



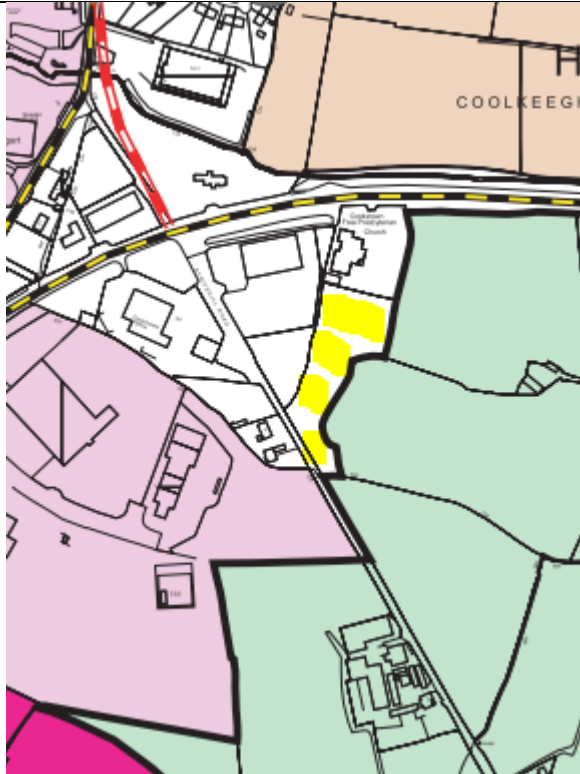
Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0144/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed housing development comprising of 2 no. detached dwellings and 14. no. Semi detached (total 16 units).	<b>Location:</b> Lands opposite No.9 Strifehill Road Cookstown.
<b>Referral Route:</b> Objections to proposal.	
<b>Recommendation:</b> Approval	
<b>Applicant Name and Address:</b> Mr Adrian Milliken 46 Bells Hill Derry BT49 ODQ	<b>Agent Name and Address:</b> C.McIlvar ITD Cookstown Enterprise Centre Unit 7 Sandholes Road Cookstown BT80 9LU
<b>Executive Summary:</b>	
<b>Signature(s):</b> M.Bowman	

## Case Officer Report

### Site Location Plan



Proposed site highlighted in yellow is located on unzoned 'white lands' in the Cookstown Area 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 - Multi Units West - Planning Consultations	Substantive Response Received
Statutory	Rivers Agency	Advice
Statutory	Rivers Agency	Advice
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	DFI Roads - Enniskillen Office	Advice

Statutory	Rivers Agency	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Rivers Agency	Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	Rivers Agency	Advice
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Rivers Agency	Advice
Statutory	Rivers Agency	Advice
<b>Representations:</b>		
Letters of Support	None Received	
Letters of Objection	7	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<b>Summary of Issues</b>		
Local objections relating to drainage / flooding / amenity of Church		
<b>Characteristics of the Site and Area</b>		
<p>The site consists of an irregular shaped plot of land located at number 9 Strifehill Road, Cookstown as well as land across the road. The portion of the site on the East of the Strifehill Road is much narrower approx. 50 metres wide however, it is 120 metres deep and opens up to a wider area at the rear. The land is currently used as agricultural grazing and has mature boundaries on all sides, other land to the west currently contains a dwelling at number 9, which is a small bungalow as well as a small garage and a number of associated outbuildings. This site also has good boundary cover with mature vegetation and a number of trees.</p> <p>The site lies within the settlement limits of Cookstown towards the South of the town. The Strifehill road runs off the Sandholes road and links back onto the main Dungannon Cookstown Road. The Cookstown Free Presbyterian Church is to the northeast, there is also a builders yards directly North and the DVLNI is to the North West. To the South West and South there is a number of large factory units and associated parking. To the East there is open countryside.</p>		
<b>Description of Proposal</b>		
Proposed housing development comprising of 2 no. detached dwellings and 14. no. Semi detached (total 16 units).		
<b>Planning Assessment of Policy and Other Material Considerations</b>		
Cookstown Area Plan		

Draft Plan Strategy.

PPS7

PPS15

DES2.

PPS3

PPS2

History

The principle of development on these wider lands is not assured; indeed planning previously advised in response to A Pre application Enquiry (I/2011/0515/PREAPP) that the Department was of the opinion that the site would be unsuitable for residential development.

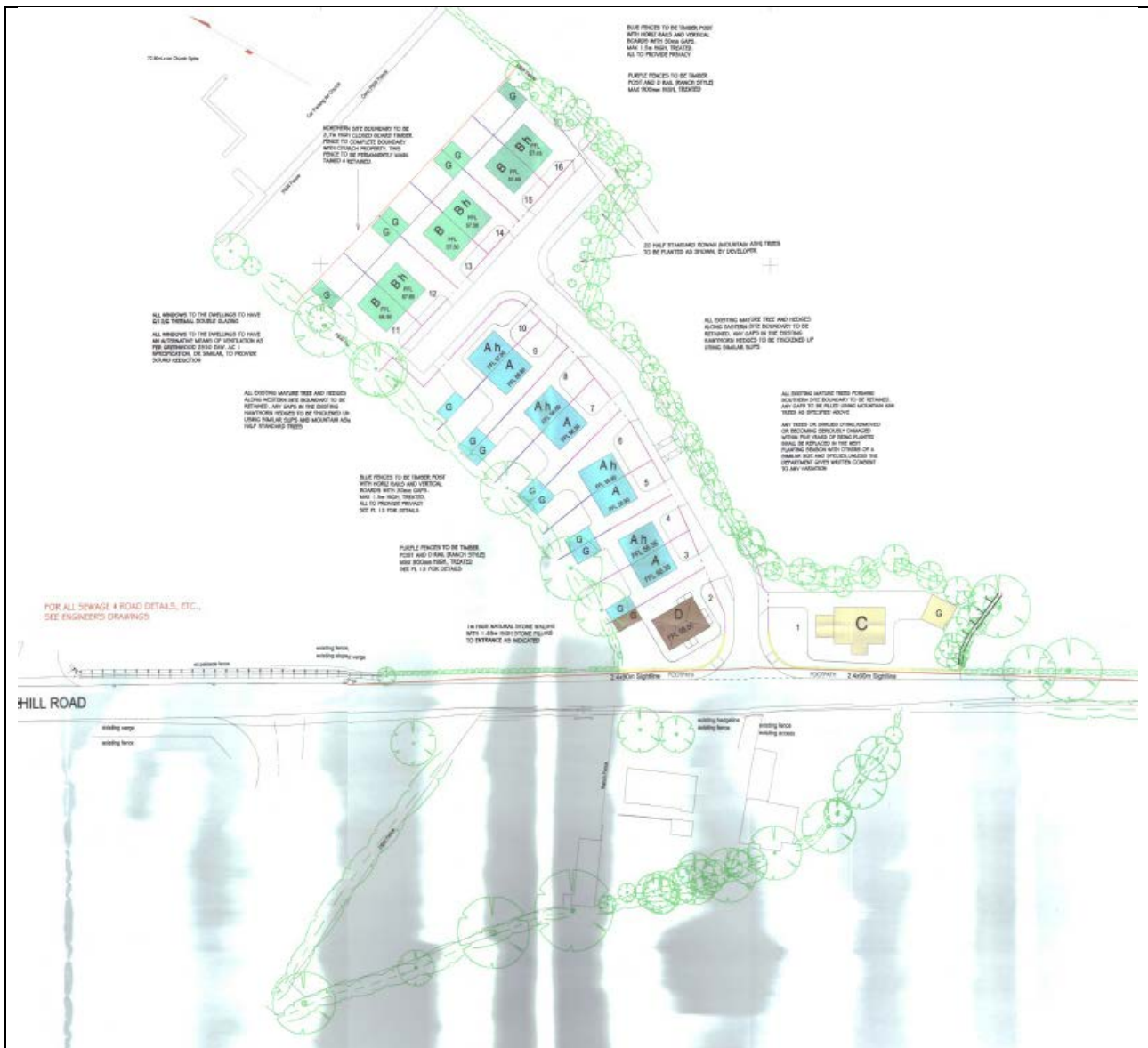
The reasons for that response related to the;

- Existing adjacent land uses,
- Lack of landscape buffer both at the edge of the limit of development and buffer between site and adjoining sites and
- Roads Service negative response in relation to the provision of suitable infrastructure within the site identified.

Application I/2013/0246/F included this site and a plot of land opposite. It was refused in July 2018 on the basis that the proposal was contrary to the Cookstown Area Plan, the SPPS and Policy PED8 of PPS4 in that it has not been adequately demonstrated that, if approved, it would be compatible with adjacent established land uses and would therefore not prejudice their future operation. This was primarily as a result of the part of the site (now excluded from this application) sharing a boundary with established commercial properties who had also objected to the application on the basis of the incompatibility of housing in such close proximity to business premises.

The current proposal has been amended from an originally unsatisfactory layout and design to the below:





PPS7 QD1 requires that quality residential developments are measured against the following criteria:

New Residential Development 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. 14 Planning Policy Statement 7: Quality Residential Environments All proposals for residential development will be expected to conform to all of the following criteria:

- (a) 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;

The location of this site on the periphery of the settlement of Cookstown and being in close proximity to community / commercial premises does give rise to consider the matter of context and compatibility. The benefit of the larger refused application on this site and lands opposite exposed a risk to residents and businesses from potential nuisance / complaints. It is my view that restricting the development to this side of the road significantly overcomes this concern. The density of the layout is acceptable here and the design and appearance of buildings is also acceptable.

- (b) 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;

None of any impact on this proposal have been identified.

- c) 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;

This proposal falls below the 25 unit threshold for communal open space. The layout proposed shows good levels of private space within the development. We are also in close proximity to the rural edge of the town allowing easy access to the countryside and rural roads. This edge of settlement development provides a good buffer of trees with the rural interface softening its impact and protecting the settling of the town from this approach.

- (c) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;

N/A

- (d) 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;

It is acknowledged that this site is somewhat remote from main serviced access by public transport apart from the Kilcronaghan route into the town. Traffic calming measures not required for this level of development.

- (e) adequate and appropriate provision is made for parking;
- No issues of concern have been raised by DFI in this regard.

- (f) the design of the development draws upon the best local traditions of form, materials and detailing;

being located on the urban fringe leaves little of any strong distinction to draw upon. The proposed house types are of good quality and will not be unusual in this mixed use location.

- (g) 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

No negative impacts in this regard are anticipated. Buffer area to rear of site and Church site is proposed. No obvious private amenity impacts.

(i) the development is designed to deter crime and promote personal safety.

The layout overlooks the main access road and provides incuttilage parking all offering adequate surveillance.

There have been a total of 7 objections received making the following points of concern:

1. that storm water piping into a watercourse exacerbates an already inadequate situation which has led to incidents of flooding / there is a more suitable discharge point at the Fairy Burn.
2. Rivers agency should not have allowed the amount of storm water from Ballyreagh Ind Estate to enter the Strifehill watercourse.
3. It is felt that the Drainage assessment submitted is flawed in that it states that no issues of flooding in this locality have been reported. Photographic evidence submitted and previously shows this
4. The run-off rate of 10 lts per sec should be less.
5. The houses / garages and entrance road to the development will flood is any more water is added to the watercourse
6. This flooding potential must raise H and S concerns for future families.
7. The Church Committee feel that a wall should be incorporated into the scheme along the shared boundary. A currently proposed wooden fence is felt not to be acceptable and doesn't offer the same degree of acoustic protection as a masonry wall. It is a concern that the amenity of the church and its activities will be adversely affected.

Consideration of objection/s relating to storm water discharge impacts:

Rivers Agency were asked to comment on the objections relating to drainage and flooding and replied as below:

DFI Rivers acknowledges the objection letter, dated 5th March and comments to address the 7 points are as follows:

1. Discharge consent lies within the remit of DFI Rivers Omagh area office. Planning Advisory and Modelling Unit is not in a position to object to a proposal to discharge runoff from a development if the rate and discharge point have been given consent.
2. Discharge consent lies within the remit of DFI Rivers Omagh area office. Planning Advisory and Modelling Unit is not in a position to object to a proposal to discharge runoff from a development if the rate and discharge point have been given consent.
3. DFI Rivers acknowledges the photographs showing flooding downstream of the proposed site. However, discharge has been consented for an attenuated greenfield runoff rate that replicates the current drainage regime.
4. DFI Rivers accepts a general greenfield runoff rate of 10 l/sec/ha for Northern Ireland. Discharge consent lies within the remit of DFI Rivers Omagh area office.
5. DFI Rivers stated in letter dated October 2014 that the Strifehill Drain was inadequate to accept any additional discharge. However, in more recent correspondence dated September 2020, schedule 6 consent was given at the attenuated rate of greenfield runoff.
6. The greenfield runoff rate is there to mimic the current drainage regime and not to increase runoff from the site.

7. The development has complied with the main points of Revised Planning Policy Statement 15 (PPS15) 'Planning and Flood Risk'. Unfortunately, flooding and the associated dangers cannot be completely eradicated. However, as it has been demonstrated, this development complies the PPS15 by not increasing flood risk elsewhere.

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

In relation to the Churches concerns, the Env Health Dept have provided comments:

Following comments made by this department on 17th June 2020 4 further objections have been received in relation to this proposal. Two of the objections raised concerns with the adequacy of the proposed acoustic barrier along the Northern boundary of the site between the proposed development and Cookstown Free Presbyterian Church.

Environmental Health Department are satisfied that the proposed barrier as outlined within the Acoustic Report from Grainger Acoustics, dated Sept 2019 and as annotated on drawing no. 3rev2, date stamped 20 JAN 2021 should provide adequate mitigation of noise.

Therefore, Environmental Health Department have no objections to the proposed development provided the below conditions be added to any planning permission granted:

#### **Conditions**

1. Prior to occupation of the proposed development, all windows to the proposed dwellings shall have a 6/12/6 thermal double glazing, shall be constructed and maintained at all times to provide a sound reduction Rw of at least 31dB.

*Reason: The protect residential amenity from Noise*

2. Prior to occupation of the proposed development, all windows to the proposed dwellings shall have a means of ventilation per Greenwood 2500 EAW.AC1 or similar and shall be maintained at all times.

*Reason: The protect residential amenity from Noise*

3. Prior to occupation of the proposed development, the 2.7m high closed boarded timber fence as annotated on drawing no. 3rev2, date stamped 20 JAN 2021 shall be constructed and maintained at all times

*Reason: The protect residential amenity from Noise*

4. Prior to occupation of the proposed development, all dwellings shall be connected to the mains sewerage system.

*Reason: The protect residential amenity from foul sewage*

I consider that on balance this proposed development is acceptable and that third party concerns have been adequately considered. Previous conflict with commercial operations on the SW side of the road in an earlier application does not arise now given the exclusion of those lands from this application. I consider that the mitigation required by EHD should protect the amenity of both future residents and adjoining Church property. Rivers Agency have commented on the objections and raise no objections.

**Neighbour Notification Checked**

**Yes/No**

**Summary of Recommendation:**

Layout is subject to a Private Streets Determination  
 The following conditions / informatives should be included in any planning application

Drawings to be referenced

SD Dwg No 2rev3 Date stamped 25 November 2020

ong Sections Dwg *No Agents reference no 13/065:2.0E (REV E) – to be allocated a planning reference number in any decision notice*

ite Location Dwg No 01rev1 Date stamped 24 November 2020

**Conditions**

Development shall be commenced within 5yrs from the date of this permission.

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

The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No 02 rev 3 bearing the date stamp 25 November 2020

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.

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 footway improvements along the Strifehill Road have been completed in accordance with the details outlined blue on Drawing No 02 rev 3 bearing the date stamp 25 November 2020. The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

The visibility splays of 2.4 metres by 90 metres at the junction of the proposed residential access road with the Strifehill Road, shall be provided in accordance with Drawing No 02 rev 3 bearing the date stamp 25 November 2020, prior to the commencement of any other works or other

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

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

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

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

No dwelling(s) shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of (each phase / the development.)

REASON: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling

Prior to occupation of the proposed development, all windows to the proposed dwellings shall have a 6/12/6 thermal double glazing, shall be constructed and maintained at all times to provide a sound reduction Rw of at least 31dB.

*Reason: The protect residential amenity from Noise*

Prior to occupation of the proposed development, all windows to the proposed dwellings shall have a means of ventilation per Greenwood 2500 EAW.AC1 or similar and shall be maintained at all times.

*Reason: The protect residential amenity from Noise*

Prior to occupation of the proposed development, the 2.7m high closed boarded timber fence as annotated on drawing no. 3rev2, date stamped 20 JAN 2021 shall be constructed and maintained at all times

*Reason: The protect residential amenity from Noise*

Prior to occupation of the proposed development, all dwellings shall be connected to the mains sewerage system.

*Reason: The protect residential amenity from foul sewage*

All soft landscaping to be provided during the first available planting season following the commencement of the development.

Retention of all existing boundary vegetation at present heights.

No development shall take place until the onsite works have been completed in accordance with the drainage details submitted to and approved by the relevant authority.

Reason: In the interest of public health.

No dwelling hereby approved shall be occupied until a connection to the public sewer has been approved and an Article 161 agreement has been authorised by NI Water.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	31st January 2019
<b>Date First Advertised</b>	14th February 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) Clarke Faulkner 54 The Dales, Cookstown, BT80 8TF Clarke Faulkner 54 The Dales, Cookstown, BT80 8TF Nigel Davidson 55 Tullyard Road Cookstown Tyrone The Owner/Occupier, 9 Sandholes Road Strifehill Road Cookstown The Owner/Occupier, Cookstown Free Presbyterian Church, Sandholes Road, Cookstown Alan Kane Gorey Lodge, Coolreaghs Road, Cookstown, Co. Tyrone, BT80 8QN The Owner/Occupier, Secretary Of Cookstown Free Presbyterian Church, Gorey Lodge, Coolreaghs Road, Cookstown, BT80 8QN A Kane Secretary, Gorey Lodge, Coolreaghs Road, Cookstown, BT80 8QN The Owner/Occupier, Simpsons Building Supplies, Sandholes Road, Cookstown	
<b>Date of Last Neighbour Notification</b>	22nd January 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2019/0144/F Proposal: Proposed housing development comprising of No1. detached , No2. Apartment blocks and No12. Semi detached (total 17 units). Address: Lands opposite No.9 Strifehill Road, Cookstown., Decision: Decision Date:   Ref ID: I/2011/0515/PREAPP Proposal: Proposed housing development Address: Lands at 6 Strifehill Road, Cookstown,	



Decision: EOLI

Decision Date:

Ref ID: I/2013/0246/F

Proposal: Demolition of existing dwelling/out buildings and the construction of 10 no semi detached, 2 storey, 3 bedroom dwellings (20 no units) plus 2 detached, 2 storey, 2 bedroom apartments (4 units). 24 new starter units.

Address: Opposite and adjacent to 9 Strifehill Road Coolkeeghan Cookstown,

Decision: PR

Decision Date: 10.07.2018

Ref ID: I/2012/0378/F

Proposal: Proposed conversion of existing detached garage to church hall with extension to provide kitchen and storage and link extension to existing church building

Address: Cookstown Free Presbyterian Church, Sandholes Road, Cookstown, BT80 9AR,

Decision: PG

Decision Date: 04.12.2012

Ref ID: I/1982/008901

Proposal: FREE PRESBYTERIAN CHURCH

Address: SANDHOLES ROAD, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1982/0089

Proposal: CHURCH COMPLEX

Address: SANDHOLES ROAD, COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1992/0077

Proposal: Store for Church buses

Address: SANDHOLES ROAD COOKSTOWN

Decision:

Decision Date:

Ref ID: I/1995/0338

Proposal: Laying out of Lands for Industrial Plots, Construction of Service Road and Associated Services

Address: SANDHOLES ROAD BALLYREAGH COOKSTOWN

Decision:

Decision Date: 23.07.1996

Ref ID: LA08/2017/1016/DC

Proposal: Discharge of Conditions 20 (CEMP), 21 (HMP) and 22 (ECOW) of planning permission LA08/2016/1328/F.

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2017/1352/DC

Proposal: Discharge of Condition 15 of planning permission LA08/2016/1328/F.

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2019/0022/DC

Proposal: Discharge of Condition 5 (works affecting A5WTC preferred route) of planning permission LA08/2016/1328/F

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2018/0146/DC

Proposal: Discharge of Condition 21 (Habitat Management Plan) of Planning Permission LA08/2016/1328/F - Gas to the West (Traditional Orchard locations)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2018/1467/DC

Proposal: Discharge of Condition 29 (Construction Method Statement) of Planning Permission LA08/2016/1328/F

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: RL

Decision Date:

Ref ID: LA08/2018/0965/DC

Proposal: Discharge of Condition 4 (Traffic Management Plan) of planning permission LA08/2016/1328/F - Gas to the West. (HP Line - RDX80: Ballagh Road section)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2018/0145/DC

Proposal: Discharge of Condition 21 (Habitat Management Plan) of planning permission LA08/2016/1328/F - Gas to the West. (3 areas of Purple Moor Gass and Rush Pasture)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2016/1328/F

Proposal: Construction of an underground gas pipe line and associated infrastructure comprising: a new 85 bar High Pressure (HP) cross-country gas transmission pipeline, approximately 78km in length and varying between 300-400mm diameter; New Intermediate Pressure (IP) gas pipelines, (approximately 107km and varying between 250-315mm diameter) laid primarily in the public road, 7 Above Ground Installations (AGI) and 8 District Pressure Governors (DPG); temporary ancillary development comprising temporary construction compounds, temporary pipe storage areas and temporary construction accesses.

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: PG

Decision Date:

Ref ID: LA08/2017/1619/DC

Proposal: Discharge of Condition 27 (Construction Method Statement) of planning permission LA08/2016/1328/F (G2W) - (Off road - IP Crossing - Colebrook River, Maguiresbridge)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: RL

Decision Date:

Ref ID: LA08/2018/1422/DC

Proposal: Discharge of condition 5 (works affecting the A5 preferred route) of planning permission LA08/2016/1328/F

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2017/1126/DC

Proposal: Discharge of Condition 2 (programme of archaeological work) of planning approval LA08/2016/1328/F.

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown. Intermediate Pressu

Decision: AL

Decision Date:

Ref ID: LA08/2018/0155/DC

Proposal: Discharge of Condition No. 27 (Construction Method Statement) of Planning Permission LA08/2016/1328/F - Gas to the West (IP Crossing of the Seskinore River, Corkhill Road)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2018/0156/DC

Proposal: Discharge of Condition No. 27 (Construction Management Statement) of Planning Permission LA08/2016/1328/F - Gas to the West. (Quiggery Stream, Corkill Road)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA08/2018/0157/DC

Proposal: Discharge of Condition No. 27 (Construction Method Statement) of Planning Permission LA08/2016/1328/F - Gas to the West (IP Crossing of Colebroke River, Maguiresbridge)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: AL

Decision Date:

Ref ID: LA09/2016/0468/PAN

Proposal: Proposed gas pipeline to supply natural gas to west of Northern Ireland

Address: High pressure (HP) gas transmission pipeline of approximately 80 kilometres in length between Portadown and Tullykenneye (just west of Fivemiletown). Intermediate pressure (IP) gas pipeline, approximately 100 kilometres in length from HP I

Decision:

Decision Date:

Ref ID: LA08/2018/1354/DC

Proposal: Ecological Monitoring Report relating to Condition 24 of Planning Permission LA08/2016/1328/F

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision:

Decision Date:

Ref ID: LA08/2018/1710/DC

Proposal: Discharge of Condition 29 (Construction Method Statement) of Planning Permission LA08/2016/1328/F

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision:

Decision Date:

Ref ID: LA08/2018/0964/DC

Proposal: Discharge of Condition 4 (Traffic Management Plan) of Planning Permission LA08/2016/1328/F - Gas to the West (HP Line - RDX19: Pedan's Road Section)

Address: High Pressure (HP) gas transmission pipeline (approx. 78km in length) between the proposed Above Ground Installation (AGI) opp. 64 Derryhale Rd, Derryhale, Portadown and 300m NW 371 Belfast Rd, Tullykenneye, Fivemiletown.

Intermediate Press

Decision: AL

Decision Date:

<b>Summary of Consultee Responses</b>
<b>Drawing Numbers and Title</b>

Drawing No.  
Type:  
Status: Submitted

Drawing No.  
Type:  
Status: Submitted

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Status: Submitted

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

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

Drawing No. 04  
Type: Proposed Plans  
Status: Submitted

Drawing No. 05  
Type: Proposed Plans  
Status: Submitted

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

Drawing No. 07  
Type: Proposed Plans  
Status: Submitted

Drawing No. 08  
Type: Proposed Plans  
Status: Submitted

Drawing No. 09  
Type: Proposed Plans  
Status: Submitted

Drawing No. 06  
Type: Proposed Plans

Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



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

## Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0815/F	Target Date:
<b>Proposal:</b> Retention of existing east car parking area at existing Clay Pigeon Shooting Range.	<b>Location:</b> Lands at 27 Tamney Martin Road Maghera BT46 5ET.
<b>Referral Route:</b>  This application is being presented to Committee as it is associated with three other applications which when considered together would constitute a major application. Two of the associated applications have each attracted one letter of objection.	
<b>Recommendation:</b>	APPROVE
<b>Applicant Name and Address:</b> Mr Johnathan Crawford Crawfords 18-22 Main Street Maghera BT46 5AE	<b>Agent Name and Address:</b> Inaltus Limited 15 Cleaver Park Belfast BT9 5HX
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

## Site Location Plan



## Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	DAERA - Coleraine	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

## Summary of Issues

No objections were received in respect of this application.

## Characteristics of the Site and Area

The site is located within the rural area on a minor road and close to the applicant's farmyard complex and approximately 2.5Km east of Maghera. The site is currently laid out as a hardcored surface and used for the purposes of car parking in association with the shooting range. The car park is immediately adjacent to the roadside hedgerow and measures approximately 130m x 12m. The ground levels fall gently from the south west towards a grassed area at the north east and also dips slightly towards the south east. The car park is well screened from the public road by a mature hedgerow extending along the south western boundary. A large earth bund, subject of the associated application LA09/2019/0820/F is set a short distance to the east. A row of small deciduous whips have been planted along the north eastern boundary. An additional area of deciduous woodland defines the southern boundary.

A structure known as the 'Bull Ring' which belongs to the applicant and is used in connection with the clay pigeon shooting range together with the adjoining fields and the aforementioned safety mound, subject of current applications LA09/2019/0816/F, LA09/2019/0819/F and LA09/2019/0820/F are all located to the immediate east of the proposed site. The applicant's farmyard is located immediately to the north of the site.

Due to the winding road network, the mature vegetation surrounding the site including the roadside hedgerow and the ground levels falling away from the road and the presence of the safety mound, there are limited views of the site on approach from either the north west or the south east or the surrounding area.

#### Description of Proposal

Retention of change of use of field for Clay Pigeon Shooting Range.

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

##### Planning History

LA09/2019/0348/F - Retrospective consent for retention of Ancillary Canteen Building - Approved 09.08.2019

LA09/2019/0814/F - Retention of existing west car parking area at existing clay pigeon shooting range - Withdrawn 14.11.2019

LA09/2019/0816/F - Retention of change of use of field for Clay Pigeon Shooting Range.- Currently under consideration

LA09/2019/0819/F – Retention of Change of Use of field for Clay Pigeon Shooting at Existing Clay Pigeon Shooting Range.

LA09/2019/0820/F - Retention of Safety Mound at Existing Clay Pigeon Shooting Range - Currently under consideration

LA09/2019/0010/CA - Unauthorised expansion of Clay Shooting range, including new stands, car parking, raising of ground levels, hardcore, and modular building - Held pending the outcome of the above planning applications.

LA09/2019/0887/PAN – Retention of existing east car parking; Retention of change of use of 2 x fields for clay pigeon shooting; Retention of safety mound all provided at existing clay pigeon shooting range – PAN acceptable.

The following policies will be under consideration in this assessment:

- Magherafelt Area Plan 2015
- SPPS - Strategic Planning Policy Statement for Northern Ireland
- PPS 3 - Access, Movement and Parking
- PPS 8 - Open Space, Sport and Outdoor Recreation
- PPS21 - Sustainable Development in the Countryside

#### Magherafelt Area Plan 2015

This site is outside any settlement defined in the Magherafelt Area Plan and is not subject to any Area Plan designations, therefore relevant existing planning policy must be adhered to.

#### SPPS - Strategic Planning Policy Statement for Northern Ireland

The SPPS has superseded PPS 1 (General Principles). The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. This site is not located in an area that has any acknowledged importance (ie) an area of archaeological potential, nor is it adjacent or near to any listed building. Following consultation with Environmental Health, I am satisfied that this proposal, if approved will not have any adverse impact on neighbouring residential amenity subject to compliance with the suggested conditions.

The SPPS gives specific provision for Open Space, Sport and Outdoor Recreation subject to a number policy provisions. There has been no change in policy direction in the SPPS in respect of this type of development therefore PPS 8, Open Space, Sport and Outdoor Recreation remains my primary policy consideration in this assessment.

#### PPS 21 - Sustainable Development in the Countryside

Policy CTY 1 of PPS 21 permits certain types of non-residential development in the countryside subject to compliance with relevant planning policy. In this instance that policy is PPS 3.

#### PPS 3 - Access, Movement and Parking

The applicant has indicated that the proposal involves the use of an existing unaltered access to a public road. The existing access has been used in conjunction with the aforementioned 'Bull Ring' which has been in existence for at least 10 years.

Policy AMP 2 – Access to Public Roads states that permission will only be granted involving direct access or the intensification of use of an existing access onto a public road where such access will not prejudice road safety or significantly inconvenience the flow of traffic and the proposal does not conflict with Policy AMP 3 Access to Protected Routes.

The acceptability of access arrangements, including the number of access points onto the public road, will be assessed against the Departments published guidance. Consideration will also be given to the following factors:

- the nature and scale of the development
- the character of existing development;

The nature and scale of the proposed car park are acceptable in this rural location  
The character of the proposal is acceptable as it will be well screened from public view.



- the contribution of the proposal to the creation of a quality environment, including the potential for urban / village regeneration and environmental improvement;

The proposal will be a benefit to the rural area as it will provide an acceptable arrangement for parking vehicles off the public road in this rural location.

- the location and number of existing accesses; and

There are two existing accesses into and out of the proposed car park. One at each of the northern and southern ends.

- the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

DFI Roads have been consulted on the associated application for the car park and advised that subject to the suggested conditions, they have no objections to the proposed development.

#### CTY 13 - Integration and design of buildings in the countryside

The integrational potential of the proposed site has been considered above and it is accepted that the proposed use will achieve a satisfactory degree of integration into the surrounding landscape as it involves a change of use of the land and is well screened from the public road and the surrounding area by the existing mature hedgerows, adjacent farmyard and the safety mound;

#### CTY 14 - Rural Character

As the proposal involves a change of use of the land and there are restricted critical views of the proposed site from the public road system, there will be little impact on rural character;

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.

**Consideration** - This application forms part of a larger overall development consisting of four applications including the three applications listed above under 'Planning History'. In its totality, the four applications amount to what would be considered a major application and therefore after giving due consideration to the overall proposal, it was considered necessary to request the applicant to submit a Pre-Application Notice and undertake the obligatory community consultation exercise. As a consequence, the applicant submitted the required community consultation report which detailed the legislative requirements to undertake the community consultation, the consultation process, the feedback received in response to the consultation process and any amendments made as a consequence of the public consultation exercise. The report concluded that no amendments were necessary as a result of the consultation exercise. As a result of due consideration being given to the community consultation report it was accepted that the legislative requirements have been met and therefore the applications can now be determined.

#### Recommendation

On consideration of the above, it is my opinion that planning permission should be granted for the proposed development subject to the following conditions:-

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Approve subject to the conditions listed below:-

Conditions :

1. This approval is effective from the date of this decision notice and is issued under Article 55 of the Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

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

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

3. If any retained hedge/tree is removed, uprooted or destroyed or dies within 5 years from the date of the development hereby approved, becoming operational another hedge/tree or trees shall be planted at the same place and that hedge/tree(s) shall be of such size and species and shall be planted at such time as may be specified by Mid Ulster District Council.

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

4. The vehicular access including visibility splays 2.4 X 60 meters and any forward sight distance, shall be provided in accordance with Drawing No 02 bearing the date stamp 13th June 2019 within 3 months of this development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Signature(s)

Date:

ANNEX	
Date Valid	13th June 2019
Date First Advertised	27th June 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History  Ref ID: LA09/2019/0348/F Proposal: Retrospective consent for retention of Ancillary Canteen Building. Address: 27 Tamney Martin Road, Maghera, BT46 5ET., Decision: Decision Date:  Ref ID: LA09/2019/0815/F Proposal: Retention of existing east car parking area at existing Clay Pigeon Shooting Range. Address: Lands at 27 Tamney Martin Road, Maghera, BT46 5ET., Decision: Decision Date:  Ref ID: LA09/2019/0816/F Proposal: Retention of change of use of field for Clay Pigeon Shooting Range. Address: Lands at 27 Tamney Martin Road, Maghera, BT46 5ET., Decision: Decision Date:	
Summary of Consultee Responses  All consultees responded positively.	
Drawing Numbers and Title	

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

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

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

Notification to Department (if relevant)

Date of Notification to Department:  
Response of Department:



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

Development Management Officer Report  
Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0816/F	Target Date:
Proposal: Retention of change of use of field for Clay Pigeon Shooting Range.	Location: Lands at 27 Tamney Martin Road Maghera BT46 5ET.
<b>Referral Route:</b>  This application is being presented to Committee as one objection has been received in respect of the proposed development.	
Recommendation:	APPROVE
Applicant Name and Address: Mr Johnathan Crawford 18-22 Main Street Maghera BT46 5AE	Agent Name and Address: Inaltus Limited 15 Cleaver Park Belfast BT8 5HX
Executive Summary:	
Signature(s):	

## Case Officer Report

## Site Location Plan



## Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	DAERA - Coleraine	Substantive Response Received
Statutory	NIEA	Advice
Statutory	NIEA	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received

Non Statutory	Environmental Health Mid Ulster Council	
Statutory	NIEA	Advice
Representations:		
Letters of Support	None Received	
Letters of Objection	1	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
<p>Summary of Issues</p> <p>One representations have been received in respect of this application and raises the following issues:-</p> <ul style="list-style-type: none"> <li>- Negative impact on residential amenity due to the noise of gunshots, repetitive sounds of gunshots, duration of the shoots, the echo and reverberation of one shot sounds like multiple shots.</li> </ul> <p>It is noted that the objectors dwelling is located approximately 1km north east of the site with a considerable number of other dwellings located closer to the site. Environmental Health Department considered the proposed development and the issues raised in the representation with respect to the days and hours of use for general and major shoots, in addition to duration and frequency of shoots as well as limiting the acceptable shooting noise level the proposed development and advised that any Noise Management Plan will be subject to review by Environmental Health Department on an annual basis and could impose stricter conditions if the Shooting Noise Levels were found to be excessive.</p>		
<p>Characteristics of the Site and Area</p> <p>The site is located within the rural area on a minor road and close to the applicant's farmyard complex and approximately 2.5Km east of Maghera. The site is a small field set close to the road and to the rear of a hard surfaced area used for car parking. The field is bounded to the rear by a band of mature trees with a recently constructed earth bund to the rear of the trees. A covered arc shaped enclosure known as the 'Bull Ring' which is used for either skeet or compact shooting sits immediately adjacent to the southern boundary of the site. There is also canteen facilities to the south, approved under LA09/2019/0348/F. The applicant's farmyard is located immediately to the north. The site which sits slightly below road level is generally flat but falls gently towards the southern boundary. Due to the winding road network, the mature vegetation surrounding the site including the roadside hedgerow and the ground levels falling away from the road, there are limited views of the site on approach from either the north west or the south east.</p>		
<p>Description of Proposal</p> <p>Retention of change of use of field for Clay Pigeon Shooting Range.</p>		
<p>Planning Assessment of Policy and Other Material Considerations</p>		

#### Planning History

LA09/2019/0348/F - Retrospective consent for retention of Ancillary Canteen Building - Approved 09.08.2019

LA09/2019/0814/F - Retention of existing west car parking area at existing clay pigeon shooting range - Withdrawn 14.11.2019

LA09/2019/0815/F - Retention of existing east car parking area at existing Clay Pigeon Shooting Range - Currently under consideration

LA09/2019/0819/F - Retention of Change of Use of field for Clay Pigeon Shooting at Existing Clay Pigeon Shooting Range - Currently under consideration

LA09/2019/0820/F - Retention of Safety Mound at Existing Clay Pigeon Shooting Range - Currently under consideration

LA09/2019/0010/CA - Unauthorised expansion of Clay Shooting range, including new stands, car parking, raising of ground levels, hardcore, and modular building - Held pending the outcome of the above planning applications.

LA09/2019/0887/PAN – Retention of existing east car parking; Retention of change of use of 2 x fields for clay pigeon shooting; Retention of safety mound all provided at existing clay pigeon shooting range – PAN acceptable.

The following policies will be under consideration in this assessment:

- Magherafelt Area Plan 2015
- SPPS - Strategic Planning Policy Statement for Northern Ireland
- PPS 3 - Access, Movement and Parking
- PPS 8 - Open Space, Sport and Outdoor Recreation
- PPS21 - Sustainable Development in the Countryside

#### Magherafelt Area Plan 2015

This site is outside any settlement defined in the Magherafelt Area Plan and is not subject to any Area Plan designations, therefore relevant existing planning policy must be adhered to.

#### SPPS - Strategic Planning Policy Statement for Northern Ireland

The SPPS has superseded PPS 1 (General Principles). The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. This site is not located in an area that has any acknowledged importance (ie) an area of archaeological potential, nor is it adjacent or near to any listed building. Following consultation with Environmental Health, I am satisfied that this proposal, if



approved will not have any adverse impact on neighbouring residential amenity subject to compliance with the suggested conditions.

The SPPS gives specific provision for Open Space, Sport and Outdoor Recreation subject to a number policy provisions. There has been no change in policy direction in the SPPS in respect of this type of development therefore PPS 8, Open Space, Sport and Outdoor Recreation remains my primary policy consideration in this assessment.

#### PPS 3 - Access, Movement and Parking

The applicant has indicated that the proposal involves the use of an existing unaltered access to a public road. The existing access has been used in conjunction with the aforementioned 'Bull Ring' which has been in existence for at least 10 years. DFI Roads have been consulted on the associated application for the car park and advised that subject to the suggested conditions, they have no objections to the proposed development.

#### PPS 21 - Sustainable Development in the Countryside

Policy CTY 1 of PPS 21 permits certain types of non-residential development in the countryside subject to compliance with relevant planning policy. In this instance that policy is PPS 8.

#### PPS 8 - Open Space, Sport and Outdoor Recreation

Policy OS 3 of PPS 8 deals with Outdoor Recreation in the Countryside. It identifies 8 different criteria which must be adhered to.

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. This proposal does not impact on any features of archaeological importance or built heritage. Whilst the site is bounded by a band of mature trees, these are not protected by any Tree Preservation Order. There was no evidence of any protected species on site at the time of inspection.

The proposal does not result in the loss of any agricultural land as the site is still available to the applicant's farm business while not being used in connection with the proposed development and due to its location it will not have any impact on agricultural activities.

Due to the winding road network and the surrounding vegetation, there are limited views of the site and the associated activities from the public road. It therefore has limited adverse impact on the visual amenity or rural character of this area.

The nearest occupied dwelling is located 280m West of the site. Environmental Health were consulted regarding this application in respect of the potential impacts on residential amenity. Following the submission of an acoustic outward sound level impact assessment, Environmental Health advised that the hours of operation should be

conditioned as this will ensure that the shoots remain essentially within the terms of the CIEH guidance while not excessively penalising nearby residents.

Environmental Health have not raised any public safety concerns. The site is in an area that is not densely populated and given the limited use of the site, I would have no concerns in respect of public safety.

As the proposed development is for a change of use of an agricultural field to a clay pigeon shooting range, no new buildings are proposed. The only structures involved will be the automatic clay traps and shooting stands which are mobile and can be removed following the shoot.

The area subject of the proposal is immediately adjacent to the proposed car park associated with this development and therefore will be accessible to people with disabilities. As the site is located on a roadside site and in a rural area it will be accessible by a variety of means of transport. However, given the use proposed, the majority of users will most likely arrive by car.

DfI Roads have advised that the proposed development is acceptable in terms of access, movement and parking arrangements. As the site is an agricultural field, it drains naturally with run-off being discharged towards an open watercourse to the south west of the site. Water Management Unit raised concerns regarding the potential for run-off from the site to enter the watercourse. A Lead Management Plan was provided to address these concerns and to detail how the lead shot would be dealt with. This Lead Management Plan advises that a number of measures are undertaken to prevent both the dissolution of lead and the washing of lead particles into nearby watercourses. These proposed mitigation measures have been designed in line with Best Management Practices for lead at outdoor shooting ranges (June 2005, Report Ref: EPA-902-B-01-001, USA EPA) as outlined below:-

It is recommended that soil pH is tested annually and where required, is treated every 3-4 years to ensure soil pH is maintained in the range of 6.5-8.5. This is considered the ideal range for management of lead in soils. Calculation of required lime dosing will allow a measured approach to ensure that dissolution of lead is managed on site.

Controlling run-off within the site will be undertaken by retaining grass cover within the proposed development area. Grass cover binds soil providing an effective erosion control strategy. In addition to preventing erosion, grass can act as a filtering medium, reducing surface water run-off rates and movement of lead fragments.

It is recommended that a number of filter beds are constructed around the site to capture the fragments of pellets and to locally increase the pH of surface waters. Filter beds are engineering controls built into an outdoor range to collect and filter surface water run-off from the target range. The proposed filter beds screen out the larger lead particles and increase the pH of the water preventing further dissolution.

The Lead Management Plan proposes that a filter bed should be established at the base of the safety mound in order to strain small lead particles out of the rainwater.

A typical filter bed consists of two layers: a fine grained sand bed underlain by limestone gravel. By design, the safety mound will direct run-off so that it drains to the filters. The collected water then soaks through the top sand layer into the neutralisation material.

In addition to the placement of a filter bed at the western base of the safety mound, it is recommended that an additional filter bed is placed parallel to the stream along the site's western boundary. This should be stepped back 12m from the watercourse and constructed using a 1m (W) 0.4m (D) trench backfilled with crushed limestone (4 inch crusher run) to 0.1m below ground level, with the trench then further filled in to ground level using sand. Given the risk of creating a preferential pathway for surface water to drain to existing watercourses, it is recommended that no drainage pipes are placed within the trenches and that each section of dug trench is a maximum of 5m in length with a minimum of 2m break between each section.

However, to avoid any confusion in respect of the number and spacing of trenches It is my opinion that the actual length and spacing of trenches should be conditioned as 5m and 2m respectively.

I am satisfied that this proposal is compliant with all criteria contained in policy OS 3.

Policy OS 5 of PPS 8 deals with Noise Generating Sports and Outdoor Recreational Activities. It identifies the following 3 different criteria which must be adhered to:-

(i) there is no unacceptable level of disturbance to people living nearby or conflict with other noise sensitive uses;

The activity taking place on site can be determined as being a noise generating sport. As stated above, following consultation with Environmental Health, I am satisfied that the proposal will not give rise to an unacceptable level of disturbance to people living nearby providing all shoots are held within the suggested times and do not exceed the suggested noise levels.

(ii) there is no unacceptable level of disturbance to farm livestock and wildlife;

The site is immediately adjacent to the applicant's farmyard and although there is stock housed at the yard, the applicant can be expected to endure a higher level of disturbance than other third parties. Whilst there may be wildlife in the surrounding lands, the proposed activity is so infrequent that disturbance to wildlife will be minimal and not enough to merit refusal of this application; and

(iii) there is no conflict with the enjoyment of environmentally sensitive features and locations or areas valued for their silence and solitude;

The site is not in a sensitive or designated area valued for its silence or solitude.

As the proposal satisfies all the criteria of PPS 8 - Policy OS 3 and OS 5, it is also acceptable under Policy CTY 1 of PPS 21.

CTY 13 - Integration and design of buildings in the countryside

The integrational potential of the proposed site has been considered above and it is accepted that the proposed use will achieve a satisfactory degree of integration into the surrounding landscape as it involves a change of use of the land;

**CTY 14 - Rural Character**

As the proposal involves a change of use of the land and there are restricted critical views of the proposed site from the public road system, there will be little impact on rural character;

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.

Consideration – This application forms part of a larger overall development consisting of four applications including the three applications listed above under ‘Planning History’. In its totality, the four applications amount to what would be considered a major application and therefore after giving due consideration to the overall proposal, it was considered necessary to request the applicant to submit a Pre-Application Notice and undertake the obligatory community consultation exercise. As a consequence, the applicant submitted the required community consultation report which detailed the legislative requirements to undertake the community consultation, the consultation process, the feedback received in response to the consultation process and any amendments made as a consequence of the public consultation exercise. The report concluded that no amendments were necessary as a result of the consultation exercise. As a result of due consideration being given to the community consultation report it was accepted that the legislative requirements have been met and therefore the applications can now be determined.

**Recommendation**

On consideration of the above, it is my opinion that planning permission should be granted for the proposed development subject to the following conditions:-

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

Approve subject to the conditions listed below:-

**Conditions**

1. This approval is effective from the date of this decision notice and is issued under Article 55 of the Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

2. The existing natural screenings along the road frontage adjacent to the car park shall be permanently retained at a minimum height of 1.2m above road level and the mature hedgerow along the north eastern boundary of this site shall be permanently retained at a mature height, augmented where necessary and let grow unless necessary to prevent danger to the public in which case a full explanation shall be given to Mid Ulster District Council in writing, prior to the commencement of any works.

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

3. Filter Beds, measuring 5m long by 1m wide by 0.4m deep with a 2m space between each section, shall be provided along the western base of the safety mound in addition to the north eastern and south eastern boundaries of the field to the north east of the safety mound. The filter beds shall be constructed in accordance with Figure 9 and the details contained in the P724 Lead Management Plan dated 30th September 2020 and stamped received 5th October 2020.

Reason: To protect the water environment.

4. The effectiveness of the proposed mitigation measures shall be monitored on an annual basis by collecting water samples within the watercourse adjacent to the proposed site. The samples shall be taken upstream and downstream at points indicated in Figure 9 of the P724 Lead Management Plan dated 30th September 2020 and stamped received 5th October 2020. Should lead be detected above the natural background levels, as found upstream from the site, the development site shall be reassessed with respect to lead migration in consultation with Mid Ulster District Council and NIEA: Water Management Unit.

Reason: To protect the water environment.

5. Shooting at the facility shall only take place during the following times:

- 1st May - 31st August	Tuesday & Wednesday	5pm to 9pm
- 1st May - 31st August	Friday	12 noon - 9pm
- 1st September - 30th April	Friday	12 noon to 5pm
- All year round	Saturday	9am-4pm.
- All year round	Friday prior to 'major shoot'	No shooting at any time

There shall be no shooting on Sundays or bank holidays.

6. 'Major shoots' are restricted to Saturdays only with no more than 6 'major shoots' within a 12 month period and a minimum of 28 days between 'major shoots'. On the Friday preceding a 'major shoot', there shall be no shooting at any time as per condition 5.

Reason: In the interest on residential amenity.

7. The mean Shooting Noise Level (SNL) (as calculated in accordance with CIEH Guidance on the Control of Noise for Clay Target Shooting January 2003) shall not exceed 65 dB when measured at any property which lawfully exists.

Reason: In the interest on residential amenity.

8. Within 3 months of the date of this decision a suitable Noise Management Plan shall be submitted to and agreed in writing to the satisfaction of Mid Ulster District Council. The Noise Management Plan shall then immediately be implemented and maintained on

an ongoing basis and shall be reviewed and agreed in writing by Mid Ulster District Council.

Reason: In the interest on residential amenity.

9. Within 4 weeks of a written request by Mid Ulster District Council following a reasonable noise complaint from the occupant of a dwelling which lawfully exists, the operator shall, at his/her expense, employ a suitably qualified and competent person, to assess compliance with predicted noise levels against Condition 7. Details of noise monitoring survey shall be submitted Mid Ulster District Council for written approval prior to any monitoring commencing. Mid Ulster District Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring. Mid Ulster District Council shall then be provided with a suitable report detailing any necessary remedial measures. These remedial measures shall be carried out to the satisfaction of Mid Ulster District Council within 4 weeks from the date of approval of the remedial report, and shall be permanently retained and maintained to an acceptable level thereafter, unless otherwise agreed in writing Mid Ulster District Council.

Reason: In the interest on residential amenity.

Signature(s)

Date:

ANNEX	
Date Valid	13th June 2019
Date First Advertised	27th June 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) SM Dempsey 18, Drummuck Road, Maghera, Londonderry, Northern Ireland, BT46 5ES	
Date of Last Neighbour Notification	N/A
Date of EIA Determination	N/A
ES Requested	Yes
Planning History  Ref ID: LA09/2019/0348/F Proposal: Retrospective consent for retention of Ancillary Canteen Building. Address: 27 Tamney Martin Road, Maghera, BT46 5ET., Decision: Decision Date:  Ref ID: LA09/2019/0815/F Proposal: Retention of existing east car parking area at existing Clay Pigeon Shooting Range. Address: Lands at 27 Tamney Martin Road, Maghera, BT46 5ET., Decision: Decision Date:  Ref ID: LA09/2019/0820/F Proposal: Retention of Safety Mound at Existing Clay Pigeon Shooting Range. Address: Lands at 27 Tamney Martin Road, Maghera, BT46 5ET., Decision: Decision Date:  Ref ID: LA09/2019/0816/F Proposal: Retention of change of use of field for Clay Pigeon Shooting Range. Address: Lands at 27 Tamney Martin Road, Maghera, BT46 5ET., Decision: Decision Date:	

<p>Summary of Consultee Responses</p> <p>The consultees did not raise any issues which could not be satisfactorily addressed by way of condition.</p>
<p>Drawing Numbers and Title</p>
<p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p> <p>Drawing No. 04 Type: Site Layout or Block Plan Status: Submitted</p> <p>Drawing No. 03 Type: Site Levels Status: Submitted</p> <p>Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted</p>
<p>Notification to Department (if relevant)</p> <p>Date of Notification to Department: Response of Department:</p>





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

Development Management Officer Report  
 Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0819/F	Target Date:
Proposal: Retention of Change of Use of field for Clay Pigeon Shooting at Existing Clay Pigeon Shooting Range.	Location: Lands at 27 Tamney Martin Road Maghera BT46 5ET.
Referral Route:  This application is being presented to Committee as one letter of objection has been received in respect of the proposed development.	
Recommendation:	APPROVE
Applicant Name and Address: Mr Johnathan Crawford Crawfords 18-22 Main Street Maghera BT46 5AE	Agent Name and Address: Inaltus Limited 15 Cleaver Park Belfast BT9 5HX
Executive Summary:	
Signature(s):	

## Case Officer Report

## Site Location Plan



## Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	DAERA - Coleraine	Substantive Response Received

Statutory	NIEA	Advice
Statutory	NIEA	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	
Statutory	NIEA	Advice
Representations:		
Letters of Support	None Received	
Letters of Objection	1	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues including Representations		
<p>One representations have been received in respect of this application and raises the following issues:-</p> <p>- Negative impact on residential amenity due to the noise of gunshots, repetitive sounds of gunshots, duration of the shoots, the echo and reverberation of one shot sounds like multiple shots.</p> <p>It is noted that the objectors dwelling is located approximately 1km north east of the site with a considerable number of other dwellings located closer to the site. Environmental Health Department considered the proposed development and the issues raised in the representation with respect to the days and hours of use for general and major shoots, in addition to duration and frequency of shoots as well as limiting the acceptable shooting noise level the proposed development and advised that any Noise Management Plan will be subject to review by Environmental Health Department on an annual basis and could impose stricter conditions if the Shooting Noise Levels were found to be excessive.</p>		
Characteristics of the Site and Area		
<p>The site is located within the rural area on a minor road and close to the applicant's farmyard complex and approximately 2.5Km east of Maghera. The site is a small field measuring approximately 1.8 acres and set back off the public road by 75m. The field is sell screened from the public road by a mature hedgerow extending along the south western boundary. A large earth bund, subject of the associated application LA09/2019/0820/F is set to the rear of the mature hedgerow and helps to screen the site from the Tamneymartin Road. A hardcored lane extends along the south western boundary between the earth bund and the site. This laneway is used in connection with the proposed site. The northern boundary is defined by a 4m high hedgerow with an area of mature trees and shrubbery along the north eastern boundary. An additional area of deciduous woodland defines the southern boundary.</p>		

A structure known as the 'Bull Ring' which belongs to the applicant and is used in connection with the clay pigeon shooting range together with the associated car park, adjoining field and the aforementioned safety mound, subject of current applications LA09/2019/0815/F, LA09/2019/0816/F and LA09/2019/0820/F are all located to the immediate south west of the proposed site. The applicant's farmyard is located immediately to the north west of the site.

Due to the winding road network, the mature vegetation surrounding the site including the roadside hedgerow and the ground levels falling away from the road and the presence of the safety mound, there are limited views of the site on approach from either the north west or the south east.

#### Description of Proposal

Retention of change of use of field for Clay Pigeon Shooting Range.

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

##### Planning History

LA09/2019/0348/F - Retrospective consent for retention of Ancillary Canteen Building - Approved 09.08.2019

LA09/2019/0814/F - Retention of existing west car parking area at existing clay pigeon shooting range - Withdrawn 14.11.2019

LA09/2019/0815/F - Retention of existing east car parking area at existing Clay Pigeon Shooting Range - Currently under consideration

LA09/2019/0816/F - Retention of change of use of field for Clay Pigeon Shooting Range.- Currently under consideration

LA09/2019/0820/F - Retention of Safety Mound at Existing Clay Pigeon Shooting Range - Currently under consideration

LA09/2019/0010/CA - Unauthorised expansion of Clay Shooting range, including new stands, car parking, raising of ground levels, hardcore, and modular building - Held pending the outcome of the above planning applications.

LA09/2019/0887/PAN – Retention of existing east car parking; Retention of change of use of 2 x fields for clay pigeon shooting; Retention of safety mound all provided at existing clay pigeon shooting range – PAN acceptable.

The following policies will be under consideration in this assessment:

- Magherafelt Area Plan 2015
- SPPS - Strategic Planning Policy Statement for Northern Ireland
- PPS 3 - Access, Movement and Parking
- PPS 8 - Open Space, Sport and Outdoor Recreation
- PPS21 - Sustainable Development in the Countryside

## Magherafelt Area Plan 2015

This site is outside any settlement defined in the Magherafelt Area Plan and is not subject to any Area Plan designations, therefore relevant existing planning policy must be adhered to.

## SPPS - Strategic Planning Policy Statement for Northern Ireland

The SPPS has superseded PPS 1 (General Principles). The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. This site is not located in an area that has any acknowledged importance (ie) an area of archaeological potential, nor is it adjacent or near to any listed building. Following consultation with Environmental Health, I am satisfied that this proposal, if approved will not have any adverse impact on neighbouring residential amenity subject to compliance with the suggested conditions.

The SPPS gives specific provision for Open Space, Sport and Outdoor Recreation subject to a number policy provisions. There has been no change in policy direction in the SPPS in respect of this type of development therefore PPS 8, Open Space, Sport and Outdoor Recreation remains my primary policy consideration in this assessment.

## PPS 3 - Access, Movement and Parking

The applicant has indicated that the proposal involves the use of an existing unaltered access to a public road. The existing access has been used in conjunction with the aforementioned -Bull Ring- which has been in existence for at least 10 years. DFI Roads have been consulted on the associated application for the car park and advised that subject to the suggested conditions, they have no objections to the proposed development.

## PPS 21 - Sustainable Development in the Countryside

Policy CTY 1 of PPS 21 permits certain types of non-residential development in the countryside subject to compliance with relevant planning policy. In this instance that policy is PPS 8.

## PPS 8 - Open Space, Sport and Outdoor Recreation

Policy OS 3 of PPS 8 deals with Outdoor Recreation in the Countryside. It identifies 8 different criteria which must be adhered to.

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. This proposal does not impact on any features of archaeological importance or built heritage. Whilst the site is bounded by a band of mature trees, these are not protected by any Tree Preservation Order. There was no evidence of any protected species on site at the time of inspection.

The proposal does not result in the loss of any agricultural land as the site is still available to the applicant's farm business while not being used in connection with the proposed development and due to its location it will not have any impact on agricultural activities.

Due to the winding road network, the surrounding vegetation and the existence of the safety mound, there are limited views of the site and the associated activities from the public road. It therefore has limited adverse impact on the visual amenity or rural character of this area.

The nearest occupied dwelling is located 220m north west of the site. Environmental Health were consulted regarding this application in respect of the potential impacts on residential amenity. Following the submission of an acoustic outward sound level impact assessment, Environmental Health advised that the hours of operation should be conditioned as this will ensure that the shoots remain essentially within the terms of the CIEH guidance while not excessively penalising nearby residents.

Environmental Health have not raised any public safety concerns. The site is in an area that is not densely populated and given the limited use of the site, I would have no concerns in respect of public safety.

As the proposed development is for a change of use of an agricultural field to a clay pigeon shooting range, no new buildings are proposed. The only structures involved will be the automatic clay traps and shooting stands which are mobile and can be removed following the shoot.

The area subject of the proposal is located close to the proposed car park associated with this development with good pathways to the site and therefore will be accessible to people with disabilities. As the site is located close to the proposed car park which is on a roadside site and in a rural area it will be accessible by a variety of means of transport. However, given the use proposed, the majority of users will most likely arrive by car.

As the proposal is for a change of use of a field for clay pigeon shooting, it was not necessary to consult DfI Roads. As the site is an agricultural field, it drains naturally with run-off being discharged towards an open watercourse to the south of the site. Water Management Unit raised concerns regarding the potential for run-off from the site to enter the watercourse. A Lead Management Plan was provided to address these concerns and to detail how the lead shot would be dealt with. This Lead Management Plan advises that a number of measures are undertaken to prevent both the dissolution of lead and the washing of lead particles into nearby watercourses. These proposed mitigation measures have been designed in line with Best Management Practices for lead at outdoor shooting ranges (June 2005, Report Ref: EPA-902-B-01-001, USA EPA) as outlined below:-

It is recommended that soil pH is tested annually and where required, is treated every 3-4 years to ensure soil pH is maintained in the range of 6.5-8.5. This is considered the ideal range for management of lead in soils. Calculation of required lime dosing will allow a measured approach to ensure that dissolution of lead is managed on site.

Controlling run-off within the site will be undertaken by retaining grass cover within the proposed development area. Grass cover binds soil providing an effective erosion control strategy. In addition to preventing erosion, grass can act as a filtering medium, reducing surface water run-off rates and movement of lead fragments.

It is recommended that a number of filter beds are constructed around the site to capture the fragments of pellets and to locally increase the pH of surface waters. Filter beds are engineering controls built into an outdoor range to collect and filter surface water run-off from the target range. The proposed filter beds screen out the larger lead particles and increase the pH of the water preventing further dissolution.

The Lead Management Plan proposes that a filter bed should be established at the base of the safety mound in order to strain small lead particles out of the rainwater.

A typical filter bed consists of two layers: a fine grained sand bed underlain by limestone gravel. By design, the safety mound will direct run-off so that it drains to the filters. The collected water then soaks through the top sand layer into the neutralisation material.

In addition to the placement of a filter bed at the western base of the safety mound, it is recommended that an additional filter bed is placed parallel to the stream along the site's western boundary. This should be stepped back 12m from the watercourse and constructed using a 1m (W) 0.4m (D) trench backfilled with crushed limestone (4 inch crusher run) to 0.1m below ground level, with the trench then further filled in to ground level using sand. Given the risk of creating a preferential pathway for surface water to drain to existing watercourses, it is recommended that no drainage pipes are placed within the trenches and that each section of dug trench is a maximum of 5m in length with a minimum of 2m break between each section.

However, to avoid any confusion in respect of the number and spacing of trenches It is my opinion that the actual length and spacing of trenches should be conditioned as 5m and 2m respectively.

I am satisfied that this proposal is compliant with all criteria contained in policy OS 3.

Policy OS 5 of PPS 8 deals with Noise Generating Sports and Outdoor Recreational Activities. It identifies the following 3 different criteria which must be adhered to:-

(i) there is no unacceptable level of disturbance to people living nearby or conflict with other noise sensitive uses;

The activity taking place on site can be determined as being a noise generating sport. As stated above, following consultation with Environmental Health, I am satisfied that the proposal will not give rise to an unacceptable level of disturbance to people living nearby providing all shoots are held within the suggested times and do not exceed the suggested noise levels.

(ii) there is no unacceptable level of disturbance to farm livestock and wildlife;

The site is located close to the applicant's farmyard and although there is stock housed at the yard, the applicant can be expected to endure a higher level of disturbance than other third parties. Whilst there may be wildlife in the surrounding lands, the proposed activity is so infrequent that disturbance to wildlife will be minimal and not enough to merit refusal of this application; and

(iii) there is no conflict with the enjoyment of environmentally sensitive features and locations or areas valued for their silence and solitude;

The site is not in a sensitive or designated area valued for its silence or solitude.

As the proposal satisfies all the criteria of PPS 8 - Policy OS 3 and OS 5, it is also acceptable under Policy CTY 1 of PPS 21.

#### CTY 13 - Integration and design of buildings in the countryside

The integrational potential of the proposed site has been considered above and it is accepted that the proposed use will achieve a satisfactory degree of integration into the surrounding landscape as it involves a change of use of the land and is well screened from the public road by the existing mature hedgerows and the safety mound;

#### CTY 14 - Rural Character

As the proposal involves a change of use of the land and there are restricted critical views of the proposed site from the public road system, there will be little impact on rural character;

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.

Consideration – This application forms part of a larger overall development consisting of four applications including the three applications listed above under 'Planning History'. In its totality, the four applications amount to what would be considered a major application and therefore after giving due consideration to the overall proposal, it was considered necessary to request the applicant to submit a Pre-Application Notice and undertake the obligatory community consultation exercise. As a consequence, the applicant submitted the required community consultation report which detailed the legislative requirements to undertake the community consultation, the consultation process, the feedback received in response to the consultation process and any amendments made as a consequence of the public consultation exercise. The report concluded that no amendments were necessary as a result of the consultation exercise. As a result of due consideration being given to the community consultation report it was accepted that the legislative requirements have been met and therefore the applications can now be determined.

#### Recommendation

On consideration of the above, it is my opinion that planning permission should be granted for the proposed development subject to the following conditions:-

Neighbour Notification Checked

Yes



## Summary of Recommendation:

Approve subject to the conditions listed below:-

## Conditions

1. This approval is effective from the date of this decision notice and is issued under Article 55 of the Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

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

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

3. Filter Beds, measuring 5m long by 1m wide by 0.4m deep with a 2m space between each section, shall be provided along the north eastern and south eastern boundaries of the field in addition to the western base of the safety mound. The filter beds shall be constructed in accordance with Figure 9 and the details contained in the P724 Lead Management Plan dated 30th September 2020 and stamped received 5th October 2020.

Reason: To protect the water environment.

4. The effectiveness of the proposed mitigation measures shall be monitored on an annual basis by collecting water samples within the watercourse adjacent to the proposed site. The samples shall be taken upstream and downstream at points indicated in Figure 9 of the P724 Lead Management Plan dated 30th September 2020 and stamped received 5th October 2020. Should lead be detected above the natural background levels, as found upstream from the site, the development site shall be reassessed with respect to lead migration in consultation with Mid Ulster District Council and NIEA: Water Management Unit.

Reason: To protect the water environment.

5. Shooting at the facility shall only take place during the following times:

- 1st May - 31st August	Tuesday & Wednesday	5pm to 9pm
- 1st May - 31st August	Friday	12 noon - 9pm
- 1st September - 30th April	Friday	12 noon to 5pm
- All year round	Saturday	9am-4pm.
- All year round	Friday prior to 'major shoot'	No shooting at any time

There shall be no shooting on Sundays or bank holidays.

Reason: In the interest of residential amenity.

6. 'Major shoots' are restricted to Saturdays only with no more than 6 'major shoots' within a 12 month period and a minimum of 28 days between 'major shoots'. On the Friday preceding a 'major shoot', there shall be no shooting at any time as per condition 5.

Reason: In the interest of residential amenity.

7. The mean Shooting Noise Level (SNL) (as calculated in accordance with CIEH Guidance on the Control of Noise for Clay Target Shooting January 2003) shall not exceed 65 dB when measured at any property which lawfully exists.

Reason: In the interest of residential amenity.

8. Within 3 months of the date of this decision a suitable Noise Management Plan shall be submitted to and agreed in writing to the satisfaction of Mid Ulster District Council. The Noise Management Plan shall then immediately be implemented and maintained on an ongoing basis and shall be reviewed and agreed in writing by Mid Ulster District Council.

Reason: In the interest of residential amenity.

9. Within 4 weeks of a written request by Mid Ulster District Council following a reasonable noise complaint from the occupant of a dwelling which lawfully exists, the operator shall, at his/her expense, employ a suitably qualified and competent person, to assess compliance with predicted noise levels against condition 7. Details of noise monitoring survey shall be submitted Mid Ulster District Council for written approval prior to any monitoring commencing. Mid Ulster District Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring. Mid Ulster District Council shall then be provided with a suitable report detailing any necessary remedial measures. These remedial measures shall be carried out to the satisfaction of Mid Ulster District Council within 4 weeks from the date of approval of the remedial report, and shall be permanently retained and maintained to an acceptable level thereafter, unless otherwise agreed in writing Mid Ulster District Council.

Reason: In the interest of residential amenity.

Signature(s)

Date:

ANNEX	
Date Valid	13th June 2019
Date First Advertised	27th June 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) SM Dempsey 18, Drummuck Road, Maghera, Londonderry, Northern Ireland, BT46 5ES	
Date of Last Neighbour Notification	N/A
Date of EIA Determination	
ES Requested	No
Planning History  Ref ID: LA09/2019/0820/F Proposal: Retention of Safety Mound at Existing Clay Pigeon Shooting Range. Address: Lands at 27 Tamney Martin Road, Maghera, BT46 5ET., Decision: Decision Date:  Ref ID: LA09/2019/0819/F Proposal: Retention of Change of Use of field for Clay Pigeon Shooting at Existing Clay Pigeon Shooting Range. Address: Lands at 27 Tamney Martin Road, Maghera, BT46 5ET., Decision: Decision Date:	
Summary of Consultee Responses  All consultees responded positively	
Drawing Numbers and Title	

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

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

Drawing No. 03  
Type: Site Levels  
Status: Approved

Drawing No. 04  
Type: Site Layout or Block Plan  
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:  
Response of Department:



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

Development Management Officer Report  
Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0820/F	Target Date:
Proposal: Retention of Safety Mound at Existing Clay Pigeon Shooting Range.	Location: Lands at 27 Tamney Martin Road Maghera BT46 5ET.
Referral Route:  This application is being presented to Committee as it is associated with three other applications which when considered together would constitute a major application. Two of the associated applications have each attracted one letter of objection.	
Recommendation:	APPROVE
Applicant Name and Address: Mr Johnathan Crawford Crawfords 18-22 Main Street Maghera BT46 5AE	Agent Name and Address: Inaltus Limited 15 Cleaver Park Belfast BT9 5HX
Executive Summary:	
Signature(s):	

## Case Officer Report

## Site Location Plan



## Consultations:

Consultation Type	Consultee	Response
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	DAERA - Coleraine	Substantive Response Received
Statutory	NIEA	Advice

Statutory	NIEA	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		
No representations have been received in respect of this application.		
<p>Characteristics of the Site and Area</p> <p>The site is located within the rural area on a narrow minor road and close to the applicant's farmyard complex and approximately 2.5Km east of Maghera. The site is a small linear area located between a small open grass field to the south west which is set back approximately 12m from the roadside hedgerow, and a larger similar type field set to the north east of the site. The site is largely bounded along the southern part of the north-eastern boundary in addition to the northern portion of the north-western boundary by mature hedgerows. The earth bund/safety mound already exists on site and rises approximately 6m above the lowest point.</p> <p>The site as a whole encompasses the clay shooting facility locally known as the 'Bull Ring'. This includes a semi-circular structure containing shooting stands, two fields for target shooting, a canteen, toilets and the associated car park.</p>		
Description of Proposal		
Retention of Safety Mound at Existing Clay Pigeon Shooting Range.		
Planning Assessment of Policy and Other Material Considerations		
<p>Planning History</p> <p>LA09/2019/0348/F - Retrospective consent for retention of Ancillary Canteen Building - Approved 09.08.2019</p> <p>LA09/2019/0814/F - Retention of existing west car parking area at existing clay pigeon shooting range - Withdrawn 14.11.2019</p> <p>LA09/2019/0815/F - Retention of existing east car parking area at existing Clay Pigeon Shooting Range - Currently under consideration</p> <p>LA09/2019/0816/F – Retention of change of use of field for Clay Pigeon Shooting Range – Currently under consideration</p>		

LA09/2019/0819/F - Retention of Change of Use of field for Clay Pigeon Shooting at Existing Clay Pigeon Shooting Range - Currently under consideration

LA09/2019/0010/CA - Unauthorised expansion of Clay Shooting range, including new stands, car parking, raising of ground levels, hardcore, and modular building - Held pending the outcome of the above planning applications.

LA09/2019/0887/PAN – Retention of existing east car parking; Retention of change of use of 2 x fields for clay pigeon shooting; Retention of safety mound all provided at existing clay pigeon shooting range – PAN acceptable.

The following policies will be under consideration in this assessment:

- Magherafelt Area Plan 2015
- SPPS - Strategic Planning Policy Statement for Northern Ireland
- PPS 3 - Access, Movement and Parking
- PPS 8 - Open Space, Sport and Outdoor Recreation
- PPS21 - Sustainable Development in the Countryside

Magherafelt Area Plan 2015

This site is outside any settlement defined in the Magherafelt Area Plan and is not subject to any Area Plan designations, therefore relevant existing planning policy must be adhered to.

SPPS - Strategic Planning Policy Statement for Northern Ireland

The SPPS has superseded PPS 1 (General Principles). The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. This site is not located in an area that has any acknowledged importance (ie) an area of archaeological potential, nor is it adjacent or near to any listed building. Following consultation with Environmental Health, I am satisfied that this proposal, if approved will not have any adverse impact on neighbouring residential amenity subject to compliance with the suggested conditions.

The SPPS gives specific provision for Open Space, Sport and Outdoor Recreation subject to a number policy provisions. There has been no change in policy direction in the SPPS in respect of this type of development therefore PPS 8, Open Space, Sport and Outdoor Recreation remains my primary policy consideration in this assessment.

PPS 21 - Sustainable Development in the Countryside

Policy CTY 1 of PPS 21 permits certain types of non-residential development in the countryside subject to compliance with relevant planning policy. In this instance that policy is PPS 8.



## PPS 8 - Open Space, Sport and Outdoor Recreation

Policy OS 3 of PPS 8 deals with Outdoor Recreation in the Countryside. It identifies 8 different criteria which must be adhered to.

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. This proposal does not impact on any features of archaeological importance or built heritage. Whilst the site is bounded by a band of mature trees, these are not protected by any Tree Preservation Order. There was no evidence of any protected species on site at the time of inspection.

Although the earth bund/safety mound will remove a small area from agricultural use, this area was not considered to be the best or most versatile agricultural land. The proposal will not result in an unacceptable impact on nearby agricultural activities.

Due to the winding road network and the surrounding vegetation, there are limited views of the earth bund/safety mound and the associated activities from the public road. Given the nature of the structure it will grass over through time and this will aid its integrational potential. It therefore has limited adverse impact on the visual amenity or rural character of this area.

The nearest third party occupied dwelling is located 280m West of the site. Environmental Health were consulted regarding this application in respect of the potential impacts on residential amenity. Environmental Health advised that the hours of operation should be conditioned as this will ensure that the shoots remain essentially within the terms of the CIEH guidance while not excessively penalising nearby residents.

Environmental Health have not raised any public safety concerns. The site is in an area that is not densely populated and given the limited use of the site, I would have no concerns in respect of public safety.

As the proposed development is for the retention of an earth bund/safety mound in connection with a clay pigeon shooting range, no new buildings are proposed. The only structures involved will be the automatic clay traps and shooting stands which are mobile and can be removed following the shoot.

The area subject of the proposal is set back approximately 35m from the proposed car park associated with this development and although it will be accessible to people with disabilities, it is not envisaged that visitors with disabilities will be requiring access to the safety mound. Therefore, this is not an issue.

As the proposal is for the retention of the earth bund/safety mound, it was not necessary to consult with DfI Roads nor will the proposal have any effect on the road traffic.

As the site is an agricultural field, it drains naturally with run-off being discharged towards an open watercourse to the south west of the site. Water Management Unit raised concerns regarding the potential for run-off from the site to enter the watercourse.

A Lead Management Plan was provided to address these concerns and to detail how the lead shot would be dealt with. This Lead Management Plan advises that a number of measures are undertaken to prevent both the dissolution of lead and the washing of lead particles into nearby watercourses. These proposed mitigation measures have been designed in line with Best Management Practices for lead at outdoor shooting ranges (June 2005, Report Ref: EPA-902-B-01-001, USA EPA) as outlined below:-

It is recommended that soil pH is tested annually and where required, is treated every 3-4 years to ensure soil pH is maintained in the range of 6.5-8.5. This is considered the ideal range for management of lead in soils. Calculation of required lime dosing will allow a measured approach to ensure that dissolution of lead is managed on site.

Controlling run-off within the site will be undertaken by retaining grass cover within the proposed development area. Grass cover binds soil providing an effective erosion control strategy. In addition to preventing erosion, grass can act as a filtering medium, reducing surface water run-off rates and movement of lead fragments.

It is recommended that a number of filter beds are constructed around the site to capture the fragments of pellets and to locally increase the pH of surface waters. Filter beds are engineering controls built into an outdoor range to collect and filter surface water run-off from the target range. The proposed filter beds screen out the larger lead particles and increase the pH of the water preventing further dissolution.

The Lead Management Plan proposes that a filter bed should be established at the base of the safety mound in order to strain small lead particles out of the rainwater.

A typical filter bed consists of two layers: a fine grained sand bed underlain by limestone gravel. By design, the safety mound will direct run-off so that it drains to the filters. The collected water then soaks through the top sand layer into the neutralisation material.

In addition to the placement of a filter bed at the western base of the safety mound, it is recommended that an additional filter bed is placed parallel to the stream along the site's western boundary. This should be stepped back 12m from the watercourse and constructed using a 1m (W) 0.4m (D) trench backfilled with crushed limestone (4 inch crusher run) to 0.1m below ground level, with the trench then further filled in to ground level using sand. Given the risk of creating a preferential pathway for surface water to drain to existing watercourses, it is recommended that no drainage pipes are placed within the trenches and that each section of dug trench is a maximum of 5m in length with a minimum of 2m break between each section.

However, to avoid any confusion in respect of the number and spacing of trenches It is my opinion that the actual length and spacing of trenches should be conditioned as 5m and 2m respectively.

I am satisfied that this proposal is compliant with all criteria contained in policy OS 3.

Policy OS 5 of PPS 8 deals with Noise Generating Sports and Outdoor Recreational Activities. It identifies the following 3 different criteria which must be adhered to:-

(i) there is no unacceptable level of disturbance to people living nearby or conflict with other noise sensitive uses;

The earth bund/safety mound is associated with an activity taking place on site which can be determined as being a noise generating sport. As stated above, following consultation with Environmental Health, I am satisfied that the proposal will not give rise to an unacceptable level of disturbance to people living nearby providing all shoots are held within the suggested times and do not exceed the suggested noise levels.

(ii) there is no unacceptable level of disturbance to farm livestock and wildlife;  
The site is immediately adjacent to the applicant's farmyard and although there is stock housed at the yard, the applicant can be expected to endure a higher level of disturbance than other third parties. Whilst there may be wildlife in the surrounding lands, the proposed activity is so infrequent that disturbance to wildlife will be minimal and not enough to merit refusal of this application; and

(iii) there is no conflict with the enjoyment of environmentally sensitive features and locations or areas valued for their silence and solitude;  
The site is not in a sensitive or designated area valued for its silence or solitude.

As the proposal satisfies all the criteria of PPS 8 - Policy OS 3 and OS 5, it is also acceptable under Policy CTY 1 of PPS 21.

#### CTY 13 - Integration and design of buildings in the countryside

Although the earth bund/safety mound is not a building per-se, it must still achieve an acceptable degree of integration as required by Policy CTY 1, which states that '*All proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings*'. As the earth bund/safety mound is constructed using natural sub-soil and top soil, it will naturally grass over through time which will aid the integrational potential of the proposed development. It is therefore accepted that the proposed use will achieve a satisfactory degree of integration into the surrounding landscape;

#### CTY 14 - Rural Character

While the proposal involves the construction of a large earth bund/safety mound, as discussed above, it will grass over naturally through time which will help the structure to blend in with the surrounding trees, hedgerows and other vegetation thereby lessening any effects on rural character. As there are restricted critical views of the proposed site from the public road system, there will be little impact on rural character;

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.

Consideration – This application forms part of a larger overall development consisting of four applications including the three applications listed above under 'Planning History'. In its totality, the four applications amount to what would be considered a major application and therefore after giving due consideration to the overall proposal, it was considered necessary to request the applicant to submit a Pre-Application Notice and undertake the obligatory community consultation exercise. As a consequence, the applicant submitted the required community consultation report which detailed the legislative requirements to

undertake the community consultation, the consultation process, the feedback received in response to the consultation process and any amendments made as a consequence of the public consultation exercise. The report concluded that no amendments were necessary as a result of the consultation exercise. As a result of due consideration being given to the community consultation report it was accepted that the legislative requirements have been met and therefore the applications can now be determined.

#### Recommendation

On consideration of the above, it is my opinion that planning permission should be granted for the proposed development subject to the following conditions:-

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

Approve subject to the conditions listed below:-

#### Conditions:

1. This approval is effective from the date of this decision notice and is issued under Article 55 of the Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

2. The existing natural screenings along the road frontage adjacent to the car park shall be permanently retained at a minimum height of 1.2m above road level and the mature hedgerow and trees along the north eastern and southern boundaries of this site shall be permanently retained at a mature height, augmented where necessary and let grow unless necessary to prevent danger to the public in which case a full explanation shall be given to Mid Ulster District Council in writing, prior to the commencement of any works.

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

3. Filter Beds, measuring 5m long by 1m wide by 0.4m deep with a 2m space between each section, shall be provided along the western base of the safety mound in addition to the north eastern and south eastern boundaries of the field to the north east of the safety mound. The filter beds shall be constructed in accordance with Figure 9 and the details contained in the P724 Lead Management Plan dated 30th September 2020 and stamped received 5th October 2020.

Reason: To protect the water environment.

4. Within 3 months of the date of this decision, updated site plans detailing planned mitigation measures to be put in place in line with the P724 Lead Management Plan dated 30th September 2020 and stamped received 5th October 2020 shall

be submitted to Mid Ulster District Council in consultation with Water Management Unit.

Reason: To protect the water environment.

5. The effectiveness of the proposed mitigation measures shall be monitored on an annual basis by collecting water samples within the watercourse adjacent to the proposed site. The samples shall be taken upstream and downstream at points indicated in Figure 9 of the P724 Lead Management Plan dated 30th September 2020 and stamped received 5th October 2020. Should lead be detected above the natural background levels, as found upstream from the site, the development site shall be reassessed with respect to lead migration in consultation with Mid Ulster District Council and NIEA: Water Management Unit.

Reason: To protect the water environment.

6. Shooting at the facility shall only take place during the following times:
 

- 1st May - 31st August	Tuesday & Wednesday	5pm to 9pm
- 1st May - 31st August	Friday	12 noon - 9pm
- 1st September - 30th April	Friday	12 noon to 5pm
- All year round	Saturday	9am-4pm.
- All year round	Friday prior to 'major shoot'	No shooting at any time

There shall be no shooting on Sundays or bank holidays.

Reason: In the interest on residential amenity.

6. 'Major shoots' are restricted to Saturdays only with no more than 6 'major shoots' within a 12 month period and a minimum of 28 days between 'major shoots'. On the Friday preceding a 'major shoot', there shall be no shooting at any time as per condition 5.

Reason: In the interest on residential amenity.

7. The mean Shooting Noise Level (SNL) (as calculated in accordance with CIEH Guidance on the Control of Noise for Clay Target Shooting January 2003) shall not exceed 65 dB when measured at any property which lawfully exists.

Reason: In the interest on residential amenity.

8. Within 3 months of the date of this decision a suitable Noise Management Plan shall be submitted to and agreed in writing to the satisfaction of Mid Ulster District Council. The Noise Management Plan shall then immediately be implemented and maintained on an ongoing basis and shall be reviewed and agreed in writing by Mid Ulster District Council.

Reason: In the interest on residential amenity.

9. Within 4 weeks of a written request by Mid Ulster District Council following a reasonable noise complaint from the occupant of a dwelling which lawfully exists,

the operator shall, at his/her expense, employ a suitably qualified and competent person, to assess compliance with predicted noise levels against Condition 7. Details of noise monitoring survey shall be submitted Mid Ulster District Council for written approval prior to any monitoring commencing. Mid Ulster District Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring. Mid Ulster District Council shall then be provided with a suitable report detailing any necessary remedial measures. These remedial measures shall be carried out to the satisfaction of Mid Ulster District Council within 4 weeks from the date of approval of the remedial report, and shall be permanently retained and maintained to an acceptable level thereafter, unless otherwise agreed in writing Mid Ulster District Council.

Reason: In the interest on residential amenity.

Signature(s)

Date:

ANNEX	
Date Valid	13th June 2019
Date First Advertised	27th June 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier,	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History  Ref ID: LA09/2019/0820/F Proposal: Retention of Safety Mound at Existing Clay Pigeon Shooting Range. Address: Lands at 27 Tamney Martin Road, Maghera, BT46 5ET., Decision: Decision Date:  Ref ID: LA09/2019/0816/F Proposal: Retention of change of use of field for Clay Pigeon Shooting Range. Address: Lands at 27 Tamney Martin Road, Maghera, BT46 5ET., Decision: Decision Date:  Ref ID: LA09/2019/0819/F Proposal: Retention of Change of Use of field for Clay Pigeon Shooting at Existing Clay Pigeon Shooting Range. Address: Lands at 27 Tamney Martin Road, Maghera, BT46 5ET., Decision: Decision Date:	
Summary of Consultee Responses	

All consultees responded positively with suggested conditions or issues which can be addressed by way of negative condition.

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Approved

Drawing No. 02

Type: Site Layout or Block Plan

Status: Approved

Drawing No. 03

Type: Cross Sections

Status: Approved

Drawing No. 04

Type: Site Layout or Block Plan

Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:





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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2019/0946/O	<b>Target Date:</b>
<b>Proposal:</b> The replacement of disused industrial greenhouses and the footings of approved dwellings with housing development.	<b>Location:</b> Lands South of 31 Brough Road Castledawson
<b>Referral Route:</b>  Committee - Refusal	
<b>Recommendation:</b>	
<b>Applicant Name and Address:</b> D and D Loughran 31A Brough Road Castledawson	<b>Agent Name and Address:</b> CMI Planners Ltd 38 Airfield Road Toomebridge
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

**Case Officer Report****Site Location Plan****Consultations:**

<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received
Non Statutory	Rivers Agency	Substantive Response Received
Non Statutory	NIEA	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	NIEA	
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	NI Water - Multi Units West - Planning Consultations	Substantive Response Received

**Representations:**

Letters of Support	None Received
Letters of Objection	47
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
<b>Summary of Issues</b>  Neighbour notification and press advertisement have been carried out in line with the Council's statutory duty. At the time of writing, a large number of third party objections were received	
<b>Characteristics of the Site and Area</b>  The site is located on lands south of 31 Brough Road, Castledawson and is located outside any designated settlement limits as defined in the Magherafelt Area Plan, 2015. On site there are old redundant commercial greenhouses. There are detached dwellings along this stretch of Brough road, mostly single storey or storey and a half dwellings. The application site is in close proximity to a number of existing businesses. Directly opposite the application site there is a breakers yard and a lot of old vehicles and containers and a large industrial type shed. The roadside boundary of the site is well screened with existing dense hedgerows and the remaining boundaries are fairly well screened with vegetation. The elevation of the site is relatively flat. The site also lies within a fluvial flood plain.	
<b>Description of Proposal</b>  This application seeks outline planning permission for the replacement of disused industrial greenhouses and the footings of approved dwellings with a housing development	
<b>Planning Assessment of Policy and Other Material Considerations</b>  The following policy documents provide the primary policy context for the determination of this application: <ol style="list-style-type: none"> <li>1. Strategic Planning Policy Statement (SPPS)</li> <li>2. Magherafelt Area Plan, 2015</li> <li>3. Planning Policy Statement (PPS) 21 - Sustainable Development in the Countryside</li> <li>4. Planning Policy Statement (PPS) 3 - Access, Movement and Parking</li> <li>5. Planning Policy Statement (PPS) 2 - Natural Heritage</li> <li>6. Planning Policy statement (PPS) 15 - Planning and Flood Risk</li> </ol> Supplementary planning guidance: Creating Places -Achieving Quality in Residential Developments Development Control Advice Note 8 (DCAN 8) Housing in Existing Urban Areas.	

## Planning History

Reference	Location	Proposal/Complaint	Status	Date
H/2002/0418/A41	Brough Road, Castledawson.	Agricultural Store.	PERMITTED DEVELOPMENT	
H/2003/0999/O	Adjacent to 31 Brough Road, Castledawson	Site of dwelling and garage.	PERMISSION GRANTED	23.03.2004
H/2004/1250/RM	Adjacent To 31 Brough Road, Castledawson	Dwelling & Garage	PERMISSION GRANTED	18.03.2005
H/2000/0727/O	Rear of 35 Brough Road, Castledawson	Site of Dwelling and Garage	PERMISSION GRANTED	14.03.2001
H/2001/0386/RM	Rear of 35 Brough Road, Castledawson	Dwelling and garage	PERMISSION GRANTED	30.08.2001
H/1973/0068	BROAGH ROAD, TAMNIARAN	SEWAGE PUMPING STATION	PERMISSION GRANTED	
LA09/2019/0946/O	Lands South of 31 Brough Road, Castledawson	The replacement of disused industrial greenhouses and	VALID APPLICATION RECEIVED	

## Representations

Neighbour notification and press advertisement have been carried out in line with the Council's statutory duty. At the time of writing, 47 third party objections were received.

## Assessment

### Principle of Development

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period, planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS.

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

The Magherafelt Area Plan, 2015 identifies the site as being rural and is located outside any designated settlement limits. The application is for a housing development, initially consisting of 14 units, and this was then reduced to 8 units. There is no policy or support in principle for a housing development such as this in a rural area under PPS 21 - Sustainable development in the countryside as the site is in a rural area. Therefore, the application is contrary to PPS 21, as it does not meet the criteria set out in Policy CTY 1 - Development in the Countryside and there are no overriding reasons why the development is essential or could not be located in a settlement.

The site is located on a fluvial flood plain, Rivers Agency were consulted on the application and responded to say that the proposal was contrary to PPS 15 - Planning and Flood Risk, FLD 1. Environmental Health were also, consulted on the application and had raised some concerns about noise levels as the site is in close proximity to a number of existing businesses e.g CAM Plant & Machinery Ltd and JA Autobody as well as the A6. These activities may have a resulting impact upon the amenity enjoyed by the proposal due to noise, odour etc and nuisance action cannot be used to address these prevailing conditions.

DFI Roads were consulted on the application and raised concerns. Access to the site is via Brough Road, which is of typical road width 3.5 metres with verge widths varying typically 0.5 to 1 metre. The Brough Road will be impacted on by the ongoing A6 Dualling scheme however road access upon completion of the A6 scheme will be of the same characteristics as existing. DFI recommends that development of this site which requires a layout design standard in accordance with Creating Places and a Private Streets Determination is not appropriate when the existing road network to access the site in terms of both vehicular and pedestrian is not to an acceptable road design standard and recommended refusal in their initial response. Even after a reduction from 14 units to 8 units DFI Roads stated that their initial comments were still applicable. The proposal is contrary to Planning policy Statement 3, Access, Movement and Parking, Policy AMP2, in that it would prejudice the safety and convenience of road users since:

- 1) The public road serving the site is an inadequate width
- 2) A suitable footway link is not available to the site

NIEA (Natural Environment Division) were consulted on this application and responded to say that the proposal would be contrary to the Habitats Regulations, Planning Policy Statement 2: Natural Heritage and the Strategic Planning Policy Statement for Northern Ireland in that the development would be likely to harm protected and priority species and insufficient information has been provided to establish otherwise. Objection letters specifically reference the impact of the proposal on bats, however NED considers it unlikely that any significant impact is likely to arise on bats, given the lack of roosting potential within the structures on site. NED requested a Preliminary Ecological Appraisal to assist them with making a full assessment of the site, however this has not been received to date.

#### Other Considerations

A substantial number of objections have been received in relation to this proposal. The main issues raised in these objections include:

- 1) Lack of infrastructure -Roads and Sewage to cope with the intensification in the area
- 2) The site is located on a flood plain
- 3) The proposal is unsuitable for a rural area and contrary to PPS 21 Sustainable Development in the Countryside
- 4) The area will be adversely affected and detrimental to the rural integrity of the area
- 5) Safety concerns- particularly in regard to the potential increase in traffic and the safety of young children living in the area.
- 6) Concerns have been raised over the potential for bats in the disused greenhouses as these are a protected species.

The issues raised have been addressed in this report.

#### Conclusion

In conclusion the proposed development is considered to be contrary to the criteria of policy objectives of PPS21, PPS2, PPS 15 and PPS3, and accordingly is recommended for refusal

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Refuse

**Reasons for Refusal:**

The proposal is contrary to several planning Policies:

- 1) Planning Policy Statement (PPS) 21 – Sustainable development in the countryside, the application is contrary to PPS 21, as it does not meet the criteria set out in Policy CTY 1 - Development in the Countryside and there are no overriding reasons why the development is essential or could not be located in a settlement.
- 2) PPS 2, Natural Heritage - contrary to the Habitats Regulations, Planning Policy Statement 2: Natural Heritage and the Strategic Planning Policy Statement for Northern Ireland in that the development would be likely to harm protected and priority species and insufficient information has been provided to establish otherwise
- 3) PPS 15, Planning and flood Risk – the application is contrary to PPS 15 - Planning and Flood Risk, FLD 1 as the application site is located on a fluvial flood plain.
- 4) PPS 3, Access Movement and Parking - The proposal is contrary to Planning policy Statement 3, Access, Movement and Parking, Policy AMP2, in that it would prejudice the safety and convenience of road users since:

I)The public road serving the site is an inadequate width

II)A suitable footway link is not available to the site

- 5) The proposed development is contrary to CTY14, in that it does not respect the existing built form or pattern of settlement exhibited in the area and would cause detrimental change and further erode the rural character of the area.

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	8th July 2019
<b>Date First Advertised</b>	25th July 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) Gary McMullan .1 Grove Lane, Brough Road, Castledawsosn, BT45 8EN John McMullan 15 Brough Road, Castledawson,BT45 8ER John McMullan 15 Grove Lane, Brough Road,Castledawson,BT45 8ER The Owner/Occupier, 23 Brough Road Castledawson Londonderry Paul Gribbin 24d, Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER Paul Gribbin 24d, Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER The Owner/Occupier, 25 Brough Road Castledawson Londonderry Celine McCann 26 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER Celine McCann 26 Brough Road, Castledawson,BT45 8ER The Owner/Occupier, 27 Brough Road Castledawson Londonderry Paddy McIvor 27 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER The Owner/Occupier, 28 Brough Road Castledawson Londonderry The Owner/Occupier, 30 Brough Road Castledawson Londonderry James McMullan 30 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER James McMullan 30 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER The Owner/Occupier, 31 Brough Road Castledawson Londonderry The Owner/Occupier, 32 Brough Road Castledawson Londonderry The Owner/Occupier, 33 Brough Road Castledawson Londonderry Martin McMullan 33 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER Martin McMullan 33 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER	

The Owner/Occupier,  
34 Brough Road Castledawson Londonderry  
The Owner/Occupier,  
35 Brough Road Castledawson Londonderry  
Mairead Gribbin  
35 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER  
Terence Gribbin  
35 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER  
Terence and Patsy Gribbin  
35, Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER  
Patsy and Terence Gribbin  
35, Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER  
Mark McMullan  
35a Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER  
Mark McMullan  
35a Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER  
Mark McMullan  
35a Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER  
The Owner/Occupier,  
35a Brough Road, Castledawson, Londonderry, BT45 8ER  
Mairead Gribbin  
36 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER  
Nicola and Ken McKernan  
36a Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER  
The Owner/Occupier,  
37 Brough Road Castledawson Londonderry  
Michael Gribbin  
37 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER  
Michael Gribbin  
37 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER  
Siobhan & Michael Gribbin  
37 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER  
Michael Gribbin  
37 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER  
Kevin and Angela Boorman  
38 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER  
Angela & Kevin Boorman  
38 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER  
Angela & Kevin Boorman  
38 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER  
Hugh Gribbin  
41 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER  
Hugh Gribbin  
41 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER  
Hugh Gribbin  
41 Brough Road, Castledawson, BT45 8ER  
Aidan Gribbin  
41b Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER  
Aidan Gribbin  
41b Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER



Aidan Gribbin  
 41b Brough Road, Castledawson, BT45 8ER  
 Sharon Keenan  
 64 Brough Road, Castledawson, Londonderry, Northern Ireland, BT45 8ER  
 Christopher McMullan  
 BROUGH ROAD, CASTLEDAWSON, LONDONDERRY, Northern Ireland, BT45 8ER  
 Christopher McMullan  
 Broagh Road, Castledawson, BT45 8ER  
 Sarah Gribbin  
 Broagh Road, Castledawson, Co Derry, BT45 8ER  
 Gary McMullan  
 Email  
 Mary McMullan  
 Email  
 Niall Gribbin  
 Email Address  
 Sarah Gribbin  
 Email Address  
 Gary McMullan  
 Email Address  
 Patsy & Terence Gribbin  
 Email Address  
 Conor Gribbin  
 Email Address  
 Mary McMullan  
  
 Mary McMullan

<b>Date of Last Neighbour Notification</b>	
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<b>Date of EIA Determination</b>	
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<b>ES Requested</b>	Yes /No
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### Planning History

Ref ID: H/2002/0418/A41  
 Proposal: Agricultural Store.  
 Address: Brough Road, Castledawson.  
 Decision:  
 Decision Date:

Ref ID: H/2003/0999/O  
 Proposal: Site of dwelling and garage.  
 Address: Adjacent to 31 Brough Road, Castledawson.  
 Decision:  
 Decision Date: 23.03.2004

Ref ID: H/2004/1250/RM  
Proposal: Dwelling & Garage  
Address: Adjacent To 31 Brough Road, Castledawson.  
Decision:  
Decision Date: 18.03.2005

Ref ID: H/2000/0727/O  
Proposal: Site of Dwelling and Garage  
Address: Rear of 35 Brough Road, Castledawson  
Decision:  
Decision Date: 14.03.2001

Ref ID: H/2001/0386/RM  
Proposal: Dwelling and garage  
Address: Rear of 35 Brough Road, Castledawson  
Decision:  
Decision Date: 30.08.2001

Ref ID: H/1973/0068  
Proposal: SEWAGE PUMPING STATION  
Address: BROAGH ROAD, TAMNIARAN  
Decision:  
Decision Date:

Ref ID: LA09/2019/0946/O  
Proposal: The replacement of disused industrial greenhouses and the footings of approved dwellings with housing development  
Address: Lands South of 31 Brough Road, Castledawson,  
Decision:  
Decision Date:

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

Drawing No.  
Type:  
Status: Submitted

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Status: Submitted

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Status: Submitted

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Status: Submitted

Drawing No. 01  
Type: Site Location Plan

Status: Submitted

Drawing No. 02

Type: Housing Concept 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> LA09/2019/1051/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed site for a dwelling and domestic garage. Based on policy CTY10 (dwelling on a Farm)	<b>Location:</b> Approx 80m South of 103 Moyagall Road Magherafelt
<b>Referral Route:</b>  DFI Roads refusal contrary to PPS 3 Policies	
<b>Applicant Name and Address:</b> Mr Conor O'Neill 103 Moyagall Road Magherafelt	<b>Agent Name and Address:</b> CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
<b>Executive Summary:</b>	
<b>Signature(s):</b>  Gerard Lynch	

Case Officer Report		
<b>Site Location Plan</b>		
		
<b>Consultations:</b>		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	Historic Environment Division (HED)	Content
Non Statutory	NI Water - Single Units East - Planning Consultations	Substantive Response Received
Non Statutory	DAERA - Coleraine	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Rivers Agency	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>Summary of Issues</b>		
Contrary to Planning Policy AMP 2 & AMP 3		

### Characteristics of the Site and Area

The proposed site is identified as lands approximately 80m south of 103 Moyagall Road, Magherafelt, which is located in the open countryside, outside any settlement limits as per the Magherafelt Area Plan 2015. The site is accessed via an existing laneway from the Moyagall Road. Several farm buildings are situated 75m SE of 103, which is the principle farm dwelling. The topography is relatively flat and land that runs parallel with the Moyagall Road is approximately 0.5 of a meter below road level. This part of the field is water logged and appears to be boggy type soil.

The proposed site is set back approximately 75m from the public road and is accessed by an existing lane. The site forms a portion of an agricultural field that has established boundaries to the east and south consisting of thick vegetation and post and wire fencing. The other boundaries are undefined and open onto the field.

The surrounding area is characterised by undulating countryside where the predominant land uses are of an agricultural nature interspersed with residential dwellings. The A42 is classified as a protected road, which the farm and proposed site has direct access onto the road.

### Description of Proposal

Outline planning permission is sought for a dwelling and domestic garage on an existing farm in accordance with Policy CTY 10 of PSS 21. The applicant has served P2A notice on a third party landowner in connection with lands concerning sight splays. DFI Roads have objected to this application.

### Statutory consultees

1. DFI Roads were consulted on 16/08/2019 and responded on 05/09/2019 raised objections;
2. DAERA were consulted on 16/08/2019 and responded on 29/08/2019 providing advice;
3. Historic Environment Division - Historic Monuments (HM) and responded on 19/08/2019 indicating it was content with the proposal.

### Planning History

Reference	Location	Proposal/Complaint	Status	Date
LA09/2019/1051/O	Approx 80m South of 103 Moyagall Road	Proposed site for a dwelling and domestic garage. Base	VALID APPLICATION RECEIVED	
H/2004/0472/O	220m South East of 102 Moyagall Road	Site of dwelling and garage.	PERMISSION REFUSED	24.11.2005

### Representations.

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty as set down in Article 8 (2) of the Planning (GDPO) Regulations (NI) 2015. At the time of writing one (1) Statutory objection was received on 05/09/2019. The application was initially advertised on 26/08/2019 (Publication date 27/08/2019). Five (5) neighbouring properties were notified on 15/06/2020; all processes were in accordance with the Development Management Practice Note 14 (April 2015).

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

**HRA Determination** - (Natural Habitats, etc.) (Amendment) Regulations (Northern Ireland) 2015, there is no watercourse directly abutting this site, therefore it is unlikely that there will be any adverse effects from development works on integrity of any National or European site or any water stream by way of a hydrological link to the site

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

Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030- Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

PPS 3 Access, Movement and Parking,

PPS 15 Rivers;

PPS 21 Sustainable Development in the Countryside (CTY1, CTY10, CTY13, CTY14)

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

The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. There are no other designations on the site. Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the 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. This requires the applicant to provide evidence of an active farm business, established for at least 6 years.

The Department for Agriculture, Environment and Rural Affairs (DAERA) confirms that the Business ID number (627630) was issued to the applicant's father on 24/05/1995. From this I am content the applicant has an established farm business and has been in existence for over 6 years.

DAERA in its initial consultation response indicated the farm is located on land associated with another farm business. It is noted the farm business does not claim any agricultural grants such as Single Farm Payment, less favoured area compensatory allowance or Agri Environment scheme.

The agent has submitted several invoices that showed that the farm has been active and demonstrates an active farm business and is kept in a good environmental condition. I have documented these in the following table.

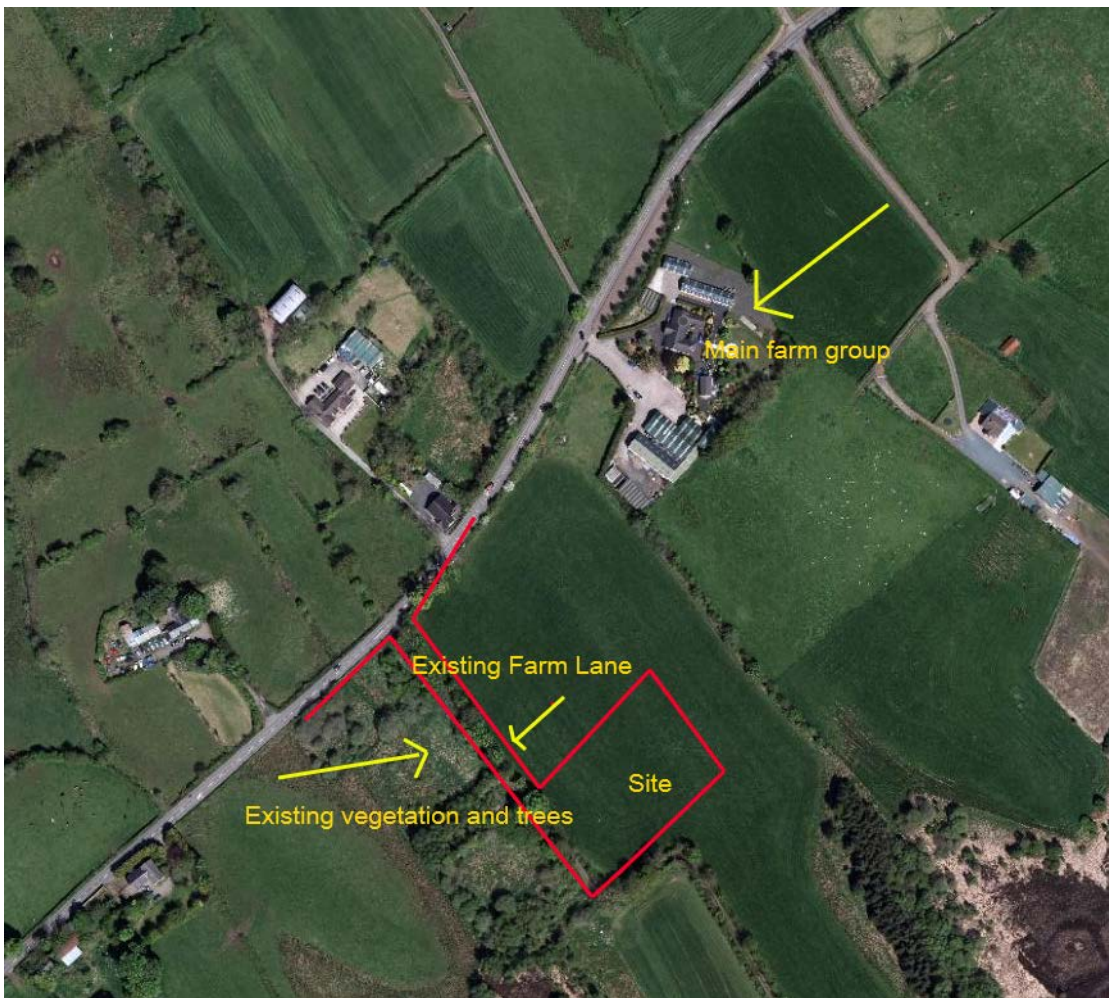
Conor O Neill			
LA09/2019/1051/O			
Date	Invoice No	Works	£
04/04/2014	18	Hedge cutting	150
08/04/2014	4	Fertilizer	187
04/11/2014	399252	Cattlefeed	196
02/03/2015	23	Hedge cutting	150
15/10/2021	399268	Cattlefeed	203
02/03/2016	31	Fertilizer	196
25/03/2016	31	Hedge cutting	160
10/10/2016	399280	Cattlefeed	209
06/03/2017	44	Hedge cutting	170
02/08/2017	874226	Post & fencing	213
24/11/2017	399284	Cattlefeed	223
22/01/2018	56	Hedge cutting	170
05/03/2018	44	Fertilizer	202
27/11/2018	399291	Cattlefeed	237
14/03/2019	64	Hedge cutting	170
04/03/2019	399299	Cattlefeed	263
10/02/2020	76	Hedge cutting	180

Fig. 1 Invoices relating to the applicant's farm business



Fig. 2 Existing farm lane and sight lines Moyagall Road





**Fig. 3 Aerial overview map**

I am fully satisfied from my site observations and assessing the evidence and comments received back from DAERA that the applicant is in control of an active farm business, which is associated with another farm business on this basis criteria (a) of Policy CTY 10 of PPS 21 has been met.

It appears that no dwellings or development opportunities have been sold off from the farm holding within 10 years of the date of the application. With the exception of this planning application, no planning applications have been made in respect of land within the farm holding in the last 10 years and so criteria b has been met.

DAERA flood maps indicate surface water in some of the fields that partly surrounds the farmyard and also abuts the Mayogall Road. Rivers Agency were consulted on this application and confirmed the site does not lie within the 1 in 100 year fluvial or 1 in 200 costal flood plain.

During my site visit I observed the fields that abut the public road were approx. 0.5m below road level.

Following group discussions and a second site visit by a senior planner it was considered the proposal was acceptable in terms of visual links with the main farm group also the proposed

dwelling would access of an existent lane. In terms of integration the level of existent vegetation would strengthen overall integration of the site enabling it to have the capacity to absorbed a modest dwelling.

The agent has a flood risk area hatched in yellow annotated on the site location plan as such Rivers Agency were consulted on this application and responded on 01/07/2020 and confirmed the site does not lie in Fluvial Flood Plains. Although i suspect that Rivers assessed only the site outlined in red and not the area hatched in yellow per site location plan.

The agent did not provide any alternative site suggestions however it is my considered opinion the site can accommodate development that would sympathetically visual with the established group of farm buildings, the access comes off an existing farm lane. Therefore the proposal complies with the key policy tests of CTY 10 in accordance with criteria a, b and c..

Policy CTY 13 provides guidance on the integration and design of buildings in the countryside and CTY 14 provides guidance on rural character. The new building blends sympathetically with the existing surroundings and will therefore, not be unduly prominent in the landscape. The site provides a suitable degree of enclosure for integration and the building blends with the existing features, such as the trees which provide an effective backdrop. Furthermore, the design of the building is appropriate for the site and locality. I am also content that the dwelling will not cause a detrimental change to the rural character of the area, as it respects the traditional pattern of settlement exhibited in the area and will not result in a suburban style build-up of development or create or add to a ribbon of development.

The proposal accords with the policy requirements of PPS 21, therefore I recommend approval for this development.

However, DFI Roads were consulted on 16/08/2019 and responded on 05/09/2019. They also highlighted that the sightline on the north east side of the lane indicates a blind spot within the sightline. The agent was made aware of this and advised to amend in accordance with DCAN 15.

In its initial response Roads indicate the access is unto a protected route A 42 Moyagall Road and as such PPS 3 AMP 2 and AMP 3. The agent addressed Road concerns requiring third party lands to provide sightline on the north east side of the lane.

Following discussions between the agent and Roads their refusal reasons are unchanged that the proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP2, would, if permitted, prejudice the safety and convenience of road users.

In respect of the second reason that the proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP3 that would result in the intensification of use of an existing substandard access onto a Protected Route and would as a result prejudice the free flow of traffic and conditions of general safety.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Refusal

**Reasons for Refusal:**

1. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since it proposes to intensify the use of an existing access at which visibility splays of (2.4 metres x 160 metres) cannot be provided in accordance with the standards contained in the Department's Development Control Advice Note 15.

2. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 3, in that it would, if permitted, result in the intensification of use of an existing substandard access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.

**Signature(s)**

**Date:**



ANNEX	
<b>Date Valid</b>	2nd August 2019
<b>Date First Advertised</b>	27th August 2019
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 102 Mayogall Road, Gulladuff, Londonderry, BT45 8PJ The Owner/Occupier, 102a , Mayogall Road, Gulladuff, Londonderry, BT45 8PJ The Owner/Occupier, 104 Mayogall Road, Gulladuff, Londonderry, BT45 8PJ The Owner/Occupier, 106 Mayogall Road, Gulladuff, Londonderry, BT45 8PJ The Owner/Occupier, 82 Mayogall Road, Gulladuff, Londonderry, BT45 8PJ	
<b>Date of Last Neighbour Notification</b>	15th June 2020
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2019/1051/O Proposal: Proposed site for a dwelling and domestic garage. Based on policy CTY10 (dwelling on a Farm) Address: Approx 80m South of 103 Moyagall Road, Magherafelt, Decision: Decision Date:  Ref ID: H/2004/0472/O Proposal: Site of dwelling and garage. Address: 220m South East of 102 Mayogall Road, Knockloughrim. Decision: Decision Date: 24.11.2005	
<b>Summary of Consultee Responses</b>  DFI Roads advised that the proposal be refused under Policy AMP2 & AMP3 of PPS 3	
<b>Drawing Numbers and Title</b>	

Drawing No. 01 (Rev-1)  
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> LA09/2020/0343/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed residential development of 4 No. detached dwellings (Amended Plans)	<b>Location:</b> 62 Glen Road Maghera
<b>Referral Route:</b> Refusal recommended & 15 objections received	
<b>Recommendation:</b>	<b>Refusal</b>
<b>Applicant Name and Address:</b> Danny Mc Master 103 Glen Road Maghera	<b>Agent Name and Address:</b> CMI Planners Ltd 38b Airfield Road Toomebridge Magherafelt
<b>Executive Summary:</b> Proposal considered against prevailing planning policy. It is considered the proposal as it stands is contrary to Policy ATC 2 of PPS6, Policy QD1 of PPS7, Policy LC1 of APPS 7 and Policy NH 2 of PPS2. 15 letters of objection received which are considered below.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

Letters of Support	None Received
Letters of Objection	15
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

### Characteristics of the Site and Area

The site is located within the settlement limits of Maghera and designated Area of Townscape Character (Designation MA 14) as defined in the Magherafelt Area Plan 2015. The application site comprises an existing 2 storey detached dwelling and garage on a large plot with generous side and rear garden. The existing dwelling appears to be rundown and currently unoccupied, this existing dwelling will need to be removed to accommodate the proposed scheme. The site is currently accessed via an existing driveway which this application seeks to amend, relocating slightly west. There are number of protected trees subject to a Tree Protection Order on the site. There are currently mature trees to the front of the site, the front boundary is enclosed by a low dashed wall approx. 1 metre in height. The western and southern boundary are defined by mature vegetation and the eastern boundary is defined by close board fencing, which

appears to be recently erected, and some scattered trees and vegetation. The immediate surrounding context is predominantly residential and urban in character, comprising large detached dwellings on extensive plots at both sides of the Glen Road. There is a high density modern housing development immediately south of the site comprising detached dwellings. In proximity to the northeast, there is a row of two storey semi-detached dwelling set close to the public road with small front gardens/yards.

### **Description of Proposal**

This application seeks full planning permission for 4 no. detached dwelling units at 62 Glen Road, Maghera.

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

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

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

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland
- Magherafelt Area Plan 2015
- PPS 2: Natural Heritage
- PPS 3 - Access, Movement and Parking
- Addendum to PPS 6 Areas of Townscape Character
- PPS 7 - Quality Residential Environments
- Addendum to PPS 7 - Safeguarding the Character of Established Residential Areas (APPS 7)
- A Planning Strategy for Rural Northern Ireland

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

### **Planning History**

LA09/2017/0283/F - Proposed retaining wall within existing approved housing development (H/2014/0314/F) - Located 60m South of 62 Glen Road, Maghera due east of sites 3,4 and 5 Glen Gardens off Glen Road, Maghera - Permission Granted 15/01/19

LA09/2017/0800/F - Change of house type to Sites 1 and 2 (Planning Ref: H/2014/0314/F) and provision of 3 no additional dwellings and domestic garages (Sites 20, 21 & 22) - Located 20m East of 62 Glen Road, Maghera, Glen Gardens off Glen Road, Maghera – Permission Granted 26/06/18

H/2014/0314/F – Proposed Residential Development of 19No. Dwellings (detached) and Garages - Rear of 58A, 62, 64 & 80 Glen Road Maghera – Permission Granted 25/08/16

H/2014/0394/O - Site for dwellings and garages for residential use - 58A and 60 Glen Road, Maghera – Permission Granted 11/02/16

H/2007/0978/F - Proposed demolition of two no. dwellings to provide lands for housing development consisting of 2no. detached, 3no. townhouses, 6no. apartments and 6no. semidetached dwellings (Amended proposal received showing amendments to apartments 1-6 adjacent to No 58 Glen Road) - Nos. 59a & 60 Glen Road, Maghera – Permission Granted 14/12/09

### **Representations**

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, 15no. Letters of objection have been received which were sent from or on behalf of the owner/occupiers of No. 58, 64, 77, 81a and 83 Glen Road. It should be noted that a number of the objection letters refer to 6 proposed dwellings and were received prior to the submission of an amended scheme which removed 2 units, reducing the scheme to 4no. Proposed dwellings. 2no. objection letters also include a number of photographs which are available to view on the Planning Portal Public Access.

Four almost identical objection letters were received in respect of the proposed development which outline the following concerns:

- The proposal is a gross violation of MA14 Area of Townscape Character, Policy ATC1 & ATC2 and Annex 6 of PPS6;
- TPO provisions would be seriously compromised by the proposed development;
- The existing property of No.62 should not be replaced by multiple properties.

I have aimed to summarise all concerns outlined in the remaining objection letters below:

- Contrary to Policy ATC1 as existing dwelling contributes significantly to ATC. The dwelling was built in 1956 and has a unique copper roof, the architect-designed modernist property was 'Avant Garde' for its time of construction. Demolition would detract from the ATC and redevelopment will spoil the distinctive character of the area.
- Refers to Policy ATC1 J&A which states ATCs exhibit a distinct character normally based on their historic built form or layout and argues this is the reason this ATC was granted, comprising 7 individual houses in their own grounds, set back from the road.
- Existing dwellings on Glen Road have a unique design and all face the road with front gardens. The proposal would break this attractive pattern, does not respect and is out of keeping with the surrounding built form design and layout.
- Argues 2 houses maximum would enable Glen Road to retain its character.
- Argues there are too many houses being proposed in this area.
- Reference to sections and paragraphs of the RDS 2035 including RG8 "manage housing growth to achieve sustainable patterns of residential development"; and

RG11 "Conserve, protect and where possible enhance our built heritage and our natural environment".

- Glen Road is heavily congested and in the past 10-15 years there has been a dramatic increase in the volume of traffic including Glen Gardens housing development. Refers to the existing traffic generated from No.81, large electrical contractor, a factory at 100 Glen Road and 4 schools on the Glen Road. Increased volume of traffic impacts health and safety of everyone who lives on Glen Road and pedestrians using this road.
- Argues the proposal should not create an extra opening onto Glen Road and the sight lines entering and existing onto no.62 are not safe.
- Proposed new houses not in keeping with the building line with 2 proposed detached houses some distance in front of the building line of adjacent and long established homes.
- Two proposed houses are only 1 meter from the boundary of No.64 which may cause overlooking with ground and first floor windows and will block light to the property and garden. Argues houses are squeezed into the space without regard to neighbours and turning head is too close to No.64 and creates potential for traffic fumes, bright lights and noise pollution.
- States No.81, opposite no. 62 and 64, applied to build several houses which was refused some years ago for the reasons already mention.
- Unacceptable loss of privacy and overlooking contrary to criteria h of PPS7 from minimal separation distance between Plot 4 open sided balcony towards no.64 and Plot 1 first floor bedroom windows to the east gable and Plot 2 first floor bedroom windows to the western gable.
- Plot 4 turns its back onto the internal road meaning the front of the dwelling faces south which is unacceptable in terms of street scene and informal surveillance contrary to Creating Places.
- Insufficient information to demonstrate no harm to protected species contrary to Policy NH2 of PPS6 from the demolition works and relocation of trees which could cause harm to protected species namely bats. Council should not make a positive determination to the proposal without necessary ecological reports in place or it will have erred in the decision making process
- Proposal offends the rationale for the ATC designation as the proposed dwellings would not be sited within large plots but instead medium sited pilots, some units would be sited within plots not subservient to the mature trees and some dwellings would not be within mature gardens.
- The density of the proposal represents 13.no dwellings per hectare compared to 3.5 dwellings per hectare in the existing ATC. Significantly greater housing density resulting in the erosion of low density housing contrary to Policy ATC2 of PPS6 and MAP.

**Consideration of concerns raised:**

The proposal will be considered against the policy criteria outlined in the objection letters and all relevant prevailing planning policy in detail later in the report. I will aim to consider the remaining concerns and points raised in the objection letters in turn below.

- It is noted that the proposal site is subject to a Tree Protection Order. During the processing of this application, further information was requested including an

Arboricultural Methodology Statement, up to date Tree Health and Condition Survey and Tree Management and Maintenance Statement to establish the impact of the proposal on protected trees. Internal consultation was carried out Mid Ulster District Council Environment and Conservation team and specifically the Tree Protection Officer. The Tree Protection Officer has considered the information and plans provided and advised based on the evidence provided that certain specific named trees which are determined to be in a poor condition and/or for site safety may be removed under s.122 (5) of the Planning Act (NI) 2011. Plan 08 Rev 7 illustrates additional supplementary/replacement planting is considered to be acceptable. The Tree Protection Officer has not raised any objections subject to relevant planning conditions.

- The proposal seeks to demolish an existing detached dwelling and redevelop the site to provide 4no. detached dwellings. The principle of residential use on the site is established. The proposal site is located within the settlement limits on white land with no specific zoning. The site is with a designated ATC and the arguments regarding density and impact on the ATC will be considered later in this report. Whilst the original scheme proposed a dwelling unit in front of the existing and established building line along this stretch of the Glen Road, the proposal has been subsequently amended and it is considered that the site layout provided on Drawing 08 Rev 8 respects the established building-line all dwelling units facing towards the Glen Road.
- The objection letters have raised concerns with the traffic generated from existing uses on the Glen Road. It is noted that the original scheme increased the access points on site, however the proposal has been subsequently amended to include one access only. The access has been amended and DFI Roads have been consulted and have not raised objects on road safety or prejudicing the flow of traffic subject to planning conditions. The necessary sight lines will be conditioned to any forthcoming approval. It is the applicant's responsibility to adhere to all planning conditions and should the applicant be found to breach this planning condition, this will be a matter for the planning enforcement team. It is noted that congestion and traffic impacts are existing and I do not consider the addition of this modest housing development with an additional 3 further dwellings utilising the access would detrimentally exacerbate existing traffic to warrant refusal.
- The proposed dwelling Units 1 and 4 are sited a minimum of 3 metres to the common boundary of No.64 Glen Road at the closest point. Unit 1 includes two bedroom windows to the western elevation which are sited to the rear projection of the dwelling. There is a separation distance of 12.9 metres between these windows and the blank gable wall of No.64. Unit 4 proposes a blank gable with no windows. Clarification was sought with respect the orientation of Unit 4 and this unit has been subsequently amended to face onto Glen Road and the balcony has been removed. It is considered that reasonable separation existing between buildings exists in order to minimise overlooking and ensure there is not an unacceptable loss of privacy.
- Having reviewed the potential for overshadowing from the proposal onto the adjacent dwelling of No.64, it is considered any overshadowing over the property and rear amenity space of the existing property will not be to an unacceptable degree and is restricted to early morning. It is noted that the turning point for the



development is adjacent to the western boundary, however given the low density of the scheme with only 4 dwellings proposed and the siting adjacent to the rear garden of No.64 it is not considered vehicles turning at this point would result in detrimental impact to residential amenity to warrant refusal.

- It should be noted that each planning application will be considered on its individual merits and the specifics of the application site. Nevertheless, I have carried out a planning history search and have not identified a residential development refusal on the site of No.81 as claimed by the objector. A planning approval was granted west of No.81 for 10 dwellings in 2000 on land zoned for housing and an outline planning application for residential development was refused north of No.81 in 2004 however this was outside Maghera settlement limits and neither where located within the ATC.
- The objectors concerns with respect protected species was referred to the agent and a Biodiversity Checklist was submitted. It is not considered the information provided adequately demonstrates there is no potential impact on protected species and this will considered further against the policy criteria of NH2 of PPS6 later in the report.

### **Key Policy Considerations/Assessment**

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

Magherafelt Area Plan (MAP) 2015 is the statutory local development plan for the application site. The application site is located within the settlement limits of Maghera on white land with no specific zoning. Plan Policy SETT2 of the extant Area Plan states favourable consideration will only be given to development proposals within settlement development limits provided that the proposal is sensitive to the size and character of the settlement in terms of scale, form, design and use of materials; and where applicable is in accordance with any key site requirements. This proposal seeks full planning permission for 4 residential dwellings with detached garages. Drawing 08 Rev 8 date stamped 24<sup>th</sup> June 2021 provides details on the proposed siting, design, scale and access arrangements. The sensitivity of the proposal to the settlement will be considered in more detail below when considering the prevailing policy criteria and there are no key site requirements on the application site. The application site is located within Maghera designated MA14 Area of Townscape Character. MAP 2015 states key features of the area which will be taken into account when assessing development proposals are as follows:

- Large, 2 storey, and detached residential properties;
- Properties situated within large plots;
- Properties set-back from the road with long front garden areas;
- Properties set within mature gardens;

- Variety of house types from traditional to modern design;
- Built form is subservient to the mature trees and other vegetation;
- Residential properties in single occupancy use.

Addendum to PPS 6 Areas of Townscape Character provides further policy context for development within a designated ATC. Given that there is an existing dwelling on site to be demolished both Policy ATC1 and ATC 2 apply.

Policy ATC 1 Demolition Control in an Area of Townscape Character states there will be a presumption in favour of retaining any building which makes a positive contribution to the character of an Area of Townscape Character. The Department will normally only permit the demolition of an unlisted building in an Area of Townscape Character where the building makes no material contribution to the distinctive character of the area. Where permission for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site.

Policy ATC 2 New Development in an Area of Townscape Character requires development proposals in an Area of Townscape Character to maintain or enhance its overall character and respects the built form of the area and that any trees, archaeological or other landscape features which contribute to the distinctive character of the area are protected and integrated in a suitable manner into the design and layout of the development.

The proposed development will require the demolition of the existing dwelling of No.62 Glen Road (Figure 1). The existing building is set back approx. 29 metres from the Glen Road and whilst it is a roadside plot, there is mature vegetation and trees surrounding the building which partially screen public views. Whilst it is accepted that the architectural features of the existing dwelling are somewhat distinctive, I do not agree with the objectors' opinions above that the demolition of this building will detract from the ATC. In my opinion, the design of the existing building is not of architectural merit which makes a positive contribution to the ATC. The building appears to be structurally sound however it was noted some signs of neglect and it appears to be derelict on the date of the site inspection. The demolition of a building in an ATC is a material planning consideration, however the impact of their demolition cannot be assessed in isolation and divorced from the merits of the proposed redevelopment scheme. The key issue around enhancing and maintaining the character of the town is extremely important and following careful consideration it is considered the overall scheme as it stands will fail to maintain or enhance and/or respect the existing built form within the ATC.

**Figure 1**



Concerns with respect the density of the proposal have been relayed to the agent and during the processing of the application the proposal has been reduced from 6no. Dwellings to 4no. Dwellings. However it is considered that 3no. Dwellings would be the maximum acceptable density to respect the key features of this ATC. It is considered the proposal as it stands meets many of the key features of the ATC stated within the extant Area Plan. Notably the units are sizable detached residential properties in single occupancy use; the front units are set back from the road respecting the established building line and provide ample front gardens. It is considered the proposed layout has been designed around the existing mature trees. The proposed design of dwellings have a traditional Georgian style and it is considered that the proposal provides variety from that of the existing built form whilst reflecting established design principles and the proposed finishes of smooth render and pitched roofs would harmonise in the street scape. However, concerns remain that the overall scheme at the current density fails to maintain the existing character as all proposed units do not constitute large plot sizes within mature gardens and therefore have the potential to detract from or fail to maintain the character of the distinct townscape displayed within Maghera ATC. It is noted that the proposal site is located at the edge of the ATC designation and to the east and south of the proposal site, there are existing higher density developments which are located outside the ATC. The plot sizes in the immediate context are a similar size to the existing dwelling of No.62 with large gardens. The properties of No.85 and No.87 which are within the ATC have slightly smaller plot size and frontage. A streetscape drawing which shows how the proposal would sit alongside the existing frontages, particularly the proposed 2 front units alongside existing properties up to and including No.80 was requested and submitted. Having considered the proposed elevations within the streetscape plan (Figure 2) at an internal group meeting, the group consensus remained that 3no. Dwellings would represent a more appropriate density and that 1no. Dwelling to the front sited broadly in conformity with the footprint of the existing dwelling would be more appropriate and in keeping with the character of the ATC. This was relayed to the agent on 08/07/21 and followed up on 13/08/21 however to date no response has been received.

**Figure 2**



It was identified that the application site is located in proximity to an archaeological site and monument (POLREF: LDY036:031). Historic Environment Division have been consulted and advised that the proposal will not detrimentally impact on archaeological features and therefore is compliant with the SPPS and PPS6. The application site is covered by a Tree Preservation Order (TPO) and it is noted that Maghera ATC is

enhanced by the trees within the immediate area. The proposed layout has been designed to enable the retention of the majority of mature trees and vegetation and the submitted plans indicate the mature boundaries to the rear and western boundary of the site are to be retained to assist in maintaining privacy and promoting integration of the development into the surrounding area. Nevertheless, given the context of the layout of the surrounding residential area it is considered that the density and the layout of the proposed development will result in an adverse impact on the character and appearance of the MA14 ATC or the surrounding area.

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

- a) The proposed development is residential in nature and located in an area where residential development is prevalent. Whilst the principle of residential development on the site may be acceptable, I have concerns the proposed layout does not create a quality and sustainable residential development. The proposal is for 4 detached 2 storey dwelling units. As stated above, I have concerns with the proposed density of the development. The proposal includes 2 units to the front which will detract from the existing distinctiveness of the surrounding environment. PPS7 states the promotion of more housing in urban areas should not be allowed to result in town cramming or damage to areas of distinctive townscape character. It is considered the removal of one dwelling to the front of the proposed development would be more acceptable and the current scheme proposed fails to respect the character of the surrounding area. As stated previously, these concerns have been relayed to the agent and no response has been received therefore the application is being considered as it stands.
- b) HED have been consulted and have not relayed any concerns or potential impacts from the proposal on local landscape features of built/archaeological interest. The proposal has took account of the TPO within the site and MUDC Conservation and Environment team are content in the landscaping subject to conditions.
- c) The submitted site plan Drawing 08 Rev 8 indicates a suitable provision of private amenity space in line with Creating Places with each unit in excess of 40m<sup>2</sup>. The proposal includes a landscaping plan and tree protection plan which ensures the retention where possible of trees and provision of relocated trees and additional vegetation to aid integration and soften the visual impact of the proposed development.
- d) The proposal site is situated within the settlement limits of Maghera thus it is considered there is easy accessibility to local neighbourhood facilities. It is not considered the proposed development would significantly intensify or place unnecessary demands on the existing neighbourhood provisions and amenities within the area.

- e) The proposal initially sought to utilise two accesses onto Glen Road which is a priority road. DfI Roads were consulted and following the receipt of a number of revised plans, DfI Roads advised the 4 residential units should be serviced from the one access point to reduce proliferation of access points onto the priority Glen Road. The layout plan was amended accordingly and DfI Roads have offered no objections subject to conditions in their latest consultation response. As such, it is considered the proposal complies with Policy AMP2 of PPS3. It is considered the proposal provides a movement pattern which demonstrates the safe manoeuvring of vehicles within the site and accessing onto the public road. It is noted the site is located within the settlement limits of Maghera where there are existing provision of footpaths and access to public transport and I consider the proposal will adequately support walking and cycling.
- f) It is considered the site plan provides adequate and appropriate in-curtilage to comply with Parking Standards.
- g) The proposal site is surrounded by residential development of varying house type and design which is a recognised key feature of Maghera ATC Designation. The proposed design of the properties including materials and detailing are considered acceptable and draw upon local traditions. However, I have concerns the current proposed layout arrangement is not reflective of the immediate character and built form and the density and layout proposed are not sympathetic to the setting.
- h) Following internal discussions and careful consideration of the proposed scheme and all submitted letters of objection, it is not considered the proposal would create an adverse impact on residential amenity to warrant refusal. Whilst Unit 1 is sited only approx. 3.5 metres from the common boundary; there is 13m separation distance between the Unit 1 kitchen window and first floor window and the existing property of No.64. The existing mature hedgerow is to be retained and additional planting is proposed. The separation distance between existing and proposed properties are considered adequate given the urban context. I have considered the potential for overshadowing and loss of light and whilst there will be a small degree of overshadowing this will be limited to early morning and is not considered will detrimentally impact residential amenity. As previously stated the proposed layout is considered unacceptable in its current form, a reduction of one unit on the site and repositioning of the front unit would not only enhance the streetscape and ensure the overall character of the ATC is maintained but would also increase separation distances with neighbouring properties reducing further any potential impact to residential amenity and overall providing a more quality, sustainable development
- i) The proposal seeks permission for a small housing development with the provision of private amenity space and off street parking. I have no significant concerns with the design with respect crime or safety.

Policy LC 1 of APPS 7 Addendum to PPS 7 Safeguarding the Character of Established Residential Areas is a material consideration. Policy LC1 states that in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to

accommodate new housing, where all the criteria set out in Policy QD1 of PPS7 as well as the below additional criteria are met:

- a) The proposed density is not significantly higher than that found in the established residential areas
- b) The pattern of development is in keeping with the overall character and environmental quality of the established residential area
- c) All units should be built to a size not less than those set out in Annex A of Addendum to PPS7

The application site comprises the existing 2 storey detached dwelling, No.62 and associated garden. Whilst it is noted that there are high density housing developments to the South and East of the application site, it is considered the proposed density and pattern of development is inappropriate when considered in the context of the existing development to the north and west within the designated ATC. It is considered the proposed scheme will detract from the surrounding established character as the proposal represents overdevelopment and the proposed layout could cause a visual or functional disruption to the local character of the designated ATC. Whilst the density is considered unacceptable, it is considered the scale and size of dwellings proposed is appropriate and meets the minimum standards set out in the addendum to PPS7.

Policy DES 2 Townscape of A Planning Strategy for Rural Northern Ireland requires development proposals in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of material. It is considered the proposal site has the potential to accommodate a small housing development if designed sensitively. The current proposal is considered overdevelopment and will fail to make a positive contribution to townscape or respect the existing built form within the designated ATC. It is considered that the proposal does not respect the main aims of Policy DES2 in relation to consideration of character of the town.

Policy NH 2 - Species Protected by Law of PPS 2 Natural Heritage states planning permission will only be granted for a development proposal that is not likely to harm a European protected species. It is noted that in order to accommodate the proposed development, it is necessary to demolish the existing dwelling No.62, as well as remove and relocate a number of mature, protected trees. It is acknowledged that this has the potential to impact on bats which are a European Protected Species. A Biodiversity Checklist was requested, however it is noted that at Part 2 Q.4 "*Does the development involve the Felling, Removal or Topping of: Mature Trees*" the agent has selected 'No'. The proposal does include the removal of a number of mature trees therefore 'Yes' should have been selected which would then require the completion of Part 3 of the checklist by an ecologist or other suitably qualified person. This has not been carried out and given the concerns with the overall scheme as outlined above, this has not been formally requested at this stage. However, in the case that Members consider planning permission should be granted this should be fully addressed and in the absence of this information it is considered the proposal currently fails to adequately demonstrate that it is not likely to harm a European protected species contrary to Policy NH2.

**Neighbour Notification Checked**

Yes

**Summary of Recommendation:**

Having considered all relevant prevailing planning policy and material considerations, the proposal is recommended for refusal for the reasons stated below.

**Reasons for Refusal:**

1. The proposal is contrary to the Strategic Planning Policy Statement and Policy ATC 2 of the Addendum to Planning Policy Statement 6, Areas of Townscape Character, in that the proposed development fails to maintain or enhance the overall character and respect the built form of the Area of Village Character.
2. The proposal is contrary to the Strategic Planning Policy Statement, Policy QD1 of Planning Policy Statement 7 Quality Residential Environments (Criteria a); Policy LC1 of the Addendum to PPS 7 Safeguarding the Character of Established Residential Areas (Criteria a & b) and Policy DES2 of PSRNI in that the development as proposed fails to provide a quality residential environment, fails to respect the surrounding context and character of the area and would result in overdevelopment of the site.
3. The proposal is contrary to Policy NH 2 of PPS 2 Natural Heritage in that insufficient information has been provided to demonstrate that the proposal is not likely to harm a European protected species.

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



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

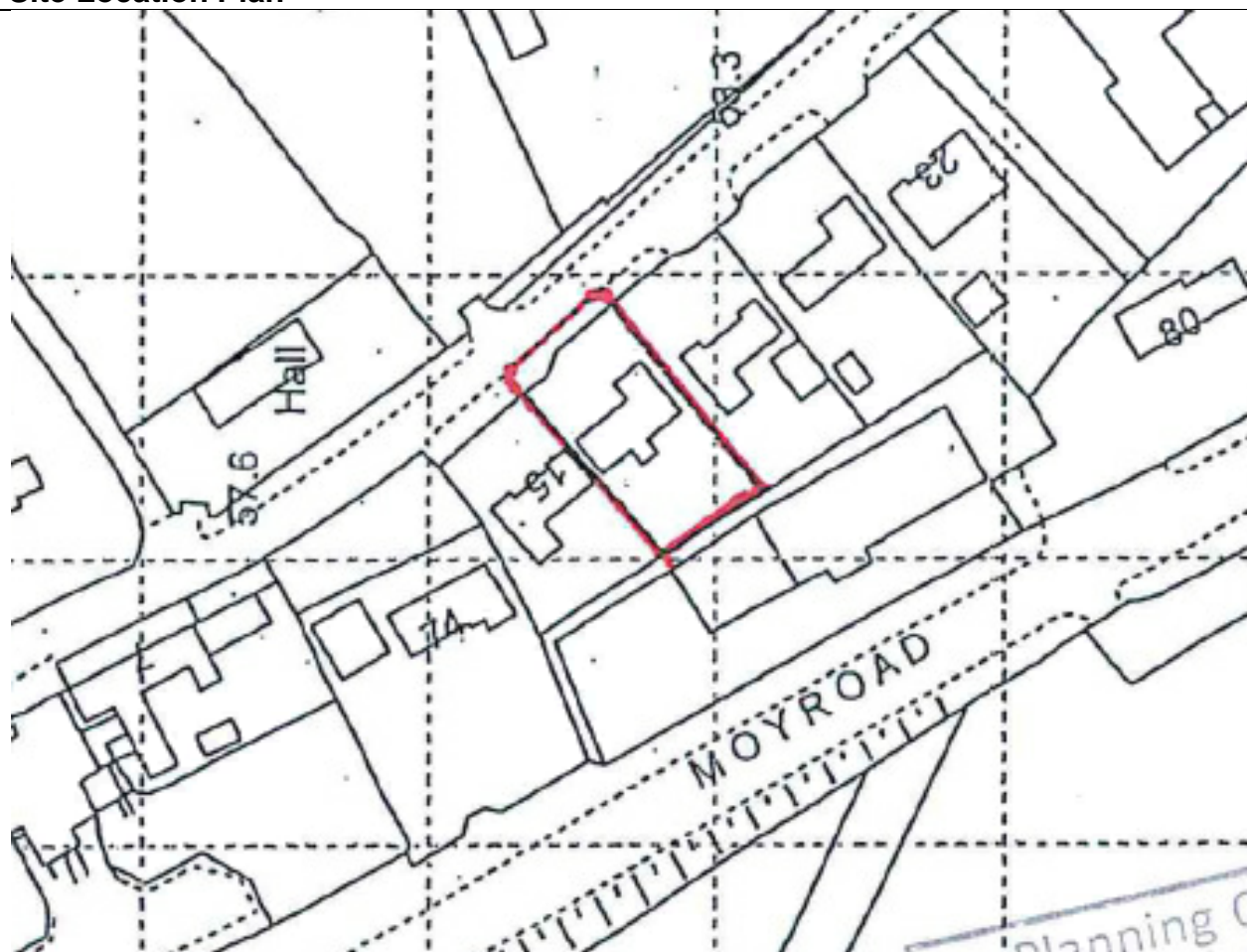
**Development Management Officer Report  
Committee Application**

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2020/0493/F	<b>Target Date:</b>
<b>Proposal:</b> Conversion of garage to bedroom with en-suite and retention of general household and garden storage shed and also retention of vehicular access.	<b>Location:</b> 17 Old Moy Road Donnydeade Dungannon
<b>Referral Route:</b> Approval – objections received.	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Mr & Mrs Stephen McDowell 17 Old Moy Road Donnydeade Dungannon BT71 6PS	<b>Agent Name and Address:</b> Marcus Bingham 9 Tullyquilly Road Rathfriland BT34 5LR
<b>Executive Summary:</b>	
<b>Signature(s):</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	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

There was one objection received in relation to the proposal which set out their concerns. These concerns will be discussed in detail later in the report, however mainly relate to:

- The Vehicular Access and the Construction of a Pet Shed

## Characteristics of the Site and Area

The application site is located at 17 Old Moy Road, Dungannon. On site is an existing bungalow with a garden area to the rear and front of the property. There was existing hedging which surrounded the site on my first site visit, however during the latest site visit, 12/11/20 it appeared that some of this hedging had been removed along the Southern (objectors) boundary. The surrounding area is made up of residential buildings with some other businesses in the locality including a spa/beauty facility and parklands vets.

## Description of Proposal

Full planning permission is sought for the conversion of garage to bedroom with en-suite and retention of general household and garden storage shed and also retention of vehicular access.

## Planning Assessment of Policy and Other Material Considerations

### Planning History

There is not considered to be any relevant planning history associated with this site however it is worth noting that this application has been received in response to an ongoing enforcement case.

### Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 15, 16 and 19 Old Moy Road. At the time of writing, no third party representations have been received.

### Assessment of Policy/Other material considerations

- Dungannon and South Tyrone Area Plan 2010
- Strategic Planning Policy Statement (SPPS)
- Addendum to Planning Policy Statement 7: Residential Extensions and Alterations
- Local Development Plan 2030 - Draft Plan Strategy

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

The proposal is located outside any defined Settlement Limits as identified in the Dungannon and South Tyrone Area Plan.

CTY1 of PPS21 sets out a number of types of development that are acceptable in the countryside. One such type of development is for extensions/alterations to dwellings where they meet the policies in PPS7 Addendum.

It is considered that Policy EXT1 of PPS 7 Addendum is relevant to this proposal. This policy permits development where a range of criteria have been met.

The application is seeking planning consent for the conversion of an existing garage to a bedroom and for the retention of an existing garden storage shed to the rear of the property. The conversion proposed is considered to be acceptable as the external changes to the dwelling would be minimal. The changes proposed would include the removal of the garage door and replacing with sliding patio doors. The garden storage shed is larger than normal in terms of its ridge height; however, the footprint of it is still substantially smaller than that of the dwelling and is similar in relation to neighbouring outbuildings in their gardens. The materials of the shed include render on the walls and green corrugated iron sheeting. These are materials which typically may be seen in agricultural style sheds, however the agent has confirmed on several occasions that the purpose of the shed is for domestic use only. This will be conditioned to be the case on any forthcoming approval for this shed. I have no concerns relating to privacy, overlooking or loss of light given the separation distance with neighbouring properties, noting the shed is located to the rear of the garden and has no windows on the elevations. Adequate space will remain to the front of the property for parking and turning as this will not be impacted by the proposal.

There is also an access shown on the plans, however is noted clearly for pedestrian use only and therefore there was not considered to be any concerns in terms of access and parking. The existing access and parking within the site remains unaltered.

#### Representations

The objection raised concerns relating to the new vehicular access and construction of a pet shed as noted in the original description. This has since been clarified with the agent rectifying this on the plans. The access on the plans as being for pedestrian use only and the description has been amended to the retention of general household and garden storage shed rather than a pet shed. Re-neighbour notification has since been carried out with no further objections received. The agent has noted that the objectors have since moved from the neighbouring property and the correspondence from Royal Mail would suggest this also as their neighbour notification was returned stating "addressee gone away".

Environmental Health were consulted in relation to the proposal and raised no concerns.

#### **Neighbour Notification Checked**

Yes

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

Approval is recommended.

#### **Conditions/Reasons for Refusal:**

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

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

2. The domestic garage hereby permitted shall be used only for domestic purposes ancillary to the residential use of the dwelling at No. 17 Old Moy Road, Dungannon.

Reason: To protect the amenity and privacy of the surrounding dwellings and any future dwellings which may be erected nearby this site.

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	6th April 2020
<b>Date First Advertised</b>	26th May 2020
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 15 Old Moy Road Dungannon Tyrone The Owner/Occupier, 16 Old Moy Road,Dungannon,Tyrone,BT71 6PS The Owner/Occupier, 19 Old Moy Road Dungannon Tyrone David and Patricia Young 19, Old Moy Road, Dungannon, Tyrone, Northern Ireland, BT71 6PS	
<b>Date of Last Neighbour Notification</b>	5th February 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2020/0493/F Proposal: Conversion of garage to bedroom with en-suite and erection of general household and garden storage and pet shed also new vehicular access Address: 17 Old Moy Road, Donnydeade, Dungannon, Decision: Decision Date:  Ref ID: M/1995/0298 Proposal: Extension to garage to include new stores and showroom Address: ADJACENT TO 80 MOY ROAD DUNGANNON Decision: Decision Date:  Ref ID: M/1995/0298B Proposal: Extension to Garage to include new stores and showroom Address: 8 MOY ROAD DUNGANNON Decision: Decision Date:	

Ref ID: M/1975/0319  
Proposal: HOUSING DEVELOPMENT  
Address: OLD MOY ROAD, DONNEYDEADE, DUNGANNON  
Decision:  
Decision Date:

Ref ID: M/1985/0060  
Proposal: DWELLING HOUSE  
Address: MOY ROAD, DONNEYDEADE, DUNGANNON  
Decision:  
Decision Date:

Ref ID: M/1979/0496  
Proposal: ERECTION OF FARM RETIREMENT BUNGALOW  
Address: MOY ROAD, DUNGANNON  
Decision:  
Decision Date:

Ref ID: M/1978/0162  
Proposal: RETIREMENT FARM BUNGALOW  
Address: MOY ROAD, DONNEYDEADE, DUNGANNON  
Decision:  
Decision Date:

Ref ID: M/1995/0281  
Proposal: Site for dwelling  
Address: ADJACENT TO 80 MOY ROAD DUNGANNON  
Decision:  
Decision Date:

Ref ID: LA09/2016/0262/F  
Proposal: Removal / variation of condition 8 of M/2011/0500/F  
Address: 50km of overhead line from Omagh Main Substation to Tamnamore Grid Substation Dungannon in the general area of Laghey Corner Moygashel Greystone Ballyreagh Garvaghy Tattykeel. Proposed Gort Main Substation at Omagh Road Garvaghey Ballygawle  
Decision: PG  
Decision Date: 09.05.2016

### **Summary of Consultee Responses**

Drawing Numbers and Title
Drawing No. 05a Type: Status: Submitted
Drawing No. 04a Type: Status: Submitted
Drawing No. 03a Type: Status: Submitted
Drawing No. 02a Type: Status: Submitted
Drawing No. 01a Type: Status: Submitted
<b>Notification to Department (if relevant)</b>  Date of Notification to Department: Response of Department:



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 2nd Nov 2021	<b>Item Number:</b>
<b>Application ID:</b> LA09/2020/0763/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed Silo with agricultural access provided to fields at the rear	<b>Location:</b> Farmyard at 29 Crancussy Road, Cookstown
<b>Referral Route:</b> 38 no. objections received to this application	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mr Peter McNally 29 Crancussy Road Cookstown BT80 9PW	<b>Agent Name and Address:</b> CQ Architects 23 Dunamore Road Cookstown BT80 9NR
<p><b>Executive Summary:</b> This proposal has been assessed under all relevant policy, namely the SPPS, the Cookstown Area Plan 2010, PPS2, PPS3, PPS15 and PPS21. Consultations, including EIA consultations have been carried out with both statutory and non statutory consultees. The proposal has been screened out from needing an Environmental Statement. It is my opinion that the proposal complies with all relevant planning policy.</p> <p>38 no. objections have been received to date. Members are advised that all material planning issues raised in these objections have been fully considered and consultee advice sought if necessary. The objections do not merit the refusal of this application. Appropriate conditions and informatives are recommended.</p>	
<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	DAERA - Omagh	Substantive Response Received
Non Statutory	Shared Environmental Services	Substantive Response Received
Statutory	NIEA	Advice

Statutory	NIEA	Advice
Statutory	NIEA	Content
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	
Statutory	NIEA	
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	Shared Environmental Services	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	NIEA	Advice
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	NIEA	
Non Statutory	Environmental Health Mid Ulster Council	
Statutory	Rivers Agency	Advice
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	Rivers Agency	Advice
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	NIEA	Advice
<b>Representations:</b>		
Letters of Support	None Received	
Letters of Objection	36	

Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

### Summary of Issues

This application has been advertised in Local Press in line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015. All relevant neighbouring properties have been notified. To date there have been 38 no. responses received, of which 36 of these are objections. The material planning issues raised in these objections are briefly summarised and addressed below:

- The need for proposed silo/lack of detail in this regard - Considered under Policy CTY 12 of PPS 21.
- Rodent infestation - EH consulted and have raised no concerns in this regard.
- Degrading impact on Loughdoo ASSI, its features and its biodiversity - Considered under PPS2.
- Increase in nitrates and ammonia - Proposal amended to remove dry cattle pen. Considered further under PPS2.
- Impact from noise - EH consulted and have raised no concerns in this regard.
- Environmental Disturbance - Considered further under PPS2.
- Increased waste/slurry production and the need for the submission of a waste management plan which takes in poultry litter also - Proposal amended to remove dry cattle pen. Any silage effluent will be piped into an existing tank. NIEA consulted and have not requested a waste management plan. There is no poultry element to this proposal.
- Unlawful ramping of slurry across the public road - DFI Roads consulted and have raised no concern re ramping across a public road.
- Unacceptable scale and impact on character of AONB - Considered under PPS2
- P1 form incorrectly completed (floorspace, water requirements and fee) - p1 amended to take account of floorspace and water requirements. I am satisfied correct fee has been submitted with application and that it is a valid planning application.
- Blocking of access to a turbine site (I/2012/0398/F) - Access is still available to fields at rear.
- Unnecessary creation of an agricultural laneway coming from an existing field gate - A agricultural access already exists at this location.
- Impact of the proposal on designated sites - Loughdoo ASSI, Ballinderry SAC - Considered further under PPS 2.
- Concern re: proposed boundary wall, its impact on rural character, road safety and the potential to cause flooding - DFI Roads and Rivers consulted and have raised no flooding issues or road safety concerns (subject to conditions)
- Cumulative impact with unauthorised hen house - No cumulative impacts to be considered. Hen House is immune from any enforcement action.
- Concern that consultees have not been consulted with accurate consultee letters - I am satisfied that consultees have been properly consulted.
- The application should be deemed refused due to ongoing revocation process re: adjacent quarry applications - The revocation re: adjacent quarry application holds no determining weight in the consideration of this planning application.

- Concern that none of the existing farm sheds benefit from planning - Noted. All are immune from any enforcement action.
- Impact on current road drainage and from the existing slurry tank - Drainage Plan requested and submitted. DFI Rivers and Roads consulted and have raised no concern in this regard.
- Impact on priority habitat - Considered further in this report under PPS 2
- Unlawful existing slurry tank is a concealed breach of planning - Noted. Immune from any enforcement action.
- Pollution risk to protected waterways - NIEA (WMU) consulted. Comments will be attached as informatives to applicant.
- Existing farm buildings do not benefit from planning approval - Noted. Immune from any enforcement action.
- Existing Slurry tank is not fit for purpose and will impact on human health - EH consulted and raised no concern.
- Impact on the ASSI/SAC from the spreading of slurry - Considered by NIEA/SES and further in this report under PPS2.
- Failure of applicant to have Discharge Consent - Outside the remit of the Planning Authority.
- Change of use of land from agricultural to industrial/security compound - I am satisfied that the proposal is agricultural
- Concern over the content of the HRA carried out by SES and its Author - SES Consulted on this matter and have not changed their comments.
- Failure to appropriately consult the local community - This is not a major planning application and there is no legislative requirement to carry out community consultation.
- Query over who owns the road verge - Roads are aware of the planning application and have not been prejudiced in any way.
- Request to carry out a risk assessment re: road safety - Roads have not requested any form of risk assessment.
- The impacts arising from having to potentially remove utility pole - This falls outside the remit of the Planning Department.
- Inadequate drainage information provided - Drainage Plan submitted and Rivers consulted.
- Breach of Water Order from spreading slurry on lands that feed directly into Loughdoo Stream - NIEA consulted and have no objections to the proposal subject to standard informatives.

Having considered all the material planning issues raised and consulting with statutory and non-statutory bodies when required, it is my opinion that the objections summarised above do not merit the refusal of this application. A lot of the objectors letters required specific FOI/EIR responses and these have been provided when deemed appropriate.

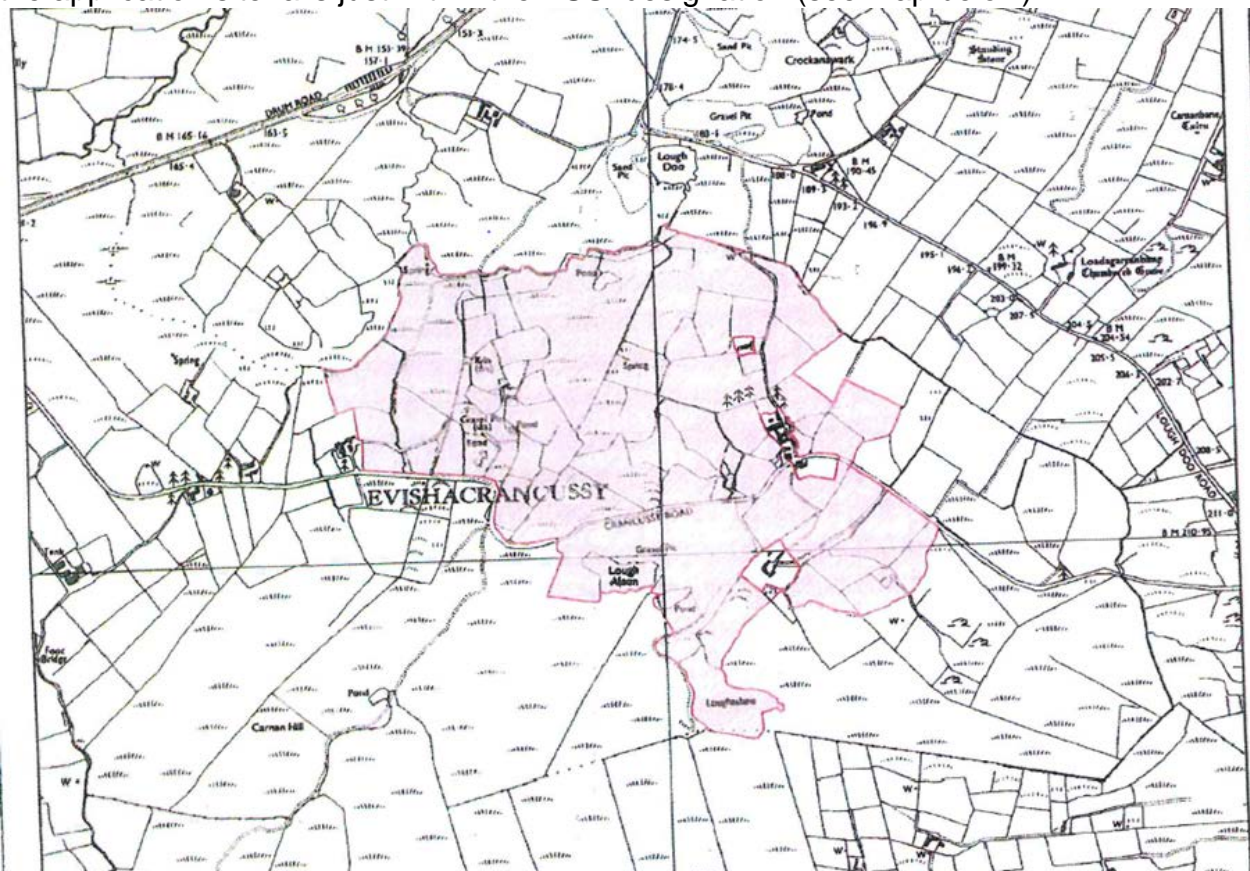
### **Characteristics of the Site and Area**

The application site is a 0.35 hectare parcel of land and comprises a farmyard associated with and located to the immediate West of number 29 Crancussy Road, Cookstown. It is outside the development limits of any settlement designated in the Cookstown Area Plan 2010. The farmyard contains existing farm sheds, a meal silo, a slotted tank and a retaining wall. The access to the farmyard comes directly off the

Crancussy Road, just opposite the entrance to 2 third party dwellings. Here the roadside boundary is defined a wall, stone pillars and a metal gate.

This is an undulating area, rural in character and has a dispersed settlement pattern. To the immediate North of the site are two dwellings, numbers 26 and 28 Crancussy Road and ancillary agricultural buildings. To the SW of the site is an active quarry. Further to the East of the site is a Poultry House. Approximately 190m to the SW of the site, at number 31 Crancussy Road, is a third party dwelling and it is noted that the occupant of this property has objected to this application.

This area is designated as an Area of Outstanding Natural Beauty (AONB) and an Area of Constraint on Mineral Developments (ACMD) in the Cookstown Area Plan. It is also designated as an Area of Special Scientific Interest (Loughdoo ASSI) and it is noted that the application site falls just within the ASSI designation (see map below)



The application site is also within 7.5 km of the following National, European and International designated sites;

- Upper Ballinderry River SAC, Owenkillev River SAC & Black Bog SAC/Ramsar, which are designated under the EC Habitats Directive (92/43/EEC on the conservation of natural habitats and of wild fauna and flora);
- Lough Doo ASSI, Upper Ballinderry River ASSI, Black Bog ASSI, Owenreagh River ASSI,
- Cashel Rock ASSI, Owenkillev River ASSI, Limehill Farm ASSI & Bardahessiagh ASSI, which are declared under the Environment Order (Northern Ireland) 2002.

## **Description of Proposal**

This is a full application for a proposed Silo with agricultural access provided to fields at the rear of the silo. The silo will have a standard agricultural design. The walls will be finished with brown profile cladding and concrete and the roof with brown profile cladding. It does not contain an underground tank. Any effluent will be directed to an existing tank adjacent to the new silo. Access to the fields to the rear of the site is being left clear of any development. A new agricultural access lane is being created to come off the Crancussy road. The proposal initially included a dry bed cattle pen but this element of the development was omitted during the processing of the application.

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

### **Planning History**

LA09/2019/0118/F - Farmyard at 29 Crancussy Road, Cookstown. Retrospective planning for meal storage bin for agricultural purposes on an existing farmyard. Approved 5-4-19

### **Environmental Impact Assessment**

In the Planning (Environmental Impact Regulations) Northern Ireland 2017 under Schedule 2 Part 1 (a) Agriculture and Aquaculture, projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes require screening where they are located within a "Sensitive Area" or where they meet the thresholds identified under Column 2. This site is located within Lough Doo ASSI and the Sperrins AONB, both of which are Sensitive Areas as defined in the Regulations. In my opinion it is difficult to ascertain for 100% that the proposal fits neatly within Part 1 (a) as there is no definition in the Legislation for "intensive agricultural proposals" but in order to adopt a precautionary approach when considering Environmental Impacts, a screening was carried out in this particular instance. The proposal was screened out and an Environmental Statement was not requested.

### **Policy Consideration/Assessment**

The following policies will be considered in this assessment:

- Cookstown Area Plan 2010
- Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy
- SPPS - Strategic Planning Policy Statement for Northern Ireland
- PPS 2 - Natural Heritage
- PPS 3 - Access, Movement and Parking
- PPS15 - Planning and Flood Risk
- PPS 21 - Sustainable Development in the Countryside

### **Cookstown Area Plan 2010**

This site lies outside any settlement limit defined in the Cookstown Area Plan 2010 but is within a designated ACMD and an AONB. The proposal is not for the development of



mineral resources therefore Plan Policy MN 1 is not relevant. The Cookstown Area Plan 2010 does not contain any specific policy in relation to development within an AONB.

### **Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy**

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

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

The SPPS gives provision for Agriculture and Forestry Development subject to a number policy provisions. It does not present any change in policy direction with regards to this type of development in the Countryside. As such, existing rural policy will be applied (ie) CTY 12 of PPS 21

### **PPS 2 - Natural Heritage**

PPS 2 sets out the Departments planning policies for the conservation, protection and enhancement of our natural heritage. For the purpose of this Planning Policy Statement, natural heritage is defined as “the diversity of our habitats, species, landscapes and earth science features”.

### **Policy NH 1 - European and Ramsar Sites - International**

Planning permission will only be granted for a development proposal that, either individually or in combination with existing and/or proposed plans or projects, is not likely to have a significant effect on:

- a European Site (Special Protection Area, proposed Special Protection Area, Special Areas of Conservation, candidate Special Areas of Conservation and Sites of Community Importance); or
- a listed or proposed Ramsar Site

The application site is located within 7.5 km of National, European and International designated sites. Given the agricultural nature of the proposal and the proximity of the application site to these designated sites consultation has been carried out with NIEA (Natural Heritage). NIEA advised that a number of these designated sites have reached their 10% additional loading capacity for nitrogen emissions and advised the applicant to consider the use of nitrogen abatement measures to reduce emissions. A revised proposal was subsequently submitted omitting the dry bed cattle aspect of the proposal. NIEA are now therefore satisfied that as there will be no slurry stored or livestock housed within the proposed silo structure and the appropriate pollution prevention measures are

implemented, the proposal is unlikely to have a significant impact on any designated site.

Under the provisions of the Habitats Regulations, plan-making authorities are required to undertake an Appropriate Assessment for any development plan (or development proposal) which either individually, or in combination with other plans or projects, is likely to significantly affect a European Site. Shared Environmental Service carry this out on behalf of Mid Ulster District Council and so were also consulted with this application. In their most recent response, dated 27th July 2021, they have advised the following:

This planning application was considered in light of the assessment requirements of Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service on behalf of Mid Ulster District Council which is the competent authority responsible for authorising the project. The assessment which informed this response is attached at Annex A (available to view on the planning portal). The assessment has been updated to reflect further consultee and third party representations. Having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European site. Elimination Reason: There is no source of aerial emissions or hydrological pathway through which the proposal could have a conceivable effect on any European site.

Based on this expert consultee advice from both NIEA (Natural Heritage) and Shared Environmental Service, I am satisfied that the proposal is in compliance with the provisions of Policy NH 1 of PPS 2

### **Policy NH 2 - Species Protected by Law**

This application was accompanied by a Biodiversity Checklist, completed by professionally qualified Ecologist. It concludes that the predicted impact of the proposed development on protected species was assessed as "low" and no further surveys were recommended to be submitted. On the basis of this ecologists advice I am satisfied that the proposed development is in compliance with Policy NH2 of PPS 2.

### **Policy NH 3 - Sites of Nature Conservation Importance - National**

These type of sites include Areas of Special Scientific Interest (ASSI). The application site falls within Loughdoo ASSI. Planning permission will only be granted for a development proposal that is not likely to have an adverse effect on the integrity, including the value of the site to the habitat network, or special interest of the ASSI. As referenced above, NIEA (Natural Heritage) who are the Authority who designated Loughdoo ASSI, have been consulted with the proposal. They have not raised any concerns about the impact of the proposed development on the integrity or special interest of this ASSI.



### **Policy NH 5 - Habitats, Species or Features of Natural Heritage Importance**

As referenced earlier in this report a Biodiversity Checklist, completed by an Ecologist, has been submitted. This notes that with the exception of hedgerow vegetation, no other NI Priority Habitats were identified within the redline boundary of the site. Given the minor scale of the proposal, its siting within an existing farm yard and the fact that no priority habitat will require removal to accommodate the development, I am satisfied that the proposal will comply with policy NH5 of PPS 2.

### **Policy NH 6 - Areas of Outstanding Natural Beauty**

The application site is located with the Sperrins AONB. Planning permission for new development within an Area of Outstanding Natural Beauty will only be granted where it is of an appropriate design, size and scale for the locality and all the following criteria are met:

- a) the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the particular locality; and
- b) it respects or conserves features (including buildings and other man-made features) of importance to the character, appearance or heritage of the landscape; and
- c) the proposal respects local architectural styles and patterns, traditional boundary details, by retaining features such as hedges, walls, trees and gates; and local materials, design and colour.

The proposed development is an agricultural building. It has a standard agricultural design typical throughout the Sperrins AONB. It will be sited to cluster with existing farm buildings and is not excessive in scale or massing. I am therefore satisfied that the proposal is not at conflict with policy NH6 of PPS 2.

NIEA (Water Management Unit) also formed part of the consultation process and have considered the impacts of the proposal on the surface water environment. Following a revised proposal and the submission of a drainage plan WMU have advised that they are content with the development subject to the applicant noting advice in their explanatory note, adhering to Standing Advice and any relevant statutory permissions being obtained. It is my opinion that an informative can direct the applicant to all this relevant information and the onus is on him to adhere to it as it falls outside the remit of the Planning Authority.

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

Access to this building is shown to be coming through an existing agricultural gateway in the SW portion of the site. A new post and wire fence is shown to be erected along the laneway leading to the building. Access to the fields to the rear of the farmyard will remain (between the new building and retaining wall). DFI Roads have been consulted with the application and any relevant objection letters. They have not raised any road

safety concerns or traffic flow concerns and have recommended sight splay conditions be attached to any approval.

### **PPS15 - Planning and Flood Risk**

DFI Rivers have been consulted with this application and the submitted Drainage Plan as a result of an objection relating to flooding and drainage matters. They have confirmed the following: that this site is not within a fluvial floodplain and the site is unaffected by a designated watercourse. A full Drainage Assessment is not required under Policy FLD 3 as the development does not fall within any of the FLD 3 thresholds. Policies FLD 4 and FLD 5 are not relevant in this assessment.

### **PPS 21 - Sustainable Development in the Countryside**

As this proposal is for the erection of an agricultural building, policy CTY 12 of PPS21 is relevant. CTY 12 states that planning permission will be granted for development on an active and established agricultural or forestry holding where it is demonstrated that:

- (a) it is necessary for the efficient use of the agricultural holding or forestry enterprise;
- (b) in terms of character and scale it is appropriate to its location;
- (c) it visually integrates into the local landscape and additional landscaping is provided as necessary;
- (d) it will not have an adverse impact on the natural or built heritage; and
- (e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

In cases where a new building is proposed applicants will also need to provide sufficient information to confirm there are no suitable existing buildings on the holding or enterprise that can be used; the design and materials to be used are sympathetic to the locality and adjacent buildings; and the proposal is sited beside existing farm or forestry buildings.

The applicant submitted a P1C form with this application which has been forwarded to DAERA. DAERA have confirmed that the applicant has had a farm business in excess of 6 years and that he has made claims in the last 6 years, so for the purposes of this assessment I am satisfied that the applicant has an active and established farm holding. The applicant has stated that the silo will be used for the storage of silage made in the summer months for winter fodder. Effluent will be collected in an existing adjacent underground tank. The existing silo will be used for the storage of machinery. In my opinion this is necessary for any type of active farm business. The silo is not excessive in scale or massing and its agricultural design will not detract from the rural character of this AONB. It will be sited to cluster with existing farm buildings and so will not be visually obtrusive in the local landscape. In my opinion, no new landscaping is necessary. The clustering helps integrate it into the landscape. There are no built heritage issues to be considered and all natural heritage issues have been considered earlier in this report under my PPS2 consideration. With regards to the impact of the proposal on residential amenity, I have sought advice from Environmental Health. They have advised that they have no objection to a proposed silo at an existing agricultural land use. Following my site inspection I am satisfied that the existing farm buildings are

being currently utilised for the purposes of agricultural. The proposed design and finishes are in keeping with the existing agricultural buildings in the area and the proposed building will be grouped with existing buildings on the farm.

On the basis of this assessment I am satisfied that the proposal is not at conflict with policy CTY12 of PPS21. It is also noted that I have no concerns with integration, design, build-up or general impact on rural character.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Approval is recommended subject to conditions

**Conditions**

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

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

2.The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 2 rev 5 bearing the date stamp 03 June 2021 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

3. All proposed drainage measures shall be implemented in accordance with drawing number 04 rev 1, bearing date stamp 20<sup>th</sup> Nov 2020

Reason: To ensure the satisfactory drainage of water and effluent from the proposed development.

**Informatives**

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

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

2. The applicant's attention is drawn to informatives attached to following consultation responses, available to view on the planning portal [www.planningni.gov.uk](http://www.planningni.gov.uk)

1. DFI Rivers dated 23/07/2021
2. NIEA dated 25/06/2021, 11/2/2021, 26/11/2021

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	1st July 2020
<b>Date First Advertised</b>	14th July 2020
<b>Date Last Advertised</b>	15th December 2020
<b>Details of Neighbour Notification</b> (all addresses) Andrew Clapperton 19 Island View Road Greyabbey Down The Owner/Occupier, 26 Crancussy Road Pomeroy Tyrone The Owner/Occupier, 28 Crancussy Road Pomeroy Tyrone The Owner/Occupier, 29 Crancussy Road,Pomeroy,Tyrone,BT80 9PW Guy Glencross 31 Crancussy Road Evishacrancussy Pomeroy Guy Glencross 31 Crancussy Road, Pomeroy, Tyrone, Northern Ireland, BT80 9PW Guy Glencross Email Guy Glencross Andrew Clapperton Email	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	14th October 2021
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: I/2012/0398/F Proposal: Retention of 'as constructed' 11kw Gaia wind turbine with a 18.4m hub height (To supersede previously approved 20kw C & F turbine on 20m tower). (Revised Noise report submitted) Address: Approx 103m SW of 29 Crancussy Road, Cookstown, Decision: PG Decision Date:  Ref ID: I/2010/0038/F Proposal: variation of condition no 17 of planning approval I/1977/0072 -- relocation of settlement ponds Address: 400 metres west of 26 Crancussy Road, Cookstown	

Decision:  
Decision Date: 11.06.2010

Ref ID: I/1977/0072  
Proposal: SAND WASHING PLANT, GARAGE, OFFICE WEIGHBRIDGE ETC  
Address: EVISHANCRANCUSSY, COOKSTOWN  
Decision:  
Decision Date:

Ref ID: I/2010/0266/F  
Proposal: Erection of a 20KW Wind Turbine with a tower height of 20m.  
Address: Approx. 110m. South West of 29 Crancussy Road, Dunamore, Cookstown  
Decision:  
Decision Date: 16.01.2012

Ref ID: I/1984/001601  
Proposal: ERECTION OF BUNGALOW  
Address: EVISHACRANCUSSY, CRANCUSSY ROAD, COOKSTOWN  
Decision:  
Decision Date:

Ref ID: I/1984/0016  
Proposal: ERECTION OF BUNGALOW  
Address: EVISHCRANCUSSA, DUNAMORE, COOKSTOWN  
Decision:  
Decision Date:

Ref ID: LA09/2020/0763/F  
Proposal: Proposed Silo with agricultural access provided to fields at the rear  
Address: Farmyard at 29 Crancussy Road, Cookstown,  
Decision:  
Decision Date:

Ref ID: LA09/2019/0118/F  
Proposal: Retrospective planning for meal storage bin for agricultural purposes on an existing farm yard  
Address: Farmyard at 29 Crancussy Road, Cookstown,  
Decision: PG  
Decision Date: 05.04.2019

**Summary of Consultee Responses**

EH, DFI Roads, NIEA, SES, Rivers Agency were all consulted. Their detailed responses can be viewed on the planning portal.

**Drawing Numbers and Title**

Drawing No. 04 rev 1

Type: Drainage Plan

Status: Submitted

Drawing No. 03 rev 2

Type: Proposed Elevations

Status: Submitted

Drawing No. 01 rev 3

Type: Site Location Plan

Status: Submitted

Drawing No. 02 rev 5

Type: Block/Site Survey Plans

Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



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

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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2020/0820/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed grass silage clamp alteration (from that approved under LA09/2015/0240/F) to include roof enclosure / steel frame, plant storage shed and extension to curtilage associated with an operational Anaerobic digestion (AD) plant	<b>Location:</b> Land approx. 155m North East of 72 Kilmascally Road Kinrush Dungannon
<b>Referral Route: Contrary to NIEA Advice</b>	
<b>Recommendation: Approve</b>	
<b>Applicant Name and Address:</b> Ardboe Agri Energy Ltd 179 Ardboe Road Farsnagh Cookstown BT80 0HX	<b>Agent Name and Address:</b> Clyde Shanks 7 Exchange Place Belfast BT1 2NA
<b>Executive Summary:</b> NIEA Natural Environment Division (NED) requested 'Air Dispersion Modelling'. I consider NED to be asking for information outside of what this application relates. Planning cannot retrospectively ask for information that should have been considered in the determination of the previous application (LA09/2015/0240/F) for an AD plant, which can operate without this area covered. See 'Consultation Responses' within main body of report for further detail.	
<b>Signature(s):</b>	



## Case Officer Report

### Site Location Plan



<b>Consultations:</b>		
<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
Statutory	DFI Roads - Enniskillen Office	Advice
Statutory	NIEA	Advice
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Statutory	NI Water - Strategic Applications	Advice
Non Statutory	Shared Environmental Services	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>This is a full application for a proposed grass silage clamp alteration (from that approved under LA09/2015/0240/F) to include roof enclosure / steel frame, plant storage shed and extension to curtilage associated an operational anaerobic digestion (AD) plant located on lands approx. 155m North East of 72 Kilmascally Road Kinrush Dungannon.</p> <p>With the exception of a 144m2 building for the storage of 2 telehandlers, this application seeks permission for a steel frame building to cover an approved feed stock storage area in order to better protect the silage, reduce spoilage, improve the quality of feedstock and remove the requirement to store effluent, thereby improving the overall efficiency and operational anaerobic digestion plant.</p> <p>The steel frame building, which has a rectangular floor plan and gentle M-shaped style roof (excluding attached building for telehandlers), measure 48m (width) x 54.9m (length) x 10m (height at highest points) and is 2635.2m2.</p>		
<b>Characteristics of the Site and Area</b>		
<p>The site is located within the rural countryside as defined by the Cookstown Area Plan 2010 approx. 700m northeast of Ardboe settlement limits and adjacent/south of Ardboe abandoned airfield.</p> <p>The site is a relatively flat concrete plot, which sits below the adjacent abandoned airfield road. It contains an existing operational anaerobic digester facility including 2 digester tanks, 1 end storage tank, 1 pumping facility inside a covered building and a hardcored feedstock area covered by plastic sheeting. The anaerobic digester and ancillary works are accessed off the airfield road via an existing concrete lane along the northeast side of the site which turns to gravel as it continues on to serve 2 no. of poultry units located just metres to the southeast of the site. The airfield road connects onto the Kilmascally Rd. A concrete wall bounds the frontage of the site onto the airfield road. A line of tall mature deciduous trees bound the site to the southwest. The remaining boundaries of</p>		

the site are undefined. The site is located on previous grazing land and overgrown heaps soil heaps dumped or on site along its southeast boundary. A large loading area / yard which is part of Creagh Concrete business, whose offices / factory are located further along the airfield Rd to the southwest of the site, bounds the site immediately to the southwest and to the northwest to the opposite side of the airfield road.

The area surrounding the site is characterised by its flat topography and mix of agricultural lands, industrial businesses and detached dwellings all encompassed within or running alongside the former airfield. The nearest residential property is located approx. 170m northeast of the site.

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

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Policy Statement 11: Planning & Waste Management

Planning Policy Statement 18: Renewable Energy

Best Practice Guidance to Planning Policy Statement 18: Renewable Energy

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

### **Representations**

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

### **Planning History**

#### **On Site**

- I/2011/0258/F – Proposed 500kw anaerobic digester and combined heat and power plant unit and construction of new feed stock area and agricultural store - 390m NE of 70 Kilmascully Rd Dungannon – Granted 1<sup>st</sup> March 2012
- I/2012/0134/F – Proposed 500kw anaerobic digester with combined heat and power plant and construction of new feed stock area – 390m NW of 70 Kilmascully Rd Dungannon – Granted 16<sup>th</sup> August 2012

- LA09/2015/0240/F – Proposed amendments to Anaerobic Digestion plant previously approved under I/2012/0134/F – 390m NE of 70 Kilmascally Rd Dungannon – Granted

Planning application I/2012/0134/F was in substitution for application I/2011/0258/F to modify some arrangements on site, including access. Then as detailed above LA09/2015/0240/F was for amendments to I/2012/0134/F. LA09/2015/0240/F proposed the same throughput and process however a change in technology provider resulted in hardware amendments as well as relocation of tanks within the site.

#### Adjacent

- I/2013/0002/F – In substitution for planning application ref no I/2012/0134/F, proposed 500kw anaerobic digester with combined heat and power plant and construction of a new feed stock area – 480m NE of 70 Kilmascally Road Dungannon – Granted

The above application relates to lands immediately northeast of the current site. The proposal was described as a substitution for the permission on the current site however; it was not considered necessary at the time to limit the no. of digesters and was approved with the knowledge of the AD plant granted on the current site.

#### **Consultees**

1. DfI Roads were consulted in relation to access arrangements and raised no objection subject to standard conditions and informatives. Accordingly, I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.
2. NIEA were consulted and responded as follows:
  - Regulation Unit - raised no objections stating only that the site is subject to a Waste Management Licence application.
  - Water Management Unit - upon receipt of a Drainage Plan were content with the proposal subject to the informatives.
  - Natural Environment Division (NED) - requested an 'Air Dispersion Modelling' specifically on the following activities, stating it should determine the potential impacts on all designated sites within 7.5 km of the proposal:
    - Landspreading of the digestate modelling must include emissions on all designated sites within 7.5 km of identified locations including third party land (land must be suitable for fertiliser application). All landspreading grid references must be submitted.
    - Digestate storage tanks.
    - Direct/direct effects of the proposal on wider AD site activities i.e. the increased capacity that will be supported if planning permission is granted.

Further to NED's request above the agent on this application submitted a supporting statement outlining why an Air Quality Impact Assessment is unnecessary, serving only to put his client to additional expense and delay the planning application. He advised:

- The purpose of the proposed building is solely to cover feedstock (currently stored on concrete hardstanding in a midden covered by plastic sheeting) permitted to be on site and no change is proposed to the existing, approved and regulated operations of the AD Plant.
- The development description states “roof enclosure / steel frame and plant storage shed” which is required to better protect the silage, reduce spoilage and improve the quality of the feedstock. While it is associated with an existing AD Plant, if approved, the development will not alter the existing AD plant or the associated impacts of same in any way, other than to improve its efficiency through the use of better quality silage.
- NED indicate there will be increased silage capacity if planning permission is granted. This is not the case “no change is proposed to the approved feedstock type or throughput.”
- Any change to the type of feedstock to be stored (Plant-tissue waste) would require the variation of Condition 3 of permission LA09/2015/0240/F, which is not proposed.

I have considered NED’s request for Air Dispersion Modelling however would agree with the agent that for the reasons outlined above given the minor nature of this development, this is unnecessary. I consider NED to be asking for information outside of what this application relates. Planning cannot retrospectively ask for information that should have been considered in the determination of the previous application (LA09/2015/0240/F) for an AD plant, which can and is, operating without this area covered. In addition this site operates and is regulated under NIEA licence.

3. Shared Environmental Services (SES) considered the application in light of the assessment requirements of Regulation 43(1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). Having considered the nature, scale, timing, duration and location of the project, SES concluded the application be eliminated from further assessment because it could not have any conceivable effect on a European site. The elimination reason was that there is no hydrological pathway for pollutants and no new source of aerial emissions.
4. Environmental Health Mid Ulster Council were consulted and raised no objections to this proposal.
5. NI Water Strategic Applications were consulted and raised no objections to this proposal with this proposal, outlining the applicant proposes to discharge foul sewage to a private effluent tank and discharge surface water to site contained sustainable drainage system the raised no objections with this proposal.

### **Consideration**

Cookstown Area Plan 2010 – the site lies in the rural countryside outside any designated settlement.

The Strategic Planning Policy Statement for Northern Ireland – advises that the policy provisions of Planning Policy Statements relevant to this proposal are retained.

Planning Policy Statement 21 Sustainable Development in the Countryside – is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These instances are listed in Policy CTY1 of PPS21 Development in the Countryside and include renewable energy projects in accordance with Planning Policy Statement 18. PPS21 adds that there are a range of other types of non-residential development that may be acceptable in principle in the countryside. Proposals for such development will continue to be considered in accordance with existing published planning policies. In this instance, I consider Planning Policy Statement 11: Planning & Waste Management relevant.

Planning Policy Statement 18 Renewable Energy – Policy RE 1 of PPS18 Renewable Energy Development states development that generates energy from renewable resources will be permitted provided the proposal, and any associated buildings and infrastructure, will not result in an unacceptable adverse impact on:

- (a) public safety, human health, or residential amenity;
- (b) visual amenity and landscape character;
- (c) biodiversity, nature conservation or built heritage interests;
- (d) local natural resources, such as air quality or water quality; and
- (e) public access to the countryside.

Planning Policy Statement 11: Planning & Waste Management - Policy WM 2 of PPS 11 makes provision for the development of a waste collection or treatment facilities subject to a number of criteria.

I am content that the principle of this application has already been established on this site under planning applications LA09/2012/0134/F and LA09/2015/0240/F (see 'Planning History' above) and there is an approved operational anaerobic digester facility on site. Including 2 digester tanks, 1 end storage tank, 1 pumping facility inside a covered building and a hardcored feedstock area covered by plastic sheeting.

A detailed within a supporting statement accompanying this application, with the exception of a 144m<sup>2</sup> building for the storage of 2 telehandlers, this proposal seeks only to cover the previously approved open feedstock storage area with a framed building and divide the storage area into three separate silos. The proposed building will replicate the concrete walls of the approved silage clamp and add a steel frame above to cover the silos and protect the feedstock within. No change is proposed to the approved feedstock type or throughput.

As the purpose of the proposed building is solely to cover feedstock permitted to be on site and no change is proposed to the operation of the A.D. plant, all noise, order and pollution impacts have previously been assessed and deemed to be acceptable. The proposal should not therefore give rise to detrimental impact on public safety, human health or the amenity of nearby residential dwellings. The proposal is likely to result in betterment insofar as any odours emanating from the silage will be further contained within the proposed building.

The land surrounding the site are characterised by large industrial buildings and yard areas associated with the Creagh Concrete manufacturing plant and zoned industrial land beyond to the south-west. The proposed building is modest in size when compared



with these existing buildings. Furthermore, the proposed building will integrate with the existing buildings and domed tanks of the A.D. plant. The materials utilised (juniper green wall and roof cladding) are similar to the existing buildings on site. The proposal should not therefore result in an adverse impact on visual amenity and landscape character.

The proposal should not adversely impact upon biodiversity, nature conservation and built heritage interests. The proposal is to be sited on an existing concrete hardstanding within the curtilage of the wider A.D. site. There are no natural heritage features of significance or built heritage assets of interest on site or in close proximity and there will be no change to the previously assessed impacts on designated sites.

As detailed further above (see 'Consultees') I have considered NED's request for Air Dispersion Modelling however would agree with the agent this is unnecessary. I consider NED to be asking for information outside of what this application relates. Planning cannot retrospectively ask for information that should have been considered in the determination of the previous application (LA09/2015/0240/F) for an AD plant, which can and is, operating without this area covered.

No change is proposed to the food store composition and Water Management Unit upon receipt of a Drainage Plan were content with the proposal subject to the informatives. Therefore the proposal should not have a detrimental impact on local natural resources such as air quality and water quality.

All storage facilities for livestock manure, silage and silage effluent must be maintained free of structural defect and be of a standard as is necessary to prevent run off or seepage, directly or indirectly, into a waterway or water contained in an underground water body. At present, silage feedstock is stored on site in a midden covered by plastic sheeting. Run-off from middens is classified as slurry under the Nutrient Action Program (NAP) Regulations and must be stored accordingly.

By covering the existing midden arrangement with the proposed building this prevents rainwater ingress into the feedstock and removes acquirement to capture and store all run off. The requirement to spread this dirty water on land and the time and cost involved for the A.D. operator to do so is also removed.

This proposal will have no impact on public access to the countryside.

For the reasons outlined above, I am content this proposal adheres to requirements of PPS11: Planning & Waste Management and PPS 18: Renewable Energy and recommend approval.

#### **Recommendation**

Approve

**Neighbour Notification Checked:**

Yes

**Summary of Recommendation:**

Approve

**Conditions**

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

Reason: Time Limit.

2. The vehicular access, including visibility splays of 2.4m x 45m southwest and 2.4m x 70m northeast and any forward sight distance, shall be in place in accordance with Drawing No.03 bearing the date stamp received 3 JUL 2021, prior to the commencement of any other works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway before the development hereby permitted is commenced and such splays shall be retained and kept clear thereafter.

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

3. The access gradient(s) to the dwelling(s) hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. 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.

### Informatives

1. This approval relates to and is an amendment to previous approvals I/2012/0134/F and LA09/2015/0240/F all previous conditions and informatives not repeated in this permission still apply.
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. DfI Roads advise:

This 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

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



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

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

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

It is the responsibility of the developer to ensure that:

- Surface water does not flow from the site onto the public road
- The existing roadside drainage is accommodated and no water flows from the public road onto the site
- Surface water from the roof of the development hereby approved does not flow onto the public road, including the footway

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

4. Please see NI Water consultation response received and scanned to the planning portal on the 17<sup>th</sup> August 2020 for information purposes.
5. Please see NIEA consultation response received and scanned to the planning portal on the 1<sup>st</sup> February 2021 and the 9<sup>th</sup> August 2021 for information purposes.
6. Please see SES consultation response dated 18<sup>th</sup> October 2021 and scanned to the planning portal on the 19<sup>th</sup> October 2021 for information purposes.

**Signature(s)**

**Date:**



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

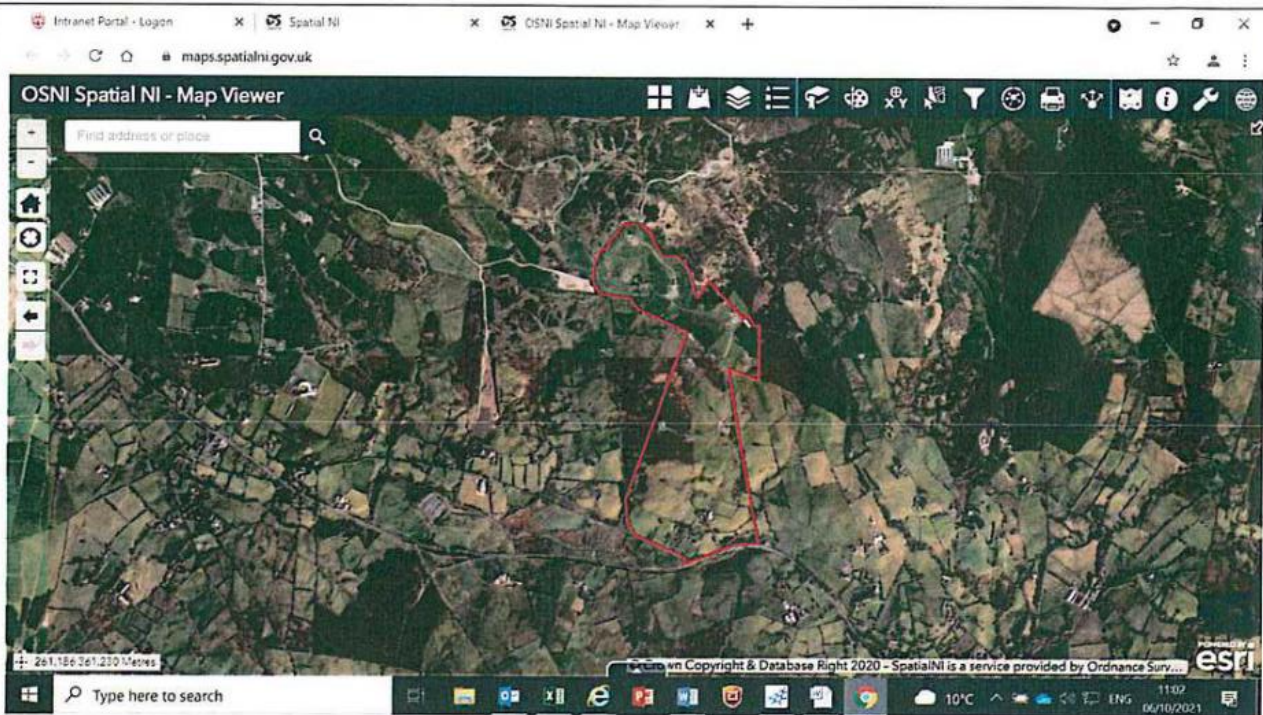
Mid-Ulster  
Local Planning Office  
Mid-Ulster Council Offices  
50 Ballyronan Road  
Magherafelt  
BT45 6EN

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2020/0880/F	<b>Target Date:</b> 5/11/20
<b>Proposal:</b> An application under section 54 of the Planning Act (NI) 2011 to vary condition No. 19 of Planning Permission M/2007/1407/F to extend the operational lifetime of the wind farm from 25 years to 30 years	<b>Location:</b> Shantavny Scotch Omagh Road Ballygawley Co Tyrone
<b>Referral Route:</b>  Application associated with previous major planning application.	
<b>Recommendation:</b> APPROVE	
<b>Applicant Name and Address:</b> Brookfield Renewable Floor 5 City Quarter Lapps Quay Cork	<b>Agent Name and Address:</b> Clyde Shanks 2nd Floor 7 Exchange Place Belfast BT1 2NA
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	NIEA	Advice
Non Statutory	Shared Environmental Services	Substantive Response Received
Statutory	Chief Exec Fermanagh And Omagh	Advice

### Representations:

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

### Details of the proposal

This is an application under section 54 of the Planning Act (NI) 2011 to vary condition No. 19 of Planning Permission M/2007/1407/F to extend the operational lifetime of the wind farm from 25 years to 30 years at Shantavy Scotch, Omagh Road, Ballygawley.

### Characteristics of the Site and Area

This is the site of Shantavny Scotch Windfarm on which 7 No. operational turbines are located, with hub height of 64metres, blade diameter of 71metres, blade to tip length of 35.5metres and overall height of 99.5metres with a power output of 2.0MW with associated access tracks, site



entrances, sub station, control room, electrical cabling, and met mast. The site is on a south facing slope of a Slievemore located just east of Garvaghy (which is located within Fermanagh and Omagh District Council) and north of the main A5 Omagh Road.

This landscape is mostly defined by poor upland agricultural land, peat land, wind farm development, dispersed single dwellings and farm holdings. Part of the site borders with the Fermanagh and Omagh District Council Area.

#### **Relevant Site Histories:**

The only relevant site histories relate to discharge of condition and vary of conditions applications relating to the main wind farm application.

#### **Representations:**

No representations received from press notice or neighbourhood notification. Consultation with Department for Agriculture Environment and Rural Affairs, Shared Environmental Services and Fermanagh and Omagh District Council has raised no concerns subject to conditions and informatives.

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

Under Planning Act (Northern Ireland) 2011, Section 54 Council must only consider the question of the condition subject to which planning permission was granted.

Condition 19 of M/2007/1407/F is only being considered.

All above ground structures shall be dismantled and removed from the site 25 years from the date when the wind farm is commissioned to the electricity grid or shall be removed if electricity generation has ceased on site for a period of 6 months (unless further consent has been granted). At least one year prior to the commencement of any decommissioning works a restoration scheme shall be submitted to and agreed in writing with the Department. This scheme shall include details of all works to be carried out along with proposals for aftercare for a period of 3 years after completion of the restoration works.

Reason: To restore the peatland habitat and maintain the landscape quality of the area.

The reason for the condition is to ensure the turbines are removed after a 25 year period to ensure that peatland habitat can be restored, and to maintain the landscape quality of the area.

The application form states that the 2007 proposal was accompanied by an Environmental Statement. To ensure that this extension in time will not result in significant environmental impacts I carried out consultation with both NIEA and Shared Environmental Services (SES) to allow for screening of this proposal, as the extended period of the windfarm may attract a new Statement and significant fee. Both NIEA and SES responded to this proposal and raised no objections with respect to any potential environmental impacts. I have completed a negative EIA screening of this proposal and am satisfied that a new Environmental Statement is not required.

The proposal also borders FODC and a consultation was sent to this adjoining Council for comment. FODC do not raise any objection to this proposed 5 year extension.

The agent has provided a supporting statement stating that the proposal will not involve the replacement of the turbines currently on site in any way and that the current site will not be



altered in any way. NIEA are content that this proposal for extension of 5 years will not have additional adverse impacts on the landscape character or biodiversity of the area. SES advise that having considered the nature, scale, timing, duration and location of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on the selection features, conservation objectives or status of any European site. It is not considered that a new Environmental Statement is required. 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.

This proposal represents an expansion of the lifetime of the windfarm of 20%. The benefits of the proposal will be extended periods of turbine operation will reduce the levelised cost of the wind farm development to the developer, it will enhance the overall sustainability of development and associated environmental benefits including emissions avoidance and the continued production of energy from an infinite and indigenous resource and will allow the wind farm to continue contributing to the local economy through an additional 5 years of business rates and community benefits.

Given that consultees have indicated that there will be no detrimental impacts on biodiversity or landscape character for this short time extension, it is my view that permission should be granted for this 5 year time extension in this instance.

I am satisfied for the condition to be amended to;

All above ground structures shall be dismantled and removed from the site 30 years from the date when the wind farm is commissioned to the electricity grid or shall be removed if electricity generation has ceased on site for a period of 6 months (unless further consent has been granted). At least one year prior to the commencement of any decommissioning works a restoration scheme shall be submitted to and agreed in writing with the Department. This scheme shall include details of all works to be carried out along with proposals for aftercare for a period of 3 years after completion of the restoration works.

Reason: To restore the peatland habitat and maintain the landscape quality of the area.

<b>Neighbour Notification Checked</b>	<b>Yes</b>
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#### **Recommendation:**

I recommend that planning permission is granted subject to conditions

#### **Conditions:**

1. Mid Ulster Council hereby gives consent to vary the above mentioned condition 19 of planning permission M/2007/1407/F, which shall take effect from the date of this decision notice and which is granted under section 54 of the Planning Act (Northern Ireland) 2011. The condition shall now read.

All above ground structures shall be dismantled and removed from the site 30 years from the date when the wind farm is commissioned to the electricity grid or shall be removed if electricity generation has ceased on site for a period of 6 months (unless further consent has been granted). At least one year prior to the commencement of any decommissioning works a restoration scheme shall be submitted to and agreed in writing with the Department. This

scheme shall include details of all works to be carried out along with proposals for aftercare for a period of 3 years after completion of the restoration works.

Reason: To restore the peatland habitat and maintain the landscape quality of the area.

2. The permission hereby granted permits a variation of Condition No.19 of previous approval M/2007/1407/F and shall be read in conjunction with that decision notice.

Reason: To ensure that all other conditions of the previous approval are adhered to.

**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. The applicant should note that all other conditions and informatives attached to planning permission M/2007/1407/F remain valid and should be adhered to.

**Signature(s)**

**Date:**



<b>ANNEX</b>	
<b>Date Valid</b>	23rd July 2020
<b>Date First Advertised</b>	4th August 2020
<b>Date Last Advertised</b>	18th May 2021
<b>Details of Neighbour Notification (all addresses)</b> The Owner/Occupier, 153 Omagh Road, Ballygawley, Tyrone, BT70 2AH The Owner/Occupier, 35 Shantavny Road, Garvaghy, Tyrone, BT70 2DL The Owner/Occupier, 50 Garvaghy Bridge Road, Seskilgreen, Tyrone, BT70 2DJ The Owner/Occupier, 50 Shantavny Road, Ballygawley, BT70 2DJ The Owner/Occupier, 52 Garvaghy Bridge Road Seskilgreen Tyrone The Owner/Occupier, 52a ,Garvaghy Bridge Road, Seskilgreen, Tyrone, BT70 2DJ The Owner/Occupier, 54 Garvaghy Bridge Road, Seskilgreen, Tyrone, BT70 2DJ	
<b>Date of Last Neighbour Notification</b>	7th May 2021
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2018/0027/DC Proposal: Discharge of condition 6 of M/2007/1407/F Address: Shantavny Scotch Wind Farm, Omagh Road, Ballygawley, Decision: AL Decision Date:  Ref ID: LA09/2018/0028/DC Proposal: Discharge of condition 4 of M/2007/1407/F Address: Shantavny Scotch Wind Farm, Omagh Road, Ballygawley, Decision: AL Decision Date:  Ref ID: LA09/2018/0139/DC Proposal: Discharge of Conditions 13 & 14 of Planning Approval M/2007/1407/F	

Address: Shantavny Scotch, Omagh Road, Ballygawley,  
Decision: AL  
Decision Date:

Ref ID: LA09/2017/0038/DC

Proposal: Discharge of condition no. 14 on Planning Application M/2007/1407/F  
Address: Shantavny Scotch, Omagh Road, Ballygawley Co. Tyrone,  
Decision: AL  
Decision Date:

Ref ID: LA09/2016/0814/DC

Proposal: Discharge of planning condition No.8 of Planning Ref. M/2007/1407/F  
Address: Shantavny Scotch, Omagh Road, Ballygawley,  
Decision: AL  
Decision Date:

Ref ID: LA09/2017/0555/DC

Proposal: Discharge of condition No.12  
Address: Wind Farm at Shantavny Scotch, Co. Tyrone,  
Decision: AL  
Decision Date:

Ref ID: LA09/2016/0354/F

Proposal: Vary condition No.18 of previous application M/2007/1407/F  
Address: Shantavny Scotch Wind Farm, Omagh Road, Ballygawley,  
Decision: PG  
Decision Date: 18.05.2016

Ref ID: LA09/2016/1157/F

Proposal: Permission sought to vary condition No. 18 of M/2007/1407/F  
Address: Shantavny Scotch, Omagh Road, Ballygawley,  
Decision: PG  
Decision Date: 07.11.2016

Ref ID: LA09/2017/0994/DC

Proposal: Discharge of condition No.3 of planning ref, LA09.2016.1437/F  
Address: Shantavny Scotch Wind Farm, Shantavny Road, Ballygawley,  
Decision: AL  
Decision Date:

Ref ID: LA09/2016/1171/NMC

Proposal: Relocation of the permitted building approximately 8.8m to the West and the reorientation of the building on site  
Address: Site located approximately 750m North West of 18 Shantavny Road,



Shantavny, Scotch,  
Decision: WITHDR  
Decision Date: 07.11.2016

Ref ID: LA09/2016/0557/DC

Proposal: Compliance with Condition No 21 of Planning Approval M/2007/1407/F  
Address: Shantavny Scotch, Omagh Road, Ballygawley,  
Decision: AL  
Decision Date:

Ref ID: LA09/2016/1442/DC

Proposal: Discharge of Planning Condition No 18 of Planning Approval M/2007/1407/F  
Address: Shantavny Scotch, Omagh Road, Ballygawley,  
Decision: AL  
Decision Date:

Ref ID: LA09/2017/0345/F

Proposal: Vary Condition No 13 of Planning Approval M/2007/1407/F (Noise Limits)  
Address: Shantavny Scotch, Omagh Road, Ballygawley,  
Decision: PG  
Decision Date: 10.05.2017

Ref ID: LA09/2017/0183/DC

Proposal: Discharge of Planning Condition No 11 of Planning Approval M/2007/1407/F  
Address: Shantavny Scotch, Omagh Road, Ballygawley,  
Decision: AL  
Decision Date:

Ref ID: M/2007/1407/F

Proposal: Proposed Wind Farm comprising of 7 No. turbines with hub height of 64metres, blade diameter of 71metres, blade to tip length of 35.5metres and overall height of 99.5metres with a power output of 2.0MW, new access tracks, site entrances, sub station, control room, electrical cabling, temporary site compound, permanent met mast.  
Address: Shantavny Scotch, Omagh Road, Ballygawley Co. Tyrone  
Decision:  
Decision Date: 24.02.2012

Ref ID: LA09/2016/0279/DC

Proposal: Discharge of Conditions 3 and 11 of Planning Approval M/2007/1407/F  
Address: Shantavny Scotch, Omagh Road, Ballygawley,  
Decision: AL  
Decision Date:

Ref ID: LA09/2016/0167/DC Proposal: Discharge of Condition No 20 of Planning Approval M/2007/1407/F Address: Shantavny Scotch, Omagh Road, Ballygawley, Decision: AL Decision Date:
<b>Summary of Consultee Responses</b>  As above.
<b>Drawing Numbers and Title</b>
Drawing No. 01 Type: Site Location Plan Status: Approved
<b>Notification to Department (if relevant)</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> LA09/2020/1323/F	<b>Target Date:</b>
<b>Proposal:</b> Split level dwelling consisting of 2 no single storey elements & a storey & a half element & attached garage	<b>Location:</b> Between No's 65 & 85 Drumgrannon Road Dungannon
<b>Referral Route:</b> Approval – objections received.	
<b>Recommendation:</b>	APPROVAL
<b>Applicant Name and Address:</b> Lauren Wylie & Andrew Murry 43 Gorestown Road Dungannon BT71 7EU	<b>Agent Name and Address:</b> Blackbird Architecture 4 Glenree Avenue Dungannon BT71 6XG
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

Letters of Support	None Received
Letters of Objection	4
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

### Summary of Issues

There were two objections received in relation to the proposal (both from the same address). The issues raised within their objections included:

- Proposed ridge height of dwelling
- No shared access
- Incorrect information on the plans

## Characteristics of the Site and Area

The site comprises the western roadside portion of a larger agricultural field. The land slopes gradually from the South to the North and is currently used for agricultural grazing. There are bungalows located on either side (North and South) with an open undefined boundary to the rear (east) and a low cropped native species hedgerow to the West.

The site is situated between numbers 65 and 85 Drumgrannon Road, Moy. The site lies in the open countryside outside all other areas of constraint. It is a short distance to the North West of the settlement limits of the Moy along the main route to Dungannon. The area is predominantly rural in nature, however this particular area has come under some development pressure recently.

## Description of Proposal

Full planning permission is sought for a split level dwelling consisting of 2 no single storey elements & a storey & a half element & attached garage.

## Planning Assessment of Policy and Other Material Considerations

### Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. There were a number of neighbours notified under this application including: 65 and 85 Drumgannon Road. At the time of writing, two objections have been received (both from same address – 65 Drumgannon Road). The issues raised in these objections will be discussed later in detail within this report.

### Planning History

LA09/2018/1639/O - Between No's 65 and 85 Drumgrannon Road, Dungannon -2no 1.5 storey infill dwellings with 7m ridge height – PERMISSION GRANTED

LA09/2020/1426/F - 85 Drumgrannon Road, Moy - Garage and store (to replace previously approved M/2011/0619/F) and extension of site curtilage – PERMISSION GRANTED

### Planning Assessment of Policy and Other Material Considerations

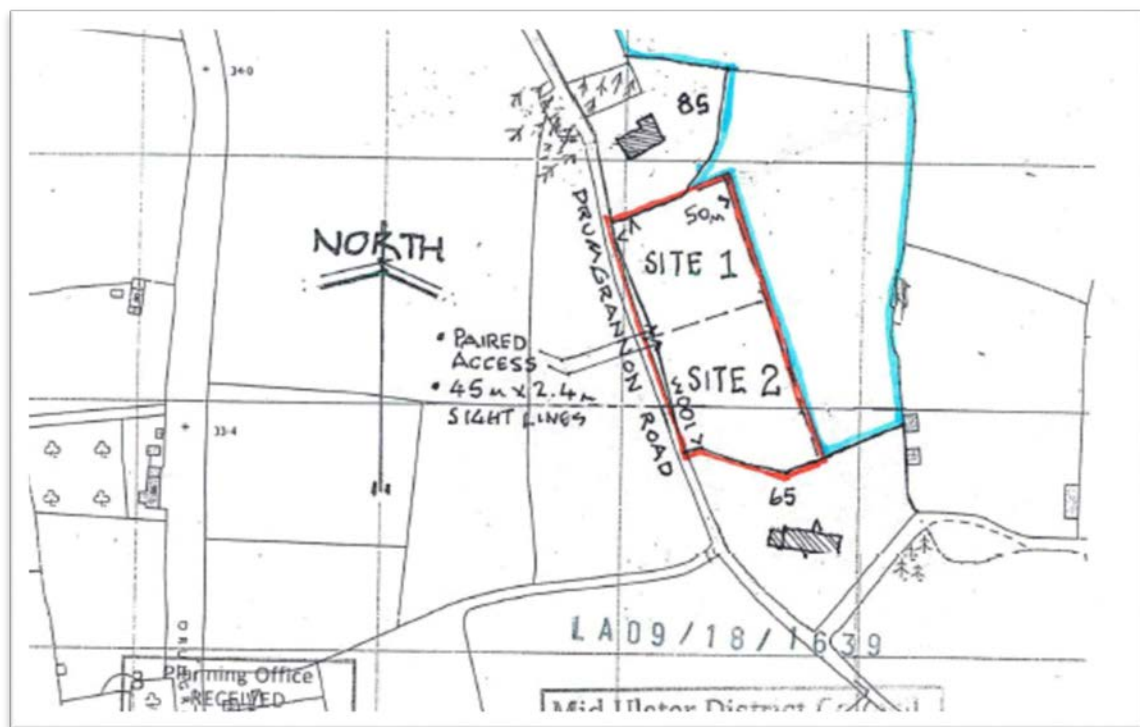
- Dungannon and South Tyrone Area Plan 2010
- Strategic Planning Policy Statement (SPPS)
- PPS 21: Sustainable Development in the Countryside
- PPS 3: Access, Movement and Parking
- The Local Development Plan 2030 – Draft Plan Strategy

The Dungannon and South Tyrone Area Plan 2010 identifies the site as being in the rural countryside and has no other zonings or designations within the Plan.

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

The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. It notes the importance of sustainable development in the countryside which promotes high standards in the design, siting and landscaping.

There were some concerns initially relating to this proposal as it was originally approved for one of two in a gap, as shown below in figure 1. This site has since been reduced in size which we felt has left the potential for another gap site. Planning permission was granted for a garage and curtilage extension to the dwelling on the lower side of the application site (shown in figure 2) and there is RM in for the approved site (shown in figure 3). The new boundary is marked by a fence and hedge but the curtilage has not been extended or garage built and the house to the upper side has not begun yet either.

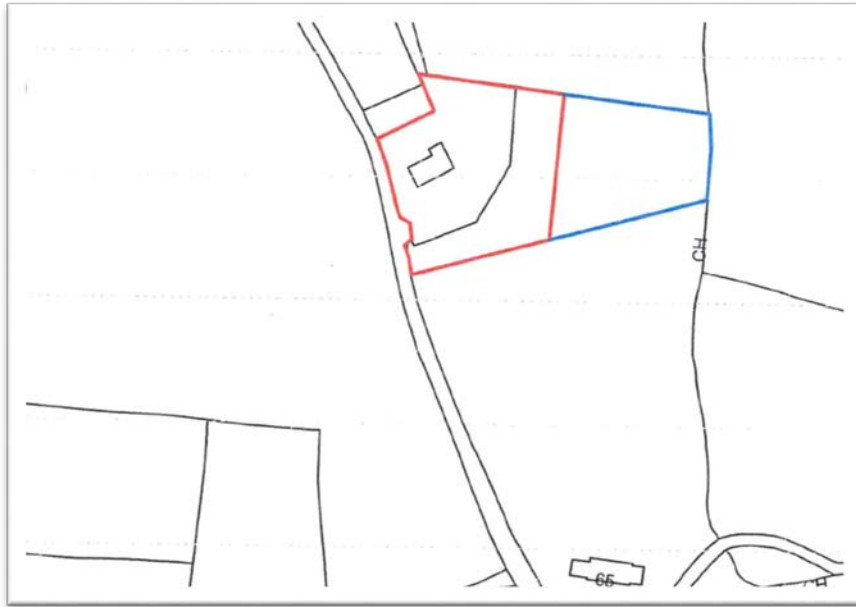


**Figure 1 – Plans approved under LA09/2018/1639/O**

An office meeting took place on 21<sup>st</sup> September 2021 with Phelim Marrion (Senior Planner MUDC), Eamonn Cushnahan (Agent – Blackbird Architecture) and Lord Morrow all in attendance. The agent advised that he had visited the site and the neighbouring property to the north has built a new building that straddles the established curtilage of



his property and the area which he has plans in to extend his curtilage (shown below in figure 3). Phelim noted that this could change the situation as there are no plans passed for any buildings but as it is inside area approved as the extended curtilage, it may not require planning permission as there are PD rights for domestic development. It was concluded that it is reasonable to assume that the Planning Permission for the curtilage extension has been acted upon. Lord Morrow added to the meeting that the applicant's jobs include a dentist and a vet and it would be a shame if they could not be accommodated and were moved away from the area.



**Figure 2 – Approved plans to extend curtilage and for domestic garage under LA09/2020/1426/F**



**Figure 3 – Approved Reserved Matters Plans for dwelling on "Site 2" under LA09/2021/0192/RM**

Noting the discussions that took place at the office meeting, I am content that the application site can be considered an infill opportunity against CTY 8 of PPS given that the curtilage has been extended to the property located to the North. I am content that this application wouldn't allow for an additional infill opportunity along this Road given the approved plans for the site to the South.

The design of the dwelling is contemporary and the overall footprint is larger than the dwelling to the north and that of the dwelling approved directly to the South, however is not dissimilar to the properties located further south on this Road. I am content that the design is in keeping with the overall character of the surrounding area. The footprint is an irregular shape and the ridge heights vary in places throughout the design. The materials proposed include render on the walls with aluminium surround windows and natural slates on the roof. Other materials proposed include a single zinc dormer and western red wood cedar cladding, however public views of this will be somewhat limited.

Policies CTY 13 and CTY 14 are also applicable in relation to the proposal. Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I am content that the proposed dwelling would not be prominent given the scale and size of the proposal in comparison to some of the neighbouring properties. There is landscaping shown on the site layout plan which will be conditioned to be implemented alongside the permission.

There are no concerns with relation to the necessary services which would be needed for the proposal. The proposal intends to create a new access onto Drumgannon Road. DfI Roads were consulted and raised no objections subject to condition.

### Representations

There were two representations received in relation to this proposal, both of which were from the same objector (65 Drumgannon Road). Both representations referred to the ridge height of the proposal, noting that there was a 7m ridge height condition put on the original outline application. I note that the proposal varies slightly from that, however I don't feel this would have any adverse impact on any of the neighbouring properties, nor would it appear out of keeping with the overall character of the area. The ridge height of the dwelling varies at different points but at its highest is approx. 7.8m; however, this is located towards the rear of the dwelling. As this is a full application, the applicant has does not have to comply with the conditions which were attached to the original outline application.

In terms of the access arrangement proposed, DfI Roads are the competent authority in dealing with any issues relating to access and parking. They have been consulted and have raised no concerns in relation to the proposal. Concerns were also raised in relation to where boundaries were drawn on the plans. The objectors believe that this was done in a sense to obtain a further site north of this application. This has already been discussed within the report where we do not feel this is a possibility given the extension of the curtilage to the dwelling north of the site.



<b>Neighbour Notification Checked</b>	Yes
<b>Summary of Recommendation:</b>  Approval is recommended.	
<b>Conditions/Reasons for Refusal:</b>  1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.  Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.  2. Prior to commencement of the development hereby permitted, visibility splays of 2.4m x 45m in both directions shall be provided in accordance with the approved drawing No.01 bearing date stamped 23 <sup>rd</sup> October 2020, or as may otherwise be agreed in writing with the Council. The area within the visibility splays shall be cleared of all obstructions to a height of 250mm above the adjacent carriage and be permanently retained clear thereafter.  Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.  3. The gradient(s) of the access road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.  Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road user  4. The existing natural screenings of this site shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be submitted to Mid Ulster District Council in writing, and agreed, prior to the commencement of any works.  Reason: To ensure the development integrates into the countryside and to ensure the maintenance of screening to the site.  5. The scheme of planting hereby approved shall be carried out in accordance with drawing No.01 date stamped 23 <sup>rd</sup> October 2020 during the first available planting season after the commencement of development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Mid Ulster District Council gives written consent to any variation.  Reason: To ensure the provision, establishment and maintenance of a high standard of landscape in the interests of visual amenity.	

6. This permission is granted solely as a substitute for the permission for a dwelling previously granted on the site, referred to as "Site 1" under Ref: LA09/2018/1639/O on the 13<sup>th</sup> December 2018 only one dwelling shall be constructed on the site.

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

Informatives

1. Please refer to DfI Roads informatives.

**Signature(s)**

**Date:**

### ANNEX

<b>Date Valid</b>	23rd October 2020
<b>Date First Advertised</b>	3rd November 2020
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 65 Drumgrannon Road Dungannon Tyrone Manuel Salto-Tellez 65, Drumgrannon Road, Dungannon, Tyrone, Northern Ireland, BT71 7DY Mary Anne Mackle 65, Drumgrannon Road, Dungannon, Tyrone, Northern Ireland, BT71 7DY Mary Anne Mackle 65, Drumgrannon Road, Dungannon, Tyrone, Northern Ireland, BT71 7DY Manuel Salto - Tellez 65, Drumgrannon Road, Dungannon, Tyrone, Northern Ireland, BT71 7DY The Owner/Occupier, 85 Drumgrannon Road Dungannon Tyrone	
<b>Date of Last Neighbour Notification</b>	29th April 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2018/1639/O Proposal: 2no 1.5 storey infill dwellings with 7m ridge height Address: Between No's 65 and 85 Drumgrannon Road, Dungannon, Decision: PG	

Decision Date: 13.03.2019

Ref ID: LA09/2020/1323/F

Proposal: Split level dwelling consisting of 2 no single storey elements & a storey & a half element & attached garage

Address: Between No's 65 & 85 Drumgrannon Road, Dungannon,

Decision:

Decision Date:

Ref ID: LA09/2020/1426/F

Proposal: Garage and store (to replace previously approved M/2011/0619/F) and extension of site curtilage.

Address: 85 Drumgrannon Road, Moy,

Decision:

Decision Date:

### **Summary of Consultee Responses**

DfI Roads: Content

### **Drawing Numbers and Title**

Drawing No. 03

Type: Proposed Elevations

Status: Submitted

Drawing No. 02

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 01

Type: Site Location Plan

Status: Submitted

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

Date of Notification to Department:

Response of Department:



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

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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 02/11/2021	<b>Item Number:</b>
<b>Application ID:</b> LA09/2020/1444/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling and garage on a farm	<b>Location:</b> Adjacent to 76 Moghan Road Castlecaulfield Dungannon BT70 3BZ
<b>Referral Route:</b> <p>1. The proposal is contrary to policy CTY 1 in PPS 21 – Sustainable Development in the Countryside in that there is no overriding reason why the development cannot be located within a settlement.</p> <p>2. The proposal is contrary CTY 8 – Ribbon Development in PPS 21 – Sustainable Development in the Countryside as the proposal would add to a ribbon of development.</p> <p>3. The proposal is contrary to CTY 10 – Dwelling on a Farm in PPS 21 – Sustainable Development in the Countryside as a development opportunity has been sold off from the farm holding within the past 10 years since the date of this application.</p> <p>4. The proposal is contrary to CTY 13 – Integration and Design of Buildings in the Countryside in PPS 21 – Sustainable Development in that the application site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.</p> <p>5. The proposal is contrary to CTY 14 – Rural Character in PPS 21 – Sustainable Development in that the proposal would add to a ribbon of development and be detrimental to rural character.</p>	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Brigid McElduff 76 Moghan Road Castlecaulfield Dungannon BT70 3BZ	<b>Agent Name and Address:</b> Seamus Donnelly 80A Mountjoy Road Aughrimderg Coalisland BT71 5EF

<b>Signature(s):</b>	

<b>Case Officer Report</b>
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<b>Site Location Plan</b>
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<b>Consultations:</b>		
<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
Statutory	DFI Roads - Enniskillen Office	Standing Advice
<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	

**Characteristics of the Site and Area**

The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is semi-rural in character and is characterised by agricultural fields, scattered farm holdings and dwellings on single plots. Along adjoining roads there are a number of dwellings with a roadside frontage or set back along a lane.

The public road rises up from north to south and reaches at plateau at No. 76, which is the dwelling to the north of the application site. Travelling south past the site and No. 76 the road starts to slope downwards.

The application site is a portion of an existing agricultural field with a roadside frontage onto Moghan Road. Along the roadside boundary is a post and wire fence and along the southern boundary is a low hedge. Along the boundary with No. 76 there is also a post and wire fence and the remaining boundary is undefined.

**Description of Proposal**

This is an outline application for a dwelling and garage on a farm at lands adjacent to 76 Moghan Road, Castlecaulfield.

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

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

**Representations**

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

**Planning History**

No planning history at the application site.

**Surrounding land**

LA09/2017/0395/O - Dwelling and garage - 30m North West of 74 Moghan Road Castlecaulfield, Dungannon – Permission Granted 10.05.2017

LA09/2017/1094/RM - Dwelling and garage - 30m North West of 74 Moghan Road Castlecaulfield, Dungannon – Permission Granted 09.10.2017

**Mid Ulster Development Plan 2030 – Draft Plan Strategy**

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

**Dungannon and South Tyrone Area Plan 2010**

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

**Planning Policy Statement 21**

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

The proposal does not meet the criteria in CTY 2a as the site is not located at a crossroads or a focal point.

There is no dwelling on the application site that could be replaced so the proposal does not meet CTY 3.

**CTY 8 – Ribbon Development**

Initially, the application was for an infill dwelling and garage but after an assessment of CTY 8 – Ribbon Development it was agreed with the Planning Manager this proposal did not meet the criteria for an infill opportunity under the exception to policy CTY 8. To the south of the site is a field and access lane to a dwelling and group of farm buildings at No. 72. I consider No. 72 does not have a frontage to the public road so cannot be considered as one of the three or more buildings. Therefore the agent was asked to consider other policies in PPS 21. Consequently this proposal is now for a dwelling and garage on a farm so CTY 10 is the relevant policy in the assessment.

**CTY 10 – Dwelling on a Farm**

The applicant submitted a P1C form and confirmed there is no DAERA farm business ID at the site so I did not consult DAERA. In discussions with the applicant it was detailed that the applicant's husband has previously farmed the land but had passed away. Thus the land was rented out to Mr Victor Patterson who confirmed this in a letter received 17<sup>th</sup> August 2021. The letter stated that the site was previously part of a larger farm and the other land had been sold to him 5 years ago. The applicant had retained the land part of the application site and other land in blue on the map and Mr Patterson rented this land out for farming. The applicant also submitted a letter to verify these claims that they have previously owned and farmed over 42 acres of land.

The applicant also submitted receipts to demonstrate that active farming is occurring at the site for the past 6 years. Receipts have been submitted from Francis J. McKenna & Sons Agricultural Contractors for hedgecutting around farmland and grasstopping. Even-though the applicant does not have a DAERA number I am satisfied that there is active farming at the site and this has been established for at least 6 years. Para 5.39 of CTY10 states that 'agricultural activity' refers to the growing of agricultural products or maintaining the land in good agricultural and environmental condition. There are no animals on the farm holding and as such DEARA records are not helpful to verify if this is an active and established farm. The information presented in this case is in the form of invoices while these are unverifiable, I would tend to give the benefit of the doubt to Mrs McElduff and accept this

business has been on-going for over 6 years. I consider this is an active and established farm for the purposes of CTY10.

The land owned by Mrs McElduff, at this location, is some 1.8 hectares in area, which is over the 0.5ha that is specified in the Planning (General Permitted Development) Order (NI) 2015 for a farm holding.

I have carried out a planning history search of the farm holding. There is a dwelling abutting the northern boundary of the farm holding as shown in red on figure 1 below.



Figure 1 – Dwelling which has been sold off from the farm holding.

LA09/2017/0395/O granted approval for a dwelling and a garage on the 17<sup>th</sup> May 2017 at the site shown in figure 1. Land registry checks show that this site has been owned by Eilish Teresa Kelly & Christopher Bernard Mullin since the 17<sup>th</sup> August 2017. They were also the applicants on planning approval LA09/2017/0395/O. Land registry shows the previous owner of the site was Brigid McElduff since 18<sup>th</sup> May 2016 and she transferred the site to Eilish Kelly and Christopher Mullin on the 17<sup>th</sup> August 2017. Brigid McElduff is the applicant in this case for a dwelling on a farm. The applicant had previously indicated that the application site was part of a larger farm holding and other fields within the farm had been sold to a third party. I consider this is a sell-off from the farm holding within the past 10 years since the date of the application and is contrary to policy in CTY 10.

The only buildings on the farm holding is a one and half storey dwelling at No. 76, detached garage and another shed. I completed a check on dwelling and garage only, I am satisfied these buildings are more than just a dwelling and garage and is a group to cluster with.





Figure 2 – Snapshot from Google maps of the group of buildings on the farm.

The application site is immediately south of these group of farm buildings and I am content the site will cluster with these buildings in critical views. A new access is proposed at the site but as it will travel for a short distance I have no concerns.

### **CTY 13 – Integration and Design of Buildings in the Countryside**

The application site is a portion of a larger agricultural field and has a roadside frontage onto Moghan Road. Along the roadside boundary is a grass verge and a post and wire fence. Along the boundary with No. 76 is also a wire fence and along the southern boundary is a low hedge. Travelling from the south there are limited critical views and the proposed dwelling will read with the other buildings along this stretch of road. Travelling from the north there are also limited critical views. At the application site the topography rises up where it flattens off towards the rear boundary. I am content the proposal will not be a prominent feature in the landscape.



Figure 3 – Latest google image from the site showing the lack of natural boundaries

As shown in figure 3 above the site lacks only has limited natural boundaries. The land rises up from the roadside and there is only a post and wire fence along the roadside. I consider there is not a sufficient degree of enclosure at the site and would rely on the use of new landscaping for integration.

The design of the dwelling will be considered at the reserved matters stage as this is an outline application.

#### **CTY 14 – Rural Character**

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The proposal will add to a ribbon of development as it was previously assessed under CTY 8 and did not meet this criteria and is at the end of a row of three other dwellings. As stated in paragraph 5.8 in PPS 21 ribbon development is always detrimental to rural character and contributes a sense of build-up and fails to respect the local settlement pattern.

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

DFI Roads were consulted as a new access is proposed at the site and they responded with no objections subject to conditions that a 1:500 block plan is submitted at Reserved Matters Stage.

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

**Neighbour Notification Checked** Yes

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

The proposal does not meet any policy in PPS 21 for a dwelling in the countryside, therefore there is no overriding reason why the proposal cannot be located within a settlement.

#### **Reason for Refusal:**

1. The proposal is contrary to policy CTY 1 in PPS 21 – Sustainable Development in the Countryside in that there is no overriding reason why the development cannot be located within a settlement.
2. The proposal is contrary CTY 8 – Ribbon Development in PPS 21 – Sustainable Development in the Countryside as the proposal would add to a ribbon of development.
3. The proposal is contrary to CTY 10 – Dwelling on a Farm in PPS 21 – Sustainable Development in the Countryside as a development opportunity has been sold off from the farm holding within the past 10 years since the date of this application.
4. The proposal is contrary to CTY 13 – Integration and Design of Buildings in the Countryside in PPS 21 – Sustainable Development in that the application site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape.
5. The proposal is contrary to CTY 14 – Rural Character in PPS 21 – Sustainable Development in that the proposal would add to a ribbon of development and be detrimental to rural character.

**Signature(s)**

**Date:**





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

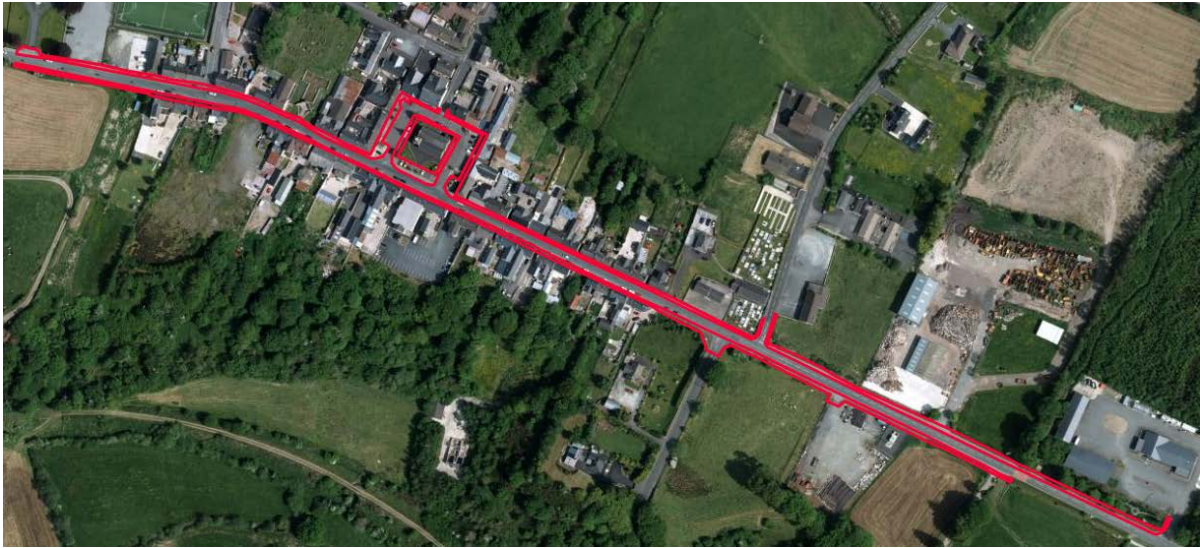
**Development Management Officer Report  
Committee Application**

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/0033/F	<b>Target Date:</b>
<b>Proposal:</b> Site development proposals include Public realm improvements comprising of new paving to pedestrian footpaths and Pomeroy Square	<b>Location:</b> Main Street Pomeroy
<b>Referral Route:</b>  Applicant is MUDC	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Mid Ulster District Council Burn Road Cookstown	<b>Agent Name and Address:</b> Mc Adam Design 1C Montgomery House 478 Castlereagh Road Belfast BT5 6BQ
<b>Executive Summary:</b>	
<b>Signature(s):</b>	



## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Non Statutory	Rivers Agency	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	Advice
Non Statutory	Environmental Health Mid Ulster Council	No Objection
Non Statutory	NIEA	Substantive Response Received
Non Statutory	NI Water - Strategic Applications	Substantive Response Received
Statutory	Historic Environment Division (HED)	Content
Statutory	DFI Roads - Enniskillen Office	Content
Statutory	DFI Roads - Enniskillen Office	Content

### Representations:

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

### Summary of Issues

This application is being presented to the planning committee as the applicant is Mid Ulster District Council.

**Characteristics of the Site and Area**

The red line of this application encompasses main street Pomeroy, starting at St Marys Roman Catholic Church at 7 Cavanakeeran Road, extending east, including The Diamond and finishing at the footpath outside the Rowan Tree Centre approximately 0.8km. The red line includes existing pavements within the settlement limits of Pomeroy that are to be enhanced as part of this application.

**Description of Proposal**

This is a full planning application for site development proposals include public realm improvements comprising of new paving to pedestrian footpaths and Pomeroy Square.

**Representations**

Neighbour notification and advertisement within the local press was carried out. No third party representations were received in relation to this application.

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

Cookstown Area Plan 2010

SPPS- Strategic Planning Policy Statement for Northern Ireland

A Planning Strategy for Rural Northern Ireland (PSRNI)

PPS 3- Access, Movement and Parking

PPS 6- Planning, Archaeology and the Built Heritage

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. The SPPS has five core planning principles to consider;

- Improving Health and Well-being;
- Creating and Enhancing Shared Space;
- Supporting Sustainable Economic Growth;
- Supporting Good Design and Positive Place Making; and
- Preserving and Improving the Built and Natural Environment.

A Planning Strategy for Rural Northern Ireland

Policy SP18- Design and Towns and Villages is still a relevant policy provision which has not been cancelled or superseded. Sp18 states that new development should be well designed and relate satisfactorily to the townscape setting. I am content the proposed works are well designed.

Policy DES 2- Townscape.

This policy requires development proposals to make a positive contribution to townscape and be sensitive to the character of the area in terms of design, scale and use of materials. The policy emphasises the importance of urban design within the built environment with an attractive and interesting townscape is essential to the well-being and residents and visitors. I am content the proposal will enhance the townscape of Pomeroy and provide benefits to both residents and visitors. As part of the site is located in an area of Townscape Character the policy states high standards of architectural design and detailing is necessary. I am satisfied the proposed public realm works will enhance the village.

Cookstown Area Plan

The red line of the application travels along the footpaths on both side of Pomeroy Main street from St Marys RC Church at the west of the town, travelling east towards The Rowan Tree

Centre on the Tandragee Road. Part of the application is located within an Area of Townscape Character Area as per the Cookstown Area Plan. I am content the proposal will not deter from the Area of Townscape Character.

#### PPS 3- Access, Movement and Parking

DfI Roads were consulted on the proposed application given works were taking place on public footpaths. DfI Roads offer no objection subject to a condition being applied regarding the new footway to be constructed at the junction of Edendoit Road with Main Street, which is subject to a Private Streets Determination. No road safety issues were identified.

#### PPS 6- Planning, Archaeology and the Built Heritage

Historic Environment Division (HED) were consulted given the proposals location and potential impact on listed buildings. HED considered the impact of the public realm proposed and advises that it is content with the proposal subject to conditions being applied. Given the location of the application the following historic buildings of special architectural and historic interest and are protected by Section 80 of the Planning Act (NI) 2011. The following buildings are listed:

- Altedesert Church of Ireland Parish Church, The Diamond, Pomeroy (Grade B1)
- St Mary's RC Church, 7 Cavanakeeran Road, Pomeroy (Grade B+)
- The Old Court House, 62 Main Street, Pomeroy (Grade B2)

HED considered the impact of the public realm proposals on the listed buildings and on the basis of the information provided, advises that it is content with the proposal with conditions. Given the works about the above listed buildings HED request assurance that adequate measures will be implemented to safeguard, through method statements, that the historic feature will be protected during the course of the works. As such, I am content the proposal complies with the archaeological criteria of PPS 6 and the SPPS.

#### **Other Material Considerations**

Environmental health were also consulted and offered no objection or comments on the proposed development.

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

#### **Neighbour Notification Checked**

**Yes/No**

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

Approval subject to conditions.

#### **Conditions**

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

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



2. The proposals shall be carried out strictly in accordance with the information, as detailed on planning drawings 01; 02; 03; 04; 05; 06; 07; 08; 09; 10; 11; 12; 13; 14; 15; 16; 17; 18; 19; 20; 21; 22 & 23.

Reason: To ensure that the detailed design respects and protects the character of the listed buildings

3. Light fitting manufacturers images shall be provided for agreement with Mid Ulster District Council Planning Department prior to procurement. Prior to implementation of works on site, a method statement shall be submitted to Mid Ulster District Council Planning Department for approval, clearly detailing the sequence of protection works to be undertaken in the vicinity of the front boundary wall (right hand side) to St Mary's Church, the Church of Ireland Church boundary walls in the Diamond and to the Old Court House.

Reason: To ensure the proposal does not have an adverse impact on historic buildings.

#### Informatives

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Department or other statutory authority.
4. 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 DFI Roads Loughrey Campus Cookstown Co Tyrone A monetary deposit will be required to cover works on the public road.
4. It is a common misconception that only the exterior, the front or only a portion of a building is listed. The building is listed in its entirety, internally and externally (as are all listed buildings, irrespective of grade) and any alterations will require listed building consent, an application made through your local council. This includes any change to materials, details and arrangement (internal / external or setting).

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	11th January 2021
<b>Date First Advertised</b>	26th January 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 100 Main Street Pomeroy Tyrone The Owner/Occupier, 101 Main Street,Pomeroy,Tyrone,BT70 2QP The Owner/Occupier, 103 Main Street,Pomeroy,Tyrone,BT70 2QP The Owner/Occupier, 105-107 ,Main Street,Pomeroy,Tyrone,BT70 2QP The Owner/Occupier, 106 Main Street,Pomeroy,Tyrone,BT70 2QP The Owner/Occupier, 112 Main Street,Pomeroy,Tyrone,BT70 2QP The Owner/Occupier, 113 Main Street,Pomeroy,Tyrone,BT70 2QP The Owner/Occupier, 114 Main Street,Pomeroy,Tyrone,BT70 2QP The Owner/Occupier, 115 Main Street,Pomeroy,Tyrone,BT70 2QP The Owner/Occupier, 116 Main Street,Pomeroy,Tyrone,BT70 2QP The Owner/Occupier, 118 Main Street,Pomeroy,Tyrone,BT70 2QP The Owner/Occupier, 119 Main Street,Pomeroy,Tyrone,BT70 2QP The Owner/Occupier, 11a ,The Diamond,Pomeroy,Tyrone,BT70 2QX The Owner/Occupier, 11a Flat 1 The Diamond Pomeroy The Owner/Occupier, 120a ,Main Street,Pomeroy,Tyrone,BT70 2QP The Owner/Occupier, 121 Main Street,Pomeroy,Tyrone,BT70 2QP The Owner/Occupier, 125-127 ,Main Street,Pomeroy,Tyrone,BT70 2QP The Owner/Occupier, 13 The Diamond,Pomeroy,Tyrone,BT70 2QX The Owner/Occupier, 13-15 ,Main Street,Pomeroy,Tyrone,BT70 2QH The Owner/Occupier, 14-16 ,The Diamond,Pomeroy,Tyrone,BT70 2QX The Owner/Occupier, 15 The Diamond,Pomeroy,Tyrone,BT70 2QX The Owner/Occupier, 16 Main Street,Pomeroy,Tyrone,BT70 2QH	

The Owner/Occupier,  
 17 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 17 The Diamond,Pomeroy,Tyrone,BT70 2QX  
 The Owner/Occupier,  
 18 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 19 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 19 The Diamond,Pomeroy,Tyrone,BT70 2QX  
 The Owner/Occupier,  
 2-3 ,The Diamond,Pomeroy,Tyrone,BT70 2QX  
 The Owner/Occupier,  
 20 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 20 The Diamond,Pomeroy,Tyrone,BT70 2QX  
 The Owner/Occupier,  
 21 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 21 The Diamond,Pomeroy,Tyrone,BT70 2QX  
 The Owner/Occupier,  
 22 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 23 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 24 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 25 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 27 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 29 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 31-33 ,Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 32 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 33 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 35 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 37 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 37-39 ,Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 38 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 390 POMEROY ROAD DUNGANNON TYRONE BT70 3DR  
 The Owner/Occupier,  
 399 Pomeroy Road,Dungannon,Tyrone,BT70 3DT  
 The Owner/Occupier,  
 4 The Diamond,Pomeroy,Tyrone,BT70 2QX  
 The Owner/Occupier,  
 40 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,

41 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 43 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 45 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 46-48 ,Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 47 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 48 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 49-51 ,Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 50 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 52 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 53 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 54 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 58 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 5a ,The Diamond,Pomeroy,Tyrone,BT70 2QX  
 The Owner/Occupier,  
 62 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 62a ,Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 64 Main Street,Pomeroy,Tyrone,BT70 2QP  
 The Owner/Occupier,  
 66 Main Street,Pomeroy,Tyrone,BT70 2QP  
 The Owner/Occupier,  
 68 Main Street,Pomeroy,Tyrone,BT70 2QJ  
 The Owner/Occupier,  
 7 Cavanakeeran Road,Pomeroy,Tyrone,BT70 2RD  
 The Owner/Occupier,  
 7 The Diamond,Pomeroy,Tyrone,BT70 2QX  
 The Owner/Occupier,  
 70 Main Street,Pomeroy,Tyrone,BT70 2QJ  
 The Owner/Occupier,  
 72 Main Street Pomeroy Tyrone  
 The Owner/Occupier,  
 74 Main Street,Pomeroy,Tyrone,BT70 2QP  
 The Owner/Occupier,  
 76 Main Street,Pomeroy,Tyrone,BT70 2QP  
 The Owner/Occupier,  
 78-80 ,Main Street,Pomeroy,Tyrone,BT70 2QP  
 The Owner/Occupier,  
 8 The Diamond,Pomeroy,Tyrone,BT70 2QX  
 The Owner/Occupier,  
 81 Main Street,Pomeroy,Tyrone,BT70 2QP  
 The Owner/Occupier,  
 82 Main Street,Pomeroy,Tyrone,BT70 2QP

The Owner/Occupier,  
 83 Main Street,Pomeroy,Tyrone,BT70 2QP  
 The Owner/Occupier,  
 84 Main Street,Pomeroy,Tyrone,BT70 2QP  
 The Owner/Occupier,  
 85 Main Street,Pomeroy,Tyrone,BT70 2QP  
 The Owner/Occupier,  
 87 Main Street,Pomeroy,Tyrone,BT70 2QP  
 The Owner/Occupier,  
 89 Main Street,Pomeroy,Tyrone,BT70 2QP  
 The Owner/Occupier,  
 90a ,Main Street,Pomeroy,Tyrone,BT70 2QP  
 The Owner/Occupier,  
 91 Main Street,Pomeroy,Tyrone,BT70 2QP  
 The Owner/Occupier,  
 92 Main Street,Pomeroy,Tyrone,BT70 2QP  
 The Owner/Occupier,  
 94 Main Street,Pomeroy,Tyrone,BT70 2QP  
 The Owner/Occupier,  
 98 Main Street,Pomeroy,Tyrone,BT70 2QP  
 The Owner/Occupier,  
 Administration Office,The Rowan Tree Centre (Block A),385 Pomeroy  
 Road,Pomeroy,Tyrone,BT70 3FD  
 The Owner/Occupier,  
 Altedesert Parish Church (C O I) Hall,9 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 Apartment 1,N28 ,Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 Apartment A,42 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 Apartment B,42 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 Apartment C,42 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 Apartment D,42 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 Apartment E,42 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 Apartment F,42 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 Ground Floor,108-110 ,Main Street,Pomeroy,Tyrone,BT70 2QP  
 The Owner/Occupier,  
 Manse,11 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 Pomeroy Presbyterian Church,2 Edendoit Road,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 Presbyterian Church Hall,1 Edendoit Road,Pomeroy,Tyrone,BT70 2RW  
 The Owner/Occupier,  
 St Marys Primary School,5 Cavanakeeran Road,Pomeroy,Tyrone,BT70 2RD  
 The Owner/Occupier,  
 Unit 2,42 Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 Unit 2,N28 ,Main Street,Pomeroy,Tyrone,BT70 2QH  
 The Owner/Occupier,  
 Unit A,125-127 ,Main Street,Pomeroy,Tyrone,BT70 2QP

<b>Date of Last Neighbour Notification</b>	19th January 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  <p>Ref ID: I/2007/0435/RM          Proposal: Business/Industrial Park          Address: 100m South East of junction of Tandragee Road and Dungannon Road, Pomeroy          Decision:          Decision Date: 29.02.2008</p> <p>Ref ID: I/2012/0076/LDE          Proposal: The existing use is a call centre from which digital advertising NI.          * Sells its services (advertising) by telephone and          * Provides information to its customers by telephone          Address: The Rowan Tree Centre, Pomeroy, Dungannon, Co Tyrone,          Decision:          Decision Date:</p> <p>Ref ID: I/2009/0475/F          Proposal: Change of use of canteen, 1 No. Industrial Unit, Reception Area, 2 No. Meeting Rooms and 1 No. Training Room to 5 No. Units for Use Class D1 - (A, C, D, E, H) Community and Cultural Uses.          Address: 100m South East of junction of Tandragee and Dungannon Road, Pomeroy          Decision:          Decision Date: 06.01.2012</p> <p>Ref ID: I/2012/0194/F          Proposal: Retention of Class B1 (a) Office          Address: Meeting Room, The Rowan Tree Centre, Tandragee Road, Pomeroy,          Decision: PG          Decision Date: 17.10.2012</p> <p>Ref ID: I/2005/0359/O          Proposal: Business/industrial enterprise park.          Address: 100m SE of junction of Tandragee Road &amp; Dungannon Road, Pomeroy          Decision:          Decision Date: 06.02.2007</p> <p>Ref ID: I/2002/0166/A          Proposal: 50MM (max) projecting steel police service identification crest          Address: Pomeroy Police Station, 400 Pomeroy Road, Pomeroy          Decision:</p>	

Decision Date: 20.05.2002

Ref ID: I/2009/0229/LDP

Proposal: Relocation of existing bus shelter

Address: 100m SE of junction of Tandragee Road and Dungannon Road, Pomeroy

Decision:

Decision Date:

Ref ID: I/1983/0237

Proposal: EXTENSIONS TO RUC STATION

Address: MAIN STREET, TANDRAGEE ROAD, POMEROY

Decision:

Decision Date:

Ref ID: I/1978/0256

Proposal: RASMUSSEN RADIO MAST

Address: POMEROY RUC STATION

Decision:

Decision Date:

Ref ID: I/1978/0078

Proposal: Q TYPE TELEPHONE EXCHANGE

Address: 390 POMEROY ROAD, POMEROY

Decision:

Decision Date:

Ref ID: I/2005/1196/F

Proposal: Housing development, site road and associated site works

Address: Lands to the rear of Queen Elizabeth Primary School and opposite PSNI Station, Tandragee Road, Pomeroy

Decision:

Decision Date: 24.07.2007

Ref ID: I/1981/0056

Proposal: HOUSING DEVELOPMENT

Address: CAVANKEERAN, POMEROY

Decision:

Decision Date:

Ref ID: I/1980/0073

Proposal: HOUSING DEVELOPMENT

Address: CAVANKEERAN, POMEROY, CO TYRONE

Decision:

Decision Date:

Ref ID: I/1985/0024

Proposal: FACTORY UNITS

Address: CAVANKEERAN, POMEROY

Decision:

Decision Date:

Ref ID: I/2010/0076/F

Proposal: Construction of secure enclosure and relocation of existing radio mast used by Northern Ireland Emergency Services

Address: Pomeroy PSNI Station, 400 Pomeroy Road, Pomeroy

Decision:  
Decision Date: 19.05.2010

Ref ID: I/2015/0115/PREAPP  
Proposal: Use existing road layout to serve new housing development  
Address: Tanderagee Road, Pomeroy,  
Decision: EOLI  
Decision Date:

Ref ID: LA09/2016/0708/F  
Proposal: Change of house design to 13 sites previously approved under applications I/2006/1070 and I/2011/0308/F (Drainage Assessment Info)  
Address: Lands immediately south east of the boundary of 9,15 and 17 Edendoit Road, Pomeroy,  
Decision: PG  
Decision Date: 09.08.2018

Ref ID: LA09/2016/0364/F  
Proposal: Proposed extension to existing workshop to accommodate wood saw and log splitter and the erection of store for wood chip.  
Address: Unit 1, Forest Park Industrial Estate, Cavanakeeran Road, Pomeroy, Dungannon,  
Decision: PG  
Decision Date: 29.11.2016

Ref ID: I/2012/0382/F  
Proposal: Change of access to commercial premises to link with proposed road in application I/2011/0308  
Address: Existing commercial unit (formerly skip hire yard) Tandragee Road, Pomeroy,  
Decision: PG  
Decision Date: 19.06.2013

Ref ID: I/1987/0403  
Proposal: ENGINEERING FACTORY  
Address: POMEROY, ON DUNGANNON ROAD  
Decision:  
Decision Date:

Ref ID: LA09/2017/0410/O  
Proposal: Provision of 3G sports pitch/MUGA 20m x30m  
Address: Lands south of Queen Elizabeth II Primary School, 3 Edendoit Road, Pomeroy,  
Decision: WITHDR  
Decision Date: 13.10.2017

Ref ID: I/1996/0146  
Proposal: Alterations and Extension to Church and Hall  
Address: 7 MAIN STREET POMEROY  
Decision:  
Decision Date:

Ref ID: I/1998/0504  
Proposal: Proposed Store room extension to Church Hall  
Address: POMEROY PRESBYTERIAN CHURCH EDENDOIT ROAD POMEROY  
Decision:  
Decision Date:



Ref ID: I/2007/0561/F

Proposal: Extension to kitchen adjoining church hall and new ramped access

Address: 7 Edendoit Road, Pomeroy

Decision:

Decision Date: 19.10.2007

Ref ID: LA09/2020/1497/F

Proposal: Development of a 20 x 30m 3G multi use games area (MUGA) at the Presbyterian Church with ancillary including floodlighting infrastructure (no Lighting) and fencing. The works include for the upgrading of the existing carpark, new footpath, link with raised kerb to the school and the MUGA and new railings and gates along Edendoit Road frontage

Address: Land adjacent to 1 Edendoit Road, Pomeroy, Dungannon,

Decision:

Decision Date:

Ref ID: I/2004/0025/F

Proposal: Replacement temporary mobile classroom accommodation relocated from another site.

Address: Queen Elizabeth II Primary School, 3 Edendoit Road, Pomeroy, Dungannon.

Decision:

Decision Date: 19.02.2004

Ref ID: I/1976/0153

Proposal: ERECTION OF 2 TEACHER PRIMARY SCHOOL

Address: POMEROY

Decision:

Decision Date:

Ref ID: I/1980/0374

Proposal: DOCTORS SURGERY

Address: EDENDAIT ROAD, POMEROY

Decision:

Decision Date:

Ref ID: I/2006/1070/F

Proposal: Housing development, site road and associated works (57 Units).

Address: Lands immediately south east of the boundaries of 9, 15 & 17 Edendoit Road, Pomeroy

Decision:

Decision Date: 03.01.2008

Ref ID: I/1996/0314

Proposal: New Mobile Classroom

Address: QUEEN ELIZABETH II PRIMARY SCHOOL 3 EDENDOIT ROAD POMEROY

Decision:

Decision Date:

Ref ID: I/2009/0176/F

Proposal: Installation of photovoltaic panels

Address: Queen Elizabeth II Primary School, 3 Edendoit Road, Pomeroy, Dungannon, BT70 2EZ

Decision:

Decision Date: 28.04.2009

Ref ID: I/1992/0308

Proposal: Re-location of Mobile Classroom  
Address: POMEROY PRIMARY SCHOOL POMEROY CO TYRONE  
Decision:  
Decision Date:

Ref ID: I/1984/0116  
Proposal: ERECTION OF DWELLING  
Address: 56 MAIN STREET, POMEROY  
Decision:  
Decision Date:

Ref ID: I/2008/0605/F  
Proposal: Proposed replacement dwelling including demolition of existing dwelling within an Area of Townscape Character.  
Address: 12 - 13 The Diamond, Pomeroy, Co Tyrone  
Decision:  
Decision Date: 21.09.2009

Ref ID: I/1994/0081  
Proposal: Refurbishment and extension to existing shop and alterations to flat above  
Address: 16 THE DIAMOND POMEROY  
Decision:  
Decision Date:

Ref ID: I/1989/4020  
Proposal: Improvements to Dwelling  
Address: 14-16 THE DIAMOND POMEROY  
Decision:  
Decision Date:

Ref ID: I/1988/0470  
Proposal: Change of use from workshop and store to home bakery  
Address: 15 LOWER MAIN STREET,POMEROY  
Decision:  
Decision Date:

Ref ID: LA09/2020/1502/F  
Proposal: The proposed development comprises of a new single storey Parish Hall with a footprint of approx. 290m2 to service the requirements of Altedesert Parish Church congregation of approx. 40 families and local community. Parish Hall will include facilities for meetings, large open hall & facilities for catering & other relevant amenities. Car parking will be created for approx. 25 cars & all relevant security & fencing will be included  
Address: Site on the corner of the intersection between the Tanderagee Road & Station Road, Pomeroy,  
Decision:  
Decision Date:

Ref ID: I/1978/0048  
Proposal: MV O/H LINE  
Address: COOKSTOWN ROAD, POMEROY  
Decision:  
Decision Date:

Ref ID: I/2001/0527/A

Proposal: Church Sign  
Address: 13 Main Street, Pomeroy  
Decision:  
Decision Date: 02.01.2002

Ref ID: I/1999/0556  
Proposal: 40 Main Street Pomeroy  
Address: Repairs to dwelling  
Decision:  
Decision Date:

Ref ID: I/2006/0987/F  
Proposal: Rear Extension for NIHE Disabled Grant  
Address: 40 Main Street, Pomeroy, Co.Tyrone  
Decision:  
Decision Date: 20.12.2006

Ref ID: I/1998/0241  
Proposal: Realignment of Roadways, Footways, Parking Bays etc. Resurfacing/Tree Planting/Street Furniture/New Lampheads  
Address: The Diamond and Main Street Pomeroy  
Decision:  
Decision Date: 13.05.2003

Ref ID: I/1995/0411  
Proposal: Proposed extension to shop and Post Office  
Address: 5 AND 6 THE DIAMOND POMEROY  
Decision:  
Decision Date:

Ref ID: I/2005/0868/F  
Proposal: Demolition of existing building and erection of new supermarket with associated store and office and 2no first floor apartments.  
Address: 60-62 Main Street, Pomeroy  
Decision:  
Decision Date: 11.05.2006

Ref ID: LA09/2019/1557/F  
Proposal: Retention of change of use from office to sit in and take away pizza restaurant  
Address: 58 Main Street, Pomeroy,  
Decision: PG  
Decision Date: 24.06.2020

Ref ID: I/2002/0496/F  
Proposal: Redevelopment of site to provide public and lounge bars, off sales and restaurant  
Address: 64-66 Main Street, Pomeroy  
Decision:  
Decision Date: 04.11.2002

Ref ID: I/2001/0783/F  
Proposal: Extension and internal alterations to Church.  
Address: The Square, Pomeroy, Dungannon  
Decision:  
Decision Date: 13.02.2002

Ref ID: I/2001/0733/LB

Proposal: Remedial Works to the Fabric of the Church and extension to Church.

Address: The Square, Pomeroy

Decision:

Decision Date: 23.11.2001

Ref ID: I/1985/0217

Proposal: OFFICE

Address: THE DIAMOND, POMEROY

Decision:

Decision Date:

Ref ID: I/2003/0362/F

Proposal: Extension and refurbishment of existing office

Address: 8 The Diamond, Pomeroy

Decision:

Decision Date: 17.06.2003

Ref ID: I/1980/0119

Proposal: EXTENSION AND IMPROVEMENTS TO DWELLINGS

Address: 8 AND 9 THE DIAMOND, POMEROY

Decision:

Decision Date:

Ref ID: I/1986/0293

Proposal: IMPROVEMENTS AND EXTENSION TO DWELLING

Address: 54-56 MAIN STREET, POMEROY

Decision:

Decision Date:

Ref ID: LA09/2019/0289/F

Proposal: Change of use from part of ground floor bookmakers to 2 No. 1 bedroom apartments and ground floor stores to 1 No. 2 bedroom apartment (amended description)

Address: 11 The Diamond, Pomeroy,

Decision: PG

Decision Date: 12.11.2019

Ref ID: I/2001/0151/F

Proposal: Change of Use of Dwelling House to 2 Self Contained Flats and 1 Two Storey House including a Two Storey Side Extension

Address: 58 Main Street, Pomeroy

Decision:

Decision Date: 24.09.2001

Ref ID: I/1994/6090

Proposal: Social Club and 4 No. Houses Main Street Pomeroy

Address: Main Street Pomeroy

Decision:

Decision Date:

Ref ID: I/1994/6048

Proposal: Site Junction of the Diamond/North Street Pomeroy

Address: Junction of the Diamond/North Street Pomeroy

Decision:

Decision Date:

Ref ID: I/1994/0514  
Proposal: Social Club  
Address: 11 & 12 THE DIAMOND POMEROY  
Decision:  
Decision Date:

Ref ID: I/2001/0613/F  
Proposal: Change of use from function rooms to 2 No Shop Units  
Address: 11-12 The Diamond, Pomeroy  
Decision:  
Decision Date: 31.12.2001

Ref ID: I/1985/0271  
Proposal: EXTENSION TO HARDWARD SHOP AND STORE  
Address: 64 MAIN STREET, POMEROY  
Decision:  
Decision Date:

Ref ID: I/2013/0382/F  
Proposal: Proposed extension to existing cemetery  
Address: Church of the Assumption, Pomeroy,  
Decision: PG  
Decision Date: 03.05.2016

Ref ID: LA09/2018/1489/LDP  
Proposal: Erection of double sided directional signage  
Address: 5 Cavanakeeran Road, Pomeroy,  
Decision: PG  
Decision Date:

Ref ID: I/2003/0547/A41  
Proposal: Playgroup  
Address: Pomeroy  
Decision:  
Decision Date:

Ref ID: I/1995/0181  
Proposal: Temporary classroom & extension to school  
Address: ST MARY'S PRIMARY SCHOOL POMEROY  
Decision:  
Decision Date:

Ref ID: I/1985/0305  
Proposal: CHANGE OF USE FROM SCHOOL TO PARISH HALL  
Address: ST MARY'S SCHOOL, POMEROY (BESIDE CHAPEL)  
Decision:  
Decision Date:

Ref ID: I/1997/0542  
Proposal: Extension to Playschool  
Address: 5 CAVANAKEERAN ROAD POMEROY  
Decision:  
Decision Date:

Ref ID: I/2004/0526/F

Proposal: It is proposed to add 6x6m extension to existing mobile & fence in portion of existing garden as ext/play area with 1m high timber fence & remove existing flower bed to provide additional disabled car parking

Address: 5A Cavanakeeran, Pomeroy

Decision:

Decision Date: 27.09.2004

Ref ID: I/1990/0390

Proposal: Mobile Classroom

Address: SAINT MARY'S PRIMARY SCHOOL, MAIN STREET, POMEROY.

Decision:

Decision Date:

Ref ID: I/2007/0421/F

Proposal: Proposed development of 5 no. townhouses and three apartments

Address: 50m South of ST. Marys P.S. Pomeroy

Decision:

Decision Date: 27.05.2008

Ref ID: I/1978/0189

Proposal: FURNITURE SHOWROOM

Address: MAIN STREET, POMEROY

Decision:

Decision Date:

Ref ID: I/1996/0346

Proposal: Temporary Classroom

Address: MAIN STREET POMEROY

Decision:

Decision Date:

Ref ID: I/1980/0171

Proposal: FURNITURE STORE

Address: MAIN STREET, POMEROY

Decision:

Decision Date:

Ref ID: I/2004/0828/F

Proposal: Application for approval of existing mobile, previously granted approval which has now expired

Address: 5a Cavanakeeran, Pomeroy

Decision:

Decision Date: 27.09.2004

Ref ID: I/1987/0316

Proposal: IMPROVEMENTS TO DWELLING

Address: 121 MAIN STREET, POMEROY

Decision:

Decision Date:

Ref ID: LA09/2017/0169/PAN

Proposal: Public realm improvements comprising street scape resurfacing and new paving to pedestrian footpaths and Pomeroy Square, upgrades to existing street lighting, safety/lighting

bollards, outdoor furniture/planting, painting to selected existing buildings and resurface to link from Queen Elizabeth II Primary School and existing Main Street footpath

Address: Main Street, Pomeroy, Dungannon,

Decision: PANACC

Decision Date:

Ref ID: LA09/2017/0658/PAD

Proposal: Public realm scheme

Address: Main Street, Pomeroy,

Decision:

Decision Date:

Ref ID: LA09/2021/0033/F

Proposal: Site development proposals include Public realm improvements comprising of new paving to pedestrian footpaths and Pomeroy Square

Address: Main Street, Pomeroy,

Decision:

Decision Date:

Ref ID: I/2001/0375/O

Proposal: Residential Development

Address: Site Between 100 & 104 Main Street, Pomeroy

Decision:

Decision Date: 21.12.2001

Ref ID: I/1990/4018

Proposal: Improvements to Dwelling

Address: 100 MAIN STREET POMEROY

Decision:

Decision Date:

Ref ID: I/1994/0336

Proposal: Erection of Domestic store

Address: 92 MAIN STREET POMEROY

Decision:

Decision Date:

Ref ID: I/1994/0332

Proposal: Proposed Improvements and extension to dwelling

Address: 96 MAIN STREET POMEROY

Decision:

Decision Date:

Ref ID: I/1994/4064

Proposal: Improvements to dwelling

Address: 98 MAIN STREET POMEROY

Decision:

Decision Date:

Ref ID: I/1993/0257

Proposal: Shop and 2 No Flats

Address: 88 MAIN STREET POMEROY

Decision:

Decision Date:

Ref ID: I/1986/0196  
 Proposal: REPLACEMENT DWELLING  
 Address: MAIN STREET, POMEROY  
 Decision:  
 Decision Date:

Ref ID: I/1986/0041  
 Proposal: CONVERSION OF DWELLING TO 2 NO SELF CONTAINED FLATS  
 Address: 88 MAIN STREET, POMEROY  
 Decision:  
 Decision Date:

Ref ID: I/1993/0416  
 Proposal: Conversion of dwelling to 2 flats  
 Address: 90 MAIN STREET POMEROY  
 Decision:  
 Decision Date:

Ref ID: I/2004/0360/A  
 Proposal: Shop sign  
 Address: 76 Main Street, Pomeroy  
 Decision:  
 Decision Date: 18.05.2004

Ref ID: I/2008/0119/F  
 Proposal: Proposed housing development consisting of 2 Apartments, 2 semi detached houses and 10 townhouses.  
 Address: Between 108 & 100 Main Street, Pomeroy and to the rear of 98-114 Main Street, Pomeroy  
 Decision:  
 Decision Date: 20.10.2009

Ref ID: I/2002/0462/RM  
 Proposal: Erection of 8 No. Townhouses  
 Address: Site between 100 and 104 Main Street, Pomeroy,,  
 Decision:  
 Decision Date: 22.05.2003

Ref ID: LA09/2017/1743/F  
 Proposal: Proposed rear extension to dwelling consisting of kitchen, utility and bedroom accomodation  
 Address: 7 The Diamond, Pomeroy,  
 Decision: PG  
 Decision Date: 11.04.2018

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**



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

Drawing No. 02  
Type: Existing Plans  
Status: Submitted

Drawing No. 03  
Type: Existing Plans  
Status: Submitted

Drawing No. 04  
Type: Existing Plans  
Status: Submitted

Drawing No. 05  
Type: Existing Plans  
Status: Submitted

Drawing No. 06  
Type: Existing Plans  
Status: Submitted

Drawing No. 07  
Type: Landscaping Proposals  
Status: Submitted

Drawing No. 08  
Type: Landscaping Proposals  
Status: Submitted

Drawing No. 09  
Type: Landscaping Proposals  
Status: Submitted

Drawing No. 10  
Type: Landscaping Proposals  
Status: Submitted

Drawing No. 11  
Type: Site Layout or Block Plan  
Status: Submitted

Drawing No. 12  
Type: Site Layout or Block Plan  
Status: Submitted

Drawing No. 13  
Type: Site Layout or Block Plan  
Status: Submitted

Drawing No. 14  
Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 15

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 16

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 17

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 18

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 19

Type: Landscaping Proposals

Status: Submitted

Drawing No. 20

Type: Landscaping Proposals

Status: Submitted

Drawing No. 21

Type: Landscaping Proposals

Status: Submitted

Drawing No. 22

Type: Proposed Plans

Status: Submitted

Drawing No. 23

Type: Proposed Plans

Status: Submitted

Drawing No. 24

Type: Roads Details

Status: Submitted

**Notification to Department (if relevant)**

Date of Notification to Department:

Response of Department:



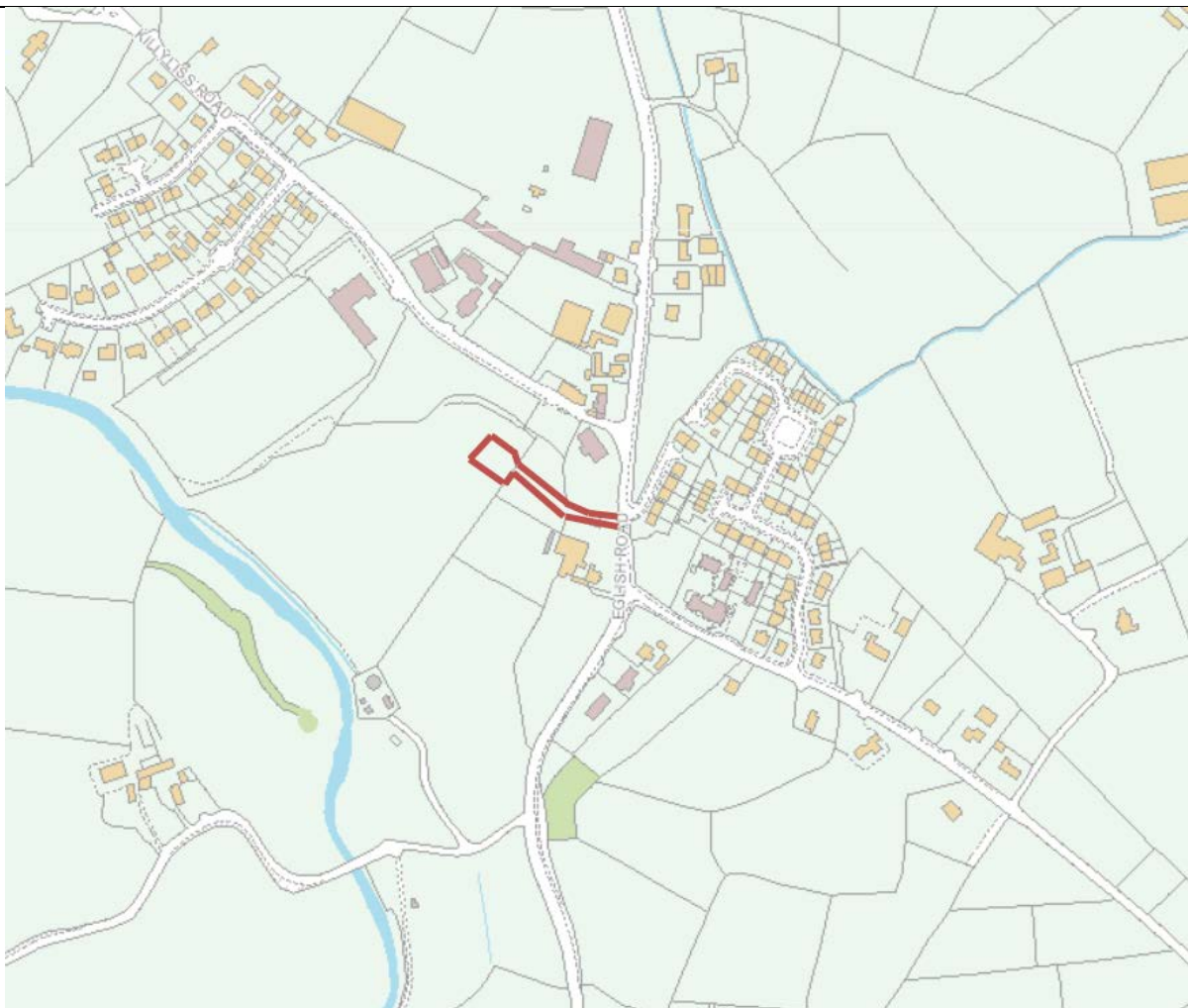
Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/0319/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed change of house type as approved in M/2004/0778/F from a detached to a pair of semi-detached on site 2	<b>Location:</b> Opposite 114 Killyliss Road Eglish Dungannon
<b>Referral Route:</b> Contrary to policy	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> TG Developers Ltd TG Developers Ltd 4 Stiloga Road Eglish Dungannon BT71 7DW	<b>Agent Name and Address:</b> J Aiden Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues

None

## Characteristics of the Site and Area

The site lies within the settlement limits of Eglish, also within the new development of Shanmoy Downs but outside all other areas of constraint as depicted by the DSTAP 2010.

The red line of the site includes a plot of land at the beginning of the site which has planning approval for a detached dwelling as part of the overall scheme. The access is taken from the main Eglish road just between the chapel walls and the existing farm yard to the south. The access has been kerbed with a footpath in place and the first dwellings along the sides of the entrance have been built.



The land to the west has been cleared in preparation for the construction of the approved dwellings, the chapel and graveyard are situated to the north, there is also a mix of house types surrounding the site to the north and east and to the south there is the exiting farm holding.

## Description of Proposal

The proposal seeks full planning permission for the erection of a pair of semi-detached dwellings on the site for one detached dwelling within Shanmoy Downs which was previously approved for housing under planning application M/2004/0778/F.

M/2004/0778/F granted permission for a residential development comprising 47 dwellings on the 12.10.2010.

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

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

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

?Dungannon and South Tyrone Area Plan 2010

?Strategic Planning Policy Statement for Northern Ireland

?Planning Policy Statement 7 - Quality Residential Environments

?Planning Policy Statement 7 (Addendum) - Safe Guarding the Character of Established Residential Areas

?Planning Policy Statement 3 - Access, Movement and Parking

?DCAN 8 - Housing in Existing Urban Areas

?Parking Standards

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

### Representations

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

### Planning History

M/2004/0778/F -- Proposed residential development of 47 dwellings - opposite 114 Killyliss Rd, Eglisish - Granted 12.10.2010.

M/2015/0085/F - Proposed 3no. of detached dwellings - 35m north of 141 Eglisish Road, Eglisish - Granted 13.10.2017.

The above application relates to three dwellings approved to either side of the access road to serve the dwellings approved under M/2004/0778/F.

### Consultees

Transport NI were consulted and have asked for several amendments, the most recent response stated;

As previously advised on the 18 May 2021. - A 2 metre wide service strip should be provided adjacent to carriageway edge - Road No 2. Still to be addressed.

As previously advised on the 18 May 2021. - Road No 2 should be completely coloured not partially as currently depicted. Still to be addressed.

In light of my impending recommendation to refuse I have not pursued these amendments.

### Assessment

Dungannon and South Tyrone Area Plan 2010 ? The site is located within the development limits of the village of Eglisish as defined in the Area Plan. Policy SETT 1 of the Plan permits development within Eglisish provided the scale, layout and detailed design are compatible with the scale and character of the settlement. Residential development in excess of 15 units will not normally be permitted. All residential proposals should be guided and informed by the traditional built forms in the locality. They should reflect the essentially rural character of the settlement and not lead either individually or cumulatively to large scale suburban estate layouts. The use of designs and materials unrelated to the surrounding rural locality will not be acceptable. The



proposal under consideration is to replace one detached property approved under planning application M/2004/0778/F with a pairs of semi-detached houses. As the site is not specifically zoned for housing there are no key site requirements to be adhered to.

Strategic Planning Policy Statement (SPPS) for Northern Ireland - The SPPS has superseded Planning Policy Statement 1 (General Principles). The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environment for the overall benefit of our society. Its guiding principles is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will causes demonstrable harm to interests of acknowledged importance. I am satisfied that this development will not negatively impact on the built or natural environment nor will it harm interests of acknowledged importance, however I have concerns that the proposal may cause harm to neighbouring amenity and I will assess that within the report.

The SPPS gives provision for Housing in Settlements subject to a number of policy provisions. It does not present any change in policy direction with regard to residential development in settlements. As such, existing policies will be applied.

Planning Policy Statement (PPS) 3 - Access, Movement and Parking - Policy Amp 1 of PPS 3 (Creating an Accessible Environment) aims to create a more accessible environment for everyone. And Policy Amp 2 of PPS 3 (Access to Public Roads) permits direct access onto a public road where road safety is not prejudiced, traffic flow is not inconvenienced and where the proposal does not conflict with a protected route.



Planning Policy Statement (PPS) 7 - Quality Residential Environments - PPS 7 is the relevant material planning policy for this type of development within a settlement. All proposals for residential development will be expected to conform to a number of criteria laid out in the PPS7. I am NOT content that this proposal conforms to these criteria.

The design of the two dwellings being sought are not dissimilar to that already approved within the overall site and therefor the design of the proposed will be in keeping with the approved development and surrounding area.

Footway links are provided to the front of the site. These will support walking or cycling into the village, which can be accessed further via a footpath at the opposite side of the entrance to the

site. This new foot path will provide a link between the development and the nearby Killyliss development.

I am content that the proposed changes should not create conflict with adjacent land uses.

I am concerned that the proposed properties may however, cause an unacceptable degree in terms of overlooking, loss of light or overshadowing. It is my opinion that the proposed pair of semis within this confined site, and the use of a high screen wall back by planting to provide amenity to the side of the dwelling is not acceptable. As there is no rear private amenity space, this enclosed area to the side will be a 'back garden' that is overlooked by the cul-de-sac and it also closes off what was an area of open space. My concerns are that this is effectively shoehorning in another house. Within this development there are still 48 dwellings to be built some of which have already been changed from detached to semi-detached where they were appropriate and also had their amenity space protected, due to the location of this one I would have serious concerns.

On the basis of the above assessment it is my opinion that the proposal fails the criteria set out in policy QD 1 of PPS 7.

**PPS 7 (Addendum) Safeguarding the Character of Established Residential Areas**

Policy LC 1 - Protecting Local Character, Environmental Quality and Residential Amenity states that in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD 1 of PPS 7, and a number of criteria are met. In this case I am NOT satisfied that this proposal complies with all of the criteria of Policy LC 1, Protecting Local Character, Environmental Quality and Residential Amenity, in that the layout of the proposed pair of dwellings does not respect the pattern of development within the development and due to the lack of rear private amenity space for one of the proposed dwellings, in my opinion it is not in keeping with the overall character and environmental quality of the residential area.

**Other Considerations**

Some of the site is subject to flooding, however this location is nearer the front where development has already commenced in accordance with previous permissions. I do not consider his proposal will cause or be at greater risk of flooding. DfI Roads were consulted on this proposal and have asked for amendments which have not been forthcoming.

Recommendation Approval.

**Neighbour Notification Checked**

**Yes/No**

**Refusal Reasons**

1. The proposal is contrary to QD1 of Planning Policy Statement (PPS) 7 - Quality Residential Environments in that the development would, if permitted, adversely impact on the appearance of the development as the screen walls around the garden of the south westerly facing dwelling are in front of the building lines of the approved and built properties and ancillary development will detract from the character of the area.
2. The proposal is contrary to QD1 of Planning Policy Statement (PPS) 7 - Quality Residential Environments in that the development would, if permitted, result in the loss of amenity for the



residents of south westerly facing dwelling, as the private amenity space is not to the rear of the property and would be overlooked by other dwellings in the development.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	1st March 2021
<b>Date First Advertised</b>	16th March 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Beech Mews Dungannon Tyrone The Owner/Occupier, 141 Eglish Road Dungannon Tyrone The Owner/Occupier, 144 Eglish Road Dungannon Tyrone The Owner/Occupier, 2 Beech Mews Dungannon Tyrone The Owner/Occupier, 3 Beech Mews Dungannon Tyrone The Owner/Occupier, 4 Beech Mews Dungannon Tyrone The Owner/Occupier, 5 Beech Mews Dungannon Tyrone The Owner/Occupier, 6 Beech Mews Dungannon Tyrone The Owner/Occupier, 7 Beech Mews Dungannon Tyrone The Owner/Occupier, St Patrick'S Rc Church Killyliss Road Dungannon	
<b>Date of Last Neighbour Notification</b>	23rd March 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2020/1371/F Proposal: Replace cycle/footpath approved under M/2004/0778/F to a 2m wide footpath Address: Shanmoy Downs, Eglish, Dungannon, Decision: RL Decision Date:  Ref ID: LA09/2020/1073/F Proposal: Amendment of site layout as previously approved under M/2015/0085/F & M/2004/0778/F to relocate two houses, amend part road layout and access pathway link to Killyliss Road.	

Address: Shanmoy Downs, Eglish, Dungannon,  
Decision: PG  
Decision Date: 10.03.2021

Ref ID: LA09/2021/0319/F  
Proposal: Proposed change of house type as approved in M/2004/0778/F from a detached to a pair of semi-detached on site 2  
Address: Opposite 114 Killyliss Road, Eglish, Dungannon,  
Decision:  
Decision Date:

Ref ID: M/2015/0085/F  
Proposal: Proposed No. 3 Detached Dwellings  
Address: 35m north of 141 Eglish Road, Eglish, Dungannon,  
Decision: PG  
Decision Date: 17.10.2017

Ref ID: LA09/2018/1559/F  
Proposal: Proposed change of house types as approved in M/2004/0778/F, from 5 No. detached on sites 2, 7, 8, 25 and 26 to 4 pair of semi-detached houses and foul water treatment plant to service additional houses.  
Address: 120m North West of 141 Eglish Road, Eglish, Dungannon,  
Decision: PG  
Decision Date: 17.12.2020

Ref ID: M/1980/0370  
Proposal: IMPROVEMENTS TO DWELLING  
Address: STILLAGO  
Decision:  
Decision Date:

Ref ID: M/1995/0017  
Proposal: Extension and alterations to dwelling  
Address: 141 EGLISH ROAD EGLISH DUNGANNON  
Decision:  
Decision Date:

Ref ID: M/2010/0708/F  
Proposal: Proposed new disabled toilet facility  
Address: Adjacent to St Patricks Church, Killylish Road, Eglish, Co Tyrone  
Decision:  
Decision Date: 13.05.2011

Ref ID: M/2004/0778/F  
Proposal: Proposed residential development of 47 dwellings  
Address: Opposite 114 Killyliss Rd, Eglish  
Decision:  
Decision Date: 12.10.2010

Ref ID: M/1981/0386  
Proposal: PRIVATE HOUSING DEVELOPMENT

Address: EGLISH, DUNGANNON  
Decision:  
Decision Date:

**Drawing Numbers and Title**

Drawing No. 02  
Type: Elevations and Floor Plans  
Status: Submitted

Drawing No. 01  
Type: Site & Detailed Drawings  
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> LA09/2021/0380/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed housing development consisting of 1 detached bungalow and 4 detached two storey houses, with foul water treatment plants and associated site works	<b>Location:</b> Adjacent/ East of 88 Roughan Road and 48 Drumreagh Crescent Newmills Dungannon
<b>Referral Route: Recommendation to Refuse, and, 3rd Party Objections</b>	
<b>Recommendation:</b>	Refuse
<b>Applicant Name and Address:</b> Firtree Developments Ltd 95 Derryloughan Road Coalisland Dungannon	<b>Agent Name and Address:</b> J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
<b>Executive Summary:</b> The proposal aims to extend the limits of development without proper public consultation through the Area Plan making process and would set a poor precedent for development, there is no support for this type of development in the countryside, the proposal would involve significant culverting and no reasonable alternative has been considered, there is insufficient information to demonstrate that a safe and satisfactory access can be achieved, and, the application may be invalid as 3rd party land may be required for road improvement purposes.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Representations:

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

### Summary of Issues

That 3rd party land may be required for road widening and that Certificate A signed.

### Description of proposal

This is a full planning application for a proposed housing development consisting of 1 detached bungalow and 4 detached two storey houses, with foul water treatment plants and associated site works.

### Characteristics of site and area

The site has a frontage onto Roughan Road, to the NE of the settlement of Newmills. Newmills is a small village located just north of Dungannon and not far from Coalisland. Part of the site is located within the development limits of Newmills while a portion to the east is located in the countryside. An existing mature treelined hedge and stream defines the limit of development, and this boundary dissects the site to the east. Land falls from the roadside into the site, and then rises steeply to the south. The southern boundary is not clearly defined, and further to the south you can see the new housing development of Newberry Lane, which are 2 storey detached and semi-detached dwellings. The western boundary is defined by hedgerow and in parts share a boundary with existing residential development to the west, including a detached dwelling along

Roughan Road and the housing development of Drumreagh Crescent which is defined by terraced and semi-detached dwellings. Currently the site is agricultural.

The heart of the village of Newmills lies to the SW, with open countryside to the north and east.

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

### **Planning Act 2011**

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

### **Area Plan**

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

Dungannon and South Tyrone Area Plan 2010- Part of the site is located within the development limits of Newmills as defined in the plan, part falls outside in the countryside. No part of the site is zoned.

Policy SETT1 allows for favourable consideration of development within the limits of development provided it meets a number of criteria, while development in the countryside for residential development is allowed only in a certain set of circumstances.

### **Relevant Policy**

SPPS Strategic Planning Policy Statement  
 PPS7 Quality Residential Environments  
 PPS21 Sustainable Development in the Countryside  
 PPS3 Access, Movement and Parking  
 PPS 2 Natural Heritage  
 PPS15 Planning and Flood Risk

### **Third Party Representations**

An objection has been received by the occupant of No. 90 Roughan Road. The objector is of the view that his land is required to facilitate this development, including private land for road widening, and that the developer has not entered into any agreement with the landowner.

### **Relevant Planning History**

There is no relevant planning history on this parcel of land.

### **Recommendation**

This proposal is for 5 units of accommodation. The proposed dwellings are located within the development limits of Newmills, however, part of the proposed access, landscaping and septic tank development is located outside the limits of development. There is a clearly defined tree lined hedge and stream on the ground that identifies the limits of development to Newmills, and in my view is a clear boundary demarcating where the village ends and the countryside begins.

To the south west of the site is the new housing development of Blackberry Lane. There is a clear access position into the agricultural field where this proposed housing development is located. In my view there is a clear acceptable alternative for access to this particular field that would mean that the site can be developed and accessed without using land outside the development limits of Newmills. As the limits of development are clearly indicated on the ground, and that there is a clear suitable alternative to access this development land and no acceptable exceptional reason has been proffered by the developer, then I am of the view that this proposal should be refused. To allow this access position would undermine the area plan and would set a poor precedent for development in this particular case. To allow the expansion of development limits without proper public consultation through the process of the making of an area plan would be contrary to the aims and objectives of the SPPS and would be contrary to the aims and objectives of meaningful sustainable development and Plan Making.

There is no support in the Area Plan, SPPS or PPS21 to allow for an access in the countryside which would serve a housing development within the limits of a village. I advise Members that this is fundamentally unacceptable for the reasons stated later in my report.

Significant culverting of an existing watercourse would also have to take place to facilitate access to the site, and a mature row of mature hedgerow removed. Given that an alternative acceptable access can be achieved to the site I find the proposal contrary to policy FLD 4 of PPS15. It has not been demonstrated that a specific length of watercourse needs to be culverted for engineering reasons and that there are no reasonable or practicable alternative courses of action.

In terms of the layout of the dwellings, I find that they will not have a detrimental impact on adjacent residential amenity as they are of a sufficient distance from existing dwellings. There will be no issues of overlooking or overshadowing of neighbouring property. No natural or built heritage interests will be impacted by this proposal. There is sufficient rear amenity space, and there is no need for communal amenity space for a development of this size. The dwellings are not located within a flood plain and no land contamination has been indicated. A development of this size does not require its own local services, and the village of Newmillis has sufficient shops and services nearby to cater for this development.

There is no footpath provision provided for pedestrians which would link into an existing footpath network that would lead into the heart of the village and to public transport nodes. The proposal is contrary part (e) of policy QD1 of PPS7.

DfI Roads also highlight that this development is likely to represent piecemeal development, and that it is likely to link into the new development to the SW of the site. Should this development link into the new development at a future stage, then there



would likely be a requirement for further road improvements including a right hand turning where Newmills Road meets Drumreagh Road. Also, the agent has failed to demonstrate that a safe and satisfactory access can be achieved from Roughan Road into the proposed development site, and it seems that third party land is required for road widening improvement works and visibility splays which the developer has not acknowledged in the P1 Form, as Certificate A was completed and not certificate C. Members are advised that the proposal is currently contrary to policy AMP3 of PPS3 in that it has not been demonstrated that a safe and satisfactory access can be achieved.

#### Other considerations

Members may want to consider that the proper certificate of ownership has not been completed which would make the planning application invalid. The applicant has completed Certificate A on the P1 Form which means that they are in control or ownership of all land required to implement the development. Should it be demonstrated that third party land is required to facilitate road widening or visibility splays then notice should be served on the appropriate land owners by the developer, meaning the correct Certificate on the P1 is Cert C. This may need to be investigated further should Members decide to accept the principle of the access in this position.

#### Neighbour Notification Checked

**Yes**

#### Summary of Recommendation:

That permission is refused for the following reasons.

#### Refusal Reasons

1. The proposal is contrary to the Strategic Planning Policy Statement and PPS21 Sustainable Development in the Countryside in that the proposed access does not meet any of the criteria where development in the Countryside is considered to be acceptable, and there is no exceptional circumstances presented where this development would be considered acceptable in the Countryside, and the limits of development of Newmills would be compromised without proper Public Consultation.

2. The proposal is contrary to the Dungannon and South Tyrone Area Plan 2010 in that to allow this proposal the limits of development of Newmills would be compromised and extended without proper public consultation and would set a poor precedent for development within Mid Ulster Council, and may lead to the further compromise of other settlement limits which is contrary to the aims and objectives of sustainable development.

3. The proposal is contrary to policy CTY 15 The Setting of Settlements of PPS21 in that the development would mar the distinction between a settlement and the surrounding countryside and would result in urban sprawl.

4. The proposal is contrary to policy CTY 14 Rural Character part (e) in that the proposed access would damage rural character as the access would not integrate into the landscape.

5. The proposal is contrary to policy QD1 Quality in New Residential Development part (e) in that there is no footpath link that would link into an existing footpath network which

would lead to the centre of Newmills and does not support a pattern of movement that would not support walking and cycling, meet the needs of people whose mobility is impaired, respect existing public rights of way, or provide adequate and convenient access to public transport. As such this would lead to a development that would lack in quality and put pedestrian safety at risk.

6. The proposal is contrary to policy AMP2 Access to Public Roads of PPS3 Access, Movement and Parking in that it has not been demonstrated that a safe and satisfactory access can be achieved to the public road and the proposed development is piecemeal.

7. The proposal is contrary to policy FLD 4 Artificial Modification of Watercourses of PPS15 Planning and Flood Risk (revised) in that it that a significant portion of watercourse will be culverted, above what would be considered reasonable by this policy, and there is insufficient information to demonstrate that a specific length of watercourse needs to be culverted for engineering reasons and that there are no reasonable or practicable alternative courses of action.

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	9th March 2021
<b>Date First Advertised</b>	23rd March 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 37 Drumreagh Crescent,Dungannon,Tyrone,BT71 4HJ The Owner/Occupier, 39 Drumreagh Crescent,Dungannon,Tyrone,BT71 4HJ The Owner/Occupier, 41 Drumreagh Crescent,Dungannon,Tyrone,BT71 4HJ The Owner/Occupier, 43 Drumreagh Crescent,Dungannon,Tyrone,BT71 4HJ The Owner/Occupier, 48 DRUMREAGH CRESCENT,DUNGANNON,TYRONE,BT71 4HJ The Owner/Occupier, 88 Roughan Road,Stewartstown,Tyrone,BT71 4EN The Owner/Occupier, 91 Roughan Road,Stewartstown,Tyrone,BT71 4EN Edmond Richardson Email Edmond Richardson Email	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No



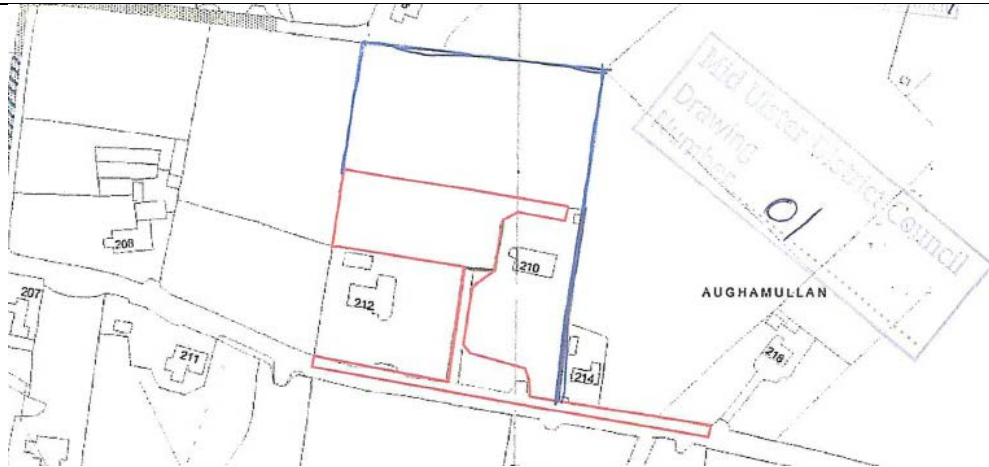
Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/0686/O	<b>Target Date:</b>
<b>Proposal:</b> Dwelling and garage	<b>Location:</b> Immediately West of 210 Washingbay Road Dungannon
<b>Referral Route:</b> Approval	
<b>Recommendation:</b>	APPROVAL
<b>Applicant Name and Address:</b> Paul and Michelle O'Hagan 210 Washingbay Road Dungannon	<b>Agent Name and Address:</b> Eamonn Moore Architect Ltd 10 Knockmoyle Cookstown BT80 8XS
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues

No issues. No representations received.

### Characteristics of the Site and Area

The site is located at lands located immediately west of 210 Washingbay Road, Dungannon. The red line of the site includes a portion of a larger agricultural field set back some distance from the roadside and to the rear of 212 Washingbay Road. The site is generally flat throughout and has existing hedging along the southern and western boundaries. The northern boundary is currently undefined and the eastern boundary includes the wooden fencing, which surrounds No.210. The lands adjoining the site of the north and east of the site are outlined in blue, which indicates ownership and include the dwelling 210 Washingbay Road. The surrounding area includes a number of roadside residential properties and there is a primary school to the east of the site. Beyond that lands are rural in nature scattered with single dwellings and their associated outbuildings.

### Description of Proposal

Outline planning permission is sought for a dwelling and garage

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

### Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 210, 212, 213, 214, 215, 217 and 218 Washingbay Road. At the time of writing, no third party representations were received.

### Planning History

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

### Planning Assessment of Policy and Other Material Considerations

- Dungannon and South Tyrone Area Plan 2010
- Strategic Planning Policy Statement (SPPS)
- PPS 3: Access, Movement and Parking
- PPS 21: Sustainable Development in the Countryside
- Local Development Plan 2030 - Draft Plan Strategy

The Dungannon and South Tyrone 2010 identify the site as being outside any defined settlement limits and there are no other designations or zonings within the Plan.

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

This proposal is for a new dwelling and garage. The agent has submitted a supporting statement where they set out how they feel the proposal meets with the policy criterion held within CTY 2a and CTY 8 of PPS 21 and as such, both will be discussed in this report.

In line with planning policy held within CTY 2a of PPS 21 permission will only be granted for a dwelling at an existing cluster of development provided the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwelling. This proposal site lies outside of a farm and consists of more than 4 buildings thus adhering to this criteria. It is our view that the cluster does not appear as a visual entity in the local landscape at this location. Holy Family Primary School is located approx.. 130m East of the application site and it is not directly associated with the site. The identified site is bounded on two sides by development and it is my consideration that the proposed development could be absorbed into the existing cluster without significantly altering the existing character or adversely impacting on the residential amenity. There is sufficient vegetation along the southern boundary to avoid issues such as privacy or overlooking concerns. The agent has provided a concept plan which shows how a dwelling could be sited within the red line without having an adverse impact on neighbouring properties. As the proposal fails on two of the policy criterion of CTY 2a, refusal is recommended. The agent has provided a contextual site map, shown below in

figure 1, which helps identify the site in relation to surrounding properties and the Primary School at the crossroads, however we feel this demonstrates how far removed the application site is from the focal point and the visual entity.



**Figure 1 – Proposed Site in relation to Primary School and Crossroads**

CTY 8 of PPS 21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. An exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. For the purpose of the policy, the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. The agent has provided a concept plan to try demonstrate how the proposed dwelling meets with the policy requirements of CTY 8, shown below in Figure 2.



**Figure 2 – Agent map to show how site could be developed in line with CTY 8**

At present, there is one dwelling south of the red line of the site, and to the east is two dwellings. The concept plan shown in figure two shows how the agent proposes to develop the site which would allow the proposed application site to have a frontage to the roadside. The access proposed would cut into the current garden area to the front of No.210 and would create a frontage for the site. The positioning of the dwelling would also be located between, albeit to the rear of No. 212 and No. 210. Therefore, taking into consideration what is on the ground at present and with reference to the concept plan provided, it is my view that the proposed site is broadly within the policy requirements of CTY 8. If approval were to be forthcoming, I would be content that the gap outlined in red would be sufficient to accommodate no more than two dwellings, given the current plot sizes located along this stretch of the road.

It is also necessary for the proposal to be considered against the requirements of CTY 13 and CTY 14 of PPS 21, whereby it states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. This proposal is for an outline application thus no design has been stipulated at this time however given the character of the area and noting that the dwellings in the surrounding area are generally bungalows, I feel a proposed dwelling with a restricted ridge height of 6.5m would be most appropriate at this site. This will avoid the proposed dwelling appearing overly dominant and also will be in keeping with the surrounding development. The existing hedging will be conditioned to be retained where possible with full details of proposed landscaping along the remainder of the boundaries to also be included with the RM application.

**Neighbour Notification Checked**

Yes

**Summary of Recommendation:**

Approval is recommended.

**Conditions/Reasons for Refusal:**

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

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

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

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



3. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.4m x 90m in both directions and a 90m forward sight line and other details as set out in the attached form RS1, shall be provided in accordance with the 1:500 site plan submitted as part of the reserved matters application. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

Reason: In the interests of visual and residential amenity.

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

Reason: In the interests of visual and residential amenity.

6. The dwelling hereby permitted shall have a ridge height not exceeding 6.5 metres above existing ground level and be designed in accordance with the design guide 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside'

Reason: To ensure that the proposal integrates into the landscape and is in keeping with the character of the area.

Informatives

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

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

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	5th May 2021
<b>Date First Advertised</b>	18th May 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 210 Washingbay Road, Coalisland, Tyrone, BT71 5EG The Owner/Occupier, 212 Washingbay Road Coalisland Tyrone The Owner/Occupier, 213 Washingbay Road, Coalisland, Tyrone, BT71 5EG The Owner/Occupier, 214 Washingbay Road Coalisland Tyrone The Owner/Occupier, 215 Washingbay Road Coalisland Tyrone The Owner/Occupier, 217 Washingbay Road, Coalisland, Tyrone, BT71 5EG The Owner/Occupier, 218 Washingbay Road, Coalisland, Tyrone, BT71 5EG	
<b>Date of Last Neighbour Notification</b>	21st May 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2021/0686/O Proposal: Dwelling and garage Address: Immediately West of 210 Washingbay Road, Dungannon, Decision: Decision Date:  Ref ID: M/2008/0028/F Proposal: Proposed kitchen, W.C & utility room extension to existing dwelling Address: 212 Washingbay Road, Coalisland Decision: Decision Date: 19.03.2008  Ref ID: M/1996/0801 Proposal: Site for Dwelling	

Address: APPROX. 50M SOUTH OF 2L4 WASHINGBAY ROAD AUGHAMULLAN COALISLAND

Decision:

Decision Date:

Ref ID: M/1998/0784

Proposal: Proposed dwelling

Address: 50M NORTH OF 214 WASHINGBAY ROAD AUGHAMULLAN COALISLAND

Decision:

Decision Date:

Ref ID: M/1986/0482

Proposal: DWELLING

Address: WASHING BAY ROAD, AUGHAMULLAN, COALISLAND

Decision:

Decision Date:

Ref ID: M/1996/6068

Proposal: Site for bungalow Aughamullan Coalisland

Address: Aughamullan Coalisland

Decision:

Decision Date:

### **Summary of Consultee Responses**

**DfI Roads:**

**DETI:**

### **Drawing Numbers and Title**

Drawing No. 01

Type: Site Location Plan

Status: Submitted

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

Date of Notification to Department:

Response of Department:



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

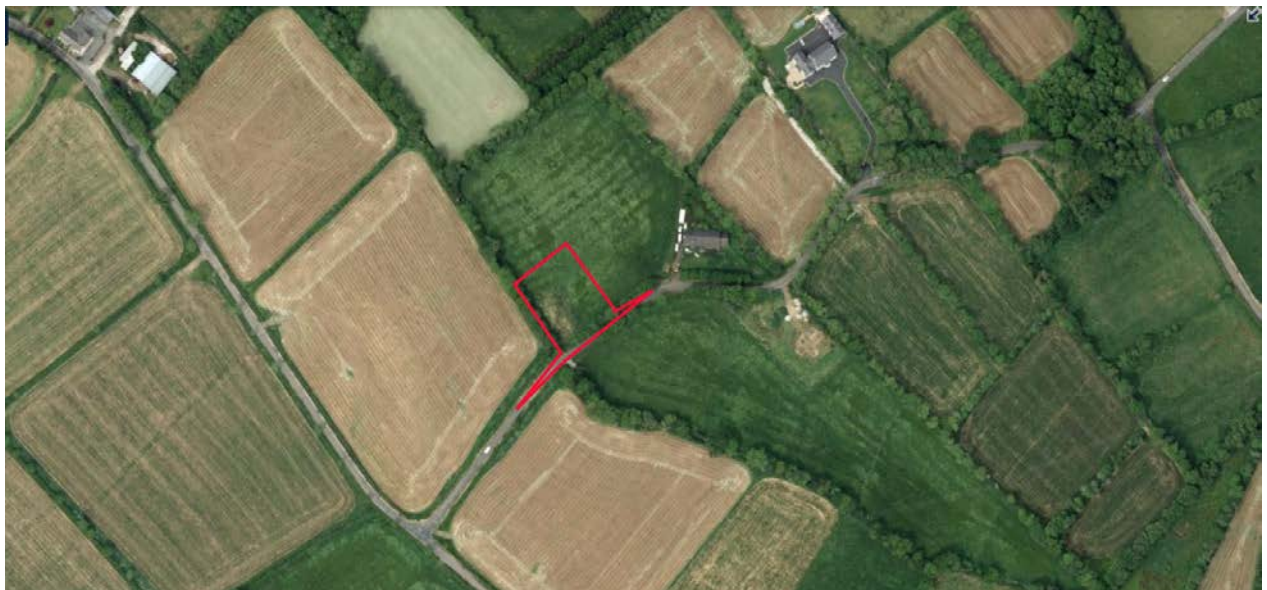
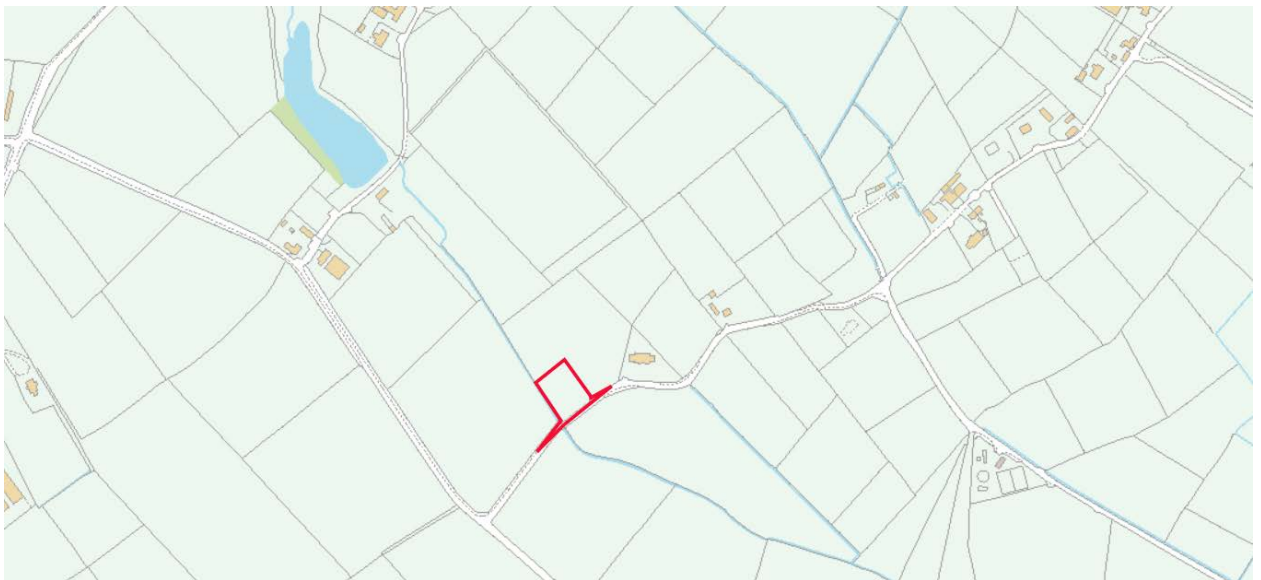
Mid-Ulster  
Local Planning Office  
Mid-Ulster Council Offices  
50 Ballyronan Road  
Magherafelt  
BT45 6EN

**Development Management Officer Report  
Committee Application**

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/0691/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed change of house type design to that previously approved under I/2011/0514/RM and garage.	<b>Location:</b> Killycanavan Road 170m NE of Junction with Brookend Road Ardboe Dungannon BT71 5BP
<b>Referral Route: Contrary to PPS 15: Planning and Flood Risk</b>	
<b>Recommendation: Approve</b>	
<b>Applicant Name and Address:</b> Hannah Quinn 159b Battery Road Coagh Cookstown BT80 0HS	<b>Agent Name and Address:</b> Seamus Donnelly 80a Mountjoy Road Aughrimderg Coalisland BT71 5EF
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



<b>Consultations:</b>		
<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Statutory	Rivers Agency	Advice
<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>This is a full planning application for a change of dwelling house type and detached to that previously approved on lands at Killycanavan Rd 170m NE of Junction with Brookend Rd Ardboe Dungannon under planning application I/2011/0514/RM.</p> <p>Reserved matters permission I/2011/0514/RM for a dwelling and garage on this site was granted on the 15th February 2012 on the back of outline permission I/2006/0247/O.</p> <p>Outline permission I/2006/0247/O for a dwelling and garage on this site, was refused on the 14th December 2006 by the Department under ‘A Planning Strategy for Rural Northern Ireland’. This decision was appealed (reference: 2007/A0279), the appeal allowed and the dwelling and garage subsequently granted on the 2nd February 2009.</p> <p>In more recent times, full permission LA09/2018/0969/F granted a change of vehicular access and extension of site curtilage for the dwelling and detached garage approved under reserved matters planning ref I/2011/0514/RM on the 27<sup>th</sup> November 2018.</p> <p>Under application LA09/2018/0969/F, it was established that the principle of development had been established on this site under permissions I/2006/0247/O and I/2011/0514/RM. The applicant has until 27<sup>th</sup> November 2023 to implement this permission. I therefore regard this as a legitimate ‘fall back’ position.</p> <p>I note during the processing of this application an amended block plan was received to address issues raised by Rivers Agency. Amendments included the garage and septic tank being repositioned on site away from a watercourse and portion of site subject to pluvial and fluvial flooding; a 5m maintenance strip being provide along the aforementioned watercourse; and a few existing and proposed spot levels across the site show that water from the development should not affect other houses as directed to the lower levels to the southwest.</p>		
<b>Characteristics of the Site and Area</b>		
<p>There does not appear to be any significant changes on site or in the immediate vicinity from the most recent planning permission granted on site under LA09/2018/0969/F (see ‘Description of Proposal’).</p> <p>The site, which contains the foundations of a garage granted under applications I/2006/0247/O &amp; I/2011/0514/RM, is a flat, square-shaped plot measuring approx. 2</p>		

hectares is located in the rural countryside approx. 2 miles south of Ardboe, adjacent the Killycanavan Road from which it proposes to take its access. Cut from the roadside frontage of a much larger agricultural field the boundaries of this site are undefined but for a dense row of tall trees and hedges that along its roadside frontage (southeast boundary). A stream runs along the southwest boundary of the site. The stream is bound to the outside / southwest by a dense row of tall trees and hedges as by enlarge are the boundaries of the host field.

Critical views of this site are limited to passing along the roadside frontage of the site. This is due to the vegetation bounding the aforementioned stream and host field and within the wider vicinity, which screen it from the Brookend Road located to the west and from views on the southwest and northeast approach travelling along Killycanavan Road. The bend in the Killycanavan Road on the northeast approach also aids in screening the site until passing the roadside frontage of the host field.

This area of countryside is predominantly rural in character. It comprises relatively flat agricultural land interspersed with single dwellings and farm groups. There is a bungalow dwelling, no.33 Killycanavan Road located on a triangular shaped roadside plot, approx. 70 metres to the north east of and at the same side of the road as the site.

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

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

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

Regional Development Strategy 2030

Cookstown Area Plan 2010

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 3 - Access, Movement and Parking

Planning Policy Statement 15 - Planning and Flood Risk

Planning Policy Statement 21 - Sustainable Development in the Countryside

Supplementary Planning Guidance for PPS21 - 'Building on Tradition' A Sustainable Design Guide for the Northern Ireland Countryside.

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

### **Representations**

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

## Planning History

- I/2006/0247/O – outline permission for a dwelling and garage - refused on the 14th December 2006 by the Department, under 'A Planning Strategy for Rural Northern Ireland'. This decision was appealed (reference: 2007/A0279), the appeal allowed and the dwelling and garage subsequently granted on the 2nd February 2009.
- I/2011/0514/RM – reserved matters permission for a dwelling and garage – Granted 15th February 2012.
- LA09/2018/0969/F – proposed change of vehicular access and extension of site curtilage for dwelling and detached garage previously approved under approval of reserved matters planning ref I/2011/0514/RM – Granted 27<sup>th</sup> November 2018

## Consultees

1. DfI Roads were consulted in relation to access arrangements and raised no objections subject to standard conditions and informatives. Accordingly, I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.
2. Rivers Agency (RA) were consulted in relation to flooding on site. Below is a summary of RA key issues raised under the following policies of PPS15 Planning and Flood Risk:
  - FLD1 Development in Fluvial (River) Plains - Development lies partially within the 1% AEP fluvial flood plain. The applicant should carry out a Flood Risk Assessment to verify the more accurate extent of the floodplain. Development will not be permitted within the 1% AEP fluvial flood plain unless applicant can demonstrate it constitutes an exception to the policy.
  - FLD2 Protection of Flood Defence and Drainage Infrastructure - Policy requires a working strip of minimum width 5m retained at all times along the designated watercourse to southwest of site for maintenance purposes.
    - I am content that this proposal will not hinder access to the stream to facilitate any future maintenance by Rivers Agency, other statutory undertaker or the riparian landowners if required as a buffer of 5m has been provided and can be conditioned to be retained clear of impediments.
  - FLD 3 Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains - Development located partially within predicted flood area. Drainage Assessment not required by policy, however it is the developer's responsibility to assess flood risk and drainage impact and mitigate risk to development and any impacts beyond site.
  - FLD 5 Development in Proximity to Reservoirs - Site within potential area of inundation emanating from Brookend Pond. It has not been demonstrated the condition, management and maintenance regime of Brookend Pond is appropriate to provide sufficient assurance regarding reservoir safety to enable the development to proceed. RA carried out an



assessment of flood risk to people at this site for an uncontrolled release of water emanating from Brookend Pond. As a result of this analysis the overall hazard rating at this site is considered high. This is considered by RA to be an unacceptable combination of depth and velocity for this particular development. Policy FLD 5 states there will be a presumption against any development located in areas where it is indicated that there is the potential for an unacceptable combination of depth and velocity.

Further to RA response above the agent was contacted to provide the additional information / drawings required to address the issues raised. Subsequently a letter from Mr Pat Quinn, a Chartered Town Planning Consultant was received on the 3rd September 2021, from the applicant's agent.

In the letter Mr Quinn advises a material start has been made on implementing the existing permissions (I/2006/0247/O, I/2011/0514/RM) relating to a dwelling and garage. Meaning regardless of current application's outcome the applicant can erect a dwelling and garage on this site. Since the applicant wants to make use of this valuable site, she intends to complete the dwelling and garage already approved, if the current application is refused. This creates a 'fall back' position, which must be the determining consideration.

The fall back principle requires consideration of what an applicant can do without the need for a further planning permission. This site has a long planning history. Permission was granted on appeal for a dwelling and garage under reference I/2006/0247/O. Detailed approval was granted under reference I/2011/0514/RM. A material start was made on this permission before approval expired. Under reference LA09/2018/0969/F permission was granted to change the access and extend the curtilage. The approval of LA09/2018/0969/F confirms that the I/2011/0514/RM house had lawfully commenced. Since the applicant can lawfully continue to erect the dwelling and garage on the extended site, she has a fallback position.

Rivers Agency (RA) has commented on the current application and among other things point out the development lies partially within the 1% AEP fluvial floodplain and partially within a predicted flooded area. The site is also within the potential area of inundation emanating from Brookend Pond and as a result RA consider the overall hazard rating at this site to be high. RA has requested additional information including a Flood Risk Assessment and confirmation that the condition, management and maintenance regime for Brookend Pond is appropriate to provide sufficient assurance regarding reservoir safety.

When considering the issues raised by Rivers Agency and the additional information requested the Council must be mindful of the following.

1. The subject application involves a change of house type which seeks to replace a four-bedroom house which has lawfully commenced with a four-bedroom house,
2. The houses occupy similar positions within the same site,
3. If the current application is refused the applicant fully intends to erecting the dwelling and garage already approved and lawfully commenced, therefore

4. Refusing the current application will serve no useful purpose since it will not prevent a four-bedroom house with a detached garage from being built on the subject site.

Since there is certainty that the applicant will implement her fall back position in the event of a refusal, the above factors dictate the fall back position must be the determining consideration in this case. This current application should therefore be approved.

Having taken into account the contents of Mr Quinn's letter, I would concur that there is a fall back position here by virtue of the LA09/2018/0969/F permission and refusing this application cannot prevent a dwelling and garage being built in a similar position on site. Whilst it would be normal practice to request a Reservoir Management Plan it is clear a planning approval exists which could be implemented therefore it would strike Planning as reasonable to protect the future occupants or any investors in the property that assurance is sought before development is commenced. This can be done via condition.

### **Consideration**

Cookstown Area Plan 2010 - is the statutory local development plan for the application site. The site is located outside any development limit and the development plan offers no specific policy or guidance in respect of the proposal.

The Strategic Planning Policy Statement for Northern Ireland - Retains the policy provisions of the Planning Policy Statements relevant to this proposal.

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

As detailed above in the 'Description of Proposal', under application LA09/2018/0969/F, it was established that the principle of development had been established on this site under permissions I/2006/0247/O and I/2011/0514/RM. The applicant has until 27<sup>th</sup> November 2023 to implement this permission. I therefore regard this as a legitimate 'fall back' position.

In light of the above I consider there is a legitimate fall back position that the dwelling approved by under permissions I/2006/0247/O and I/2011/0514/RM could be completed in accordance with the approved details. That said with respect to the design of the dwelling and garage it must still comply with CTY 13 and 14 of PPS 21.

CTY 13 states that the proposed development must be able to visually integrate into the surrounding landscape and be of an appropriate design. Policy CTY 14 allows for a building in the countryside where it does not cause detrimental change to or further erode the rural character of the area.

I believe the site has the capacity to absorb the newly proposed dwelling and garage in accordance with Policy CTY13 and with minimal disruption to the rural character of the area in accordance with CTY14. I do not believe the proposed dwelling and garage

would have any significantly greater visual impact when viewed from surrounding vantage points than the previously approved bungalow (ridge height approx. 5.4m above FFL) and garage (ridge height approx. 4.1m above FFL) scheme.

The design (including finishes) of the proposed dwelling and garage are in my opinion generally simplistic and reflective of traditional rural design and in keeping with the rural design principles set out in 'Building on Tradition' A Sustainable Design Guide for the Northern Ireland Countryside. The dwelling is sited, similar to the previous scheme, to front onto and run parallel to the Killycanavan Rd. It has a simple rectangular-shaped floor and pitched roof construction with a ridge height approx. 6m above FFL; 2 chimneys expressed along its ridgeline; a rear return; and small centrally located pitched roof front porch. Whilst it also 2 front projections, one to either side of the front porch, which is not considered consistent with simple rural form and normally accepted I am content that in this instance as views of the site will be limited to passing the roadside frontage of the site it is acceptable in this instance. The garage which is to be located to the rear / south west side of the dwelling also has a simple rectangular shaped floor plan and pitched roof construction with a ridge height approx. 5.3m above FFL. Finishes to the dwelling and garage include black roof tiles and k-rend walls with natural stone detailing as indicated on the drawings submitted.

I have no concerns regarding the proposed dwelling and garage adversely impacting the amenity of neighbouring properties to any unreasonable degree in terms of overlooking / overshadowing given none bound the site and the closest is no. 33 Killycanavan Road, a detached bungalow is located approx. 70m northeast of the site.

#### **Other Policy/Considerations**

NIEA Natural Environment Map Viewer identified this site is within an area known to breeding waders and herons which are priority species – the previous approval has commenced on site and I do not believe this proposal introduces any development that would have a significantly greater impact than the previous approval. And as such I am content subject to referring the applicant to DAERA's Standing Advice for Priority species that in accordance with Policy NH 2 of PPS2 Natural Heritage they are not likely to be harmed by this proposal.

Historic Environment Map Viewer identified no built heritage interests on site.

Epic identified site within SG - Defence Estates however consultation only required if height of development is over 15.2 metres, which is not the case here.

As a stream is located along the south western boundary of this site this proposal was considered in light of whether it would have a hydrological link to a European site. However based on the location, nature and scale of the proposal, and the distant link (approx. 1 ½ miles) to Lough Neagh and Beg it is not considered there should be a significant effect from this proposal.

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

<b>Neighbour Notification:</b>	Yes
<b>Summary of Recommendation:</b>	Approve
<p><b>Conditions</b></p> <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. The existing mature trees and vegetation along the entire site boundaries as indicated on Drawing No. 01(Rev.02) bearing the date stamp received 29 SEP 2021, shall be retained except where it is required to provide sight lines. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Department, unless necessary to prevent danger to the public in which case a full explanation shall be given to the Department in writing at the earliest possible moment.  Reason: To ensure the development integrates into the countryside and to ensure the maintenance of screening to the site.</li> <li>3. There shall be no development, tree planting, hedges, permanent fencing, sheds, or land raising within the area hatched blue and identified as maintenance strip on Drawing No. 01(Rev.02) bearing the date stamp received 29 SEP 2021.  Reason: To ensure access and egress for maintenance of the watercourse.</li> <li>4. All proposed landscaping as detailed on Drawing No. 01(Rev.02) bearing the date stamp received 29 SEP 2021, except that within the maintenance strip, shall be carried out during the first available planting season following the occupation of the development hereby approved. Any trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.  Reason: To ensure the development integrates into the countryside and to ensure the maintenance of screening to the site.</li> <li>5. The vehicular access including visibility splays of 2.4m x 45m in both directions and any forward sight distance, shall be provided in accordance with Drawing No. 01(Rev.02) bearing the date stamp received 29 SEP 2021, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.</li> </ol>	

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

6. 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 users.

7. Prior to the commencement of any other development hereby permitted the developer will be required to provide for agreement by Mid Ulster Council a Reservoir Management Plan that confirms the condition, management and maintenance regime for Brookend Pond.

Reason: To ensure that future occupants are not at significant risk from flood inundation.

8. One dwelling only shall be constructed within the area of the site outlined in red on the approved Drawing No. 01(Rev.02) bearing the date stamp received 29 SEP 2021.

Reason: To control the number of dwellings on the site as this permission is in substitution for planning approvals I/2006/0247/O & I/2011/0514/RM respectively and is not for an additional dwelling on this site.

#### Informatives

1. This site is located within an area of potential flooding and any development hereby approved and undertaken on this site will be at the developers own risk.

Please see DfI Rivers consultation response received and scanned to the Planning Portal on the 28<sup>th</sup> June 2021 for details of above.

2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
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. This permission authorises only private domestic use of the proposed garage and does not confer approval on the carrying out of trade or business there from.

6. Department for Infrastructure Roads comments:

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.

The applicant should contact the Department for Infrastructure Roads Service's Maintenance Section in order that an agreement may be reached regarding maintenance costs and incurred expenses in consequence of any damage caused to the public road.

Notwithstanding the terms and conditions of the Council's approval set out above, you are required under Articles 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the 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 Roads Service Section Engineer. A monetary deposit will be required to cover works on the public road.

It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

7. Please see attached DAERA Environmental Advice for Planning - Standing Advice - Priority Species published May 2015 and updated Nov 2017.

**Signature(s)**

**Date:**



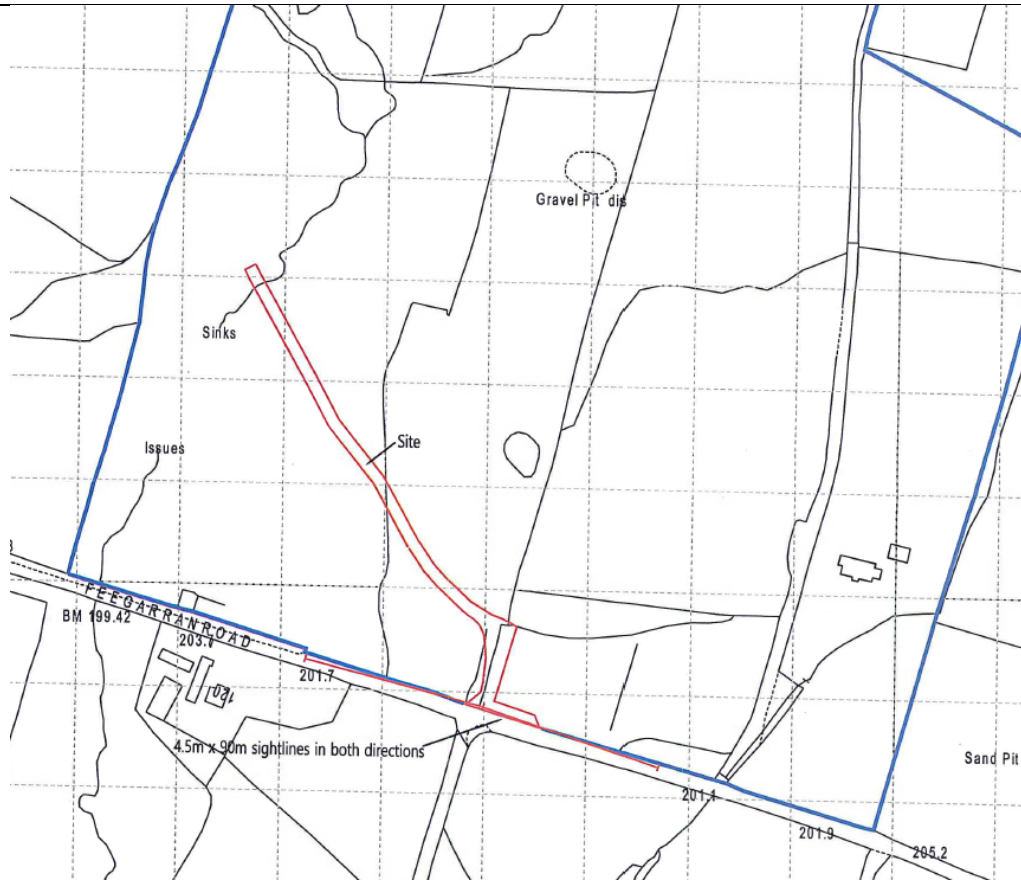
Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
 District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/0773/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed New Vehicular Access to existing Quarry	<b>Location:</b> 130m East of 120 Feegarran Road Cookstown Opposite Corby Road Junction
<b>Referral Route:</b> 1no. Objection received	
<b>Recommendation:</b>	<b>Approval</b>
<b>Applicant Name and Address:</b> Wesley Hamilton 47 Shivey Road Cookstown BT80 9HB	<b>Agent Name and Address:</b> Collins Design 7 Dublin Road Omagh BT78 1ES
<b>Executive Summary:</b>  Proposal complies with relevant prevailing planning policy. 1No. objection letter received and considered below.	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen	Content
Statutory	NIEA	Advice
Statutory	NIEA	Advice
Statutory	NIEA	Content



<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
<p><b>Characteristics of the Site and Area</b></p> <p>The site is located in the open countryside outside any defined settlement limits identified within the Cookstown Area Plan 2010. The settlement of Cookstown is located 7.8km south east of the application site as the crow flies. The site is located along the Feegarran Road, opposite the junction with Corby Road. The site comprises a portion of a roadside agricultural field and existing agricultural access. The topography of the application site is relatively flat, however there is a slight incline northerly beyond the red line within the field. The boundaries of the field are defined by mature vegetation, however the boundaries of the site are relatively undefined given this is a cut out portion of a large field. An existing operating quarry is located in close proximity to the northwest and this proposal will create an additional access for this Quarry. The surrounding area is rural in character with a low development pressure and predominantly agricultural fields with a few dispersed detached dwellings.</p>	
<p><b>Description of Proposal</b></p> <p>This planning application seeks full planning permission for a new vehicular access associated with an existing quarry located 130m East of 120 Feegarran Road Cookstown.</p>	
<p><b>Planning Assessment of Policy and Other Material Considerations</b></p> <p>Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.</p> <p><b>The following documents provide the primary policy context for the determination of this application:</b></p> <ul style="list-style-type: none"> <li>• Regional Development Strategy 2030</li> <li>• Strategic Planning Policy Statement for Northern Ireland</li> <li>• Cookstown Area Plan 2010</li> <li>• Planning Policy Statement 3: Access, Movement and Parking</li> <li>• Planning Policy Statement 21 - Sustainable Development in the Countryside</li> <li>• A Planning Strategy for Rural Northern Ireland – Minerals</li> <li>• DCAN 15: Vehicular Access Standards</li> </ul> <p>The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District/ Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent</p>	

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

### **Representations**

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. At the time of writing, 1no. Objection letter was received. The details of the letter are summarised and considered below:

- The letter of objection received 25<sup>h</sup> June 2021 from a Mr Wilfred Mitchell of 109 Feegarran Road requests assurance that the vehicle washing element of the proposal will not result in wastewater discharge into the adjacent river and that any related lane/road access and rights of way will not be impacted by the proposed application.

It is noted that this letter did not object to the principle of development. However, with respect rights of way over land, this is a civil matter and not under the remit of planning control. An informative will be attached to any forthcoming approval advising planning permission does not confer title, nor alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands. In response to the comments raised by the objector with respect wastewater discharge, NIEA were consulted as the relevant statutory body. NIEA Water Management Unit requested clarification regarding the nature of any discharge of water from the proposed wheel wash facility. The agent subsequently provided an amended block plan which provided greater detail on the wheel wash facility including the provision of a silt trap. NIEA provided further consultation response advising they are content with the proposal subject to the applicant noting the advice contained in the Explanatory Note, the applicant referring and adhering to Standing Advice, and any relevant statutory permissions being obtained. Their detailed response states they are unclear whether there is an intention to culvert a section of watercourse/drainage ditch as part of the creation of the access and the construction of new culverts should be avoided unless no practicable alternative exists in compliance with PPS15 Policy FLD 4. The agent has confirmed the proposal avoids all but one small ditch which is a previously cut small land drain which links into further land drains cut to the south of the site. The open drain itself is 800mm wide therefore the applicant intends to span 2no. 2m wide precast slabs over it to allow the drain to flow freely without the need for any form of pipe. Therefore, I am content that the objectors concerns with respect wastewater discharge have been adequately addressed/considered and the proposal accords with PPS15.

### **History on Site**

I/2013/0307/F - Variation of Condition Numbers 3 and 16 attached to planning approval I/2004/1062/F to extend the time period (by approximately 10 years) for restoration of the north-east corner of the existing quarry, which involves the removal of rock by blasting. (Additional Information Received) - Lands at the existing S Bell and Sons quarry, 28 Ballynagilly Road, Cookstown, - Permission Granted 03/08/15

I/2004/1062/F - Extension of existing quarry for the extraction of sand & gravel. Removal of rock by blasting from north east corner of the existing quarry as part of site restoration - Lands to the south of existing sand & gravel quarry, Ballynagilly Road, Cookstown – Permission Granted 06/03/08

### **Key Policy Considerations/Assessment**

Cookstown Area Plan 2010 - The site is located outside any defined settlement limits and outside of any area of constraint against mineral development defined within the extant area plan. The Plan contains no specific policies relating the proposed development, therefore the proposal is in conformity with the plan provided it complies with the relevant regional planning policies.

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. The SPPS identifies that growing a sustainable economy is a key priority, it also stresses the importance of achieving this in an environmentally sensitive manner and sustaining a vibrant rural area by respecting neighbouring amenities and being of an appropriate scale and nature to the area.

Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) is a retained policy document under SPPS. Policy CTY1 of PPS21 sets out the types of development that are considered to be acceptable in the countryside. One of these is minerals development in accordance with the MIN policies of A Planning Strategy for Rural Northern Ireland. The application is for a new access on Feegarran Road to provide an additional vehicular access to an existing operating quarry.

#### Policy MIN 1 Environmental Protection.

The proposal is not located within any environmentally designated area. As stated previously in the report, NIEA were consulted and have not raised any objections. The site is existing farmland and is of low biodiversity value and the proposal relates to an access. I am content that the proposal will not cause harm to the natural or built environment.

#### Policy MIN2 Visual Implications

The site is low lying in the landscape when viewed from surrounding public road network. The proposed works relate to a new access to an existing quarry. I do not consider the proposal will have a visual impact significantly greater than that which exists on the landscape character of this area.

#### Policy MIN 3 Areas of Constraint

The site is not located within an Area of constraint on Mineral Development as defined in the Cookstown Area Plan 2010.

#### Policy MIN4 Valuable Minerals

The proposal does not involve the mining of valuable minerals (as defined by policy, eg. oil, gas, lignite).

#### Policy MIN5 Mineral Reserves

It is not considered the proposal would prejudice future exploitation of valuable mineral reserves.

**Policy MIN6 Safety and Amenity**

The proposal relates to a new access with an ancillary associated wheel washing facility. DFI Roads have been consulted and have raised no concerns with respect road safety. The closest third party dwelling is located approximately 116m SW of the proposed access. It is considered this is adequate separation distance to avoid detrimental impact to residential amenity to warrant refusal.

**Policy MIN7 Traffic**

DFI Roads were consulted on this application as the competent authority in assessing the application from a road safety perspective and have no objections to road safety and convenience of road users subject to conditions. On this basis I am satisfied that the proposal meets can provide a satisfactory means of access and that it complies with the prevailing policy provision including that contained within PPS 3 - Access, Movement and Parking and DCAN15.

**Consideration**

Minerals are an important natural resource and the minerals industry makes an essential contribution to the economy. The proposal site will provide an additional access to an established approved quarrying site. The submitted TAF and P1 form have not advised of an expected increase of vehicles/visitors/ those attending the site. No significant impacts on residential amenity to any nearby properties have been identified. In terms of compatibility and surrounding land uses, I am not content that the proposal is compliant. DFI Roads have no objections. NIEA were consulted have not identified any detrimental disturbance to the surrounding environment. Having considered all of the above, I feel the proposal would have a minimal impact and is therefore deemed acceptable.

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

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

**Conditions**

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

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

2. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 02 bearing the date stamp 20/05/2021, prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

## **Informatives**

1. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
3. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.
4. The applicant's attention is drawn to NIEA consultation response dated 2<sup>nd</sup> September 2021.
5. Due to the close proximity of the site to a watercourse, care will need to be taken to ensure that polluting discharges do not occur during the construction and operational phases of this development. The applicant should refer and adhere to the precepts contained in DAERA Standing Advice on Pollution Prevention Guidelines.
6. The applicant must refer and adhere to all the relevant precepts contained in DAERA Standing Advice on Culverting.
7. Care should be taken to ensure that only clean surface water is discharged to the nearby water environment. Water Management Unit recommends the applicant refers and (where applicable) adheres to the precepts contained in DAERA Standing Advice on Sustainable Drainage Systems in order to minimise the polluting effects of storm water on waterways.
8. Discharge consent, issued under the Water (Northern Ireland) Order 1999, is required for any discharges of potentially contaminated water to the aquatic environment and may be required for site drainage during the construction phase of the development.
9. Any proposed discharges not directly related to the construction of the development, such as from septic tanks or wash facilities, will also require separate discharge consent applications. The applicant should refer to DAERA Standing Advice on Discharges to the Water Environment. All DAERA Standing Advice is available at: <https://www.daerani.gov.uk/publications/standing-advice-development-may-have-effect-water-environmentincluding-groundwater-and-fisheries>
10. The applicant should be informed that it is an offence under the Water (Northern Ireland) Order 1999 to discharge or deposit, whether knowingly or otherwise, any poisonous, noxious or polluting matter so that it enters a waterway or water in any

underground strata. Conviction of such an offence may incur a fine of up to £20,000 and / or three months imprisonment.

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

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

**Signature(s)**

**Date:**



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> LA09/2021/0882/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed two storey dwelling & garage.	<b>Location:</b> 50m SE of 115a Ruskey Road Loup BT45 7TS.
<b>Referral Route:</b>  Approval - To Committee - One Objection received.	
<b>Recommendation:</b>	
<b>Applicant Name and Address:</b> Nuala McVey & Enda McLaughlin 117 Ballyneill Road Loup Magherafelt BT45 7TE	<b>Agent Name and Address:</b> Vision Design 31 Rainey Street Magherafelt BT45 5DA
<b>Executive Summary: Approve</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
Statutory	DFI Roads - Enniskillen Office	Content

### Representations:

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

### Summary of Issues

Approval - To Committee - One Objection received.

### Characteristics of the Site and Area

The site is located within the development limits of The Loup within undesignated white land outside any designations as identified in the Cookstown Area Plan 2010. I note that the site sits elevated from the public road with a large two storey dwelling adjacent to the site located within the same agricultural field. I note that the site is located within a mixed use area inclusive of residential, commercial, a school and agricultural all in close proximity.

#### Representations

There were eleven neighbour notification letters sent out however one objection was received. Summary of objection was that they wanted to confirm that the visibility splays indicated to the north of the site, passes the front of and within their property. In that no consent has been given for these sight lines.



## Description of Proposal

This is a proposed an outline for the proposed two storey dwelling & garage, the site is located 50m SE of 115a Ruskey Road, Loup.

## Planning Assessment of Policy and Other Material Considerations

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

Cookstown Area Plan 2010

Mid Ulster Local Development Plan 2030 - Draft Strategy

Strategic Planning Policy Statement (SPPS)

PPS 7: Quality Residential Environment

PPS 3: Access, Movement and Parking

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. The SPPS sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

Policy QD1 of PPS 7 states that planning permission will be granted for new residential development only where it is demonstrated that it will create a quality and sustainable residential environment. It indicates that housing will not be permitted in established residential areas where it would result in unacceptable damage to local character, environmental quality or residential amenity of these areas. The current proposal is for a single storey detached dwelling. The Policy sets out nine criteria which all residential development proposals are expected to meet.

a) 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 surface areas:-

Given the dwelling approved and built beside the site I would be content that a dwelling within this site would be able to respect the surrounding context. I note that this is only an outline application as such only an appropriately designed dwelling will be accepted at reserved matters stage to ensure that it would be acceptable in terms of scale, massing, proportions and appearance of the dwelling and it is well landscaped.

b) features of the archaeological and built heritage, and landscape features are identical and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development:-

From review of the site there does not appear to be any features of the archaeological and built heritage, and landscape in the close vicinity, as such I am content that this is acceptable.

c) 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:-

Given the size of development I am content that the proposal does not require to provide public open space and given the size of site that there should be adequate private amenity space.

d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development: -

The size and scale of this development does not require it to make provision for local neighbourhood facilities. There are existing transport links in the area.

e) 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:-

I am content the site will be able to provide an acceptable movement pattern, including walking and cycling, which will enable occupants to access public transport routes and the public network system.

f) adequate and appropriate provision is made for parking:-

I am content that the site is of sufficient size that would allow for adequate parking provision.

g) the design of the development draws upon the best local traditions of form, materials and detailing:-

I note that this is only an outline application, the design will be a matter for the reserved matters application, only an appropriately designed dwelling will be accepted.

h) 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:-

Again only an appropriately designed dwelling at reserved matters will be accepted to ensure that there is no conflict with adjacent land uses.

i) the development is designed to deter crime and promote personal safety:-

It is my opinion that the proposed development will not increase the potential for crime.

A Planning Strategy for Rural Northern Ireland

Policy DES 2 Townscape requires development proposals in towns and villages to make a positive contribution to townscape and be sensitive to the character of the area surrounding the site in terms of design, scale and use of materials. The proposed development will have little impact on the character of the area due to the level of existing vegetation around the site to ensure the site would integrate into the landscape.

PPS 3: Access, Movement and Parking

DFI Roads were consulted in relation to the application and responded to confirm that they were content subject to conditions and informatives.

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

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

I note that during the application process that one objection, in response to the comments made, I note that the applicant submitted a response to the comments which stated the intention is to use the same access as approved under I/2012/0154/F. In addition to this included a letter from I/2012/0154/F which stated that splays are available without encroaching on lands not controlled by Roads Service and/or the applicant. I note that upon review of the submitted plans that the splays do not appear to run over the objectors land and appear to run along the existing roadside verge. From this I hold the opinion that the applicant has shown sufficient control over the access. However I note that planning does not confer title and any ownership issues is a civil matter.

As the application has complied under Policy QD1 of PPS 7 I must recommend approval for this application.

**Neighbour Notification Checked**

**Yes**

**Summary of Recommendation:**

Approval

**Conditions:**

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

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

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

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

3. The proposed dwelling shall have a ridge height of less than 8 metres above the

finished floor level of the site 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.

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

Reason: In the interest of visual amenity.

5. 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.

6. During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development and details of a native species hedge to be planted to the rear of the of the visibility splays. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual amenity and to protect the character of the area.

7. The existing natural screenings of the site shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

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

8. 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.

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

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

**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. The applicant's attention is drawn to form RS1 and the statement regarding an accurate, maximum 1:500 scale survey which must be submitted as part of the Reserved Matters application.

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	10th June 2021
<b>Date First Advertised</b>	22nd June 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 1 Eglishe Close, Moneymore, Londonderry, BT45 7SQ The Owner/Occupier, 109a, Ruskey Road, Coagh, Londonderry, BT45 7TS The Owner/Occupier, 110 Ruskey Road, Coagh, Londonderry, BT45 7TS The Owner/Occupier, 111 Ruskey Road Coagh Londonderry The Owner/Occupier, 113 Ruskey Road Coagh Londonderry The Owner/Occupier, 114 Ruskey Road, Coagh, Londonderry, BT45 7TS The Owner/Occupier, 115 Ruskey Road Coagh Londonderry The Owner/Occupier, 115a Ruskey Road Coagh M Devlin 117 RUSKEY ROAD, COAGH, BT45 7TS The Owner/Occupier, 117 Ruskey Road, Coagh, Londonderry, BT45 7TS The Owner/Occupier, 2 Eglishe Close, Moneymore, Londonderry, BT45 7SQ The Owner/Occupier, St Patricks Primary School, 119 Ruskey Road, Coagh, Londonderry, BT45 7TS	
<b>Date of Last Neighbour Notification</b>	30th June 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No

## Planning History

Ref ID: LA09/2021/0882/O

Proposal: Proposed two storey dwelling & garage.

Address: 50m SE of 115a Ruskey Road, Loup BT45 7TS.,

Decision:

Decision Date:

Ref ID: I/2006/0747/F

Proposal: Application for a new access

Address: Site 10m west and opposite of 115 Ruskey Road, The Loup

Decision:

Decision Date: 27.03.2007

Ref ID: I/2006/1047/F

Proposal: 3 No. town houses

Address: Adjacent to and immediately north of 111 Ruskey Road, Loup, Moneymore

Decision:

Decision Date: 25.04.2007

Ref ID: I/1979/0385

Proposal: BUNGALOW

Address: BALLYROGULLY, LOUP, MAGHERAFELT

Decision:

Decision Date:

Ref ID: I/2008/0134/F

Proposal: 1 No. Pair of two storey, semi-detached dwellings

Address: Adjacent to and immediately north of 111 Ruskey Road, Loup, Moneymore

Decision:

Decision Date: 19.08.2008

Ref ID: I/1997/0300

Proposal: Erection of dwelling

Address: ADJACENT TO 111 RUSKEY ROAD, LOUP, MONEYMORE

Decision:

Decision Date:

Ref ID: I/2012/0154/F

Proposal: Proposed change of access from that previously approved under planning application ref no: I/2011/0428/F

Address: Land 60meters South East Of St Patricks P.S Loup, Moneymore, Magherafelt,

Decision: PG

Decision Date: 16.07.2013

Ref ID: I/2010/0236/Q

Proposal: Proposed Housing Development

Address: Lands to Rear of 115 Ruskey Road, The Loup, Moneymore

Decision:

Decision Date:

Ref ID: I/1998/0456  
 Proposal: Proposed dwelling  
 Address: RUSKEY ROAD LOUP MONEYMORE  
 Decision:  
 Decision Date:

Ref ID: I/2011/0428/F  
 Proposal: Proposed New Dwelling & Garage  
 Address: Land 60 metres South East of St Patricks P.S Loup, Moneymore, Magherafelt, BT45 7TS,  
 Decision:  
 Decision Date: 08.02.2012

Ref ID: I/2009/0524/F  
 Proposal: Housing development consisting of 40 dwellings - 13 pairs of semi detached (26 units) 1 no. terrace (8 units), 1 no. apartment building (6 units)  
 Address: Land 50m to the east of 119 Ruskey Road, The Loup, Cookstown.  
 Decision:  
 Decision Date: 26.04.2010

### **Summary of Consultee Responses**

### **Drawing Numbers and Title**

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

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

Date of Notification to Department:  
 Response of Department:





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

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

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 02/11/2021	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/0905/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed 3 No Detached Dwellings	<b>Location:</b> To rear of houses 9-11 Killyveen Park Granville Dungannon Co.Tyrone
<b>Referral Route:</b> <ol style="list-style-type: none"><li>1. The proposal is contrary to CTY 1 in that there is no overriding reason why the development cannot be located within a settlement.</li><li>2. The proposal is contrary to CTY 15 – The Setting of Settlements in PPS 21 in that the proposal will mar the distinction between the settlement limit of Granville and the countryside and result in urban sprawl.</li><li>3. The proposal is contrary to CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted be detrimental to rural character and would result in urban sprawl.</li></ol>	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Mr Jim Fay 16a Killybracken Road Granville Dungannon BT70 1NU	<b>Agent Name and Address:</b> Peter McCaughey 31 Gortnasaor Dungannon BT71 6DA
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



#### Consultations:

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

#### Representations:

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

#### Characteristics of the Site and Area

The site is on the boundary of the settlement of Granville as defined in the Dungannon and South Tyrone Area Plan 2010. To the west and within the settlement limit is urban in character with mainly residential with a mix of semi-detached and detached dwellings. Across the road from the proposed access is the rear of Granville Primary School. To the east of the site and outside the settlement limit is rural with agricultural fields and detached dwellings on single plots.

The application site is a portion of land to the rear of a cul-de-sac of semi-detached dwellings at Killyveen Park. The site is currently overgrown with trees and other vegetation. The site is accessed off the Killybracken Road along an agricultural lane.

### **Description of Proposal**

This is an outline application for proposed 3 No Detached dwellings at land to rear of houses 9-11 Killyveen Park, Granville, Dungannon.

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

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

### **Representations**

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

### **Planning History**

#### Adjacent site beside the proposed access

M/2014/0188/O - Proposed two storey dwelling and garage - Adjacent to 1 Killyveen Park, Killybracken Road, Granville, Dungannon, - Permission Granted 31.03.2015

LA09/2015/1147/RM - Proposed two storey dwelling and garage - Adjacent to 1 Killyveen Park, Killybracken Road, Granville, Dungannon, - Permission Refused 17.05.2016

LA09/2016/0762/RM - Proposed two storey dwelling and garage - Adjacent to 1 Killyveen Park, Killybracken Road, Granville, Dungannon, - Permission Granted 09.09.2016

The above planning approvals are relevant as the site is also outside the settlement limit and was approved on the principle that a dwelling on this site would not have an unacceptable impact on the visual amenity of the area.

**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 SPSS.

### **Mid Ulster Development Plan 2030 – Draft Plan Strategy**

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

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

### **Dungannon and South Tyrone Area Plan 2010**

The site is outside and on the boundary of the settlement limit of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010. The site is in the countryside so SETT 1 does not apply. The site is not within any other designations or zonings.

### **Planning Policy Statement 21**

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

As stated in the Preamble in PPS 21 the countryside is defined as land lying outside of settlements as defined in development plans. The application site is located on the south east boundary of the settlement limit of Granville and as such, any development to the west of the site inside Granville cannot be considered in the assessment as shown in figure 1 below. As noted the application site is outside the settlement limit.

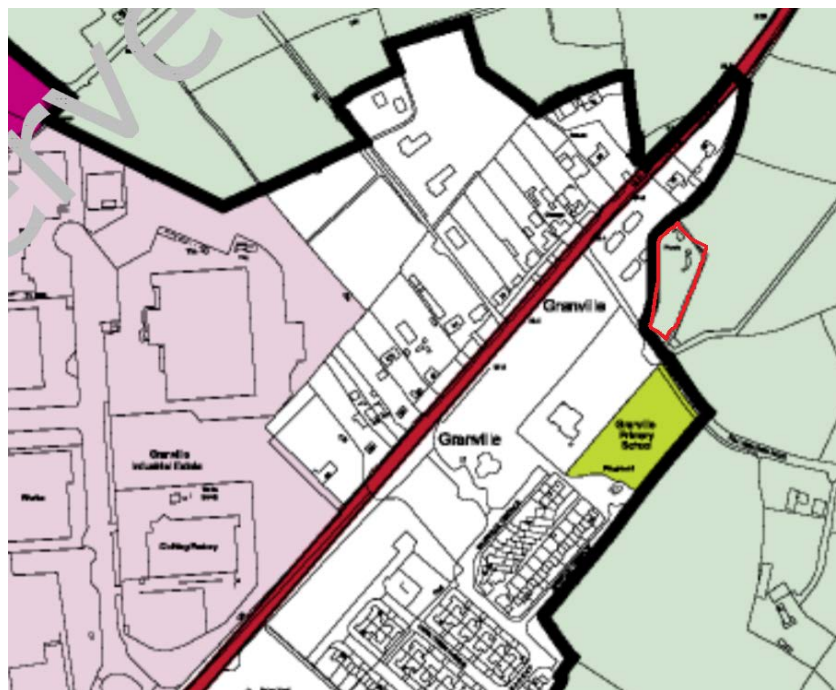


Figure 1 – Snapshot from the DSTA Plan 2010 and the red line is the application site

### **CTY 15 – The Setting of Settlements**

The application site is on the southeast boundary of the settlement limit of Granville and the proposal is for 3no. dwellings at the site. The cul-de-sac of Killyveen Park is on the north west boundary and the site is a field which is currently overgrown with trees as



shown in figure 2 below. I consider if the proposal will result in urban sprawl which is contrary to policy and lead to the further development of the settlement limit of Granville.

### **CTY 13 – Integration and Design of Buildings in the Countryside**

The site is currently overgrown with trees so at the time of my site visit it was difficult to ascertain existing ground levels as shown in figure 2 below. However there are minimal critical views from along the Killybracken Road and the Granville Road, so I am content the proposed dwelling will not be a prominent feature in the landscape.



Figure 2 – Photograph of the site at the site visit

Along all boundaries of the site there is a post and wire fence. But as shown above in figure 2 there is existing vegetation so as much of this along the boundaries should be retained as possible. As the site sits behind existing dwellings I am consider this will assist in the integration of the proposed dwellings into the landscape.

As this is an outline application no details about the design of the dwelling have been submitted and any design would be consider at the Reserved Matters Stage.

Overall, I am of the opinion the proposed dwellings would integrate into the landscape.

### **CTY 14 – Rural Character**

As stated previously I am content the dwellings will not be unduly prominent in the landscape. The application site is on the boundary of the settlement limit of Granville and as such would result in the further development of existing housing into the countryside. This will result in urban sprawl which is to be discouraged and consequently will have an unacceptable impact on rural character.

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

DFI roads were consulted as a new vehicular access is being created and responded with no concerns subject to visibility splays of 2.4m x 60m in both directions.

**Other Considerations**

There are no NED or HED issues at the site. There is a watercourse which runs along the eastern boundary of the application site and Rivers Agency were content with the proposal subject to a 5m maintenance strip along the boundary. There is a drain along the south east boundary of the dwelling approved under LA09/2016/0762/RM and this was culverted as part of this approval.

**Neighbour Notification Checked**      Yes

**Summary of Recommendation:**

The proposal is recommended for refusal as it does not meet the criteria in CTY 1, CTY 14 and CTY 15 in PPS 21 – Sustainable Development in the Countryside.

**Reasons for Refusal:**

1. The proposal is contrary to CTY 1 in that there is no overriding reason why the development cannot be located within a settlement.
2. The proposal is contrary to CTY 15 – The Setting of Settlements in PPS 21 in that the proposal will mar the distinction between the settlement limit of Granville and the countryside and result in urban sprawl.
3. The proposal is contrary to CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the development would if permitted be detrimental to rural character and would result in urban sprawl.

**Signature(s)**

**Date:**



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

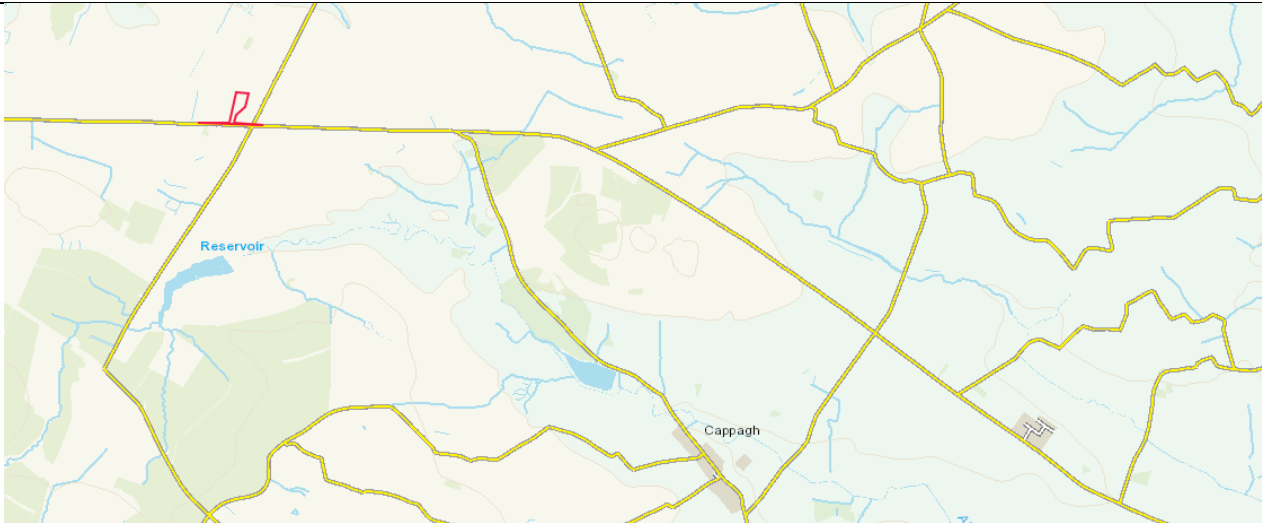
Mid-Ulster  
Local Planning Office  
Mid-Ulster Council Offices  
50 Ballyronan Road  
Magherafelt  
BT45 6EN

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1036/F	<b>Target Date:</b>
<b>Proposal:</b> New entrance in substitution to previously approved entrance approved under LA09/2020/0631/F	<b>Location:</b> Approx 60m SW of 137 Lurgylea Road Galbally Dungannon
<b>Referral Route:</b>	
<b>Recommendation:</b>	REFUSE
<b>Applicant Name and Address:</b> Mr Damian Corr 137 Lurgylea Road Galbally Dungannon BT70 2NZ	<b>Agent Name and Address:</b> Donnelly Design Services 8 Devesky Road Carrickmore Omagh BT79 9BU
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

Case Officer Report

Site Location Plan





<b>Consultations:</b>		
<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
Statutory	DFI Roads - Enniskillen Office	Standing Advice

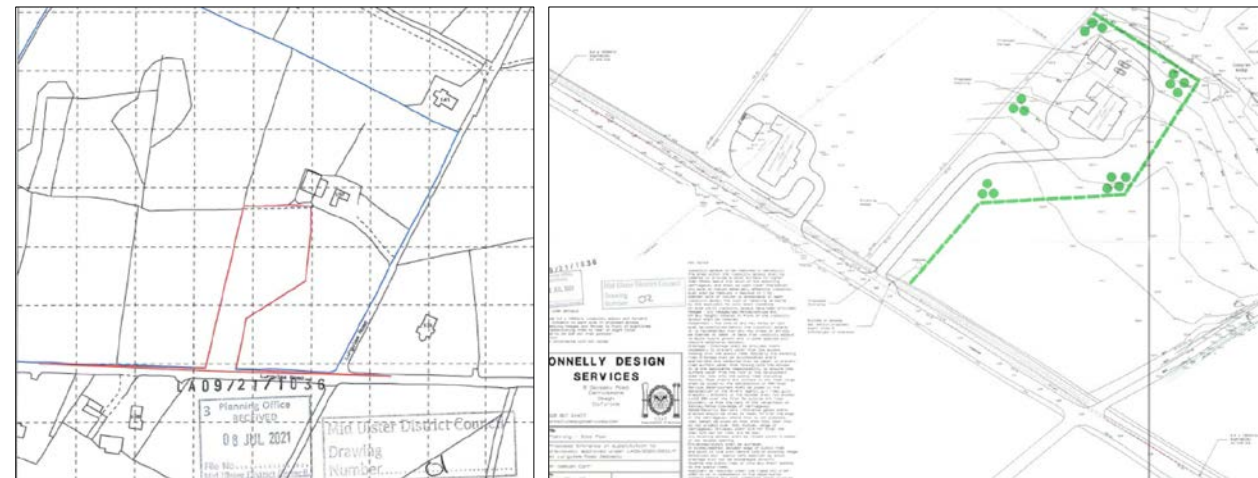
<b>Representations:</b>	
Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

**Description of Proposal**  
This is a full application for an amended access to previously approved application LA09/2020/0631/F.

LA09/2020/0631/F granted permission for a new dwelling and detached domestic garage on lands approx. 60m SW of 137 Lurgylea Rd Galbally Dungannon BT70 2NY on the Granted 3<sup>rd</sup> February 2021 under Policy CTY 10 of Planning Policy Statement 21 - Dwellings on Farms.



Figs 1 & 2: Site plan and layout granted under previous application LA09/2020/0631/F



Figs 3 & 4: Site plan and layout sought under current application

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

The site is located in the rural countryside, as depicted within the Dungannon and South Tyrone Area Plan 2010. The area surrounding the site is rural in nature defined by single dwellings and farm groups.

The site, which comprises a dwelling approved under LA09/2020/0631/F in the latter stages of construction, is located adjacent and southwest of No. 137 Lurgylea Road the applicant's dwelling and approx. 80m northwest of a crossroads located along Lurgylea Road with the village of Cappagh approx. 1 mile to the southeast. The site, which is a relatively rectangular shape, is located in the northeast corner of an existing agricultural field set back approx. 70m from the public Lurgylea Road to the east and south of the site. The dwelling on site was approved to be accessed via a new access lane from the Lurgylea Road to the east along the south side of the lane serving No. 137 Lurgylea Road. The current application seeks the dwelling instead be accessed via a new access lane from the Lurgylea Road to the south. The site is elevated from no. 137 and slopes gently uphill to the south towards the cross-roads. Part of the northern boundary is defined by mature hedgerow and some trees, beyond which is the access lane to No. 137, which is within the same ownership as the applicant and is blue land. A post and wire fence marks the western boundary, post and wire fence interspersed with mixed vegetation / trees marks the north / party boundary with No. 137 and the remaining boundaries are open to the larger field.

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

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

#### **Key Policy Context**

Regional Development Strategy

Dungannon and South Tyrone Area Plan 2010

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

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

#### **Representations**

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

#### **Planning History**

On Site

- LA09/2020/0631/F - Proposed dwelling & detached domestic garage – Approx. 60m SW of 137 Lurgylea Rd Galbally Dungannon BT70 2NY - Granted 3<sup>rd</sup> February 2021 under Policy CTY 10 of Planning Policy Statement 21 - Dwellings on Farms.

#### Adjacent Site

- M/2009/0069/F - Proposed dwelling and garage - Opposite 138 Lurgylea Rd Galbally, Dungannon - Granted 10<sup>th</sup> March 2009
- LA09/2021/0395/F - Proposed dwelling and detached domestic garage in substation of M/2009/0069/F - 133 Lurgylea Road Galbally Dungannon - Granted 9<sup>th</sup> June 2021

The above applications relate to lands west of the current site adjacent the Lurgylea Rd (see Fig 5, below).



Fig 5: Site layout granted under application LA09/2021/0395/F, as can be seen the boundary the current site proposes to follow lined in red above is further east of the recently approved dwellings curtilage.

**Dungannon and South Tyrone Area Plan 2010** - The site is located within the rural countryside outside any settlement designated by the Plan.

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

**Planning Policy Statement 3 Access, Movement and Parking (PPS3)** - Policy AMP 2 (Access to Public Roads) of PPS3 is the relevant policy test in this instance. AMP 2 states that planning permission will only be granted for a development involving direct access onto a public road where it will not prejudice road safety or significantly inconvenience the flow of traffic. DfI Roads were consulted in relation to access arrangements and raised no objection subject to standard conditions and informatives. Accordingly, I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.

**Planning Policy Statement 21 Sustainable Development in the Countryside (PPS21)** - sets out planning policies for development in the countryside.

Policy CTY 13 deals with integration with particular reference to criterion (d) which states that a new building will be unacceptable where the ancillary works do not integrate with their surroundings. Policy CTY 14 deals with rural character with particular reference to criterion (e) which states the impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

I am not content the new access lane will integrate with its surroundings and as a result it will damage the rural character of the area. Para 5.72 of the justification and amplification text states that a new access drive should, as far as practicable, be run unobtrusively alongside existing hedgerows or wall lines and be accompanied by landscaping measures.

The access lane under this application will run through open landscape along a double row of post and wire fencing approx. 1.2m high (see Fig 6, below). Whilst the proposed block plan submitted indicates an existing hedge along this boundary, what exists is not long established and in my opinion is insufficient to integrate the proposed access arrangements thus damaging the rural character of this very open area of countryside. Owing to the lack of vegetation on site this proposal will rely heavily on new planting, which would take years to establish. Accordingly, I am not content the revised access arrangements would integrate into the landscape without damage to rural character in accordance with Policies CTY13 and CTY14.



Fig 6: Google map shows open landscape access will cross & fencing referred to above





Fig 7: Google map shows approx. line of fencing and vegetation the access lane approved under previous application will follow, along the side of No. 137 Lurgylea Rd, the applicant's current address.

I note concerns with the currently proposed access lane were raised under the previous application on site LA09/2020/0631/F. At the outset of LA09/2020/0631/F the applicant/agent proposed the current access lane however as Planning considered it would not integrate the applicant/agent was given the opportunity to amend the access, alongside other design issues raised, to aid integration. Subsequently, the access lane was amended to run along the north boundary of the site adjacent and parallel to No. 137's access lane (Fig 7) whereby it benefited from post and wire fencing interspersed with mixed vegetation / trees to assist its integration into the landscape. Accordingly, Planning was content the revised access arrangements, alongside other design issues addressed, would now integrate into the landscape in accordance with Policies CTY13 and CTY14 thus the overall scheme was granted.

I do not believe there have been any significant changes on site since the previous application whereby the access lane currently proposed was considered not to be in accordance with Policies CTY13 and CTY 14 therefore I would recommend this proposal be refused. In making this recommendation, I have taken into account supporting information submitted by the agent justifying the proposed access arrangements. However, as detailed above I do not consider this proposal integrates; and there are no sufficient reason why the previously approved access arrangements cannot be provided, legal issues raised are with DFI and NIE, DFI will have to grant road opening permit.

### **Additional Considerations**

In addition to checks on the planning portal Historic Environment Division (HED) and Natural Environment Division (NED) map viewers available, online have been checked and identified no built heritage assets or natural heritage interests of significance on site or within the immediate vicinity.

Checks of the Planning portal and Flood Maps NI indicate the site is not subject to flooding

### **Recommendation**

Refuse lack of integration resulting in a detrimental change to the rural character of the countryside

<b>Neighbour Notification Checked</b>	Yes
<b>Summary of Recommendation:</b>	Refuse
<b>Reasons for Refusal:</b>	
<ol style="list-style-type: none"> <li>1. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the access arrangements do not integrate with their surroundings and therefore would not visually integrate into the surrounding landscape.</li> <li>2. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the impact of the access arrangements would result in a detrimental change to the rural character of the countryside.</li> </ol>	
<b>Signature(s)</b>	
<b>Date:</b>	



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> LA09/2021/1048/O	<b>Target Date:</b>
<b>Proposal:</b> Site for off-site replacement dwelling (max.ridge height 8.0m) and detached garage	<b>Location:</b> 50m South East of 22 Tirgan Road Tullynagee Moneymore BT45 7RZ
<b>Referral Route:</b>  The applicant is a current employee of Mid Ulster Council's Planning Department.	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Malachy McCrystal 22 Tirgan Road Tullynagee Moneymore BT45 7RZ	<b>Agent Name and Address:</b>
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	NIEA	Advice
Statutory	DFI Roads - Enniskillen Office	Content

### Representations:

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

### Summary of Issues

#### Characteristics of the Site and Area

This application site is located on land south east of No 22 Tirgan Road, Tullynagee, Moneymore. It sits approximately 6 kilometres south west of Magherafelt and 4 kilometres north west of Moneymore in the countryside, as defined in the Magherafelt Area Plan. It sits within the Sperrins Area of Natural Beauty (AONB) and the surrounding area is elevated with Carndaisy Forest to the west and an undulating minor road network traversing the upland topography. The site includes 2 separate parcels of land situated either side of Tirgan Road. The portion south of the road only includes a derelict 2 storey dwelling which approximately 2 metres below the road. This building lies parallel to and alongside the road and is included within a larger farmyard area which extends to the south.



The main bulk of this application site as submitted occupies a plot of land between the Tirgan Road and the applicant's dwelling at No 22.

This rectangular portion of the site includes part of the tarmaced access to No 22. This access also forms the north eastern boundary of the site and is defined by a low stone wall with a well-established hedgerow, interspersed with trees. The north western boundary of the site is a 2 metre high hedgerow which defines the front lawn and curtilage of the applicant's dwelling. The south western boundary of the site is undefined on the ground as the site is part of a larger agricultural field, which continues around the rear of No 22. The south eastern roadside boundary is a stone wall with hedgerow at the access and along the lay-by, with a grass verge and hedgerow for the most. The site rises from the roadside in a north westerly direction to where it peaks at the north western boundary and gently slopes to the south west.

#### Planning History

In April 2014, permission was granted for the offsite replacement of the dwelling subject of this application at 19 Tirgan Road under application H/2014/0007/O.

#### **Description of Proposal**

This application seeks outline planning permission for an off-site replacement dwelling (maximum ridge height 8 metres) and detached garage on land 50 metres South East of No 22 Tirgan Road, Tullynagee, Moneymore.

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

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

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

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

The applicant submitted a Design and Access Statement, as is required by Sections 40(3) and 86(2) of the 2011 Act, The Planning (General Development Procedure) Order (Northern Ireland) 2015, which in this instance is because this site is located within the designated Sperrins Area Of Natural Beauty.

The Strategic Planning Policy Statement (SPPS) published in September 2015 outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. The SPPS advises that the policy provision of PPS 21: Sustainable Development in the Countryside are retained and it is this policy which this application will be assessed under.

PPS21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. CTY1 - Development in the Countryside in PPS 21 states planning permission will be granted for an individual dwelling house in the countryside if it meets all the criteria set out with policy CTY3, for a replacement dwelling in addition to policies CTY13 and CTY14.

All proposals for a replacement dwelling will only be permitted where all the following criteria are met:

- the proposed replacement dwelling should be sited within the established curtilage of the existing building, 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;

For the purposes of this policy 'curtilage' will mean the immediate, usually defined and enclosed area surrounding an existing or former dwelling house.

The dwelling subject of this application to be replaced is a two storey with a small lean-to porch projection to the rear. There are 3 window openings each at ground and first floor levels, with those at ground floor level blocked up. Less than half of the roof is still intact however the part that is that closest to the north eastern gable has a red brick chimney positioned on the ridge. The south western gable of the building is partially exposed revealing the original brickwork, with the remainder covered in ivy.

The principle of a dwelling to be replaced has already been established through the granting of permission for application H/2014/0007/O as stated above, and thus satisfies the initial part of Policy CTY 3 Replacement dwellings in that the proposed building to be replaced exhibits the essential characteristics of a dwelling and is substantially intact.

Although that permission has expired, it was also for an off-site replacement but was proposed to be sited to the south of the dwelling. This application will assess the suitability of the site as proposed in this application on the opposite side of the road to accommodate a dwelling and garage.

The dwelling to be replaced is located along the roadside in the northern corner of a larger farm yard. This yard contains a number of agricultural buildings of various sizes and has two accesses. An access sits just north of the dwelling to be replaced and the other is approximately 30 metres to the south. The applicant in the Design and Access Statement has stated reasons why the replacement dwelling is proposed to be off site. The proximity of the access and in particular that to the north of the existing dwelling would create an undesirable siting for a dwelling, as well as the proximity of the existing agricultural buildings and absence of any established domestic curtilage. I am satisfied that on the basis of road safety and in order to construct a dwelling with adequate useable amenity space, a location outside of the existing footprint is necessary as it also will not hinder any further expansion of agricultural development within the farmyard.

There are a number of other criteria CTY 3 sets out that proposals must meet,

- the overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building;

- the design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness;

- all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality; and

- access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.

Although this proposal is to utilise an existing access as stated in the P1 form, as this is not for the dwelling to be replaced, it is necessary to consult DfI Roads. They responded saying they have no objections to this proposal subject to the provision of 2.4 metres by 45 metres in both directions and a forward sight distance of 45 metres also. With the inclusion of these requirements as a condition to any approval I am satisfied that road safety would not be compromised. Further details of the design of any dwelling and garage and finishes will be

assessed through the processing of any subsequent application pending approval of this proposal.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. Following discussion with the Principal Planner, it was decided that some conditions may be deemed necessary so as to allow development on this site to successfully integrate. As the site rises and is highest in the north western section, a condition to site the dwelling in the portion closest to the road would be the least prominent. It was also agreed a ridge height restriction would lessen the impact of any development on this site and it was decided a ridge height of no more than 6.5 metres FFL would be acceptable.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I am content that the proposed dwelling will not be a prominent feature in the landscape. Any views of this site are limited and would only be fleeting due to the winding nature of the minor road network. Subject to the implementation of the restrictions mentioned above as conditions of any planning approval, this would ensure the rural character of the site is preserved.

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

In line with the statutory consultation duties as part of the Planning General Development Procedure) Order 2015, an advert was placed in the local newspapers and there were no neighbouring properties to be notified by letter. There were no objections received about this proposal.

#### **Neighbour Notification Checked**

**Yes**

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

Having considered the criterion set out in Policy CTY 3 of PPS 21 along with CTY 13 and 14, I am content this proposal satisfies all requirements and therefore should be recommended for approval, subject to conditions.

The applicant for this proposed development is a current employee of Mid Ulster Council's Planning Department and thus this application cannot be determined under the Council's present Scheme of Delegation. Therefore it must be presented to Planning Committee to agree a decision, with my recommendation to approve.

#### **Conditions:**

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

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

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

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

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

3.A scale plan and accurate site survey at 1:500 shall be submitted as part of the reserved matters application showing the access via the existing access to No 22 Tirgan Road and visibility splays of 2.4 metres by 45 metres in both directions, and a forward sight distance of 45 metres to be constructed and other requirements in accordance with the attached form RS1.

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

4.The dwelling shall be sited within the area shaded orange on Drawing No 01 date stamped 9th July 2021 and a post and wire fence with a native species hedgerow planted along this south western boundary.

Reason: In order to integrate into the countryside.

5.The proposed dwelling shall have a ridge height of no more than 6.5 metres FFL with an underbuild not exceeding 0.45 metres at any point.

Reason: In the interest of visual amenity.

6.Upon occupation of the new dwelling, the dwelling to be replaced, coloured green on the approved Drawing No 01, date stamped 9th July 2021, shall no longer be used or adapted for purposes of human habitation and may only be used for storage purposes.

Reason: To ensure that the proposed development does not result in the creation of an additional dwelling in this rural area.

7.All existing trees and hedges along the boundaries of the site shall be permanently retained, hedges to their existing height and the trees to a minimum height of 3 metres, unless removal is necessary for the provision of visibility splays.

Reason: In the interests of visual amenity and to ensure the maintenance of screening to the site.

8.A detailed landscaping scheme incorporating proposed planting of locally occurring native species vegetation, proposals for retention of existing vegetation on site boundaries, and any proposals for removal of vegetation to facilitate the development, shall be submitted to the Council for approval simultaneously of dwelling design and its siting at reserved matters stage. The plan will include details of the site preparation planting methods, medium and additives together with the species, size and time of planting, presentation, location, spacing and numbers of all trees and shrubs to be planted and the proposed time of planting.

Reason: To enable the proposed development to integrate into the countryside.

**Informatives**

This notice relates to Drawing No 01 which was received on 9<sup>th</sup> July 2021.

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

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

It is the responsibility of the developer to ensure that surface water does not flow from the site onto the public road, the existing roadside drainage is accommodated and no water flows from the public road onto the site and surface water from the roof of the development hereby approved does not flow onto the public road, including the footway.

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

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	9th July 2021
<b>Date First Advertised</b>	20th July 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier,	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2021/1048/O Proposal: Site for off-site replacement dwelling (max.ridge height 8.0m) and detached garage Address: 50m South East of 22 Tirgan Road, Tullynagee, Moneymore, BT45 7RZ, Decision: Decision Date:  Ref ID: H/1992/0620 Proposal: 11 KV O/H LINE BM0693'92 Address: TIRGAN RD MONEYMORE Decision: Decision Date:  Ref ID: H/1993/0116 Proposal: BUNGALOW AND GARAGE Address: OPP 21 TIRGAN ROAD MONEYMORE Decision: Decision Date:  Ref ID: H/2005/0336/F Proposal: Proposed alterations and change of use from domestic garage to granny flat Address: 22 Tirgan Road, Moneymore Decision: Decision Date: 10.03.2006	

Ref ID: H/1990/0467  
Proposal: SITE OF FARM DWELLING  
Address: OPP 21 TIRGAN ROAD MONEYMORE  
Decision:  
Decision Date:

**Summary of Consultee Responses**

Dfl Roads - No objection

**Drawing Numbers and Title**

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

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department:



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

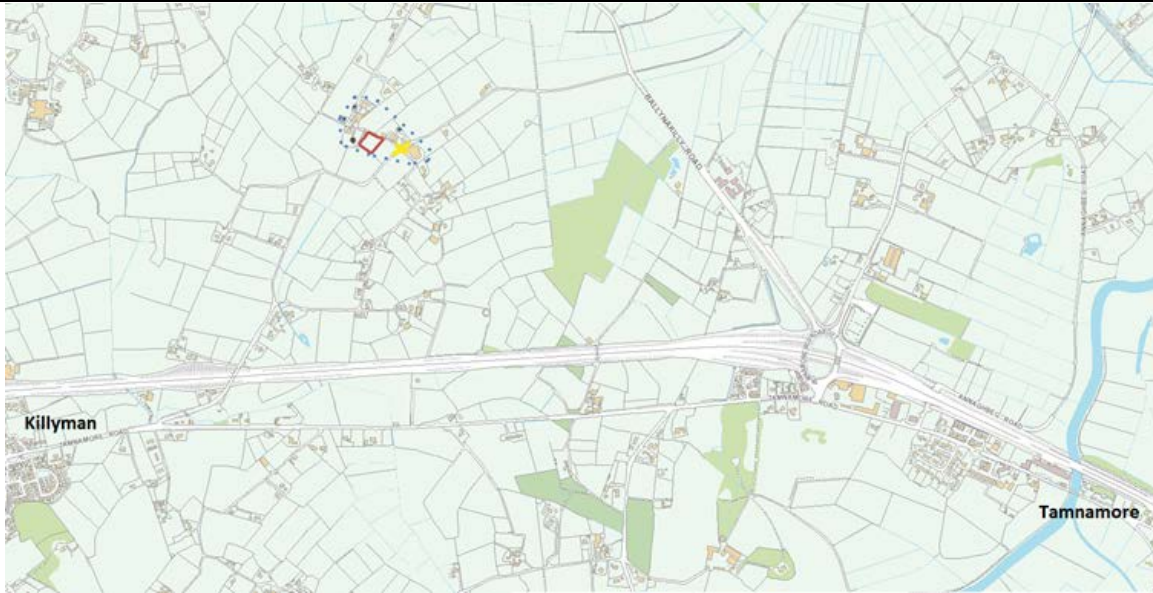
## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1050/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed site for dwelling & domestic garage / store (based on policy CTY 2a - dwellings in existing clusters).	<b>Location:</b> Approx. 60m East of 80 Drumaspil Road Drumhorrik Dungannon BT71 6HZ
<b>Referral Route:</b> Exception to policy	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Ryan McKenna 27 Killymeal Grange Mullaghduin Dungannon BT71 6WQ	<b>Agent Name and Address:</b> CMI Planners LTD 38a 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	Standing Advice

### Representations:

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

### Summary of Issues

None

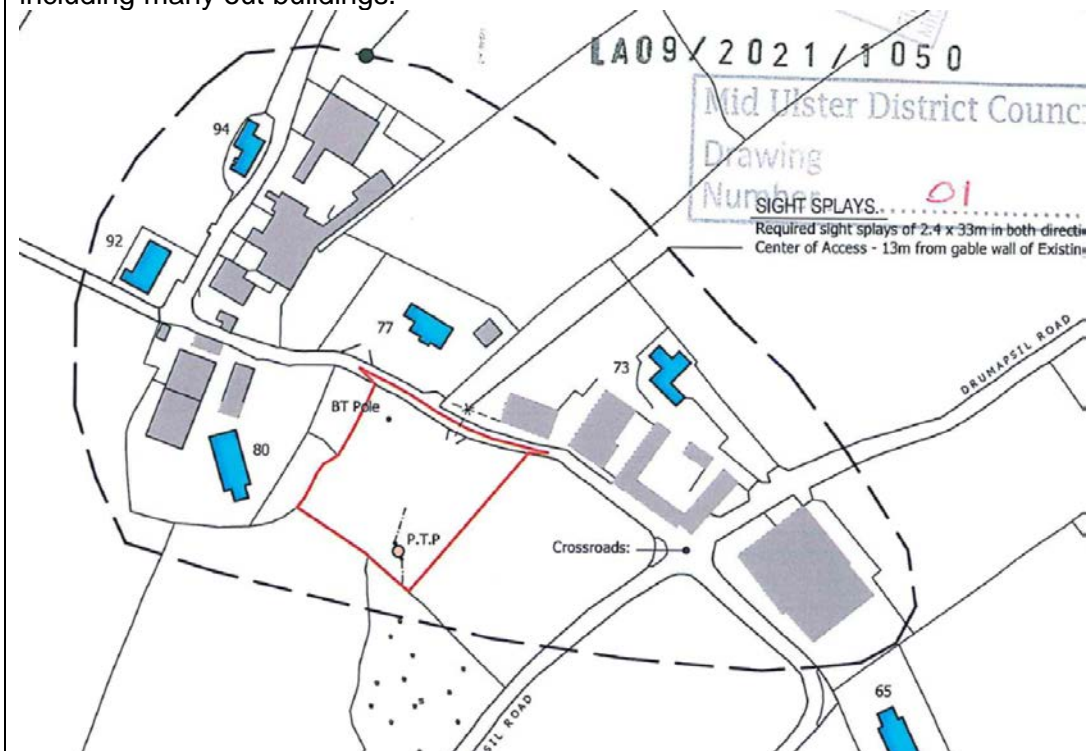
### Characteristics of the Site and Area

The site lies within the open countryside just north of the M1 motorway. The settlement limits of Tamnamore and Killyman are to the South east and south west respectively. The site lies outside all other areas of constraint as depicted by the DSTAP 2010. The area is predominantly rural in nature with agricultural land on two sides and a number of farm holdings on the remaining sides.

The site includes the northern half of a large field. The site slopes gradually toward the North West. The NW boundary is defined by a row of mature trees, the north east by a low cropped native species along the roadside and the remaining boundaries are undefined on the ground.



There is a cross roads a short distance to the south east which has two farm holdings on either side. There is also a large farm holding to the west and the north, in addition there has been a new dwelling completed directly across the road from the site. The agent has circled the below cluster which includes a crossroads, 5 dwellings, and a number of separate farm holdings including many out buildings.





## Description of Proposal

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



## Planning Assessment of Policy and Other Material Considerations

SPPS

PPS 1 General Principles

PPS 3 Access, Movement and Parking

PPS 21 Sustainable Development in the Countryside

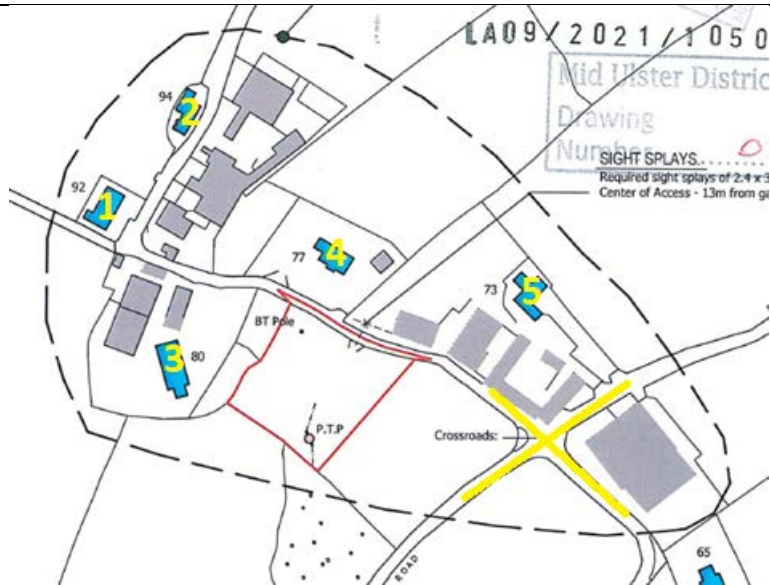
CTY 1 - Development in the Countryside

CTY2a - New dwellings in existing clusters.

CTY 13 - Integration and Design of Buildings in the Countryside

CTY 14 - Rural Character

The proposal has been described as a dwelling in an existing cluster with a focal point the cross roads to the south, therefore, consideration under CTY 2a - new dwellings in a cluster is necessary.



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

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

The site does lie outside a farm and consists of well over 10 buildings of which 5 are dwellings. (marked in yellow above)

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

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

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

The cluster does not associate at a focal point, however the agent makes the case that it is located at a crossroads however, it is approx. 60 metres from the crossroads, therefore it is my opinion that it should be presented to the members as an exception to policy. The ministerial review of PPS21 (July 2013) provides a detailed examination into the existing policy criteria, with specific reference to criteria cty2a the minister highlights the need for appropriate flexibility.

- The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;

The site is a square parcel of land with a dense hedgerow enclosing it on three sides with only the south eastern boundary open for viewing. There are dwellings and sheds to the immediate east and to the North West, there is a further dwelling to the North, and there are further farm buildings and a dwelling to the East. It is my opinion that the site clearly has development on three sides.

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

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

- Development would not adversely impact on residential amenity.

In terms of residential amenity, the proposal is sited a sufficient distance from the nearest dwelling. The dwelling size and siting can be conditions to eliminate any potential detrimental impact on this property. Ridge height 8 metres. Siting to the north portion of the site.

In conclusion, in consideration of all of the above it is my opinion that the criteria is met with the exception that the site does not lie within the exact confines of the corner of the crossroads, it must be noted that it is still within the same field however positioned at the furthest point. As the proposal does not fully meet all of the above criteria however, is in general compliance with CTY2a it must be presented to the members for consideration.



Policy CTY13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is considered that a dwelling could blend in successfully with its immediate and wider surroundings if it were of a size and scale that is comparable to the dwellings in the vicinity. Furthermore as the site has existing buildings on three sides and decent boundary vegetation it is considered that the site has the capacity to absorb a dwelling of a suitable size and scale. I have no concerns regarding integration. 8m ridge.



## GOOGLE STREET VIEW



In terms of policy CTY14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It is considered that the site and its surrounding environs are suitable for absorbing a dwelling of a suitable size and scale. I would recommend imposing a height (8m) to the application site.

#### Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Recommendation Approval.

#### Neighbour Notification Checked

**Yes**

#### Conditions

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

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

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

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

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

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

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

4.The proposed dwelling shall have a ridge height of less than 8 metres above finished floor level.

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

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

Reason: In the interest of visual amenity.

6.During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development; details of a native species hedge to be planted to the rear of the visibility splays and along all new boundaries of the site. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

#### Informatives

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

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

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

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

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

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

**Signature(s)**

**Date:**



<b>ANNEX</b>	
<b>Date Valid</b>	14th July 2021
<b>Date First Advertised</b>	27th July 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 73 Drumaspil Road Drumaspil Dungannon The Owner/Occupier, 77 Drumaspil Road Dungannon Tyrone The Owner/Occupier, 80 Drumaspil Road Dungannon Tyrone The Owner/Occupier, 92 Drumaspil Road, Dungannon, BT71 6HZ The Owner/Occupier, 94 Drumaspil Road Drumaspil Dungannon	
<b>Date of Last Neighbour Notification</b>	30th July 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2021/1050/O Proposal: Proposed site for dwelling & domestic garage / store (based on policy CTY 2a - dwellings in existing clusters). Address: Approx. 60m East of 80 Drumaspil Road, Drumhorrik, Dungannon, BT71 6HZ, Decision: Decision Date:	
<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:	



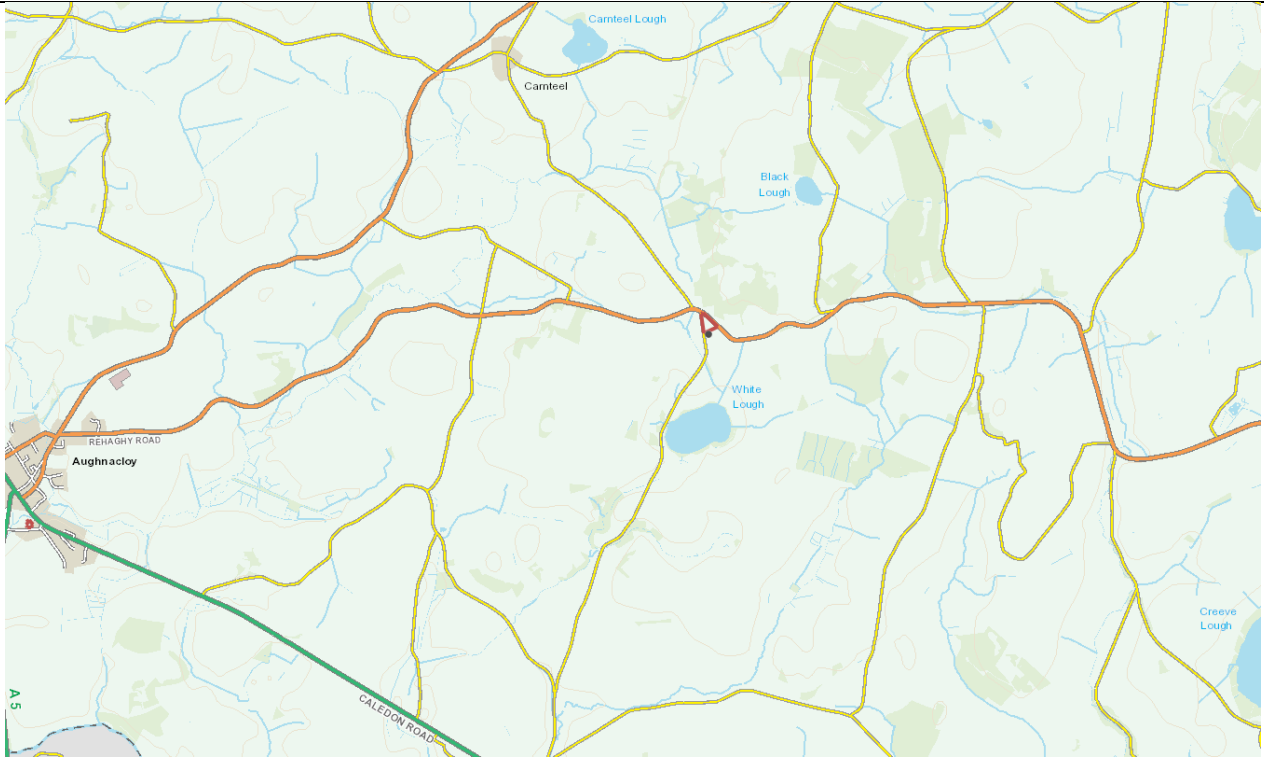
Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
 District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1225/F	<b>Target Date:</b>
<b>Proposal:</b> 2 Proposed detached two storey dwelling houses with shared duel site entrance	<b>Location:</b> Lands directly adjacent to 31 Whitelough Road Aughnacloy
<b>Referral Route:</b> Contrary to policy	
<b>Recommendation:</b>	REFUSAL
<b>Applicant Name and Address:</b> Alan Campbell 48 Rehaghey Road Aughnacloy	<b>Agent Name and Address:</b> Concept 44 Architecture 44 Rehaghey Road Aughnacloy BT69 6EU
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues

None

### Characteristics of the Site and Area

The site lies in the open countryside just a short distance to the East of the settlement limits of Aughnacloy, just north of the White Lough and outside all other areas of constraint as depicted by the DSTAP 2010.

The site is triangular in shape and nestles into the corner of two roads, the main Rehaghy road to the North East and the Whitelough Road to the West. There is a heavy wooded area to the

north across the Rehaghy road and to the west although an access has been created for two new dwellings at this site across the road. The site itself falls from the Rehaghy road to the Whitelough road with a steep slope from east to west.



The highest point in the south east corner to the lowest point in the south west corner is a drop of 17 metres. The site itself had been thick with trees and shrubs however this has recently been cleared to open up the site.



The wider area is predominately rural in nature with the site surrounded on three sides by agricultural or forestry ground with the remaining southern side bounded by a dwelling and garage.

### **Description of Proposal**

The proposal seeks full planning permission for a pair of dwellings.

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

Regional Development Strategy

Dungannon Area Plan 2010

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

PPS 3: Access, Movement and Parking.

PPS 21: Sustainable Development in the Countryside.

-CTY2A - Clusters

-CTY8 - Ribbon Development

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 Area Plan 2010 (CAP) operates as the local development plan of the area the application site lies within. The site sits in a rural location outside any defined settlement limits. The CAP offers no specific policy or guidance in respect of this application. There is no conflict or change in policy direction between the provisions of the Strategic Planning Policy Statement for N Ireland (SPPS) and those of Planning Policy Statement 21 (PPS21) in respect of this application thereby the policy provisions of PPS 21 remain applicable.

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

### **Key Policy Consideration:**

Strategic Planning Policy Statement- SPPS advises that the policy provisions of PPS21 Sustainable Development in the Countryside are retained.

### **PPS21- sustainable development in the countryside**

The overarching policy for development in the countryside is PPS21. There are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These are listed in CTY1 Development in the Countryside.

In this particular case the applicant has not provided any clear justification for the siting of this proposal. A supporting statement was submitted with a brief summary detailing in their opinion the site would be an infill on a vacant plot of land which is currently of no agricultural value, has good boundary screening and the dwellings will integrate within the cluster. I will therefore assess this application under PPS 21 - CTY 2a and CTY 8.

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

The first thing to be pointed out here is that this policy allows a single dwelling in some cases never a pair of dwellings. However, I will carry out a full assessment for reference should this have been for one dwelling.

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

The site does lie outside a farm and there are two dwellings to the south, there are also two dwellings approved to the west, however, these would not contribute to the 4 dwellings needed.

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

It is not clear from site inspection and the overhead photography that the site appears as visual entity.

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

The cluster does not associate at a focal point, however the agent suggests that the staggered cross roads should act as a focal point.

- The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;

The site is a triangular parcel of land with a minimal hedgerow enclosing it on two sides with the remaining boundary that of the neighbouring dwelling to the south east. There are two approvals to the west which have not been built and therefore do not count as development. It is my opinion that the site does not have development on three sides.

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

It can be seen from any of the overheard photos that the site that there is no real cluster for the site be absorbed by, there are also issues regarding integration. The proposal would in my opinion create a ribbon of development in this area.

- Development would not adversely impact on residential amenity.

In terms of residential amenity, the proposal is sited 25 metres building to building from the nearest dwelling, number 31. It is also located on higher ground and the dwelling size with a 8 metre ridge height may have a potential detrimental impact on this property.

In conclusion, in consideration of all of the above it is my opinion that the criteria is not met, the site is not located within a cluster of over 4 dwellings, does not have development on 2 sides,



does not appear as a visual entity, is not suitably enclosed, would be visually intrusive and also would have a detrimental impact on neighbouring amenity.

It is my opinion therefore that the proposal is not in compliance with CTY2a it must be presented to the members for consideration.

In considering Policy CTY8- Ribbon Development it states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 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 criteria. For the purposes of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The site falls between a dwelling to the South east and the main road to the North. This does not represent a substantially built up frontage as there is only buildings on one side along this particular piece of road frontage and therefore would not be characterised as a gap site.



Policy CTY8 is not met.

Development in the countryside is also required to integrate under the provisions of planning policy CTY13. The proposed site has recently been cleared and has a low level of vegetation

cover along the boundaries. The proposal seeks permission for two dwellings with a ridge of 8 metres. Upon site inspection it was evident that there were buildings of a similar height within the surrounding area, however, if a siting were to be approved it would be necessary to accompany any permission with conditions for landscaping.



The addition of two more dwelling, located on this particular plot, in my view will have a detrimental impact on the rural character as it will be extending the existing ribbon of development along a site which I consider to represent a significant visual break in the landscape.





In my view CTY 14 of PPS21 is not met.

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

Transport NI have no objections to this proposal subject conditions.

Recommendation refuse.

**Neighbour Notification Checked**

**Yes**

#### **Refusal Reasons**

1. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed dwelling is not located within an existing cluster of development consisting of 4 or more buildings of which at least three are dwelling, the cluster does not appear as a visual entity in the local landscape and the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure.

2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in a ribbon development along the Whitelough Road and would, if permitted, adversely impact on the amenities of neighbouring residents.

3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape and the proposed dwellings would rely primarily on the use of new landscaping for integration.

4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that would, if permitted create or add to 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>	24th August 2021
<b>Date First Advertised</b>	7th September 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 29 Whitelough Road Aughnacloy Tyrone The Owner/Occupier, 31 Whitelough Road Aughnacloy Tyrone The Owner/Occupier, 46 Whitelough Road Aughnacloy Tyrone The Owner/Occupier, 48 Whitelough Road Aughnacloy Tyrone The Owner/Occupier, 50 Whitelough Road Aughnacloy Tyrone	
<b>Date of Last Neighbour Notification</b>	8th September 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2021/1225/F Proposal: 2 Proposed detached two storey dwelling houses with shared dual site entrance Address: Lands directly adjacent to 31 Whitelough Road, Aughnacloy, Decision: Decision Date:  Ref ID: M/2006/0516/O Proposal: Proposed Dwelling & Garage Address: Adjacent to 31 Whitelough Road, Aughnacloy Decision: Decision Date:  Ref ID: M/1979/0774 Proposal: IMPROVEMENTS TO NIHE COTTAGES Address: GLENDAVAGH, BOHARD, CRONGHILL, REHAGHY, DUNGANNON Decision: Decision Date:	

Drawing Numbers and Title
<p>Drawing No. 02 Type: Site Layout or Block Plan Status: Submitted</p> <p>Drawing No. 03 Type: Proposed Floor Plans Status: Submitted</p> <p>Drawing No. 04 Type: Proposed Elevations Status: Submitted</p> <p>Drawing No. 05 Type: Proposed Plans Status: Submitted</p> <p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p>
<p><b>Notification to Department (if relevant)</b></p> <p>Date of Notification to Department: Response of Department:</p>



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

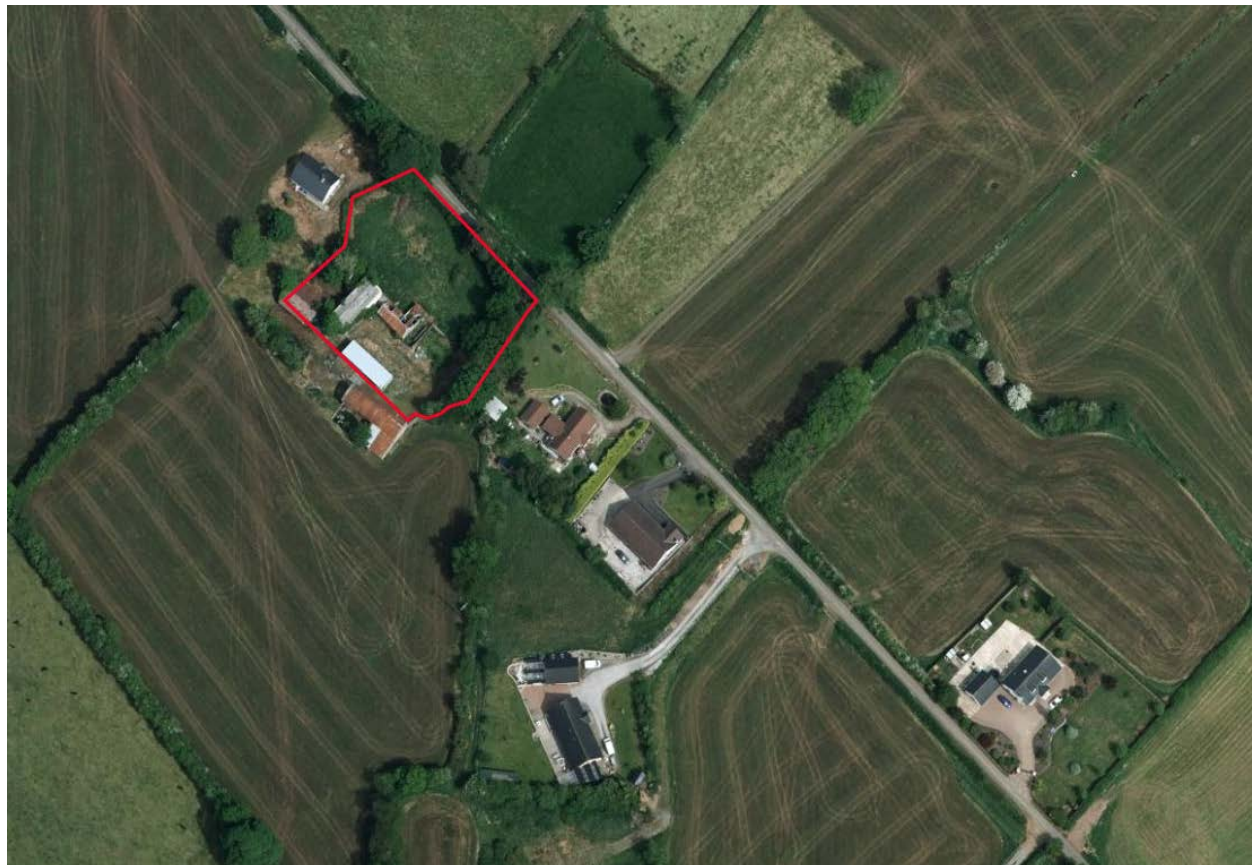
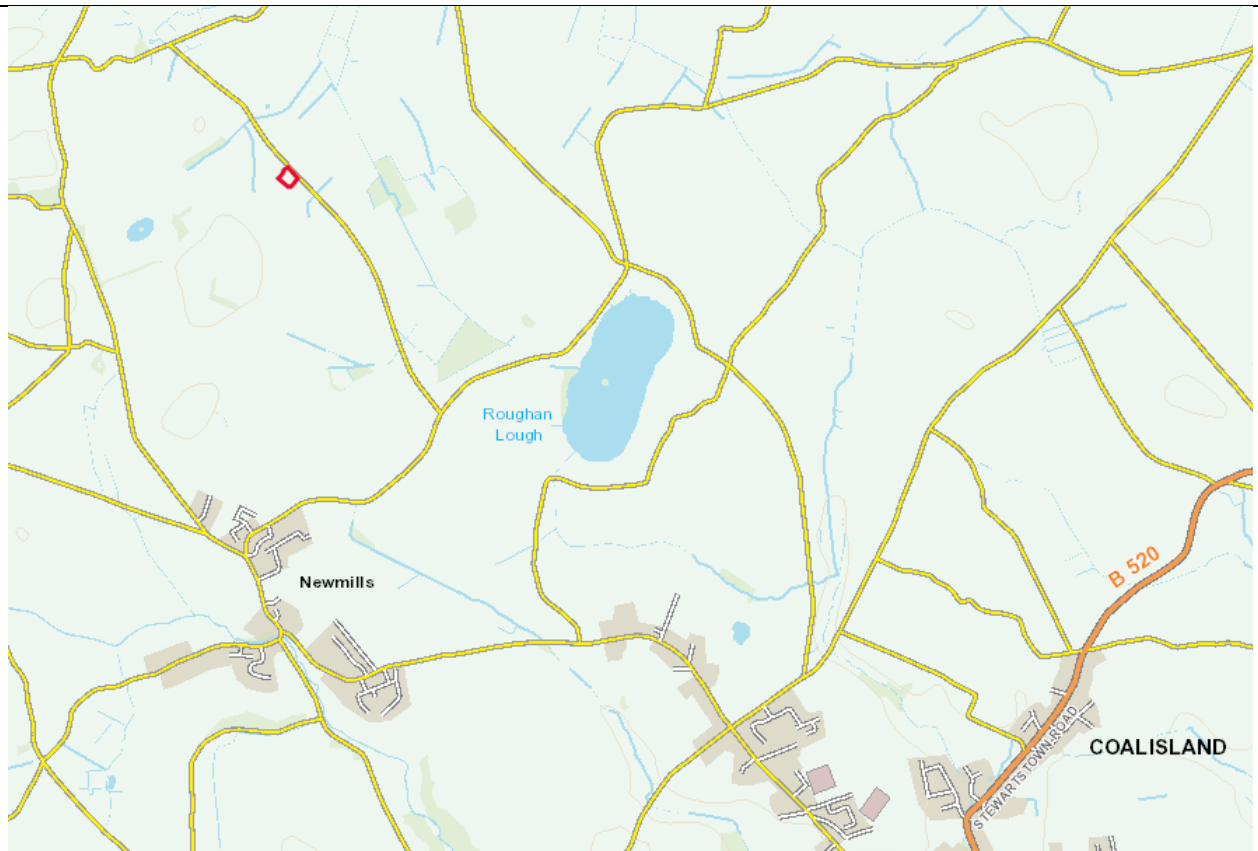
Mid-Ulster  
Local Planning Office  
Mid-Ulster Council Offices  
50 Ballyronan Road  
Magherafelt  
BT45 6EN

**Development Management Officer Report**  
**Committee Application**

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1265/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed infill site for 2 Dwellings (renewal of permission LA09/2018/0977/O)	<b>Location:</b> Adjacent to and immediately South East of 26 Whitetown Road Newmills Dungannon
<b>Referral Route: Objection</b>	
<b>Recommendation: Approve</b>	
<b>Applicant Name and Address:</b> Mrs Muriel Magee 19 Kilcorig Road Lisburn	<b>Agent Name and Address:</b> Kee Architecture Ltd 9a Clare Lane Cookstown BT80 8RJ
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



<b>Consultations:</b>		
<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
<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>Description of Proposal</b>		
<p>This is an outline application for 2 dwellings on an infill site. The site is located Adjacent to and immediately South East of 26 Whitetown Road Newmills Dungannon.</p> <p>The proposal is for the renewal of Planning permission LA09/2018/0977/O granted on the Granted 3<sup>rd</sup> October 2018. This application was received on the 31<sup>st</sup> August 2021 before the expiry LA09/2018/0977/O.</p> <p>The application has been made and accepted under Article 3 (5) of the Planning (General Development Procedure) Order (NI) 2015 to renew planning permission where existing approval has not yet expired [Schedule 1, Part 1 General Provisions, Paragraph 3].</p>		
<b>Characteristics of the Site and Area</b>		
<p>With the exception, that the site has been cleared of scrub and number of agricultural outbuildings and sheds, there does not appear to be any significant changes on site or in the immediate vicinity from the previous outline application on site. As such the characteristics of the original site and area remain largely as per LA09/2018/0977/O.</p> <p>The site, which lies outside any settlement defined under the Dungannon and South Tyrone Area Plan 2010, is located in the rural countryside adjacent the Whitetown Road, approx. 1 mile north of Newmills.</p> <p>It is a relatively square shaped, agricultural plot. It had previously, when visited under LA09/2018/0977/O, been overgrown and contained a number of large agricultural buildings and sheds set back on the site and accessed of the adjacent Whitetown Road via an existing short lane along the southeast boundary of the site. This lane is bound to both sides by thick mature vegetation. As detailed further above, the scrub and number of agricultural buildings and sheds have been removed from site since the previous site inspection.</p> <p>The site is located within an existing line of roadside development comprising 3 roadside dwellings. It nestles between no. 26 Whitetown Road to its northwest and nos. 28 and 30 Whitetown Road to its southeast. No. 26 is a modest single storey dwelling fronting unto the adjacent Whitetown Road. No. 28, also a single storey dwelling is sited gable end fronting unto the Whitetown Road. No. 28 has a garage located immediately to its rear/north west side and another outbuilding to the north west of this again adjacent the southeast boundary of the site. No 30 is single storey and fronts onto the adjacent Whitetown Rd.</p> <p>A post and wire fence defines the northwest boundary of the site / party boundary with no. 26. A mature hedgerow approx. 1m high with higher vegetation scattered through defines the roadside boundary of the site. The southeast boundary of the site along the</p>		



party boundary with no. 28, is defined by mature tree and vegetation ranging approx. 4-9 metres in height. The rear boundary is defined only in part by the rubble of the buildings removed / remaining.

Critical views of this site will be limited until passing along its roadside frontage due to its location on straight stretch of road within a line of existing dwellings, which alongside the mature vegetation on the sites boundaries and within the wider vicinity screen it on both the northwest and southeast approach along the Whitetown Road.

This area of countryside is typically rural, characterised primarily by undulating agricultural land with dwellings and farm groups dispersed along the roadside.

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

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Dungannon and South Tyrone Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Development Control Advice Note 15

Planning Policy Statement 2: Natural Heritage

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

Planning Policy Statement 21: Sustainable Development in the Countryside

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

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

### **Relevant Planning History**

- LA09/2018/0977/O - Infill site for 2 no dwellings with demolition and removal of redundant agricultural buildings - Adjacent to and immediately SE of 26 Whitetown Rd Newmills Dungannon - Granted 3<sup>rd</sup> October 2018

### **Consultees**

1. DfI Roads were consulted under the previous application on site LA09/2018/0977/O in relation to access, movement and parking arrangements and have no objection subject to standard conditions and informatives, subject to which I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.



As there have been no changes to the proposal or significant changes on site or in the immediate vicinity since the previous application on site re-consultation with DfI Roads outlined was not deemed, necessary.

### **Key Policy Considerations/Assessment**

Dungannon and South Tyrone Area Plan 2010 – the site lies in the rural countryside outside any designated settlement.

The Strategic Planning Policy Statement for Northern Ireland – advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained.

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

The principle of this development has already been established on site under outline planning application LA09/2018/0977/O. This approval, which the applicant seeks to renew, granted permission for 2 dwellings on site under the provisions of Policy CTY 8 of PPS 21 - Ribbon Development.

Policy CTY8 – Ribbon Development states 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. For the purpose of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

Bearing in mind the above, there have been no changes to the previous proposal, no significant changes on site or in the immediate vicinity since the previous approval, and no changes in policy from the previous approval, LA09/2018/0977/O,

Under application LA09/2018/0977/O, as detailed in my previous case officer report, I considered the proposal in principle acceptable under Policy CTY8. It was and remains my opinion that the site constitutes a small gap site within an otherwise substantial and continuously built up frontage as it is located within a line of 3 buildings running along the Whitetown Road as detailed further above in the 'Characteristics of the Site and Area'.

In accordance with policies CTY12 and CTY13 of PPS 21, I believe 2 dwellings of an appropriate size, scale and design with ridge height's limited to 5.5m should respect the existing development pattern along the Whitetown Road and integrate onto this gap site with minimal disruption to the rural character of the area. Particularly as views of the dwellings will be limited to passing the roadside frontage of the site due to its location on a straight stretch of road within an existing line of dwellings. The existing dwellings,

alongside the mature vegetation on the site boundaries and within the wider vicinity, will screen the proposed dwellings on both the northwest and southeast approach along the Whitetown Road.

As this is an outline application, details of the size, scale and design of the dwellings will be reserved for further consideration under any subsequent reserved matters application. Based on a block plan submitted under the previous application on site and again under the current application, I am however satisfied subject to an appropriate scheme coming forward two dwellings could be positioned on this site without any unreasonable degree of harm to the neighbouring properties amenity.

### **Additional Considerations**

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

Flood Maps NI indicate no flooding on site.

### **Representations**

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, 1 third party objection had been received from Mrs Helen O'Neil the owner/occupier of no. 28 Whitetown Road, the neighbouring property to the southeast of the site. This was a P2 Certificate of land ownership challenge. Mrs O'Neill claims to own up the middle of the lane between her property and the site. That this land was clearly shown, on Land Registry maps in 2002, as within the boundary of her property at the time of purchase. That earlier this year Land Registry amended the map to exclude half the lane from her boundary following consultation with the purchaser of the current site. Mrs O'Neil states this was done in error, has not yet been rectified and is currently being dealt with by her Solicitor's.

Accordingly, the agent was contacted to confirm that the correct Certificate was completed or on the back of the objection if they wished to amend the Certificate. The agent advised the applicant was content that the correct Certificate had been completed, that she was in ownership of all the lands outlined in red. With regards ownership / legalities surrounding the development of this site I am content as any planning permission granted will not confer title, it will be the responsibility of the developer to ensure that he controls all the lands necessary to carry out and access the proposed development. I would note, fundamentally this site could be developed without the need to use the lane.

**Recommendation:** Approve as before

<b>Neighbour Notification Checked</b>	Yes
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<b>Summary of Recommendation</b>	Approve
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<b>Conditions</b>
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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. No development shall take place until a plan indicating floor levels of the proposed dwelling(s) 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 and to ensure resident's privacy is not adversely affected.

4. The proposed dwellings shall have a ridge height of less than 5.5 metres above existing ground level.

Reason: To ensure that the development satisfactorily integrated into the landscape, with the adjacent residential dwellings.

5. The existing natural screenings of the site, as indicated in green, on approved drawing No. 01 bearing the date stamped received 31 AUG 2021 shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

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. During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development and details of a native species hedge to be planted to the rear of the visibility splays. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme

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

Reason: To ensure the provision of a high standard of landscape.

7. Prior to commencement of any development hereby approved, the vehicular access as detailed in the attached form RS1, including visibility splays of 2.4mx 60m and any forward sight distance, shall be provided in accordance with a 1:500 scale site plan as submitted and approved at Reserved Matters stage. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter.

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

#### Informatives

1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This permission relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority.

**Signature(s)**

**Date:**



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

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

**Development Management Officer Report  
Committee Application**

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1274/F	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling with 6.5m Ridge height	<b>Location:</b> Site between 87 and 91 Kinrush Road Cookstown
<b>Referral Route: Refusal</b>	
<b>Recommendation: Refuse</b>	
<b>Applicant Name and Address:</b> Dwayne Mc Kenna 87 Kinrush Road Cookstown	<b>Agent Name and Address:</b> PDC Chartered Surveyors 16 Gortreagh Road Cookstown BT8 9ET
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



<b>Consultations:</b>		
<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
Statutory	DFI Roads - Enniskillen Office	Outstanding
<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>Characteristics of the Site and Area</b>		
<p>The site which sits adjacent the Kinrush Rd is located in the rural countryside, as depicted within the Cookstown Area Plan, approx. 0.8km and 1.3km west of Ardboe and Lough Neagh respectively.</p> <p>The site is a relatively flat rectangular shaped plot cut from the roadside frontage of a much larger agricultural field. The host field's frontage is located within a line of existing roadside development consisting of 3 dwellings with ancillary outbuildings / garages extending along the east side of Kinrush Rd, a minor rural road. The properties in the aforementioned line, all accessed directly off the Kinrush Rd, include: no. 87 Kinrush Rd, a bungalow dwelling and applicant's home; no. 91 Kinrush Rd, a 1 ½ storey dormer (extending from wall plate into roof) dwelling; and no. 93 Kinrush Rd, another bungalow dwelling. The host field's frontage is located within the line of development between no. 87 Kinrush Rd, located immediately to its south and nos. 91 and 93 Kinrush Rd located in that order to its north. No. 87 Kinrush Rd is orientated gable end onto Kinrush Rd fronting north onto the site. Nos. 91 and 93 Kinrush Rd front onto Kinrush Rd. Post and wire fencing primarily bounds the site with a mature hedge along the roadside.</p> <p>Critical views of this site are limited until passing along the roadside frontage of the host field due to its location to the outside of a slight bend in the road and within an existing line of development, which alongside existing vegetation within the wider vicinity, helps screen it.</p> <p>The immediate area surrounding the site is rural in nature. It is characterised primarily by flat agricultural land interspersed with single detached dwellings and farm holdings.</p>		
<b>Description of Proposal</b>		
<p>This is a full application for a proposed dwelling with 6.5m ridge height on lands located between 87 &amp; 91 Kinrush Road Coagh Cookstown. This application has been submitted following an outline application on part of this site, LA09/2021/0057/O.</p> <p>On the 22<sup>nd</sup> June 2021, LA09/2021/0057/O granted permission for a dwelling and garage on part of this site under the provisions of Policy CTY8 of PPS 21 - the development of a small gap site, subject to a number of conditions.</p> <p>In addition to the red line of the current site being larger and located further south than the previously approved site (See Fig 1, below) creating a considerably wider gap between no. 87 and 91 Kinrush Rd that could accommodate in excess of 2 dwellings, it does not adhere to a:</p> <ul style="list-style-type: none"> <li>• 6m ridge height condition; or</li> </ul>		



- condition that no development or raising of existing ground levels shall take place within the area identified at risk of surface water flooding (See Figs 2 & 3, below).



Fig 1: Site location plan showing current site outlined in red and site previously approved under outline planning application LA09/2021/0057/O hatched grey.

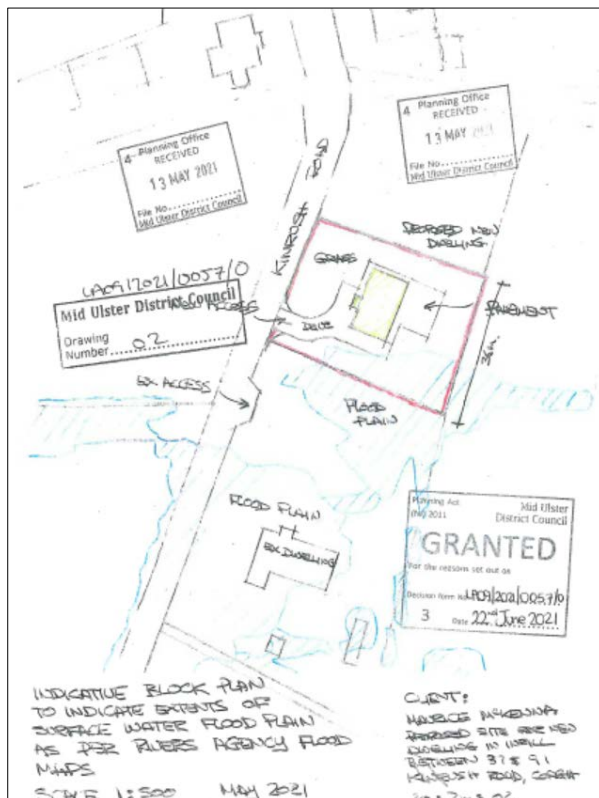


Fig 2: Indicative block plan submitted under LA09/2021/0057/O

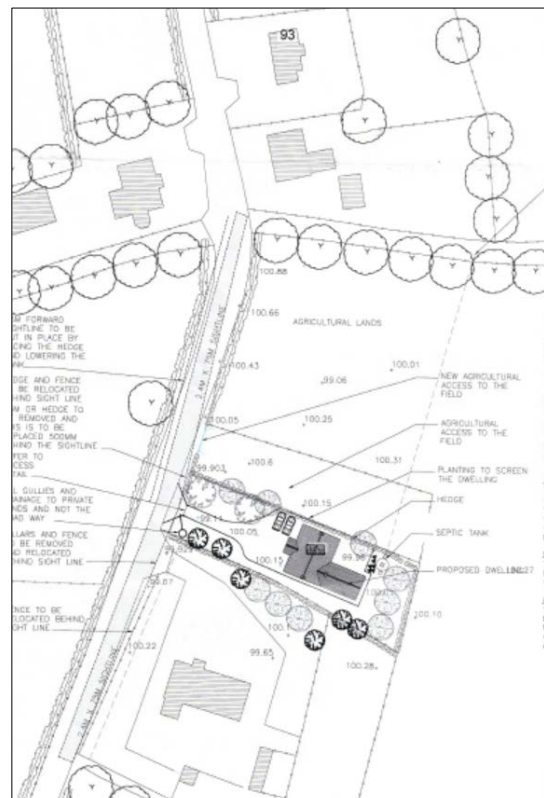


Fig3: Currently proposed block plan



As seen in Figs 1, 2 & 3 above, in addition to the site itself being located further south than the previously approved site the dwelling proposed is to be sited in its south side further increasing the gap between nos. 87 and 91 Kinrush Rd; and locating within the area identified at risk of surface water flooding.

Based on the plot size and location within of the dwelling currently proposed 4 / 5 dwellings could be squeezed between nos. 87 and 91 Kinush Rd.

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

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

Planning Policy Statement 21: Sustainable Development in the Countryside

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

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

### **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**

#### On site

LA09/2021/0057/O - Infill site for dwelling & garage - Site between 87 & 91 Kinrush Rd Coagh Cookstown - Granted 22<sup>nd</sup> June 2021

#### Adjacent Site

- I/2005/0858/O - Proposed dwelling house & garage - 130m S of 93 Kinrush Rd Cookstown – Granted 16<sup>th</sup> February 2006
- I/2006/0682/RM - Proposed dwelling house & garage - 130m S of 93 Kinrush Rd Cookstown - Granted 15<sup>th</sup> December 2006

The above applications relate to lands immediately south of the current site containing no. 87 Kinrush Rd, a bungalow dwelling and applicant's home.

### **Consultees**

1. DFI Roads were consulted in relation to access arrangements, movement and parking and are yet to respond.
2. Rivers Agency were consulted on the previous application on site as NI Flood Maps indicated surface water flooding within the site. River's Agency responded under PPS15 (Revised): Planning and Flood Risk, Policy FLD3 Development and

Surface Water – that a Drainage Assessment (D.A) is not required by the policy but the developer should still be advised to carry out their own assessment of flood risk and construct in the appropriate manner that minimises flood risk to the proposed development and elsewhere.

Whilst Rivers had not requested a D.A the agent was advised Policy requires one for any development proposal, except minor development, where: The proposed development is located in an area where there is evidence of a history of surface water flooding; or surface water run-off from the development may adversely impact upon other development or features of importance to nature conservation, archaeology or the built heritage. Such development will be permitted where it is demonstrated through the D.A that adequate measures will be put in place to effectively mitigate the flood risk to the proposed development and from the development elsewhere.

The agent subsequently submitted an indicative 1:500 scale block plan of the site (see Fig 2, further above in 'Description of Proposal') to show that the site could adequately contain a modest sized dwelling including hard standing areas, access driveway and gardens without unduly affecting the Flood Plain as per Rivers Agency Flood Maps. He outlined the block plan accurately shows the extent of the Surface Water Flood Plain encroaches unto a minimal portion of the proposed site. He also advised the applicant who has lived in the adjacent dwelling for the past 14 years has never encountered any flooding in the area.

Given the additional information received; and that all development close to the site was within the applicants control as such no third parties would be impacted I was content that in this instance a D.A was not required. However attached a condition to the subsequent approval that there be no development or changing in levels in the area of identified flooding, hatched blue, on the indicative block plan submitted; and an informative advising the applicant that any development is at own risk as no modelling has been carried out to define the flood risk area.

Re-consultation with Rivers Agency was not considered necessary as it is clear from NI Flood Maps that the current scheme (see Fig 3, further above in 'Description of Proposal') sits within the area of identified surface water flooding, hatched blue, on the previously submitted indicative block plan (see Fig 2, further above in 'Description of Proposal'). Accordingly, a D.A would be required.

### **Consideration**

Cookstown Area Plan 2010 – the site lies in the rural countryside outside any designated settlement.

The Strategic Planning Policy Statement for Northern Ireland advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained.

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

Development in the Countryside and include the development of a small gap site in accordance with Policy CTY8 - Ribbon Development.

As detailed earlier in the 'Description of Proposal' this is a full application for a proposed dwelling with 6.5m ridge height on lands located between 87 & 91 Kinrush Road Coagh Cookstown. This application has been submitted following an outline application on site, LA09/2021/0057/O.

On the 22<sup>nd</sup> June 2021 outline application LA09/2021/0057/O granted permission for a dwelling and garage on part of this site under the provisions of Policy CTY8 of PPS 21 - the development of a small gap site (see Fig 1, further above) subject to a number of conditions.

In addition to the red line of the current site being larger and located further south than the previously approved site creating a considerably wider gap between no. 87 and 91 Kinrush Rd that could accommodate in excess of 2 dwellings, it does not adhere to a:

- 6m ridge height condition; or
- condition that no development or raising of existing ground levels shall take place within the area identified at risk of surface water flooding (See Figs 2 & 3, further above).

As seen in Figs 1, 2 & 3 above, in addition to the site itself being located further south than the previously approved site the dwelling proposed is to be sited in its south side further increasing the gap between nos. 87 and 91 Kinrush Rd; and locating within the area identified at risk of surface water flooding.

Policy CTY8 of PPS21 states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 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 criteria. For the purposes of this policy the definition of a substantial built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The previous application LA09/2021/0057/O was granted permission as it was considered in principle acceptable under CTY8 in that the gap between nos. 87 & 91 Kinrush Rd could only accommodate up to a maximum of 2 houses respecting the existing development pattern I do not consider the current application does.

Based on the plot size and location within of the dwelling currently proposed 4 / 5 dwellings could be squeezed between nos. 87 and 91 Kinush Rd (see Fig 3, further above). Even if the dwelling was centrally located within the current site, including it, 3 dwellings could potentially be located between nos. 87 and 91 Kinush Rd.

I consider the proposal is contrary to Policy CTY8 of PPS 21 in that it would result in the creation of ribbon development along Kinrush Road. Contrary to Policy CTY 14 of PPS 21 in that it would result in a suburban style build-up of development when viewed with existing buildings result in a detrimental change to the rural character of the countryside. And, contrary to Policy FLD 3 of PPS 15 in that insufficient information has been submitted to demonstrate the proposal will not cause flood risk to the proposed development and from the development elsewhere.

I note whilst a Drainage Assessment is required to demonstrate the proposal will not cause flood risk to the proposed development and from the development elsewhere it is not been sought as the principle of this development has not been established.

**Additional considerations**

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

The proposal will be conditioned to be under the 10.7m height threshold in the area requiring consultation to Defence Estates relating to Met Office – Radar. Additionally, whilst the site is located within an area of constraint on wind turbines, this proposal is for a dwelling and garage.

**Recommendation:** Refuse

<b>Neighbour Notification Checked:</b>	Yes
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<b>Summary of Recommendation:</b>	Refuse
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**Reasons for Refusal:**

1. The proposal is contrary to Policy CTY 1 and CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along Kinrush Road.
2. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it would, if permitted result in a suburban style build-up of development when viewed with existing buildings and would therefore result in a detrimental change to the rural character of the countryside.
3. The proposal is contrary to Policy FLD 3 of Planning Policy Statement 15: Planning and Flood Risk in that insufficient information has been submitted to demonstrate the proposal will not cause flood risk to the proposed development and from the development elsewhere.

**Signature(s)**

**Date:**





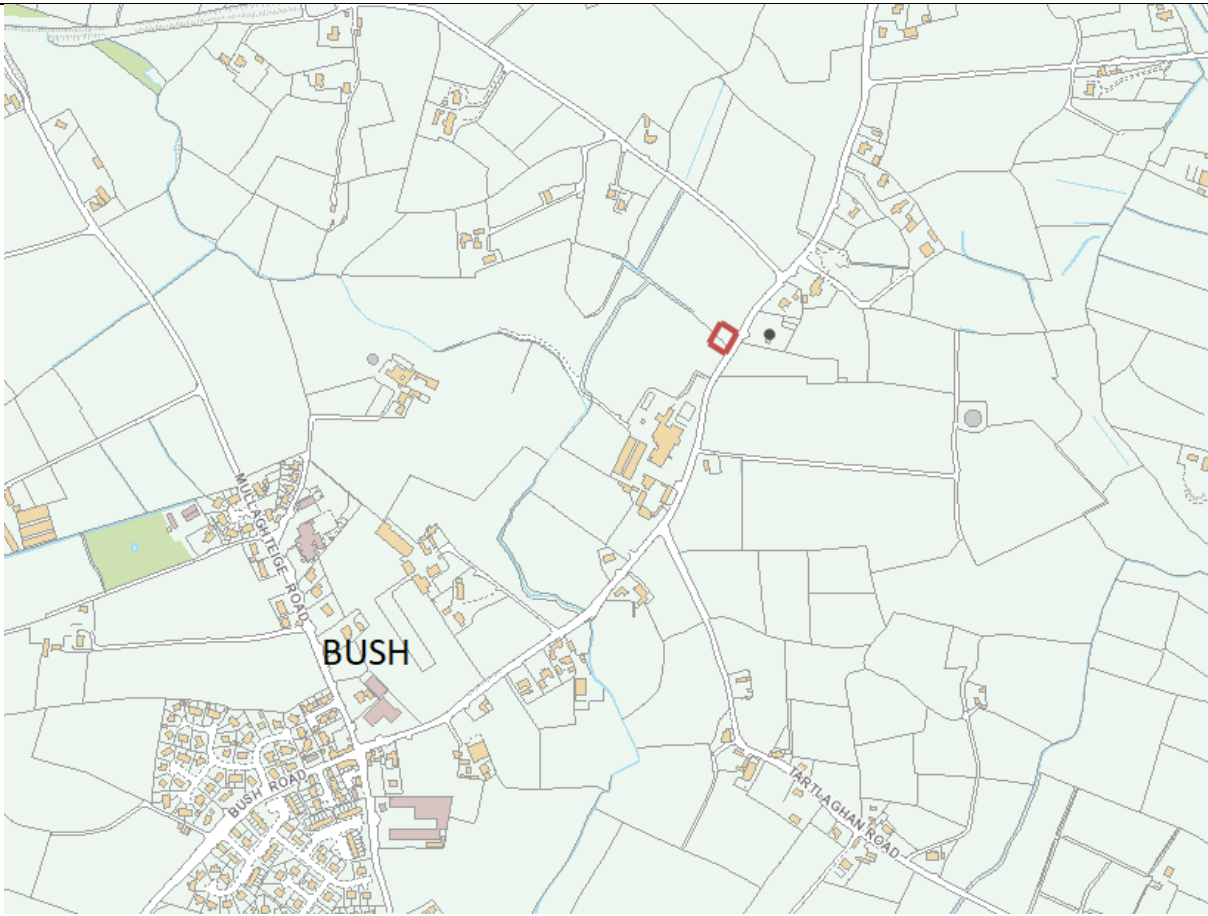
Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
 District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1275/O	<b>Target Date:</b>
<b>Proposal:</b> Proposed dwelling on a farm	<b>Location:</b> 75m West of 125 Bush Road Dungannon
<b>Referral Route: Contrary to policy</b>	
<b>Recommendation:</b>	REFUSAL
<b>Applicant Name and Address:</b> Mr Paul Cranston 120 Bush Road Dungannon	<b>Agent Name and Address:</b> JEM Architectural Services Ltd 15 Finglush Road Caledon BT68 4XW
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	DAERA - Omagh	Considered - No Comment Necessary

### Representations:

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

### Summary of Issues

None

### Characteristics of the Site and Area

The site lies in the open countryside just a short distance to the North East of the settlement limits of Bush and outside all other areas of constraint as depicted by the DSTAP 2010. It lies on the main Bush road heading toward Dungannon and is surrounded by agricultural land on all sides.

The red line of the site includes a small cut out of a larger agricultural field approx. 75 metres West of number 125 Bush Road. The site is undefined on three sides, the north, south and West with a timber post and wire fence along the roadside east. Cranston fuels depot is a short distance to the south and there are a scattering of single dwellings on the roadside to the north. The land is relatively flat with a slight fall from the west to east. The site is very open on the ground and visible from long distances when travelling in each direction along the Bush Road.



### Description of Proposal

The proposal seeks outline planning permission for a farm dwelling.

### 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.

Dungannon and South Tyrone Area Plan 2010  
Strategic Planning Policy Statement (SPPS)  
Mid Ulster Local Development Plan 2030 - Draft Plan Strategy  
PPS 21: Sustainable Development in the Countryside



CTY 1- Development in the Countryside  
CTY 10 ? Farm Dwellings  
CTY 13 - Integration and Design of Buildings in the Countryside; and  
CTY14 - Rural Character  
PPS 3 - Access, Movement and Parking;

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

#### Planning History

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

#### Policy

Given the rural location of application site the nature of the proposal the application shall be assessed under Planning Policy Statement 21- Sustainable Development in the Countryside and in particular with the following;

Policy CTY1 provides clarification on which types of development are acceptable in the countryside, such as a dwelling on a farm, a dwelling to meet the needs of a non agri-business, a dwelling based on personal and domestic circumstances, a replacement dwelling or if the site could be considered a small gap site within a substantial and built up frontage. In this instance the application is for a farm dwelling and therefore must be considered against Policy CTY10 of PPS21.

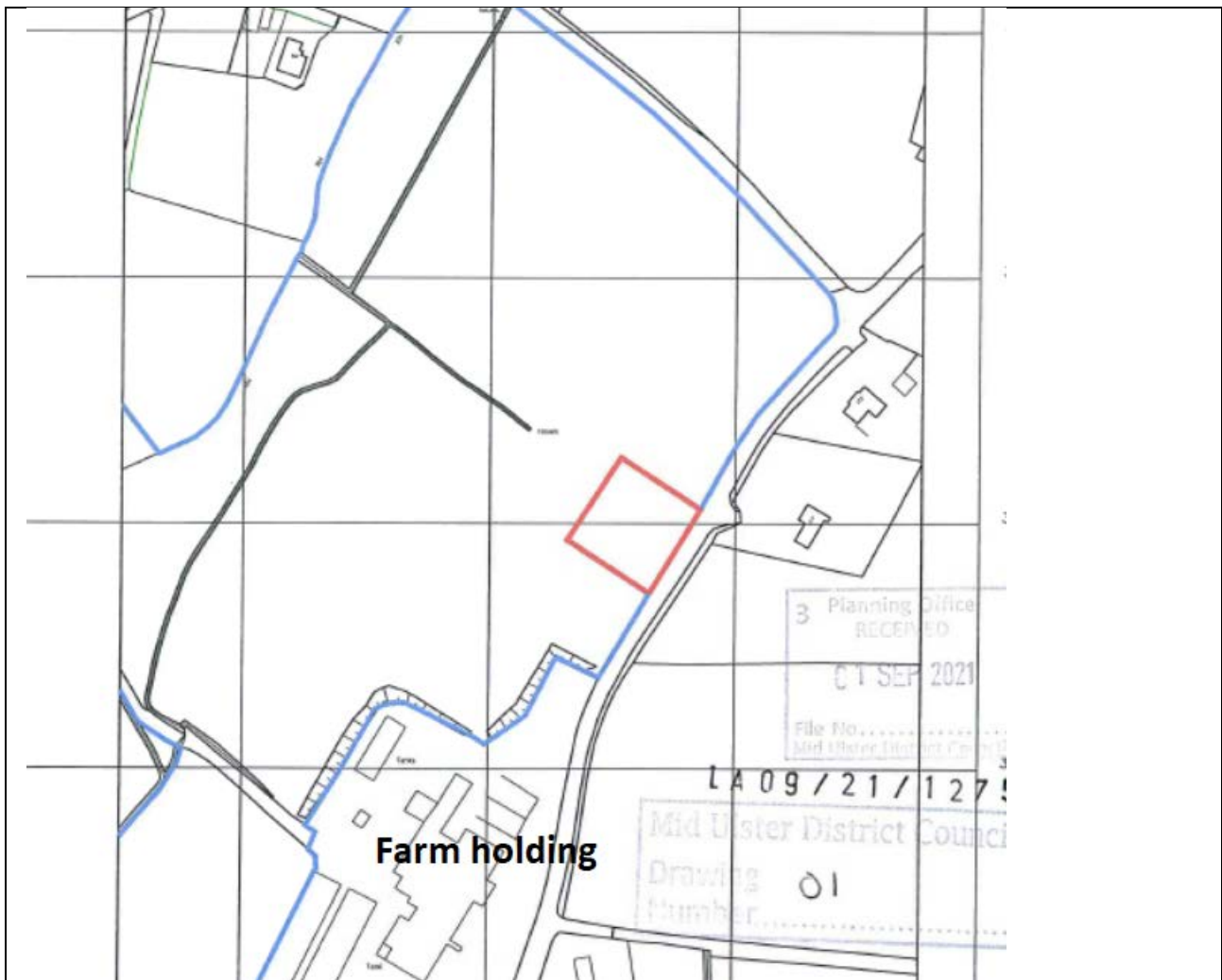
Policy CTY 10 states that planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

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

With respect to (a) it is considered that this policy criteria has been met as the applicant has provided an Agricultural Business Identification number and is in receipt of Single Farm Payments, and DAERA have confirmed that the applicant has had a Business ID for over 6 years.

With respect to (b) there are no records indicating that any dwellings or development opportunities out with settlement limits have been sold off from the farm holding within 10 years of the date of the application.

With respect to (c) it is noted that the application site is located 90 metres to the east of the nearest farm building. There is a significant gap or break between the site and the farm holding. It is my opinion that this gap represents a substantial visual break between the farm holding and the site.



It is therefore considered that the proposal is not in compliance with all of the criteria of Policy CTY10.

Policy CTY13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is considered that as the site has no boundaries on three sides and only a post and wire fence along the roadside boundary, it is my opinion that a dwelling would not be able to blend in successfully with its immediate and wider surroundings. The site sits on a very slightly open site, on the roadside and some distance from the farm holding, it would rely solely on a landscaping plan to provide any screening, and therefore any dwelling would be unable to fit in unobtrusively.

Therefore the proposal is contrary to PPS 21 CTY 13.



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

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, be unduly prominent in the landscape and would therefore result in a detrimental change to the rural character of the countryside.

#### Mid Ulster Development Plan 2030 - Draft Plan Strategy

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

Recommendation Refusal.

**Neighbour Notification Checked**

**Yes**

#### Refusal Reasons

1. The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is sited to cluster with an established group of buildings on the farm.

2. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape, the proposed building would also rely primarily on the use of new landscaping for integration 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 a 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:**

ANNEX	
<b>Date Valid</b>	1st September 2021
<b>Date First Advertised</b>	14th September 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 125 Bush Road Dungannon Tyrone The Owner/Occupier, 127 Bush Road Dungannon Tyrone	
<b>Date of Last Neighbour Notification</b>	22nd September 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2021/1275/O Proposal: Proposed dwelling on a farm Address: 75m West of 125 Bush Road, Dungannon, Decision: Decision Date:	
<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:	



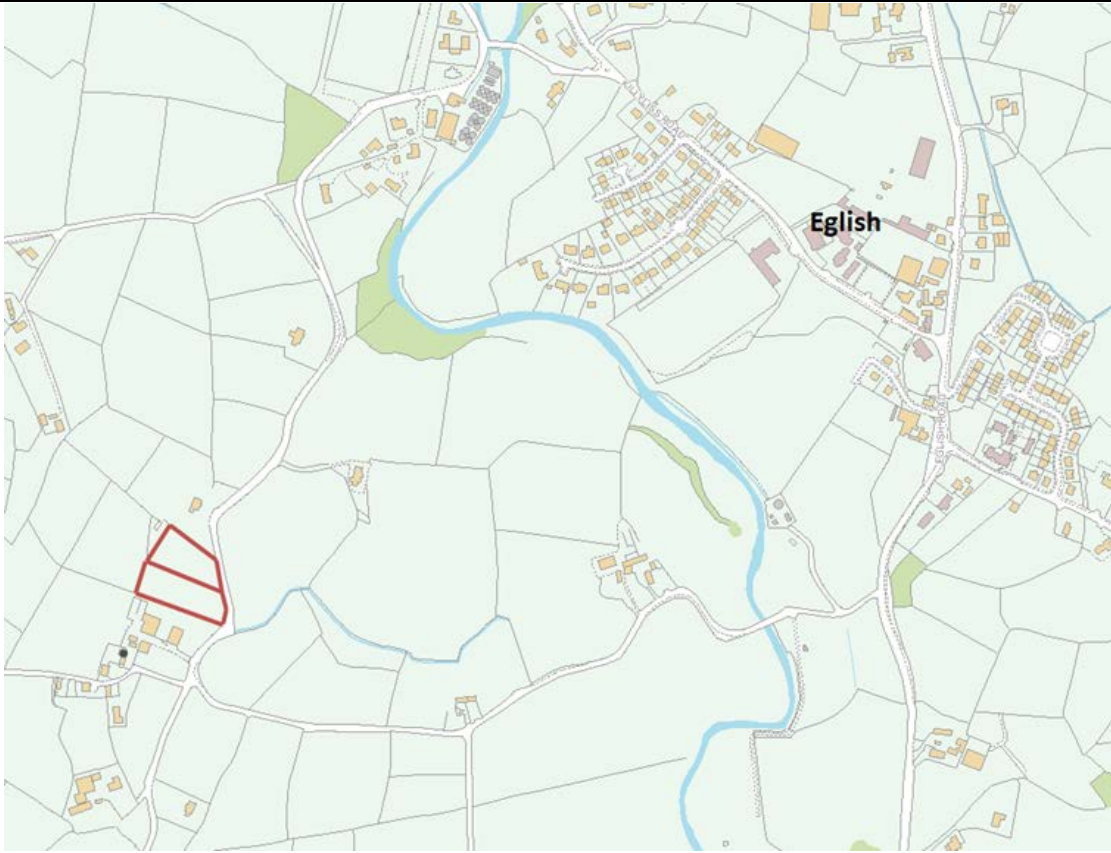
Comhairle Ceantair  
**Lár Uladh**  
**Mid Ulster**  
 District Council

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b>	<b>Item Number:</b>
<b>Application ID:</b> LA09/2021/1313/O	<b>Target Date:</b>
<b>Proposal:</b> Two storey dwelling	<b>Location:</b> Between 55c and 59 Cadian Road Dungannon (site 1)
<b>Referral Route:</b> Contrary to policy	
<b>Recommendation:</b>	REFUSAL
<b>Applicant Name and Address:</b> Mr R P Reid 142 Moy Road Dungannon	<b>Agent Name and Address:</b> Shaw Design 34 Grange Road Dungannon BT71 7EQ
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues

None

### Characteristics of the Site and Area

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

The site is the northern portion of a larger agricultural field of which the southern half is also subject to a double infill planning application. The site is bounded along the north and west by a



row of mature trees and hedging, the roadside boundary is defined by a native species hedgerow and the remaining southern boundary is undefined on the ground. The land is relatively flat with a slight rise from the east to west.



The surrounding area is primarily open countryside with a scattering of single dwellings or farm holdings. In the immediate vicinity there is a new two storey dwelling to the North and a bungalow and farm holding to the immediate south. There are also a few more dwellings along the road to the south.





## Description of Proposal

The proposal seeks outline planning permission for an infill site.

## Planning Assessment of Policy and Other Material Considerations

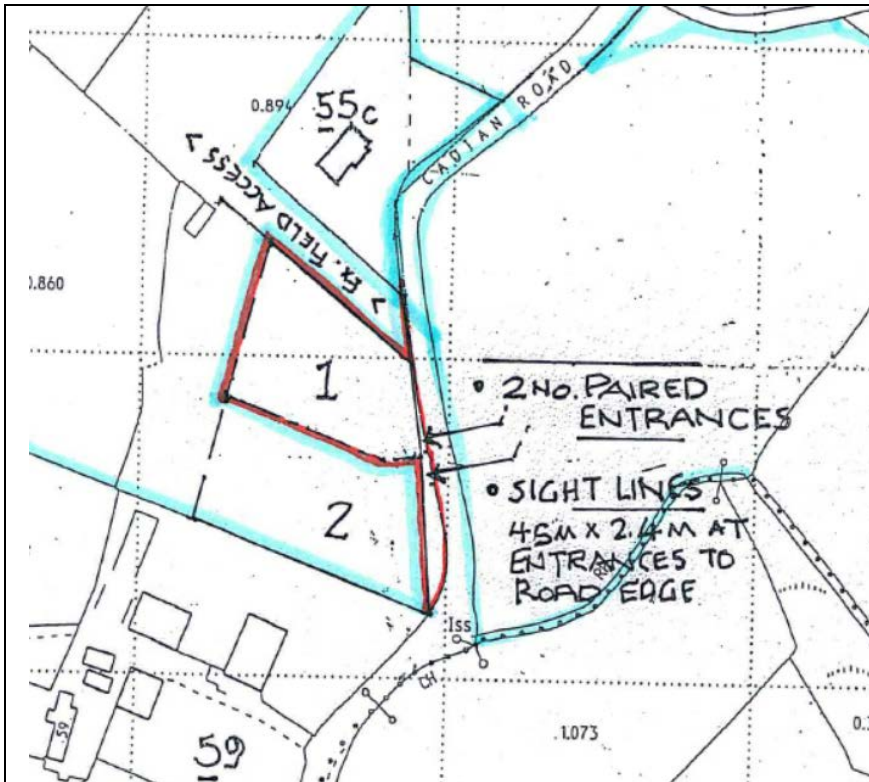
Regional Development Strategy  
Dungannon and South Tyrone Area Plan (DSTAP) 2010  
PPS3  
PPS21

- Policy CTY 1 - Development in the Countryside
  - Policy CTY 8 - Ribbon development
  - Policy CTY 13 - Integration and Design
  - Policy CTY 14 - Rural character
- Strategic Planning Policy Statement (SPPS)

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within retained policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. The SPPS retains PPS21: Sustainable Development in the Countryside and PPS 3: Access, Movement and Parking which are relevant policies under which the proposal should be considered

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

Objections / comment received from 3rd Parties;  
There have been no objections / comments received in relation to this proposal.



To the South of number 55C Cadian road, there is a gap of approx. 140 metres building to building or 100 metres plot frontage. The red line of the site for this application includes the North half of the gap. The site lies in the middle of a dwelling to the N, and two dwellings and numerous outbuildings to the South. It must also be noted that there is an additional gap to the North of the site. In my opinion this row constitutes the definition of a substantially built up frontage. However, the site comprises 100metres of the gap, however there is an additional 20 metre gat between the frontages of development and is therefore sufficient to accommodate 2 dwellings on the site and a further dwelling to the North when taking into account existing plots sizes of between 35m and 65m and the roadside frontage size of surrounding dwellings. It is my opinion that the site could potentially accommodate 3 dwellings and is therefore contrary to PPS 21 CTY 8.

The proposal therefore fails to comply with policy CTY8 of PPS21.



Policy CTY13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is considered that a dwelling could blend in successfully with its immediate and wider surroundings if it were of a size and scale that is comparable to the dwellings in the vicinity. Furthermore as the site has existing buildings on both sides and some boundary vegetation it is considered that the site has the capacity to absorb a dwelling of a suitable size and scale were it acceptable to policy CTY 8. I have no concerns regarding integration albeit imposing a ridge height restriction of 7 metres.

In terms of policy CTY14 planning permission will only be granted for a building in the countryside where it is not a prominent feature, does not cause a detrimental change to, or further erode the rural character of an area. It is considered that the site and its surrounding environs are suitable for absorbing a dwelling of a suitable size and scale were it acceptable to policy CTY 8. I would recommend imposing a height of 7 metres and landscaping to the new site boundaries of the application site.

Recommendation Approval.

**Neighbour Notification Checked**

**Yes**

**Refusal Reasons**

1. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Cadian Road.
2. 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.

**Signature(s)**

**Date:**

ANNEX	
<b>Date Valid</b>	27th August 2021
<b>Date First Advertised</b>	21st September 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 55c Cadian Road Dungannon The Owner/Occupier, 59 Cadian Road Dungannon Tyrone	
<b>Date of Last Neighbour Notification</b>	21st September 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	Yes /No
<b>Planning History</b>  Ref ID: LA09/2021/1313/O Proposal: Two storey dwelling Address: Between 55c and 59 Cadian Road, Dungannon (site 1), 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:



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> LA09/2021/1314/O	<b>Target Date:</b>
<b>Proposal:</b> Two storey Dwelling	<b>Location:</b> Between 55c and 59 Cadian Road Dungannon (site 2)
<b>Referral Route:</b> Contrary to policy	
<b>Recommendation:</b>	refuse
<b>Applicant Name and Address:</b> Mr R P Reid 142 Moy Road Dungannon	<b>Agent Name and Address:</b> Shaw Design 34 Grange Road Dungannon BT71 7EQ
<b>Executive Summary:</b>	
<b>Signature(s):</b>	

## Case Officer Report

### Site Location Plan



### Consultations:

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

### Representations:

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

### Summary of Issues

None

### Characteristics of the Site and Area

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

The site is the Southern portion of a larger agricultural field of which the Northern half is also subject to a double infill planning application. The site is bounded along the South and west by a row of mature trees and hedging, the roadside boundary is defined by a native species hedgerow and the remaining Northern boundary is undefined on the ground. The land is relatively flat with a slight rise from the east to west.





The surrounding area is primarily open countryside with a scattering of single dwellings or farm holdings. In the immediate vicinity there is a new two storey dwelling to the North and a bungalow and farm holding to the immediate south. There are also a few more dwellings along the road to the south.



### Description of Proposal

The proposal seeks outline planning permission for an infill site.



## Planning Assessment of Policy and Other Material Considerations

Regional Development Strategy  
Dungannon and South Tyrone Area Plan (DSTAP) 2010  
PPS3  
PPS21

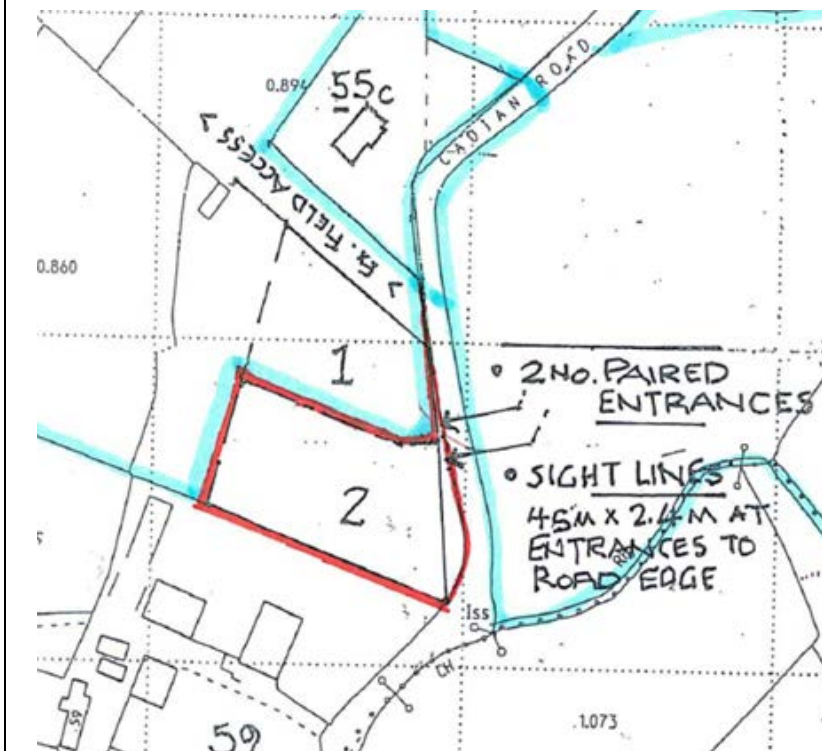
- Policy CTY 1 - Development in the Countryside
  - Policy CTY 8 - Ribbon development
  - Policy CTY 13 - Integration and Design
  - Policy CTY 14 - Rural character
- Strategic Planning Policy Statement (SPPS)

The Strategic Planning Policy Statement for Northern Ireland (SPPS) is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within retained policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. The SPPS retains PPS21: Sustainable Development in the Countryside and PPS 3: Access, Movement and Parking which are relevant policies under which the proposal should be considered

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

Objections / comment received from 3rd Parties;

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



To the North of number 59 Cadian road, there is a gap of approx. 140 metres building to building or 100 metres plot frontage. The red line of the site for this application includes the South half of the gap. The site lies in the middle of a dwelling to the N, and two dwellings and numerous outbuildings to the South. It must also be noted that there is an additional gap to the North of the site. In my opinion this row constitutes the definition of a substantially built up frontage. However, the site comprises 100metres of the gap, however there is an additional 20 metre gat between the frontages of development and is therefore sufficient to accommodate 2 dwellings on the site and a further dwelling to the North when taking into account existing plots sizes of between 35m and 65m and the roadside frontage size of surrounding dwellings. It is my opinion that the site could potentially accommodate 3 dwellings and is therefore contrary to PPS 21 CTY 8.

The proposal therefore fails to comply with policy CTY8 of PPS21.



Policy CTY13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is considered that a dwelling could blend in successfully with its immediate and wider surroundings if it were of a size and scale that is comparable to the dwellings in the vicinity. Furthermore as the site has existing buildings on both sides and some boundary vegetation it is considered that the site has the capacity to absorb a dwelling of a suitable size and scale were it acceptable to policy CTY 8. I have no concerns regarding integration albeit imposing a ridge height restriction of 7 metres.

In terms of policy CTY14 planning permission will only be granted for a building in the countryside where it is not a prominent feature, does not cause a detrimental change to, or further erode the rural character of an area. It is considered that the site and its surrounding environs are suitable for absorbing a dwelling of a suitable size and scale were it acceptable to policy CTY 8. I would recommend imposing a height of 7 metres and landscaping to the new site boundaries of the application site.

Recommendation Approval.

**Neighbour Notification Checked**

**Yes**

**Refusal Reasons**

1. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of ribbon development along the Cadian Road.
2. 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.

**Signature(s)**

**Date:**

<b>ANNEX</b>	
<b>Date Valid</b>	27th August 2021
<b>Date First Advertised</b>	21st September 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 55c Cadian Road Dungannon The Owner/Occupier, 55e ,Cadian Road,Dungannon,Tyrone,BT70 1LY The Owner/Occupier, 59 Cadian Road Dungannon Tyrone	
<b>Date of Last Neighbour Notification</b>	21st September 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA09/2021/1314/O Proposal: Two storey Dwelling Address: Between 55c and 59 Cadian Road, Dungannon (site 2), Decision: Decision Date:  Ref ID: M/2013/0134/F Proposal: Private dwelling Address: Site located 60m East of 59 Cadian Road, Mullaghlonefield, Eglis, Dungannon, Decision: PG Decision Date: 10.07.2013  Ref ID: M/1996/0198 Proposal: Dwelling Address: 60M EAST OF 59 CADIAN ROAD, MULLAGHLONGFIELD, EGLISH, DUNGANNON Decision: Decision Date:	
<b>Drawing Numbers and Title</b>	

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

**Notification to Department (if relevant)**

Date of Notification to Department:  
Response of Department: