



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> Aug 2018	<b>Item Number:</b>
<b>Application ID:</b> H/2014/0024/F	<b>Target Date:</b>
<b>Proposal:</b> 4no houses, including access and adoptable road	<b>Location:</b> The grounds of 1 Loves Road Magherafelt
<b>Referral Route: Refusal recommended.</b>	
<b>Recommendation: Refusal</b>	
<b>Applicant Name and Address:</b> Mr and Mrs McCann 10 Main Street Castledawson BT45 8AB	<b>Agent Name and Address:</b> Ward Design 10 Main Street Castledawson BT45 8AB
<b>Executive Summary: Refusal contrary to PPS7</b>	
<b>Signature(s): M.Bowman</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Non Statutory	DFI Roads - Enniskillen Office	Add Info Requested
Non Statutory	NI Water - Multi 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

### Characteristics of the Site and Area

The site lies within the development limits (DL) of Magherafelt at No. 1 Loves Road, at the junction with Aughrim Road (within the northern portion of committed housing site MT 03/10) and on lands also designated as a Local Landscape Policy Area). At present on site is a large detached 2 storey dwelling with associated outhouses. The site is elevated from the public road and is defined by mature trees and hedging to all boundaries. The site is accessed from Loves Road at present.

## Description of Proposal

Full application for 4 no. houses, including access and adoptable road

## Planning Assessment of Policy and Other Material Considerations

Magherafelt Area Plan  
SPPS  
PPS7  
PPS3.

Planning history on this small portion of a larger committed housing site shows that the PAC under appeal decision allowed development under application H/2003/0552/O) on the entire lands which at that time extended as far as the concrete works on Ballyronan Road. The approved conceptual layout showed no development on this small northern portion save for one detached dwelling and the access road to further development extending in a southerly direction.

### SPPS.

Par 6.133 of the SPPS states that Good quality housing is a fundamental human need that plays a significant role in shaping our lives and our communities. A home is a vital part of people's lives and contributes to creating a safe, healthy and prosperous society. The planning system can play a positive and supporting role in the delivery of homes to meet the full range of housing

Amongst other requirements the SPPS also requires that Planning authorities must deliver: • increased housing density without town cramming: higher density housing developments should be promoted in town and city centres and in other locations that benefit from high accessibility to public transport facilities. Within established residential areas it is imperative to ensure that the 70 proposed density of new housing development, together with its form, scale, massing and layout will respect local character and environmental quality as well as safeguarding the amenity of existing residents. In residential areas of distinctive townscape character an increase in density should only be allowed in exceptional circumstances.

This proposal for 4 new dwellings (including the conversion of a barn) requires to be assessed under PPS7 as the principle guiding operational policy for this type of development. The location of the proposal in an identified committed housing is acceptable in principle.

It is somewhat disappointing that the replacement dwelling now built for some time becomes surrounded by housing units. This is somewhat at the expense of the setting of not only of the replacement dwelling but this, what should have remained, as a soft edge to the towns approach from the Aughrim Road. The approved concept by the PAC in my view represented a more appropriate less cramped approach to this critical part of the

overall site and in my opinion much more appropriately respected the setting of the town at this important approach. This is particularly in relation to sites Numbered 1 and 2.

**PPS7** goes on to state that Planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area.

In established residential areas proposals for housing development will not be permitted where they would result in unacceptable damage to the local character, environmental quality or residential amenity of these areas.

In Conservation Areas and Areas of Townscape Character housing proposals will be required to maintain or enhance their distinctive character and appearance. In the primarily residential parts of these designated areas proposals involving intensification of site usage or site coverage will only be permitted in exceptional circumstances. All proposals for residential development will be expected to conform to all of the following criteria:

1. the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;
2. features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;
3. adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;
4. adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;
5. a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;
6. adequate and appropriate provision is made for parking;
7. the design of the development draws upon the best local traditions of form, materials and detailing;
8. the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance; and
9. the development is designed to deter crime and promote personal safety.

Any proposal for residential development which fails to produce an appropriate quality of design will not be permitted, even on land identified for residential use in a development plan.

I have already expressed my concerns that the proposal does not fully accord with criteria 1 in relation to surrounding context, in the sense that this rural interface should be less densely developed.

DFI Roads in being consulted have continually sought further amends, latterly these include the need for:

- The proposed turning head is skewed and does not relate to creating places. The angle is such that a bin lorry could not readily turn.
- The same can be said of the access road, it does not encourage vehicles to approach the road at right angles
- On the matter of the footpath, TNI state that the PAC stated that a footpath be in place before the occupation of any dwelling. The requirements for a footpath link have not lessened because the previous permission has lapsed.

In Jan 2015 the agent rebutted Roads Service requirements as follows:

-The hammer head at the end of our proposed road is already 11m plus the width of the access road.

-The access road runs alongside the boundary with the balance of the relevant land use zone, making it possible for any future applicant to take a branch off the road under application along a significant length of the proposed road.

-Right angled junctions are not required by any roads design guidance. We are showing the angle at 79degrees. We could readily change that to 80degrees if required.

-The footpath along Aughrim Road was required in respect of an application for a larger number of houses. That permission has now time expired, so need not be referred to, and certainly cannot be relied upon in any draft refusal reasoning.

Despite further request from the Council to the agent to provide the required detail for Roads Service these remain outstanding. As this is the case I must form a view that the proposal fails to satisfy criteria 5 and 6 as outlined above.

Criteria (1 and 7) – design.

The proposed design of the units on Sites 1 and 2 are unusual in form and appearance and I struggle to see where the inspiration for this has come from. The design requirements of QD1 are that this should be drawn from the best of local tradition in terms of form and detailing. The footprint and shape of these 2 units which are at the Aughrim Road boundary are not in keeping with otherwise simple form. I feel that a more simple, almost rural in appearance design approach, would have been much more appropriate for this part of the site. That said I do acknowledge the ornate design approach to the replacement dwelling occupying the centre of the site approved under H/2003/0480/F.

I am satisfied that the proposal meets the other requirements of Policy QD1 of PPS7

A local objection is on file from the occupant 47 Aughrim Road – this raises concerns about the precise connection point to the main sewerage system. The letter goes onto state that no consent will be forthcoming from No 47 to allow access for any necessary connection. NI Water were consulted and raised no issues with the capacity of the proposal. Any necessary consent to connect will of course have to be gained for the development to be able to proceed.

**Neighbour Notification Checked**

**Yes/No**

**Summary of Recommendation:** whilst the application has been in the system for some time, despite numerous attempts to acquire Roads amends, in addition when the design and layout considerations are added, on balance I recommend a refusal for the reasons outlined below:

Reasons for Refusal:

1. The proposal is contrary to the MAP/ SPPS and Policy QD1 of PPS7 in that it fails to provide a quality residential development as a consequence of its proposed layout and design.
2. The proposal is contrary to Policies PPS7 and PPS3 in that insufficient details have been provided to demonstrate that a safe vehicular and pedestrian means of access can be provided.

**Signature(s) M.Bowman**

**Date: 17<sup>th</sup> July 2018.**

<b>ANNEX</b>	
<b>Date Valid</b>	28th January 2014
<b>Date First Advertised</b>	13th February 2014
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Tudor Brook Dunamoney Magherafelt The Owner/Occupier, 2 Tudor Brook Dunamoney Magherafelt Wilfred Young 47 Aughrim Road Town Parks Of Magherafelt Magherafelt	
<b>Date of Last Neighbour Notification</b>	3rd March 2014
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: H/2002/0270/F Proposal: 5 No. Dwellings and Garages Address: Adjacent to 3 Loves Road, Dunamoney, Magherafelt Decision: Decision Date: 21.03.2007  Ref ID: H/2003/0480/F Proposal: Replacement dwelling and garage. Address: Site at junction of Aughrim Road & Loves Road, Magherafelt. Decision: Decision Date: 19.08.2005  Ref ID: H/1989/0060 Proposal: ROAD IMPROVEMENT SCHEME Address: AUGHRIM ROAD/POUND ROAD/LOVES ROAD MAGHERAFELT Decision: Decision Date:  Ref ID: H/2007/0017/F Proposal: Retrospective application for dwelling with integrated garage amended from previous approval H/2003/0480/F Address: Site 40m East of No.47 Aughrim, Magherafelt.	

Decision:

Decision Date: 17.06.2008

Ref ID: H/2005/1230/RM

Proposal: Proposed development of 30 No. Dwellings

Address: Lands extending from Aughrim Road to approximately 100m North of 7 Loves Road, Magherafelt.

Decision:

Decision Date: 14.08.2009

Ref ID: H/2003/0522/O

Proposal: Site of housing development.

Address: Lands around 3 Loves Road, Dunamoney, Magherafelt.

Decision:

Decision Date:

Ref ID: H/2014/0024/F

Proposal: 4no houses, including access and adoptable road

Address: The grounds of 1 Loves Road Magherafelt,

Decision:

Decision Date:

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**



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. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 12

Type: Proposed Elevations

Status: Submitted

Drawing No. 11

Type: Proposed Floor Plans

Status: Submitted

Drawing No. 10

Type: Proposed Elevations

Status: Submitted

Drawing No. 09

Type: Proposed Elevations

Status: Submitted

Drawing No. 08

Type: Proposed Elevations

Status: Submitted

Drawing No. 07

Type: Proposed Floor Plans

Status: Submitted

Drawing No. 06

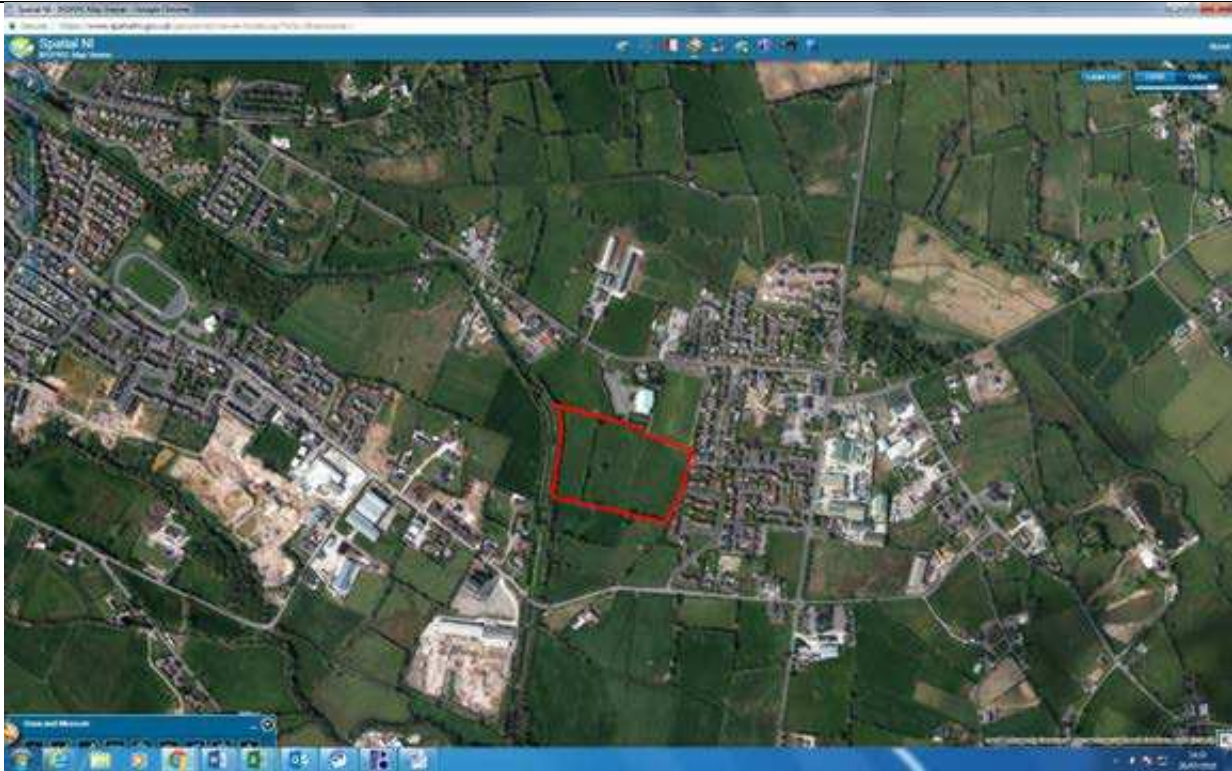


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0487/F	<b>Target Date:</b> 25/5/17
<b>Proposal:</b> Multi-Sports and Community Hub, to include playing and training pitches, all weather skills training area multi sports games area ,bowling green,tennis courts,allotment plots area ,sensory garden,walking track and associated lighting and car parking	<b>Location:</b> 93 Washingbay Road Coalisland
<b>Referral Route:</b>  Major application	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Clonoe Rural Development Agency Ltd 93 Washingbay Road Coalisland	<b>Agent Name and Address:</b> McKeown and Shields 1 Annagher Road Coalisland BT71 4NE
<b>Executive Summary:</b>	

## 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	Add Info Requested
Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	Historic Environment Division (HED)	Substantive Response Received
Non Statutory	DETI - Geological Survey (NI)	No Objection
Statutory	Historic Environment Division (HED)	Advice
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	Historic Environment Division (HED)	Content
Statutory	Rivers Agency	Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice

Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
<b>Representations:</b>		
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	
<b>Description of Proposal</b>		
<p>Proposed Multi-Sports and Community Hub, to include playing and training pitches, all weather skills training area multi sports games area, bowling green, tennis courts, allotment plots area, sensory garden, walking track and associated lighting and car parking in compliance with Planning Policy Statement 21 Sustainable Development in the Countryside.</p>		
<b>Characteristics of the Site and Area</b>		
<p>The site is located adjacent to the eastern limit of development for Annaghmore as defined by the Dungannon Area Plan 2010 (DAP). Access to the proposed development is by way of the existing Clonoe Community Centre / Clonoe O' Rahilly's GAC complex. The site is basically flat agricultural land with well-defined hedge lines both around the site and one hedgeline within same.</p> <p>On the opposite side of the northern boundary lies the above mentioned community centre / GAC building with attached car parking and football pitch, on the eastern side of the site boundary lies Coney Park and Canal Meadows, mainly semidetached two storey dwellings. To the east Coalisland canal and to the south further agricultural lands.</p>		
<b>Relevant Site Histories:</b>		
<p>Relevant planning history found on site relates to application LA09/2016/1096/DETEIA which was a request for EIA Determination where the applicant was advised on 23/9/16 that an Environmental Statement was not required, and a Proposal of Application Notice LA09/2016/1489/PAN which was considered to be acceptable on 24/10/16.</p>		
<b>Representations:</b>		
<p>No representations received from press notice or neighbourhood notification. Consultation with DfI Roads, Environmental Health Office, Rivers Agency, DETi and Historic Environment Division has raised no concerns subject to conditions and informatives.</p>		
<b>Planning Assessment of Policy and Other Material Considerations</b>		
<p>Planning Policy Statement 21- Sustainable Development in the countryside provides the policy context for this development and in particular Policy CTY 1 – Development in the Countryside which advises that 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. All proposals for development in the countryside must be sited and designed to</p>		

integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. It is my opinion that this proposal complies with policy criteria and access arrangements are in accordance with the Department's published guidance. Policy continues; Planning permission will be granted for non-residential development in the countryside in the following cases: ...outdoor sport and recreational uses in accordance with PPS 8;

Planning Policy Statement 8 - Open Space, Sport and Outdoor Recreation raises a number of issues including outdoor recreation in the countryside where permission can be granted where as in this case, in my opinion there is no adverse impact on features of importance to nature conservation, archaeology or built heritage; there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities; 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; floodlighting will impact on the amenities of people living nearby however this can be dealt satisfactorily by condition; 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; 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 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; and 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.

#### **Other Policy and Material Considerations:**

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

Policy CTY 15 – The Setting of Settlements requires that the development does not mar the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl. It is my opinion that that this proposal does not mar such distinction and will blend sympathetically into the existing settlement.

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

The Department of the Environment has published its Strategic Planning Policy Statement for Northern Ireland (SPPS): Planning for Sustainable Development. This policy is a consolidation of some twenty separate policies however the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside is retained until such time as the Mid Ulster Council adopt a Plan Strategy for the Council area, no other issues have been identified.

**Neighbour Notification Checked**

**Yes**

#### **Recommendation:**

I recommend that this application is approved.

## Conditions:

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

Reason: Time Limit.

2. The limitations on the exterior lighting detailed in the table below shall apply at the following dwellings: 9-40 Coney Park inclusive, 14-31 Canal Meadows inclusive, 76, 76a & 78 Gortgonis Road

Environmental Zone	Light Intrusion (into Windows) Ev [lux]	
	Pre-curfew	Post-curfew
E3	10	2

(The time of the curfew shall be 10pm)

Reason: to protect the amenity of the above named properties.

3. No site works of any nature or development shall take place until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Department. The programme should provide for the identification and evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.

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

4. Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Department for Communities Historic Environment Division to observe the operations and to monitor the implementation of archaeological requirements.

Reason: to monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.

5. The gradient(s) of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

6. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.  
The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No 03/3 bearing the date stamp 26th June 2018.

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

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

No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road (including provision of a 2.0 metre wide footway along site frontage) have been completed in accordance with the details outlined blue on Drawing Number 03/3 bearing the date stamp 26th June 2018.

The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

#### 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. Historic Environment Division comment:

This application site is located close to the site of the Coalisland Canal (TYR 47:502) a scheduled monument afforded statutory protection under the provisions of the Historic Monuments and Archaeological Objects (NI) Order 1995. PPS6 BH1 applies.

HED: HM has reviewed the Archaeological Impact Assessment (AIA) submitted with this application and agree with the findings presented within it. While we had previously requested and archaeological evaluation of the application site, as per PPS6 BH3, we agree that the archaeological potential for this site can be address through negative conditions attached to any planning approval. However, other methodologies to those presented within the report, such as archaeological test trenching, would also be considered acceptable mitigation at this site.

For guidance on the preparation of the Written Scheme and Programme of Archaeological Work, which should be submitted for approval at least 4 weeks before work is due to begin, contact:

Historic Environment Division Historic Monuments  
Causeway Exchange  
1–7 Bedford Street Belfast,  
BT2 7EG  
Tel: 02890 823100

Quote reference: SM11/1 TYR 47:502 and LA09/2017/0487/F

Application for the excavation licence, required under the Historic Monuments and Archaeological Objects (NI) Order 1995, should be submitted at least 4 weeks before work is due to begin, by a qualified archaeologist responsible for the project, to:

Historic Environment Division Historic Monuments Unit  
Causeway Exchange  
1–7 Bedford Street  
Belfast,

BT2 7EG

3. DETi comment:

Geological Survey of Northern Ireland (GSNI) assessed the above mentioned planning proposal in view of stability issues relating to abandoned mine workings

A search of the Geological Survey of Northern Ireland “Shafts and Adits Database” indicates that the proposed site is not in the vicinity of any known abandoned mine workings.

This letter summarises the information currently held by GSNI. We acknowledge that our databases may not be comprehensive and that in certain circumstances the precise location of features and boundaries cannot be guaranteed as being accurate. I would therefore draw your attention to the attached “Conditions and Limitations.

Conditions and Limitations:

Use by the customer of information provided by the Geological Survey of Northern Ireland is at the customer’s risk. The Department for the Economy gives no warranty, expressed or otherwise implied as to the quality or accuracy of information supplied by the Survey. The report provides only general indications of ground conditions and must not be relied upon as a source of detailed information about specific areas or as a substitute for site investigation or ground surveys. Users must satisfy themselves, by seeking appropriate professional advice and carrying out ground surveys and site investigations if necessary, that the ground conditions are suitable for any particular use or developments

4. DfI Rivers:

Development and Surface Water – Providing the drainage works described in the Drainage Assessment and noted on the ‘Drainage Plan Rev A’ referred to within the report are implemented, the proposed development should not increase the risk of flooding to the development or elsewhere.

DfI Rivers, while not being responsible for the preparation of the report accepts its logic and has no reason to disagree with its conclusions. Consequently, DfI Rivers cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective.

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

Under the terms of Schedule 6 of the Drainage (NI) Order 1973 any proposal either temporary or permanent, in connection with the development which involves interference with any watercourse such as culverting, bridging, diversion, building adjacent to or discharge of storm water etc. requires the written consent of DfI Rivers. This should be obtained from our Armagh Office, 44 Seagoe Industrial Estate, Seagoe Lower, Craigavon, BT63 5QE.

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

Any proposals in connection with the development, either temporary or permanent which involve interference with any watercourse at the site: - such as diversion, culverting, bridging; or placing



any form of structure in any watercourse, require the written consent of the Rivers Agency. Failure to obtain such consent prior to carrying out such proposals is an offence under the Drainage Order which may lead to prosecution or statutory action as provided for.

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

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

#### 5. DfI Roads:

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

The Private Streets (Northern Ireland) Order 1980 and The Private Streets (Amendment) (Northern Ireland) Order 1992.

Under the above Orders the applicant is advised that before any work shall be undertaken for the purpose of erecting a building the person having an estate in the land on which the building is to be erected is legally bound to enter into a bond and an agreement under seal for himself and his successors in title with the Department to make the roads (including road drainage) in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001. Sewers require a separate bond from Northern Ireland Water to cover foul and storm sewers.

Separate approval must be received from DfI Roads in respect of detailed standards required for the construction of streets in accordance with The Private Streets (Construction) Regulations (Northern Ireland) 1994 and The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001.

Under the terms of The Private Streets (Construction) (Amendment) Regulations (Northern Ireland) 2001, design for any Street Lighting schemes will require approval from DfI Roads Street Lighting Consultancy, Marlborough House, Craigavon. The Applicant is advised to contact DfI Roads Street Lighting Section at an early stage. The Applicant/Developer is also responsible for the cost of supervision of all street works determined under the Private Streets Order (Northern Ireland) 1980.

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

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

Notwithstanding the terms and conditions of the Department of Environment's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or

footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is Section Office Main Street, Moygashel, Dungannon. A monetary deposit will be required to cover works on the public road.

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

It is the responsibility of the Developer to ensure that 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.

Notwithstanding the terms and conditions of the Department's approval set out above, you are required under the Street Works (Northern Ireland) Order 1995 to be in possession of a Street Works Licence before any work is commenced which involves making any opening or placing of any apparatus in a street. The Street Works Licence is available on personal application to the DfI Roads Section Engineer whose address is Section Office Main Street, Moygashel, Dungannon.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	4th April 2017
<b>Date First Advertised</b>	20th April 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Coney Park Annaghmore Coalisland The Owner/Occupier, 10 Canal Meadows Annaghmore Coalisland The Owner/Occupier, 10 Coney Park Annaghmore Coalisland The Owner/Occupier, 11 Canal Meadows Annaghmore Coalisland The Owner/Occupier, 11 Coney Park Annaghmore Coalisland The Owner/Occupier, 12 Canal Meadows Annaghmore Coalisland The Owner/Occupier, 12 Coney Park Annaghmore Coalisland The Owner/Occupier, 14 Canal Meadows Annaghmore Coalisland The Owner/Occupier, 14 Coney Park Annaghmore Coalisland The Owner/Occupier, 15 Canal Meadows Annaghmore Coalisland The Owner/Occupier, 15 Coney Park Annaghmore Coalisland The Owner/Occupier, 16 Canal Meadows Annaghmore Coalisland The Owner/Occupier, 16 Coney Park Annaghmore Coalisland The Owner/Occupier, 17 Canal Meadows Annaghmore Coalisland The Owner/Occupier, 17 Coney Park Annaghmore Coalisland The Owner/Occupier, 18 Canal Meadows Annaghmore Coalisland The Owner/Occupier, 18 Coney Park Annaghmore Coalisland The Owner/Occupier, 19 Canal Meadows Annaghmore Coalisland The Owner/Occupier, 19 Coney Park Annaghmore Coalisland The Owner/Occupier, 2 Coney Park Annaghmore Coalisland	

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8 Canal Meadows Annaghmore Coalisland  
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9 Canal Meadows Annaghmore Coalisland  
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9 Coney Park Annaghmore Coalisland  
The Owner/Occupier,  
95 Washingbay Road, Coalisland

The Owner/Occupier, 97 Washingbay Road, Coalisland	
<b>Date of Last Neighbour Notification</b>	19th April 2017
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2016/1096/DETEI Proposal: Proposed Multi-Sports and Community Hub Address: Washingbay Road, Coalisland, Decision: NRES Decision Date:  Ref ID: LA09/2016/1489/PAN Proposal: Multi-Sports & Community Hub Address: 93 Washingbay Road, Coalisland, Decision: PANACC Decision Date:	
<b>Summary of Consultee Responses</b>  Acceptable subject to conditions and informatives.	
<b>Drawing Numbers and Title</b>	
Drawing No. 01 Type: Site Location Plan Status: Approved  Drawing No. 02 Type: Site Layout or Block Plan Status: Approved  Drawing No. 03/3 Type: Detailed Drawing Plans Status: Approved	
<b>Notification to Department (if relevant) N/A</b>  Date of Notification to Department: Response of Department:	

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0541/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed site for dwelling and domestic garage for residential purposes	<b>Location:</b> 120m South East of 129 Ballynease Road Portglenone
<b>Referral Route:</b> Contrary To CTY 1, 10 & 13 of PPS21	
<b>Recommendation: Refusal</b>	
<b>Applicant Name and Address:</b> Richard Mulholland 75 Ballynease Road Portglenone	<b>Agent Name and Address:</b> Diamond Architecture 77 Main Street Maghera BT46 5AB
<b>Executive Summary:</b>	
<b>Signature(s):</b> Lorraine Moon	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

Letters of Support	None Received
Letters of Objection	None Received



Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
<b>Summary of Issues</b> Proposal contrary to CTY 1, CTY 10 & CTY 13 of PPS21	
<b>Characteristics of the Site and Area</b> The proposal site is located within the corner of a large agricultural field on the roadside of Ballynease Road, Portglenone. Immediately south of the proposal site is further agricultural land while immediately opposite are further residential properties. North of the land shown in blue are several residential properties which are all accessed off a separate private laneway. The proposal site itself is bounded on the southern and western sides by mature vegetation and trees while the northern boundary of the site is undefined and the roadside is defined by a modest grass verge and post and wire fence.	
<b>Description of Proposal</b> Outline application for Outline application for dwelling and garage.	
<b>Planning Assessment of Policy and Other Material Considerations</b> I have assessed this proposal under the following: SPSS Magherafelt Area Plan 2015 Planning Policy Statement 1 - General Principles Planning Policy Statement 21 - Sustainable development in the countryside Consultees: - NI Water were asked to comment and responded on 04.05.2017 with no objections to the proposal DEARA were asked to comment and responded on 23.05.2017 stating that the farm business has been in existence for over 6 years and is deemed active. Transportni were asked to comment and responded on 23.05.2017 with no objections to the proposal subject to conditions. Environmental Health were asked to comment and responded on 10.05.2017 with no objections subject to advice. Neighbours: - Owners/Occupiers of Nos. 106A, 106B, 126A, 128, 128A, 129, 129A, 129B, 129C, 130, 132 _134 Ballynease Road were notified of this proposal on 04.05.2017, no representations have been received to date. In line with legislation this proposal was advertised in the local press during May 2017 - no objections have been received to date. In line with policy CTY 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. One of these such types of development is a dwelling on a farm in accordance with Policy CTY 10 whereby it states that planning permission will be granted for a dwelling on a farm where all of the following criteria can be met:	

a) the farm business is currently active and has been active for at least 6 years; - following consultation with DAERA they were able to confirm that the farm business has been established and active for at least 6 years and as such the applicant complies with this criteria.

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. - following the submission of farm maps detailing all the farm land related to the farm business in question I was able to do a GIS search and confirm that there have been no other development opportunities out-with settlement limits sold off from the farm holding and as such the applicant adheres to this criteria.

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 group(s)

The proposed site is not situated so as to be visually linked or cluster with an established group of buildings on the farm. The agent was contacted on 01.06.2018 explaining the requirements of the policy and how the proposal does not adhere to these requirements. The agent responded by submitting a solicitors letter and maps explaining why the new dwelling cannot be located at the main farm complex on 01.05.2018. Within this submission the reasoning for not siting adjacent to the existing farm complex is that there is no right of access available. Unfortunately according to criteria c of CTY 10 this is not a justifiable reason as to why the site could be sited away from the farm complex and as such the applicant fails to meet this criteria.

In addition to CTY 10 the proposal site needs to be considered against the criteria of CTY 13 - Integration and Design of Buildings in the Countryside & CTY 14 - Rural Character. Within which it states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. This proposal is an outline application and as such no design has been suggested at this stage. A dwelling on the proposal site would not be a prominent feature in the landscape and the site has mature boundaries on the southern and western sides which could create enclosure for a building to integrate should an approval be granted. However it should be noted that the proposal site is not visually linked or sited to cluster with an established group of buildings on a farm. As such the proposal does not meet the requirements of CTY 10 of PPS21.

In addition planning permission will only be granted within the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A dwelling sited on the proposal site as already stated would not be unduly prominent in the landscape. Although the proposal should it be granted approval would not result in a suburban style build-up of development when viewed with existing and approved buildings there could be the potential to create opportunities for further development immediately north which would itself create a build-up/ribbon of development.

Having considered all of the points above I would recommend that the committee refuse the proposal as presented as it does not comply with policy requirements. Alternative siting is available to the applicant which would comply with policy requirements and this should be explored further.

<b>Neighbour Notification Checked</b>	<b>Yes</b>
<b>Summary of Recommendation:</b> Refusal recommended – Contrary to CTY 1, CTY 10, CTY 13 of PPS21	
<b>Reasons for Refusal:</b>  <ol style="list-style-type: none"> <li>1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked (or sited to cluster) with an established group of buildings on the farm, nor that health and safety reasons exist to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm.</li> <li>2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.</li> </ol>	
<b>Signature(s)</b>  <b>Date:</b>	

<b>ANNEX</b>	
<b>Date Valid</b>	20th April 2017
<b>Date First Advertised</b>	5th May 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 106A Ballynease Road Ballynease-Helton Portglenone The Owner/Occupier, 106B Ballynease Road Ballynease-Helton Portglenone The Owner/Occupier, 126A Ballynease Road Ballynease-Helton Portglenone The Owner/Occupier, 128 Ballynease Road Ballynease-Helton Portglenone The Owner/Occupier, 128A Ballynease Road Ballynease-Helton Portglenone The Owner/Occupier, 129 Ballynease Road Ballynease-Helton Portglenone The Owner/Occupier, 129A Ballynease Road Ballynease-Helton Portglenone The Owner/Occupier, 129B Ballynease Road Ballynease-Helton Portglenone The Owner/Occupier, 129c Ballynease Road, Portglenone The Owner/Occupier, 130 Ballynease Road Ballynease-Helton Portglenone The Owner/Occupier, 132 Ballynease Road Ballynease-Helton Portglenone The Owner/Occupier, 134 Ballynease Road Ballynease-Helton Portglenone	
<b>Date of Last Neighbour Notification</b>	4th May 2017
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2017/0541/O Proposal: Proposed site for dwelling and domestic garage for residential purposes Address: 120m South East of 129 Ballynease Road, Portglenone, Decision: Decision Date:	

Ref ID: H/2008/0278/RM  
Proposal: Single storey dwelling  
Address: Site adjacent to 126a Ballynease Road, Portglenone  
Decision:  
Decision Date: 12.09.2008

Ref ID: H/1979/0123  
Proposal: HV O/H LINE (BM 2784)  
Address: BALLYNEASE, MAGHERAFELT  
Decision:  
Decision Date:

Ref ID: H/2003/1102/O  
Proposal: Site of dwelling and garage.  
Address: 120m South of 129 Ballynease Road, Portglenone.  
Decision:  
Decision Date: 05.11.2005

Ref ID: H/2003/1101/O  
Proposal: Site of dwelling and garage.  
Address: 90m South of 129 Ballynease Road, Portglenone.  
Decision:  
Decision Date: 08.11.2005

Ref ID: H/2005/0595/O  
Proposal: Site of Dwelling & Garage.  
Address: 80 Metres South West of 131 Ballynease Road, Portglenone.  
Decision:  
Decision Date:

Ref ID: H/2004/0678/F  
Proposal: Site of dwelling and garage.  
Address: 40m South of 129 Ballynease Road, Portglenone  
Decision:  
Decision Date: 21.02.2005

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

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

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0713/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed 3 dwellings ,site road and associated siteworks	<b>Location:</b> Lands adjacent to and east of 100 Killyliss Road Eglish
<b>Referral Route:</b> Objection received	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Mr L Cassidy 76 Main Street Pomeroy	<b>Agent Name and Address:</b> Building Design Solutions 76 Main Street Pomeroy BT70 2QP
<b>Executive Summary:</b> Housing development within Eglish, objections received relating to the development starting, badger activity on site, removal of clay from the site and notification of land owner not carried out.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	NIEA	No specific comment on Water Management issues, content with NED impacts
Statutory	DFI Roads - Enniskillen Office	Will adopt roads within the development
Statutory	Rivers Agency	DA needed if over 10 houses or 1000sqm of hard surfaces
Non Statutory	Environmental Health Mid Ulster Council	Close to noisy activities, septic tanks to have consent to discharge



<b>Representations:</b>	
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
<b>Summary of Issues</b> Development started without consent, badger activity on site, removal of clay from the site and notification of land owner not carried out	
<b>Characteristics of the Site and Area</b>  <p>The application site is just under 1 hectare in area and is located on the Killyliss Road to the west of Eglish. The site is part of an agricultural field and garden of a detached bungalow and rises from the south to the north. The site has had the top soil stripped and this is in mounds within the site.</p> <p>The north boundary of the site is part of the settlement limits of Eglish and there are 3 detached bungalows with individual access onto Killyliss Road, behind a native species hedgerow. The garden to the bungalow to the side is defined by a post and rail fence and there is a small compound with temporary buildings in front of the site on Killyliss Road. The remaining boundaries are undefined on the ground.</p> <p>The area is primarily residential with a mix of 2 storey dwellings and bungalows close by. New dwellings are being built opposite and these are all 2 storey, however the dwellings to the north and one immediately to the south are bungalows. The village has a school, parish hall, GAA grounds, RC Church and small shop to the south east off Killyliss Road.</p> <p>To the east of the site is Barretts Concrete yard and block manufacturing facility as well as Eglish Builders Merchants yard and stores.</p>	
<b>Description of Proposal</b>  <p>The proposal is for the erection of 3 detached dwellings and an estate road. The dwellings are 1 ½ storey, with black flat tiled roof and smooth render walls. The access to the existing bungalow is being relocated and will come off the estate road. One dwelling fronts onto Killyliss Road and 2 are on higher ground to the north. A landscaped buffer is proposed along the north boundary and the other boundaries are defined by 1.8m wooden screen fences.</p>	
<b>Planning Assessment of Policy and Other Material Considerations</b>  <b>Planning History</b> There is no relevant planning history within the site.	
<b>Policy Consideration</b> The proposal should be considered against the policies in the Dungannon & South Tyrone Area Plan 2010 (DSTAP), which is the extant plan for the area. Other policies for consideration are contained in the Strategic Planning Policy Statement for Northern Ireland (SPPS), Planning Policy Statement 2 – Natural Heritage, Planning Policy Statement 3 (PPS3) – Access, Movement & Parking, Planning Policy Statement 7 (PPS7) – Quality Residential Environments, PPS7	

Addendum – Safeguarding the Character of Established Residential Areas, Planning Policy Statement 8 (PPS8) – Openspace, Sport and Outdoor Recreation, Planning Policy Statement 12 (PPS12) and Planning Policy Statement 13 (PPS13) and Planning Policy Statement 15 – Planning & Flood Risk. Other guidance documents include Creating Place, DCAN 8 and DCAN 15.

The Dungannon and South Tyrone Area Plan 2010 is the extant plan for the area, the site is located within the settlement limits for Eglish as defined by SETT1, and the Plan recognises that single houses will be acceptable as are developments of up to 15 units. I consider this proposal for 3 dwellings accords with the plan.

The proposed development of 3 houses is similar in density and appearance to the houses immediately to the north and south of the site and as such are reflective of development in the area. Parking has been provided for 3 vehicles clear of the public road for each dwelling. I consider this is adequate to serve the development.

The rear private amenity space is screened off by the proposed development, screen fences and existing and proposed hedging, it is well in excess of the guidance in Creating Places with the site onto Killyliss Road the lowest amount at 280sqm of private amenity space. The private open space for the development is generous and due to the size of the scheme, only 3 houses, I do not consider there is a need to provide public open space.

The site rises to the north and there are existing dwellings on higher ground that front towards the site. The proposed dwellings will be located 20m from the boundary and the hedge will be augmented to further increase the privacy. I consider this will protect the amenity of the proposed dwellings. I do not consider there will be any significant overlooking issues for other development due to the orientation of the houses and the separation distances being proposed.

An objection was received in relation to the illegal commencement of development on the site without planning permission, clay being removed from the site and badger activity on the site. Members are advised that it is not an offence to commence this development without planning permission, it would only be an offence if an enforcement notice was issued and the terms of the notice were not adhered to. The objector wishes to know if NIEA have been notified of the removal of clay, I have no knowledge of any clay being removed or where to and as such it is a matter for the objector to advise NIEA of any concerns he may have. A biodiversity checklist was provided in relation to the reference to badgers on the site, NIEA Natural Environment Division were consulted and have not raised any concerns about the proposed development impacting on the natural environment.

There are no historic monuments or buildings identified in or close to the site, there are no rivers along the boundaries and the site does not flood.

The waste water treatment works in Eglish does not have an capacity to serve this development, plans have been passed for works to upgrade the facility though this has not yet been done. It is proposed to provide septic tanks to serve this development and EHO have not raised any concerns with this provided the appropriate consents are sought from NIEA. This is a matter for the developer to seek these consents or await connection to the public network prior to the houses being occupied. I consider it is appropriate to attach a condition requiring the septic tanks or connection to the public sewer to be in place prior to the occupation of each of the houses.

Environmental Health have advised the development is located close to noise generating facilities at Barrettes yard, the proposed houses are not coming any closer to the concrete yard than other existing houses and as the yard is already there it is a situation of buyer beware.

Taking account of all of the above factors I consider the proposed development and the layout and design of the development is acceptable and recommend it is approved	
<b>Neighbour Notification Checked</b>	<b>Yes</b>
<b>Summary of Recommendation:</b> Approve with conditions	
<b>Conditions:</b> <ol style="list-style-type: none"> <li>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.</li> <li>2. Prior to the commencement of any other development hereby approved, the vehicular access, including visibility splays of 4.5m x 80.0m 2 shall be provided in accordance with the details shown on drawing No 03 REV 3 2 bearing the stamp dated 17 APR 2018. 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.</li> <li>3. The gradients of the accesses shall not exceed 8% (1 in 12.5) over the first 5m outside the road boundary. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.  REASON: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</li> <li>4. The gradient of the access 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.</li> <li>5. None of the dwellings hereby approved shall be occupied until:           <ol style="list-style-type: none"> <li>a) individual septic tanks have been provided and are fully operational, or</li> <li>b) the developer has provided the Council with a written agreement with NI Water, that the existing network can deal with the waste water from this development.</li> </ol>  Reason: To prevent pollution and to ensure waste water from the development is properly dealt with.         </li> <li>6. All hard and soft landscape works shall be carried out in accordance with the details shown on drawing reference 03 Rev 3 bearing the stamp dated 18 APR 2018.. The scheme shall be provided to the appropriate British Standard or other recognised Codes of Practise. Any tree, shrub or other plant identified in the landscaping scheme dying with</li> </ol>	

5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

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

7. The Department for Infrastructure has determined 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 Drawings No 06 Rev 1, bearing the date stamp 17 APR 2018.

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.

8. The development hereby permitted shall not be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No 06 Rev 1 bearing the date stamp 17 APR 2018. The Department for Infrastructure 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 safe, proper and convenient means of access to the development are carried out.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	25th May 2017
<b>Date First Advertised</b>	8th June 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Killyliss Manor Roan Eglish The Owner/Occupier, 100 Killyliss Road, Roan, Dungannon, Tyrone, BT70 1LE, The Owner/Occupier, 101 Killyliss Road Roan Dungannon The Owner/Occupier, 102 Killyliss Road Roan Dungannon The Owner/Occupier, 103 Killyliss Road Roan Dungannon The Owner/Occupier, 104 Killyliss Road Roan Dungannon The Owner/Occupier, 2 Killyliss Manor Roan Eglish The Owner/Occupier, 3 Killyliss Manor Roan Eglish The Owner/Occupier, 4 Killyliss Manor Roan Eglish The Owner/Occupier, 5 Killyliss Manor Roan Eglish Niall McCann 66a, Kilnacart Road, Dungannon, Tyrone, Northern Ireland, BT70 1PD The Owner/Occupier, 94 Killyliss Road, Roan, Dungannon, Tyrone, BT70 1LE, The Owner/Occupier, 96 Killyliss Road Roan Dungannon The Owner/Occupier, 98 Killyliss Road Roan Dungannon The Owner/Occupier, 99 Killyliss Road Roan Dungannon	
<b>Date of Last Neighbour Notification</b>	11th July 2017
<b>Date of EIA Determination</b>	<b>25<sup>th</sup> July 2018</b>
<b>ES Requested</b>	No

## Planning History

Ref ID: LA09/2016/0612/PAD

Proposal: Proposed housing development and convenience shop

Address: Lands 50m East of 100 Killyliss Road, Eglish,

Decision:

Decision Date:

Ref ID: LA09/2017/0713/F

Proposal: Proposed 3 dwellings ,site road and associated siteworks

Address: Lands adjacent to and east of 100 Killyliss Road, Eglish,

Decision:

Decision Date:

Ref ID: M/1977/0224

Proposal: BUNGALOW AND GARAGE

Address: ROAN, EGLISH, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1977/022402

Proposal: SUBSIDY BUNGALOW

Address: ROAN, EGLISH, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1979/0615

Proposal: EXTENSION AND IMPROVEMENTS TO DWELLING

Address: 98 KILLYLISS ROAD, EGLISH, DUNGANNON

Decision:

Decision Date:

Ref ID: M/1993/0482

Proposal: Replacement Dwelling

Address: 98 KILLYGLISS ROAD EGLISH DUNGANNON

Decision:

Decision Date:

Ref ID: M/1994/0171

Proposal: Replacement dwelling

Address: 98 KILLYLISS ROAD, EGLISH, DUNGANNON.

Decision:

Decision Date:

Ref ID: M/2001/1037/A41

Proposal: Alterations internally and conversion of garage to bedroom and ensuite

Address: 102 Killyliss Road, Eglish

Decision:

Decision Date:

Ref ID: M/2007/0861/O

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

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

Decision:

Decision Date: 23.11.2007

### **Summary of Consultee Responses**

NIEA – No specific comment on Water Management issues, content with NED impacts

Rivers – DA needed if over 10 houses or 1000sqm of hard surfaces

Roads – roads with development will be adopted

EHO – noise may be an issue from concrete yard, consent to discharge required for septic tanks

### **Drawing Numbers and Title**

01 – location map, 02 – concept, 03Rev3 - site layout, 04 – elevations and floor plan, 05- sections, 06Rev1 - PSD's

### **Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



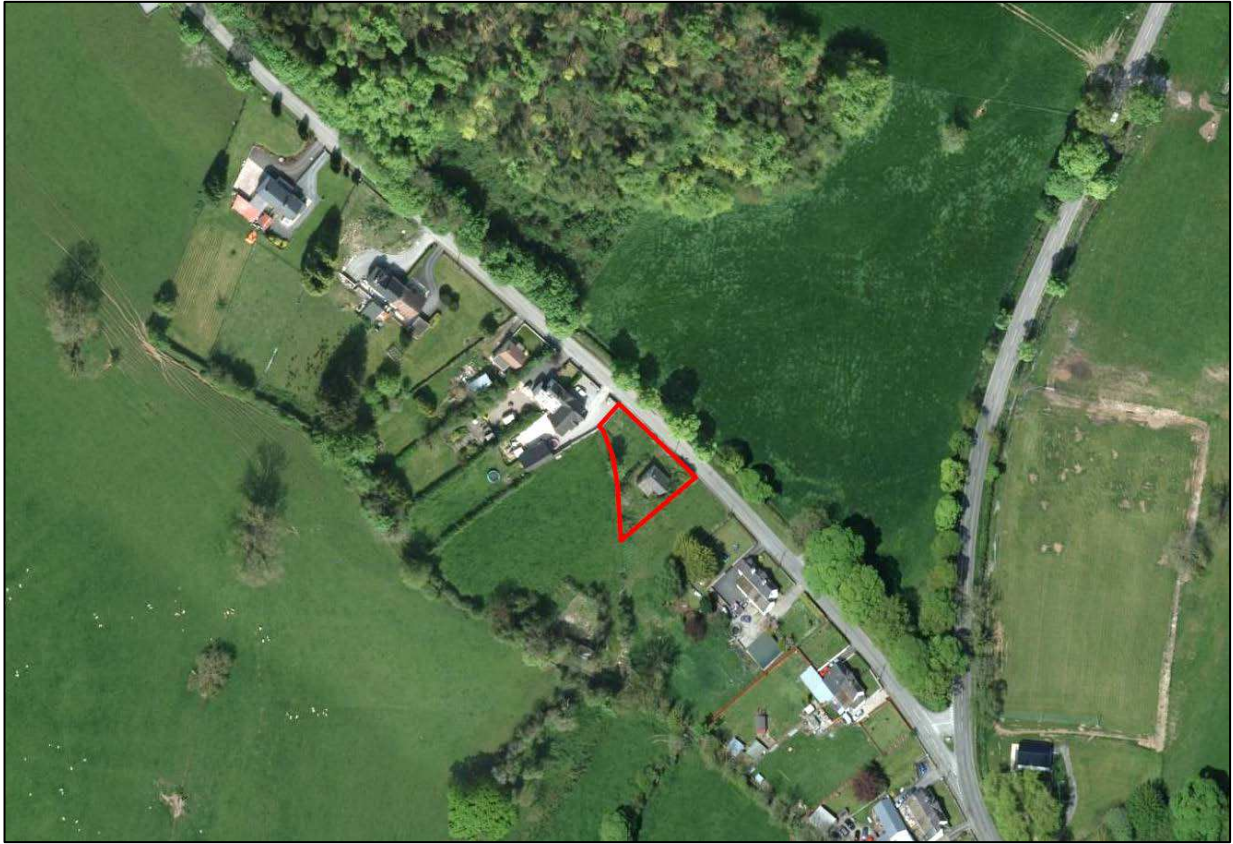
## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/0968/F	<b>Target Date:</b> 30.10.2017
<b>Proposal:</b> Proposed erection of 1 replacement storey and a half dwelling	<b>Location:</b> 10 Minterburn Road Caledon
<b>Referral Route:</b> Application recommended for Refusal.	
<b>Recommendation:</b>	Refuse
<b>Applicant Name and Address:</b> Mrs M Murphy 87 Derrycourtney Road Caledon	<b>Agent Name and Address:</b> Atec Design 12 Knox's Hill Armagh BT60 2HP
<b>Executive Summary:</b>  The detailed design, size and scale of this proposal is not considered acceptable in this area along the Minterburn Road, Caledon. The proposal, in its current form, does not respect or enhance the character of the surrounding built context and detracts from the character of the area. The proposal relates to the provision of a prefab modular building as a replacement dwelling, however I do not consider that the proposal relates to the existing dwelling on the site or indeed to the character portrayed by the surrounding dwellings along the Minterburn Road. The existing dwellings exhibit a narrow gable depth and a roof plain which is elevated towards the road. The proposed dwelling is of a larger scale/width and the roof pitch faces towards the road. As documented herein, the proposal is not considered to comply with prevailing planning policy and refusal is recommended. The applicant has been provided with a number of opportunities to amend the scheme and address the issues raised and has failed to do so.	
<b>Signature(s):</b>	



## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
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

NI Water were consulted and responded on this application. There have been no third-party objections to the proposal and all issues have been considered within the determination below.

### Characteristics of the Site and Area

The application site is located on the Minterburn Road within the settlement limits of Caledon, as defined within the Dungannon and South Tyrone Area Plan 2010. Caledon lies approx. 10km west of Armagh and 2.5km from the border with County Monaghan in the Republic of Ireland. The site

is located to the North of Caledon, along the Minterburn Road, in an area which includes a line of semidetached and detached dwellings. The application site includes a single dwelling which exhibits signs of having been derelict for the past number of years. The existing dwelling is a small single storey chalet type dwelling with a narrow gable depth and a roof plain which is elevated towards the road.

The application site is located within a single plot which includes some mature vegetation around the existing dwelling and open space to either side. The plot is triangular in nature and gradually decreases in width towards the north west. The site is currently accessed via an existing access to the north of the site, onto Minterburn Road.

### **Description of Proposal**

The proposal is for full planning consent for a replacement dwelling at 10 Minterburn Road, Caledon, Co. Tyrone. The proposal includes the provision of a storey and a half prefabricated modular building, located to the west of the site area and using the existing site access. The materials to be used on the finishes of the building include concrete interlocking tiles to roof, white/cream dash render to walls, upvc fascia, black aluminium guttering, and upvc double glazed windows and doors. All finishes are annotated on Drawing No. 04 date stamped 17/07/2018.

### **Planning Assessment of Policy and Other Material Considerations**

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

1. Dungannon and South Tyrone Area Plan 2010.
2. Strategic Planning Policy Statement (SPPS).
3. Planning Policy Statement (PPS) 7 - Quality Residential Environments.
4. Development Control Advice Note (DCAN) 8 - Housing in existing urban areas.
5. Planning Policy Statement (PPS) 12 – Housing in Settlements.
6. A Planning Strategy for Rural NI (PSRNI).

### **Planning History**

There is no planning history on the site which is relevant to the determination of this application.

### **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 (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 SPPS outlines that until such times as a plan strategy has been prepared for the area, development proposals should be guided by existing prevailing planning policy.

### **DSTAP**

The application relates to the provision of a replacement dwelling within the settlement of Caledon, Co. Tyrone. The Dungannon and South Tyrone Area Plan 2010 (DSTAP) highlights that residential development along Minterburn Road has developed in a linear form and that the core of the village has exceptional architectural character. It is noted that the village has a designated Conservation Area and that the application site sits outside of this.

In addition the DSTAP outlines that single dwellings of an appropriate design will normally be acceptable on suitable sites within the settlement limit provided the proposal does not prejudice

the comprehensive development of adjacent land. Housing development will normally be permitted provided the scale, layout and detailed design of the development are compatible with the scale and character of the settlement.

In consideration of that above I am not content that the proposal presents a design which is appropriate to the setting of the surrounding area. I consider that the scale, layout and design of the proposed development are incompatible with the established context of the surrounding streetscape in this area. The proposed dwelling is of a larger scale to that of the surrounding dwellings along the Minterburn Road and the roof plain is not elevated towards the road. The simplistic nature of the design is also not in keeping with the character portrayed by the other dwellings in the row.

#### PPS 7 & DCAN 8

Policy QD 1 of PPS 7 establishes that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment.

As highlighted in the DSTAP consideration above, the layout, scale and proportions of the proposed development are not sympathetic to the surrounding context in terms of the detailed design of the proposal and the character of the surrounding area.

No features of historical, built or natural heritage importance were identified within or near to the site area and as such I consider that the proposal does not give rise to a negative impact on the integrity of the surrounding historic or natural environment.

Although the application dwelling takes up a large proportion of the site area I am content that adequate open/amenity space remains within the curtilage of the property, in line with the requirements contained within the Creating Places guidance document. It is noted that no planting has been proposed on the proposed site layout plan and this is also a concern in terms of the loss of the existing mature vegetation around the site and the retention of defined site boundaries.

The level of local neighbourhood facilities is limited around this area due to the small-scale nature of this rural settlement and the need for vehicular transport to most nearby amenities, however it is noted that the proposal is linked with the existing footpath link back into the centre of the village. This provides adequate access to local facilities. I consider that the development has made adequate provision for access to local neighbourhood facilities and public transport.

In terms of access to the development, the applicant has highlighted that the existing/unaltered access provision to the site is to be used and that no intensification will occur. I consider that the proposed access and parking arrangements to the site are adequate.

The existing land uses surrounding the site are predominantly residential and as such I do not consider that the proposal will give rise to any impact in this regard. The proposal will be compatible with existing land uses.

The development is considered to be designed to deter crime and promote personal safety with the dwelling either fronting onto or overlooking areas of public open space.

On the basis of the consideration above, I consider that, whilst the proposal satisfies a number of the criteria highlighted above, in its current state it fails to integrate successfully at this location and is out of keeping with the surrounding built context and character of this area.

#### Residential Amenity

There is one third party dwelling which directly abuts the site to its north western boundary and this is noted as being No. 12 Minterburn Road. This is a semidetached dwelling which looks onto Minterburn Road, the side of the dwelling faces onto the application site. There are a number of windows which look towards the application property from No. 12, however I note the existence of the existing dwelling and I am satisfied that the proposal will not create a significantly greater impact on residential amenity when considered against the existing property. The proposal will not give rise to concerns surrounding overlooking, overshadowing or dominance/privacy issues.

However, it must be noted that the neighbouring land is also a potential site for a development and the closeness to the boundary and the windows on that elevation, which face towards the vacant lands to the east, could prejudice the development potential of neighbouring land.

#### DCAN 8

A similar approach is adopted within DCAN 8 which establishes that the following issues should be considered:

- Maintain and where possible enhance environmental quality;
- Respect the privacy and preserve the amenity of existing residents;
- Reinforce the character and qualities which make an area an attractive place to live and visit;
- Ensure good practice principles in the design of buildings and landscaping of surroundings; and
- Aim to provide a safe and secure environment.

I consider that the development, as proposed, would result in damage to the local character of the area. The detailed design of the proposal does not respect or enhance the existing residential setting and is out of keeping with the existing character of the area.

#### PPS 12

PCP 2 (Good Design) advocates that all new housing developments should demonstrate a high quality of design, layout and landscaping. The proposal has been assessed against the requirements of PPS 7 Policy QD1 and I am not satisfied that this proposal can satisfactorily integrate into this streetscape. As stated above, I have concerns surrounding how the local character of Caledon will be affected and how the quality of the existing streetscape will be significantly eroded. The adjacent housing context should be respected and adequate boundaries should be in place. I am not content that this has been provided in the proposal put forward.

#### PSRNI

Policy DES 2 of PSRNI highlights that careful consideration will be given to the treatment of form and space, the massing and arrangement of buildings and the spaces within and around them. In sensitive development which disrupts the scale and rhythm of townscape will be resisted. As discussed above the proposal is not sensitive to the character of the surrounding area in terms of design, size or scale.

#### Further Particulars

Members should be aware that the applicant/agent have been made aware of my concerns regarding this proposal on several occasions, dating back to January of this year and have failed to provide any amended/supplementary information.

If the applicant was willing to make alterations to orientation and design of this dwelling I am confident that a compromise could be achieved. However, as they have not responded to my requests, I have no option but to recommend refusal.

#### **Conclusions**

The proposal is considered to be at odds with the policy provision contained within prevailing planning policy and as such refusal is recommended.

#### **Neighbour Notification Checked**

**Yes**

#### **Summary of Recommendation:**

Refuse, for the reasons documented above.

#### **Reason(s) for Refusal:**

1. The proposal is contrary to the policy provisions of Policy QD1 of Planning Policy Statement 7: Quality Residential Environments, Planning Control Principle 2 of Planning Policy Statement 12: Housing in Settlements, and Policy DES 2 of A Planning Strategy for Rural

Northern Ireland, in that it does not respect the surrounding context or character of the streetscape in terms of size, scale and design.

2. The proposal is contrary to Policy QD 1 of PPS 7 in that it would prejudice the orderly development of the neighbouring lands.

**Signature(s)**

**Date:**

## ANNEX

<b>Date Valid</b>	17th July 2017
<b>Date First Advertised</b>	3rd August 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 12 Minterburn Road, Kilgowney, Caledon, Tyrone, BT68 4XH,	
<b>Date of Last Neighbour Notification</b>	28th July 2017
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: M/2005/0218/F Proposal: Extension to dwelling and new domestic garage (amended drawings) Address: 12 Minterburn Road, Caledon Decision: Decision Date: 15.07.2005  Ref ID: M/2000/0685 Proposal: Proposed housing development Address: Adjacent to 10 Minterburn Road Caledon Decision: Decision Date:  Ref ID: M/2004/1721/Q Proposal: Proposed Housing Development	

Address: Adjacent to 10 Minterburn Road, Caledon

Decision:

Decision Date:

Ref ID: M/1998/4008

Proposal: Erection of porch

Address: 10 MINTERBURN ROAD CALEDON

Decision:

Decision Date:

Ref ID: M/2006/0198

Proposal: Housing Development

Address: Minterburn Road, Caledon

Decision:

Decision Date:

Ref ID: M/1997/6040

Proposal: Dwelling 10 Minterburn Road Caledon

Address: 10 Minterburn Road Caledon

Decision:

Decision Date:

Ref ID: LA09/2017/0968/F

Proposal: Proposed erection of 1 replacement storey and a half dwelling

Address: 10 Minterburn Road, Caledon,

Decision:

Decision Date:

Ref ID: M/1976/0132

Proposal: EXTENSIONS TO LABOURER'S COTTAGES

Address: BEECH ROAD, CALEDON

Decision:

Decision Date:

Ref ID: M/1995/4039

Proposal: Alterations to dwelling

Address: 12 MINTERBURN ROAD KILGOWNEY

Decision:

Decision Date:

Ref ID: M/2005/2308/Q

Proposal: 5 Townhouses

Address: 10 Minterburn Road, Caledon

Decision:

Decision Date:

Ref ID: M/2001/0073/O

Proposal: Replace existing dwelling with 3 No detached dwellings

Address: 10 Minterburn Road Caledon

Decision:

Decision Date: 03.05.2001

### Summary of Consultee Responses

CONSULTATION RESPONSES							
Consultn Type	Consultee	Consulted	Target Reply	Rev Target	Date Reply	Response	Response Type
Non Statutory	NI Water - Single Units	27.07.2017	17.08.2017		31.07.2017	No Objection	Final Substantiv
Non Statutory	NI Water - Single Units	02.08.2017	23.08.2017		03.08.2017	No Objection	Final Substantiv

### Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Approved

Drawing No. 02

Type: Site Location Plan

Status: Approved

Drawing No. 03

Type: Site Layout or Block Plan

Status: Approved

Drawing No. 04

Type: Proposed Plans

Status: Approved

Drawing No. 05

Type: Proposed Plans

Status: Approved

### Notification to Department (if relevant)

Date of Notification to Department: N/A

Response of Department: N/A



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/1371/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed 2 Storey dwelling and domestic garage/store based on Policy CTY10 Dwelling on farms	<b>Location:</b> 130m South of 38 Tirgan Road Tirgan Moneymore
<b>Referral Route:</b> Contrary to CTY 1, 10, 13 & 14 of PPS 21	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Mr Declan Connery 25 Tirgan Road Tirgan Moneymore	<b>Agent Name and Address:</b> CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
<b>Executive Summary:</b>	
<b>Signature(s):</b>	



## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

Number of Petitions of Objection and signatures	No Petitions Received
<b>Summary of Issues</b> No issues	
<p><b>Characteristics of the Site and Area</b></p> <p>The site is located approximately 2.75 miles south west of Desertmartin in open countryside in accordance with Magherfelt Area Plan 2015. The site outlined in red consists of an agricultural field set back 150m from the Tirgan Road. No 38, a large two storey dwelling and garage abuts the site along the northern boundary and Tirgan Hall is located 30m north east of the site. The site gradually rises from north to south and is bound by a vegetation along all boundaries. Access to the site is obtained via an existing shared laneway which wraps around the rear of No 38.</p> <p>The surrounding area is characterised by an undulating landscape. The predominant land use is of an agricultural nature.</p>	
<p><b>Description of Proposal</b></p> <p>The application seeks outline planning permission for a detached two storey dwelling and garage on the farm.</p>	
<p><b>Planning Assessment of Policy and Other Material Considerations</b></p> <p><b>Relevant Site History:</b> No relevant history</p> <p><b>Representations:</b> 2 neighbour notification letters were sent to the occupier of Tirgan Hall 36 Tirgan Road Moneymore and No 38 Tirgan Road, Moneymore. 2 letter of representations have been received from JPH Law, a firm of solicitors acting on behalf of Mr Seamus Connery the owner of No 38 the unoccupied dwelling located south of the site, points raised:</p> <p>Letter received on 26th October 2017:</p> <ol style="list-style-type: none"> <li>1.No 38 is owned by the Mr Seamus Connery and not the applicant and has been included in land outlined in blue.</li> <li>2. The proposal does not comply with CTY 10.</li> <li>3.The farm business at this location was conducted by Mr Seamus Connery and his late father.</li> <li>4. There are no buildings on the proposed site.</li> </ol> <p>Letter received on 30th January 2018 and reiterates the points raised previously:</p> <ol style="list-style-type: none"> <li>1. The proposal does not comply with CTY 10.</li> <li>2. There are no existing buildings on the holding.</li> <li>3. There is no justification under planning policy for the application.</li> </ol> <p>The points raised will considered under criterion (c) of CTY 10.</p> <p><b>Development Plan and Key Policy Consideration:</b></p> <p>Decisions must be taken in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise.</p> <p><u>Magherafelt Area Plan 2015:</u> The site is located in open countryside and in the Sperrin's AONB, a Design and Access Statement.</p>	

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.

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.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (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. This is supplemented by Building on Tradition: A Sustainable Design Guide for the Northern Ireland Countryside.

Policy CTY 1 of PPS 21 allows for a single dwelling on a farm subject to the policy tests laid down in policy CTY 10 and states that planning permission will be granted for a dwelling on a farm where three criteria are met.

Criterion (a) requires the farm business to be currently active and established for at least 6 years. The applicant has submitted a farm business ID number which DARD has confirmed is currently active and has been established more than 6 years and that the farm business has claimed Single Farm Payment (SFP), Less Favoured Area Compensatory Allowances (LFACA) or Agri Environment schemes in the last 6 years. However the farm business number provided relates to a business located at No 25 Motalee Road, Magherafelt and according to the applicant that business take the land in conacre that said I am still satisfied that the proposal complies with criterion (a).

Under criterion (b) which requires 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. A planning history search reveals no development opportunities have been sold off, therefore the proposal complies with criterion (b).

Under criterion (c) of the policy which requires that the new building is visually linked or sited to cluster with an established group of buildings on the farm. Initially the applicant claimed he was in ownership of No 38, the dwelling and garage located immediately north of the site and according to the design and access statement No 38 is associated with the farm business. However two objections have been received from Mr Seamus Connery who is also claiming ownership of No 38. The applicant's was asked for clarification regarding ownership of No 38 and to date no clarification has been received, instead a revised location plan was submitted showing No 38 excluded from land in blue. As a result there is no existing buildings on the farm holding. The applicant has provided no further justification how the proposal meets with criterion (c). As the proposal is contrary to criterion (c), the proposal is also contrary to Policy CTY 1 of PPS 21

### **Integration**

As the proposal does not constitute an exception to Policy CTY 10 and the proposed building is not visually linked or sited to cluster with an established group of buildings on a farm, it is contrary to criterion (g) of policy CTY 13 of PPS 21. With regards to criteria (a), (b), (c), (d), (e) & (f) of policy CTY 13, the vegetation and the rising landform west of the site would provide an adequate backdrop for two storey dwelling if located on the lower northern half of the site, close to the two storey dwelling at No 38. However the location plan indicates that the 'site' is located on the southern half of the site which sits at a higher level than the two storey dwelling. As a result a two storey dwelling would be a prominent feature in the landscape and would read as

skyline development. Whereas as a single storey dwelling may be considered more appropriated on the southern portion of the site. The proposal is contrary to criteria (a), (f) and (g) of Policy 13.

#### **Impact on Character and Appearance of the Area**

Policy CTY14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I have already determined that a two storey dwelling would be unacceptable under CTY 13 because it would be prominent feature in the landscape, therefore it would also be contrary to criterion (a) of CTY 14 - unduly prominent in the landscape.

#### **Other Matter**

The applicant has not sought to argue that the proposed development falls into any other category of acceptable development identified in Policy CTY1. No evidence has been advanced that the proposed development could not be located in a settlement. Therefore, the proposal is contrary to CTY1 of PPS21.

#### **Other Material Consideration.**

I am also satisfied that the proposal will not lead to a significant deterioration in road safety under the provisions of PPS 3 Access, Movement and Parking. I am also satisfied that the proposed site will not have significant adverse impact on neighbouring amenity, this will be further considered at RM stage if approval is forthcoming.

**Neighbour Notification Checked**      **Yes**

#### **Summary of Recommendation: Contrary to CTY 1, 10, 13 & 14 of PPS 21**

##### **Refusal Reasons**

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked with the established group of buildings on the farm holding.
2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed two storey is a prominent feature in the landscape and the proposed building fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed two storey 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:**

<b>ANNEX</b>	
<b>Date Valid</b>	5th October 2017
<b>Date First Advertised</b>	19th October 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 31 Tirgan Road Moneymore Londonderry The Owner/Occupier, 34 Tirgan Road Moneymore Londonderry The Owner/Occupier, 35 Tirgan Road Moneymore Londonderry The Owner/Occupier, 37 Tirgan Road Moneymore Londonderry The Owner/Occupier, 38 Tirgan Road, Moneymore, Londonderry, BT45 7RX, The Owner/Occupier, Montrose House, 17-21 Church Street, Portadown, BT62 3LN The Owner/Occupier, Montrose House, 17-21 Church Street, Portadown, BT62 3LN The Owner/Occupier, Tirgan Hall 36 Tirgan Road, Moneymore, Londonderry, BT45 7RX,	
<b>Date of Last Neighbour Notification</b>	16th March 2018
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2017/1371/O Proposal: Proposed 2 Storey dwelling and domestic garage/store based on Policy CTY10 Dwelling on farms Address: 130m South of 38 Tirgan Road, Tirgan, Moneymore, Decision: Decision Date:  Ref ID: LA09/2017/1351/F Proposal: Proposed change of use from Community Hall to Community Centre/Club to also include occasional sale of food and drinks Address: 36 Tirgan Road, Moneymore, Decision: Decision Date:  Ref ID: H/2014/0225/F Proposal: Proposed extension to community hall Address: 36 Tirgan Road, Moneymore, Magherafelt, BT45 7RX,	

Decision: PG

Decision Date: 18.11.2014

Ref ID: H/1996/0566

Proposal: REPLACEMENT DWELLING

Address: 38 TIRGAN ROAD MONEYMORE

Decision:

Decision Date:

Ref ID: H/1992/0604

Proposal: IMPROVEMENTS TO DWELLING

Address: 38 TIRGAN RD MONEYMORE

Decision:

Decision Date:

Ref ID: H/2003/1209/F

Proposal: Alterations and extension to dwelling to include first floor and domestic garage.

Address: 38 Tirgan Road, Money more.

Decision:

Decision Date: 18.08.2004

Ref ID: H/2004/1160/F

Proposal: Replacement of Existing Dwelling. New application superseding previous approval H/2003/1209, and domestic garage.

Address: 38 Tirgan Road, Money more.

Decision:

Decision Date: 02.12.2004

Ref ID: H/2010/0510/F

Proposal: Proposed Community Hall (Removal of Existing) For Social Community Events And Provision Of Car Parking Facilities (Amendments to approval H/2010/0510/F)

Address: 65Metres East Of 38 Tirgan Road, Money more,

Decision: PG

Decision Date: 12.01.2011

Ref ID: H/2006/0145/O

Proposal: Site of proposed Community Hall (Removal of Existing) for Social Community Events & Provision of Car Parking Facilities

Address: Approximately 65M East of No 38 Tirgan Road, Money more

Decision:

Decision Date: 06.09.2007

Ref ID: H/2011/0357/F

Proposal: Proposed community hall (removal of existing) for social community events and provision of car parking facilities (amendments to approval H/2010/0510/F)

Address: 65m East of 38 Tirgan Road, Money more,

Decision:

Decision Date: 05.12.2011

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

Drawing No. 01 Revision 1  
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	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2017/1484/O	<b>Target Date:</b> 25/01/2018
<b>Proposal:</b> Infill Dwelling and Garage	<b>Location:</b> Land to the rear of 42 Agharan Road Dungannon
<b>Referral Route:</b>  Contrary to PPS 21	
<b>Recommendation:</b>	REFUSE
<b>Applicant Name and Address:</b> Paul McQuaid 84 Cookstown Road Dungannon	<b>Agent Name and Address:</b> Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
<b>Executive Summary:</b>	
<b>Signature(s):</b>	



## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	Historic Environment Division (HED)	Content
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	DETI - Geological Survey (NI)	No Objection

### Representations:

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

### Summary of Issues

All statutory bodies were consulted on this application. All other material considerations have been addressed within the determination of this application.

### Characteristics of the Site and Area

The site relates to land to the rear of 42 Agharan Road, Dungannon County Tyrone, which is located in a predominantly rural location that is outside any development settlement limits as depicted in the Dungannon and South Tyrone Area Plan 2010.

The site is enclosed by the surrounding properties leaving a small hardcore area which has access to a series of small outbuildings. There is thick vegetation planted on two side boundaries with No 44 and opposite side.

The site measures approximately 0.17 of a hectare representing a small rectangular plot of land located to the rear of No. 42 Agharan Road. To the west is No. 44, a single storey dwelling with a small domestic shed to the rear. A laneway runs adjacent to No. 44 that services another property further up the laneway. Located to the east of the application site is a small infill site which has received outline planning consent for an infill under planning reference LA09/2015/0799/O granted 08.12.2015.

### Description of Proposal

The applicant is seeking outline planning consent for Infill Dwelling and Garage on lands to the rear of No. 42 Agharan Road.

### Planning Assessment of Policy and Other Material Considerations

#### 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

Planning Ref:	Site Address	Proposal	Decision	Decision Date
LA09/2015/0799/O	Land adjacent to 42 Agharan Road, Dungannon,	Proposed infill dwelling and garage	PERMISSION GRANTED	08.12.2015
LA09/2016/0468/PAN	High pressure (HP) gas transmission pipeline of approximately 80 kilometres in length	Proposed gas pipeline to supply natural gas to west of Northern Ireland		

#### Statutory consultations:

DFI Roads responded no objections subject to standard condition;  
 NIW responded no objection subject to standard Informatives;  
 HED responded no objections stating HED was content that the proposal is satisfactory to SPSS and PPS 6 archaeological policy requirements  
 EHD MUDC responded no objection subject to standard conditions'  
 Geological Survey NI responded no objections

**Policy References:**

Magherafelt Area Plan 2015.

Strategic Planning Policy Statement for Northern Ireland (SPPS, published 28 Sept 2015)

Planning Policy Statement 21- Sustainable development in the countryside

Planning Policy Statement 3 Access, Movement and Parking

Policy BH 2 –Protection of Archaeological Remains of Local Importance and their Setting (PPS6)

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

The application property is located outside / inside the settlement Development Limits of Dungannon & South Tyrone Area Plan 2010.

There are no other potential development constraints. The proposal raises no concerns in terms of flood risk, impact on listed built heritage or protected trees or vegetation (TPO) nor does it fall within Conservation, Townscape Designation. The proposal is under the 15.2m height threshold for consultation to Defence Estates relating to Met. Office -Radar. The key policy tests and relevant supplementary guidance are listed below.

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 & South Tyrone Area Plan 2010 (D&STAP) 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 DSTAP 2010 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.

CTY 1 - Development in the Countryside

CTY 8 - Ribbon Development

CTY 13 - Integration and Design of Buildings in the Countryside

CTY 14 - Rural Character

CTY 16 – Development Relying on Non – Mains Sewage

Policy CT1 of PPS 21 sets out a range of development which in principle are acceptable in the countryside and that will contribute to the aims of sustainable development. Policy CTY1 indicates that the development of a small 'gap – infill site' within an otherwise substantially and continuously built up frontage is such a form of development in accordance with policy CTY8. Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. Policy also states an exception will be permitted for the development of small gap – infill site sufficiently only to accommodate up to a maximum of two (2) houses within an otherwise substantially and continuously built up frontage and provided that this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental considerations.

Policy defines substantially and continuously built up frontage as including a line of three (3) or more buildings along a road frontage without accompanying development to the rear. The applicant has indicated on the P1 form that the application is for an infill.

In this case the principle of development is considered to be unacceptable as the site does not have a substantially and continuously built up frontage and is therefore not to be in accordance with policy requirement of CTY8 for infill development.

This proposal has also been assessed against policy criteria under CTY 2a New Development in Existing Clusters. However as a cluster is not associated with a focal point such as a community building or located at a crossroads this test has not been met.

Furthermore, I would be concerned that a dwelling on this restricted site would represent (back-land) development likely to have adverse effect the amenities of existing and proposed residential occupiers by reason of loss of privacy, potential overshadowing and general nuisance

I therefore recommend refusal as outlined in this report.

#### **Other points of note**

The application was initially advertised in the local press on w/c 3 November 2017 (publication date 10 November 2017. Five 51) neighbouring properties were notified on 10 November 2017, in accordance with the Development Management Practice Note 14 (April 2015). These properties, listed further below, were checked on site as correct.

#### **Neighbour Notification Checked**

**Yes**

#### **Summary of Recommendation:**

Refusal

#### **Reasons for Refusal:**

1. The proposal is contrary to the policy provisions contained in the Strategic Planning Policy Statement and Policy CTY 1 of Planning Policy Statement 21: Sustainable Development in the Countryside, in that there is not overriding reasons why this development in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it does not represent a road frontage as an infill opportunity.
3. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the erection of a dwelling on this restricted back-land site likely to adversely effect the amenities of existing and proposed residential occupiers by reason of loss of privacy, potential overshadowing and general nuisance.

#### **Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	25th October 2017
<b>Date First Advertised</b>	9th November 2017
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 40 Agharan Road Dungannon Tyrone The Owner/Occupier, 40a Agharan Road Dungannon The Owner/Occupier, 41 Agharan Road Dungannon Tyrone The Owner/Occupier, 42 Agharan Road, Dungannon, Tyrone, BT71 4HG, The Owner/Occupier, 44 Agharan Road Dungannon Tyrone	
<b>Date of Last Neighbour Notification</b>	10th November 2017
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2017/1484/O Proposal: Infill Dwelling and Garage Address: Land to the rear of 42 Agharan Road, Dungannon, Decision: Decision Date:  Ref ID: LA09/2015/0799/O Proposal: Proposed infill dwelling and garage Address: Land adjacent to 42 Agharan Road, Dungannon, Decision: PG Decision Date: 08.12.2015  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:	

<b>Summary of Consultee Responses</b>
<b>Drawing Numbers and Title</b>
Drawing No. 01 Type: Site Location Plan Status: Submitted
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Response of Department:



Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> 7 <sup>th</sup> August 2018	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/0367/O	<b>Target Date:</b> 26 <sup>th</sup> June 2018
<b>Proposal:</b> One dwelling house and domestic garage	<b>Location:</b> 174m SSE of 11 Fallylea Road Maghera
<b>Referral Route:</b> 1 no. objection received and the proposal is being recommended for refusal.	
<b>Recommendation:</b>	<b>Refuse</b>
<b>Applicant Name and Address:</b> Mr Charlie Convery 11 Fallylea Road Maghera BT48 5JT	<b>Agent Name and Address:</b> Architectural Services 5 Drumderg Road Draperstown BT46 7EU
<b>Executive Summary:</b> The proposal does not meet the siting tests of Policy CTY 10 of PPS 21. The site is also within a designated flood plain and the applicant has failed to submit a Flood Risk and Drainage Assessment in line with Policies FLD 1 and FLD 3 of PPS 15.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	Rivers Agency	Additional Information Required
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	NIEA	Add Info Requested
Statutory	NIEA	Standing Advice
Non Statutory	Shared Environmental Services	
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	DAERA - Coleraine	Substantive Response Received

### 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
<b>Summary of Issues</b>  <p>There has been 1 no. objection to this proposal from the occupant of number 15 Fallylea Road, which is the dwelling closest to the site. The issues raised in this objection are summarised as follows:</p> <ol style="list-style-type: none"> <li>1. Road safety</li> <li>2. Inability of the road to deal with additional traffic</li> <li>3. Impact on the character of the area.</li> </ol> <p>I have fully considered the issues raised by the objector and would make the following comments:</p> <p>DFI Roads were consulted with this application and the subsequent objection letter. They have no objections to this proposal and have no concerns in respect of road safety. Impact on rural character will be assessed further on in this report as part of my policy consideration.</p>	
<b>Characteristics of the Site and Area</b>  <p>The application site is a 0.3 hectare rectangular plot of overgrown land located 174m South South East of 11 Fallylea Road, Maghera, which is a minor road that runs off to the North of the A6 Glenshane Pass. It is outside the development limits of any settlement defined in the Magherafelt Area Plan 2015. Due to the overgrown nature of the site all site boundaries are heavily vegetated. An undesignated watercourse flows along the Western boundary of the site and a further watercourse flows within the site. Rivers Agency Flood Maps would indicate that the site is partially within the Strategic Fluvial Flood Plain and partially within a Surface Water Flood Plain</p> <p>This area is rural in character with an undulating landform. There is a low development pressure, with the predominant form of development being detached dwellings and agricultural outbuildings.</p>	
<b>Description of Proposal</b>  <p>This is an outline application for a farm dwelling and garage, to be located approx. 175m SSE of an out farm and dwelling at 11 Fallylea Road, Maghera. There are no planning histories on this site to be considered in this assessment.</p>	
<b>Planning Assessment of Policy and Other Material Considerations</b>  <ul style="list-style-type: none"> <li>• Magherafelt Area Plan 2015</li> <li>• SPPS – Strategic Planning Policy Statement for Northern Ireland</li> <li>• PPS 3 – Access, Movement and Parking</li> <li>• PPS21 – Sustainable Development in the Countryside</li> <li>• PPS 15 – Planning and Flood Risk</li> </ul>	

### **Magherafelt Area Plan 2015**

The site lies outside any settlement limit defined in the Magherafelt Area Plan 2015 and as such, existing planning policies should be applied.

### **SPPS – Strategic Planning Policy Statement for Northern Ireland**

The SPPS gives provision for development in the countryside subject to a number policy provisions, including CTY 10 of PPS 21 which deals with Dwellings on Farms. It does not present any change in policy direction therefore existing policy applies.

### **PPS21 – Sustainable Development in the Countryside**

#### **Policy CTY 10 – Dwellings on Farms**

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

*The farm business is currently active and established for at least 6 years.*

DAERA have confirmed that the farm business has been in existence for more than 6 years and that the business has made claims in the last 6 years. On the basis of the DAERA response I am satisfied that the farm business is currently active and has been established for the required 6 year period.

*No dwellings/development opportunities have been sold off the holding within 10 years of the date of application.*

I have carried out a planning history search of the applicants holding and I am content that there have been no recent planning approvals that could be considered as development opportunities to be sold off the holding. A replacement dwelling was approved at 11 Fallylea Road in 2007 which the applicant currently resides in.

*The new building is visually linked or sited to cluster with an established group of buildings on the farm.*

The applicant has indicated that he wants to site a dwelling approx. 175m SSE of his dwelling and outbuildings at 11 Fallylea Road. The address of the applicant's farm business as supplied on the P1C is 58 Ranaghan Road, which is approx. 950m to the NW of the subject site. The proposed site clearly does not cluster or visually link with the main farm group at 58 Ranaghan Road. Following my site inspection on the 6th June 2018 I would also advise members that the proposed site does not cluster or visually link with the secondary group of buildings on the farm located at 11 Fallylea Road. The applicant has noted in his P1C form that the subject site will cluster with existing buildings, however these are third party buildings that are not part of the farm holding and cannot be considered under this policy assessment.

Policy CTY 10 does allow consideration of an alternative site elsewhere on the farm, provided there are no other alternative sites available at another group of buildings on the farm or out farm and where there are either health and safety reasons or verifiable plans to expand the farm business at the existing building group(s). Following my site inspection I have indicated an alternative site which is located approx. 30m to the NE of the applicant's dwelling and farm buildings. This site would meet the visual linkage test and the existing farm access could be utilised. The applicant is not in favour of this site. He has stated that the existing access to number 11 Fallylea Road has a sharp incline and is dangerous during inclement weather. I do not accept this argument given the fact that it is already been used by the applicant and his family to access

their dwelling. It should also be noted that there may be alternative sites available at the main farm grouping at 58 Ranaghan Road.

I do acknowledge that the proposed site would integrate a dwelling due to the existing vegetation contained within the site. Paragraph 5.41 of PPS 21 states that *“where a site adjacent to the building group is well landscaped planning permission can be granted for a new dwelling even though the degree of visual linkage between the two is either very limited, or virtually non-existent due to the amount of screening vegetation”*. It is my opinion that this paragraph cannot be applied in this case as the proposed site cannot be considered as being adjacent to the building group at 11 Fallylea Road. Two fields, a lane and a section of public road are between the building group and the subject site.

### **Policy CTY 13 – Integration and Design**

The proposed site is flat and heavily vegetated. A dwelling on this roadside site, appropriately scaled would not appear overly prominent in the local landscape. All boundaries are established and even with the removal of some vegetation within the site and removal to provide splays, a dwelling on this site would be well integrated, enclosed and would benefit from a good backdrop of existing trees. Existing boundaries would be conditioned to be retained. New landscaping may not be necessary in this particular case. As this is an outline application design and ancillary works are not under consideration and can be matters reserved.

### **Policy CTY 14 – Rural Character**

For the reasons noted above under CTY 13 I am satisfied a dwelling on this site would not be unduly prominent. It will not create or add to ribbon development or build up and will be in keeping with the dispersed settlement pattern in the immediate area. As such, there will be no negative impact on rural character.

### **PPS 3 – Access, Movement and Parking**

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal will involve direct access onto the Fallylea Road. Transport NI have been consulted and have no concerns regarding road safety or traffic flow resulting from this proposal subject to provision of 2.4m x 70m splays in both directions as well as a 70m Forward Site Distance.

### **PPS 15 – Planning and Flood Risk**

According to the Strategic Flood Map for NI, the site is partially within the strategic fluvial flood plain. A Flood Risk Assessment and River Modelling is required to ensure compliance with Policy FLD 1 of PPS 15. This has not been submitted.

The site is also located partially within a predicted surface water flooded area. Rivers Agency have requested the submission of a Drainage Assessment to ensure compliance with Policy FLD 3 of PPS 15. This has not been submitted.

**Neighbour Notification Checked**

**Yes**

### **Summary of Recommendation:**

On the basis of the above assessment I recommend that the application be refused as it fails to comply with CTY 10 of PPS 21 and Policies FLD 1 and FLD 3 of PPS 15.

**Refusal Reasons**

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed new building is not visually linked (or sited to cluster) with an established group of buildings on the farm
2. The proposal is contrary to Policy FLD 1 (Development in Fluvial (River) and Coastal Flood Plains) of Planning Policy Statement 15, Planning and Flood Risk in that it has not been demonstrated by way of submission of a Flood Risk Assessment that the proposed development is an exception to the policy.
3. The proposal is contrary to Policy FLD 3 (Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains) of Planning Policy Statement 15, Planning and Flood Risk in that it has not been demonstrated by way of submission of a Drainage Assessment that adequate measures will be put in place so as to effectively mitigate the flood risk to the proposed development and from the development elsewhere.

**Signature(s)****Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	13th March 2018
<b>Date First Advertised</b>	29th March 2018
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 14 Fallylea Road Maghera Londonderry The Owner/Occupier, 15 Fallylea Road Maghera Londonderry Martin Stewart 15, Fallylea Road, Maghera, Londonderry, Northern Ireland, BT46 5JT	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2018/0367/O Proposal: One dwelling house and domestic garage Address: 174m SSE of 11 Fallylea Road, Maghera, Decision: Decision Date:  Ref ID: H/1980/0092 Proposal: SITE OF REPLACEMENT BUNGALOW Address: FALLYLEA ROAD, MAGHERA Decision: Decision Date:  Ref ID: H/1983/0510 Proposal: ALTERATIONS AND ADDITIONS TO HOUSE Address: 14 FALLALEA ROAD, MAGHERA Decision: Decision Date:  Ref ID: H/1975/0375 Proposal: SITE OF RETIREMENT DWELLING Address: FALLYLEA, MAGHERA Decision:	

<p>Decision Date:</p>  <p>Ref ID: H/1975/0234 Proposal: SITE OF FARM BUNGALOW Address: FALLYLEA, MAGHERA - UR50 Decision: Decision Date:</p>
<p><b>Summary of Consultee Responses</b></p> <ul style="list-style-type: none"><li>• DFI Roads – No objections subject to standard conditions and Informatives</li><li>• Rivers Agency – Have requested the submission of a Flood Risk Assessment and Drainage Assessment. These were requested on the 21st June and have not been submitted to date.</li><li>• NIEA – No objections subject to standard Informatives contained within NIEA Standing Advice.</li><li>• DAERA – No objections</li><li>• NIW – No objections</li><li>• SES – Outstanding</li><li>• Environmental Health - No objections</li></ul>
<p><b>Drawing Numbers and Title</b></p>
<p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p> <p>Drawing No. 02 Type: Block/Site Survey Plans Status: Submitted</p>
<p><b>Notification to Department (if relevant)</b></p> <p>Date of Notification to Department: Response of Department:</p>



Comhairle Ceantair  
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**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/0423/O	<b>Target Date:</b>
<b>Proposal:</b> Site for dwelling house- 2 infill dwellings	<b>Location:</b> Adjacent to 30a Forgetown Road Maghera
<b>Referral Route:</b>  Committee - Refusal - Contrary to policies CTY 1, 8, 13 and 14 of PPS 21.	
<b>Recommendation:</b>	REFUSE
<b>Applicant Name and Address:</b> Mr Andrew Mc Cory 31 Cunningham Way Rugby	<b>Agent Name and Address:</b> James Hughes 10b Fallylea Road Maghera BT46 5JT
<b>Executive Summary: Refusal</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues

Contrary to policies CTY 1, 8, 13 and 14 of PPS 21.

### Characteristics of the Site and Area

The site is located approximately 2.9 km from Tobermore and is defined to be in the open countryside as per the Magherafelt Area Plan 2015. The site is identified as adjacent to 30a Forgetown, Maghera and is currently an agricultural field in that the land form is relatively flat. The site is bounded by a mix of post and wire with a range of hedging and trees. To the north west of the site is a detached single storey dwelling known as 32 Forgetown wherein directly south is another detached single storey dwelling with a detached garage to the rear with another



detached dwelling further west. The immediate locality is characterised by residential development, with the wider surrounding area is characterised by agricultural land uses.

#### Relevant planning history

H/2006/0190/O - Site of proposed dwelling house – Permission refused – 14/05/2008

#### Representations

There were three notification letters sent out however no representations were received on this application.

### Description of Proposal

This is an outline application for site for 2 infill dwellings at site adjacent to 30a Forgetown Road, Maghera.

### Planning Assessment of Policy and Other Material Considerations

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

#### Magherafelt Area Plan 2015

#### Strategic Planning Policy Statement (SPPS)

#### PPS 21 Sustainable Development in the Countryside

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

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 substantial and continuously built up frontage it is acknowledged that upon review of the submitted plans and during a site visit that the only buildings applicable would be that of Nos. 32 and 30a Forgetown Road. It is noted that there is small wooden shed to the north of 32, however it is noted that it is acknowledged as a building in its own right but due to the size and scale of the wooden shed I am of the opinion that it cannot be included as a building in the built up frontage. For this reason I conclude that there is no continuously built up frontage that has three or more buildings. Despite the lack of a built up and continuous frontage it is acknowledged that the gap within the site has the capacity in my opinion to accommodate a maximum of only two dwellings. I note that the frontages would be marginally smaller than the two dwellings that abut the site but within the context of the Forgetown Road it is acknowledged that two appropriately designed dwellings

could fit in this gap. Due to the lack of a continuous and built up frontage I must recommend refusal on the basis that this is contrary to policy.

CTY 13 states that the proposed development must still be able to visually integrate into the surrounding landscape and is of appropriate design. It is noted that this is only an outline application therefore design and siting details of the dwellings have not been submitted, however I am of the opinion that appropriately designed dwellings would not appear prominent in the landscape. It is felt that a landscaping scheme is necessary in any 'reserved matters' application to ensure that the dwellings area able to integrate into the landscape. Finally, it is felt that any proposed dwelling on this site should be restricted to a single storey.

Policy CTY 14 allows for a building in the countryside where it does cause a detrimental change to, or further erode the rural character of an area. As stated an appropriately designed dwelling would not appear prominent in the landscape. However as it has been demonstrated that the site does not constitute compliance under CTY 8 that I am of the opinion that it therefore does not respect the traditional pattern of development and would create a ribbon of development along the Forgetown Road which would result in a detrimental change to the character of the area.

There are no ecological, neighbouring amenity or flooding concerns.

Consultations were sent to DFI Roads and Environmental Health however all have returned with no objection subject to conditions and informatives.

The proposal has failed under CTY 1, 8, and 14 of PPS 21 therefore I must recommend refusal.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Refusal

**Reasons for Refusal:**

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

2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a gap site within a substantial and continuously built up frontage and would if permitted create a ribbon of development along the Forgetown Road.

3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that: the buildings would, if permitted create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	26th March 2018
<b>Date First Advertised</b>	12th April 2018
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 30 Forgetown Road, Maghera, Londonderry, BT46 5LN, The Owner/Occupier, 30a Forgetown Road Maghera The Owner/Occupier, 32 Forgetown Road, Maghera, Londonderry, BT46 5LN,	
<b>Date of Last Neighbour Notification</b>	13th April 2018
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2018/0423/O Proposal: Site for dwelling house- 2 infill dwellings Address: Adjacent to 30a Forgetown Road, Maghera, Decision: Decision Date:  Ref ID: H/2003/0093/O Proposal: Site of bungalow and garage. Address: 280m South West of 31 Forgetown Road, Drumconready, Maghera. Decision: Decision Date: 15.06.2004  Ref ID: H/2005/0760/RM Proposal: Dwelling & garage Address: 280m South West of 31 Forgetown Road, Drumconready, Maghera Decision: Decision Date: 19.10.2005  Ref ID: H/2005/0319/O Proposal: Site of Replacement Dwelling Address: 30 Forgetown Road, Maghera Decision:	

Decision Date: 21.07.2005

Ref ID: H/2000/0737/O

Proposal: Site of Dwelling

Address: 140m SE of 34 Forgetown Road, Draperstown

Decision:

Decision Date: 18.12.2000

Ref ID: H/2001/0164/RM

Proposal: Proposed Dwelling And Garage

Address: 140m SE of 34 Forgetown Road, Draperstown

Decision:

Decision Date: 20.04.2001

Ref ID: H/2006/0190/O

Proposal: Site of proposed dwelling house

Address: Site at Forgetown Road, Tobermore

Decision:

Decision Date: 14.05.2008

### **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. 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	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/0433/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed single storey infill dwelling and garage	<b>Location:</b> 70m South East of 30 Tamlaghtduff Park Tamlaghtduff Bellaghy
<b>Referral Route:</b> Contrary to CTY 1, 8, 14 of PPS 21	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Alfred Corckett 30a Tamlaghtduff Park Tamlaghtduff Bellaghy	<b>Agent Name and Address:</b> McGurk Architects 33 King Street Magherafelt BT45 6AR
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

**Summary of Issues - No issues****Characteristics of the Site and Area**

The site is located approximately 1 mile north of Bellaghy in the open countryside in accordance with the Magherafelt Area Plan 2015. The site is located 70m south east of No 30 Tamlaghtduff Park and consists of a triangular shaped portion of a large agricultural field which abuts the Tamlaghtduff along its south east boundary. The north east, east and south west boundaries are defined by 2m high hawthorn hedge with some mature trees and the north east boundary is undefined.

On this side of the road in which the site is located the surrounding area is defined by undulating agricultural land, woodland and single dwellings. On the opposite side of the road a ribbon of development exists from No 33 to No 23b for approximately.

**Description of Proposal**

The application seeks outline planning permission for a proposed infill dwelling and garage.

**Planning Assessment of Policy and Other Material Considerations****Relevant Site History:**

No relevant history

**Representations:**

2 neighbour's notification letters were sent to Nos 29 & 31 Tamlaghtduff Park, Bellaghy. No letters of representation have been received.

**Development Plan and Key Policy Consideration:**

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

Magherfelt Area Plan 2015: The site is located in the open countryside. There are no other designations on the site.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out the guiding principle in determining planning applications is that sustainable development should be permitted, having regards to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Infill/Ribbon Development, provision should be made for the development of a small gap site in an otherwise substantial and continuously built up frontage.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (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. CTY 1 states that there are a range of types of development which in principle are considered acceptable in the countryside. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with CTY 8. Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception is however permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses. Policy CTY 8 requires four specific elements to be met:



- The gap site must be within an otherwise substantial and continuously built up frontage and includes a line of 3 or more buildings along a road frontage without accompanying development to the rear;
- The gap site must be small;
- The existing development pattern along the frontage must be respected;
- And other planning and environmental requirements must be met.

Paragraph 5.33 of PPS 21 advises that 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, this only sets out the basis for establishing generally where a ribbon of development, either exists or may arise. It is not concerned with defining a substantial and continuously built up frontage.

The site is a triangular shaped portion of a large agricultural field which has a small frontage onto Tamlaghtduff Park along its eastern boundary. To the north east of the site there is a small roadside paddock followed by two roadside detached dwellings (Nos 34 & 95). To the south west there is a two storey dwelling, No 28 set back 110m from Tamlaghtduff Park and is separated from the road by an agricultural field. As a result, the property at No 28 does not form part of the frontage and there is not a line of three or more buildings along a frontage.

The site would have common frontage with the two dwellings at No's 34 and 95 and would be visually linked. Therefore, the site would create a ribbon of development along this stretch of the Tamlaghtduff Park and is contrary to Policy CTY8.

I have determined that the site is not within a substantial and continuously built up frontage, therefore no infill opportunity exists and issues regarding plot size, frontage size and development pattern are not relevant.

### **Integration**

Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrate into the surrounding landscape. The mature vegetation along the northwest boundary of the field to the rear of the site would provide an adequate backdrop to allow a dwelling with a ridge height of 7m to visually integrate into the surrounding landscape. The mature vegetation along the north east, east and south west boundaries of the site would help to screen a new dwelling from various vantage points on the road. A new access is proposed onto the public road and due to the bend on the road hedge removal would be kept to a minimum in order to provide visibility splays.

### **Impact on Character and Appearance of the Area**

Policy CTY14 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 also states that a new building will be unacceptable where it results in a suburban style build-up of development when viewed with existing development and approved buildings and where it creates or adds to a ribbon of development. I have already determined that the proposal would create a ribbon of development which is a suburban style of development. This would therefore cause detrimental change to, and further erode the rural character of the area and is contrary to criteria (b) and (d) of Policy CTY 14.

It should be noted that on the opposite side of the road a ribbon of development extends 450m from No 33 to No 23b, therefore it may be important that development on this side of the road is controlled in order to prevent a repeat occurrence on this side of the road.

### **Other Matter**

The applicant has not sought to argue that the proposed development falls into any other category of acceptable development identified in Policy CTY1. No evidence has been advanced

that the proposed development could not be located in a settlement. Therefore, the proposal is contrary to CTY1 of PPS21.

**Other Material Consideration.**

I am satisfied that the proposal will not lead to a significant deterioration in road safety under the provisions of PPS 3 Access, Movement and Parking. Furthermore I am satisfied that the proposed site will not have significant adverse impact on neighbouring amenity, this can be further considered at RM stage if approval is forthcoming.

**Neighbour Notification Checked**                      **Yes**

**Summary of Recommendation: Contrary to CTY 1, 8 & 14 of PPS 21**

**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 CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site and would, if permitted, result in the creation of ribbon development along this stretch of the Tamlaghtduff Park.
3. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, result in a suburban style build-up of development when viewed with existing buildings and would, if permitted not respect the traditional pattern of settlement exhibited in that area and would, if permitted create a ribbon of development at this part of the Tamlaghtduff Park and therefore result in a detrimental change to the rural character of the countryside.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	27th March 2018
<b>Date First Advertised</b>	12th April 2018
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 28 Tamlaghtduff Park Bellaghy Londonderry The Owner/Occupier, 29 Tamlaghtduff Park Bellaghy Londonderry The Owner/Occupier, 31 Tamlaghtduff Park Bellaghy Londonderry The Owner/Occupier, 31a Tamlaghtduff Park Bellaghy The Owner/Occupier, 34 Tamlaghtduff Park Bellaghy Londonderry	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2018/0433/O Proposal: Proposed single storey infill dwelling and garage Address: 70m South East of 30 Tamlaghtduff Park Tamlaghtduff Bellaghy, Decision: Decision Date:  Ref ID: H/1989/0504 Proposal: SITE OF DWELLING AND GARAGE Address: OPP 33 TAMLAGHTDUFF PARK BELLAGHY Decision: Decision Date:  Ref ID: H/2005/0694/F Proposal: Proposed garage with storage above Address: 34 Tamlaghtduff Park, Bellaghy Decision: Decision Date: 19.10.2005	
<b>Summary of Consultee Responses</b>	
<b>Drawing Numbers and Title</b>	

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

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

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/0454/F	<b>Target Date:</b>
<b>Proposal:</b> Retention of a mobile home for residential use	<b>Location:</b> Approx 170m North of 5 Doon Avenue Aughamullan Dungannon
<b>Referral Route:</b> Recommendation to refuse	
<b>Recommendation:</b>	
<b>Applicant Name and Address:</b> Martin McCaliskey 27 Ballybeg Road Dungannon BT71 5DX	<b>Agent Name and Address:</b> CMI Planners Ltd 38 Airfield Road Toomebridge Antrim BT41 3SG
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Characteristics of the Site and Area

The site on which the modular building is located is situated in the rural countryside approx. 170 metres north of 5 Doon Avenue, Dungannon. The mobile has a rectangular floor plan measuring approx. 9m x 6m and a flat roof. The mobile is painted white; has white pvc window frames and doors; and white pvc guttering and downpipes. The mobile is accessed off the Ballybeg Road via

a paired gravel laneway that also serves a large shed (71 Ballybeg Road) to the west and a modular dwelling (71c Ballybeg Road) to the north. A small area of curtilage to the sides and rear of the mobile is bound by a close boarded fence approx. 1.8m high.

The large shed to the west of site received approval for light industrial use. The modular dwelling to the north is immune from enforcement but is unlawful.

Land in the area is flat and below road level. The area is defined by dispersed single dwellings and farm holdings.

Flood Maps NI shows the site is located within a floodplain.

NIEA Natural Environment Division Map Viewer shows the site is in close proximity to Lough Neagh and Beg (Ramsar, SPA and ASSI) and within an area known to have breeding waders. Planning Portal shows site within SG Defence Estates - consultation only required for buildings over 15.2m high.

### **Description of Proposal**

This is a full planning application for the retention of an existing mobile on the application site for residential use.

### **Planning Assessment of Policy and Other Material Considerations**

Regional Development Strategy

Strategic Planning Policy Statement for Northern Ireland

Dungannon and South Tyrone Area Plan 2010

Planning Policy Statements, PPS 3, PPS 6 and PPS21 refer to this application with particular relevance to Policies CTY 1, CTY 6, CTY 9 of PPS 21.

#### **Planning History on Site**

LA09/2015/1274/LDE - a certificate of lawfulness existing for a mobile home used as dwelling was refused on the 7th April 16. Whilst evidence submitted and OS maps seem to support the fact the mobile home had been on site for more than 5 years insufficient evidence was submitted to show that the use of the building specified had begun more than 5 years prior to and including the date of the applications submission (15th December 2015) as such whilst the storage of the mobile on site was immune from enforcement its use as a dwelling was not.

LA09/2016/0207/CA - Under this enforcement case an appeal has been heard by the PAC in relation to an Enforcement Notice issued for the unauthorised use of the modular building as a residential unit of accommodation; this Notice has taken effect with a compliance date of 7th July 2018.

#### **Consultations**

Rivers Agency's advice is as follows:

FLD1 - Development in Fluvial Flood Plains - The Strategic Flood Map for Northern Ireland indicates that part of the site lies within the 1 in 100 year fluvial flood plain. Due to the nature of the Strategic Flood Map for Northern Ireland the geographical extent of predicted flood areas cannot be precisely defined. The recent highest recorded flood level in the area is 13.67m O D Belfast. The return period for this flooding event is unknown. It would be prudent to only build on land above this level. DfI Rivers recommend adding a suitable freeboard (normally 600mm) to this level for all development. It should be noted that the road could get cut off if this flood level was experienced again. The applicant should initially plot this level on a topographic survey of

original site levels. Original site levels may be distorted by building works already taken place. Alternatively, the applicant could carry out a flood risk assessment to better define the 100 year floodplain extents as per D4 of Planning Policy Statement 15.

NIEA Natural Environment Division were consulted due to proximity of the site to Lough Neagh and Beg (Ramsar, SPA and ASSI) and have no objection in principle but recommended the following conditions:

1. A minimum buffer of 10m must be maintained between the location of refuelling, storage of oil/fuel/machinery/spoil, concrete mixing, washing areas and all watercourses.
2. Discharge from the septic tank and soakaway should be directed away from all watercourses.

Strategic Environmental Services were also consulted due to proximity of the site to Lough Neagh and Beg and have no objection in principle provided the following mitigation be included through conditions.

A land buffer of at least 10m must be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and any adjacent watercourse/land drain. To protect Lough Neagh and Lough Beg SPA/Ramsar from adverse impacts due to polluting discharges at construction phase.

Environmental Health were consulted and have no objection in principle.

Transport NI were consulted on this proposal and have returned comments seeking amended drawings.

### **Objections**

No objections or representations have been received.

### **Enforcement Action on this Site**

The use of the land for the storage of the mobile building itself is immune from enforcement action, however the residential use of the building is not immune from enforcement action and has been deemed to be an unlawful use as per planning enforcement case LA09/2016/0207/CA. This enforcement case resulted in the issuance of an enforcement notice seeking the permanent cessation of the unauthorised use. This Notice was appealed to the Planning Appeals Commission; the Notice was upheld with a compliance of 7th July 2018 for the unauthorised use to cease. If this the mobile is used after this, if someone was living in it they would be liable to prosecution both the landowner and occupant.

### **Consideration**

An application has now been submitted to assess the retention of the mobile for residential use. As it is located in the rural countryside it is considered under CTY 1 of PPS21 and we have been given no overriding reasons why this development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan.

There are circumstances where mobiles are permitted in the countryside outlined under CTY 9 Residential Caravans and Mobile Homes, which allows a residential caravan or mobile home, for a temporary period only, in exceptional circumstances. These exceptional circumstances include (a) the provision of temporary residential accommodation pending the development of a permanent dwelling; or (b) where there are compelling and site-specific reasons related to personal or domestic circumstances (see Policy CTY 6).

Policy CTY 6 Personal and Domestic Circumstances states, allows a dwelling in the countryside for the long term needs of the applicant, where there are compelling, and site specific reasons for this related to the applicant's personal or domestic circumstances and provided the following



criteria are met: (a) the applicant can provide satisfactory evidence that a new dwelling is a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused; and (b) there are no alternative solutions to meet the particular circumstances of the case, such as: an extension or annex attached to the existing dwelling; the conversion or reuse of another building within the curtilage of the property; or the use of a temporary mobile home for a limited period to deal with immediate short term circumstances.

But these cases have not been argued and no evidence has been submitted. And more importantly the site doesn't appear suitable for human habitation as the site is located in the flood plain as such given the level of flood risk, Rivers Agency's advice and that no information or a floodrisk assessment has been provided to demonstrate the site is not at risk in these circumstances we have no option but to refuse.

Additionally I would query the accuracy of drawing 02 (Rev.01) bearing the date stamp received 10th May 2018 as further to site inspection I drove down from road level into the site therefore am surprised the site is suggested to be higher than road level.

In the absence of a floodrisk assessment in relation to levels I'm not content the requirements of Policy FLD 1 have been met and applicant has failed to demonstrate the site is not subject to flooding.

**Recommend: Refuse**

The proposal is contrary to Policies CTY1 and CTY9 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the proposal meets policy requirements and there are no overriding reasons why this mobile structure should be used as a dwelling.

The proposal is contrary to policy FLD 1 of Planning Policy Statement 15 (PPS 15) Planning and Flood Risk in that it is located within a floodplain and it has not been demonstrated that the proposed development is of overriding regional importance or that it represents development within any of the categories a-g meriting an exception.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

That planning permission be refused subject to the following reason

Reasons for Refusal:

1. The proposal is contrary to Policies CTY1 and CTY9 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that the proposal meets policy requirements and there are no overriding reasons why this mobile structure should be used as a dwelling.

2. The proposal is contrary to policy FLD 1 of Planning Policy Statement 15 (PPS 15) Planning and Flood Risk in that it is located within a floodplain and it has not been demonstrated that the proposed development is of overriding regional importance or that it represents development within any of the categories a-g meriting an exception.

<b>ANNEX</b>	
<b>Date Valid</b>	30th March 2018
<b>Date First Advertised</b>	19th April 2018
<b>Date Last Advertised</b>	31st May 2018
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 71 Ballybeg Road, Dungannon, BT71 5DX The Owner/Occupier, 71C Ballybeg Road, Dungannon, BT71 5DX	
<b>Date of Last Neighbour Notification</b>	16th May 2018
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2015/1274/LDE Proposal: Mobile home used as a dwelling Address: Adjacent to 71a Ballybeg Road, Coalisland, Decision: PR Decision Date:  Ref ID: LA09/2016/0935/F Proposal: Proposed Dwelling Address: Approx 180m North of 5 Doon Avenue, Aughamullan, Dungannon, Decision: PR Decision Date: 15.12.2016  Ref ID: LA09/2016/1602/F Proposal: Retrospective application for the extension to existing workshop approved under M/2004/0295 and hardcore area for turning and parking Address: 71 Ballybeg Road Ballbeg Dungannon, Decision: PG Decision Date: 28.07.2017  Ref ID: LA09/2018/0454/F Proposal: The use of a mobile home for residential accommodation. Mobile home immune from enforcement Address: Approx 170m North of 5 Doon Avenue, Aughamullan, Dungannon,	

Decision:  
Decision Date:

Ref ID: M/2004/0295/F

Proposal: retention of light engineering workshop & hardstanding.

Address: 160m north of 1 Doon Avenue, Aughamullen (Ballybeg Road), Coalisland

Decision:

Decision Date: 12.04.2006

Ref ID: M/2012/0081/F

Proposal: Retention of mobile home

Address: 71a Ballybeg Road, Ballybeg, Coalisland,

Decision:

Decision Date: 06.06.2012

Ref ID: M/2014/0548/F

Proposal: Retention of modular home (Postal address: 71c Ballybeg Road, Coalisland)

Address: Number 71C Ballybeg Road, Coalisland,

Decision: PR

Decision Date: 09.07.2015

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
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Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

Drawing No. 02  
Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

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	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/0495/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed 2 storey infill dwelling and garage	<b>Location:</b> Site adjacent to 22 Carnaman Road Gulladuff
<b>Referral Route:</b> Contrary to CTY 1, 8, 13 &14 of PPS 21	
<b>Recommendation:</b>	<b>Refusal</b>
<b>Applicant Name and Address:</b> Liam Duggan 22 Carnaman Road Gulladuff Magherafelt	<b>Agent Name and Address:</b> Newline Architects 48 Main Street Castledawson BT45 8AB
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

**Summary of Issues** - No Issues

**Characteristics of the Site and Area**

The site is located approximately 1.5 mile north east of Gulladuff in open countryside in accordance with the Magherafelt Area Plan 2015. The site is located 20m north east of No 22 and consists of a cut out portion of a large linear agricultural field. Access to the site is via an existing laneway and the site has dual frontage on the laneway due to two 90 degree bends on the laneway. The north west boundary of the is defined by 2m high hawthorn hedge, the south east and south west boundaries are defined by a P/W fence and the north east boundary is undefined. The site rises in a north westerly direction in line with No 22 before sloping down towards the rear of the boundary of the site.

The surrounding area is characterised by roadside dwellings, farm buildings and undulating landscape. The predominant land use is of an agricultural nature.

**Description of Proposal**

The application seeks outline planning permission for a two storey dwelling and garage (infill site).

**Planning Assessment of Policy and Other Material Considerations****Relevant Site History:**

No relevant history

**Representations:**

2 neighbour's notification letters were sent to Nos 20a, 22, 23 & 24 Carnaman Road, Knockcloghrim,

No letters of representation have been received.

**Development Plan and Key Policy Consideration:**

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

Magherfelt Area Plan 2015: The site is located in the open countryside. There are no other designations on the site.

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out the guiding principle in determining planning applications is that sustainable development should be permitted, having regards to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

Infill/Ribbon Development, provision should be made for the development of a small gap site in an otherwise substantial and continuously built up frontage.

PPS 3: Access, Movement and Parking (Revised 2005) and PPS 3 (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. CTY 1 states that there are a range of types of development which in principle are considered acceptable in the countryside. One of these is the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with CTY 8. Policy CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception is however permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses. Policy CTY 8 requires four specific elements to be met:



-The gap site must be within an otherwise substantial and continuously built up frontage and includes a line of 3 or more buildings along a road frontage without accompanying development to the rear;

- The gap site must be small;
- The existing development pattern along the frontage must be respected;
- And other planning and environmental requirements must be met.

Paragraph 5.33 of PPS 21 advises that 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, this only sets out the basis for establishing generally where a ribbon of development, either exists or may arise. It is not concerned with defining a substantial and continuously built up frontage.

The site forms part of an existing gap between 3 existing dwellings and some outbuildings which are all accessed off a private laneway on the Carnaman Road. There is one dwelling (No 22) and outbuildings to the south east and two dwellings to the north west (No 24 and a new dwelling under construction). The site has dual frontage on the laneway this is due to two 90 degree bends on the laneway. No 24 and the new dwelling are set back approximately 100m from the laneway and both are accessed via a separate spur off that laneway. The curtilages of No 24 and the new dwelling are set back and separated from the laneway by agricultural fields as a result neither of these dwellings cannot be considered form part of a substantial and continuously built up frontage. Whilst the curtilage of the dwelling at No 22 abuts the laneway, it's located on the opposite side of the laneway form the site and cannot be considered to form a substantial and continuously built up frontage.

Ribbon development can occur even where development does not have frontage to a road. Paragraph 5.33 of PPS 21 states that buildings sited back, staggered or at angles and with gaps between them can still represent ribbon development, if they are visually linked. The site would be clearly seen together with No 22, the outbuildings located south east of No 22, No 24 and the new dwelling under construction and would result in the creation of ribbon development when viewed from various vantage points on the Carnaman Road. The image below depicts how the site provides a visual breaks in the landscape between the two dwellings on either side.



I have determined that the site is not within a substantial and continuously built up frontage, therefore no infill opportunity exists and issues regarding plot size, frontage size and development pattern are not relevant.

### Integration

Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrate into the surrounding landscape. The application proposes a two

storey dwelling and despite the site's sloping topography the site would not be able to accommodate a two storey dwelling even if the dwelling is located in the lower south east portion of the site. As a result a two storey dwelling would be a prominent feature in the landscape, read as skyline development and would be heavily reliant on new planting to achieve integration. Due to the open and exposed nature of the site it would be unable to provide a suitable degree of enclosure and is contrary to criteria (a), (b) and (c) of Policy CTY 13.

#### **Impact on Character and Appearance of the Area**

Policy CTY14 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 also states that a new building will be unacceptable where it results in a suburban style build-up of development when viewed with existing development and approved buildings and where it creates or adds to a ribbon of development. I have already determined that the proposal would create a ribbon of development which is a suburban style of development. This would therefore cause detrimental change to, and further erode the rural character of the area. Due to the open and exposed nature of the site a two storey dwelling would be unduly prominent in the landscape and is contrary to criteria (a), (b) and (d) of Policy CTY 14.

#### **Other Matter**

The applicant has not sought to argue that the proposed development falls into any other category of acceptable development identified in Policy CTY1. No evidence has been advanced that the proposed development could not be located in a settlement. Therefore, the proposal is contrary to CTY1 of PPS21.

#### **Other Material Consideration.**

I am satisfied that the proposal will not lead to a significant deterioration in road safety under the provisions of PPS 3 Access, Movement and Parking. Furthermore I am satisfied that the proposed site will not have significant adverse impact on neighbouring amenity, this can be further considered at RM stage if approval is forthcoming.

<b>Neighbour Notification Checked</b>	<b>Yes</b>
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#### **Summary of Recommendation: Contrary to CTY 1, 8, 13 & 14 of PPS 21**

#### **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 CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not constitute a gap site and would, if permitted, result in the creation of ribbon development and fails to meet the provisions for an infill dwelling in accordance with CTY 8 of PPS 21.
3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed two dwelling would be a prominent feature in the landscape, lacks long established natural boundaries, is unable to provide a suitable degree of enclosure, relies primarily on the use of new landscaping for integration, fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop and therefore would not visually integrate into the surrounding landscape.

4. 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 result in a suburban style build-up of development when viewed with existing and approved buildings and would not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to, and further erode the rural character of the countryside.

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	11th April 2018
<b>Date First Advertised</b>	26th April 2018
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 20a Carnaman Road Knockcloghrim The Owner/Occupier, 22 Carnaman Road, Knockcloghrim, Magherafelt, Londonderry, BT45 8PN, The Owner/Occupier, 23 Carnaman Road, Knockcloghrim, Magherafelt, Londonderry, BT45 8PN, The Owner/Occupier, 24 Carnaman Road, Knockcloghrim, Magherafelt, Londonderry, BT45 8PN,	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2018/0495/O Proposal: Proposed 2 storey infill dwelling and garage Address: Site adjacent to 22 Carnaman Road, Gulladuff, Decision: Decision Date:  Ref ID: H/1996/0304 Proposal: SITE OF REPLACEMENT DWELLING Address: 20 CARNAMAN ROAD KNOCKLOUGHRIM Decision: Decision Date:  Ref ID: H/1997/0163 Proposal: REPLACEMENT DWELLING Address: ADJ TO 20 CARNAMAN ROAD KNOCKLOUGHRIM Decision: Decision Date:  Ref ID: H/2005/1080/F Proposal: Single storey extension to rear of dwelling, attic conversion and garage Address: 20A Carnaman Road, Knockloughrim Decision: Decision Date: 27.02.2006  Ref ID: H/2002/0796/O Proposal: Site of Dwelling and Garage	

Address: North West of 22 Carnaman Road, Knockloughrim  
 Decision:  
 Decision Date: 16.10.2002

Ref ID: H/2005/0998/RM  
 Proposal: Dwelling and garage.  
 Address: North West of 22 Carnaman Road, Knockloughrim.  
 Decision:  
 Decision Date: 19.06.2006

Ref ID: H/2003/1214/O  
 Proposal: Site of dwelling and garage.  
 Address: 130m North West of 22 Carnaman Road, Knockloughrim.  
 Decision:  
 Decision Date: 16.11.2004

Ref ID: H/2011/0523/F  
 Proposal: Proposed relocation of approved garage and amendment to site curtilage on commenced site H/2005/0998/RM  
 Address: 24 Carnaman Road Knockloughrim,  
 Decision:  
 Decision Date: 14.12.2011

Ref ID: H/1978/0212  
 Proposal: SITE OF REPLACEMENT DWELLING  
 Address: DRUNARD MAGHERAFELT  
 Decision:  
 Decision Date:

Ref ID: H/2007/1012/RM  
 Proposal: Proposed Dwelling & Garage  
 Address: 130m North West of 22 Carnaman Road, Knockloughrim  
 Decision:  
 Decision Date: 20.02.2008

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

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

### **Notification to Department (if relevant)**

Date of Notification to Department:  
 Response of Department:

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/0506/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed replacement dwelling and garage.	<b>Location:</b> 145 Metres SE of 16 Creevagh Road Cookstown.
<b>Referral Route:</b>  Approval to go to committee - objection received.	
<b>Recommendation:</b>	approve
<b>Applicant Name and Address:</b> Mr Roney Black 12 Creevagh Road Cookstown BT80 9LR	<b>Agent Name and Address:</b> Henry Marshall Brwon Architectural Partnership 10 Union Street Cookstown BT80 8NN
<b>Executive Summary: Approval</b>	
<b>Signature(s): Peter Henry</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
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 objection received - summary of issues are as below:

Main concern raised by objector was in relation to light pollution, in that this issue arose that this site is located in close proximity to Beaghmore Stone Circles & Davagh Forest but within the Davagh Dark Sky vicinity. It is noted that the subject area of the planning application has a sky classification of Bortle 4 which has the same classification as the Dark Sky site.

The objector raised that any permitted development needs to be mindful of the Bortle classification and not jeopardise the current Dark Sky status by increasing light pollution.

Objector stated that an increase in light pollution will have the following impacts:

- Have an ecological impact
- Have an adverse tourist and economic impact
- Prevent the dark sky getting darker
- Impact on promotion of astronomy generally, ongoing public education and outreach programs
- Prevent further astrophotography at the objector's home which is of significant educational importance.

Objector concluded to raise questions over the external lighting of the proposed development.

### **Characteristics of the Site and Area**

The site is located approximately 6km NW of Cookstown and east of Davagh Forest but it is located within the open countryside as per the Cookstown Area Plan 2010. The proposed building to be replaced identified to be replaced is a detached two storey building, there are two detached agricultural buildings on site which has a private access off the Creevagh Road. The site is currently an overgrown agricultural field but is bounded by a line of mature trees along the eastern boundary with the remaining boundaries being defined by a mix of mature trees and a line of hedging.

Relevant planning history

LA09/2016/1011/O – Proposed dwelling and garage – Permission Granted – 21/11/16.

Representations

There were two neighbour notifications sent out however one objection was received.

### **Description of Proposal**

This is an outline application for a proposed replacement dwelling and garage located approximately 145m South East of 16 Creevagh Road, Cookstown.

### **Planning Assessment of Policy and Other Material Considerations**

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

Cookstown Area Plan 2010

Strategic Planning Policy Statement (SPPS)

PPS 21 Sustainable Development in the Countryside

CTY 3 – Replacement Dwellings

PPS 3 – Access, Movement and Parking

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



Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the Countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In this instance the application is for a replacement dwelling and as a result it must be considered under CTY 3 of PPS 21. CTY 3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. Buildings designed and used for agricultural purposes, such as sheds or stores will not be eligible for replacement under this category. However favourable consideration will be given to the replacement of a redundant non-residential building with a single dwelling, where the redevelopment proposed would bring significant environmental benefits and provided the building is not listed or otherwise makes an important contribution to the heritage, appearance or character of the locality. Upon review of the plans and as noted during the site visit I am of the opinion that the building proposed to be replaced does exhibit all the main characteristics of a dwelling however it is noted that the dwelling has been derelict for some time.

In addition the policy goes on to state that the proposed replacement should be sited within the established curtilage of the existing, unless either a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits. Even though this is an outline application but within the submitted plans there is a preferred location identified to be 20m south east of the current dwelling on site but still within the existing curtilage. From this I am content that this application is compliant under CTY 3.

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. Due to this application being only outline no design or size details have been provided but as noted there was a preferred location if a dwelling were to be approved. From this I am of the opinion that an appropriately designed dwelling would not be prominent feature in the landscape. It is noted that the site benefits from existing mature vegetation which where best possible should be retained and aided by additional landscaping to ensure the dwelling visually integrated into the landscape. Therefore a landscaping scheme is deemed necessary in any reserved matters application. Due to what is existing on the site I am of the opinion that it is necessary to restrict the ridge height to 7.5m from the 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 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 the application does benefit from existing vegetation and that an appropriately designed dwelling would not appear unduly prominent. I am content that a dwelling in this location will not result in a suburban style build-up of development. From this I am of the opinion that this development is able to respect the traditional pattern of settlement exhibited in the area. I am content that the local landscape has the capacity to absorb the development and in addition the proposal will not result in the creation or addition of ribbon development. I am therefore content that the proposal is able to comply with the criteria of CTY 14.

I have no flooding, ecological or residential amenity concerns.

In response to the comments made by the objector, that whilst I acknowledge the concerns raised I am of the opinion that 1 for 1 replacement would not adversely impact upon the increasing of light pollution. In terms of the queries over external lighting it must be noted once more that this is an outline application therefore all design details of the dwelling and site will be a matter of a reserved matters application and cannot be considered at this stage.

The proposal accords with the policy requirements of SPPS and PPS 21, therefore I recommend approval for this development.	
<b>Neighbour Notification Checked</b>	<b>Yes</b>
<b>Summary of Recommendation:</b>  Approval is recommended.	
<b>Conditions</b>  1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:- i. the expiration of 5 years from the date of this permission; or ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.  Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.  2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.  Reason: This is outline permission only and these matters have been reserved for the subsequent approval of the Council.  3. A landscaping plan shall be submitted and approved as part of the Reserved Matters application and shall identify the location and height of existing trees and hedges to be retained and planted. During the first available planting season after the commencement of development on site, all proposed trees and hedges indicated in the approved landscaping plan at Reserved Matters stage, shall be planted as shown and permanently retained thereafter, unless otherwise agreed by Mid Ulster Council in writing.  Reason: In the interests of visual amenity and to assist with integration.  4. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed uprooted or destroyed or dies, or becomes, in the opinion of the Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted 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.  5. The existing natural screenings of the site, as indicated in yellow, on approved drawing no 01, date stamped received 13 <sup>th</sup> April 2018 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.

6. If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of the occupation of the building for its permitted use another tree or trees shall be planted at the same place and that/those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.

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

7. The proposed dwelling shall have a ridge height of less than 7.5 metres above finished floor level and a low angle of roof pitch not exceeding 40 degrees.

Reason: To ensure that the development is not prominent and satisfactorily integrated into the landscape.

8. The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.45 metres at any point.

Reason: In the interest of visual amenity.

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

Reason: To ensure the dwelling integrates into the landform.

10. The dwelling hereby permitted shall not be occupied until the existing building, coloured green on the approved plan No 01 date stamped 13th April 2018 is demolished, all rubble and foundations have been removed and the site restored in accordance with a scheme to be submitted to the Council and approved in writing.

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

11. Notwithstanding the provisions of The Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order, no walls, gates, pillars, fences or other means of enclosure shall be erected at the access onto the public road, or adjacent to the public road, without prior written consent from Mid Ulster Council.

Reason: To preserve the amenity of the countryside.

12. The dwelling and garage and their curtilage shall be restricted to the area crosshatched on the attached drawing No. 01 which is date stamped 13th April 2018.

Reason: So that the dwelling, ancillary buildings and garden area integrates into the surrounding countryside.

#### 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/premises] 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.It is noted that the existing vehicular access to the dwelling appears to be sub-standard and that, in your interests and that of other road users, measures should be taken to provide acceptable visibility.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	13th April 2018
<b>Date First Advertised</b>	26th April 2018
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 16 Creevagh Road Cookstown Tyrone The Owner/Occupier, 16a ,Creevagh Road,Cookstown,Tyrone,BT80 9LR, Adam Jeffers 16a, Creevagh Road, Cookstown, Tyrone, Northern Ireland, BT80 9LR	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2016/1011/O Proposal: Proposed Dwelling and Garage Address: 145M SE of 16 Creevagh Road, Cookstown, Decision: PG Decision Date: 22.11.2016  Ref ID: LA09/2018/0506/O Proposal: Proposed replacement dwelling and garage. Address: 145 Metres SE of 16 Creevagh Road, Cookstown., Decision: Decision Date:	
<b>Summary of Consultee Responses</b>	
<b>Drawing Numbers and Title</b>	

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
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	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2018/0539/F	<b>Target Date:</b> 3/08/2018
<b>Proposal:</b> Proposed dwelling & domestic garage.	<b>Location:</b> 81a Killeeshill Road Dungannon (100m west of St Pauls Church Farriter Road Dungannon.
<b>Referral Route: Contrary to Historic Environment Division advice.</b>	
<b>Recommendation:</b>	Approve
<b>Applicant Name and Address:</b> Conor Holland & Maeve McKenna 81 Killeeshill Road Cabragh Dungannon	<b>Agent Name and Address:</b> McKeown & Shields Associates Ltd 1 Annagher Road Coalisland Co Tyrone BT71 4NE
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



**Representations:** None Received

### Description of proposal

This is a full planning application for a dwelling and garage in the countryside.

### Characteristics of site and area

The application site is located 100m west of St. Pauls Church, Farriter Road, Dungannon and outside the development limits of any settlement defined in the Dungannon and South Tyrone Area Plan 2010. A replacement dwelling has been approved on this site and the old dwelling has been demolished, with foundations and a new access position put in place as per planning permission M/2008/0118/RM and M/2004/2029/O. Rising from the public road the site is slightly elevated, however there are mature natural boundaries to the site which provide good enclosure. There is a small roadside carpark along part of the site frontage, used by those attending St. Pauls.

Land in the area is undulating and is characterised mostly by agricultural land, farm holdings and dispersed single dwellings.

### Planning Assessment of Policy and Other Material Considerations

#### Area Plan

Dungannon and South Tyrone Area Plan 2010- the site is located in the countryside, the policy provisions of SPPS and PPS21 apply.

#### Planning History



M/2004/2029/O- outline approval granted for a replacement dwelling on 9.12.2004

M/2008/0118/RM- reserved matters permission granted for a replacement dwelling on 28.05.2008.

LA09/2016/0963/NMC- a non material change was granted for a revised access position to that granted under M/2008/0118/RM, as it was assessed to not constitute development, as this access was in place for the dwelling which was replaced, and no intensification will occur.

### **Consideration**

Under assessment of LA09/2016/0963/NMC it has been accepted by Mid Ulster Council that development on site has lawfully commenced and pre-commencement conditions applied with. Therefore the fall back position is that permission M/2008/0118/RM can be implemented at any point in the future. Given this fall back position it is now a matter to assess the acceptability of this subject design against what can be implemented under M/2008/0118/RM.

The subject application remains single storey, with part of the development sited closer to the public road by approximately 10m. There is an inclusion of a garage, attached to the dwelling by a carport, and a rear return proposed in stone, that will cover most of the footprint of the dwelling granted under M/2008/0118/RM. A modest front porch is proposed, built in stone. The proposed garage is single car width, is modest and set back from the main front elevation of the property and is also finished in stone. In my view the, given the set back from the public road and the existing vegetation on site to provide coverage and enclosure, it is my view that the visual impact of this dwelling will not be significantly greater that what can be implemented lawfully on site. In terms of rural design, the proposal is modest, especially the front elevation. Most of the rear return will not be visible from public view points and the set back of the garage will help it integrate into the landscape. While there are square window openings to the front elevation, these are also evident in the previous permission and in my view, given the overall simplistic composition of the front elevation, rural design standards are respected in this instance. There is a symmetrical roof pitch, chimney stacks are placed centrally on the ridge and a condition to ensure that the stone work is locally sourced and randomly built can be attached to any permission.

### **Access**

As the proposed access position has been granted under LA09/2016/0962/NMC there is no requirement to address DfI Roads comments, however in the interest of road safety I did give the applicant/agent an opportunity to amend plans to allow for vehicles to exit the site in forward gear, which was carried out. Any concern raised by DfI can be attached as a planning informative to any permission.

### **Historic Environment Division**

Due to the setting of the site beside a listed building and grounds, I carried out consultation with Historic Environment Division (HED) for comment. Initially HED objected to the proposal until I explained that M/2008/0118/RM can be lawfully implemented. While HED still object, they have softened their position and seek planning conditions to be attached with regard to building materials. Through discussion with senior colleagues, it is considered unreasonable to attach these conditions at this stage, given what can be built on site. It is felt reasonable to attach a condition about where the stone is sourced from and how it shall be built, given the significant increase in this building material in this design when compared to M/2008/0118/RM. Any advice/concern provided by HED can be attached as a planning informative to any permission.

### **Other Consideration**

The site is not subject to flooding and there are no land contamination issues to consider. No 3rd party objections have been received. This dwelling will not have a detrimental impact on the

<b>Neighbour Notification Checked</b>	<b>Yes</b>
<b>Summary of Recommendation:</b> That planning permission be granted subject to the following conditions.	
<b>Conditions</b>  <p>1.As required by Section 61 of the Planning Act (Northern-Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: Time Limit.</p> <p>2.The existing trees, as indicated in green on drawing No 01 rev1 date received 20th June 2018, shall be permanently retained at a height not less than 3m above ground level at that point unless otherwise agreed by Mid Ulster Council in writing. Any arboricultural work or tree surgery shall be carried out in accordance with British Standard 3998, 1989. Recommendations for Tree Work.</p> <p>Reason: To ensure the development integrates into the countryside.</p> <p>3.During the first available planting season after the commencement of development on site, all trees and hedges indicated in drawing No 01 rev1 date received 20th June 2018, shall be planted as shown and be permanently retained thereafter at a height not less than 2 metres above ground level at that point, unless otherwise agreed by Mid Ulster Council in writing.</p> <p>Reason: In the interest of visual amenity and to ensure the development integrates into the countryside.</p> <p>4.If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of Mid Ulster Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless Mid Ulster Council gives its written consent to any variation.</p> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>5.Notwithstanding the provisions The Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and re-enacting that Order, no walls, gates, pillars, fences or other means of enclosure shall be erected at the access onto the public road, or adjacent to the public road, without prior written consent from Mid Ulster Council.</p> <p>Reason: To preserve the amenity of the countryside.</p> <p>6.The stone finishes indicated in drawing No. 02 date received 20th April 2018 shall be locally sourced quarry stone and shall be randomly built.</p> <p>Reason: To ensure the building integrates into the landscape.</p>	

**Informatives**

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

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

3.The DRD's Roads Service has pointed out that the existing vehicular access to the dwelling is sub-standard and that, in your interests and that of other road users, measures should be taken to provide acceptable visibility.

4.Historic Environment Division advise that the dwelling should be finished in the following materials;

-Roof: natural slate;

-Walls: render, painted in a muted colour;

-Windows and external doors: timber framed, painted;

-Retaining walls: natural stone;

-Driveway surfacing: hoggin or other natural material in muted colours;  
so as to safeguard the setting of the adjacent Listed Church.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	20th April 2018
<b>Date First Advertised</b>	3rd May 2018
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, Killeeshill Parish Church Hall, Killeeshill Road, Dungannon, Tyrone, BT70 1TJ, The Owner/Occupier, Killeeshill Parish Church, 79 Killeeshill Road, Dungannon, Tyrone, BT70 1TJ,	
<b>Date of Last Neighbour Notification</b>	4th May 2018
<b>Date of EIA Determination</b>	<b>NA</b>