01/2020 and no reason was received at time of writing this report.

An email was received from the engineer who wrote the Flood Risk Assessment stating that the presence of the culvert significantly reduces flood risk at the site and that the flood event which occurred in the past happened when the culvert was only half installed and was a one-off occurrence. Although this may be the case, no exceptional circumstance or engineering reason has been provided to justify the culverting of the undesignated watercourse which flows along the southern boundary of the site. For this reason, this proposal does not comply with Policy FLD 4 of PPS15.

Other Material Considerations

DfI Roads were consulted on this application and are content, subject to condition. DfI Rivers were consulted on this application and initially asked for a Flood Risk Assessment. The Flood Risk Assessment received was based on the culverted watercourse therefore DfI Rivers will not comment until the planning authority make a decision based on FLD4 of PPS15. As the planning authority is of the opinion that the proposal does not comply with FLD4 of PPS15, there was no need to re-consult.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal.

ANNEX	
Date Valid	8th July 2019
Date First Advertised	25th July 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) E Flanagan 12 Moybeg Road, Tobermore, Londonderry, Northern Ireland, BT45 5QH E Flanagan 12 Moybeg Road, Tobermore, Londonderry, Northern Ireland, BT45 5QH E Flanagan 12, Moybeg Road, Tobermore, Londonderry, Northern Ireland, BT45 5QH D Murray 90 Iniscarn Road, Desertmartin, Londonderry, Northern Ireland, BT45 5NH Damian Murray 90 Iniscarn Road, Desertmartin, Londonderry, Northern Ireland, BT45 5NH The Owner/Occupier, 90 Iniscarn Road, Desertmartin,BT45 5NH Mr D Murray 90 Iniscarn Road, Desertmartin,BT45 5NH Paul Bradley 90A Inniscarn Road,Desertmartin The Owner/Occupier, 92 Iniscarn Road, Desertmartin,BT45 5NH The Owner/Occupier, 92 Iniscarn Road, Desertmartin,BT45 5NH Mr D Murray Email Damien Murray Email Address D Murray Email Address	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No

Planning History

Ref ID: LA09/2019/0868/F

Proposal: New laneway 130m West from the junction of Iniscarn Road/Gortahurk road to service the dwelling between 90 & 92 Iniscarn Road. Existing access onto the Iniscarn road to be permanently closed.

Address: New laneway 130m West from the junction of Iniscarn Road/Gortahurk road to the dwelling between 90 & 92 Iniscarn Road.,

Decision:

Decision Date:

Ref ID: LA09/2019/0944/F

Proposal: Infill dwelling and garage between 90 and 92 Inishcarn Road, Desertmartin (retrospective) New access laneway 130m West from the Junction of Inishcarn Road/Gortahurk Road, existing access onto Inishcarn Road to be permanently closed

Address: Between 90 and 92 Inishcarn Road, Desertmartin,

Decision:

Decision Date:

Ref ID: H/2005/0636/O

Proposal: Site of dwelling

Address: Between 90 - 92 Iniscarn Road, Desertmartin

Decision:

Decision Date: 19.10.2005

Ref ID: H/2007/0691/RM

Proposal: Proposed new 2 storey dwelling house and associated landscaping.

Address: Lands situated between 90-92 Iniscarn Road, Moneymore, Magherafelt

Decision:

Decision Date: 23.05.2008

Ref ID: H/2002/0012/O

Proposal: Site of Dwelling

Address: Between 90 & 92 Iniscarn Road, Desertmartin

Decision:

Decision Date: 02.07.2002

Summary of Consultee Responses**Drawing Numbers and Title**

Drawing No.
Type:
Status: Submitted

Drawing No.
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Status: Submitted

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Drawing No.
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Status: Submitted

Drawing No. 04
Type: Proposed Floor Plans
Status: Submitted

Drawing No. 03
Type: Proposed Floor Plans
Status: Submitted

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

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

Drawing No. 05
Type: Proposed Elevations
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: LA09/2020/0234/O	Target Date:
Proposal: Proposed dwelling and garage on a farm	Location: 100m West of 63 Iniscarn Road Desertmartin
Applicant Name and Address: Connor Monaghan 63 Iniscarn Road Desertmartin	Agent name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge Magherafelt BT41 3SG
Summary of Consultee Responses: No objections	
Characteristics of the Site and Area: The application site is identified as lands approximately 100m west of No 63 Iniscarn Road Desertmartin, which is situated in the open countryside in accordance with the Magherafelt Area Plan 2015. There is a Local Landscape Policy Area: Designation LD02 in proximity to the site. The site forms part of a large grass field as per the red line measuring approx. 0.52 of a hectare and is being proposed new access running parallel with an existing field boundary where it connects to the existing farm lane, which service the main dwelling house No 63 Iniscarn Road. The topography within the site is relatively flat with the exception that are slight variations throughout the field. Although the site and surrounding area is relatively open. There is a mature tree line on the southern boundary which defines the site boundary with another farm lane not in the control of the applicant. Both the eastern and western boundaries are undefined; the northern boundary is defined by hedgerow which runs parallel with the lane that leads to No 63; and southern boundary is defined by a line of mature trees.	

The surrounding area are predominately agricultural land uses with a scattering of residential dwellings.

Description of Proposal

The applicant is seeking outline planning permission for a dwelling and garage based on a farm approximately 100m south of No 63 Iniscarn Road Desertmartin.



Deferred Consideration:

The application was presented to Planning Committee in April 2021 for the following reasons;

1. The proposal is contrary to the SPPS and Policy CTY 1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it does not merit being considered an exceptional case in that insufficient information has been provided to demonstrate that no dwellings or development opportunities have been sold off from the farm holding within 10years of the date of the application.
2. The proposal is contrary to Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that insufficient information has been provided to demonstrate the site is visually linked or sited to cluster with an established group of building on the farm.

Subsequently the application was deferred for a virtual office meeting with the Area Planning Manager which was held on 22 April 2021.

Farm maps have now been submitted and a detailed history check shows nothing has been sold off, therefore it now meets this part of the criteria of CTY10, overcoming refusal reason one.

A site visit was carried out to assess the visual linkage of the site with the existing farm house and garage at No. 63 Iniscarn Road. It has been confirmed there are no other farm buildings on the land and this grouping is accepted as an established 'group of buildings'. The farm house and garage located at No.63 can be visually linked with the site from the main road and at the access, and in my opinion a dwelling with a 7m ridge would be acceptable here.

The site itself is tucked into the corner of a larger roadside agricultural field. There is strong vegetation of mature trees along the southern boundary and the eastern boundary is defined by hedgerows with a few trees located further along it. The northern and western boundaries are currently undefined. In terms of CTY13 I am content a 7m dwelling would integrate well and in terms of CTY14 there are no issues with build-up or that any detrimental change of character to this rural area would occur.

Approval with conditions is recommended including a detailed landscaping scheme.

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 commenced at 10am on the 25th March and was to run for 8 weeks. Due to issues being faced with COVID19, this period has been extended and will now close at 5pm on 24th September 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 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 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



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0234/O	Target Date:
Proposal: Proposed dwelling and garage on a farm	Location: 100m West of 63 Iniscarn Road Desertmartin
Referral Route: Proposal fails to comply with criteria c contained within policy CTY 10, CTY13 and CTY 14 of PPS 21. No third party representation received and all other considerations have been taken into consideration.	
Recommendation:	Refusal
Applicant Name and Address: Connor Monaghan 63 Iniscarn Road Desertmartin	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge Magherafelt BT41 3SG
Executive Summary:	
Signature(s):	

For April comm



22 / 2 / 21

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
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

No third party representations received and all other material considerations have been taken into consideration.

Characteristics of the Site and Area

The application site is identified as lands approximately 100m west of No 63 Iniscarn Road Desertmartin, which is situated in the open countryside in accordance with the Magherafelt Area Plan 2015. There is a Local Landscape Policy Area: Designation LD02 in proximity to the site. The site forms part of a large grass field as per the red line measuring approx. 0.52 of a hectare and is being proposed new access running parallel with an existing field boundary where it connects to the existing farm lane, which service the main dwelling house No 63 Iniscarn Road. The topography within the site is relatively flat with the exception that are slight variations throughout the field. Although the site and surrounding area is relatively open. There is a mature tree line on the southern boundary which defines the site boundary with another farm lane not in the control of the applicant.

Both the eastern and western boundaries are undefined; The northern boundary is defined by hedgerow which runs parallel with the existing lane that leads to No 63; southern boundary is defined by a line of mature trees.

The surrounding area are predominately agricultural land uses with a scattering of residential dwellings.

Description of Proposal

The applicant is seeking outline planning permission for a dwelling and garage based on a farm approximately 100m south of No 63 Iniscarn Road Desertmartin.

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 alterations to an existing lane that accesses.

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

Relevant planning history

Planning Ref:	Site Address	Proposal	Decision	Decision Date
H/2002/0906/O	Dwelling and Garage	140m South of 63 Iniscarn Road, Desertmartin	PG	16.02.2020
H/2005/0922/O	Dwelling and Garage	140m South of 63 Iniscarn Road, Desertmartin	PG	28.02.2020
H/2007/1005/RM	Proposed 2 storey dwelling and detached double garage	140m South of 63 Iniscarn Road, Desertmartin	PG	16..02.2020

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 2 March 2020 (publication date 3rd March 2020). Four (4) neighbouring properties were notified on 24th February 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.

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 commenced at 10am on the 25th March and was to run for 8 weeks. Due to issues being faced with COVID19, this period has been extended and will now close at 5pm on 24th September 2020. In light of this the draft plan cannot currently be given any determining weight.

Planning Assessment of Policy and Other Material Considerations

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Magherafelt Area Plan 2015

PPS 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.

Magherafelt Area Plan 2015 the site is located in the rural countryside outside any designated settlement. The site lies close to a Local Landscape Policy Area.

The Strategic Planning Policy Statement for Northern Ireland advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained. The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside is the overarching policy for development in the countryside. PPS 21 outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside

subject to certain criteria. These are listed in Policy CTY1 of PPS21. It is my assessment the current proposal falls under one of these instances, the development of a dwelling on a farm in accordance with Policy CTY10 Dwellings on Farms.

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

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

With respect to (a) the applicant has provided a farm business ID owned by Mr Kevin Monaghan. DAERA have in their initial response confirmed the business ID has been in existence for more than 6 years, however advised that the farm business is associated with another farm business. The agent has submitted additional information to accompany the application which include invoices for hedge trimming, silage and bailing on the site from the period of June 2014 to November 2019.

With respect to (b) the agent has advised that the applicant has been unable to obtain farm maps from DAERA however submitted 2 field survey maps. I contacted the agent by email requesting the relevant farm maps however to date I have received no response. The agent submitted farm maps which show the applicant's farm holding from the maps I was able to identify field no 9-1 is the location of the site. The Maps also indicate the applicant has other farmland. I have asked the agent to provide me with further information relating to these lands. With respect to (c), the proposal is not located in proximity to established farm buildings. That said, the proposed site is located adjacent to the existing dwelling of No.63 and garage, which is the only buildings on this holding.

As stated previously, I have contacted the agent to obtain further information as to other lands under his ownership, which to date have not been received. In the absence of the relevant farm maps or clarification from the agent that there are no other farm buildings on the farm holding, it cannot be demonstrated the proposal meets the requirements of this criterion of policy. 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 or that no dwellings or development opportunities out with the settlement limits have been sold off from the farm holding within 10 years of the date of this application.

With regards to criterion c, the proposed development is not sited to be visually linked or to cluster with an established group of farm buildings. The application site is located approximately 100m west of No 63 Iniscarn Road, which appears to be the only building on the applicant's land. No 63 is the main farm dwelling which is accessed by a lane onto the Iniscarn road. The area surrounding the application site is generally flat in nature with very little in terms of discernible difference in elevation.

The agent has been requested to provide justification regarding the proposed site and why no other fields within the applicant's holding (as shown in Figure 1 below) could be considered. To date no response has been received from the agent despite further reminders.



Figure 1.

Health and safety reasons were also raised about siting another dwelling close to the main farm dwelling. Following group discussions, it was determined insufficient reasoning was provided to support the application site and the agent was asked if they could provide further information. Following a further group discussion it was determined that although the applicant has stated he plan to expand, there was not enough evidence to support this. For this reason, the applicant fails to meet criteria c of policy CTY10.

Policy CTY 13 stipulates that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. As this is an outline application, no design details have been provided however the proposed site is bounded to the south by a mature tree line and low level vegetation on the north east; post and wire fencing and sporadic vegetation on the east boundary; and existing hedgerow, which provides natural screening from the public road running parallel with the Iniscarn Road. If a valid application was to be granted, I am content that a modest dwelling with a ridge height of 7m could be accommodated which will not be a prominent feature in the landscape given the site's setback from the public road and topography of the surrounding area. The views from the public road or any other neighbouring properties would not be adversely impacted upon. I am content the proposal complies with the Policy Criteria of CTY 13.

In terms of CTY 14, which stipulates that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I am content the proposal would not be a prominent feature in the landscape, it would not result in a sub-urban style build-up of development and it would not create or add to a ribbon of development.

Access. Planning Policy Statement 3 (PPS 3 Revised Feb 2005) Access, Movement and Parking
The application proposes to make alterations to an existent access to a public road. The location plan no 01 stamp date 1802/2020 proposes a new access from the site connecting to the existent lane. DFI Roads were consulted and responded on this application and have confirmed that they have no objection to the proposal put forward. With this in mind I consider the proposed access arrangements to be acceptable and in accordance with the provisions of PPS.

There are no flooding or residential amenity concerns.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The proposal is recommended for refusal, as it does not comply with CTY10 of Planning Policy Statement 21.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement and 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 insufficient information has been provided to demonstrate that 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.
2. The proposal is contrary to the Strategic Planning Policy Statement and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it insufficient information has been provided to demonstrate visually linked or sited to cluster with an established group of buildings on the farm.

Signature(s)

Date:

ANNEX	
Date Valid	18th February 2020
Date First Advertised	3rd March 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 61 Iniscarn Road Desertmartin Londonderry The Owner/Occupier, 61b Iniscarn Road Desertmartin The Owner/Occupier, 65 Iniscarn Road, Desertmartin, Londonderry, BT45 5NG The Owner/Occupier, 66 Iniscarn Road Desertmartin Londonderry	
Date of Last Neighbour Notification	24th February 2020
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: H/2008/0630/F Proposal: Retrospective change of access position to previously approved dwelling under H/2007/1005/RM (to avoid removal of existing mature trees) Address: Site 140m South of No. 63 Iniscarn Road, Desertmartin, Magherafelt Decision: Decision Date: 15.12.2008 Ref ID: LA09/2020/0234/O Proposal: Proposed dwelling and garage on a farm Address: 100m West of 63 Iniscarn Road, Desertmartin, Decision: Decision Date: Ref ID: H/2007/1005/RM Proposal: Proposed 2 storey dwelling and detached double garage Address: 140m South of 63 Iniscarn Road, Desertmartin, Magherafelt Decision: Decision Date: 20.02.2008 Ref ID: H/2004/0095/O	

Proposal: Site of dwelling and garage.
 Address: Opposite 66 Inniscarn Road, Desertmartin.
 Decision:
 Decision Date:

Ref ID: H/1991/6115
 Proposal: SITE OF BUNGALOW INISCARN ROAD/LONGFIELD ROAD
 MAGHERAFELT
 Address: INISCARN ROAD/LONGFIELD ROAD
 Decision:
 Decision Date:

Ref ID: H/2009/0049/RM
 Proposal: Proposed dwelling and garage.
 Address: Opposite 66 Iniscarn Road, Desertmartin.
 Decision:
 Decision Date: 29.05.2009

Ref ID: H/1999/0152
 Proposal: PROPOSED RENOVATIONS AND EXTENSION TO DWELLING
 Address: 63 INNISCARN ROAD MONEYMORE
 Decision:
 Decision Date:

Ref ID: H/2005/0922/O
 Proposal: Site of Dwelling (2 storey) and Domestic Garage (Renewal of Outline Planning Application H/2002/0906
 Address: 140m S of 63 Iniscarn Road, Desertmartin, Magherafelt
 Decision:
 Decision Date: 10.03.2006

Ref ID: H/2002/0906/O
 Proposal: Site of Dwelling & Garage
 Address: 140m South of 63 Iniscarn Road, Desertmartin
 Decision:
 Decision Date: 19.11.2002

Summary of Consultee Responses

Content

Drawing Numbers and Title

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/1548/F	Target Date: <add date>
Proposal: Proposed dwelling & garage.	Location: 40m NE of 59 Ferry Road Coalisland BT71 4QU.
Applicant Name and Address: Mr Patrick McNiece 59 Ferry Road Coalisland BT71 4QU	Agent name and Address:
Summary of Issues: Outline planning permission was granted with conditions, the proposed application does not meet all the conditions. A revised scheme has been received to closer align with the previous approval.	
Summary of Consultee Responses: DFI Roads were consulted and have not raised any concerns with the proposal, suggesting conditions that the access must be provided before works commence.	
Characteristics of the Site and Area: The site is located in the rural countryside and is 4.98km east of the settlement limit of Annaghmore as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding context appears rural, characterised predominantly by sprawling agricultural fields, farm complexes and dispersed single dwellings. The application site is located along a laneway with a number of detached dwellings on either side of the public road. The site has a roadside frontage along the public road and will access from the existing laneway. The site is a square shaped agricultural field with a flat topography. There are established trees along the eastern boundary and a small gorse hedgerow along the boundary with the public road. Along the western boundary with the laneway is a post and wire fence.	

Description of Proposal

The application is for a site for the erection of a chalet style dwelling and detached garage, within a rural cluster.



Deferred Consideration:

Members are advised this application was deferred at the Planning Committee in March 2021 and a virtual meeting was held with the Planning Manager on 11 March 2021 to discuss the design and siting of the dwelling and garage as it was indicated the siting of the proposal did not meet the conditions of the outline approval on the site and as such did not meet the approval as agreed under LA09/2019/0633/O. That permission was granted without development meeting all the criteria in CTY2A but keeping it closely aligned with the existing development the north and west.

Members are advised that outline planning permission exists on this site and the applicant could be requested to meet all the conditions that were previously attached. At the office meeting it was explained there were issues with obtaining finance for a dwelling close to the existing agricultural building beside the applicant's mothers house and the laneway to the north is not adopted by DFI Roads. The MLA for the area advised there had been efforts to upgrade the lane to get it adopted but that it was proving much to costly for the occupants along the lane and that no houses off the lane were able to be financed. This is not a planning matter, though it does explain why the access is proposed off the Ferry Road and not off the lane. Policy CTY2a Dwellings in clusters does not make any reference to accesses or where they should be located, it is more concerned with buildings and ensuring they appear as distinct groups. Following the meeting the applicant provided amended plans with the garage located to the rear of the dwelling, the dwelling moved further back on the site, access off a lane along the southwest boundary of the site and the field to the front to be retained as agricultural use. The images below show the original scheme on the left and the revised proposal on the right.



These amended plans now show the development much more contained and more closely aligned with the existing group of buildings around it. I consider the proposal now is more respective of the original approval and I recommend it is approved with conditions to ensure that access is provided, landscaping is carried out and that it is understood this is in substitution for the original approval on the site and is not for an additional dwelling.

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.

Conditions:

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.
Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.
2. The vehicular access, including visibility splays of 2.4m x 70.0m and any forward sight distance, shall be provided in accordance with Drawing No. 02B bearing the date stamp 12 APR 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. All hard and soft landscape works shall be carried out in accordance with the details as approved on drawing No 02B bearing the stamp dated 12 APR 2021 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the dwelling. Any tree or shrub that dies within 5 years of planting shall be replaced with a tree or shrub of a similar size and species.
REASON: In the interests of visual amenity and to ensure the development integrates into the surroundings.
5. One dwelling only shall be constructed within the area of the site outlined in red on the approved drawing no 01 received 18 October 2012.
Reason: To control the number of dwelling on the site as this permission is in substitution for planning approval LA09/2019/0633/O and is not for an additional dwelling on the site.
6. The curtilage of the dwelling hereby approved shall not extend beyond the area identified in yellow on drawing no 02B bearing the stamp dated 12-APR-2021.
Reason: In the interests of visual amenity.

Signature(s):

Date



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1548/F	Target Date:
Proposal: Proposed dwelling & garage.	Location: 40m NE of 59 Ferry Road Coalisland BT71 4QU.
Referral Route: Contrary to policy	
Recommendation:	Refusal
Applicant Name and Address: Patrick McNeice 59 Ferry Road Coalisland Dungannon BT71 4QU	Agent Name and Address:
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

None

Characteristics of the Site and Area

The site is located in the open countryside just a short distance to the south west of Lough Neagh, and to the North of the settlement of Maghery. The M1 motorway junction at Tamnamore is approx. 2 km to the South West. The site lies out all other areas of constraint as depicted by the Dungannon and south Tyrone area plan 2010.



The surrounding context appears rural, characterised predominantly by sprawling agricultural fields, farm complexes and dispersed single dwellings.

The application site is located along a laneway with a number of detached dwellings on either side of the public road. The site has a roadside frontage along the public road and will not access from the existing laneway. The site is a rectangular shaped agricultural field with a flat topography. There are established trees along the eastern boundary and a small gorse hedgerow along the boundary with the public road. Along the western boundary with the laneway is a post and wire fence.

Description of Proposal

This is a full application for a proposed dwelling and garage based on policy CTY 2a ? dwellings in a cluster.

Planning Assessment of Policy and Other Material Considerations

Planning History

There is a current outline approval for a dwelling on this site. Through planning application LA09/2019/0663/O, approval was gained for a dwelling at a cluster. However, a number of conditions were imposed, including, 5metre ridge height, a siting condition shaded blue (below), and with the use of the existing access.



Consultees

DFI Roads were consulted and responded with no objections subject to conditions.

Northern Ireland Water were consulted as this proposal is for a new dwelling. NI Water replied with no objections.

Representations

At the time of writing no representations have been received.

Mid Ulster Development Plan 2030 ? Draft Plan Strategy

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.

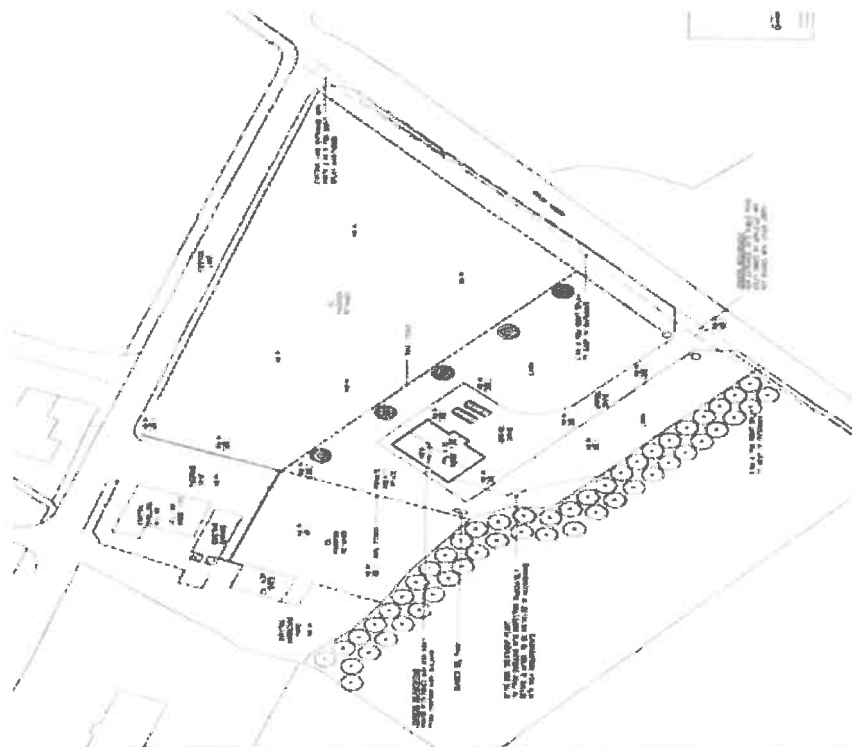
Dungannon and South Tyrone Area Plan 2010:

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

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.

Planning Policy Statement 21

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In this instance, the application is for a new dwelling in an existing cluster and as a result, the development must be considered under CTY 2a of PPS 21.



Policy CTY 2a - New Dwellings in Existing Clusters

I am content the proposal (as it is the same red line as LA09/2019/0633/O) sits 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. 57, No.59, No. 61 and No. 61a. 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 Ferry Road, visually read as a cluster of development. It was also accepted that there is no focal point here, however, the previous approval was granted as an exception to policy in that it this was the only criteria it failed on and it met all the other points

However, in the existing approval the siting restriction was placed in order for a proposed dwelling to fulfil the criteria of policy CTY2A, in that in this position it would have development on 2 sides. Therefore, the current proposal now fails this policy CTY2a on two criteria, as it doesn't have development on both side and there is no focal point.

Other elements which remain to be considered are the siting and design of the proposal.

I do not consider the proposal, with the dwelling positioned at this area within the site can easily be absorbed into the existing cluster. This was also the opinion at outline stage, and resulted in a siting condition to the rear of the site alongside the existing buildings, in order to minimise the impact of the dwelling on the existing character of the cluster and the surrounding area. It is my opinion that the siting condition alongside the existing dwelling was justified. The current proposal seeks to move the proposed dwelling and curtilage approx. 35 metres further forward outside of the siting condition and closer to the road. I do consider the proposed dwelling at this position will significantly alter the existing character of the cluster and visually intrude into the open countryside.

CTY 13 - Integration and Design of Buildings in the Countryside

The proposed development must also comply with policies CTY 13 and 14, in that CTY 13 states that the proposed development is able to visually integrate into the surrounding landscape and be of appropriate design.



The outline approval on the site conditioned the dwelling to be 5 metre maximum, the proposal is for a 7 metre ridge height and it is my opinion that a dwelling of this size in the proposed position away from the cluster and closer to the roadside will be a prominent feature in the landscape. There are critical views in the northwest direction as the site is open here due to a lack of vegetation.

With the previous positioning the dwelling and buildings at No. 59 would have provided a backdrop for the proposal and a degree of enclosure, whereas the new positioning will struggle to integrate and would rely primarily on the use of new landscaping for integration.

The current proposal also fails to use the existing access along the laneway at the junction with Ferry Road but rather proposes to create a new access in the west corner of the site. This will involve the creation of sight splays and therefore the removal of roadside boundary and will further decrease the level of integration with the site and surrounding area.

The proposal is contrary to PPS 21 - Policy CTY 13.

CTY 14 - Rural Character

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

As mentioned, the positioning of the proposed dwelling within the site will in my opinion be a prominent feature in the landscape. In addition I am of the opinion that the site cannot accommodate a dwelling with a 7 metre ridge height which would not respect the scale and form of other dwellings within the local area, especially seeing as the development in the surrounding area is single storey.

Finally, it is my opinion that the creation of a new access will damage the rural character of the immediate area.

The proposal is contrary to PPS 21 - Policy CTY 14 in that the proposal will be out of character with the area.

PPS 3 - Access, Movement and Parking

Planning Policy Statement 3 Access, Movement and Parking

- Policy AMP 2 Access to Public Roads

Department for Infrastructure Roads (DFI Roads) were consulted and had no objections subject to conditions.

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

Summary of Recommendation:

The proposal is recommended for refusal, as it does not meet the policy in CTY2a and Policy 13 or CTY14 in Planning Policy Statement 21 - Sustainable Development in the Countryside.

Neighbour Notification Checked

Yes

Refusal Reasons

1 – ctY 2a

The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the dwelling would if permitted, significantly alter the existing character of the cluster and visually intrude into the open countryside.

2 – ctY13

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

3 – ctY14

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the (building) would, if permitted, be unduly prominent in the landscape and would therefore result in a detrimental change to (further erode) the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	4th December 2020
Date First Advertised	15th December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 57 Ferry Road, Coalisland, Tyrone, BT71 4QU The Owner/Occupier, 57a ,Ferry Road, Coalisland, Tyrone, BT71 4QU The Owner/Occupier, 59 Ferry Road, Coalisland, Tyrone, BT71 4QU The Owner/Occupier, 60 Ferry Road Coalisland Tyrone The Owner/Occupier, 61 Ferry Road Coalisland Tyrone The Owner/Occupier, 61 Ferry Road, Coalisland, Tyrone, BT71 4QU The Owner/Occupier, 61a ,Ferry Road, Coalisland, Tyrone, BT71 4QU The Owner/Occupier, 62 Ferry Road, Coalisland, Tyrone, BT71 4QU The Owner/Occupier, 63 Ferry Road Coalisland Tyrone	
Date of Last Neighbour Notification	14th January 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2019/1175/PAD Proposal: Temporary peat extraction and bog restoration works. Address: Lands to the NE and SW of Ferry Road (loughshore area), Coalisland, BT71 4QU., Decision: Decision Date: Ref ID: LA09/2020/1548/F Proposal: Proposed dwelling & garage. Address: 40m NE of 59 Ferry Road, Coalisland, BT71 4QU., Decision: Decision Date:	

Ref ID: LA09/2018/0275/F

Proposal: Change of house type to previously approved M/2010/0756/F

Address: Lands adjacent to 62 Ferry Road, Coalisland,

Decision: PG

Decision Date: 22.06.2018

Ref ID: LA09/2019/0633/O

Proposal: Proposed site for a dwelling and garage. Based on Policy CTY 2a (cluster). (amended access)

Address: 25m North-East of No 59 Ferry Road, Coalisland BT71 4QU.,

Decision: PG

Decision Date: 22.09.2020

Ref ID: M/2008/0780/RM

Proposal: Proposed dwelling & domestic garage

Address: Lands adjacent to 62 Ferry Road, Coalisland

Decision:

Decision Date: 17.10.2008

Ref ID: M/2010/0756/F

Proposal: Proposed amendment to previously approved plans M/2008/0780/RM to provide a change of House Type and Garage to that previously approved

Address: Lands Adjacent to 62 Ferry Road, Coalisland

Decision:

Decision Date: 19.11.2010

Ref ID: M/2005/0521/O

Proposal: dwelling and domestic garage

Address: Lands Adj to 62 Ferry Road

Decision:

Decision Date: 21.06.2005

Ref ID: M/2008/0110/F

Proposal: Site for dwelling and domestic garage without compliance of 6.5m ridge height condition on planning approval M/2005/0521/O to allow for a ridge height of 7.5m.

Address: Lands adjacent to 62 Ferry Road, Coalisland

Decision:

Decision Date: 13.06.2008

Ref ID: M/2006/0937

Proposal: Site for dwelling

Address: 65m North East of 59 Ferry Road, Coalisland, Dungannon

Decision:

Decision Date: 26.04.2006

Ref ID: M/1985/0332

Proposal: BUNGALOW

Address: FERRY ROAD, DERRYWHILLEN, DERRYLAUGHAN, COALISLAND

Decision:

Decision Date:

Ref ID: M/2002/0392/RM

Proposal: Erection of dwelling.

Address: Land 120m north of 65 Ferry Road, Derrylaughan, Coalisland.

Decision:

Decision Date: 11.06.2002

Ref ID: M/2000/0620/O

Proposal: Site for dwelling

Address: 120m north of 65 Ferry Road Derrylaughan Coalisland

Decision:

Decision Date: 26.10.2000

Ref ID: M/2002/1143/F

Proposal: Revised house type to previously approved plans, M/2002/0392/RM

Address: 120 Metres North of 65 Ferry Road, Coalisland

Decision:

Decision Date: 30.12.2002

Ref ID: M/1997/0327

Proposal: Proposed dwelling

Address: 30M TO THE REAR OF 61 FERRY ROAD DERRYLAUGHAN COALISLAND

Decision:

Decision Date:

Ref ID: M/1997/0327B

Proposal: Erection of dwelling

Address: APPROX 30M TO THE REAR OF NO 61 FERRY ROAD DERRYLAUGHAN COALISLAND CO TYRONE

Decision:

Decision Date:

Ref ID: M/1980/0318

Proposal: IMPROVEMENTS TO DWELLING

Address: 73 FERRY ROAD, DERRYLAUGHAN, COALISLAND

Decision:

Decision Date:

Ref ID: M/1975/0494

Proposal: 11KV AND MV O/H LINES AND MV SURFCE WIRING

Address: DERRYLOUGHAN, DUNGANNON

Decision:

Decision Date:

Drawing Numbers and Title

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



Deferred Consideration Report

Summary	
Case Officer: Emma McCullagh	
Application ID: LA09/2021/0006/F	Target Date:
Proposal: Proposed roadside hot food sales and ancillary development (farm diversification Scheme)	Location: 100m S.S.E. of Knockaconny House 37 Sandholes Road Cookstown
Applicant Name and Address: IT and RS Mayne 15 Gorticar Road Sandholes	Agent name and Address: Les Ross Planning 9a Clare Lane Cookstown BT80 8RJ
<u>Characteristics of the Site and Area:</u> <p>The site is located in the rural countryside outside any settlement limits as depicted within the Cookstown Area Plan 2010. The site is located approx. 1km southwest of the settlement limits of Cookstown. Ballyreigh Business Park and Lafarge Cement are located in close proximity to the north. The site comprises a roadside rectangular field which appears to be currently used for agricultural purposes. Located to the northwest of the application site is a large farm holding comprising a number of farm sheds as well as 2no. existing, detached dwellings. The land inclines gently from east to west from the public road.</p> <p>The proposed development comprises a portion of the southeast corner of the field with a hardcore laneway proposed to run across the field. The application seeks to utilise two existing accesses in what appears to be a one way system, an existing agricultural laneway to the south to gain access only to the proposed development and the existing access to the farm holding and No. 37 which will provide an exit. There is a large grass verge and the roadside boundary is currently a mix of ranch fencing and established hedging. The northern boundary is defined by white fencing and the eastern and southern boundaries of the field are currently defined by established vegetation. The surrounding area is rural in nature with the predominant land use in the immediate locality being</p>	

agricultural fields and dispersed dwellings, with industrial uses also in the proximity to the north.

Proposal:

Proposed roadside hot food sales and ancillary development (farm diversification Scheme)

Deferred Consideration:

This application was presented as a refusal to Planning Committee in April 2021 as being contrary to policy CTY11, CTY13, CTY14 of PPS21, and subsequently was deferred for a virtual office meeting with the Area Planning Manager held on 22 April 2021.

In terms of CTY11, permission will be granted for a farm diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm.

The agent forwarded a supporting statement on 5 May 2021. The applicant currently operates a roadside hot food premises on Annagh Road and has been there for significant period of time. There is a current enforcement case on it at this location. Two years ago the applicant purchased the business from the previous owner, with the intention of using more local produce in connection with the established farm business run from 37 Sandholes Road, Cookstown. The current proposal is to create a roadside facility at the end of the farm lane with produce from the farm being used to make takeaway food that can be eaten in the customers own vehicle.

The applicant is a full time farmer and this hot food business will be an extension of his farm business and the food for the hot food unit will be sourced and collected from the applicant's farm and other local farms and producers.

The proposed siting allows the unit to be physically linked with the existing farm grouping. The unit is modest in size and the proposed landscaping along with retaining the existing vegetation, will help aid integration on the roadside field and it will not significantly impact on the existing rural character.

Although the nature and design of the proposed unit would not typically be something found in this type of area, the fact it will be temporary in nature will allow its visual impact to be controlled and it will not be a permanent fixture at this location in terms of respecting the rural character.

Permission would be granted for a 3 year period initially, the temporary nature of the proposal would ensure the protection of the amenity of the surrounding countryside and keep and the control and monitor the situation.

The COVID19 pandemic has meant there is a need for open-air facilities without customers having to come into a typical restaurant environment. This means in most lock down scenarios it can remain open where other facilities may be forced to close. It would be a useful resource for nearby keyworkers such as delivery drivers and farmers and staff

from nearby industrial complex. The proposal provides a convenient and valuable resource and COVID situation amplifies the need to provide such a service where choice is needed for all customers.

I acknowledge the case being made although the COVID, although argument in itself is not sufficient in terms of permitting this type of development. No consultations have any issues and no local objections have been received. This would be granted for a temporary period as an exception to planning policy.

On balance, taking into account the prevailing policy and the current exceptional circumstances, an approval with conditions is recommended.

Conditions

1. The permission hereby granted shall be for a limited period of 3 year(s) only from the date of this permission.

Reason: To enable The Council to consider the development in the light of circumstances then prevailing.

2. A plan showing restoration of the site should be submitted 6 months prior to the expiry of the permission.

Reason: To ensure the site is restored in the interests of visual amenity and protection of rural countryside.

3. Existing hedgerow and trees should be retained as indicated on stamped approved plan 01 dated 4 Jan 2021. New planting should be carried out at the next available planting season to augment this eastern roadside boundary.

Reason: To ensure sufficient integration and protect the visual amenity of this rural location.

4. The vehicular access including visibility splays of 4.5 x 120 metres shall be provided in accordance with Drawing No 02 bearing the date stamp 4 January 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.

5. 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 02 bearing date stamp 4 January 2021 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.

Signature(s):

Date

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0006/F	Target Date:
Proposal: Proposed roadside hot food sales and ancillary development (farm diversification Scheme)	Location: 100m S.S.E. of Knockaconny House 37 Sandholes Road Cookstown
Referral Route: Recommended refusal	
Recommendation:	Refusal
Applicant Name and Address: IT and RS Mayne 15 Gorticar Road Sandholes	Agent Name and Address: Les Ross Planning 9a Clare Lane Cookstown BT80 8RJ
Executive Summary: Proposal considered against prevailing planning policy – considered the proposal fails to comply Policy CTY 11, Policy CTY 13 and Policy CTY 14 of PPS21. No letters of representation received.	
Signature(s):	



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Characteristics of the Site and Area

The site is located in the rural countryside outside any settlement limits as depicted within the Cookstown Area Plan 2010. The site is located approx. 1km southwest of the settlement limits of Cookstown. Ballyreigh Business Park and Lafarge Cement are located in close proximity to the north. The site comprises a roadside rectangular field which appears to be currently used for agricultural purposes. Located to the northwest of the application site is a large farm holding comprising a number of farm sheds as well as 2no. existing, detached dwellings. The land inclines gently from east to west from the public road. The proposed development comprises a portion of the southeast corner of the field with a hardcore laneway proposed to run across the field. The application seeks to utilise two existing accesses in what appears to be a one way system, an existing agricultural laneway to the south to gain access only to the proposed development and the existing access to the farm holding and No. 37 which will provide an exit. There is a large grass verge and the roadside boundary is currently a mix of ranch fencing and established hedging. The northern boundary is defined by white fencing and the eastern and southern boundaries of the field are currently defined by established vegetation. The

surrounding area is rural in nature with the predominant land use in the immediate locality being agricultural fields and dispersed dwellings, with industrial uses also in the proximity to the north.

Description of Proposal

This application seeks full planning permission for a roadside hot food sales located 100m S.S.E. of Knockaconny House, 37 Sandholes Road, Cookstown.

The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 11 Farm Diversification.

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

Relevant Planning History

LA09/2020/0063/CA - Alleged unauthorised siting of a metal container used in association with unauthorised catering business, unauthorised portaloo and unauthorised creation of hardstanding - Land/Premises Located Approximately 120m North Of 2 Annagh Road, Cookstown – Ongoing Enforcement

LA09/2018/0227/F – New underground gas transmission pipeline (intermediate pressure) approximately 3.5 Km in length both in road and in verge with associated temporary site works, including open cut excavation and horizontal directional drilling for pipe installation - Land along Annagh Road from the junction with Dungannon Road to the junction with Sandholes Road and Sandholes Road from the junction with Annagh Road to its junctions with the Strifehill Road, Cookstown – Application Withdrawn 03/07/18

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 – advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained. The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. The general planning principles with respect to this proposal have been complied with.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PPS21 is the overarching policy for development in the countryside. Policy CTY 11 of PPS21 provides an opportunity for farm diversification projects subject to criteria. Policy CTY 11 states “Planning permission will be granted for a farm or forestry diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. The following criteria will apply:

- a) the farm or forestry business is currently active and established;
- b) in terms of character and scale it is appropriate to its location;
- c) it will not have an adverse impact on the natural or built heritage; and
- d) it will not result in detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution.

The planning application was accompanied by a Supporting Statement detailing justification for the proposal and arguing the proposal complies with Policy CTY11 Farm Diversification. The proposed development comprises a modified shipping container which is currently operating at a nearby location without the benefit of planning permission. This unit is currently the subject to enforcement action and this planning application seeks to move the existing unit to the application site. The supporting statement states the hot food facility will be a subsidiary of the main farm business, selling hot food from products from the farm and taking advantage of the proximity to industrial complex to the north. The agent has argued the applicant, Samuel Mayne, is a full-time farmer and the hot food business is a natural extension of this farm business and food for the hot food unit will be sourced and collected from the applicants farm and other local farms and producers. The agent also argues the modest scale and existing and proposed landscaping will restrict public views and will not impact rural character.

Whilst it is accepted the hot food takeaway unit may avail of some produce from the farm holding, the proposal is not a farm shop and following internal group discussions with the Principal Planner the group consensus was that a hot food fast food takeaway style unit is not considered an appropriate natural extension of this farm business and that insufficient information had been provided which demonstrates that the proposal will be run in conjunction with the agricultural operations of the farm. The proposed siting is at the furthest point of the agricultural field from the farm holding with little visual linkage and the unit is currently in operation at a different location, not at this farm holding with the proposed relocation being a result of a current enforcement investigation.

The amplification of Policy CTY11 states:

'This policy aims to promote forms of diversification that are sustainable in the countryside, including suitable tourism or agri-tourism schemes. It is important that the countryside is not spoilt by the unfettered development of urban uses. Diversification proposals, therefore, should be of a scale and nature appropriate for the location and be capable of satisfactory integration into the rural landscape'.

I regard the nature of the proposal as not being in accordance with this aim.

DAERA were consulted and have responded confirming the farm business has been in existence for more than 6 years and payments are currently being claimed on the land subject to this application. Therefore, it is accepted the farm business is currently active and established. The proposed building is a modified shipping container finished with dark blue corrugated metal cladding, single storey with a flat roof and a floor area of approximately 33.6 m. The unit is sited approximately 27 metres from the public road. The proposal utilises an existing agricultural laneway for access to the site, with the proposed construction of a 5 metre wide hard-core laneway which extends across the field connecting to the existing farm laneway to form an exit from the proposal site. Paragraph 5.47 states It is important that the countryside is not spoilt by the unfettered development of urban uses. Following group discussions it was considered that the nature and design of the proposal would be more appropriate to an urban context and the proposal is inappropriate to its location in terms of character and scale. Natural Environment and Historical Environment online maps have been reviewed and no natural or built heritage of significance has been identified on or in close proximity to the site in which the proposal would adversely impact. The closest residential unit is No.37 which is located over 100metres northwest of the proposed unit and belongs to a member of the applicant's family. Environmental Health were consulted and have offered no objections or concerns. Therefore, it is considered adequate separation distance exists between the proposed units and residential dwellings to give rise to detrimental impacts on residential amenity.

CTY 11 goes on to state that proposals will only be acceptable where they involve the re-use or adaption of existing farm buildings. Exceptionally, a new building may be permitted where there is no existing building available to accommodate the proposed use, either because they are essential for the maintenance of the existing farm enterprise, are clearly unsuitable for adaption and reuse. The proposal seeks to erect a new building on the proposal site, approximately 85 metres from the nearest farm building. It is noted that there are a number of existing buildings located on the farm complex. It is considered the application fails to meet the requirements of Policy CTY11 as it does not involve the re-use of an established farm building and it has not been demonstrated to meet the exceptions for a new building. The agents supporting letter states all existing sheds are being used for various agricultural activities and it is necessary to position the unit on the roadside to ensure it is convenient to patrons. It is not accepted that the position is necessary for convenience of patrons, there is an established access in place to the existing applicant's farm buildings and the majority of customers would arrive via car given the busy adjacent road network. Following internal group decisions it has been considered adequate information has not been provided to demonstrate a need for the new building and that none of the existing buildings on the farm holding could be re-used or adapted.

Policy CTY 13 - Integration and Design of Buildings in the Countryside states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. It is noted that the proposal site is sited at the lowest level of the field with land rising to the rear which provides a backdrop which will assist with integration. However, as noted previously the proposed development comprises a cut out portion of an existing larger field approximately 85 metres from existing farm buildings. The design of the building is considered inappropriate to the rural context and it is considered the ancillary works to provide the hard-core laneway will not integrate into the surrounding landscape. The proposed unit is located 27 metres from the adjacent public road and therefore the site will be susceptible to public views with some degree of existing hedgerow in place to the roadside boundary. The submitted drawings do not include landscaping details of any proposed additional planting to assist in integrating the proposed building and hard-core laneway across the field. Should Planning Committee consider planning permission should be granted, it is considered necessary to condition the retention of the existing natural vegetation, as well as the planting of natural hedging to define the boundaries surrounding the proposed development. Overall it is considered the proposed development will fail to visually integrate into the surrounding landscape and it is of an inappropriate design, contrary to Policy CTY 13.

Policy CTY 14 – Rural Character states that planning permission will be granted for a building where it does not cause a detrimental change to, or further erode the rural character of the area. It is considered the nature and design of the proposed development is inappropriate to the surrounding landscape and the introduction of a shipping container style hot food unit in cut out portion of this roadside agricultural field will detrimentally impact rural character. It is considered the proposed works do not respect the traditional development pattern in the area and the proposal is contrary to Policy CTY 14.

Planning Policy Statement 3 (PPS 3 Revised Feb 2005) Access, Movement and Parking advises that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety or significantly inconvenience the flow of traffic; and the proposal does not conflict with Policy AMP 3 Access to Protected Routes. The application seeks to utilise two existing accesses in what appears to be a one way system, an existing agricultural laneway to the south to gain access only to the proposed development and the existing access to the farm holding and No. 37 which will provide an exit on to Sandholes Road. DfI Roads have been consulted and have no objection subject to standard conditions which should be attached to any forthcoming approval should Planning Committee consider the application to be acceptable and permission should be granted. I am content the proposal meets DfI Roads requirements and therefore does not offend PPS3 Policy AMP2.

Additional considerations

In addition to checks on the planning portal, the Historic Environment map viewer available online have been checked and identified no built heritage assets interests of significance on site. It was identified the proposal site is located in proximity to Lafarge Cement IPRI Site, therefore NIEA were consulted. NIEA have considered the application and offered no objection however advised that applicant should be aware that they may be subject to occasion loss of amenity due to either dust and odour emissions due to the

close proximity to the regulated facility. Should Planning Committee consider planning approval should be granted, this advise could be attached to any forthcoming approval as an informative. It was noted on the date of the site inspection the presence of a watercourse in proximity to the existing access. SES were informally consulted and have advised that there is no viable hydrological connection to downstream European sites therefore no conceivable impact to any European sites and formal consultation was not required in this instance.

Neighbour Notification Checked

Yes

Summary of Recommendation:

The proposal is recommended for refusal as it does not comply with CTY11, CTY 13 or CTY 14 of Planning Policy Statement 21.

Reasons for Refusal:

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to 6.73 of the Strategic Planning Policy Statement for Northern Ireland and CTY11 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been sufficiently demonstrated that the proposed development is to be run in conjunction with the agricultural operations on the farm; the character and scale of the development is not appropriate to its location; and it does not involve the re-use or adaptation of existing farm buildings and it has not been demonstrated that there are no other buildings available to accommodate the proposal.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed development would, if permitted, cause a detrimental change to the rural character of the area and fails to respect the traditional pattern of development exhibited in the local area.

Signature(s)

Date:

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 4 May 2021 in Council Offices, Ballyronan Road, Magherafelt and by virtual means

Members Present

Councillor S McPeake, Chair

Councillors Bell*, Black*, Brown*, Clarke*, Colvin*, Cuthbertson, Gildernew*, Glasgow, Kearney*, Mallaghan*, McFlynn, McKinney, D McPeake, Quinn*, Robinson*

Officers in Attendance

Dr Boomer, Planning Manager
Mr Bowman, Head of Development Management**
Ms Donnelly, Council Solicitor
Ms Doyle, Senior Planning Officer**
Mr Marrion, Senior Planning Officer**
Ms McCullagh, Senior Planning Officer**
Miss Thompson, Democratic Services Officer

Others in Attendance

LA09/2020/1214/F Councillor Elattar***

* Denotes members and members of the public present in remote attendance

** Denotes Officers present by remote means

*** Denotes others present by remote means

The meeting commenced at 7.00 pm

The Chair, Councillor S McPeake 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 those joining remotely had seen this document and had time to read it.

Members joining remotely confirmed that they had seen the addendum and had time to read it.

The Chair, Councillor S McPeake stated that as this was his last meeting as Chair of the Planning Committee he wanted to take the opportunity to thank Members and staff for their contributions and help during the past year.

P063/21 Apologies

None.

P064/21 Declarations of Interest

The Chair reminded members of their responsibility with regard to declarations of interest.

Councillor Glasgow declared an interest in agenda item 4.18 – LA09/2021/0129/O – Site for dwelling and double domestic garage at 40m NE of 2 Ballynagilly Road, Cookstown. Councillor Glasgow also requested to speak on the item.

P065/21 Chair's Business

None.

Matters for Decision

P066/21 Planning Applications for Determination

The Chair drew Members attention to the undernoted planning applications for determination.

LA09/2018/0945/F Housing Development (79 no dwellings) to include 15 no. detached and 64 no. semi-detached dwellings at land to the SE of 1 Park Lane, Killyfaddy Road Magherafelt, for JFM Construction

Members considered previously circulated report on planning application LA09/2018/0945/F which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor McKinney and

Resolved That planning application LA09/2018/0945/F be approved subject to conditions as per the officer's report.

LA09/2018/1283/F Retention of engineering workshops, increased curtilage and hard standing at 200 Annagher Road, Coalisland, for McGrath Engineering

Members considered previously circulated report on planning application LA09/2018/1283/F which had a recommendation for approval.

The Planning Manager also highlighted the previously circulated addendum which included additional conditions of approval relating to previous decision notices.

Councillor Gildernew stated he would not take part in a vote on this item as he had not had time to study the addendum.

Proposed by Councillor McFlynn
Seconded by Councillor Clarke and

Resolved That planning application LA09/2018/1283/F be approved subject to conditions as per the officer's report and addendum circulated.

LA09/2020/0004/F New vehicle entrance to existing approved site to the rear of 17 Cullenfad Road, Dungannon, for Libby Campbell

Mr Marrion (SPO) presented a report on planning application LA09/2020/0004/F advising that it was recommended for refusal.

Proposed by Councillor Mallaghan
Seconded by Councillor Bell and

Resolved That planning application LA09/2020/0004/F be refused on grounds stated in the officer's report.

LA09/2020/0428/F 5 Detached Dwellings (Amended Plan) adjacent to 86 Coleraine Road, Maghera for Younger Homes

The Planning Manager referred to request for an office meeting in relation to this application. He further advised that due to error with press advertisement a decision could not be taken on this application tonight in any case.

Resolved That planning application LA09/2020/0428/F be deferred for an office meeting.

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 from tonight's meeting schedule for an office meeting –

Agenda Item 4.10 – LA09/2020/1308/F– 2 detached dwellings at lands between 8 and 12 Findrum Road, Ballygawley for Jonathan Kirkland.

Agenda Item 4.13 – LA09/2020/1615/F – Dwelling with integrated annex and garages at site adjacent to 18 Lowertown Road, Dungannon for Brian Wilson.

Agenda Item 4.14 – LA09/2020/1626/O – Site for dwelling and garage at approx. 30m N of 31 Gortinure Road, Maghera for Mr S McEldowney.

Agenda Item 4.16 – LA09/2020/1663/O – Infill site for dwelling and garage adjacent to 215A Mountjoy Road, Killycolpy, Dungannon for Marie Quinn Elliot.

The Planning Manager also requested that agenda item 4.7 – LA09/2020/1157/O – Site for 2 storey dwelling and domestic garage – 90m SE of 46 Airfield Road, Toomebridge for Centrum Farms Ltd be deferred for further information to be submitted.

The Planning Manager further requested that agenda item 4.17 – LA09/2021/0116/O – Dwelling and garage at lands E of 91 Creagh Road, Castledawson for Ciaran Devlin be deferred for further consideration.

Resolved That the above planning applications be deferred for an office meeting/ further information to be submitted / further consideration.

LA09/2020/0863/F Car parking and amenity space linking to existing river walk at lands approx. 100m SW of 39 Charlemont Street, Moy, for Hemel Ltd

Members considered previously circulated report on planning application LA09/2020/0863/F which had a recommendation for approval.

Councillor Cuthbertson declared an interest in this application.

Mr Marrion highlighted previously circulated addendum which added a further condition of approval to this application.

Proposed by Councillor Mallaghan
Seconded by Councillor Brown and

Resolved That planning application LA09/2020/0863/F be approved subject to conditions as per the officer's report and addendum circulated.

LA09/2020/0970/O Dwelling and garage at approx. 250m S of 25 Cloane Road, Draperstown, for Mark Quinn

Members considered previously circulated report on planning application LA09/2020/0970/O which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor D McPeake and

Resolved That planning application LA09/2020/0970/O be approved subject to conditions as per the officer's report.

LA09/2020/1157/O Site for 2 storey dwelling and domestic garage - 90m SE of 46 Airfield Road, Toomebridge for Centrum NI Farms Ltd

Agreed that application be deferred for further information to be submitted earlier in meeting.

LA09/2020/1171/O Site of 2 Storey dwelling and domestic garage. At 40m NW of 19 Tullyheran Road, Maghera, for Diarmuid Donnelly

Members considered previously circulated report on planning application LA09/2020/1171/O which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2020/1171/O be approved subject to conditions as per the officer's report.

LA09/2020/1214/F 2 storey extension to side & 2 new bays windows to front of existing dwelling at 1 Cordarragh Heights, Draperstown, for Mr Sean Kennedy

Ms McCullagh (SPO) presented a report on planning application LA09/2020/1214/F advising that it was recommended for approval.

The Chair advised the committee that a request to speak on the application had been received and invited Councillor Elattar to address the committee.

Councillor Elattar stated she was speaking on behalf of Mrs Woods, resident of 2 Cordarragh Heights, who wanted to object to this application. Councillor Elattar stated that the main reservation in relation to the application is with regard to parking and referred to page 159 of the Creating Places document which indicates that a 4 bedroom semi detached house (which the property will become) would need to have at least 2.75 in curtilage parking spaces whereas Roads Service have stated that 2 spaces is sufficient. Councillor Elattar stated that there are 3 vehicles parked at the property at present and, should the application be approved, then one of these vehicles will need to park on the roadside and that this will severely impede access to and from 2 Cordarragh Heights. Councillor Elattar referred again to the Creating Places document in relation to extensions and alterations to a property which states that sufficient space should remain within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles and that it is not believed this will be achievable if the application is approved in its current form. Councillor Elattar asked that the Committee take into consideration Mrs Wood's reservations in relation to parking.

The Planning Manager stated that the objector is correct in that the larger the house the more parking spaces however he advised that this is an extension to an existing dwelling and it would seem harsh to refuse the application when there are two parking spaces at the dwelling. The Planning Manager stated that Roads Service were consulted on the application and that they had no objections. The Planning Manager stated that the reason for consulting with Roads Service in this instance is in relation to road safety and that there could be parking on the roadside and confirmed again that Roads Service were satisfied.

Proposed by Councillor McKinney
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2020/1214/F be approved subject to conditions as per the officer's report.

LA09/2020/1308/F 2 detached dwellings at lands between 8 and 12 Findrum Road, Ballygawley, for Jonathan Kirkland

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2020/1325/F Redevelopment of Phoenix Integrated Primary School and nursery unit to provide a 7 classroom primary school and nursery unit ; associated hard and soft play areas ground: mounted solar panels, retaining walls structures and new underground drainage system. Existing access point off Fountain Road, to be retained with reconfiguration of internal vehicular and pedestrian network including car parking , car drop off areas and zebra crossing points; temporary construction compound areas and ancillary site works at Phoenix Integrated Primary School, 80 Fountain Road, Cookstown, for the Trustees of Phoenix Integrated P.S.

Members considered previously circulated report on planning application LA09/2020/1325/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Clarke and

Resolved That planning application LA09/2020/1325/F be approved subject to conditions as per the officer's report.

LA09/2020/1473/F Renewal of LA09/2015/0177/F at lands approx. 100m NW of 25 Tullyleek Road for Mr Michael O'Neill

Members considered previously circulated report on planning application LA09/2020/1473/F which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor Colvin and

Resolved That planning application LA09/2020/1473/F be approved subject to conditions as per the officer's report.

LA09/2020/1615/F Dwelling with integrated annex and garages at site adjacent to 18 Lowertown Road, Dungannon for Brian Wilson

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2020/1626/O Site for Dwelling & Garage at approx. 30m N of 31 Gortinure Road, Maghera, for Mr S McEldowney

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2020/1634/O Site for dwelling and domestic garage adjacent to 47 Mullaghnemoyagh Road, Portglenone, for Sean Convery

Members considered previously circulated report on planning application LA09/2020/1634/O which had a recommendation for approval.

Proposed by Councillor Kearney
Seconded by Councillor McKinney and

Resolved That planning application LA09/2020/1634/O be approved subject to conditions as per the officer's report.

LA09/2020/1663/O Infill site for dwelling and garage adjacent to 215A Mountjoy Road, Killycolpy, Dungannon for Marie Quinn Elliot

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/0116/O Dwelling & garage at lands E of 91 Creagh Road, Castledawson for Ciaran Devlin

Agreed that application be deferred for further consideration earlier in meeting.

LA09/2021/0129/O Site for dwelling and double domestic garage at 40m NE of 2 Ballynagilly Road, Cookstown, for James Harkness

Councillor Glasgow declared an interest in this item and withdrew to the public gallery.

Ms McCullagh (SPO) presented a report on planning application LA09/2021/0129/O advising that it was recommended for refusal.

The Chair advised the committee that a request to speak on the application had been received and invited Councillor Glasgow to address the committee.

Councillor Glasgow stated that the applicant had contacted him in relation to the application as they had been struggling to contact their agent in order to request a deferral and to put a case forward. Councillor Glasgow felt that if the application was deferred there was also an opportunity for a site meeting in order to see the layout of the road as he did not feel one more dwelling would make a difference along this particular stretch of road. Councillor Glasgow requested that the application be deferred and that a site meeting be accommodated as he felt there is good learning in relation to this site before a decision is made.

Ms McCullagh stated that the officer had gone through all the policy considerations in relation to the application. Ms McCullagh stated that she appreciated the applicant had experienced difficulty making contact with their agent and it may be better making contact through the agent in the first instance rather than a site meeting.

The Planning Manager stated that the aerial photo only shows a lot of trees and that he would suggest an office meeting be organised as this provides the opportunity for the applicant to put their case forward.

Proposed by Councillor McKinney
Seconded by Councillor Robinson and

Resolved That planning application LA09/2021/0129/O be deferred for an office meeting.

Councillor Glasgow rejoined the meeting.

LA09/2021/0191/F Renewal of Permission for 17 town houses, 25 apartments with associated car parking and landscape enhancements, at 8 Killyneill Road, Dungannon for Mr and Mrs John Quinn

Members considered previously circulated report on planning application LA09/2021/0191/F which had a recommendation for approval.

Mr Marrion highlighted the addendum which advised that EIA Screening was carried out on 30 April 2021.

Councillor Glasgow stated he noted that one of the objections to the application related to fir trees and safety issues with the trees around the site. Councillor Glasgow sought clarification on whether it was within the planning remit to set conditions regarding the height of trees or whether trees should be cut down if there are safety issues.

The Planning Manager stated that there is a duty under law to consider the impact of development on trees but that this does not necessarily mean undertaking tree surveys for every case. The Planning Manager asked if a condition was being applied in relation to trees for this application.

Mr Marrion stated that there is a condition in relation to landscaping and retention of trees and vegetation. Mr Marrion stated that there is also high hedges legislation which would come into effect in relation to the height and maintenance of trees.

Proposed by Councillor Gildernew
Seconded by Councillor Clarke and

Resolved That planning application LA09/2021/0191/F be approved subject to conditions as per the officer's report.

LA09/2021/0196/O Dwelling and domestic garage at land between 1 and 3 Dunamoney Road, Dungannon, for Sean Mallon

Members considered previously circulated report on planning application LA09/2021/0196/O which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor Clarke and

Resolved That planning application LA09/2021/0196/O be approved subject to conditions as per the officer's report.

LA09/2021/0202/O Site for dwelling and garage at lands adjacent & 30m N of 10 Tullydowey Road, Dungannon for Daniel Donnelly

Members considered previously circulated report on planning application LA09/2021/0202/O which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Gildernew and

Resolved That planning application LA09/2021/0202/O be approved subject to conditions as per the officer's report.

LA09/2021/0203/O Site for dwelling and garage at lands adjacent & 30m S of 4 Tullydowey Road, Dungannon, for Daniel Donnelly

Members considered previously circulated report on planning application LA09/2021/0203/O which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2021/0203/O be approved subject to conditions as per the officer's report.

LA09/2021/0228/F Replacement dwelling at 12 Agharan Road Newmills Dungannon, for Brian and Pamela Brodison

Members considered previously circulated report on planning application LA09/2021/0228/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Colvin and

Resolved That planning application LA09/2021/0228/F be approved subject to conditions as per the officer's report.

LA09/2020/0387/O Dwelling and garage at 82m W of 64 Carraloan Road, The Woods, Magherafelt, for Mr John Gribbin

Members considered previously circulated report on planning application LA09/2020/0387/O which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor McKinney and

Resolved That planning application LA09/2020/0387/O be approved subject to conditions as per the officer's report.

LA09/2020/0564/O Dwelling and garage at lands between 121 & 127 Thornhill Road, Pomeroy, for Cathal Hayden

Members considered previously circulated report on planning application LA09/2020/0564/O which had a recommendation for approval.

Proposed by Councillor Gildernew
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2020/0564/O be approved subject to conditions as per the officer's report.

LA09/2020/1192/O Dwelling on a farm at 70m NW of 90 Moneysharvan Road, Maghera, for Ronan Bradley

Members considered previously circulated report on planning application LA09/2020/1192/O which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Robinson and

Resolved That planning application LA09/2020/1192/O be approved subject to conditions as per the officer's report.

LA09/2020/1660/O Dwelling and garage adjacent to 135 Ballynease Road, Portglenone, for Jim McAuley

Members considered previously circulated report on planning application LA09/2020/1660/O which had a recommendation for approval.

Proposed by Councillor Bell
Seconded by Councillor Kearney and

Resolved That planning application LA09/2020/1660/O be approved subject to conditions as per the officer's report.

LA09/2021/0060/F Garage and store within the curtilage of the existing dwelling at 65a Lissan Road, Cookstown, for Paul Donnelly

Members considered previously circulated report on planning application LA09/2021/0060/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Colvin and

Resolved That planning application LA09/2021/0060/F be approved subject to conditions as per the officer's report.

Matters for Information

P067/21 Minutes of Planning Committee held on 12 April 2021

Members noted minutes of Planning Committee held on 12 April 2021.

Live broadcast ended at 7.36 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Bell
Seconded by Councillor D 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 P068/21 to P072/21.

Matters for Decision

P068/21 Receive Report on Consultation from BT
P069/21 Receive Enforcement Report

Matters for Information

P070/21 Confidential Minutes of Planning Committee held on 12 April 2021
P071/21 Receive Report on DfC's Updated Definition of Affordable Housing in the Context of Our Local Development Plan
P072/21 Enforcement Cases Opened

P073/21 Duration of Meeting

The meeting was called for 7 pm and concluded at 7.53 pm.

Chair _____

Date _____

Annex A – Introductory Remarks from the Chairperson

Good evening and welcome to the meeting of Mid Ulster District Council's Planning Committee in the Chamber, Magherafelt and virtually.

I specifically welcome the public watching us through the Live Broadcast feed. The Live Broadcast will run for the period of our Open Business but will end just before we move into Confidential Business. I will let you know before this happens.

Just some housekeeping before we commence. Can I remind you:-

- If you have joined the meeting remotely please keep your audio on mute unless invited to speak and then turn it off when finished speaking
- Keep your video on at all times, unless you have bandwidth or internet connection issues, where you are advised to try turning your video off
- If you wish to speak please raise your hand in the meeting or on screen and keep raised until observed by an Officer or myself
- Should we need to take a vote this evening, I will ask each member to confirm whether you are for or against the proposal or abstaining from voting
- For members attending remotely, note that by voting on any application, you are confirming that you were in attendance for the duration of, and that you heard and saw all relevant information in connection with the application you vote on
- When invited to speak please introduce yourself by name to the meeting. When finished please put your audio to mute
- For any member attending remotely, if you declare an interest in an item, please turn off your video and keep your audio on mute for the duration of the item
- An Addendum was emailed to all Committee Members at 5pm today. There is also a hard copy on each desk in the Chamber. Can all members attending remotely please confirm that they received the Addendum and that have had sufficient time to review it?
- If referring to a specific report please reference the report, page or slide being referred to so everyone has a clear understanding
- For members of the public that are exercising a right to speak by remote means, please ensure that you are able to hear and be heard by councillors, officers and any others requesting speaking rights on the particular application. If this isn't the case you must advise the Chair immediately. Please note that once your application has been decided, you will be removed from the meeting. If you wish to view the rest of the meeting, please join the live link.
- Can I remind the public and press that taking photographs of proceedings or the use of any other means to enable persons not present to see or hear any

proceedings (whether now or later), or making a contemporaneous oral report of any of the proceedings are all prohibited acts.

Thank you and we will now move to the first item on the agenda - apologies and then roll call of all other Members in attendance.



ADDENDUM TO PLANNING COMMITTEE AGENDA

FOR PLANNING COMMITTEE MEETING ON: 4th May 2021

Additional information has been received on the following items since the agenda was issued.

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
4.2	<p>EIA screening carried out 29 April 2021.</p> <p>This application is for retention of development and conditions 1, 2, 3 and 12 should reflect this:</p> <p>1 This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.</p> <p>2 Within 6 weeks of the date of this decision, visibility splays of 2m x 90m shall be provided in accordance with the approved Drawing No.1A bearing the date stamp 28th November 2018, or as may otherwise be agreed in writing with the Council. The area within the visibility splays shall be cleared of all obstructions to a height of 250mm above the adjacent carriage and be permanently retained clear thereafter.</p> <p>3 Within 6 weeks of the date of this decision the hard surfaced areas shall be provided in accordance with approved drawing No 01A bearing the stamp dated 28 NOV 2019 to provide adequate</p>	Members to note

	<p>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.</p> <p>12 All hard and soft landscape works shall be carried out in accordance with the approved details on drawing No.1A dated 28th November 2018 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out within 12 months of the date of this decision.</p>	
4.4	<p>Due to an error with Derry Post Advertisements the expiry date will not end until 25.05.2021 so a decision cannot be made until after this date.</p>	Recommend to Defer application
4.5	<p>EIA Screening carried out 30 April 2021</p> <p>Condition for HED to be added: A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 2. These measures shall be implemented and a final archaeological report shall be submitted to Mid Ulster District Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Mid Ulster District Council.</p>	Members to note

	Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.	
4.19	EIA Screening carried out 30 April 2021	Members to note
	Letter dated 29 April 2021 to Ulster Farmers Union circulated	Members to note

Report on	Planning Department Service Improvement Plan 2021-2022
Date of Meeting	8 th June 2021
Reporting Officer	Chris Boomer
Contact Officer	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 provide members with a copy of the Planning Departments Service Improvement Plan (SIP) for the period 2021-2022.
2.0	Background
2.1	The attached SIP shows how the service provided by the Planning Department will contribute to the Council's corporate objectives.
2.2	A SIP was in place for the period 2020-2021 and a section of the attached SIP sets out the performance overview and end of year progress status for that period. Also included in the SIP is a Service Work Plan for the same period, outlining the key performance measures and actions to be taken by us over the reporting period.
3.0	Main Report
3.1	Covid 19 presents a major challenge for every Department and Service. Members will recall that in the Spring of 2020 following the Prime Ministers broadcasts people were required to stay at home and efforts focused on the delivery of essential services from the office. This meant we could only provide a skeletal office based staff to receive applications. However, through a mixture of ingenuity and investment in ICT equipment it soon became possible to process planning applications remotely and to continue to provide services, albeit at a slower rate than normal. This coupled with a surge in application numbers meant that we finished the year with a backlog.
3.2	The first lock down also meant the public consultation on the development plan was suspended. However, an easing in the Covid Regulations meant that the consultation was able to resume in the summer of 2020 and by the end of the year the consultation process was completed and representations were under consideration.

3.3	For the coming year, the key aim must be to get services back on track. Ongoing Covid restrictions make it difficult to achieve our statutory targets in the short term. However, by the end of the financial year clearing the backlog and returning to pre-Covid performance levels in Development Management and Enforcement is a realistic goal. The Local Development Plan Strategy will be ready for submission in accordance with Regulations to the Department of Infrastructure in the early part of the financial year. It is envisaged that the Public Examination will occur in the first part of 2022.
3.4	Over the coming year staff will be working on the largest and most wide ranging service improvement project undertaken to date with the introduction of a replacement portal. We will be the only council operating an independent computer system, which will not only offer financial savings but the ability to mould the service better to our customers. This will be introduced in two stages with the first stage allowing for applications to be submitted on line and the second stage allowing for all other parts of the process to also occur electronically. This will not only bring efficiency savings but also allow for greater transparency and a move to a paperless office.
3.4	The system will also provide monitoring tools providing a finger on the pulse in terms of development in the planning pipeline and allow for gauging the impacts of policy and a better evidence based review of those policies. I anticipate that the first part of this project will be operational by Spring 2022.
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: Our new Planning Portal represents a major investment and the system purchased represented best value. A dedicated in house team is working with the suppliers to ensure the project is a success.
	Human: Working practice has adapted in response to the pandemic. Home working is now a common feature, which coupled with career breaks, parental leave and term time, means Mid Ulster can offer life-long employment in keeping with the demands of modern living.
	Risk Management: Covid 19 remains a risk as does putting a new computer system. However, the last year has shown how adaptable the services are to changing circumstances.
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications:

	None identified
	Rural Needs Implications: None identified
5.0	Recommendation(s)
5.1	Members agree the Planning Department Service Improvement Plan 2021-2022.
6.0	Documents Attached & References
	- Planning Department Service Improvement Plan 2021-2022.



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Planning Department

SERVICE PLAN - 2021 / 22

CONTENT

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Foreword

At the start of 2020, Northern Ireland faced the spread of the global Covid-19 pandemic, which in turn has impacted on the way, Mid Ulster District Council delivers its services to communities. The Council's initial response was to protect frontline services, support the vulnerable in the community and ensure continuity of services.

On the Council's road to recovery and reinstatement of services, we have established 'Recovery Activities' that will enable the Council to learn from the impacts that Covid 19 caused, i.e. the new and emerging challenges that services face and the opportunities that have emerged from new ways of working. These 'Recovery Activities' will support the Council's Corporate Plan and this Service Plan will also support the delivery of these higher level objectives and associated outcomes for the residents of the District.

To make sure that we are transparent in what we are aiming to achieve, there is a series of activities outlined within the Service Plan. It should be noted, that it is proposed, that this will be a dynamic service plan, in light of Council's ongoing response to the Pandemic, reflecting the changing context within which it has been developed. Any changes that need to be made to the service plan (i.e. new actions added, or actions removed) will be reported to the Director of the Department as well as being reported as part of our 'business as usual' performance monitoring activity through committee papers during 2021/22.

1.0 OVERALL PURPOSE AND SCOPE OF THE SERVICE

1.1. Purpose and Scope of the Service

The purpose of Planning Services is to secure the sustainable development of Mid Ulster in a manner that provides for the social and economic well being of the District , whilst enhancing Mid Ulster's environment for the enjoyment of the present and future generations. The Planning Department is led by the Planning Manager, who is responsible for delivering its functions which are designed to:

- Lead Sustainable development through the creation of the Local Development Plan
- Manage Development in accordance with that Development Plan when making decisions on planning applications:
- Enforce planning controls taking appropriate, proportional and measure action where necessary to remedy breaches.
- Preserving and Enhancing Areas of historic, architectural or environmental importance and protecting trees of special amenity value.

1.2 Responsibilities

In order to deliver these services the Planning Department has been divided into 3, however over the year this structure will be reviewed as part of the corporate review. As of April 2021, responsibilities were divided as follows:

1. The Planning Manager

The Planning Manager takes overall responsibility for decision making (as delegated to him), reporting to Committees, and the daily running of the Planning Department. The Head of Development Management and Head of Development Plan report to him, as the:

- Major Applications team – handling with large proposals for retail, industry, civic and housing developments, both at pre application discussions and following submission of an application.
- Business support team – dealing with finances, correspondence and administration of planning applications.
- A Planning Portal team, charged with bringing forward the new computer system
- Planning Enforcement

2. Local Development Management

This function led by the Head of Development Management is primarily concerned with dealing with local applications. These make up 99% of all planning applications. It comprises, two area based teams. One is located at the Magherafelt Councils offices on the Ballyronan Road, Magherafelt, and the other at the Dungannon Council Offices at Circular Road Dungannon. The respective teams deal with applications in the following Electoral Areas:-

1. Cookstown, Magherafelt, Carntogher and Mayola
2. Dungannon, Clogher and Torrent

In addition to researching and reporting on applications to the Committee on local planning applications, the teams also handle submissions for listed building and conservation area consents, Non-material changes, Certificates of lawful development and other consents under the Planning Act. They are also the front line for providing planning advice on a range of planning matters to all of our customers.

In addition, the Head of Development Management also has a shared responsibility for the Enforcement team – investigating alleged breaches in planning control, serving notices and providing witness for prosecutions. This is dependent upon where the Plan is in its process.

3. Development Plan

The Head of Development Plan post is currently vacant and the team has been overseen by the Planning Manager. The Development Plan Section and the primary responsibility is the preparation of the Local Development Plan for Mid Ulster District. The section is also responsible for preparing supplementary planning advice, working and liaising with stakeholders on Planning Policy matters. The section also undertakes the Sustainability Appraisal/Strategic Environmental Assessment and deals with other environmental matters such as tree preservation and conservation. Traditionally Enforcement has fallen under the Head of development Plan

1.3 Customers & Stakeholders

Customers & Stakeholders
• applicants
• agent / architects
• objectors
• complainants in relation to breaches of planning control
• Planning Committee
• Council officers and elected representatives
• Statutory Consultees
• Local Development Plan Consultation Bodies

- Mid Ulster residents, businesses and interested parties

1.4 Performance Overview in 2020/21

The Covid-19 pandemic has been one of the most significant challenges that Mid Ulster District Council has ever faced. It has required sudden and dramatic changes to the way we work, as Councillors and officers. The previous year has saw Council hold fast with front line service delivery and the section below outlines; our response during 2020 to 2021 i.e. what we achieved, the remaining challenges, and how our service made a difference. It should be noted that as the Planning Statistics have not been finalised for 2020/21 an estimate has been provided based on best available figures up to March 2021

2020/21 Performance Overview	End of Year Progress
<ul style="list-style-type: none"> • To determine 50% of all local applications within 15 weeks <p>Comment & Analysis: What does this mean: This provides an indication of efficiency. Mid Ulster is achieving higher than the regional average of 44.9% of applications decided in 15 weeks and was as of December 2020 the 4th fastest of all the Councils.</p> <p>Comparison with last year same reporting period: Last year 54.1% of applications were decided within 15 weeks, therefore there has been a decline in performance as a result of the COVID 19 pandemic.</p>	<p>Ongoing: The statutory target has not been met with average processing times of 16.2 weeks.</p>
<ul style="list-style-type: none"> • To determine 50% of all Major applications within 30 weeks <p>Comment & Analysis: Over the past year, no major applications were determined in target with average processing times of 74.1 weeks.</p> <p>What does this mean: This is a statutory indicator for measuring efficiency in resolving major applications. However, the indicator is poor in that major applications tend to be complex and with a need for further submissions from applicants in order to determine the application.</p> <p>Comparison with last year same reporting period: a slight dip in performance in that the average processing time was 64.7 weeks last year. Most Councils fail to achieve this target</p>	<p>Ongoing: No cases were decided within 30 weeks and the average time was 74.1 weeks.</p>

<ul style="list-style-type: none"> • To process 70% of all enforcement cases to target conclusion within 39 weeks of receipt of complaint <p>Comment an Analysis This is an indicator of efficiency and shows the efficiency of the Enforcement Section. The target was met with 88.6% of cases concluded within the time frame.</p> <p>Comparison with last year – This is broadly in line with last year’s performance..</p>	<p>Ongoing: This target has been surpassed with 88.6% of cases concluded within 39. 70% of cases were concluded within 30.3 weeks.</p>
<ul style="list-style-type: none"> • To re-consult on the Local Development Plan Draft Plan Strategy, consider all representations received and submit the Draft Plan to the Department to order a public examination <p>Comment and Analysis. Over the period work on the development plan was hampered by lock downs as a result of the pandemic and need to reallocate staff to Development Control.</p>	<p>Ongoing: Consultation on the Local Development Plan was undertaken and all consultation responses have been received, analyzed and considered . The plan is yet to go to full council for agreement to submit to full council.</p>
<ul style="list-style-type: none"> • To start on the implementation of a new computer system and planning portal for Mid Ulster. <p>Comment and Analysis</p> <p>The new computer system is on track and will be a great improvement to the Planning Service Over the year</p> <p>Mid Ulster Council resolved to put in an IT system independent of the Department. It has been procured and a team has been set up to oversee the transfer of records and review all standard letters, conditions and reasons for refusal, in line with prevailing legislation</p>	<p>Ongoing: Now that the system has been procured it is envisaged it will become operational by January 2022</p>

2.0 IMPROVING OUR SERVICE AND MANAGING PERFORMANCE - 2021/22

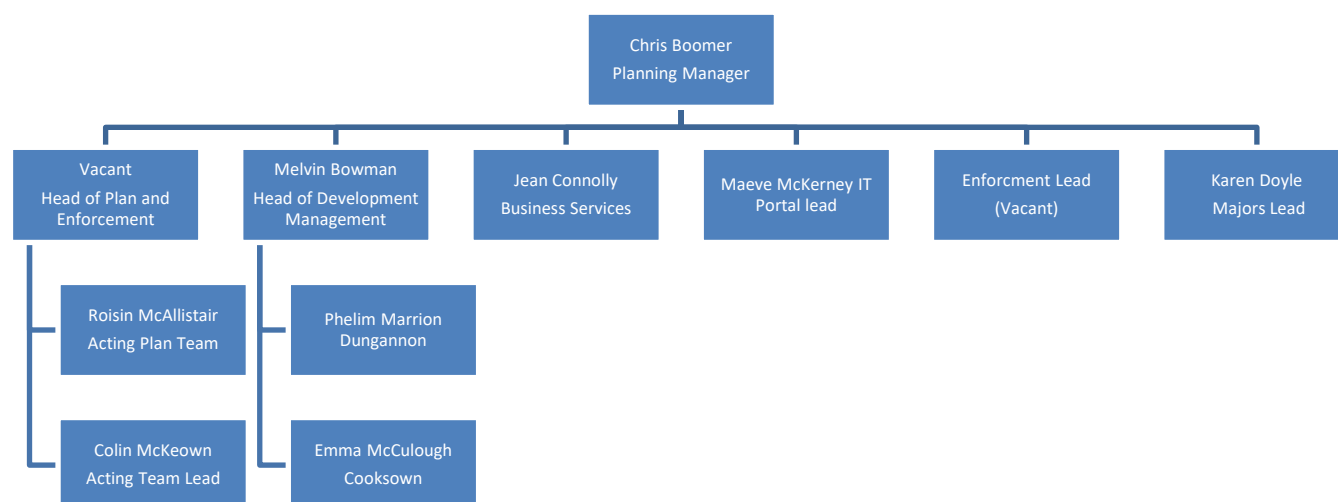
The following tables confirm the resources, financial and people, which the Service has access to throughout 2021-22 to deliver its actions, activities and core business.

2.1 Budget 2021/22

The Planning Budget for 2021/22: -

Service Budget Headings	£
Planning Manager and Administration	465370
Development Management	684618
Development Plan	696218
Enforcement	194794
Total Gross costs	2041000
Property Certificate Income	97000
Planning Fees Income	1560000
Net Budget cost for 2021-22	384,000

2.2 Staffing Complement - 2021/22



It should be noted that of the staff compliment there are significant vacancies due to staff leaving or career breaks.

Staffing	No. of Staff
Planning Manager	1
Head of Service	2
Team Leads/Managers	6.6
P&T Officers	19.6
Remaining Team	8.4
Total	37.6

2.3 Service Work Plan - 2021/22

This plan confirms the core activities and actions, which will form your Service Work Plan for 2021-22. The targets for Development Management are set out in statute. COVID 19 places a risk at our ability to meet targets and restrictions over the past year has left a backlog of casework. In addition, we have diverted staff resources to putting in a new computer. Thus, achieving the targets will be challenging, and is more likely to occur on a monthly basis, assuming a return to normal working practices resumes towards the end of the year it should be possible to have cleared the backlog and start to meet the target on a monthly basis. Indeed, by the end of the year a new computer system should be in place representing a major service improvement by allowing for online submission and better electronic communications.

SERVICE WORK PLAN 2021/22

Service Objective (What do we want to achieve?):	Timely decision making			
Link to Community Plan Theme:	Align to Corporate Plan Theme			
<i>CMP 2.2 Infrastructure - We increasingly value our environment & enhance it for our children</i>	<i>Leadership: 1.1 We will use our Influence to shape & facilitate: infrastructure schemes, roads, drainage/sewage, energy/broadband connectivity, health provision, direction of policy impacting economic growth</i>			
What are the key 'Business as Usual' activities we will deliver (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
To process planning applications in a timely manner in accordance with the development plan.	Ongoing	Planning Manager, Head of Development Management, and area team leads	Deliver sustainable development and prevent holding up investment	<p>To Determine 50% of Major applications within 30 weeks</p> <p>To be determining 50% of local planning applications within 15 weeks.</p> <p>To be determining 50% of local planning applications within 15 weeks</p>
To effectively enforce against breaches in planning control	Ongoing	Enforcement Team lead	Discourage unregulated and unsustainable development	To conclude 70% enforcement investigations within 39 week of receipt of complaint.

What Service Development/Improvement will we undertake in 2021/22? (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
To implement a new computer system and planning portal for mid Ulster.	March 2022	Planning Manager & Project team lead	Allow for greater transparency and a better service for customers	An operational system that provides for on line submissions of planning applications and on line submission of objections.

Service Objective (What do we want to achieve?):	To provide a framework for sustainable development in Mid Ulster.			
Link to Community Plan Theme:	Align to Corporate Plan Theme			
<i>CMP 1.1 Economic Growth - We prosper in a stronger & more competitive economy</i>	<i>Leadership: 1.2 We will continue progress towards the adoption of our Local Development Plan 2030 & delivery against the plan objectives</i>			
What are the key 'Business as Usual' activities we will deliver (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
To progress work on the Local Development Plan in line with the Plan timetable	Submission of Plan Strategy to Department In Spring/summer 2021	Head of Development Plan	It will encourage sustainable development and provide a degree of certainty for investors	This project will be ongoing for several years. The key milestone in our control is the submission of the Plan. It will then move towards a public examination over the year.

What Service Development/Improvement will we undertake in 2021/22? (actions):	By When (Date?)	Lead Officers(s)	What difference will it make? (Outcomes/outputs)	How Will we Know? (Measures)
To provide a development monitoring framework linked in to the new Computer system and Planning Portal for Mid Ulster	March 2022	Head of Development Plan and Project Team Lead	To provide a better mechanism for monitoring the effectiveness of the development plan in delivering sustainable development	There will be an ability to produce an annual monitoring report.

2.4 RISK MANAGEMENT OF SERVICE

The purpose of risk management is to manage the barriers, which prevents the Council from achieving its objectives. This section of the service plan includes space for the Service to input their key risks (in summary form), which have been identified during the business planning process. The Council uses risk management to maximize opportunities and minimize risks. This improves its ability to deliver priorities and improve outcomes. This is why the Council deems it important to link business planning and risk management. Risk Management aims to:

- Help the Council achieve its overall aims and objectives
- Manage the significant risks the Council faces to an acceptable level
- Assist with the decision making process
- Implement the most effective measures to avoid, reduce and control those risks
- Balance risk with opportunity
- Manage risk and internal controls in the most effective way.

In considering risk for the coming years it should be born in mind that COVID means there is an inherent risk that all objectives will not be achieved. Although nor reflected in the below assessment this risk is managed in accordance with the Business Continuity Plan with homeworking facilitated. This said, it is recognised that it may be necessary to change the way the service is operated in accordance with the risk caused by the pandemic. The service will operate in accordance with the Planning Departments Business recovery pan and over the year it is hoped all normal office based service will be delivered in the normal or near normal manner.

It is equally worth considering that the objectives for development management during Covid remain challenging and the risk of not successfully meeting the statutory targets will remain high. It is therefore, perhaps, a more laudable aim to have the service return to meeting the statutory target on a monthly basis over the course of the year, rather than expect the statutory target will be met for the year. The implementation of the new computer system could also result in operational delays, however, providing it is delivered any temporary decline in service will be more than compensated by the better service the new system will operate for future years.

This table illustrates the risks identified to deliver the Services business in 2021-22

Risk Ref Number	Description of Risk	Risk Rating	Mitigation Activity
1.	<i>Failure to determine major applications in a timely manner</i>	12	<i>This is a statutory objective however, given Covid it is unlikely this will be achieved this year.</i>
2.	<i>Failure to determine the local applications in a timely manner</i>	10	<i>Provide additional staff resources from the Development Plan team to help clear backlog</i>
3.	<i>Failure to conclude enforcement cases in a timely manner</i>	10	<i>Provide a temporary team lead to oversee the enforcement team</i>
4.	<i>Failure to progress the development plan in a timely manner</i>	8	<i>Monitor progress in line with the LDP timetable</i>
5.	<i>Failure to deliver the new computer system and portal</i>	9	<i>Set up a project team and monitor progress in line with the agreed timetable</i>
6.			
7.			
8.			

Rating	Descriptor
16 - 25	Extreme Risk (immediate action required)
10 - 15	High Risk (urgent action required)
7 - 9	Moderate Risk (action required)
1 – 6	Low Risk (keep under review)

DRAFT

3.0 OUR STATUTORY CONSIDERATIONS

In carrying out our responsibilities, Planning Services is cognisant of the statutory duties placed upon the council in the delivery of its services. Whilst Planning Services operates, under various obligations it is however mindful of the changing context in which it operates and endeavours to mainstream the equality and rural needs duties in the design and delivery of our functions.

3.1 EQUALITY DUTY

The council and by consequence Planning Services are committed to contributing towards its part in working towards fulfilling obligations under Section 75 of the Northern Ireland Act 1998 to ensure adequate time, staff and resources to fulfil our duties.

The Service will also work towards adherence to the council's Equality Scheme ensuring equality duties, together with promoting positive attitudes towards persons with a disability and the participation of people with a disability in public life when carrying out our functions.

For this reason, an Equality Screening has been carried out to accompany the Draft Plan which may need updating upon adoption. The Service is also working with the Department of Infrastructure and Equality Commission to explore where in exercising other duties a screening may be appropriate.

3.2 RURAL NEEDS DUTY

Planning Services are mindful of the rural needs of its customers when carrying out its functions and subsequent responsibilities, particularly in developing any new policies, plans or strategies throughout the year. In line with the Rural Needs Act (NI) 2016 we will give due regard to rurality in terms of needs in carrying out the activities within our Service. A Rural needs assessment also accompanies the Draft Local Development Plan Strategy.

Report on	Planning Appeal Decision 2020/A0024
Date of Meeting	8 June 2021
Reporting Officer	Melvin Bowman
Contact Officer	As above.

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	To inform members of an Appeal decision dated the 18 th 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).
1.2	The appeal is allowed subject to conditions.
2.0	Background
2.1	<p>Mid Ulster District Council received the application on 23rd November 2016. By notice dated 5th February 2020 the Council refused consent giving the following reasons:-</p> <ol style="list-style-type: none"> 1. The proposal is contrary to Planning Policy Statement 17: Control of Outdoor Advertisements, Policy AD1, in that the proposed sign does not respect amenity, when assessed in the context of the general characteristics of the locality. 2. The proposal is contrary to Planning Policy Statement 17: Control of Outdoor Advertisements, Policy AD1, in that it would, if permitted, prejudice the safety and convenience of road users since the erection of this proposal in close proximity to a road junction, would distract the attention of motorists from road traffic signals, thereby creating a traffic hazard. 3. The proposal is contrary to Planning Policy Statement 17: Control of Outdoor Advertisements, Policy AD1, in that the proposed sign would be visually intrusive and distract the attention of road users thereby prejudicing the safety and convenience of traffic on this Protected Traffic Route.

3.0	Main Report
3.1	The Commissioner noted that the sign is positioned centrally on a gable where no other advertisements are displayed. Guidance on the design of different types of advertisements is contained in Annex A of PPS 17. Paragraph 14 confirms that large electronic screen displays are covered by the design guidelines for gable mounted advertisement displays. The appeal sign is sited to meet all four design guidelines for this type of advertisement, it is sympathetic to the host building and no windows or other architectural features are obscured.
3.2	The signage at the filling station, approximately 60 metres north of the appeal sign, partially screens the appeal sign on approach from the north. As a result, it was concluded that the advertisement is not unduly prominent. When read with the existing signage, the screen is not over dominant or out of place and it balances the impact of the gable mounted sign at the Credit Union without resulting in visual clutter. The screen when read with the existing advertisements does not harm the character and appearance of the town centre and its impact is limited in that it is viewed only when travelling south
3.3	The Commissioner was therefore satisfied that the sign respects amenity when assessed in the context of the general characteristics of the locality.
3.4	The consultation response from DFI Roads, dated January 2017, had highlighted the proximity of the sign to a traffic light controlled junction and that vehicles regularly queue at the site. The road authority was concerned that the sign may distract drivers and lead to shunting type collisions on approach to the junction. They also argued that weight should be given to the fact that the Coleraine Road is a protected route.
3.5	The Commissioner visited the site on a wet winter day and drove and walked past the site in both directions making use of the signalised junction and pedestrian crossings. The sign was regarded as being sufficiently separated from the traffic lights and is not in the natural line of sight towards them. Moreover it does not obstruct or confuse a road user's view or reduce the clarity or effectiveness of the governing signals. Drivers approaching the junction already negotiate a succession of shop signage along this lower section of Coleraine Road and, in the Commissioners opinion, the presence of this illuminated sign on a gable perpendicular to the road did not unduly distract
3.6	In a town centre context with extensive advertising in the area, the sign was not so unusual as to distract the attention of drivers in a manner that would prejudice road safety during the day. The lack of any evidence that road traffic accidents have occurred at the junction during the time the advertisement screen has been operational reinforces the above assessment.
3.7	Whilst the sign appears much brighter in the absence of ambient light and its current brightness results in some very limited glare and dazzle, particularly when an advertisement with a white background is displayed the Commissioner considered

	that if a condition was imposed requiring the illumination level of the sign not to exceed industry standards, these concerns would be satisfactorily mitigated.
3.8	It was recognised that the use of moving images or text can be problematic because such movement has the potential to distract drivers at any time of day or night as motion would attract attention more so than a static display would. This would be concerning given the proximity of the sign on approach to the junction and its potential capacity to distract drivers. Therefore the imposition of a planning condition allowing only the display of static images changing at a set minimum frequency in a manner that does not give the appearance of movement is necessary to ensure that there is no undue distraction to drivers.
3.9	<p>With regard to the Coleraine Road being a protected route, the Commissioner saw nothing in PPS 17 that suggests it should be treated differently from the majority of the road network with respect to advertisements. In the evidential context of this appeal, the sign is visible travelling in only one direction on the A29 in a 30mph zone and provided its brightness, movement and minimum display duration are controlled, it would not prejudice road safety on the protected route. The Council's third refusal reason has not been sustained.</p> <p>Decision – the appeal is allowed and consent to display an advertisement is granted, subject to the following conditions:</p> <ol style="list-style-type: none"> 1. The digital advertising screen shall display only static images and shall not contain sequential displays, moving images or features designed to give the appearance of movement. 2. The minimum duration any static image shall be displayed shall not be less than 21 seconds. 3. Within 14 days of the date of this decision, the luminescence of the advertising screen shall be controlled by light sensors which will automatically adjust screen brightness for ambient light levels in order to avoid glare at night and facilitate legibility during daytime. The screen shall comply with the Institution of Lighting Professionals' guidance PLG05 'The Brightness of Illuminated Advertisements'
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial:
	Human:
	Risk Management:
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications:

	Rural Needs Implications:
5.0	Recommendation(s)
5.1	That members note the appeal decision
6.0	Documents Attached & References
6.1	Copy of PAC decision.

PLANNING APPEALS COMMISSION

**Planning (Control of Advertisements) Regulations (Northern Ireland) 2015
Regulation 15**

**Appeal by Mr Kieran Bradley
against the refusal of consent to display 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)**

**Report by
Commissioner Gareth Kerr**

Planning Authority Reference: LA09/2016/1654/A

**Procedure: Written representations with Commissioner's site visits on 18th February
& 18th March 2021**

Report Date: 10th May 2021



1.0 **BACKGROUND**

- 1.1 Mid Ulster District Council received the application on 23rd November 2016. By notice dated 5th February 2020 the Council refused consent giving the following reasons:-
1. **The proposal is contrary to Planning Policy Statement 17: Control of Outdoor Advertisements, Policy AD1, in that the proposed sign does not respect amenity, when assessed in the context of the general characteristics of the locality.**
 2. **The proposal is contrary to Planning Policy Statement 17: Control of Outdoor Advertisements, Policy AD1, in that it would, if permitted, prejudice the safety and convenience of road users since the erection of this proposal in close proximity to a road junction, would distract the attention of motorists from road traffic signals, thereby creating a traffic hazard.**
 3. **The proposal is contrary to Planning Policy Statement 17: Control of Outdoor Advertisements, Policy AD1, in that the proposed sign would be visually intrusive and distract the attention of road users thereby prejudicing the safety and convenience of traffic on this Protected Traffic Route.**
- 1.2 The Commission received the appeal on 3rd June 2020. No representations were received from third parties. The Council forwarded to the Commission one objection it had received at application stage.

2.0 **SITE AND SURROUNDINGS**

- 2.1 The site contains Walsh's Hotel, a two to three storey building in the centre of Maghera. The complex contains a hotel, bar and restaurant and has frontage to Main Street and Coleraine Road, both of which are Protected Routes. There is a signalised junction and pedestrian crossings at the intersection of the two streets. The electronic advertising screen subject of the appeal, which measures 5 metres by 3 metres, is already installed on the northern gable of the hotel, approximately 40 metres from the junction, and is visible when travelling south on the Coleraine Road towards the centre of the town. The screen is positioned centrally on the gable of a 2 storey section of the hotel and 2.9 metres above ground level. It is visible over a 2.8 metre high wall that encloses an outdoor seating area and marquee at the northern end of the hotel property.
- 2.2 There are a variety of other town centre land uses in the surrounding area including shops, hot food takeaways and a petrol filling station. There is some residential use on upper floors. Coleraine Road widens opposite the site to provide a double row of car parking separate from the main carriageway. The local businesses display a range of shop signage. There is prominent signage on the filling station canopy and free standing totem signs at the filling station and at a supermarket opposite it. There is a similar sized billboard on the gable of the Credit Union at 24 Coleraine Road, opposite the site, and a large artwork on the main gable of the hotel at the road junction. There are several other electronic advertising screens in the town, particularly along Main Street and Church Street which are part of the A42 Protected Route.

3.0 PLANNING AUTHORITY'S CASE

- 3.1 Policy AD1 of Planning Policy Statement 17 (PPS 17) provides for outdoor advertisement consent where the proposal respects amenity when assessed in the context of the general characteristics of the locality and does not prejudice public safety. The three refusal reasons are based on the elements of this policy.
- 3.2 The site is located within the settlement limits of Maghera at the junction of Main Street and Coleraine Road, both designated as protected routes. The LCD screen is attached to the northern gable of Walsh's Hotel and has been erected without consent. The sign does not respect the amenity of the surrounding area and dominates it, given its size and the moving images displayed both day and night. The sign appears incongruous and dominant on the hotel building.
- 3.3 When approaching the site from Coleraine Road towards the town centre, there are long distance views of the sign showing its dominance in the Maghera streetscape. Shorter distance views are also unacceptable.
- 3.4 Annex A of PPS 17 provides guidance for outdoor advertisements and poster panel displays, such as this sign. It acknowledges poster panel displays rely on their size and siting for impact, so there is a need to ensure such displays respect the scale of their surroundings. In this case, the guidance reinforces the unacceptability of the sign at this location due to its size and scale when assessed in the context of the characteristics of the locality.
- 3.5 The electronic sign operates in a running mode. It is located at the junction of two protected routes and could prejudice public safety, specifically road safety. PPS 17 paragraph 4.11 (e) and (f) specifically identifies signs which are directly visible from any part of the road or incorporate moving parts or displays and being visible to drivers and pedestrians is likely to pose a greater risk to public safety. This is further endorsed by the Strategic Planning Policy Statement for Northern Ireland (SPPS) in paragraph 6.54, in which it places great emphasis on restricting the display of advertisements in the interest of public safety.
- 3.6 The sign is a threat to road safety as it is illuminated and results in glare and dazzle, especially in misty or wet conditions, whilst the moving and colour displays distract motorists' attention away from the public road while reading the alternating messages. The location and running operation of the sign distracts users of the protected route and thus poses a risk to road users and pedestrians. At night time and in winter months with reduced hours of daylight, the sign can be seen from a significant distance and the illumination and moving images prejudice road safety.
- 3.7 Coleraine Road is a heavily trafficked route and DFI Roads are concerned that the sign is mounted on the approach to a busy traffic light controlled junction. Vehicles regularly have to queue here and the electronic sign will distract drivers and increase the accident potential as moving vehicles approach the slowing and queueing vehicles along the front of Walsh's Hotel. The sign is visually intrusive and distracting to road users prejudicing the safety and convenience of traffic. Weight should be given to the fact that the A29 Coleraine Road is a protected route. DFI Roads has confirmed that no level of illumination would be acceptable to them at this location and the sign would still be perceived as a hazard if the level of illumination was reduced.

- 3.8 Background papers indicated a third party's concern that consent should have been sought before the sign was installed. The sign is very bright and at times blinding during the night. It is also a distraction because you tend to sit watching the video rather than concentrating on the road junction and pedestrian crossing ahead. It would be better if it was mounted higher above eye line.
- 3.9 If the appeal is allowed, the following conditions are suggested on a without prejudice basis:
- The static display in the advertisement should not change at a frequency greater than once in any two minute period.
 - The advertisement shall not comprise sequential displays, moving parts or features, or intermittent lighting in a manner designed to give the appearance of movement.
 - The illumination level of the sign must comply with the Institution of Lighting Professionals Technical Report No. 5 "Brightness of Illuminated Advertisements".

While these conditions would mitigate the impact of the sign if consent is granted, the Council remains of the view that the proposal is unacceptable in terms of road safety and amenity.

4.0 APPELLANT'S CASE

- 4.1 The proposal is for a LCD screen measuring 5m by 3m attached by brackets to the north elevation of Walsh's hotel, a large two/three storey building. The screen is located 2.9m above ground level and includes moving and static images. The site is located in the town centre of Maghera where the immediate area comprises mainly retail uses. There have been a number of consents for similar LED screens in other Council areas across Northern Ireland.
- 4.2 The site is located on white land within the town centre of Maghera (Designation MA 15), as defined by the Magherafelt Area Plan 2015 and is located adjacent to the A29, a protected route. There is no specific policy within the local development plan material to this application.
- 4.3 Regulation 3 of the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 states, "A council shall exercise its powers under these Regulations only in the interests of amenity and public safety, taking into account— a) the provisions of the local development plan, so far as they are material; and b) any other relevant factors." It indicates factors relevant to amenity to include the general characteristics of the locality, including the presence of any feature of historic, archaeological, architectural or cultural interest, disregarding, if it thinks fit, any advertisements being displayed there. Factors relevant to public safety include –
- (i) the safety of any person who may use any road, railway, waterway (including coastal waters), docks, harbour or airfield;
 - (ii) whether any display of advertisements is likely to obscure, or hinder the ready interpretation of any road traffic sign, railway sign, or aid to navigation by water or air.

- 4.4 Paragraph 6.52 of the SPPS notes that outdoor advertising can have an impact on amenity, both positive and negative and that there is a need to balance the requirements of the industry with the protection of our towns and a corresponding need to ensure that advertisements will not prejudice public safety. It goes on in paragraph 6.54 to highlight that planning legislation enables planning authorities to restrict or regulate the display of advertisements in the interests of amenity or public safety, including road safety. Furthermore, roads legislation provides additional controls on advertisements in, or on, a public road. In addition, Paragraph 6.57 states, “Well designed advertising which respects the building or location where it is displayed and which contributes to a quality environment should be encouraged. Consent should be given for the display of an advertisement where it respects amenity, when assessed in the context of the general characteristics of the locality; and to ensure proposals do not prejudice public safety, including road safety.” Finally, paragraph 6.59 advises that “care must be taken to ensure that all proposals will not detract from the place where advertising is to be displayed or its surroundings.”
- 4.5 PPS 17 is a retained policy within the SPPS and it sets out planning policies for the display of outdoor advertisements which require consent. Policy AD1 Amenity and Public Safety states that consent will be given for the display of an advertisement where:
- (i) It respects amenity when assessed in the context of the general characteristics of the locality; and
 - (ii) It does not prejudice public safety.
- Paragraph 4.11 of the Justification and Amplification text sets out types of advertisement which are likely to pose a threat to public safety. Annex A of PPS 17 sets out supporting guidance for various categories of signage including gable mounted advertisements in paragraph 12. There is no conflict between the SPPS and the retained policies.
- 4.6 The screen has been designed to an appropriate scale in the context of the entire gable elevation of the building. There are no other advertisements on this elevation so the screen will not result in an accumulation of signage. The sign sits flush with the gable elevation and will be visible in the background of the fuel filling station canopy and totem pole signage when approaching from the north along Coleraine Road. In this context the screen is of a suitable design, respects the scale of advertisements in its immediate surroundings and will not be overly dominant in the streetscape. The Council have not provided any specific viewpoints that show how the screen adversely affects the amenity of the area. The brightness of the screen varies between day and night and the lumen of the screen can be set to satisfy prevailing guidelines. A planning condition can ensure that the screen will satisfy the standards of the Institute of Lighting Professionals Guidance. On this basis the screen will not cause light pollution or impact the amenity of other land uses or road users.
- 4.7 The location of the sign means that it does not have any direct visual relationship with existing traffic signals, such that it could give rise to confusion as to the ready interpretation of the signals as a result of the screen display. The road traffic signage at the Coleraine Road / Main Street junction is located more than 50 metres beyond the sign and therefore is not located close to or will not be read in conjunction with the sign. The closest traffic signage / signals to the north are located 130 metres away from the appeal site. At this distance the screen will not obstruct or confuse a road user’s view or reduce the clarity or effectiveness of a traffic sign or signal. No evidence

has been provided by DFI Roads in their consultation responses to demonstrate how the location and nature of the screen will diminish the ready interpretation of nearby traffic signals and give rise to a prejudice to road safety.

- 4.8 A condition could be attached to ensure that a suitable minimum message display duration is observed to control the number of advertisements that can be viewed when approaching the sign. The advertisement first becomes visible on approach towards the site at the junction of Coleraine Road and O'Hara Road, which is 280 metres before the location of the screen, and will not be readable until much closer to the site. The display duration should be set so that approaching drivers do not see more than two consecutive messages. On this basis a minimum message display of 21 seconds is required to ensure that drivers travelling at the speed limit of 30mph do not see more than two consecutive advertisements. The two minute period proposed in the Council's draft conditions is excessive and out of step with standard practice.
- 4.9 The proposed screen does not protrude beyond the building line towards the public footpath / road, limiting the potential for the screen to be visually intrusive. It is considered that during inclement weather conditions or during the hours of darkness, an uncontrolled LCD sign's brightness or level of variation in terms of timings and changes to display / colour could feasibly distract or confuse road users at a junction or reduce the prominence of traffic signal heads and their interpretation. However, the screen is located in a well-lit area with comprehensive street lighting which will assist in reducing the perceived brightness of the LCD screen during the hours of darkness and the LCD screen's brightness can be adjusted to ambient light levels via sensors which adjust to natural background light changes, which may form potential mitigation to any issue regarding excessive luminosity. The screen has been operating at this location since 2015 and there is no evidence that the sign has contributed to traffic accidents in the five years it has been displayed. No evidence has been provided to demonstrate how the screen is visually intrusive / distracting to road users to the point that it creates a road safety issue. An appropriate condition could be attached to the consent to control the length and type of static or moving advertisement that is acceptable on the screen. The screen meets the requirements of Policy AD1 and does not harm amenity or public safety.

5.0 CONSIDERATION

- 5.1 The main issues in this appeal are whether the advertisement screen prejudices the amenity of the area and public safety.
- 5.2 For advertisements such as the appeal proposal that require express consent under Part 3 of the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015, regulatory powers must be exercised only in the interests of amenity and public safety, taking into account the provisions of the local development plan (LDP), so far as they are material, and any other relevant factors. The Magherafelt Area Plan 2015 operates as the LDP for this part of the Mid Ulster district. In it, the site is located within the town centre of Maghera and adjacent to two protected routes: the A29 Coleraine Road and the A42 Main Street. The LDP contains no specific policies for advertisements.
- 5.3 Regional policy relevant to the appeal is found in the SPPS and the retained policies of PPS 17. Both documents recognise that advertisements affect the character and

appearance of the building or place where they are displayed and that they can have both positive and negative impacts on the amenity of an area. There is no conflict between the provisions of the SPPS and the retained policies on the issues raised in this appeal. In accordance with the transitional arrangements set out in the SPPS, the appeal should be determined in accordance with the retained Policy AD1 – Amenity and Public Safety of PPS 17. Policy AD1 states that consent will be given for the display of an advertisement where it respects amenity when assessed in the context of the general characteristics of the locality and it does not prejudice public safety.

- 5.4 The advertisement subject of the appeal is an electronic screen measuring 5 metres by 3 metres attached to the northern gable of Walsh's hotel, a large two/three storey building in the town centre. The bottom of the screen is 2.9 metres above ground level. It displays a series of different advertisements, mainly for local businesses including the hotel. I visited the site during daylight hours and separately at night. I observed that the advert changed approximately 7 times per minute. The images were mostly static, but a few of the adverts had a small amount of moving text or background.
- 5.5 Paragraph 4.4 of the Justification and Amplification of Policy AD1 states that in relation to advertisements the term amenity is usually understood to mean its effect upon the appearance of the building or structure or the immediate neighbourhood where it is displayed, or its impact over long distance views. The northern section of the hotel, where the sign is located, is a modern extension with dormer windows facing the street. There are no other advertisements on the northern elevation. There is fascia signage and projecting signs along both roadside elevations and a large artwork on the main gable at the road junction, all of which contribute positively to the townscape of the area. Because of the advertisement's orientation, it is viewed principally on approach along the Coleraine Road towards the town centre and it does not read with the other signage on the building which faces in different directions. The sign is positioned centrally on a gable where no other advertisements are displayed. Guidance on the design of different types of advertisements is contained in Annex A of PPS 17. Paragraph 14 confirms that large electronic screen displays are covered by the design guidelines for gable mounted advertisement displays. The appeal sign is sited to meet all four design guidelines for this type of advertisement, it is sympathetic to the host building and no windows or other architectural features are obscured.
- 5.6 The sign is viewed in context with the totem sign and canopy at Bradleys Filling Station to the north, the shop signage on the buildings on the opposite side of the Coleraine Road and a gable mounted sign on the Credit Union building at the northern end of that row of shops. The signage at the filling station, approximately 60 metres north of the appeal sign, partially screens the appeal sign on approach from the north. As a result, the advertisement is not unduly prominent. When read with the existing signage, the screen is not over dominant or out of place and it balances the impact of the gable mounted sign at the Credit Union without resulting in visual clutter.
- 5.7 The Council has not referenced the context of other advertisements in the area and has not identified any specific short and long distance critical views which it considers unacceptable. Notwithstanding, the appellant has provided short and long range views of the sign for consideration. The screen when read with the existing advertisements does not harm the character and appearance of the town centre and its impact is limited in that it is viewed only when travelling south. There is no harm to features of

historic or architectural interest on the hotel or the wider area and the scale of the advertisement is in keeping with its large host building and with the overall expanse of the arterial route from which it is viewed. Although the advertisement is internally illuminated, I do not consider that it causes undue light pollution in the context of a well lit town centre environment. For the reasons given, I am satisfied that the sign respects amenity when assessed in the context of the general characteristics of the locality. The Council's first refusal reason has not been sustained.

- 5.8 The Council's evidence on the issue of public safety relates to road safety. They highlight paragraph 4.11 (e) and (f) of PPS 17 and are concerned that the sign's illumination and the moving elements in the display have the potential to distract road users, especially in wet conditions and at night. The Council states that the sign can be seen from "a significant distance away", but again, no specific viewpoints have been provided. The consultation response from DFI Roads, dated January 2017, highlights the proximity of the sign to a traffic light controlled junction and that vehicles regularly queue at the site. The road authority is concerned that the sign may distract drivers and lead to shunting type collisions on approach to the junction. They also argue that weight should be given to the fact that the Coleraine Road is a protected route.
- 5.9 I first visited the site on a wet winter day and drove and walked past the site in both directions making use of the signalised junction and pedestrian crossings. The traffic lights at the junction with Main Street are located 40 metres beyond the site. The sign is sufficiently separated from the traffic lights and is not in the natural line of sight towards them. Moreover it does not obstruct or confuse a road user's view or reduce the clarity or effectiveness of the governing signals. Drivers approaching the junction already negotiate a succession of shop signage along this lower section of Coleraine Road and, in my opinion, the presence of this illuminated sign on a gable perpendicular to the road does not unduly distract. From longer range views (at the traffic lights and pedestrian crossing around 130 metres away from the sign), it is partially obscured by the petrol station signage and the screen does not obstruct or confuse a road user's view or reduce the clarity or effectiveness of the signals. In a town centre context with extensive advertising in the area, the sign is not so unusual as to distract the attention of drivers in a manner that would prejudice road safety during the day. The lack of any evidence that road traffic accidents have occurred at the junction during the time the advertisement screen has been operational reinforces the above assessment.
- 5.10 I visited the site on another occasion at night time to assess its impact during the hours of darkness. The sign appears much brighter in the absence of ambient light and its current brightness results in some very limited glare and dazzle, particularly when an advertisement with a white background is displayed. The appellant argues that the screen can be adjusted to ambient light levels via sensors if there is excessive luminosity and states that if the screen is operated in accordance with industry standards as suggested in the Council's draft condition, it will not create glare or dazzle. I consider that if a condition was imposed requiring the illumination level of the sign not to exceed such standards, these concerns would be satisfactorily mitigated. As it is unclear whether the sensors are currently in place, it is necessary to impose a time limit of 14 days for this requirement to take effect. The Council has the power to enforce against any breach of such a condition. With suitable control of the illumination level of the sign, it would not prejudice road safety.

- 5.11 The Consent to Display Form indicates that the sign seeks to display both moving and static images. In respect of static displays, the parties disagreed over the appropriate minimum message display duration. When I visited the site the entire image changed approximately 7 times per minute which is much shorter than the safe interval suggested by either party. The appellant has stated that standard practice is that the minimum message display duration should be such that the majority of approaching drivers do not see more than two consecutive messages. The minimum message display duration may be calculated by dividing the maximum sight distance to the advertisement (280 metres) by the speed limit in metres per second (13.4 m/s). This identifies the period of time which it takes a driver to travel along the section of the Coleraine Road where the sign is in view and equates to a minimum display duration of 21 seconds. I consider that such a restriction, combined with the existing signage and canopy at the filling station (which obscures the sign for much of the approach), would ensure that changes to the static display would not prejudice road safety by distracting drivers.
- 5.12 In my judgement, the use of moving images or text can be problematic because such movement has the potential to distract drivers at any time of day or night as motion would attract attention more so than a static display would. This would be concerning given the proximity of the sign on approach to the junction and its potential capacity to distract drivers. Therefore the imposition of a planning condition allowing only the display of static images changing at a set minimum frequency in a manner that does not give the appearance of movement is necessary to ensure that there is no undue distraction to drivers. As the Council's concerns regarding road safety at the junction can be addressed in respect of static images by the conditions outlined above, its second refusal reason has not been sustained.
- 5.13 With regard to the Coleraine Road being a protected route, I see nothing in PPS 17 that suggests it should be treated differently from the majority of the road network with respect to advertisements. Paragraph 2.10 refers to special roads designated under Article 15 of the Roads (Northern Ireland) Order 1993 – these comprise only the motorway network and the Westlink. Several consents for similar signage across Northern Ireland are cited by the appellant. As the decisions referred to have been made by other planning authorities, they are not binding on Mid Ulster District Council and the appeal proposal must be considered on its own merits. In the evidential context of this appeal, the sign is visible travelling in only one direction on the A29 in a 30mph zone and provided its brightness, movement and minimum display duration are controlled, it would not prejudice road safety on the protected route. The Council's third refusal reason has not been sustained.

6.0 RECOMMENDATION

- 6.1 I recommend to the Commission that the appeal be allowed and that consent to display be granted, subject to the following conditions:-
1. The digital advertising screen shall display only static images and shall not contain sequential displays, moving images or features designed to give the appearance of movement.
 2. The minimum duration any static image shall be displayed shall not be less than 21 seconds.

3. Within 14 days of the date of this decision, the luminescence of the advertising screen shall be controlled by light sensors which will automatically adjust screen brightness for ambient light levels in order to avoid glare at night and facilitate legibility during daytime. The screen shall comply with the Institution of Lighting Professionals' guidance PLG05 'The Brightness of Illuminated Advertisements'.

6.2 This recommendation relates to the following drawings:-

Number	Title	Scale	Date Received
01	Site Location Map	1:1250	23 November 2016
02	Existing Rear Elevation	1:50	23 November 2016
03	Proposed Rear Elevation	1:50	23 November 2016
04	Photograph	-	23 November 2016
05	Photograph	-	23 November 2016

List of Documents

Planning Authority:-	A	Written Statement of Case Mid Ulster District Council
	B	Written Rebuttal Statement Mid Ulster District Council
Appellant:-	C	Written Statement of Case Turley
	D	Written Rebuttal Statement Turley

