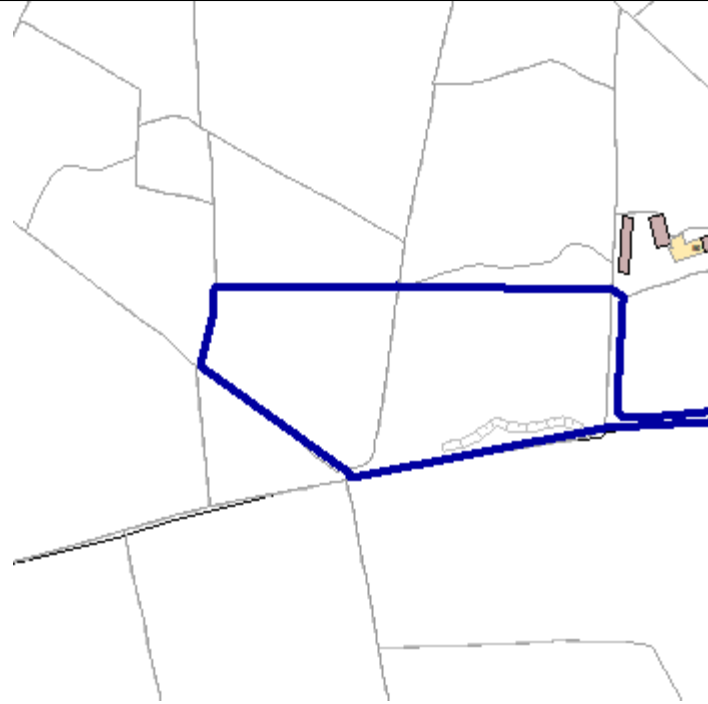




## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> 5 September 2023	<b>Item Number:</b> 5.1
<b>Application ID:</b> LA09/2018/1504/F	<b>Target Date:</b> 7 January 2019
<b>Proposal:</b> Construction of 1No. Free range hen house (layers) Max 16000 birds with 2 meal bins and litter shed	<b>Location:</b> Lands 95M South West Of 50 Loughans Road Goland Ballygawley
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mr Finbarr Boyle & Ms Roisin MC Clean 50 Loughans Road Goland Ballygawley	<b>Agent Name and Address:</b> Mr Barry O' Donnell 33 Tullybryan Road Ballygawley BT70 2LY
<b>Executive Summary:</b>	

**Case Officer Report****Site Location Plan**

This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

**Consultations:**

<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	NIEA	Substantive: YResponseType: FR
	Shared Environmental Services	Substantive: TBCResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	DAERA - Omagh	Substantive: TBCResponseType: FR
	DAERA - Omagh	Substantive: TBCResponseType: FR
	NIEA	Substantive: YResponseType: FR
	Shared Environmental Services	Substantive: YResponseType: FR
	NIEA	Substantive: YResponseType: FR

	Shared Environmental Services	Substantive: TBCResponseType: PR
	NIEA	Substantive: YResponseType: FR
<b>Representations:</b>		
Letters of Support	0	
Letters of Objection	0	
Letters Non Committal	0	
Number of Support Petitions and signatures		
Number of Petitions of Objection and signatures		
<b>Summary of Issues</b>		
None		
<b>Characteristics of the Site and Area</b>		
<p>The site is located in the open countryside just a short distance to the North of Aughnacloy and to the East of Ballygawley settlements, and outside all other areas of constraint as depicted by the DSTAP 2010.</p> <p>The red line of the site includes a long straight laneway (approx.500m) which serves the applicants dwelling and number 50 and one other holding at number 48 Loughan Road. At the end of the lane is the farm dwelling and existing farm holding which lie just north of the red line of the site. The site itself includes a rectangular shaped portion at the south of two large agricultural fields. The south east and west boundaries are defined by a mix of mature hedging and trees and the norther boundary remains undefined on the ground. There is also a hedgerow dividing the middle of the site.</p> <p>As the site lies in the open countryside it is surrounded on all sides by agricultural fields, the nearest none connected dwelling is approx. 200 metres from the proposed poultry house siting.</p>		
<b>Description of Proposal</b>		
The proposal seeks full planning permission for a free range hen house (layers), 2 meal bins and litter shed.		
<b>Planning Assessment of Policy and Other Material Considerations</b>		
<b><u>Policy Consideration</u></b>		
The regional Development Strategy (RDS) Dungannon and South Tyrone Area Plan 2010- unzoned land in the open countryside.		

## Strategic Planning Policy Statement (SPPS)

### Planning Policy Statement 3 Access, Movement and Parking

- Policy AMP 2 - Access to Public Roads

### Planning Policy Statement 21 (PPS21) Sustainable Development in the Countryside;

- Policy CTY 1 Development in the Countryside
- Policy CTY 12 Agricultural and Forestry Development.
- Policy CTY 13 Integration and Design of Buildings in the Countryside
- Policy CTY 14 Rural Character

### 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. 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 cannot currently be given any determining weight.

### Consultation responses

DfI Road no objection subject to a condition to ensure the visibility splays are completed in accordance with the drawings, 2.4m by 80m in both directions onto the public road.

Environmental Health - no objection. They state that as the shed is to be used for free range purposes only, an odour impact assessment is not required. They have offered informatives.

NIEA - no objections subject to conditions. NIEA also advise that no N2K sites will be adversely impacted by the proposal and that it is in line with DAERAs protocol on nitrogen emissions. Water Management Unit has considered the impacts of the proposal on the surface water environment and on the basis of the information provided, is content with the proposal subject to Conditions.

DAERA - no objection. Farm business ID has been in existence for more than 6 years and business claims subsidies therefore is established and currently active. The land was farmed by uncle up until his death in 2012 and subsequently farmed by the applicant since. SFP were also claimed by the uncle until his death in 2012, and then by the applicant 2017-2021, the land was farmed and maintained by family members in the interim. Hedges were cut, and land grazed continuously. It is also clear the poultry house is sought as an extension to the existing farm adjacent.

Shared Environmental Services response concluded; having considered the nature, scale, duration and location of the project it is concluded that further assessment is not required because it would not have a likely significant effect on the selection features, conservation objectives or status of any European site.

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



on the features of any European site.

### 3rd Party Objections

At the time of writing no objections have been received.

### Relevant planning history

None

### Key Policy Consideration

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

Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) is a retained policy document under SPPS and provides the appropriate policy context. Policy CTY1 of PPS21 sets out the types of development that are considered to be acceptable in the countryside. One of these is Policy CTY12 which allows agricultural development on active and established farm holdings subject to certain policy criteria being met.

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

- a) It is necessary for the efficient use of the agricultural holding.  
The applicant has an existing farm which includes the site and adjoining lands. Details of this farm business accompany the application and DAERA have confirmed that the farm has been in existence for more than 6 years and that the farm business claims subsidies. Therefore there is an active and established farm business. This poultry house is an investment and expansion opportunity for the applicants existing farm holding. I am of the opinion that this proposal supports the needs of the existing business.
- b) It is appropriate to the location in terms of character and scale.  
The surrounding area is rural in character. Although hen houses in general are large scale, these are agricultural buildings which are typical of the rural area. Given the nature of this proposal, and its purpose to house poultry, it is considered appropriate to the location. The materials and finishes are typical of this type of building and are acceptable in the rural area.
- c) It visually integrates into the local landscape and additional landscaping is provided as necessary.  
The proposed poultry shed will benefit from cover of native species hedgerow on two sides. It also has the benefit of the existing farm holdings to the North East to aid its integration. It has a low ridge height and is set back approx. 500m from the public road.

Access will follow an existing tree lined hedge/boundary and will not have a detrimental impact to this area of countryside. It is my view this shed will satisfactorily integrate into the landscape.

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

There are no built heritage features on the site or adjacent to the site.

NIEA, Shared Environmental Services and environmental health were consulted on this proposal. Various additional environmental reports were requested by these consultees in order to assess the full impact of this proposal on the natural environment, to ensure no significant impact would result. These reports include a Drainage Assessment, Nutrient management Plan and Air Quality Impact Assessment. As stated above all have no objections with this proposal with the proviso that birds are limited to 16000 free range layers.

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

Relevant neighbours have been consulted, the proposal advertised in the local press and no 3rd party objections have been received. Environmental Health have been consulted and have no objections as odour levels fall below maximum acceptable level at the nearest sensitive receptor. This proposal is unlikely to result in a detrimental impact on the amenity of nearby residents if operated in accordance with best practice farm management.

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

-There are no suitable existing buildings;

No suitable buildings exist on the applicants holding. These types of buildings need to be of a particular size, shape and internal environmental standard to create optimum conditions for laying.

-The design and materials are sympathetic to the locality;

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

-It is sited beside existing farm buildings.

The Ministers Review into the Operation of Planning Policy Statement 21 recognised there would be a significant number of planning applications for poultry houses to supply the agri-food sector. This statement does not provide any policy guidance but it does clearly recognise this industry is a key economic driver for the rural economy which I consider is supportive of this type of development. In many examples throughout Northern Ireland similar proposals have been approved where the proposed hen house is sited slightly away from the main grouping. This is sometimes required for bio security reasons so that cross contamination does not occur, and may be to protect surrounding residential amenity from noise and/or smell. For these reasons I find this siting acceptable in this instance and it will integrate into the landscape.

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

The proposed poultry shed will benefit from cover of native species hedgerow on two sides. It also has the benefit of three large existing farm holdings to the south to aid its integration. It has a low ridge height and is set back approx. 500m from the public road. Access will follow an existing tree lined hedge/boundary and will not have a detrimental impact to this area of countryside. It is my view this shed will satisfactorily integrate into the landscape.

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 poultry house is agricultural in nature and will benefit from a back drop of mature native species hedgerow and also the existing farm holdings to the south. The character of this area will still remain rural and the proposal will not cause a detrimental change to the rural character of this area.

#### PPS2 Natural Heritage

I am satisfied that this proposal will not have a detrimental impact on Natural heritage interests and does not offend any policy considerations contained within this planning policy statement.

Having weighted up the above policy and material considerations I am of the opinion that this application should be recommended for approval subject to the following conditions.

It is worth noting that an EIA screening exercise was also carried out and given that the proposal is unlikely to have a significant environmental impact, the need for an ES was screened out.

Having weighed up the above policy and material considerations I am of the opinion that this application should be recommended for approval subject to conditions.

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

Approve is recommended

#### Approval Conditions

Informative 1  
No Data

Informative 2

No Data

#### Informative 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 Regional Development for which separate permissions and arrangements are required.

Notwithstanding the terms and conditions of the Department of Environment's approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Regional Development's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the 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 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 Roads Service, to accommodate the existing roadside drainage and to ensure that surface water does not flow from the public road onto the site.

#### Informative 4

The applicant is advised to ensure that all plant and equipment associated with the proposed is so situated operated and maintained as to prevent the transmissions of noise, in addition the applicant is also advised that in order to protect nuisance conditions arising from flies, that adequate systems are in place to manage and control flying insects.

#### Informative 5

The applicants attention is drawn to Article 10 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild animal included in Schedule 5 of this Order, which includes the badger (*Meles meles*);
- damage or destroy, or obstruct access to, any structure or place which badgers use for shelter or protection;
- damage or destroy anything which conceals or protects any such structure;
- disturb a badger while it is occupying a structure or place which it uses for shelter or protection.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

If there is evidence of badger on site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke

Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA.

The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild bird; or
- take, damage or destroy the nest of any wild bird while that nest is in use or being built;

or

- at any other time take, damage or destroy the nest of any wild bird included in Schedule A1;

or

- obstruct or prevent any wild bird from using its nest;
- take or destroy an egg of any wild bird;
- disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young;
- disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season (e.g. between 1st March and 31st August).

**Case Officer:** Peter Hughes

**Date:** 14 August 2023

<b>ANNEX</b>	
<b>Date Valid</b>	12 November 2018
<b>Date First Advertised</b>	29 November 2018
<b>Date Last Advertised</b>	28 November 2018
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 50 Loughans Road, Ballygawley, Tyrone, BT70 2LD The Owner / Occupier 48 Loughans Road, Ballygawley, Tyrone, BT70 2LD	
<b>Date of Last Neighbour Notification</b>	21 November 2018
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  DFI Roads - Enniskillen Office-Substantive: YResponseType: FR Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR NIEA-Substantive: YResponseType: FR Shared Environmental Services-Substantive: TBCResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR DAERA - Omagh-Substantive: TBCResponseType: FR DAERA - Omagh-Substantive: TBCResponseType: FR NIEA-Substantive: YResponseType: FR Shared Environmental Services-Substantive: YResponseType: FR NIEA-Substantive: YResponseType: FR Shared Environmental Services-Substantive: TBCResponseType: PR NIEA-Substantive: YResponseType: FR	

**Drawing Numbers and Title**

Elevations and Floor Plans Plan Ref: 05  
Elevations and Floor Plans Plan Ref: 04  
Road Access Plan Plan Ref: 03  
Site Layout or Block Plan Plan Ref: 02

Site Location Plan Plan Ref: 01

**Notification to Department (if relevant)**

Not Applicable







## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> 5 September 2023	<b>Item Number:</b> 5.2
<b>Application ID:</b> LA09/2021/1511/F	<b>Target Date:</b> 9 December 2021
<b>Proposal:</b> Windrow composting facility (recycling of specified green waste for the purpose of producing saleable compost).	<b>Location:</b> 650M Ne Of No.51 Creagh Road Toomebridge Co Antrim BT41 3SE.
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> John Kealey 24 Ballymaguigan Road Magherafelt BT45 6LE	<b>Agent Name and Address:</b> Mba Planning 4 College House Citylink Business Park Belfast BT12 4HQ
<b>Executive Summary:</b> <p>This proposal has been assessed under all relevant policy, namely the SPPS, the Cookstown Area Plan 2010, PPS3, PPS11 and PPS21. It is my opinion that the proposal is not at conflict with any of the relevant policy tests.</p> <p>Consultations have been carried out with both statutory and non-statutory consultees, which include DFI Roads, EH and NIEA Water Management Unit and Regulation Unit. The proposal has been screened out from needing an Environmental Statement.</p> <p>No objections have been received to date. Issues raised include the potential for leachate from the composting facility to impact ground water. NIEA consequently requested the submission of contingency plans in case such an incident arises. However PPS 11 - Planning and Waste Management is clear that planning control should not be used to achieve objectives relating to other legislation. As the Licencing process would require such contingency plans to be provided as part of such an application, it is not necessary for such plans to be submitted as part of the planning process. Appropriate conditions are recommended.</p>	



**Case Officer Report****Site Location Plan**

This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

**Consultations:**

<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	NIEA	Substantive: YResponseType: FR
	NIEA	Substantive: YResponseType: FR
Statutory Consultee	NIEA	PRT LA09-2021-1511-F.PDF
Statutory Consultee	NIEA	PRT LA09-2021-1511-F.PDF

**Representations:**

Letters of Support	0
Letters of Objection	0
Letters Non Committal	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

## **Summary of Issues**

No representations were received in respect of this proposed development.

Should the submission of contingency plans be required as part of the planning application or can they be dealt with by NIEA as part of the Licencing application.

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

The site is located in a rural area approximately 2.8Km west of Toome and within an area which is a mixture of farmland with a large area of industrial development to the north and west. The surrounding area is heavily industrialised. The area is generally flat and overlooks the shores of Lough Neagh which is around 500m due south. Creagh Business Park is part built on the north-western end of the runway of the old airfield. There is zoned industrial land to the north-east and south-east of the site , which is also located outside any settlement limits.

The site comprises an existing recycling facility accessed via an existing laneway off the Creagh Road. There are two large sheds both measuring approximately 35m x 20m and which are currently used for the storage of soil and other wastes which are awaiting processing.

The site is bounded to the north west by a 4-5m high bund of earth and concrete.

A concrete base has recently been laid to the north west of the existing sheds and the 4-5m high bund.

Due to the distance the site is set back from the public road, the intervening buildings and the flat nature of the surrounding land, there are only limited views of the site.

## **Description of Proposal**

The proposal is for full planning approval for the construction of 'Windrow composting facility (recycling of specified green waste for the purpose of producing saleable compost)'.

The proposal involves the provision of a new concrete base on which the green waste will be piled before being moved from one pile to the next. This process is repeated with the waste being transferred from one stockpile to another in order to enhance the composting process. This process may take around 6-7 weeks.

The concrete base measures approximately 80m x 19m and is laid to a fall towards a perimeter drain. The drain extends along the north-western edge of the base and is designed to collect the leachate run-off and connect this to an underground leachate storage tank at the north-eastern end of the site.

The detailed design of the leachate tank will be undertaken by a suitably qualified engineer to ensure their structural integrity. All leachate or spillages on site would be directed to the sump or captured by the perimeter drainage system.

The proposal does not seek to increase the amount of waste that can be accepted at the site, rather is simply seeks to add an additional recovery process for green wastes within the overall tonnage that the site is permitted to handle so that a greater range of materials can be recycled, thereby reducing the amount of waste that needs to be landfilled.

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

### **Policy Consideration**

#### Planning History

There is the following planning history on this site:-

H/2006/0940/F - Retention of Material Recovery Facility for Construction and Demolition waste. Approved 24.09.2008

H/2007/0448 - Proposed erection of covered structure for material recovery facility to store manufactured top soil from inert soils and sand and green waste compost. Approved 25.01.2008

H/2010/0103/F - Extension to existing material recovery facility to include area for processing builders waste and the erection of a storage shed. Approved 25.01.2011

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

The SPSS provides regional policy on waste management and refers to the 5 step waste management hierarchy, which is laid down in Article 5 of the Waste Framework Directive, is a core principle of the Northern Ireland Waste Management Strategy and is also referenced in the Regional Development Strategy 2035. This waste hierarchy aims to encourage the management of waste materials in order to reduce the amount of waste materials produced, and to recover maximum value from the wastes that are produced. It encourages the prevention of waste, followed by the reuse and refurbishment of goods, then value recovery through recycling and composting. Waste disposal should only be used when no option further up the hierarchy is possible.

The proposal falls to be considered against the Magherafelt Area Plan 2015 in so far as it lies outside any defined settlement limits and is open countryside. No other constraints have been identified. The site is not zoned for any particular use and there are no policies within the Area Plan which are relevant to the specific use of the proposed site.

Planning Policy Statement 11 - Planning and Waste Management

The proposal falls to be assessed under Policy WM1 Environmental Impact of a Waste

Management Facility. Proposals for the development of a waste management facility will be subject to a thorough examination of environmental effects and will only be permitted where it can be demonstrated that all of the following criteria are met:

o the proposal will not cause demonstrable harm to human health or result in an unacceptable adverse impact on the environment;

The proposal does not involve the use of hazardous waste and will not impact on human health due to the small amounts of waste involved) c. 10,000 tonnes of green waste within the wider c. 75,000 tonnes per annum the site is permitted to accept). The management protocols will be formalised in final form and enforced through the licencing process. This will afford the appropriate protection from odours and noise. The impermeable concrete surface which is enclosed by perimeter drains and leachate collection system will ensure that the water environment is protected.

o the proposal is designed to be compatible with the character of the surrounding area and adjacent land uses;

The use of the site is established by previous planning approvals. The proposal does not alter the use - it is an operational improvement to ensure that as little material as possible goes to landfill;

o the visual impact of the waste management facility, including the final landform of landfilling or land raising operations, is acceptable in the landscape and the development will not have an unacceptable visual impact on any area designated for its landscape quality;

The area is not designated for its landscape quality and there will be minimal visual impact on the surrounding area;

o the access to the site and the nature and frequency of associated traffic movements will not prejudice the safety and convenience of road users or constitute a nuisance to neighbouring residents by virtue of noise, dirt and dust;

The development does not propose to increase traffic movements either accessing or exiting the site over and above what is permitted under the previous planning approvals and waste management licence. There is a wheel wash on site to ensure that dirt is not carried from the site onto the public road network;

o the public road network can satisfactorily accommodate, or can be upgraded to accommodate, the traffic generated;

As discussed above, the proposal does not involve any increase in traffic, therefore there will be no impact on the public road network;

o adequate arrangements shall be provided within the site for the parking, servicing and circulation of vehicles;

Given the size of the overall site within the applicant's control, there is adequate space for parking, servicing and circulation of vehicles;

o wherever practicable the use of alternative transport modes, in particular, rail and water, has been considered;

Due to the nature of the process the only means of transport is via the public road network;

o the development will not have an unacceptable adverse impact on nature conservation or archaeological/built heritage interests.

There are no features of natural or built heritage on or close to the site which may be adversely affected. Lough Neagh is within 0.5km of the site, but protection is afforded by the closed loop drainage system proposed.

o the types of waste to be deposited or treated and the proposed method of disposal or treatment will not pose a serious environmental risk to air, water or soil resources that cannot be prevented or appropriately controlled by mitigating measures;

No hazardous waste is accepted at this site. The local water environment will be protected by the use of closed loop drainage system (impermeable concrete, perimeter drainage and leachate tank). Storm water will be reused in the washing process. Due to the nature of the waste, dust is not an issue but recycled water could be used should it be deemed necessary.

o the proposed site is not at risk from flooding and the proposal will not cause or exacerbate flooding elsewhere;

The site is not within a flood plain and the proposal will not increase the risk of flooding;

o the proposal avoids (as far as is practicable) the permanent loss of the best and most versatile agricultural land;

As the proposal is contained within an existing waste recycling site, there will be no loss of agricultural land;

o In the case of landfilling the proposal includes suitable, detailed and practical restoration and aftercare proposals for the site.

The proposal does not involve landfilling.

The SPPS also advises that the guiding principle in determining applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause detrimental harm to interests of acknowledged importance. In my opinion the proposal is in keeping with the waste hierarchy in that it will result in the recycling of more waste than would otherwise be the case thereby resulting in less waste being sent to landfill. The proposal does not conflict with the Magherafelt Area Plan 2015 and it also complies with relevant planning policy. It is for a sustainable development proposal which will reduce the amount of waste being sent to landfill thereby resulting in a benefit and which should not cause any environmental harm.

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 (Northern Ireland) 1995 (as amended). The proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

Transport NI advised that there will be minimal intensification of the use of the existing access onto Creagh Road and on that basis the proposed development was acceptable

subject to conditions.

Environmental Health advised that it was noted from the submitted transport form that the proposal will not give rise to any increase in vehicle traffic from the site. It was also noted that the facility will be licensed under the Waste Management Licensing regime by the Northern Ireland Environment Agency and therefore EHD would suggested that consultation takes place with them in regard to this proposal.

Environmental Health Department also advised that they have considered potential noise and odour issues from the proposal and the closest receptors are considered to be No's 39, 41 & 43 Creagh Road situated approximately 400 metres from the proposal.

NIEA: Regulation Unit advised that there are no significant records of previous potentially

contaminating land uses on this application site or in the adjacent area. The proposed development is considered a low risk to the water environment. Waste Management Licensing advise that if planning permission is granted for the composting process, the operator will be required to submit a modification application to Waste Management within NIEA to address the additional waste streams and processes.

NIEA: Water Management Unit advised that the proposed development has the potential to adversely affect the surface water environment and requested details of stockpile management, drainage channel and leachate tank management and maintenance and contingency plans, should any issues arise from the proposal. However, paragraph 2.4 of PPS 11 states that planning control should not duplicate other statutory controls or be used to achieve objectives relating to other legislation. The Department/Council must make its planning decisions on the basis that the pollution control regimes will be properly applied and enforced. The relevant expertise and statutory responsibility for pollution control rests with the relevant pollution control authorities.

It is noted that the applicant has provided information to NIEA about how water will be managed at the site on a daily basis and confirmed the design includes a degree of contingency planning because it allows for extreme rainfall events and comments on what measures will take place should this happen. A full contingency plan is a licencing matter

Therefore, in my opinion, the additional information being sought by Water Management Unit is more applicable to the licencing process and should be provided as part of the any licencing application as opposed to the planning application.

#### Recommendation

In my opinion, in light of the above planning considerations and consultee responses, the proposal is acceptable and is capable of approval subject to the following conditions:-

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

Approve is recommended



## Approval Conditions

### Condition 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.

### Condition 2

If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance. In the event of unacceptable risks being identified, a Remediation Strategy shall be agreed with Council in writing, and subsequently implemented and verified to its satisfaction. This strategy should be completed by competent persons in accordance with Land Contamination: Risk Management (LCRM) guidance, available at: <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks> .

Reason: Protection of environmental receptors to ensure the site is suitable for use.

### Condition 3

After completing the remediation works under Condition 3 and prior to the development hereby approved becoming operational, a Verification Report shall be submitted in writing and agreed with Council in consultation with NIEA: Regulation Unit. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance. The Verification Report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

### Condition 4

No operation, including the acceptance and dispatch of deliveries and the operation of plant and equipment, shall take place outside the hours of 07:00 - 19:00 Monday to Friday, 07:00 - 13:00 on Saturdays and there shall be no operations at any time on Sundays.

Reason: To protect residential amenity.

**Case Officer:** Malachy McCrystal

**Date:** 22 August 2023

<b>ANNEX</b>	
<b>Date Valid</b>	14 October 2021
<b>Date First Advertised</b>	30 November 2021
<b>Date Last Advertised</b>	26 October 2021
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 51A , Creagh Road, Toome, Londonderry, BT41 3SE The Owner / Occupier 49 Creagh Road, Toome, Londonderry, BT41 3SE The Owner / Occupier 51 Creagh Road, Toome, Londonderry, BT41 3SE	
<b>Date of Last Neighbour Notification</b>	22 November 2021
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  DFI Roads - Enniskillen Office-Substantive: YResponseType: FR Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR NIEA-Substantive: YResponseType: FR NIEA-Substantive: YResponseType: FR NIEA-PRT LA09-2021-1511-F.PDF NIEA-PRT LA09-2021-1511-F.PDF	

**Drawing Numbers and Title**

Site Layout or Block Plan

Site Location Plan

Proposed Plans Plan Ref: 03/1

Site Layout or Block Plan Plan Ref: 02/1

Proposed Plans Plan Ref: 03

Site Layout or Block Plan Plan Ref: 02

Site Location Plan Plan Ref: 01

**Notification to Department (if relevant)**

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 5 September 2023	<b>Item Number:</b> 5.3
<b>Application ID:</b> LA09/2022/0257/F	<b>Target Date:</b> 25 April 2022
<b>Proposal:</b> Retrospective extension to farm yard plus change of use and extension to farm pen structures to provide storage of construction and decorative stone for sale and distribution	<b>Location:</b> 100M South West Of 170 Orritor Road Cookstown
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Thomas Gourley 170 Orritor Road Cookstown	<b>Agent Name and Address:</b> Collins Design 7 Dublin Road Omagh BT78 1ES
<b>Executive Summary:</b> <p>This proposal has been assessed under all relevant policy, namely the SPPS, the Cookstown Area Plan 2010, PPS3, and PPS21. It is the applicants intention to run the proposed development alongside his calf rearing business. It is my opinion that the proposal is not at conflict with any of the relevant policy tests. Consultations have been carried out with both statutory and non statutory consultees, which include DFI Roads, EHD and DAERA. The proposal has been screened out from needing an Environmental Statement.</p> <p>One objection has been received to date. Issues raised include noise; the visual impact of the proposed development; the area being used for parking machinery, lorries and storage of materials; Located within a residential area; the site being located within a Greenbelt area; and Extending beyond the red line of the application site.</p>	

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 and appropriate conditions are recommended.

## Case Officer Report

### Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

### Consultations:

Consultation Type		Consultee	Response
		DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR
		Environmental Health Mid Ulster Council	Substantive: TBC
		DAERA - Coleraine	Substantive: TBCResponseType: PR
Non Consultee	Statutory	Environmental Health Mid Ulster Council	Planning response (2).pdf
Non Consultee	Statutory	Environmental Health Mid Ulster Council	Planning response.pdf
Non Consultee	Statutory	Environmental Health Mid Ulster Council	Planning response.pdf
Non Consultee	Statutory	Environmental Health Mid Ulster Council	Planning response (3).pdf

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	1
Number of Support Petitions and	

signatures	
Number of Petitions of Objection and signatures	
<p><b>Summary of Issues</b></p> <p>One representations have been received in respect of this application and relates to the following issues:-</p> <p>O Noise nuisance;</p> <p>Environmental Health considered the issue of noise raised in the objection and subsequently requested the provision of an acoustic barrier. The barrier is now proposed and EHD have advised they have no further concerns subject to the suggested conditions.</p> <p>O Visual Impact;</p> <p>As discussed in the report below, the proposed development will have little impact on visual amenity due to the surrounding built form and boundary vegetation. Therefore the proposal is acceptable in this respect.</p> <p>O Area being used for parking machinery, lorries and storage of materials;</p> <p>As the description clearly states the proposal is for the storage of construction and decorative stone for sale and distribution, it is accepted that machinery and vehicles associated with the proposal will enter, manoeuvre and park within the site. As the site is well screened from public view and EHD have not raised any issues regarding potential noise from such activities, this is not anticipated to be a concern.</p> <p>O Located within a residential area;</p> <p>Although the site is located to the rear of a farmyard, which in turn is sited to the rear of an existing dwelling which sits within a row of 12 dwellings fronting directly on the Orritor Road, the site is located within the rural area as defined in the Cookstown Area Plan 2010. The area is approximately 250m west of Cookstown settlement limits and as stated although there are 12 dwellings at this stretch of the Orritor Road, the character of the area is clearly rural as it is surrounded by agricultural fields on the southern, eastern and western sides.</p> <p>O This is a Greenbelt area;</p> <p>Since its introduction, the policy provisions of PPS 21 take precedence over all Green Belt policies within 'A Planning Strategy for Rural Northern Ireland'. Consequently the Green Belt policies are not applicable to this proposal.</p> <p>O Extending beyond the red line of the application site.</p> <p>I am content that the proposed development is contained within the red line as indicated on the site location map submitted.</p>	
<p><b>Characteristics of the Site and Area</b></p> <p>Planning History</p>	



There is no planning history on this site

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

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

The proposal accords with the Magherafelt Area Plan 2015 insofar as it is for the creation of a business which is linked to a farm business and is part of a diversification project.

## **Description of Proposal**

Retrospective extension to farm yard plus change of use and extension to farm pen structures to provide storage of construction and decorative stone for sale and distribution.

The enlarged site contains a large concrete yard with a number of pens constructed with reinforced concrete. These pens are used to store the different types of decorative stone, some of which is bagged in large bulk bags.

Characteristics of the site and area

The site is located within the rural area around 250m west of the settlement development limits of Cookstown.

The site is set to the rear of an existing dwelling with associated agricultural buildings set on rising ground which continues to rise gently towards the south. The farm buildings are partially used for animal housing with cattle housed at the time of inspection. Other parts of the buildings were being used in connection with cutting, splitting and bagging timber for firewood.

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

### **Policy Consideration**

PPS 3 - Access, Movement and Parking;

Dfi Roads were consulted and advised that the proposed access arrangements were acceptable subject to the suggested conditions.

PPS 21 CTY 11 – Farm Diversification has a presumption in favour of farm or forestry diversification projects where it has been demonstrated that the proposal will be run in conjunction with the agricultural operations on the farm.

The proposal involves the extension of an existing farmyard and access is taken through the farm yard. The farmyard has been extended to facilitate the proposed expansion and includes a turning area for vehicles. The farm business number was allocated to the business on 21st June 2006. The applicant provided a statement advising that the proposed development will be run in

conjunction with his calf rearing business. The applicant rears calves from birth on an automatic calf rearing system and although the system is atomised, the applicant still needs to check the health of the calves on a daily basis. The applicant is currently in discussion with a view to becoming a part of the Wagyu calf rearing opportunity run by Linden Foods. It is accepted that the proposed development will be run in conjunction with the farm business.

The following criteria also needs to be addressed:-

- The farm business is currently active and is established;

DAERA have advised that the farm business is both active and has been established for more than 6 years;

- It is appropriate in terms of character and scale;

The proposed development is acceptable in terms of its character and scale given the existing built development and immediate topography. The proposal does not involve the erection of additional buildings, rather the change of use of existing structures, which amount to retaining walls. Those retaining walls are approximately 3m high and are well screened from the public viewpoint by the existing farm buildings in addition to the mature boundary hedgerows in the area.

- It will not have an adverse impact on the natural or built heritage;

There are no features of natural or built heritage which will be impacted by the proposed development.

- It will not have a detrimental impact on nearby residential properties by way of noise, smell and pollution.

The concrete yard and structures for storing the stone are located in excess of 70m from the nearest third party dwellings. The proposal is not one of a nature that will create smells or pollution. There is the potential for noise nuisance and therefore Environmental Health were consulted. EHD requested that the applicant/agent submits a noise impact assessment which considers the noise impact from the proposed development. Following receipt of a noise assessment and amended plans showing the provision of an acoustic barrier along the northern boundary closest to the objectors property, EHD advise that the proposed development was acceptable subject to conditions.

Exceptionally a new building may be permitted where there are no existing buildings which can be used. As the proposal does not involve the provision of a new building, this is not an issue.

#### CTY 13 – Integration and design of buildings on the countryside

The proposed development can achieve an acceptable degree of integration into the surrounding countryside without appearing prominent. Although the site extends the farmyard into the adjacent field and on slightly rising ground without mature hedgerows totally enclosing the site, the proposed development is sited to the rear of the existing farmyard and associated buildings. This coupled with the fact that the proposal does not involve the provision of additional buildings, will enable the proposed development to achieve an acceptable degree of visual integration without having a detrimental impact on visual amenity.

#### CTY 14 – Rural Character

As the proposed development does not involve the erection of a new building, it will not have a detrimental impact of rural character. Likewise, the proposed development will not result in a suburban form of development, nor will it create or add to a ribbon of development. As the proposed development utilises the existing access there will be little if any ancillary access works.

#### Environmental Health

Raised no issues of concern regarding the proposal.

## Roads

Raised no issues of concern regarding the proposal.

## Consideration

When taking the above issues into consideration, it is my considered opinion that on balance the proposed development meets the policy requirements of PPS 21 – CTY 11 Farm Diversification and is therefore acceptable.

## **Summary of Recommendation:**

Approve is recommended

## Approval Conditions

### Condition 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.

### Condition 2

The development hereby approved shall be used only for Use Class B4, for the storage of construction and decorative stone for sale and distribution and no other purpose in the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015 and shall be run in conjunction with the applicant's farm business.

Reason: To prohibit a change to an unacceptable use within the Use Classes Order and to prevent the creation of a single planning unit.

### Condition 3

The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 02 uploaded at the planning portal on 9th March 2022 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.

### Condition 4

The business hereby permitted shall not operate outside 07:00 - 18:00hrs Monday to Friday, 08:00 - 13:00 Saturday and no operation on Sundays, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect nearby residential amenity from noise.

**Condition 5**

There shall be no deliveries or despatch from the business hereby permitted outside 07:00 - 18:00hrs Monday to Friday, 08:00 - 13:00 Saturday and no deliveries or despatch on Sundays, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect nearby residential amenity from noise.

**Condition 6**

Within 4 weeks of the date of this decision, the 2m high acoustic barrier with a surface weight of at least 30kg/m<sup>2</sup> or greater, shall be erected, maintained and permanently retained, as indicated on drawing no:- 03/2 uploaded to the planning portal on 27th June 2023.

Reason: To protect nearby residential amenity from noise.

**Condition 7**

Within 4 weeks of a written request by the Council following a reasonable noise complaint from the occupant of a dwelling which lawfully exists, the operator shall, at his/her expense, employ a suitably qualified and competent person, to assess compliance with predicted noise levels stated within Table 7 of the KRM Noise Assessment uploaded to the planning portal on 26th January 2023. Details of noise monitoring survey shall be submitted to Council for written approval prior to any monitoring commencing. The Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring. The Council shall then be provided with a suitable report detailing any necessary remedial measures. These remedial measures shall be carried out to the satisfaction of Council within 4 weeks from the date of approval of the remedial report, and shall be permanently retained and maintained to an acceptable level thereafter, unless otherwise agreed in writing with Council.

Reason: To protect nearby residential amenity from noise.

**Signature(s):** Malachy McCrystal

**Date:** 23 August 2023

<b>ANNEX</b>	
<b>Date Valid</b>	28 February 2022
<b>Date First Advertised</b>	15 March 2022
<b>Date Last Advertised</b>	15 March 2022
<b>Details of Neighbour Notification (all addresses)</b> The Owner / Occupier 172A Orritor Road Cookstown BT80 9RB The Owner / Occupier 172 Orritor Road Cookstown Tyrone BT80 9RB The Owner / Occupier 170 Orritor Road, Cookstown, Tyrone, BT80 9RB The Owner / Occupier 168A Orritor Road Cookstown Tyrone BT80 9RB	
<b>Date of Last Neighbour Notification</b>	22 September 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR Environmental Health Mid Ulster Council-Substantive: TBC DAERA - Coleraine-Substantive: TBCResponseType: PR Environmental Health Mid Ulster Council-Planning response (2).pdf Environmental Health Mid Ulster Council-Planning response.pdf Environmental Health Mid Ulster Council-Planning response.pdf Environmental Health Mid Ulster Council-Planning response (3).pdf	

**Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 03

Site Layout or Block Plan Plan Ref: 02

**Notification to Department (if relevant)**

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 5 September 2023	<b>Item Number:</b> 5.4
<b>Application ID:</b> LA09/2022/1098/O	<b>Target Date:</b> 14 October 2022
<b>Proposal:</b> OUTLINE APPLICATION FOR ERECTION OF A SINGLE DWELLING HOUSE & DETACHED DOUBLE GARAGE.	<b>Location:</b> PLOT OF GROUND SITUATED IN THE TOWNLAND OF ANEETER BEG, 50M SOUTH OF 90 ANEETER ROAD, MOORTOWN, COAGH,
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Miss RACHAEL DEVLIN 90 Aneeter Road Cookstown BT800HZ	<b>Agent Name and Address:</b> No Agent
<b>Executive Summary:</b> <p>The current application for a proposed dwelling and garage is presented as a refusal as it fails to meet Policy CTY1, CTY 2a, CTY 8, and CTY 14 of PPS 21.</p> <p>CTY 1 – This proposal fails to meet Policy CTY1 of PPS 21 in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.</p> <p>CTY 2a – This proposal fails to meet Policy CTY2a of PPS 21 as the site is not bound on at least two sides with other development in the cluster; the development of the site cannot be absorbed into the existing cluster through rounding off and consolidation will significantly alter the existing character, and visually intrude into the open countryside.</p> <p>CTY 8 – This proposal fails to meet Policy CTY 8 of PPS 21 as the site cannot be considered a small gap site, and could potentially accommodate up to a maximum of three houses; and there is no continuously built up frontage. Development of this site would be considered as ribbon development and would be detrimental to the character, appearance and amenity of the countryside.</p>	

CTY 14 – This proposal fails to meet Policy CTY 14 of PPS 21. If permitted a dwelling would appear as a prominent feature in the landscape and would likely cause a detrimental change to and further erode the rural character of the area.

Please note, planning approval was granted on this site on 21/01/08 and has long since expired. There is no evidence of any commencement. It is important to note that since this approval was granted, planning policy has since changed and PPS 21: Sustainable Development in the Countryside was introduced, therefore this application is now subject to provisions of PPS 21.



## Case Officer Report

### Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

### Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	NI Water - Single Units West	LA09-2022-1098-O.pdf
Non Statutory Consultee	DFI Roads - Enniskillen Office	RS1 Form a (1).doc Roads Consultation outline approval.docx

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

### Characteristics of the Site and Area

The application site is located within the open countryside, outside any defined

settlement limits as per the Cookstown Area Plan 2010. The site is identified as 50m South of No. 90 Aneeter Road, Moortown, Coagh. The application site comprises an agricultural field located along the roadside. Tall, established hedging and trees define the western, southern and eastern boundaries, and a small wooden and wire fence defines the northern boundary with No. 90 Anneeter Road. The surrounding area is rural in nature, with predominantly agricultural land uses, with scattered single dwellings and their associated outbuildings.

The application site is within the Lough Neagh Shore Countryside Policy Area.

### **Description of Proposal**

This is an outline application for the erection of a single dwelling house and detached double garage. The site is identified as 50m South of No. 90 Aneeter Road, Moortown, Coagh.

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

#### **Policy Consideration**

##### Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. The Neighbour Notification period expires 31/08/23. At the time of writing, no third party objections were received.

##### Relevant Planning History

I/2007/0261/RM – Proposed dwelling, 50M South East Of 56 Annaghmore Road, Aneeter. Permission granted – 21.01.2008.

I/2004/0487/O – Proposed site for dwelling, 50M South East Of No. 56 Annaghmore Road, Anneeter. Permission granted – 11.11.2004.

Planning approval was granted on this site on 21/01/08 and has long since expired. History of this site was checked with MUDC Building Control. Building Control confirmed an application was submitted on 21/10/09 under reference: FP/2009/0452. However, this application was cancelled, and Building Control confirmed there is no record of commencement on this site. Historic orthographic images were also checked of the site since the approval of the planning application, and there is no evidence of any commencement.

It is important to note that since this approval was granted, planning policy has since changed and PPS 21: Sustainable Development in the Countryside was introduced,

therefore this application is now subject to provisions off PPS 21.

### **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 1: General Principles

PPS 3: Access, Movement and Parking

PPS 21: Sustainable Development in the Countryside

CTY 1 – Development in the Countryside

CTY 2a – New Dwellings in Existing Clusters

CTY 13 – Integration and Design of Buildings in the Countryside

CTY 14 – Rural Character

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

The site is within the Lough Shore Countryside Policy Area and as such should comply with Area Plan Policy CTY 2. This policy states development proposals will be determined in accordance with the provisions of prevailing regional planning policy; it is considered necessary to protect the primarily rural landscapes of the Lough Neagh shoreline and its environs. I am content that the proposal will be assessed against all prevailing regional planning policy below.

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. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road

safety’.

Development in the countryside is controlled under the provisions of PPS 21: Sustainable Development in the Countryside. Policy CTY 1 provides clarification on which types of development area are acceptable in the countryside.

It is important to note that no Statement of Case was submitted with this application to provide justification for which cases under policy CTY 1 this application should be considered for, therefore I will review the policies which I believe are relevant to this application.

The application will be assessed for a new dwelling in an existing cluster therefore this development must be considered under CTY 2a of PPS 21. Policy CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

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

Upon review I am content that the cluster lies outside a farm and consists of four or more buildings, wherein three of which are dwellings. In terms of a focal point, I am content that Coyle’s Cottage (Grabe B Listed thatched cottage) which lies approximately 45m North of the application site can be constituted as a focal point in its own right. In terms of enclosure, the application site is not bound on at least two sides with other development. No. 90 Anneeter Road lies northeast of the application site, however there is no other development surrounding the site therefore this application has failed to meet this criteria. I do not hold the view that development of the site can be absorbed into the existing cluster through rounding off and consolidation. I believe development of this site will result in urban sprawl to the detriment of the rural area. Finally, I am content that a dwelling in this location is unlikely to have an adverse impact on residential amenity.

Given the issues with the lack of enclosure with the site not being bound on at least two

sides, and the development unable to be absorbed into the existing cluster through rounding off and consolidation, I believe this development will result in urban sprawl to the detriment of the rural area and visually intrude in the open countryside, and for these reasons I hold the view that the application fails under CTY 2a.

The application will now be assessed for an infill dwelling and as a result the development must be considered under CTY 8 of PPS 21. Policy CTY 8 of PPS 21 states that planning permission will be refused for applications which create or add to ribbon development in the countryside. An exception is however 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.

Having assessed the site and surrounding area I do not consider the site meets with the requirements of Policy CTY 8. No. 57 Annaghmore Road lies north of the application site, No. 90 Anneeter Road lies northeast, while south of the site there is a large agricultural field, and further south is No. 53 Annaghmore. There is a large gap between No. 90 Anneeter Road and No. 53 Annaghmore Road, I do not believe this can be considered a small gap, and I believe it could potentially accommodate up to a maximum of three houses. It is my opinion there is no substantial and built up frontage along Annaghmore Road, where the application site lies. It is clear from visiting the site there is no continuously built up frontage along Annaghmore Road, the two large agricultural fields provide a strong visual break between the cottage at No. 57 and the dwelling at No. 53 Annaghmore Road. It is important to note that No. 90 Anneeter Road does not front on to Annaghmore Road. For these reasons outlined above, I am of the opinion, this proposal fails to meet Policy CTY 8 of PPS 21.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design. I note that this is only an outline application therefore no design details have been submitted however, given the landform and landscape, and the proposed concept plan provided by the agent, I believe that an appropriately designed dwelling would not appear prominent in the landscape and would be able to successfully integrate into the landscape. Additional landscaping would be required to aid integration therefore a landscaping scheme would be required in any reserved matters application. From which, I am content that the application is able to comply under CTY 13.

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

style build-up of development when viewed with existing and approved buildings, and it creates or adds to a ribbon of development (Policy CTY 8). The criteria in this policy cannot be met, therefore I hold the view that the application fails under CTY 14.

**Summary of Recommendation:**

Refuse is recommended

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

**Refusal Reasons**

**Reason 1**

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

**Reason 2**

The proposal is contrary to Policy CTY 2a of Planning Policy Statement 21: Sustainable Development in the Countryside in that the proposal is not bound on at least two sides with other development, and the development cannot be absorbed into the existing cluster through rounding off and consolidation and will significantly alter the existing character and visually intrude into the open countryside.

**Reason 3**

The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the application site does not constitute a small gap site within a substantial and continuously built up frontage.

**Reason 4**

The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the proposal would cause a detrimental change to and further erode the rural character of the area.

**Signature(s):** Seáinín Mhic Íomhair

**Date:** 23 August 2023

<b>ANNEX</b>	
<b>Date Valid</b>	1 July 2022
<b>Date First Advertised</b>	9 August 2022
<b>Date Last Advertised</b>	9 August 2022
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 56 Annaghmore Road Ardboe Cookstown Tyrone BT80 0JA The Owner / Occupier 90 Anneeter Road Cookstown Tyrone BT80 0HZ	
<b>Date of Last Neighbour Notification</b>	17 August 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: I/1976/0426  Proposals: ERECTION OF FARM BUNGALOW  Decision: PG  Decision Date:</p> <p>Ref: I/1976/042601  Proposals: ERECTION OF FARM SUBSIDY BUNGALOW  Decision: PG  Decision Date:</p> <p>Ref: I/2006/0168/F  Proposals: Proposed dwelling &amp; domestic garage  Decision: PG  Decision Date: 04-AUG-06</p> <p>Ref: I/2005/0586/O  Proposals: Proposed dwelling &amp; garage  Decision: PG  Decision Date: 21-JAN-06</p> <p>Ref: I/2003/0351/F  Proposals: Dwelling and Garage</p>	

Decision: PG  
Decision Date: 17-JUN-03

Ref: I/1992/0332  
Proposals: Erection of dwelling  
Decision: PG  
Decision Date:

Ref: I/1999/0620/O  
Proposals: Site for dwelling  
Decision: PG  
Decision Date: 29-JUN-00

Ref: I/1999/0621/O  
Proposals: Site for dwelling  
Decision:  
Decision Date:

Ref: I/2001/0384/F  
Proposals: Proposed New Dwelling with Semi-Detached Garage  
Decision: PG  
Decision Date: 22-NOV-01

Ref: LA09/2022/1098/O  
Proposals: OUTLINE APPLICATION FOR ERECTION OF A SINGLE DWELLING HOUSE & DETACHED DOUBLE GARAGE.  
Decision:  
Decision Date:

Ref: I/2014/0168/RM  
Proposals: Pre-fabricated timber framed single storey dwelling  
Decision: PG  
Decision Date: 05-SEP-14

Ref: I/2013/0344/O  
Proposals: Site of single storey dwelling on agricultural land (amended Certificate of Ownership received).  
Decision: PG  
Decision Date: 14-MAR-14

Ref: LA09/2016/1385/F  
Proposals: Proposed change of house type for site approved under planning application  
ref: I/2014/0168/RM

Decision: PG  
Decision Date: 19-JAN-17



Ref: LA09/2019/0529/O

Proposals: Proposed dwelling and garage in a gap site

Decision: PG

Decision Date: 23-JUL-19

Ref: LA09/2022/1141/RM

Proposals: Proposed Dwelling and Garage

Decision: PG

Decision Date: 25-NOV-22

Ref: I/2001/0752/F

Proposals: Proposed dwelling

Decision: PG

Decision Date: 09-APR-02

Ref: I/2000/0063/O

Proposals: Site for new dwelling

Decision: PG

Decision Date: 19-OCT-00

Ref: I/1976/0485

Proposals: SITE OF SUPERMARKET AND RESTAURANT

Decision: PR

Decision Date:

Ref: LA09/2018/0802/F

Proposals: Proposed 2 Storey dwelling and detached garage to infill site (amended drawings received)

Decision: PG

Decision Date: 10-SEP-18

Ref: I/2013/0095/F

Proposals: Proposed 2 Storey dwelling and detached garage to infill site

Decision: PG

Decision Date: 23-SEP-13

Ref: I/1974/0295

Proposals: IMPROVEMENTS AND EXTENSION TO DWELLING

Decision: PG

Decision Date:

Ref: I/2010/0084/O

Proposals: Proposed 2 storey dwelling and detached garage to infill site

Decision: PG

Decision Date: 18-MAY-10

Ref: I/2008/0388/F  
Proposals: Proposed dwelling and garage  
Decision: PG  
Decision Date: 18-NOV-08

Ref: I/2004/0717/O  
Proposals: Proposed Site for Dwelling  
Decision: PG  
Decision Date: 18-JAN-05

Ref: I/2003/0111/A41  
Proposals: Proposed improvements and disabled adaptations to existing dwelling  
Decision: 205  
Decision Date: 28-FEB-03

Ref: I/1981/021401  
Proposals: BUNGALOW  
Decision: PG  
Decision Date:

Ref: I/1981/0214  
Proposals: BUNGALOW  
Decision: PG  
Decision Date:

Ref: I/2002/0482/O  
Proposals: Proposed Site for New Dwelling  
Decision: PG  
Decision Date: 04-MAR-03

Ref: I/1999/0284  
Proposals: Erection of Dwelling  
Decision: PG  
Decision Date:

Ref: I/1995/0390  
Proposals: Proposed site for dwelling  
Decision: PG  
Decision Date:

Ref: I/2002/0189/F  
Proposals: Mobile Home  
Decision: PG  
Decision Date: 16-JAN-03

Ref: LA09/2018/1216/O  
Proposals: Proposed site for dwelling and garage  
Decision: PG  
Decision Date: 07-DEC-18

Ref: LA09/2019/0330/RM  
Proposals: Proposed dwelling and garage  
Decision: PG  
Decision Date: 01-MAY-19

Ref: I/2002/0451/O  
Proposals: Site for a dwelling  
Decision: PG  
Decision Date: 28-AUG-02

Ref: I/1993/0358B  
Proposals: Dwelling  
Decision: PG  
Decision Date:

Ref: I/1993/0358  
Proposals: Bungalow  
Decision: PG  
Decision Date:

Ref: I/1993/0357  
Proposals: Dwelling  
Decision: PG  
Decision Date:

Ref: I/1993/0099  
Proposals: Dwelling  
Decision: WITHDR  
Decision Date:

Ref: I/1990/0211  
Proposals: Site for Kinturk Band Hall  
Decision: PG  
Decision Date:

Ref: I/1978/0239  
Proposals: REPLACEMENT DWELLING  
Decision: PR  
Decision Date:

Ref: I/1978/0512

Proposals: REPLACEMENT DWELLING

Decision: PG

Decision Date:

Ref: I/1978/051201

Proposals: REPLACEMENT DWELLING

Decision: PG

Decision Date:

Ref: I/1984/022602

Proposals: ERECTION OF BUNGALOW

Decision: PG

Decision Date:

Ref: I/1984/0226

Proposals: BUNGALOW

Decision: PG

Decision Date:

Ref: I/1984/022601

Proposals: BUNGALOW

Decision: PG

Decision Date:

Ref: I/1996/0025

Proposals: Extension to dwelling

Decision: PG

Decision Date:

Ref: LA09/2018/1601/O

Proposals: Proposed dwelling and garage in a cluster

Decision: PG

Decision Date: 03-MAY-19

Ref: LA09/2022/0528/RM

Proposals: Proposed dwelling & garage.

Decision:

Decision Date:

Ref: I/1987/0505

Proposals: IMPROVEMENTS TO DWELLING

Decision: PG

Decision Date:

Ref: I/2007/0261/RM

Proposals: Proposed dwelling

Decision: PG  
Decision Date: 21-JAN-08

Ref: I/2004/0487/O  
Proposals: Proposed site for dwelling  
Decision: PG  
Decision Date: 11-NOV-04

Ref: I/1989/0295  
Proposals: Bungalow  
Decision: PG  
Decision Date:

Ref: I/1978/0167  
Proposals: FARM HOUSE/GUEST HOUSE  
Decision: PG  
Decision Date:

### **Summary of Consultee Responses**

NI Water - Single Units West-LA09-2022-1098-O.pdf  
DFI Roads - Enniskillen Office-RS1 Form a (1).doc  
Roads Consultation outline approval.docx

### **Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

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

Not Applicable



## Development Management Officer Report Committee Application

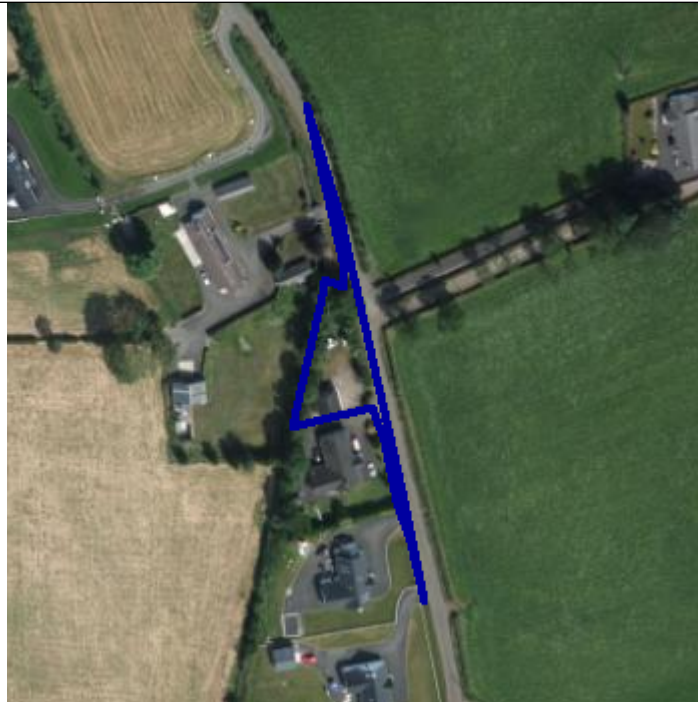
Summary	
<b>Committee Meeting Date:</b> 5 September 2023	<b>Item Number:</b> 5.5
<b>Application ID:</b> LA09/2022/1099/O	<b>Target Date:</b> 14 October 2022
<b>Proposal:</b> Proposed new infill dwelling.	<b>Location:</b> Lands Between 29 And 31 Moneysallin Road Kilrea BT51 5TQ
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Donal Madden 31 Moneysallin Road, Kilrea, BT51 5YQ.	<b>Agent Name and Address:</b> Healy McKewon Architects 11-13 Maghera Street Kilrea BT51 5QL
<b>Executive Summary:</b> <p>This proposal has been assessed under all relevant policy, namely the SPPS, the Magherafelt Area Plan 2015, PPS2, PPS3, PPS15 and PPS21. It is my opinion that the proposal is not at conflict with any of the relevant policy tests. Consultations, have been carried out with both statutory and non-statutory consultees, which include DFI Roads, NIEA and DfI Rivers. The proposal has been screened out from needing an Environmental Statement.</p> <p>Two letters were received from a neighbouring property at No.19 Moneysallin Road stating that their land was to be used to provide Visibility Splays. This was queried with the agent and having reviewed the land registry maps it was clear third party lands are required for visibility splays. The agent amended the certificate and provided a copy of the notice served on the third party. From this I am content this issue has been rectified for the planning process and any concerns regarding land ownership is a civil matter and outside the control of the planning department.</p> <p>An anonymous letter was received objecting to the proposal. The main points raised were:</p> <ul style="list-style-type: none"><li>- A biodiversity checklist was not completed- This has now been completed and NIEA were consulted and offered no objection.</li></ul>	

- The objector states a Flood Risk Assessment was requested by Dfl Rivers and that this has not been done. They then further state that Dfl Rivers when reconsulted on the indicative block plan did not request a FRA. - The agent has shown the dwelling to be sited outside the area of flood risk, so as no development is taking place within a flood plain a FRA is not required.
- The objector stated the 5m maintenance strip requested by Dfl Rivers was practicably impossible due to the mature trees in place- Dfl Rivers only requests that the maintenance strip is protected from any new development, including trees, hedges, permanent fencing and sheds etc. Any existing vegetation or trees do not need to be removed.
- The proposal does not comply with CTY 8 of PPS 21 in that the site is s much smaller and restrictive in comparison to adjacent properties. CTY 8 is considered fully within the body of this report.
- Contrary to CTY 13 & 14- These points are considered fully within the body of the report.

The objectors points raised have been fully considered and addressed within this report but do not merit the refusal of this application. Appropriate conditions and informatives are recommended.

## Case Officer Report

### Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Statutory Consultee	Rivers Agency	576533 - Final Response.pdf
Statutory Consultee	NIEA	PRT LA09-2022-1099-O.PDF
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Statutory Consultee	Rivers Agency	431813 - Final Response.pdf
Statutory Consultee	Rivers Agency	
Statutory Consultee	Rivers Agency	158043 - Final Response.pdf

### Representations:

Letters of Support	0
Letters Non Committal	2
Letters of Objection	1
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	



## Summary of Issues

Committee report- Objection received.

## Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits or any other designations as per the Magherafelt Area Plan. The red line of the application site is to the north of No.31 Moneysallin Road with No.29 bounding the site to the north west. The site sits at a level below the adjacent road and is a hardcored area with a garage on site which appears to be used with the applicants dwelling at No. 29. The site is well screened from the existing public road with strong mature boundaries on all sides apart from the southern boundary which is defined by a wooden fence. There is an existing gated access in place at the site entrance. The surrounding area, although within the countryside has a number of dwellings in the immediate vicinity, with a row of 4 dwellings to the immediate south of the site and two further in the northern direction.

## Description of Proposal

This is an outlie planning permission for a Proposed new infill dwelling.

## Planning Assessment of Policy and Other Material Considerations

### Policy Consideration

Magherafelt Area Plan 2015  
Strategic Planning Policy Statement (SPPS)  
PPS 21: Sustainable Development in the Countryside  
PPS 2: Natural Heritage  
PPS 3: Access, Movement and Parking  
PPS 15 (Revised): Planning and Flood Risk

The application is for a dwelling to be considered under CTY 8. The site is located in the open countryside as defined by the Magherafelt Area Plan 2015. Development is controlled under the provisions of the SPPS and PPS 21 - Sustainable Development in the countryside.

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

area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

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

The first step in determining whether an infill opportunity exists is to identify whether there is an otherwise substantial and continuously built-up frontage present. I am content that there is a substantial and continuously built- built up frontage present as to the south of the site there is a row of 4 dwellings and a dwelling to the north (No.29) which also has a road frontage.

I am content that the proposed site is of a sufficient size in that it could only reasonable accommodate one house at this location. Policy CTY 8 also requires that the existing pattern of development be respected in terms of size, scale, siting and plot size. The agent submitted a concept plan giving a general indication of the siting of a dwelling and how it would sit within the site. The objector raised concerns with the size of the plot as it is much smaller and restrictive in comparison with adjacent properties and would result in a dwelling with a reduced footprint. Whilst it is noted the proposed plot is smaller when compared to the adjacent properties, further group discussions were had, and it was deemed a dwelling at this location would respect the existing pattern of development in terms of size and scale of the plot and it could accommodate a modest sized dwelling with sufficient space for parking and private amenity space. Therefore, I am content that the proposal complies with the exception identified in policy CTY 8.

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design. I note that this is an outline application in which the exact design details have not been submitted; however, I am content that an appropriately designed dwelling would not appear as a prominent feature in the landscape. A condition to restrict the ridge height to being 6m above finished floor levels is required to ensure the dwelling is not prominent. The site has established boundaries and it will blend with the landform and existing trees and buildings. The objector raised concerns that the mature vegetation to the rear would need to be removed to provide a maintenance strip but Dfl Rivers confirmed this is not the case, and a condition will be applied to ensure existing vegetation is retained.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. The objector contends that due to the size of the site, it will harm the character of the area and would be incongruous. As stated, an appropriately designed dwelling would not appear as visually prominent. I am of the opinion that the proposed dwelling would not result in a suburban style build-up of development when

viewed with existing and approved buildings. From all of this I am satisfied that the application is able to comply with CTY 14.

There is ample space within this site to provide septic tank provision. The onus is on the landowner/developer to ensure there are appropriate consents in place for any private septic tank provision. In my view the proposal does not offend policy CTY16 of PPS21.

#### PPS 2: Natural Heritage

A biodiversity checklist was completed with an ecological statement which summarised that no protected sites are present, the stream almost certainly eventually connects to Lough Neagh. No impact on protected sites is predicted as long as the precautionary mitigation is followed. Priority native species hedgerows are present, which are to remain in situ. A small amount of hedgerow may be removed for the entrance, but the hedge in that area is non-native Cherry Laurel and Portuguese Laurel so there will be no impact. A stream is present. No impact on priority habitats is predicted as long as the precautionary mitigation is followed. No priority species are present other than widespread birds. No impact on priority species is predicted as long as the mitigation is followed.

NIEA were consulted on the biodiversity checklist and ecological statement and had no objection or any further comment. From such I am content the proposal does not offend any policy within PPS 2.

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

DfI Roads were consulted twice on the application, once as a standard consultation in which they provided no objection subject to the a scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1. A further consultation was issued following the letter of objection and the letter received relating to visibility splays and provided further comment with no objection;

*“The Moneysallin Road Kilrea adjacent to dwelling 31 was assessed by DfI Roads and detailed requirements forwarded on our response dated 18/08/2022 which indicated visibility splays of 2.4 x 80m in each direction for the access to this infill dwelling.*

*The agent has submitted a revised drawing (02 Rev A) detailing the road access with visibility splays of 2.4 x 90m in both directions.*

*The proposed visibility splays can be achieved within the applicants-controlled lands (land registry map) and within the existing road verge along the frontage of house 29.”*

I am content that the proposal complies with PPS 3.

#### PPS 15 (Revised): Planning and Flood Risk

DfI Rivers were consulted as part of the site was shown to be within an area of flood risk. Initially they advised the applicant should carry out a FRA to verify a more accurate extent of the floodplain and stated development would not be permitted within the 1% AEP fluvial flood plain. As a single dwelling does not constitute development the planning department would not request a FRA in this instance, rather it is up to the applicant/agent. In this case the agent submitted a concept plan showing that no development would be taking place within the 1% AEP as demonstrated by the Strategic

Flood Map (NI), so therefore would not be contrary to policy. A consultation was then sent to DfI Rivers showing the concept plan and they acknowledged that the built development is taking place on higher ground outside the flood plain and that the portion of the site affected by the floodplain is within the 5m maintenance strip required by FLD 2.

The objector raised concerns with this response so for further clarification a third consultation was issued to DfI Rivers who confirmed the applicant has accepted the DfI Rivers strategic floodplain and decided not to challenge it. They have moved the built development outside DfI Rivers 1 in 100 year strategic flood plain and as no development is taking place within the floodplain, a Flood Risk Assessment is now not required. From this I am content that Policy FLD 1 of PPS 15 has not been offended.

FLD 2 is also a material consideration as there is a watercourse within flows along the western boundary. DfI Rivers require a working strip of 5m is retained and shown on the site layout and should be protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development by way of a planning condition. The objection letter, dated 5th April has suggested that is practically impossible to deliver the requirement for a 5m maintenance strip without the removal of existing vegetation including mature trees. DfI Rivers only requests that the maintenance strip is protected from any new development, including trees, hedges, permanent fencing and sheds etc. Any existing vegetation or trees do not need to be removed. From this I am content that the proposal complies with FLD 2 and a condition will be attached to any approved requiring the maintenance strip be shown on the proposed site layout and that no development should take place here.

### **Other Material Considerations**

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

### **Summary of Recommendation:**

Approve is recommended

### **Approval Conditions**

#### **Condition 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.

#### Condition 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.

#### Condition 3

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

Reason: To ensure the dwelling integrates into the landform.

#### Condition 4

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

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

#### Condition 5

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

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

#### Condition 6

The proposed dwelling shall be sited in general conformity with drawing 02 Rev A and the extent of the floodplain is identified on the submitted block plan.

Reason: To ensure that no built development takes place in the floodplain.

#### Condition 7

The dwelling hereby permitted shall have a ridge height not exceeding 6 metres above finished floor level and be designed in accordance with the design guide 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside'

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

**Condition 8**

A 5m maintenance strip shall be retained at its existing ground level and shown on the site layout and should be protected from impediments including new tree planting, hedges, permanent fencing and sheds, land raising or future unapproved development.

Reason: To ensure the development does not impede the operational effectiveness of the watercourse or hinder access to enable its maintenance.

**Signature(s):** Ciaran Devlin

**Date:** 16 August 2023

<b>ANNEX</b>	
<b>Date Valid</b>	1 July 2022
<b>Date First Advertised</b>	12 July 2022
<b>Date Last Advertised</b>	12 July 2022
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner / Occupier  31A Moneysallin Road Kilrea Londonderry BT51 5TQ  The Owner / Occupier  31 Moneysallin Road Kilrea Londonderry BT51 5TQ  The Owner / Occupier  41 Moneysallin Road Kilrea Londonderry BT51 5TQ  The Owner / Occupier  29 Moneysallin Road Kilrea Londonderry BT51 5TQ</p>	
<b>Date of Last Neighbour Notification</b>	24 May 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: H/2005/0809/F  Proposals: New domestic garage  Decision: PG  Decision Date: 22-MAY-06</p> <p>Ref: H/1979/0454  Proposals: ALTERATIONS AND ADDITIONS TO BUNGALOW  Decision: PG  Decision Date:</p> <p>Ref: H/1975/0289  Proposals: ALTERATIONS AND ADDITIONS TO BUNGALOW  Decision: PG  Decision Date:</p>	

Ref: H/2008/0653/RM  
Proposals: Proposed dwelling and garage.  
Decision: PG  
Decision Date: 17-FEB-09

Ref: H/2003/1287/F  
Proposals: Dwelling and garage.  
Decision: PG  
Decision Date: 15-JUN-04

Ref: H/2003/0347/O  
Proposals: Site of dwelling and garage.  
Decision: PG  
Decision Date: 29-MAY-03

Ref: LA09/2022/1099/O  
Proposals: Proposed new infill dwelling.  
Decision:  
Decision Date:

Ref: H/2009/0718/F  
Proposals: Proposed farm dwelling and garage  
Decision: PG  
Decision Date: 15-OCT-10

Ref: H/2005/0407/RM  
Proposals: Dwelling & Garage  
Decision: PG  
Decision Date: 20-OCT-05

Ref: H/2011/0322/F  
Proposals: Proposed infill dwelling and garage  
Decision: PG  
Decision Date: 17-OCT-11

Ref: H/2005/0894/O  
Proposals: Site of dwelling and garage.  
Decision: PG  
Decision Date: 20-NOV-05

Ref: H/2000/0184/O  
Proposals: Site of Dwelling  
Decision: PG  
Decision Date: 18-SEP-00

Ref: H/2001/0604/F



Proposals: Dwelling And Detached Garage

Decision: PG

Decision Date: 22-NOV-01

Ref: H/1996/0410

Proposals: SUN LOUNGE

Decision: PG

Decision Date:

Ref: H/2014/0158/O

Proposals: Proposed site for farm dwelling

Decision:

Decision Date:

Ref: H/1979/0517

Proposals: HV O/H LINE (BM 3290)

Decision: PG

Decision Date:

Ref: LA09/2020/0236/F

Proposals: Change of access from previously approved H/2009/0718/F

Decision: PG

Decision Date: 03-JUL-20

Ref: H/2003/1421/O

Proposals: Site of dwelling and garage.

Decision:

Decision Date:

Ref: H/2003/1423/O

Proposals: Site of dwelling and garage.

Decision:

Decision Date:

### **Summary of Consultee Responses**

DFI Roads - Enniskillen Office-Outline resp.docx

Rivers Agency-576533 - Final Response.pdf

NIEA-PRT LA09-2022-1099-O.PDF

DFI Roads - Enniskillen Office-Outline resp.docx

Rivers Agency-431813 - Final Response.pdf

Rivers Agency-

Rivers Agency-158043 - Final Response.pdf

**Drawing Numbers and Title**

Site Layout or Block Plan  
Site Location Plan Plan Ref: 01

**Notification to Department (if relevant)**

Not Applicable

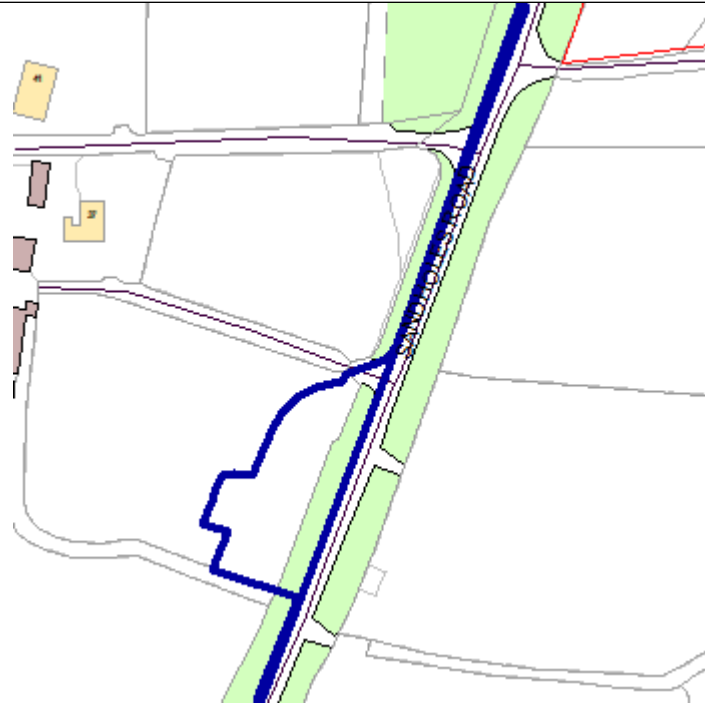


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 5 September 2023	<b>Item Number:</b> 5.6
<b>Application ID:</b> LA09/2022/1131/F	<b>Target Date:</b> 20 October 2022
<b>Proposal:</b> Proposed farm diversification scheme to include farm shop, milk vending machine and associated ancillary works.	<b>Location:</b> 85M South East Of Knockaconny House, 37 Sandholes Road Cookstown BT80 9AR
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> IT RS Mayne 15 Gorticar Road Sandholes BT80 9HD	<b>Agent Name and Address:</b> Hayley Dallas - Les Ross Planning 14 King Street Magherafelt BT45 6AR
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

### Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	DAERA - Omagh	LA09-2022-1131-F.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation full approval.docx
Statutory Consultee	DFI Roads - Enniskillen Office	

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

No issues. No representations received.

### Characteristics of the Site and Area

The site is located in the rural countryside outside any settlement limits as depicted within the Cookstown Area Plan 2010. The site is approx. 1km SW of the settlement limits of Cookstown. Ballyreigh Business Park and Lafarge Cement are located in close proximity to the north. The site comprises of a roadside rectangular portion of lands which have a current hot food sales business in operation, approved under LA09/2021/0006/F. Located to the NW of the application site is a large farm holding comprising of a number of farm sheds as well as existing detached dwellings. The land inclines gently from east to west from the public road. There is an existing one way access and exit system in place at the site. The surrounding area is rural in nature with the predominant land use in the immediate area being agricultural fields and dispersed dwellings, with industrial uses also in proximity to the North.

### **Description of Proposal**

Full planning permission is sought for a proposed farm diversification scheme to include farm shop, milk vending machine and associated ancillary works.

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

#### **Policy Consideration**

##### Planning Policy

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

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

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland
- Cookstown Area Plan 2010
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 21: Sustainable Development in the Countryside

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

LA09/2021/0006/F - Proposed roadside hot food sales and ancillary development (farm diversification Scheme) - 100M S.S.E. Of Knockaconny House 37 Sandholes Road Cookstown – PERMISSION GRANTED

### Key Policy Considerations/Assessment

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

The Strategic Planning Policy Statement for Northern Ireland – advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained. The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. The general planning principles with respect to this proposal have been complied with.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside – PS21 is the overarching policy for development in the countryside. Policy CTY 11 of PPS21 provides an opportunity for farm diversification projects subject to criteria. Policy CTY 11 states “Planning permission will be granted for a farm or forestry diversification proposal where it has been demonstrated that it is to be run in conjunction with the agricultural operations on the farm. The following criteria will apply:

- a) the farm or forestry business is currently active and established;
- b) in terms of character and scale it is appropriate to its location;
- c) it will not have an adverse impact on the natural or built heritage; and
- d) it will not result in detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution.

The planning application was accompanied by a Supporting Statement detailing justification for the proposal and arguing the proposal complies with Policy CTY11 Farm Diversification. It details the demand for good quality produce directly from the farm to the consumer and how their experience with the existing hot food outlet has encouraged this current application to be submitted. The supporting document details the current farming activity and provides justification for the overall scheme which will be considered throughout this report.

DAERA were consulted and have responded confirming the farm business has been in existence for more than 6 years and payments are currently being claimed on the land subject to this application. Therefore, it is accepted the farm business is currently active and established and I am content that criterion (a) is met.

The proposed building is a modified shipping container and is similar in design, size and scale to the existing containers on site. Although the nature and design of the proposal would be more appropriate to an urban context, given the history of the site and the existing units which are currently on site, I am content in this instance that an exception can be made, similar to what was agreed previously and thus criterion (b) is covered.

The closest residential unit is No.37 which is located over 100metres northwest of the proposed unit and belongs to a member of the applicant’s family. Environmental Health were not consulted as they offered no objections or concerns to the previous application which I deem would have had more of an impact than what is being proposed under this application in terms of noise, smell and fumes which would be

produced as a result. It is considered adequate separation distance exists between the proposed units and residential dwellings to give rise to detrimental impacts on residential amenity and I am content that the application would not have an adverse impact on the natural or built heritage, thus complying with criterion (c) and (d) of CTY 11.

CTY 11 goes on to state that proposals will only be acceptable where they involve the re-use or adaption of existing farm buildings. Exceptionally, a new building may be permitted where there is no existing building available to accommodate the proposed use, either because they are essential for the maintenance of the existing farm enterprise, are clearly unsuitable for adaption and reuse. The proposal seeks to erect a new building on the proposal site, approximately 85 metres from the nearest farm building. It is noted that there are a number of existing buildings located on the farm complex as can be seen in the site location plan. A meeting was held with the applicant, agent, Principal Planner and a local Councillor where this issue was discussed.

Given the history of the site and noting that the existing shipping containers were already agreed at this location, it was agreed that if they could demonstrate that each of the existing buildings were currently being used for activities relating to the existing farm business, a new building would be deemed acceptable. The applicant/agent has provided this information and I am content that each of the buildings on the farm are currently being used for activities relating to the farm business. However, concern remains that the last point within CTY 11 is not met in that the new building does not satisfactorily integrate with an existing group of buildings on the farm and as such the proposal fails on this criterion.

Policy CTY 13 - Integration and Design of Buildings in the Countryside and Policy CTY 14 – Rural Character states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is of an appropriate design. It is noted that the proposal site is sited at the lowest level of the field with land rising to the rear which provides a backdrop which will assist with integration to some degree, however as already noted, there is some concern about the overall integration with the existing farm buildings. The design of the building would also normally be considered inappropriate to the rural context, however as discussed already, given the history of the site, and noting that Planning Committee have granted the existing buildings at this site which are similar in design, this should be taken into account if approval were to be forthcoming.

Planning Policy Statement 3 (PPS 3 Revised Feb 2005) Access, Movement and Parking advises that planning permission will only be granted for a development proposal involving direct access onto a public road where such access will not prejudice road safety or significantly inconvenience the flow of traffic; and the proposal does not conflict with Policy AMP 3 Access to Protected Routes. The application seeks to utilise the existing access in what appears to be a one way system. DfI Roads have been consulted and have no objection to the proposal. I am content the proposal meets DfI Roads requirements and therefore does not offend PPS3 Policy AMP2.

#### Additional considerations

In addition to checks on the planning portal, the Historic Environment map viewer available online have been checked and identified no built heritage assets interests of significance on site. NIEA were consulted on the previous application and offered no objection, however they advised that applicant should be aware that they may be subject to occasion loss of amenity due to either dust and odour emissions due to the close proximity to the regulated facility. I would reiterate this advice for the application under this current application. The presence of a watercourse was also noted in proximity to the existing access under the previous application and SES were informally consulted at this time. They had advised that

there is no viable hydrological connection to downstream European sites therefore no conceivable impact to any European sites and formal consultation was not required.

**Summary of Recommendation:**

Refuse is recommended

**Refusal Reasons**

**Reason 1**

The proposal is contrary to Policy CTY11 of Planning Policy Statement 21, Sustainable Development in the Countryside in that although the new building is deemed to be justified, it does not satisfactorily integrate with an existing group of buildings.

**Signature(s):** Sarah Duggan

**Date:** 16 August 2023



<b>ANNEX</b>	
<b>Date Valid</b>	7 July 2022
<b>Date First Advertised</b>	19 July 2022
<b>Date Last Advertised</b>	19 July 2022
<b>Details of Neighbour Notification (all addresses)</b> The Owner / Occupier No Neighbours	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: I/1988/0419  Proposals: Erection of Gypsum Storage Building and Associated Conveyor  Decision: PG  Decision Date:</p> <p>Ref: I/1987/0264  Proposals: WINNING AND WORKING OF LIMESTONE, SANDSTONE, MUDSTONE AND DRIFT OVERBURD  Decision: PG  Decision Date:</p> <p>Ref: I/2002/0629/F  Proposals: Installation of mobile stone crushing plant  Decision: PG  Decision Date: 16-JAN-03</p> <p>Ref: I/2000/0674/F  Proposals: Erection of 2 no. Control Buildings, Heat exchanger and de-dusting plant installation  Decision: PG  Decision Date: 29-DEC-00</p>	

Ref: I/2013/0296/F

Proposals: Proposed extension and re-roofing to existing premises

Decision: PG

Decision Date: 29-NOV-13

Ref: I/1988/0179

Proposals: PALLETISER BUILDING

Decision: PG

Decision Date:

Ref: I/1994/0057

Proposals: New Store and 2 No. Silos

Decision: PG

Decision Date:

Ref: I/2002/0265/A

Proposals: Projecting Sign

Decision: CG

Decision Date: 31-JUL-02

Ref: I/2003/0754/F

Proposals: Construction of a new free standing access platform and stair around the existing kiln stack. The platform will be located approx 150' above the existing ground level

Decision: PG

Decision Date: 08-NOV-03

Ref: I/2014/0108/PREAPP

Proposals: Proposed Centralised Anaerobic Digestion

Decision: EOLI

Decision Date: 19-MAY-15

Ref: LA09/2018/0227/F

Proposals: New underground gas transmission pipeline (intermediate pressure) approximately 3.5 Km in length both in road and in verge with associated temporary site works, including open cut excavation and horizontal directional drilling for pipe installation

Decision:

Decision Date:

Ref: LA09/2016/1593/F

Proposals: Proposed single storey extension to side and rear of dwelling.

Decision: PG

Decision Date: 06-FEB-17

Ref: LA09/2021/0006/F

Proposals: Proposed roadside hot food sales and ancillary development (farm diversification Scheme)

Decision: PG

Decision Date: 10-JUN-21

Ref: I/2002/0834/F

Proposals: Construction of a bund enclosure for the future installation of 2 No. 150 tonne re-cycled liquid fuel (RLF) storage tanks with associated pump house and control room buildings, concrete discharge area and nitrogen storage tank. Initially a temporary 90 tonne tank will be installed for the trial fuel burn.

Decision: PG

Decision Date: 19-JUN-03

Ref: LA09/2022/1131/F

Proposals: Proposed farm diversification scheme to include farm shop, milk vending machine and associated ancillary works.

Decision:

Decision Date:

### **Summary of Consultee Responses**

DAERA - Omagh-LA09-2022-1131-F.docx

DFI Roads - Enniskillen Office-Roads Consultation full approval.docx

DFI Roads - Enniskillen Office-

### **Drawing Numbers and Title**

Proposed Plans      Plan Ref: 01

Proposed Plans      Plan Ref: 01A

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

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 5 September 2023	<b>Item Number:</b> 5.7
<b>Application ID:</b> LA09/2022/1290/F	<b>Target Date:</b> 2 December 2022
<b>Proposal:</b> Change of use from Milk Processing Plant to Indoor Play Area and Associated Car Parking	<b>Location:</b> Unit E1, Fivemiletown Creamery, 14 Ballylurgan Road Fivemiletown BT75 0RX
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Barrie McWhinney Unit E1 Fivemiletown Creamery 14 Ballylurgan Road Fivemiletown BT75 0RX	<b>Agent Name and Address:</b> Neil Irvine Design Limited Unit 5, The Buttermarket 132 Main Street Fivemiletown BT75 0PW
<b>Executive Summary:</b>  Application is before Planning Committee as one no. objection was initially received with concerns over amenity issues.	

## Case Officer Report

### Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	06-12-2022.docx
Non Statutory Consultee	NI Water - Strategic Applications	LA09-2022-1290-F.pdf
Non Statutory Consultee	Environmental Health Mid Ulster Council	Planning response.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Check List.docx
Non Statutory Consultee	Environmental Health Mid Ulster Council	
Non Statutory Consultee	Environmental Health Mid Ulster Council	
Statutory Consultee	DFI Roads - Enniskillen Office	06-03-2023 Conditions.docx
Statutory Consultee	DFI Roads - Enniskillen Office	02-06-2023.docx
Non Statutory Consultee	Environmental Health Mid Ulster Council	
Statutory Consultee	DFI Roads - Enniskillen Office	09-03-2023.docx
Statutory Consultee	Historic Environment Division (HED)	
Non Statutory Consultee	Environmental Health Mid Ulster Council	Planning response (2).pdf

Non Consultee	Statutory	Environmental Health Mid Ulster Council	
Non Consultee	Statutory	Environmental Health Mid Ulster Council	
Non Consultee	Statutory	Environmental Health Mid Ulster Council	

**Representations:**

Letters of Support	0
Letters Non Committal	0
Letters of Objection	1
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

**Summary of Issues**

One objection has been received and fully considered within the main body of this report

**Characteristics of the Site and Area**

The site is located at Unit E1 of the now non-operational Fivemiletown Creamery which has a number of industrial units at No. 24 Colebrook Road within the development limits of Fivemiletown, as identified in the Dungannon and South Tyrone Area Plan 2010. The site outlined in red comprises a derelict unit which was previously a milk processing plant as well as two access points to the public road. The site is also located within the curtilage of two listed assets namely HB13/01/011 A the Old Station House and HB13/1/011 B the Water Tower at Railway Station. The surrounding area has a mixture of uses including residential, ecclesiastical, educational and commercial given its location within the development limits of Fivemiletown.

**Description of Proposal**

Change of use from Milk Processing Plant to Indoor Play Area and Associated Car Parking

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

**Policy Consideration**

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

considerations indicate otherwise.

## **Planning History**

Ref: LA09/2022/1162/A

Proposals: Free standing 'Totem Pole' type sign.

Decision: CG

Decision Date: 01-NOV-22

There are a number of historical applications relating to other buildings within the larger site but none within the site outlined in red.

## **Representations**

Five (5) no. neighbour notifications have been identified to carry out as well as press advertisement in line with the Council's statutory duty. To date one objection has been received citing concerns regarding the possible closing times of the proposed development.

The reason behind the objection was that 26 Colebrooke Road is occupied by 2 elderly residents who feel that if the business hours go beyond 6pm it will adversely impact on them as one of the residents retires to bed early due to ill health. Following discussions between the agent and the gentleman acting on behalf of the occupiers of No. 26, agreement has been reached that a closing time of 9pm would be considered acceptable, subject to the proposed security fencing and gates being kept closed whilst the facility is closed. The agent has indicated that they would introduce operational mitigation measures to ensure there are no activities via the kitchen door after 6pm. They also emphasis that the existing roof to Unit 1 is insulated Kingspan cladding which provides an acoustic barrier and Unit 2 is in between the source of indoor noise and the receptor. The objector has stated that they are now content with this proposal, and I am satisfied the proposal will not have an adverse impact on neighbouring amenity.

## **Dungannon and South Tyrone Area Plan 2010**

The Dungannon and South Tyrone Area Plan 2010 identifies the site as being located within the development limits of Fivemiletown which gives favourable consideration to proposals, subject to criteria outlined within the plan policy. There are no other specific designations or zonings. Policy SETT 1 is relevant.

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

- the proposal is sensitive to the size, character and function of the settlement in terms of scale, form, design and use of materials;
- the proposal respects the opportunities and constraints of the specific site and its surroundings and, where appropriate, considers the potential for the creation of a new





## **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.

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

The 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 existing policy PPS 5 – Retailing and Town Centres has been cancelled by the introduction of the SPPS.

One of the regional strategic objectives for town centres and retailing is to secure a town centres first approach for the location of future retailing and other main town centre uses which are defined as 'cultural and community facilities, retail, leisure, entertainment and business'. This change of use proposal will bring the vacant unit back into use, which can make a significant contribution to the vitality and viability of a town centre because it will attract people who both avail of the services on offer and also those who are employed within. In addition, the SPPS outlines that all applications for retail development or main town centre type uses will be assessed in accordance with normal planning criteria including transportation and access arrangements, design and environmental and amenity impacts.

Para. 6.12 states that Listed Buildings of special architectural or historic interest are key elements of our built heritage and are often important for their intrinsic value and for their contribution to the character and quality of settlements and the countryside. It is important therefore that development proposals impacting upon such buildings and their settings are assessed, paying due regard to these considerations, as well as the rarity of the type of structure and any features of special architectural or historic interest which it possesses.

I am content the proposal for a change of use from a milk processing plant to an indoor play area and associated car parking meets the criteria in the SPPS in respect of meeting local need and will not have a negative impact on the character of the settlement. Additionally, I do not consider the proposal will have a negative impact on the setting of the listed assets detailed above as confirmed by consultation with HED. No conflict arises between the provisions of the SPPS and those of retained policies regarding issues relevant to this application.

## **Planning Policy Statement 3 – Access, Movement and Parking**

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. As the proposal has now been altered to show the existing access to the eastern side for ingress only, with the access on the western side the primary access to the building for ingress and egress DFI Roads have no concerns with the proposal, subject to condition. It should be noted that the DFI comments relate to drawing 02 rev. 01 however an amended block plan (02 rev. 02) has been received which details security fencing and this has superseded 02 rev. 01. The roads details remain the same on both and therefore I have subsequently amended the proposed conditions to refer to 02 rev. 02 as opposed to 02 rev. 01.

#### **Planning Policy Statement 4 - Planning and Economic Development**

Policy PED 9 - General Criteria for Economic Development states that a proposal for economic development use, in addition to other policy provisions of PPS 4, will be required to meet all of the 13 criteria listed under PED 9 which I will address below.

*(a) It is compatible with surrounding uses, (b) it does not harm the amenities of nearby residents and (e) it does not create a noise nuisance*

The proposal is compatible with the surrounding uses in the area, and I do not feel it will harm the amenities of nearby residents as the proposal is for a use which will have less noise impacts than what was previously on site. The objection that was initially received on the proposal has been addressed and adequately dealt with, resulting in the objector now being satisfied with the proposed plans.

*(c) it does not adversely affect features of the natural and built heritage*

Having completed a biodiversity checklist I am content the proposal will not affect any features of the natural heritage. There are no known built heritage features which will be affected by the proposal.

*d) it is not located in an area at flood risk and will not cause or exacerbate flooding*

From assessment of the Rivers Agency Strategic Flood Hazards and Flood Risks Map I have no flooding concerns.

*(f) it is capable of dealing satisfactorily with any emission or effluent*

There is no issue of concern raised on this matter.

*(g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified; (h) adequate access arrangements, parking and manoeuvring areas are provided; (i) a movement pattern is provided that, in so far as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport*

The proposal will not significantly increase the level of traffic using the existing road network. The applicant has outlined that there will be an expected 53 car journeys to the site per day, with no peak times identified. Carparking can be facilitated within the site

and manoeuvring areas provided. The proposal will utilise the existing access, with the traffic spread evenly through the hours of operation. Due to its location within the village of Fivemiletown there is provision for pedestrian and cycle routes, with public transport stops within approximately 100m.

*(j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity*

The existing building on site has been utilised as a milk processing plant which has been vacant for a number of years. This proposal will assist the promotion of sustainability, and the design is not being altered.

*k) appropriate boundary treatment and means of enclosure are provided and any views of outside storage proposed area are adequately screened from public view*

There are no areas of external storage shown and fencing and gates are proposed at the western access, coloured green which provides an acceptable means of enclosure here.

*(l) is designed to deter crime and promote personal safety:*

I do not have any major concerns with this. As noted above the proposal includes a 1.8m high NK IBEX security fencing and associated double gates which are to be kept closed outside hours of opening. This security feature has been added to the proposal to address the objectors concerns and I consider a condition to this effect should be added to any planning permission.

*(m) in the case of proposals in the countryside, there are satisfactory measures to assist integration into the landscape.*

N/A as the application is within the village of Fivemiletown.

### **PPS 6 - Planning, Archaeology & Built Heritage**

As this is an application for a change of use within close proximity to listed assets it will be assessed against the Policy provision contained within PPS 6 and in particular Policy BH11 – Development affecting the Setting of a Listed Building.

Policy BH11 states that development which would adversely affect the setting of a listed building will not normally be permitted. It further states that the nature of the use proposed should respect the character of the setting of the building.

The proposal involves a change of use from a milk processing plant to a soft play area. There are no external alterations proposed to the building as all works are to the internal layout of the building.

Historic Environment Division (HED) were consulted, as the competent authority in assessing the impact of the proposal on the listed assets of the Old Station House and the Water Tower and are content that the proposal, as presented, satisfies policy. They note that the proposed change of use is an extant development and that any proposed

alterations to the building and site are minor.

I consider the nature of the use proposed meets the policy requirements of BH11 of PPS6 and respects the character of the setting of the listed assets with no adverse impact on them.

### **Other Material Considerations**

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

### **Consultee Comments**

DFI Roads have no objections to the proposal subject to conditions.

Environmental Health Department have determined that the proposal is acceptable subject to conditions. They had originally suggested opening hours until 6pm but have noted that the applicant/agent proposes that the operating hours are extended until 9pm on a daily basis to make the business viable. Given this additional information on the proposed use of this development, Environmental Health are satisfied to amend the previously proposed conditions to the ones below. They also state that to ensure residential amenity is protected, it is imperative that all activities associated with this proposed are contained within the proposed building and that all external doors are closed during the hours of operation except for access and egress. I consider these conditions are acceptable to protect residential amenity.

HED were consulted as the site lies within the listed assets of HB13/01/011 A the Old Station House and HB13/1/011 B the Water Tower at Railway Station and are content that the proposal satisfies policy. However, they have requested conditions to be imposed on any planning permission. One of these conditions relate to proposed signage at the site. I do not consider this condition is reasonable as the directional signage noted on the block plan 02 rev. 02 could be deemed consent under Class 2 of Schedule 3 of The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015. If the signage subsequently exceeds the limits for deemed consent, then an application for consent to display would be required and the details of same would be presented to HED for consultation.

Having considered all the information above I am satisfied the proposed change of use development fulfils the requirements of SETT 1, PPS 4 and PPS 6 and I recommend approval.

### **Summary of Recommendation:**

Approve is recommended

### Approval Conditions

#### Condition 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.

#### Condition 2

The vehicular access (es), including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No. 02 Rev 02, date received 04 May 2023, 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.

#### Condition 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.

#### Condition 4

No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing No. 02 Rev 02 date received 04 May 2023 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking, servicing, and traffic circulation within the site.

#### Condition 5

The business hereby permitted shall only operate between 09:00 hours - 21:00 hours, Monday until Saturday, and 13:00 hours - 18:00 hours on Sundays, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect nearby residential amenity from noise

Condition 6

During the hours of operation of use hereby permitted in condition 05, all external doors including roller shutter doors to the proposed development shall remain closed at all times except for access and egress.

Reason: To protect nearby residential amenity from noise.

Condition 7

There shall be no activity associated with the proposed development carried out in the external yard areas of the business, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect nearby residential amenity from noise.

Condition 8

The proposed double gates, as shown on Drawing No. 02 Rev 02 date received 04 May 2023, shall be kept closed outside hours of opening unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect nearby residential amenity.

Condition 9

The proposal shall be strictly in accordance with Drawing No. 03 date received 19 Aug 2022 and Drawing No. 02 Rev 02 date received 04 May 2023

Reason: To ensure the nature of the use proposed respects the character of the setting of the building

Informative 1

This approval does not apply to any signs or advertising material which the developer or occupier may wish to erect at the premises.

Signs may require separate approval under the Planning (Control of Advertisements) Regulations (NI) 2015. Their size, construction, content and siting should be approved by Mid Ulster Council BEFORE any such signs are erected.

**Signature(s):** Deirdre Laverty

**Date:** 23 August 2023

<b>ANNEX</b>	
<b>Date Valid</b>	19 August 2022
<b>Date First Advertised</b>	1 September 2022
<b>Date Last Advertised</b>	1 September 2022
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner / Occupier  29 Colebrook Road Fivemiletown Tyrone BT75 0QG  The Owner / Occupier  31 Colebrook Road Fivemiletown Tyrone BT75 0QG  The Owner / Occupier  24 Colebrook Road Fivemiletown Tyrone BT75 0QG  The Owner / Occupier  26 Colebrook Road Fivemiletown Tyrone BT75 0QG  The Owner / Occupier  138 Main Street Fivemiletown Tyrone BT75 0PW</p>	
<b>Date of Last Neighbour Notification</b>	21 July 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: M/2008/0903/F  Proposals: Retention of conservatory  Decision: PG  Decision Date: 21-OCT-08</p> <p>Ref: M/1993/0446  Proposals: New Dwelling  Decision: PG  Decision Date:</p> <p>Ref: M/1995/0479  Proposals: New Church Hall access &amp; car parking facilities  Decision: PG  Decision Date:</p>	

Ref: M/1994/6193

Proposals: Proposed church hall - Methodist Church Fivemiletown

Decision: QL

Decision Date:

Ref: M/2005/2335/F

Proposals: Extension to hall to link with adjoining church

Decision: PG

Decision Date: 25-MAY-06

Ref: M/1994/0132

Proposals: Change of use from part of store to provide extension to sales area for supermarket and associated alterations

Decision: PG

Decision Date:

Ref: M/1976/0245

Proposals: HOUSING DEVELOPMENT

Decision: PG

Decision Date:

Ref: M/1978/087601

Proposals: SHELTERED HOUSING FOR THE ELDERLY

Decision: PG

Decision Date:

Ref: M/1978/0876

Proposals: SHELTERED HOUSING SCHEME FOR ELDERLY

Decision: PG

Decision Date:

Ref: M/1994/0535

Proposals: Erection of 3 No. Mobile Homes and associated storage and laundry facilities

Decision: WITHDR

Decision Date:

Ref: M/2009/0656/F

Proposals: Proposed sculpture

Decision: PG

Decision Date: 17-SEP-09

Ref: M/2008/1085/F

Proposals: Retention of industrial building for the manufacture of high density polyethylene land drainage pipe

Decision: PG



Decision Date: 14-OCT-09

Ref: M/2004/0671/F

Proposals: Replacement & alteration of part production area for the manufacture of High Density Polyethylene Land Drainage Pipes.

Decision: PG

Decision Date: 31-AUG-05

Ref: M/1994/0688

Proposals: Re-use of vacant industrial building and extension to provide offices

Decision: PG

Decision Date:

Ref: M/1997/0553

Proposals: Replacement of Shop/Stores and Canopy to Petrol Filling Station

Decision: PG

Decision Date:

Ref: M/2006/0354/F

Proposals: proposed addition of 1no 0.3m DIA BT(NI) transmission dish to existing secured column @ 12.35m AGL

Decision: PG

Decision Date: 19-MAY-06

Ref: M/1979/0725

Proposals: ADDITIONAL STORAGE ACCOMMODATION

Decision: PG

Decision Date:

Ref: M/1988/0127

Proposals: CHANGE OF USE FROM PART OF FACTORY TO SNOOKER HALL

Decision: PG

Decision Date:

Ref: M/1988/0128

Proposals: CHANGE OF USE FROM PART OF FACTORY UNIT TO AMUSEMENT ARCADE, TOILETS AND

Decision: WITHDR

Decision Date:

Ref: M/1987/0714

Proposals: IMPROVEMENTS TO DWELLING

Decision: PR

Decision Date:

Ref: M/1987/0715  
Proposals: IMPROVEMENTS TO DWELLING  
Decision: PR  
Decision Date:

Ref: M/1978/0530  
Proposals: PROVISION OF NEW TOILET AND OFFICES TO EXISTING BUILDING  
Decision: PG  
Decision Date:

Ref: M/2006/1995/F  
Proposals: Proposed single storey mono pitched composite clad extension to existing cheese production building to house additional plant and machinery together with erection of one new whey vertical storage tank and two replacement tanks one vertical and one horizontal.  
Decision: PG  
Decision Date: 22-JUN-07

Ref: M/1977/0746  
Proposals: ERECTION OF BOILER HOUSE & CHILLING PLANT  
Decision: PG  
Decision Date:

Ref: LA09/2022/1290/F  
Proposals: Change of use from Milk Processing Plant to Indoor Play Area and Associate Car Parking  
Decision:  
Decision Date:

Ref: M/1989/0272  
Proposals: Improvements to dwelling  
Decision: PG  
Decision Date:

Ref: M/1984/0613  
Proposals: DEMOLITION OF EXISTING CHEESE STORE, CONSTRUCTION OF NEW CHEESE RIPENING  
Decision: PG  
Decision Date:

Ref: M/2015/0040/F  
Proposals: Internal alterations to reduce shop floor and increase back of shop storage including new shop fitout  
Decision: PG  
Decision Date: 31-MAR-15

Ref: LA09/2016/0821/A

Proposals: 1x internally illuminated logo , sign A 1.4x1.32x0.075m ,1x non illuminated acrylic letters, sign B 0.322x4.92x0.005, 1x non illuminated wall mounted aluminium panel, signs D1, D2,D3,E,F,I,j.0.6x0.6x0.003m. 1x internally illuminated logo ,sign G 0.8x0.755x0.075m, 1x internally illuminated projector sign H,0.852x0.727x0.115m

Decision: CG

Decision Date: 25-OCT-16

Ref: M/2014/0372/A

Proposals: Illuminated Projector, opening hours and car park signs

Decision: CG

Decision Date: 25-SEP-14

Ref: M/2002/0315/A

Proposals: Installation of signage.

Decision: CG

Decision Date: 21-MAY-02

Ref: LA09/2022/1162/A

Proposals: Free standing 'Totem Pole' type sign.

Decision: CG

Decision Date: 01-NOV-22

Ref: M/1989/0032

Proposals: Temporary Classroom

Decision: PG

Decision Date:

Ref: M/1979/0535

Proposals: PROPOSED MOBLE CLASSROOM

Decision: PG

Decision Date:

Ref: M/1989/0265

Proposals: Pitched Over\_Roofing To Woodwork Metalwork and Commercial Rooms

Decision: PG

Decision Date:

Ref: M/1984/0193

Proposals: REBUILDING OF EXISTING OFFICE BLOCK AND CHEESE MANUFACTURING ACCOMMODATI

Decision: PG

Decision Date:

Ref: M/2008/0752/A

Proposals: 2 x single sided fascia signs, 1 x double sided projecting sign, 1 x car park sign

Decision: CG

Decision Date: 16-SEP-08

Ref: M/1978/0570

Proposals: ERECTION OF 1 TEMPORARY CLASSROOM

Decision: PG

Decision Date:

Ref: M/1990/0212

Proposals: Workshop

Decision: PG

Decision Date:

Ref: M/1978/0618

Proposals: PROPOSED MUSIC CENTRE, COREER UNIT, 6TH FORM CENTRE AND SWUIMMING POOL

Decision: PG

Decision Date:

Ref: M/1980/0514

Proposals: EXTENSION TO BUNGALOW

Decision: PG

Decision Date:

Ref: M/1989/0342

Proposals: Garage and Carport

Decision: PG

Decision Date:

### **Summary of Consultee Responses**

DFI Roads - Enniskillen Office-06-12-2022.docx

NI Water - Strategic Applications-LA09-2022-1290-F.pdf

Environmental Health Mid Ulster Council-Planning response.pdf

DFI Roads - Enniskillen Office-Check List.docx

Environmental Health Mid Ulster Council-

Environmental Health Mid Ulster Council-

DFI Roads - Enniskillen Office-06-03-2023 Conditions.docx

DFI Roads - Enniskillen Office-02-06-2023.docx

Environmental Health Mid Ulster Council-

DFI Roads - Enniskillen Office-09-03-2023.docx

Historic Environment Division (HED)-

Environmental Health Mid Ulster Council-Planning response (2).pdf

Environmental Health Mid Ulster Council-

Environmental Health Mid Ulster Council-  
Environmental Health Mid Ulster Council-

**Drawing Numbers and Title**

Site Location Plan Plan Ref: 01  
Existing Floor Plans Plan Ref: 05  
Existing Elevations Plan Ref: 04  
Proposed Floor Plans Plan Ref: 03  
Site Layout or Block Plan Plan Ref: 02  
Site Layout or Block Plan Plan Ref: 02 REV 02

**Notification to Department (if relevant)**

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 5 September 2023	<b>Item Number:</b> 5.8
<b>Application ID:</b> LA09/2022/1458/F	<b>Target Date:</b> 18 January 2023
<b>Proposal:</b> Proposed Farm Dwelling & Garage	<b>Location:</b> Approx 30M South Of 4 Killyneese Road Castledawson
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Mr B McKenna 11 Carraloan Road Magherafelt BT45 6NW	<b>Agent Name and Address:</b> CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
<b>Executive Summary:</b> <p>This proposal has been assessed under all relevant policy, namely the SPPS, the Magherafelt Area Plan 2015, PPS3, and PPS21. It is my view that this proposal is contrary to PPS 21 policy CTY 13 in that the proposed dwelling will be a prominent feature in the landscape, the site lacks long established boundaries and it relies primarily on the use of new landscaping for integration. The proposal is also contrary to CTY 14 as it will be unduly prominent in the landscape.</p> <p>Consultation was carried out with DfI Roads who offered no objection subject to conditions.</p> <p>Outline permission was granted on the site 3rd June 202 which restricted the ridge height to 6m- this application has a higher ridge height. The principle of development was accepted at this stage and as the full application was submitted within the time frame for the Reserved Matters application the same principle of development is acceptable- any approval can be time conditioned to link to the outline approval.</p>	

## Case Officer Report

### Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	P1 Form not up loaded to the Portal.
Statutory Consultee	DFI Roads - Enniskillen Office	Full Resp.docx
Non Statutory Consultee	DAERA - Coleraine	Consultee Response LA09-2022-1458-F.DOCX
Statutory Consultee	DFI Roads - Enniskillen Office	Full Resp.docx

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

The proposal is contrary to CTY 13 and CTY 14 of PPS 21.

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

The site is located within the open countryside and there are no further designations on the site as designated by the Magherafelt Area Plan 2015. The site is situated just outside the settlement limits of Magherafelt. The application site is situated up a private laneway just off the main Killyneese Road. The levels of the site are uneven and the site forms part of a larger agricultural field. The north western boundary of the site is defined by wire and post fencing with some trees located along the north eastern boundary. As the site is part of a larger agricultural field, the southern boundaries remain undefined. The proposed access onto the site is shown as from the existing private laneway. The site shares a boundary with no. 4 Killyneese Road. The immediate surrounding area is largely defined by residential uses as well as some agricultural uses.

## **Description of Proposal**

This is a full planning application for a proposed Farm Dwelling & Garage.

### **Site History**

LA09/2019/1322/O- Proposed site for a dwelling and domestic garage, based on Policy CTY10 (dwelling on a farm). Approx 30M South Of No 4 Killyneese Road, Castledawson. Permission Granted 3rd June 2020.

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

### **Policy Consideration**

Magherafelt Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland (SPPS)

PPS 21: Sustainable Development in the Countryside

PPS3: Access, Movement and Parking

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

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



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

Outline planning permission was granted for a dwelling at this location under planning application LA09/2019/1322/O. The applicant has now submitted a full planning application with farm details provided. Therefore, the application will be assessed again under policy CTY 10 states that planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

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

A consultation was sent to DAERA who confirmed the farm business ID has been in existence for 6 or more years and that single farm payment has been claimed in each of the last 6 years. However, DAERA did state that the proposed site located on land not claimed by any business in 2022 (claimed by applicant in previous years). From this i am content that criteria A is met.

With regards to criteria b, I have carried out a detailed search on the planning portal and no dwellings or development opportunities appear to have been sold off from the farm holding.

With regards criteria C, the red line of the application is the same as was approved at Outline stage, however, the outline planning approval had a siting condition attached and the proposed dwelling is located within the general vicinity of the approved area.

Policy CTY 13 states 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. The outline planning granted permission for a dwelling with a ridge height of no greater than 6m above existing ground level. This proposal is for a much larger dwelling with a ridge of approximately 9.4m above finished floor level. Following internal discussions, it was agreed that the proposed dwelling would be a prominent feature and would not integrate and that the ridge height should be reduced. This was put forward to the agent on a number of occasions to explain the planning departments view that a change of design was required, and the ridge height reduced to ensure the dwelling integrates. Emails were sent to the agent on 28/02/23, 31/03/23 and 25/04/23 and no amendments were received. The agent did submit a 3D image showing how the proposed dwelling would look however, this did not resolve the issue and it is felt the

proposed dwelling would be a prominent feature in the landscape. Furthermore, the site lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and relies primarily on the use of new landscaping for integration given the size of the dwelling.

Policy CTY 14 states planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As previously mentioned I believe the proposed dwelling would be unduly prominent in the landscape given the scale of the dwelling and as such fails to comply with CTY 14.

There is ample space within this site to provide package treatment provision. The onus is on the landowner/developer to ensure there are appropriate consents in place for any private septic tank provision. In my view the proposal does not offend policy CTY16 of PPS21.

PPS 3 - Access, Movement and Parking:

DFI Roads were consulted and initially requested amendments to be made. Following these amendments, DFI Roads are content subject to a condition being applied.

**Other Material Considerations**

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

**Summary of Recommendation:**

Refuse is recommended

**Refusal Reasons**

**Reason 1**

The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed building will be a prominent feature in the landscape, lacks established natural boundaries and relies primarily on the use of new landscaping for integration.

**Reason 2**

The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling will be unduly prominent in the landscape.

**Signature(s):** Ciaran Devlin

**Date:** 17 August 2023

<b>ANNEX</b>	
<b>Date Valid</b>	5 October 2022
<b>Date First Advertised</b>	18 October 2022
<b>Date Last Advertised</b>	18 October 2022
<b>Details of Neighbour Notification (all addresses)</b> The Owner / Occupier 8 Killyneese Road Castledawson Londonderry BT45 8DS The Owner / Occupier 4 Killyneese Road Castledawson Londonderry BT45 8DS	
<b>Date of Last Neighbour Notification</b>	31 October 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  DFI Roads - Enniskillen Office-P1 Form not up loaded to the Portal. DFI Roads - Enniskillen Office-Full Resp.docx DAERA - Coleraine-Consultee Response LA09-2022-1458-F.DOCX DFI Roads - Enniskillen Office-Full Resp.docx	
<b>Drawing Numbers and Title</b>  Site Location Plan Plan Ref: 01 Site Layout or Block Plan Plan Ref: 02 Proposed Plans Plan Ref: 03 Garage Plans Plan Ref: 04	

**Notification to Department (if relevant)**

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 5 September 2023	<b>Item Number:</b> 5.9
<b>Application ID:</b> LA09/2022/1776/F	<b>Target Date:</b> 7 April 2023
<b>Proposal:</b> Replacement dwelling and all associated site works	<b>Location:</b> Lands 70M SW of No.54 Sixtowns Road Draperstown
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mr & Mrs Michael & Maria McAlister 54a Sixtowns Road Draperstown Magherafelt BT45 7BB	<b>Agent Name and Address:</b> APD Architects Ltd. Darragh House 112 Craigdarragh Road Helen's Bay BT19 1UB
<b>Executive Summary:</b> <p>This proposal has been assessed under all relevant policy, namely the SPPS, the Magherafelt Area Plan 2015, PPS3, and PPS21. It is my view that this proposal is contrary to PPS 21 policy CTY 3 in that the proposed replacement dwelling will have a significantly greater visual impact than the existing dwelling. The main view point which causes concerns is from Ballinascreen GAC grounds to the west of the site.</p> <p>Concerns were initially raised about the visual impact of the dwelling and the agent submitted photomontages and following further discussions submitted amended plans showing a slight reduction in the scale of the proposal. Following discussions with the Planning Department Service Director this proposal is being presented to members to consider the application as an exception to policy as although it may be deemed contrary to policy, the impacts of this dwelling are limited given the urbanised feel of the immediate surrounding area.</p> <p>No consultations were required as the proposal is using an existing unaltered access.</p>	

## Case Officer Report

### Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

### Consultations:

Consultation Type	Consultee	Response

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

The proposal is contrary to Policy CTY 3 of PPS 21. The application is being presented as an exception to policy. No third party objections received.

### Characteristics of the Site and Area

The site is located within the open countryside, immediately south of the settlement limits of Straw and within a local landscape policy area as defined by the Magherafelt Area

Plan 2015. The red line of the application site includes the northern portion of a larger agricultural field which extends further south. The site is accessed via an existing shared laneway which accesses a number of other dwellings along the laneway. The site includes a small building which is subject to replacement which is currently overgrown with trees and shrubs. The site slopes in a south western direction with the site bounded by mature trees along the northern and eastern boundaries. The southern boundary is currently undefined with the southern boundary of the red line being bound by a post and wire fence that separates the field from the GAA grounds adjacent which sit at a much lower level. The site itself is elevated at a level above the GAA grounds. The surrounding area is a mix of land uses with single dwellings in the countryside nearby, as well as dwellings and businesses within the settlement limits of Straw and Ballinascreen GAA grounds to the west.

### **Description of Proposal**

This is a full planning application for a replacement dwelling and all associated site works.

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

#### **Policy Consideration**

Magherafelt Area Plan 2015  
Strategic Planning Policy Statement (SPPS)  
PPS 21: Sustainable Development in the Countryside

The Magherafelt Area Plan identifies the site as being located in Designation SW 02 Local Landscape Policy Area. Policy for the control of development in Local Landscape Policy Areas is contained in Policy CON 2 in Part 2 of the Plan. Within designated Local Landscape Policy Areas (LLPAs) planning permission will not be granted to development proposals that would adversely affect their intrinsic environmental value and character, which includes those features and areas set out in Part 4 of the Plan. I do not believe the proposal would adversely affect the intrinsic environmental value and character of the LLPA.

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.

CTY 3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy, all references to 'dwellings' will include buildings previously used as dwellings. Buildings designed and used for agricultural purposes, such as sheds or stores, and buildings of a temporary construction will not however be eligible for replacement under



this policy. Policy states that if the dwelling does not make an important contribution to the heritage, appearance or character of the locality, planning permission will be granted for a new dwelling. In such cases the retention of the existing structure will be accepted where it is sympathetically incorporated into the layout of the overall development scheme, for example as ancillary accommodation or a store, to form an integrated building group.

Upon the site visit, I am content that the building to be replaced is a dwelling. The site was very overgrown but it was clear to see the building has windows and door openings and an chimney with a damaged roof.

The policy further states that replacement dwellings 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;*

The proposed dwelling appears to be sited outside the established curtilage of the existing building. However, given how overgrown the existing site is, it is unclear to what extent the curtilage exists however I am content that it is to be sited outside the curtilage and it is acceptable to state the existing curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling without the removal of a number of mature trees which also provide landscape benefits to the site.

*- 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 existing dwelling is a very small cottage style building which is well screened from all public view points due to the overgrown nature of the site. Even if the site was cleared of vegetation, the visual impact of the existing dwelling is limited. In comparison the proposed dwelling is to a split level dwelling, which when viewed from Ballinascreen GAA, the site is very open and the proposed dwelling will have visual impact significantly greater than the existing building. It is noted from other viewpoints the proposed dwelling will not have a significantly greater visual impact, in fact the front elevation of the dwelling facing onto the shared laneway causes no concern. Similarly given the strong boundaries to the north, views of the dwelling from the settlement limits of Straw and the public roads of Sixtowns Road and Corrick Road views of the site will be limited.

However, when viewed from Ballinascreen entrance, it is felt it does not comply with this criteria as it has a significantly greater visual impact. See image below viewed from GAA grounds to the site, note the existing building is not visible. However, it is noted that this view is from the gate and around the pavilion and views from the stand at the main pitch would be limited due to the existing screening. Following discussions with the Service Director it was felt the characteristics of the area are urban given the GAA grounds and the site will be looking onto these grounds. It is also noted that there are two large

dwelling as seen on the image below, one to the left one to the right of the site and will aid integration. From this, it is acknowledged that the proposal will have a visual impact significantly greater than the existing building however, given this is from one specific viewpoint which is an urbanized area, it is felt this proposal could be treated as an exception to this policy as this is the only point it fails to meet.



*- The design of the replacement dwelling should be of a high quality appropriate to its rural setting and have regard to local distinctiveness.*

The design of the proposed dwelling is of high quality. The front elevation fronting onto the shared laneway appears as a single story modern style cottage with the rear elevation becoming a split level two storey dwelling facing towards Ballinascreen GAA club. Given the urban feel of the GAA club, I am content that the design of the dwelling is appropriate for the rural setting and has 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.*

I am satisfied that all necessary services can be provided without significant adverse impact on the environment or character of the locality.

*- Access to the public road will not prejudice road safety or significantly inconvenience the flow of traffic.*

The proposal is to use an existing unaltered access.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design. I am content that the dwelling will not be a prominent feature in

the landscape. There was some concern regarding the need for landscaping on the western boundary where there are no existing boundaries to provide integration, however, given the strong mature boundaries to the north this aids integration and the boundary to the east allows the dwelling to blend. It is acknowledged additional planting is required on the eastern boundary, but I am content it does not rely primarily on the use of new landscaping for integration.

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 the proposal will not be a prominent feature in the wider landscape and will not alter the rural character of the area.

Policy CTY 15 states that planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl. Although the proposal is located adjacent to the settlement limits of Straw, I do not believe it will mar the distinction between the settlement and the countryside as there is currently a dwelling at this site.

Policy CTY 16 states planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. I am content sufficient space is available for the provision of a septic tank however; the onus is on the landowner/developer to ensure there are appropriate consents in place.

#### **Other Material Considerations**

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

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

Approve is recommended

#### **Approval Conditions**

##### **Condition 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.

#### Condition 2

The existing mature vegetation on the northern and eastern boundaries of the site as identified on drawing No.02 Rev A shall be permanently retained.

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

#### Condition 3

If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of 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 by existing trees.

#### Condition 4

All landscaping comprised in the approved details of landscaping on stamped drawing No.02 Rev A shall be carried out in the first planting season following the commencement of the construction of the development hereby approved.

Reason: To ensure the development integrates into the countryside.

#### Condition 5

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

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

#### Condition 6

The proposed stonework shall only be locally quarried natural basalt stone only.

Reason: In the interest of visual amenity and to maintain the rural character of the area.

#### Condition 7

The existing building coloured yellow on the approved 1:1250 scale site location plan, Drawing No.01, is to be demolished within 6 weeks of the occupation of the new dwelling and all rubble and foundations removed from the site.

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

**Signature(s):** Ciaran Devlin

**Date:** 23 August 2023

<b>ANNEX</b>	
<b>Date Valid</b>	23 December 2022
<b>Date First Advertised</b>	10 January 2023
<b>Date Last Advertised</b>	10 January 2023
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner / Occupier 55 Sixtowns Road Draperstown Londonderry BT45 7BB</p> <p>The Owner / Occupier 57 Sixtowns Road Draperstown Londonderry BT45 7BB</p> <p>The Owner / Occupier 3 Shanmullagh Park Draperstown Londonderry BT45 7BF</p> <p>The Owner / Occupier 2 Shanmullagh Park Draperstown Londonderry BT45 7BF</p> <p>The Owner / Occupier 1 Shanmullagh Park Draperstown Londonderry BT45 7BF</p> <p>The Owner / Occupier 1 The Orchard Draperstown Londonderry BT45 7GG</p> <p>The Owner / Occupier 12 Shanmullagh Park Draperstown Londonderry BT45 7BF</p> <p>The Owner / Occupier 9 Shanmullagh Park Draperstown Londonderry BT45 7BF</p> <p>The Owner / Occupier 8 Shanmullagh Park Draperstown Londonderry BT45 7BF</p> <p>The Owner / Occupier 54A Sixtowns Road Draperstown Londonderry BT45 7BB</p> <p>The Owner / Occupier 58A Sixtowns Road Draperstown Londonderry BT45 7BB</p> <p>The Owner / Occupier 54 Sixtowns Road Draperstown Londonderry BT45 7BB</p> <p>The Owner / Occupier 54B Sixtowns Road Draperstown Londonderry BT45 7BB</p>	
<b>Date of Last Neighbour Notification</b>	26 July 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>

## **Planning History**

Ref: H/1984/0394

Proposals: EXTENSION TO SHOP

Decision: PG

Decision Date:

Ref: H/1975/0166

Proposals: PETROL FILLING STATION

Decision: PG

Decision Date:

Ref: LA09/2020/1348/PAN

Proposals: Proposed alterations and extension to existing club house to provide multi-purpose sports hall , associated changing facilities, community gym and associated parking and site works

Decision:

Decision Date:

Ref: H/2012/0156/F

Proposals: 33kv Overhead Powerline

Decision: PG

Decision Date: 19-NOV-12

Ref: H/1993/0037

Proposals: 2 NO SEMI DETACHED DWELLINGS AND ESTATE ROAD

Decision: PG

Decision Date:

Ref: H/2005/1041/F

Proposals: Amendment to Previously Approved Housing Development - Planning Ref: H/2004/0687

Decision: PG

Decision Date: 23-MAR-06

Ref: H/1999/4005

Proposals: UTILITY AND GARDEN SHED

Decision: PDNOAP

Decision Date:

Ref: H/1992/0251

Proposals: SITE OF RESIDENTIAL DEVELOPMENT

Decision: PG

Decision Date:

Ref: LA09/2022/1776/F

Proposals: Replacement dwelling and all associated site works

Decision:

Decision Date:

Ref: H/1974/0236

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

Decision: PG

Decision Date:

Ref: H/2007/0344/Q

Proposals: Removal of excess soil from one field to another

Decision: 211

Decision Date:

Ref: H/2006/0159/F

Proposals: Addition Of Floodlights

Decision: PG

Decision Date: 22-MAY-06

Ref: H/2000/0844/O

Proposals: Site of dwelling and garage

Decision: PG

Decision Date: 16-OCT-01

Ref: LA09/2021/0264/O

Proposals: Proposed dwelling and garage

Decision: PG

Decision Date: 11-FEB-22

Ref: LA09/2020/1153/O

Proposals: Infill site for dwelling and garage

Decision: PG

Decision Date: 26-APR-21

Ref: H/2005/0709/O

Proposals: Site of domestic dwelling and garage.

Decision: PR

Decision Date: 24-APR-07

Ref: H/2007/0249/RM

Proposals: Dwelling and garage.

Decision: PG

Decision Date: 25-JUN-07

Ref: H/1994/0092

Proposals: ALTS AND ADDS TO DWELLING



Decision: PG  
Decision Date:

Ref: H/2004/0467/O  
Proposals: Site of Dwelling and Garage.  
Decision: PR  
Decision Date: 30-JUN-06

Ref: H/2004/0199/O  
Proposals: Site of dwelling house and garage.  
Decision: PG  
Decision Date: 24-FEB-05

Ref: H/2003/0922/O  
Proposals: Site of dwelling and garage.  
Decision: PG  
Decision Date: 20-FEB-04

Ref: H/2004/1053/RM  
Proposals: Proposed Dwelling and Garage (outline H/2003/0922/O)  
Decision: PG  
Decision Date: 04-JAN-05

Ref: H/2005/0146/F  
Proposals: Erection of Residential Housing Development  
Decision: PG  
Decision Date: 18-FEB-09

Ref: H/1996/6067  
Proposals: HOUSING DEVELOPMENT STRAW DRAPERSTOWN  
Decision: PRENC  
Decision Date: 26-SEP-96

Ref: H/2009/0275/F  
Proposals: Proposed change of house types to ones previously approved on sites 15-20 and sites 25-29 in H/2005/0146/F and alterations to existing private laneway at Sixtown Road for residential purposes.  
Decision: PG  
Decision Date: 20-OCT-09

Ref: H/1977/0062  
Proposals: SITE OF ALTERATIONS AND EXTENSION TO BUNGALOW  
Decision: PG  
Decision Date:

Ref: H/1999/0239

Proposals: SITE OF DWELLING AND GARAGE

Decision: PG

Decision Date:

Ref: H/1996/0005

Proposals: SITE OF DWELLING

Decision: WITHDR

Decision Date:

Ref: H/2001/0358/F

Proposals: Dwelling and Double Garage

Decision: PG

Decision Date: 05-JUL-01

Ref: LA09/2022/0027/F

Proposals: Proposed residential development to erect 7 No. dwellings (5 No. detached and 2 No. semi-detached) with associated garden amenities and garages. (Previous planning on lands H/2009/0275/F)

Decision: PG

Decision Date: 20-DEC-22

Ref: H/2004/0291/F

Proposals: Extension to side of existing dwelling house to obtain additional living space.

Decision: PG

Decision Date: 11-OCT-04

Ref: H/2009/0379/F

Proposals: Addition floodlighting to main playing field

Decision: PG

Decision Date: 17-AUG-09

Ref: LA09/2021/0622/F

Proposals: Proposed extension and alterations to existing clubhouse to provide multi-purpose sports hall, associated changing facilities, community gym and associated parking and site works

Decision: PG

Decision Date: 01-FEB-22

Ref: H/1995/0238

Proposals: ADDITIONAL SEATING AND TERRACING TO FOOTBALL FIELD

Decision: PG

Decision Date:

Ref: H/1982/0292

Proposals: SITE OF DWELLING HOUSE

Decision: PG

Decision Date:

Ref: H/2001/0096/O

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

Decision: PG

Decision Date: 21-MAY-01

Ref: H/2000/0104/O

Proposals: Site of residential development.

Decision:

Decision Date:

Ref: H/2004/0156/O

Proposals: Site of residential development.

Decision: PG

Decision Date: 12-OCT-04

Ref: H/2006/0022/F

Proposals: Demolition of Existing Dwellings and Construction of 33 No. Dwellings to include Detached, Semi-Detached and Terraced Town Houses with Associated Landscaping And Carparking. (Amended Proposal)

Decision: PG

Decision Date: 13-NOV-06

Ref: H/2002/0478/Q

Proposals: Development of land

Decision: 211

Decision Date: 23-JAN-03

Ref: H/1993/0160

Proposals: TWO SEMI-DETACHED DWELLINGS

Decision: PG

Decision Date:

Ref: H/1989/0147

Proposals: SITE OF HOUSING DEVELOPMENT

Decision: WITHDR

Decision Date:

Ref: H/1992/0019

Proposals: SITE OF RESIDENTIAL DEVELOPMENT

Decision: WITHDR

Decision Date:

**Summary of Consultee Responses**

-

**Drawing Numbers and Title**

Site Layout or Block Plan Plan Ref: 02  
Proposed Elevations Plan Ref: 03  
Proposed Floor Plans Plan Ref: 04  
Cross Sections Plan Ref: 05  
Garage Plans Plan Ref: 06  
Proposed Elevations Plan Ref: 07  
Existing Plans Plan Ref: 08  
Site Location Plan Plan Ref: 01  
Site Layout or Block Plan Plan Ref: 02 Rev A  
Proposed Elevations Plan Ref: 03 Rev A  
Proposed Floor Plans Plan Ref: 04 Rev A  
Cross Sections Plan Ref: 05 Rev A  
Site Layout or Block Plan Plan Ref: 09

**Notification to Department (if relevant)**

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 5 September 2023	<b>Item Number:</b> 5.10
<b>Application ID:</b> LA09/2023/0118/O	<b>Target Date:</b> 22 May 2023
<b>Proposal:</b> Proposed site for a new dwelling and domestic garage	<b>Location:</b> Lands Approx 60M North West of 61 Sherrigrim Road Stewartstown, Dungannon
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Mr Miller Glendinning 49 West Street Stewartstown Dungannon BT71 5HT	<b>Agent Name and Address:</b> Mr Andrew Glendinning 49 West Street Stewartstown Dungannon BT71 5HT
<b>Executive Summary:</b>  Contrary to CTY 10 of PPS 21.	

## Case Officer Report

### Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

### Consultations:

Consultation Type	Consultee	Response
	DAERA - Omagh	Response previously submitted on 05/07/23
	DAERA - Omagh	LA09-2023-0118-O.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

No representations received.

### Characteristics of the Site and Area

The red line of the site includes a rectangular portion of lands located approx. 60M North

West of 61 Sherrigrim Road, Stewartstown. The site is quite flat throughout and hedging and some mature trees providing the boundary treatment of the site. It is set back from the public road a short distance and is accessed via an existing laneway. The lands surrounding the site to the north are outlined in blue which indicates ownership, include a number of agricultural fields and farm buildings some distance to the North. The surrounding lands are rural in nature the site itself is not far from Stewartstown settlement limits.

### **Description of Proposal**

Outline planning permission is sought for a proposed site for a new dwelling and domestic garage.

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

#### **Policy Consideration**

##### Planning History

I/2002/0523/O - Proposed Dwelling (Re-Advertisement) – Adjacent To 61 Sherrygrim Road, Stewartstown - PERMISSION GRANTED

I/1996/0345 - Site for Dwelling - Site Adjacent To 61 Sherrigrim Road Stewartstown – PERMISSION GRANTED

##### Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 61 Sherrigrim Road. At the time of writing, no third party representations have been received.

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

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

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

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

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

Policy CTY 1 of PPS 21 establishes that planning permission will be granted for a dwelling on a farm where it is in accordance with Policy CTY 10. This establishes the principle of development, a dwelling on a farm, is acceptable, subject to meeting the policy criteria outlined in Policy CTY 10. Policy CTY 10 establishes that all of the following criteria must be met:

(a) the farm business is currently active and has been established for at least 6 years

(b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008

(c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:

- demonstrable health and safety reasons; or
- verifiable plans to expand the farm business at the existing building groups(s)

With respect to (a) the applicant has provided details surrounding their farm business ID and associated mapping. DAERA have confirmed that the business ID has been in existence for more than 6 years however they noted that the applicant has not claimed on the land over the last 6 years and that the lands were claimed on in 2023 by another farm business. They note within their response that the farm business id is Category 1 but has dormant status (5 year not active rule). No further information was sought from the applicant in relation to this given we felt the proposal failed on criterion (c) of CTY 10 anyway.

With respect to (b) there are no records indicating that any dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of this application.

With respect to (c), there is considered to be appreciable distance between the site and buildings on the farm. The agent was asked for justification for the proposed siting and noted a range of reasons why this site was chosen. The justification given includes there is already a water and electricity supply to the adjacent site and the existing landscaping of the site. They add that there is an uncovered effluent tank further up the lane beside the farm buildings which poses health and safety risks and there is also an easement for a neighbouring farmer to access their lands and the farm machinery etc would pose



further health and safety risks. IT should be noted that this proposal intends to use the existing laneway for access purposes as noted on the P1 form so this would still apply if this site were to be granted.

They also refer to a replacement opportunity which was demolished in the 1960s and refer to other history of the site where permissions were granted previously but the applicant chose not to proceed with either of these permissions and they have since lapsed. Other reasons referred to in the justification note the lands within Stewartstown were there are visibility splay issues with 3rd party land owners and thus would not be an option. I am not satisfied that the reasons given would justify a siting away from the farm buildings as there appears to be a number of alternative fields which would be deemed more suitable in terms of siting to visually link with farm buildings. There are no verifiable plans that the farm business is to be expanded and as such the proposal fails on this criterion.

CTY 13 and CTY 14 deal with rural character and the integration and design of buildings in the countryside. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be granted. However, as we feel that the proposal fails on criterion (g) of CTY 13 where in the case of a proposed dwelling on a farm, it is not visually linked or sited to cluster with an established group of buildings on a farm. If approval were to be forthcoming, the design and size of the dwelling should be carefully considered to ensure that it is not unduly prominent at this site. The site has good boundaries which should be conditioned to be retained if approval were forthcoming as they would help soften the impact of a dwelling at this site.

The applicant has noted that they intend to utilise the existing access onto Sherrigrim Road. DfI Roads were consulted and have noted no issues with the proposed access arrangement subject to condition.

**Summary of Recommendation:**

Refuse is recommended

**Refusal Reasons**

**Reason 1**

The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the new building is not visually

linked or sited to cluster with an established group of buildings on the farm.

**Signature(s):** Sarah Duggan

**Date:** 22 August 2023

<b>ANNEX</b>	
<b>Date Valid</b>	6 February 2023
<b>Date First Advertised</b>	21 February 2023
<b>Date Last Advertised</b>	21 February 2023
<b>Details of Neighbour Notification (all addresses)</b> The Owner / Occupier 61 Sherrigrim Road Stewartstown Dungannon BT71 4DQ	
<b>Date of Last Neighbour Notification</b>	14 February 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  DAERA - Omagh-Response previously submitted on 05/07/23 DAERA - Omagh-LA09-2023-0118-O.docx DFI Roads - Enniskillen Office-Outline resp.docx	
<b>Drawing Numbers and Title</b>  Site Location Plan Plan Ref: 01	
<b>Notification to Department (if relevant)</b>  Not Applicable	





## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 5 September 2023	<b>Item Number:</b> 5.11
<b>Application ID:</b> LA09/2023/0206/O	<b>Target Date:</b> 9 June 2023
<b>Proposal:</b> Dwelling and Garage	<b>Location:</b> 30M South of 15 Craigs Road Cookstown
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Mrs Marissa McTeague 15 Craigs Road Cookstown BT80 9LD	<b>Agent Name and Address:</b> Eamonn Moore Architect Ltd 10 Knockmoyle Cookstown BT80 8XS
<b>Executive Summary:</b> <p>The current application for a proposed dwelling and garage is presented as a refusal.</p> <p>CTY 8 – This proposal fails to meet Policy CTY 8 of PPS 21 as it cannot be deemed a substantial and built-up frontage as the policy requires a line of 3 or more buildings along a road frontage. Both dwellings immediately adjacent on either side of the proposed site (No. 13 and No. 15 Craigs Road) are both set back from the public road. The approved domestic curtilage of both No. 13 and No. 15 Craigs Road does not extend to public road. Both dwellings are set back, and an agricultural field separates these dwellings from the public road. Therefore No. 13 and no. 15 cannot be considered as road frontage for this policy test.</p> <p>CTY 13 – An appropriately designed dwelling would not appear prominent in the landscape and would be able to successfully integrate into the landscape, therefore I am content that the application is able to comply under CTY 13.</p> <p>CTY 14 – An appropriately designed dwelling would not appear as a prominent feature in the landscape and would unlikely result in an adverse impact to the rural character of the area, therefore I am content that the application is able to comply under CTY 14.</p>	

PPS 3 – DFI Roads were consulted in relation to access, movement and parking arrangements and have no objection subject to standard conditions and informatives.

No third party objections were received in connection with this application.

## Case Officer Report

### Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	FORM RS1 STANDARD.docDC Checklist 1.docRoads outline.docx

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

This proposal fails to meet Policy CTY 8 of PPS 21 as it cannot be deemed a substantial and built-up frontage as the policy requires a line of 3 or more buildings along a road frontage.

Both dwellings immediately adjacent on either side of the proposed site (No. 13 and No. 15 Craigs Road) are both set back from the public road. The approved domestic

curtilage of both No. 13 and No. 15 Craigs Road does not extend to public road. Both dwellings are set back, and an agricultural field separates these dwellings from the public road. Therefore No. 13 and no. 15 cannot be considered as road frontage for this policy test.

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

The application site is located within the open countryside, outside any defined settlement limits as per the Cookstown Area Plan 2010. The site is identified as 30M South of No. 15 Craigs Road. The red line of the site consists of two small agricultural fields, separated by scattered trees and hedgerow. Immediately adjacent and Southeast of the proposed site is a detached dwelling, No. 13 Craigs Road. Immediately adjacent and Northwest of the proposed site is a detached dwelling and detached garage, No. 15 Craigs Road. The western boundary is roadside and undefined, the northern boundary is defined by a small wooden fence, and the remaining boundaries are defined by mature trees and hedgerow. The surrounding area is rural in nature, with predominantly agricultural land uses, with scattered dwellings and their associated outbuildings.

### **Description of Proposal**

This is an outline application for proposed dwelling and garage. The site is identified as 30M South of No. 15 Craigs Road, Cookstown.

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

#### **Policy Consideration**

##### 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

No relevant planning history on this site.

#### **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 1: General Principles

PPS 3: Access, Movement and Parking

PPS 21: Sustainable Development in the Countryside

CTY 1 – Development in the Countryside

CTY 8 – Ribbon Development

CTY 13 – Integration and Design of Buildings in the Countryside

CTY 14 – Rural Character

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

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

Development in the countryside is controlled under the provisions of PPS 21: Sustainable Development in the Countryside. Policy CTY 1 provides clarification on which types of development area are acceptable in the countryside. In this instance the application is for an infill dwelling and as a result the development must be considered under CTY 8 of PPS 21. Policy CTY 8 of PPS 21 states that planning permission will be refused for applications which create or add to ribbon development in the countryside. An exception is however 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.

A substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. To the immediate Southwest of the proposed site is a detached dwelling set back from the road (No. 13 Craigs Road).

To the immediate Northwest of the proposed site is a detached dwelling and detached garage (No. 15 Craigs Road), which is also set back from the road. Even though the detached garage at No. 15 Craigs Road is small in scale and set back behind the existing dwelling, for the purposes of CTY 8, we could consider the 2no. dwelling and the detached garage as a line of 3 buildings.

Policy CTY 8 of PPS 21 requires a line of 3 or more buildings along a road frontage. Having assessed the site and surrounding area I do not consider the site meets with the requirements of Policy CTY 8. The site is not located within an otherwise substantial and continuously built up frontage within the countryside. The approved domestic curtilage of both No. 13 and No. 15 Craigs Road does not extend to public road. Both dwellings are set back, and an agricultural field separates these dwellings from the public road. Therefore No. 13 and no. 15 cannot be considered as road frontage for this policy test. I am of the opinion, this proposal fails to meet Policy CTY 8 of PPS 21.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design. I note that this is only an outline application therefore no design details have been submitted however, given the landform and landscape, and the proposed concept plan provided by the agent, I believe that an appropriately designed dwelling would not appear prominent in the landscape and would be able to successfully integrate into the landscape. Additional landscaping would be required to aid integration therefore a landscaping scheme would be required in any reserved matters application. From which, I am content that the application is able to comply under CTY 13.

Policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I am content that an appropriately designed dwelling will not appear prominent in the landscape, and is unlikely to result in an adverse impact to the rural character of the area. On a whole, I am content that the application is able to comply under CTY 14.

**Summary of Recommendation:**

Refuse is recommended

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

## Refusal Reasons

### Reason 1

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

### Reason 2

The proposal is contrary to Policy CTY 8 of Planning Policy Statement 21: Sustainable Development in the Countryside in that the proposal does not constitute a gap site within a substantial and continuously built up frontage.

**Signature(s):** Seáinín Mhic Íomhair

**Date:** 29 June 2023

<b>ANNEX</b>	
<b>Date Valid</b>	24 February 2023
<b>Date First Advertised</b>	7 March 2023
<b>Date Last Advertised</b>	7 March 2023
<b>Details of Neighbour Notification (all addresses)</b> The Owner / Occupier RNN -12 Craigs Road Cookstown Tyrone BT80 9LD The Owner / Occupier RNN - 13 Craigs Road Cookstown Tyrone BT80 9LD The Owner / Occupier 15 Craigs Road Cookstown Tyrone BT80 9LD	
<b>Date of Last Neighbour Notification</b>	6 March 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: I/2007/0016/RM  Proposals: Proposed Dwelling and Domestic Double Garage  Decision: PG  Decision Date: 10-MAY-07</p> <p>Ref: I/2007/0110/RM  Proposals: Proposed dwelling and domestic garage.  Decision: PG  Decision Date: 10-MAY-07</p> <p>Ref: I/2004/0961/O  Proposals: proposed site for dwelling and domestic garage.  Decision: PG  Decision Date: 12-NOV-04</p> <p>Ref: I/2005/0165/O  Proposals: Proposed Site for Dwelling &amp; Domestic Garage  Decision: PG  Decision Date: 19-MAY-05</p>	

Ref: LA09/2023/0206/O  
Proposals: Dwelling and Garage  
Decision:  
Decision Date:

**Summary of Consultee Responses**

DFI Roads - Enniskillen Office-FORM RS1 STANDARD.docDC Checklist 1.docRoads  
outline.docx

**Drawing Numbers and Title**

Site Location Plan Plan Ref: 01  
Site Layout or Block Plan Plan Ref: 02

**Notification to Department (if relevant)**

Not ApplicableNot Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 5 September 2023	<b>Item Number:</b> 5.12
<b>Application ID:</b> LA09/2023/0268/O	<b>Target Date:</b> 23 June 2023
<b>Proposal:</b> Dwelling and Garage Under Cty 10	<b>Location:</b> Lands 40M North Of 182 Brackaville Road Coalisland
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Mr James Girvin 180 Brackaville Road Coalisland BT71 4EJ	<b>Agent Name and Address:</b> CMI LTD 38 Airfield Road 38B AIRFIELD ROAD toomebridge BT41 3SQ
<b>Executive Summary:</b>  The proposal is considered to be contrary to CTY 10 of PPS 21.	

## Case Officer Report

### Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

### Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	DAERA - Omagh	LA09-2023-0268-O.docx
Statutory Consultee	DFI Roads - Enniskillen Office	DC Checklist 1.doc Roads outline.docx FORM RS1 STANDARD.doc

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

No representations received.

### Characteristics of the Site and Area

The red line of the site includes an irregular shaped portion of roadside lands located approx. 40m North of 182 Brackaville Road, Coalisland. The site is quite flat throughout and it is bounded by post and wire fencing along the roadside boundary with scattered hedging and along the NW boundary there are some mature trees providing the boundary treatment. The remainder of the boundaries are currently undefined, opening to the remainder of the field. The surrounding lands are rural in nature, however the area does appear to have some recent development and the site itself is not far from Coalisland/Brackaville.

### **Description of Proposal**

Outline planning permission is sought for a proposed dwelling and garage under CTY 10.

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

#### **Policy Consideration**

#### Planning History

M/2010/0595/O - Proposed Dwelling in association with a Farm - Lands 35M East Of 180 Brackaville Road, Dungannon – PERMISSION GRANTED

LA09/2015/1189/F - Lands 35M East Of 180 Brackaville Road, Dungannon - Proposed domestic dwelling and garage – PERMISSION GRANTED

LA09/2018/0492/F - Renewal of existing planning application previously approved under Ref. LA09/2015/1189/F - Lands 35M East Of 180 Brackaville Road, Dungannon – PERMISSION GRANTED

#### Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 180,182 and 187 Brackaville Road. At the time of writing, no third party representations have been received.

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

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

The Dungannon and South Tyrone Area Plan 2010 identifies the site as being in the rural countryside, located between Newmills and Coalisland Settlement Limits. There are no other zonings or designations within the Plan.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was



launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. 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 for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS.

Policy CTY 1 of PPS 21 establishes that planning permission will be granted for a dwelling on a farm where it is in accordance with Policy CTY 10. This establishes the principle of development, a dwelling on a farm, is acceptable, subject to meeting the policy criteria outlined in Policy CTY 10. Policy CTY 10 establishes that all of the following criteria must be met:

(a) the farm business is currently active and has been established for at least 6 years

(b) no dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application. This provision will only apply from 25 November 2008

(c) the new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:

- demonstrable health and safety reasons; or
- verifiable plans to expand the farm business at the existing building groups(s)

With respect to (a) the applicant has provided details surrounding their farm business ID and associated mapping. DAERA have confirmed that the business ID has been in existence for more than 6 years and that the applicant has claimed on the land 2017-2019. They note within their response that the proposed site is located on land that is not under the control of the farm business identified on the application form, the land was claimed by another farm business in 2022. No further information was sought from the agent to confirm the status of the farming activity given that the proposal was considered to fail on other criterion within this policy, as outlined later in the report.

With respect to (b) there are records indicating that there is dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of this application. Checks were carried out using the UNiform system and no historical applications have been found. There were a number of

applications which appeared to link with the farm holding, including a recent approval for a replacement dwelling under LA09/2019/1676/F however this does not appear to have been transferred or sold off following a land registry check carried out 21/04/23. There were further approvals on the farm lands under M/2010/0595/O, LA09/2015/1189/F and most recently under LA09/2018/0492/F (which was renewal of LA09/2015/1189/F).

These all relate to the same parcel of land which is adjacent to the application site. A land registry check was carried out and it appears the land was transferred 8<sup>th</sup> June 2020. This was queried with the agent who has noted that this site was gifted by the farmer to his daughter in 2011. The agent adds that the Council accepted the site had changed hands as the land ownership i.e., Cert A was not challenged in either of the full or renewals applications. In response to this, it is my view that applications are taken at face value unless there are reasons to query information provided. Land registry checks are not carried out for all applications.

The agent referenced a case which was dealt with by another Council in which the report details that the completion of Certificate A by a different application along with a building control submission equates to confirmation by way of legal documentation that the ownership was transferred. From my reading of the report, it appears that the land registry check did not provide any ownership details. As this application was in a different Council area and obviously I am not in control of all of the facts or information surrounding the case, I don't feel this provides any justification for this application. I would refer to the PAC decision 2022/A0036 with particular attention to the Commissioners comments about the transfer of lands.

With respect to (c), there is considered to be appreciable distance between the site and buildings on the farm. I would note that there appears to be a number of other alternative sites within the applicant's ownership, which would meet the policy criteria and would visually link with existing farm buildings on the farm. There were no health and safety reasons presented nor are there any verifiable plans that the farm business is to be expanded and as such the proposal fails on this criterion also.

To conclude the consideration of the proposal against CTY 10, it is considered that it fails on criterion (b) and (c) as outlined above. Full permission was granted on 14<sup>th</sup> April 2016 under LA09/2015/1189/F and as such is contrary to the policy also which notes that planning policy granted under this policy will only be forthcoming once every 10 years.

CTY 13 and CTY 14 deal with rural character and the integration and design of buildings in the countryside. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be granted. However, it is considered that the proposal fails on criterion (g) of CTY 13 where in the case of a proposed dwelling on a farm, it is not visually linked or sited to cluster with an established group of buildings on a farm. We would also have some concerns that a dwelling in this location would be somewhat prominent as there is only some degree of hedging along the western boundary but this is low lying and wouldn't provide any suitable degree of enclosure or integration for a dwelling at this site.

The applicant has noted that they intend to create a new access onto Brackaville Road. DfI Roads were consulted and have noted no issues with the proposed access arrangement subject to condition.

**Summary of Recommendation:**

Refuse is recommended

**Refusal Reasons**

**Reason 1**

The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that other dwelling(s)/development opportunities have been sold off from the farm holding within 10 years of the date of the application and there is appreciable distance between the proposed new building and the established group of buildings on the farm. Planning permission for a dwelling on a farm under CTY 10 was approved within the last 10 years also.

**Signature(s):** Sarah Duggan

**Date:** 19 July 2023

<b>ANNEX</b>	
<b>Date Valid</b>	10 March 2023
<b>Date First Advertised</b>	21 March 2023
<b>Date Last Advertised</b>	21 March 2023
<b>Details of Neighbour Notification (all addresses)</b> The Owner / Occupier 187 Brackaville Road Coalisland Tyrone BT71 4EJ The Owner / Occupier 180 Brackaville Road Coalisland Tyrone BT71 4EJ The Owner / Occupier 182 Brackaville Road Coalisland Tyrone BT71 4EJ	
<b>Date of Last Neighbour Notification</b>	13 March 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: LA09/2015/1189/F  Proposals: Proposed domestic dwelling and garage  Decision: PG  Decision Date: 21-APR-16</p> <p>Ref: M/2010/0595/O  Proposals: Proposed Dwelling in asociation with a Farm.  Decision: PG  Decision Date: 31-JAN-11</p> <p>Ref: M/1989/0279  Proposals: Farm Dwelling  Decision: PG  Decision Date:</p> <p>Ref: M/1985/0276  Proposals: DWELLING  Decision: PG  Decision Date:</p>	

Ref: LA09/2018/0492/F

Proposals: Renewal of existing planning application previously approved under Ref. LA09/2015/1189/F

Decision: PG

Decision Date: 24-SEP-18

Ref: M/1989/0279B

Proposals: Farm Dwelling

Decision: PG

Decision Date:

Ref: LA09/2019/1676/F

Proposals: Proposed replacement dwelling

Decision: PG

Decision Date: 28-FEB-20

Ref: LA09/2023/0268/O

Proposals: Dwelling and Garage Under Cty 10

Decision:

Decision Date:

Ref: M/1993/0527

Proposals: Change of use from hall to living accommodation and alterations to existing dwelling house

Decision: PG

Decision Date:

### **Summary of Consultee Responses**

DAERA - Omagh-LA09-2023-0268-O.docx

DFI Roads - Enniskillen Office-DC Checklist 1.docRoads outline.docxFORM RS1 STANDARD.doc

### **Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

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

Not ApplicableNot Applicable



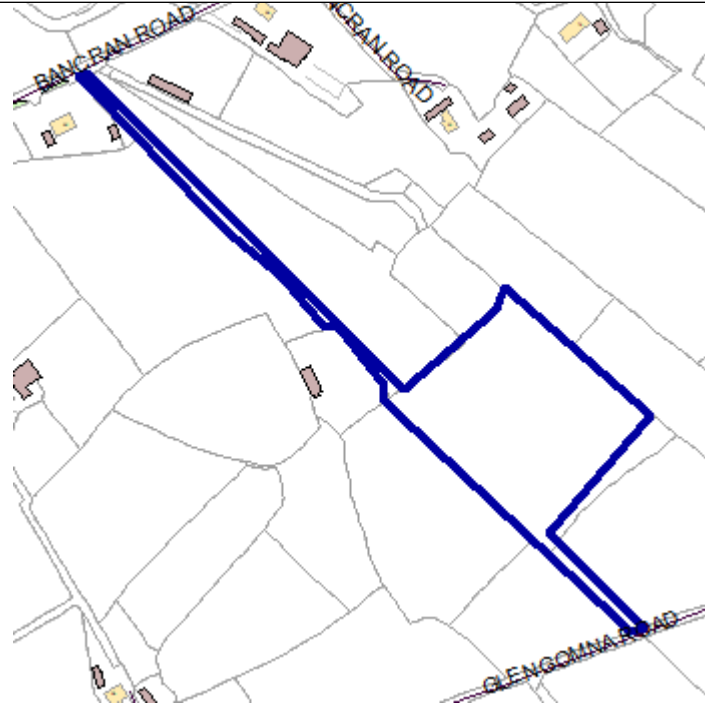


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 5 September 2023	<b>Item Number:</b> 5.13
<b>Application ID:</b> LA09/2023/0405/O	<b>Target Date:</b> 19 July 2023
<b>Proposal:</b> Proposed farm dwelling & domestic garage	<b>Location:</b> Lands 170M South of 82 Bancran Road Drapersown
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Aidan Coyle 66 Bancran road Draperstown BT45 7DA	<b>Agent Name and Address:</b> Christopher Quinn 11 Dunamore Road Cookstown BT80 9NR
<b>Executive Summary:</b> <p>This application is brought to the planning committee with a recommendation for refusal. The proposal does not comply with CTY 10 of PPS 21 in that the farm dwelling does not visually link or cluster with an established group of farm buildings. In this instance, there is only one farm building next to the site for the dwelling, but the policy stipulates that more than one established farm building is required for visual linkage / clustering.</p> <p>The application meets the requirements of policies CTY 13 , CTY 14 and CTY 16 of PPS 21.</p>	

## Case Officer Report

### Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DAERA - Coleraine	Consultee Response LA09-2023-0405-O.DOCX
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Statutory Consultee	Historic Environment Division (HED)	

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

### Characteristics of the Site and Area

The site of the proposed development is located in the rural countryside approximately 2



miles west and outside of the Straw settlement limit as defined in the Magherafelt Area Plan 2015. The site is a 1.69 hectare area agricultural field sited between the Bancran and Glengomna Rd. The site for the dwelling is next to a small farm yard with a cattle shed, all of which is within the ownership of the applicant. Principle access to the site is via a 300m laneway off the Bancran Rd, though there is a second field-gate access off the Glengomana Rd. The site rises gradually from both roads and much of the red-lined site boundary for the dwelling is located on the hill brow. Principle views of the site are along the Glengomna road, though there is a degree of screening afforded to the site in the form of hedging, both along the roadside and 90 metres back from the Glengomna road, which also marks the south eastern boundary of the site. Hedging and scatterings of trees are present along the remaining boundaries. There are no immediate neighbours adjacent to the site for the dwelling. The site is located in the Sperrins AONB and the wider surrounding environment consists mostly of agricultural fields with scatterings of dwellings and farm buildings.

### **Description of Proposal**

This is an outline application for a proposed farm dwelling and domestic garage.

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

#### **Policy Consideration**

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

#### **Magherafelt Area Plan 2015**

The site of the proposed development is located in the rural countryside approximately 2 miles west and outside of the Straw settlement limit as defined in the Magherafelt Area Plan 2015. The site falls within the Sperrin AONB.

#### **Relevant Histories**

None

#### **Other Constraints**

There are no issues pertaining to flooding at the site.

The site falls within the Sperrins AONB. Policy NH 6 of PPS 2 applies, which is addressed in the main body of this assessment below.

The site falls within an NISMR Planning buffer zone for what appears to be an enclosure and bullaun south west of the site. Historic Environment Division were consulted and

provided that, upon assessing the application on the basis of the information provided, they are content that the proposal is satisfactory to SPPS and PPS 6 Archaeological policy requirements.

### Representations

No third party representation have been received to date.

### Mid Ulster District Council Draft Plan Strategy 2030

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. 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 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 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 farm dwellings. 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 Policy Statement 21: Sustainable Development in the Countryside

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

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

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

Consideration may be given to a site located away from the farm complex where there

are no other sites available on the holding and where there are either:-

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

A consultation was issued to DAERA who confirmed the farm business ID has been active and established for more than 6 years and single farm payment has been claimed in each of the last 6 years.

Following a search on the planning portal it does not appear that any development opportunities have been gotten or sold off from the farm holding within 10 years of the date of the application.

In terms of visual linkage / clustering, there is only one farm building with which a new dwelling at this site could cluster with if sited in the north western corner of the field. However, the policy asks that the new building is visually linked or sited to cluster with established group of buildings on the farm. Because there is only one farm building identified at this site, the proposed fails to meet this aspect of the policy. There is no demonstrable evidence provided from a competent authority such as the Health and Safety Executive or Environmental Health and also no evidence relating to the future expansion of the farm business (i.e. valid planning permissions, building control approvals etc) that would support a dwelling at this site as an exception. The existing laneway access to the site is via the Bancran Rd, though the applicant has indicated a second access off the Glengomna Rd. Given the existing access runs through a farm yard, it is not considered a practicable means of access for a new dwelling and therefore the new access is deemed acceptable in this instance. Given the proposed fails to visually link / cluster with an established group of farm buildings, the proposed fails to comply with Policy CTY 10.

Policy CTY 13 states 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 is an outline application and therefore such details are only received at the reserved matters stage if approval is granted at outline. It is taken that a dwelling would not be unduly prominent in this landscape if sited appropriately in the existing field. It is recommended that any dwelling at this site be single storey. There is a degree of existing landscaping that would mean that the dwelling would not rely primarily on the use of new landscaping measures for its integration. The proposed satisfies Policy CTY 13 at this outline stage.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As provided, a dwelling at this site would not be unduly prominent if the above design and siting recommendations are provided. I am content that the site and its environs are an ideal size to encompass a new dwelling in this location. The proposed satisfies Policy CTY 14 at this outline stage.

There is ample space within this site to provide package treatment plant provision. The onus is on the landowner/developer to ensure there are appropriate consents in place for any private septic tank provision. In my view, the proposal does not offend policy CTY 16 of PPS21.

### Planning Policy Statement 2 – Natural Heritage

Policy NH 6 of PPS 2 provides guidance on proposals sited within Areas of Outstanding Natural Beauty. The policy provides that planning permission for new development within an AONB will only be granted where it is of an appropriate design, size and scale for the locality. I am content that an appropriately sited and appropriately designed dwelling (as referenced above) could integrate sympathetically with the surrounding locality. The design of any future dwelling at the site should exhibit local architectural styles, local materials, design and colours. The proposal complies with Policy NH 6 of PPS 2 at this outline stage.

### Planning Policy Statement 3 – Access, Movement and Parking

The applicant has indicated in the P1 form that the proposed access arrangements involve alteration of an existing access to a public road. DfI Roads were consulted who assessed the proposed access onto the Glengomna Road. It is advised that third party land may be required to achieve the visibility splays within the applicant's controlled lands. DfI Roads offered no objections to the proposed subject to the standard RS1 condition. The proposed complies with PPS 3 at this outline stage.

### Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage

The site falls within an NISMR Planning buffer zone for what appears to be an enclosure and bullaun south west of the site. Historic Environment Division were consulted and provided that, upon assessing the application on the basis of the information provided, they are content that the proposal is satisfactory to SPPS and PPS 6 Archaeological policy requirements.

### Recommendation

Having considered all of the above, it is recommended that this application be refused on the basis that it does not meet the criteria for CTY 10 of PPS 21.

### **Summary of Recommendation:**

Refuse is recommended

### **Refusal Reasons**

#### **Reason 1**

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

settlement.

**Reason 2**

The proposal is contrary to Policy CTY 10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the farm dwelling does not visually link or cluster with an established group of farm buildings.

**Signature(s):** Benjamin Porter

**Date:** 3 August 2023

<b>ANNEX</b>	
<b>Date Valid</b>	5 April 2023
<b>Date First Advertised</b>	18 April 2023
<b>Date Last Advertised</b>	18 April 2023
<b>Details of Neighbour Notification (all addresses)</b> The Owner / Occupier 86 Bancran Road Draperstown Londonderry BT45 7DA	
<b>Date of Last Neighbour Notification</b>	28 April 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: LA09/2022/1736/O Proposals: Proposed dwelling and garage Decision: Decision Date:</p> <p>Ref: H/1981/0338 Proposals: BUNGALOW WITH GARAGE Decision: PG Decision Date:</p> <p>Ref: H/2006/0012/F Proposals: Extension to dwelling providing sun lounge and garage Decision: PG Decision Date: 03-JUL-06</p> <p>Ref: H/1986/0006 Proposals: HOUSE AND GARAGE Decision: PG Decision Date:</p> <p>Ref: H/1991/0158 Proposals: SITE OF DWELLING</p>	

Decision: WITHDR

Decision Date:

Ref: H/2004/0538/O

Proposals: Site of dwelling and garage.

Decision: PR

Decision Date: 24-NOV-05

Ref: LA09/2021/1045/F

Proposals: Proposed sheep house / machinery store and domestic garage

Decision:

Decision Date:

Ref: H/2014/0124/F

Proposals: Proposed alterations and extension to dwelling to provide additional living and sleeping accommodation

Decision: PG

Decision Date: 03-JUN-14

Ref: H/1983/0342

Proposals: BUNGALOW

Decision: PG

Decision Date:

Ref: LA09/2023/0405/O

Proposals: Proposed farm dwelling & domestic garage

Decision:

Decision Date:

Ref: H/1980/0435

Proposals: HV O/H LINE (BM 4297)

Decision: PG

Decision Date:

Ref: H/2004/0579/O

Proposals: Site of dwelling and garage.

Decision: PR

Decision Date: 14-MAR-06

Ref: H/2009/0400/F

Proposals: Proposed granny flat extension & alterations

Decision: PG

Decision Date: 17-AUG-09

Ref: H/1986/0348

Proposals: DOUBLE GARAGE

Decision: PG  
Decision Date:

Ref: H/1979/0191  
Proposals: SITE OF REPLACEMENT BUNGALOW  
Decision: PG  
Decision Date:

Ref: H/1975/0111  
Proposals: EXTENSION TO HOUSE  
Decision: PG  
Decision Date:

Ref: H/1979/0390  
Proposals: SITE OF 2 BUNGALOWS  
Decision: PG  
Decision Date:

Ref: H/1979/0224  
Proposals: ALTERATIONS AND ADDITIONS TO BUNGALOW  
Decision: PG  
Decision Date:

Ref: H/2003/0613/O  
Proposals: Site of dwelling.  
Decision: PG  
Decision Date: 16-JAN-04

Ref: H/1976/0072  
Proposals: ALTERATIONS AND ADDITIONS TO HOUSE  
Decision: PG  
Decision Date:

Ref: H/1978/0130  
Proposals: ALTERATIONS AND ADDITIONS TO DWELLING  
Decision: PG  
Decision Date:

### **Summary of Consultee Responses**

DAERA - Coleraine-Consultee Response LA09-2023-0405-O.DOCX  
DFI Roads - Enniskillen Office-Outline resp.docx  
Historic Environment Division (HED)-



**Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

**Notification to Department (if relevant)**

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 5 September 2023	<b>Item Number:</b> 5.14
<b>Application ID:</b> LA09/2023/0478/RM	<b>Target Date:</b> 9 August 2023
<b>Proposal:</b> Dwelling and garage	<b>Location:</b> 60M NW of 55 Annaghmore Road Castledawson
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Alvin McMullan Esq 55 Annaghmore Road Castledawson BT45 8DU	<b>Agent Name and Address:</b> Russell Finlay 350 Hillhead Road Knockloughrim Magherafelt BT45 8QT
<b>Executive Summary:</b> <p>This is a reserved matters application for a proposed dwelling and garage, presented to the committee as one objection has been received. This proposal has been assessed under all relevant policy - SPPS, Magherafelt Area Plan 2015, PPS3, and PPS21. It is my opinion that the proposal is not at conflict with any of the relevant policy tests.</p> <p>One objection has been received to date. Issues have been raised regarding the validity of the outline application (LA09/2022/1473/O) that was granted in 2023. Concerns have also been raised over statutory neighbour notification procedures, with the objector stating that the correct procedure was not carried out. These issues have been fully considered in my report and do not merit the refusal of this application. The application is being recommended for approval subject to standard conditions.</p>	

## Case Officer Report

### Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	RM Response.docx

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	1
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

One objection submitted by the occupant of 53 Annaghmore Road, Castledawson. Issues raised: Information missing from plans - I am satisfied that all relevant information has been provided on the plans. The objector has not provided any specific details on this for me to investigate further. Invalid Outline Application - During the outline assessment LA09/2022/1473/O the adjacent property referred to by the objector was not occupied at the time the site was visited by the case officer and that is why the property was not notified at that time. The proposal was advertised in local press to capture any other third party who may have an interest in the development. The outline application

was considered as valid and approved on the 17th April 2023. There has been no formal challenge to the approval. This current application is to assess matters reserved under that outline approval. The property in question, number 55a, was provided with a hand delivered NN letter on Friday 11th Aug 2023 @ 11.44 and have not objected to this application to date.

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

The site is located within the open countryside, outside any defined settlement limits as per the Magherafelt Area Plan 2015. The site has no other designations. It is located within part of a larger agricultural field at the rear of 53a Annaghmore Road. The site is accessed by a shared existing laneway. Views from the site are limited from a public point of view with the eastern boundary defined by newly planted trees and the dwellings 53 & 53a screening the site from the road. The southern boundary is currently defined by neighbouring property 55A and the northern boundary undefined. The western boundary is defined by a mixture of trees and hedges. The land of the application site rises and sits at a level above the road and those dwellings adjacent to the roadside. Holistically, the surrounding area is mainly residential in nature with many dwellings surrounding the site and beyond.

### **Description of Proposal**

This is a reserved matters application for a proposed dwelling and garage.

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

#### **Policy Consideration**

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

#### **Relevant Histories**

LA09/2022/1473/O- Dwelling and garage

Granted: 17.04.2023

In line with statutory neighbour notification procedures, 9 neighbouring properties were notified of this application. To date, there has been one letter of objection received in respect of the proposal.

The following policies will be considered in this assessment:

- SPPS - Strategic Planning Policy Statement for Northern Ireland
- Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy
- Magherafelt Area Plan 2015
- PPS 3 – Access, Movement and Parking.
- Planning Policy Statement 21: Sustainable Development in the Countryside

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

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.

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

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

### **Magherafelt Area Plan 2015**

The site is located within the open countryside, outside any defined settlement limits as per the Magherafelt Area Plan.

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

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. The site utilises the use of an existing access. Additionally, DFI roads were consulted and, in their response, stated they have no objection subject to a condition being attached to request access to be constructed in accordance with the attached RS1 form.

### **Planning Policy Statement 21: Sustainable Development in the Countryside**

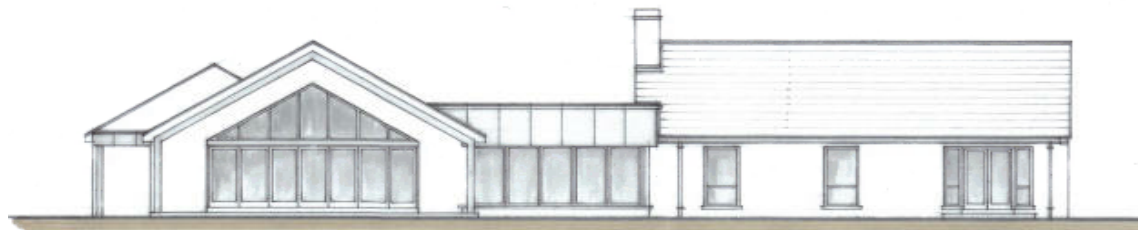
Development in the countryside is controlled under the provisions of PPS21 Sustainable Development in the Countryside. Policy CTY 2a provides an opportunity to gain approval for a dwelling in an existing rural cluster provided the cluster is outside of a farm and consists of 4 or more buildings, 3 of which must be dwellings. The cluster must appear as a visual entity in the landscape and must be associated with a focal point (eg) community building, or is located at a cross roads. The site must provide adequate enclosure and be bounded on at least 2 sides with other development in the cluster. The development of the site should not significantly alter the character of the site or countryside and should not impact on residential amenity. Policy CTY 2a has been established under the 2022 outline permission and all conditions set within have been met.

Policy CTY 13 of PPS21, stipulates that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design.

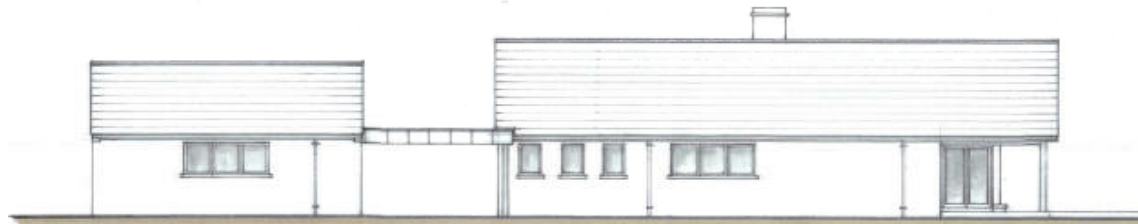
The proposal is for a simple dwelling and garage. In relation to the drawing below, I consider this design and layout to be appropriate for the site. Additionally, the proposed designed will remain integrated into the existing landscape and will not be a dominant feature in the surrounding environment.



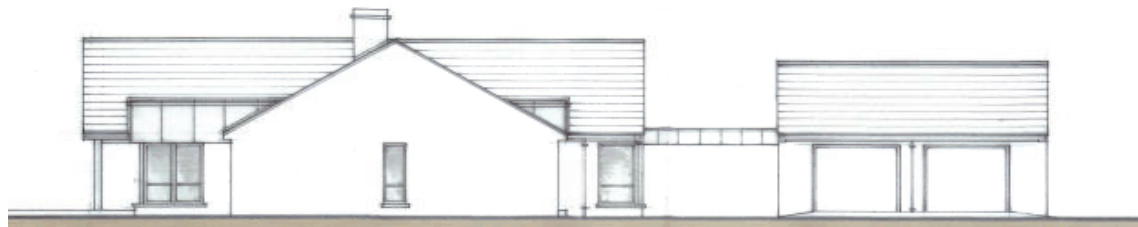
Front Elevation



Rear Elevation



Side Elevation



Holistically, the site benefits from a good degree of natural screening on the Western boundary, mostly consisting of a mixture of mature tree and hedgerows. This current natural screening and the level of enclosure provided, impedes the level of prominence and the level of associated impact on the landscape. I note, to the East of the site lacks natural screening. Although, the proposal of the retention of the new planted tree and additional landscaping will also restrict the level of inter-visibility between the proposed and the surrounding environment and existing properties. Furthermore, with proposed

landscaping of rural hedges to the Northern boundary, will further integrate the proposed into the surrounding environment.

The finished materials include smooth rendered walls together with blue / grey roof slates and a maximum ridge height measured at 5.5 metres. The proposal does not add to or elongate the existing development pattern and as such the development cannot be deemed to present a negative impact on the traditional pattern of the surrounding area. Holistically, the proposal and its associated ancillary works will not have a negative impact on the established rural character of this area.

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 environment is suitable for absorbing a dwelling and garage of this scale and size. I am content that the proposed will not appear prominent in the landscape and respects the pattern of development in the area. Overall, I am content that the proposed complies with CTY14.

### **Other Considerations**

Relating to impact on neighbouring amenity, considering distance (approximately 42m) and the proposed dwelling position 2.7m above neighbouring properties at the front elevation, I am satisfied that the location of the proposed dwelling is unlikely to have any impact on neighbouring amenity. This is also supported by the proposed plantation of ash/beech trees along the front and side boundaries, which will also help reduced indivisibility between the proposed and neighbouring properties.

Regarding glazing to the front elevation, two of the windows will be conditioned as obscure glazed as they facilitate a shower and bathroom. Also, for the bedroom and hallway I am satisfied that the proposed glazing will not affect privacy of neighbours as these room are not always inhabitable. On the side elevations there is no proposed glazing so will also not affect the privacy and amenity of the neighbouring residents.

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

### **Summary of Recommendation:**

Approve is recommended

### Approval Conditions

#### Condition 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.

#### Condition 2

The vehicular access including visibility splays 2.4 x 90 metres and a 90-metre forward sight distance, shall be provided in accordance with Drawing No.02 bearing the date stamp 28th April 2023 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.

#### Condition 3

The scheme of planting hereby approved shall be carried out 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.

#### Condition 4

The existing mature vegetation on the boundaries of the site shall be permanently retained.

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

#### Condition 5

The front elevation shower and bathroom windows shall be obscure glazed.

Reason: To protect the privacy of neighbours



**Signature(s):** Daniel O'Neill

**Date:** 23 August 2023

<b>ANNEX</b>	
<b>Date Valid</b>	26 April 2023
<b>Date First Advertised</b>	9 May 2023
<b>Date Last Advertised</b>	9 May 2023
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner / Occupier  55 Annaghmore Road Castledawson Londonderry BT45 8DU  The Owner / Occupier  53A Annaghmore Road, Castledawson, Londonderry, BT45 8DU  The Owner / Occupier  51 Annaghmore Road Castledawson Londonderry BT45 8DU  The Owner / Occupier  53 Annaghmore Road Castledawson Londonderry BT45 8DU  The Owner / Occupier  57 Annaghmore Road Castledawson Londonderry BT45 8DU  The Owner / Occupier  59 Annaghmore Road Castledawson Londonderry BT45 8DU  The Owner / Occupier  58 Annaghmore Road Castledawson Londonderry BT45 8DU  The Owner / Occupier  52 Annaghmore Road Castledawson Londonderry BT45 8DU</p>	
<b>Date of Last Neighbour Notification</b>	9 August 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: H/1984/0055  Proposals: BUNGALOW WITH GARAGE.  Decision: PG  Decision Date:</p> <p>Ref: H/2003/0407/O  Proposals: Site of dwelling and garage  Decision: PG  Decision Date: 18-SEP-03</p> <p>Ref: H/2004/0328/RM</p>	

Proposals: Dwelling and garage.

Decision: PG

Decision Date: 08-OCT-04

Ref: LA09/2020/1221/RM

Proposals: Dwelling and garage

Decision: PG

Decision Date: 15-JAN-21

Ref: LA09/2018/1128/O

Proposals: Dwelling and garage

Decision: PG

Decision Date: 07-NOV-18

Ref: H/1984/0409

Proposals: HOUSE AND GARAGE

Decision: PG

Decision Date:

Ref: H/2014/0091/F

Proposals: Proposed 2no. Infill Dwellings

Decision: PG

Decision Date: 22-SEP-14

Ref: LA09/2017/1517/F

Proposals: Proposed change of house type for 2 dwellings and detached garages from that approved under H/2014/0091/F

Decision: PG

Decision Date: 05-FEB-18

Ref: H/2014/0406/F

Proposals: Proposed new dwelling and garage as part of an existing cluster

Decision: PR

Decision Date: 24-APR-15

Ref: LA09/2023/0478/RM

Proposals: Dwelling and garage

Decision:

Decision Date:

Ref: LA09/2022/1473/O

Proposals: Dwelling and garage

Decision: PG

Decision Date: 17-APR-23

Ref: LA09/2019/0097/O

Proposals: Proposed site for replacement dwelling and double domestic garage (Renewal of LA09/2015/1115/O).

Decision:

Decision Date:

Ref: LA09/2019/0099/O

Proposals: Proposed site for replacement dwelling and double domestic garage (renewal of LA09/2015/1115/O).

Decision: PG

Decision Date: 08-APR-19

Ref: H/1981/0235

Proposals: SITE OF DWELLING

Decision: PG

Decision Date:

Ref: H/1981/0147

Proposals: SITE OF TWO DWELLINGS

Decision: WITHDR

Decision Date:

Ref: H/2014/0435/F

Proposals: New 33kv 3x200mm AAC system reinforcement between Creagh Sub Station and Tobermore. Overhead line will consist of single wood pole structures and double wood pole structures (H Poles)

Decision: PG

Decision Date: 15-DEC-16

### **Summary of Consultee Responses**

DFI Roads - Enniskillen Office-RM Response.docx

### **Drawing Numbers and Title**

Site Layout or Block Plan

Cross Sections

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Proposed Plans Plan Ref: 03

Proposed Elevations Plan Ref: 04

**Notification to Department (if relevant)**

Not Applicable

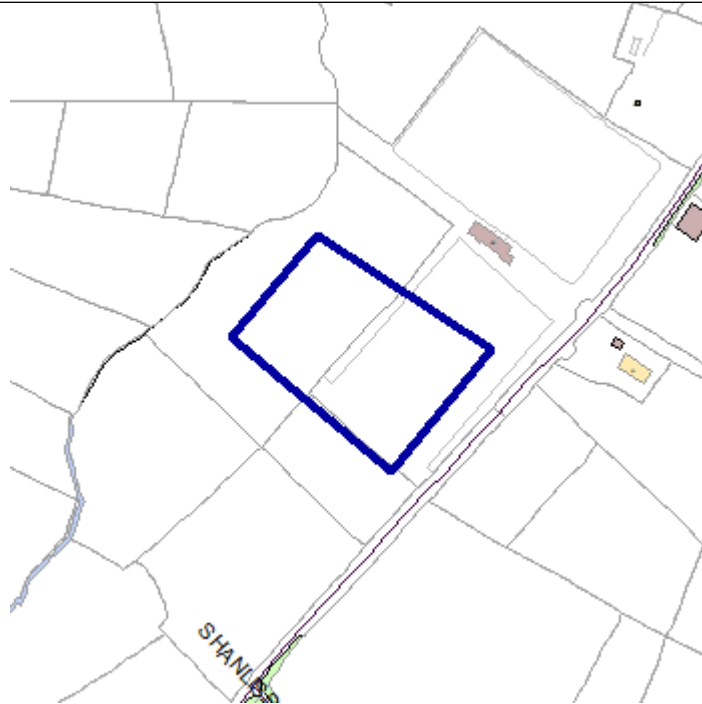


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 5 September 2023	<b>Item Number:</b> 5.15
<b>Application ID:</b> LA09/2023/0573/F	<b>Target Date:</b> 5 September 2023
<b>Proposal:</b> Retention of existing playing field with proposed spectator's stand and floodlighting	<b>Location:</b> Mullaghmoyle Park Mullaghmoyle Road Stewartstown
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mr Paddy Parks Mullaghmoyle Park Mullaghmoyle Road Stewartstown BT71 5PX	<b>Agent Name and Address:</b> Mrs Carol Gourley Unit 7 Cookstown Enterprise Centre Sandholes Road COOKSTOWN BT80 9LU
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	Environmental Health Mid Ulster Council	LA09-23-0573 Mullaghmoyle Mullaghmoyle Stewartstown.doc
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09-23-0573 Mullaghmoyle Mullaghmoyle Stewartstown 2023.doc
Non Statutory Consultee	Environmental Health Mid Ulster Council	F Park Road August

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

## Summary of Issues

No third party representations were received during the assessment of this application. All material considerations have been addressed within the determination below

## Characteristics of the Site and Area

The application site is 1.72ha and is located at Stewartstown's Gaelic Club, based at Mullaghmoyle Park, near Stewartstown, Co.Tyrone. The site is located outside the designated settlements limits as identified in the Cookstown Area Plan, 2010. The site is made up of 2No existing football pitches and a club house. Access is via an existing vehicular access gates onto the Stewartstown Road and there are existing onsite parking areas between the main pitch and the training pitch adjacent to the Mullaghmoyle Road. The red line of the application site includes an existing playing field and a strip of land along the SW boundary which is proposed for the spectators stand. Retrospective permission for the playing field located inside the red line of the site is sought under this application.

To the northern boundary of the site is existing mature vegetation and a farmyard, the western boundary is comprised of mature vegetation and farmland and to the East is the existing Stewartstown Road.







## **Description of Proposal**

The applicant seeks full planning permission for the Retention of existing playing field with proposed spectator's stand and floodlighting

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

### **Policy Consideration**

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

1. Strategic Planning Policy Statement (SPPS)
2. Magherafelt area plan, 2015
3. Planning policy Statement (PPS) 21 – Sustainable Development in the Countryside
4. Planning Policy Statement (PPS) 8 – Open Space, Sport and Outdoor Recreation
5. Planning Policy Statement 3 (PPS 3): Access, Movement and Parking;

## Planning History

LA09/2023/0166/PAN -Retention of existing playing field with proposed spectator's stand and floodlighting, Mullaghmoyle Park, Mullaghmoyle Road, Stewartstown, PAN Accepted, 21.03.2023

LA09/2022/1673/F - Covered spectator stand adjacent to playing pitch, 66 Mullaghmoyle Road, Dungannon, Stewartstown, BT71 5PX, Application Returned.

## Representations

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

## Assessment

The Strategic Planning Policy Statement for Northern Ireland (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. One retained policy document is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21) and provides the appropriate policy context.

There is no conflict or change in policy direction between the provisions of the SPPS and those of PPS21 in respect of the proposal. The policy provisions within PPS21 and PPS 3 remain applicable in terms of assessing the acceptability of the proposed application.

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

## PPS 21 – Sustainable Development in the Countryside

As outlined above, the site is located in the countryside and therefore PPS 21: Sustainable development in the countryside is applicable. Policy CTY 1 – Development in the Countryside directs us to PPS 8 – Open Space, Sport and Recreation to assess an application of this nature.

## PPS 8 – open Space, Sport and Outdoor Recreation

The proposed development will not have an adverse impact on features of importance to nature conservation, archaeology or built heritage. There will be no loss of agricultural land or impact on agricultural activities as the proposal is within the existing curtilage of Stewartstown Harps GAC. I do not consider that the proposal will have any significant visual impact on the site and it will be screened by existing vegetation and can be readily absorbed into the landscape. There will be no unacceptable impact on the amenity of

any residential dwellings nearby and the proposal does not prejudice public safety and will not create a detrimental or negative effect on the area and is in keeping with the area in which it sits in terms of scale, form, massing and design. The proposed development is related to the existing recreational use of the site. The proposed facility appears to take into account the needs of people with disabilities and is as far as reasonably possible, accessible by means of transport other than private cars.

The proposed development of this application is related to the existing recreational use of the site and will not result in the loss of any existing open space in accordance with Policy OS 1 of PPS 8. I consider that the proposal complies with the policy provisions therein.

As noted previously, the applicant has not highlighted that the proposed works will intensify the use of the site and as such I am content that the existing access and parking facilities on the site are adequate.

#### Policy OS 7 – The floodlighting of sports and outdoor Recreational Facilities

There is existing floodlighting around the site and this application includes the addition of floodlighting around the perimeter of the new pitch, as indicated on drawing No 02 dated 22<sup>nd</sup> May 2023 of the Planning portal. Given the separation distance and orientation of any surrounding properties, there will be no unacceptable impact on the amenities of people living nearby and I do not believe that there will be any adverse impact on the visual amenity or character of the locality and public safety will not be prejudiced. The Council's Environmental Health Department were consulted on the application and responded to say that they had no objections.

#### Policy OS1- Protection of Open space

The proposal is adequate in terms of the open space provided and it will have substantial community benefits for the local area.

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

The existing access to the site will be retained. The agent has confirmed that there will be no increase in visitor numbers from that which currently attend. Therefore, I am content that the proposals meets the requirements of the policy as set out in PPS 3.

#### Conclusion

Based on examination of the site, submitted plans and consultation responses, I conclude that the proposal is in keeping with prevailing planning policy and for the reasoning outlined above and approval is recommended.

**Summary of Recommendations**

Approve, subject to the conditions outlined below.

**Summary of Recommendation:**

Approve is recommended

Approval Conditions

Condition 1

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

Reason: This is a retrospective application.

**Signature(s):** Siobhan Farrell

**Date:** 23 August 2023

<b>ANNEX</b>	
<b>Date Valid</b>	23 May 2023
<b>Date First Advertised</b>	6 June 2023
<b>Date Last Advertised</b>	6 June 2023
<b>Details of Neighbour Notification (all addresses)</b> The Owner / Occupier RNN - 65 Mullaghmoyle Road Stewartstown BT71 5PX The Owner / Occupier 68 Mullaghmoyle Road Stewartstown BT71 5PX The Owner / Occupier 66 Mullaghmoyle Road Stewartstown BT71 5PX The Owner / Occupier 63 Mullaghmoyle Road Stewartstown BT71 5PX	
<b>Date of Last Neighbour Notification</b>	9 August 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
Ref: LA09/2023/0573/F Proposals: Retention of existing playing field with proposed spectator's stand and floodlighting Decision: Decision Date:	
Ref: M/2010/0214/F Proposals: Proposed Generator Installation Decision: PG Decision Date: 04-MAY-10	
Ref: M/2009/0152/F Proposals: Proposed floodlit training pitch & ancillary car parking, landscaping & siteworks Decision: PG Decision Date: 08-APR-09	
Ref: LA09/2022/1673/F	

Proposals: Covered spectator stand adjacent to playing pitch

Decision:

Decision Date:

Ref: M/2013/0537/F

Proposals: Minor amendments to previously approved application M/2009/0152/F, involving the relocation of children's play area and resurfacing existing carpark

Decision: PG

Decision Date: 06-JAN-14

Ref: LA09/2023/0166/PAN

Proposals: Retention of existing playing field with proposed spectator's stand and floodlighting

Decision: PY

Decision Date: 21-MAR-23

Ref: M/2001/0980/F

Proposals: Proposed new changing pavilion

Decision: PG

Decision Date: 19-NOV-01

### **Summary of Consultee Responses**

Environmental Health Mid Ulster Council-LA09-23-0573 F Mullaghmoyle Park  
Mullaghmoyle Road Stewartstown.doc

Environmental Health Mid Ulster Council-LA09-23-0573 F Mullaghmoyle Park  
Mullaghmoyle Road Stewartstown August 2023.doc

Environmental Health Mid Ulster Council-

### **Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Proposed Floor Plans Plan Ref: 03

Cross Sections Plan Ref: 04

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

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 5 September 2023	<b>Item Number:</b> 5.16
<b>Application ID:</b> LA09/2023/0580/F	<b>Target Date:</b> 6 September 2023
<b>Proposal:</b> Removal of Conditions No. 7 & No. 8 from previously approved Planning Application LA09/2023/0022/O (Condition No. 8 relates to Condition No. 7, i.e. they are one and the same)	<b>Location:</b> 25M North West of 56 Cavey Road - Ballygawley
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Mr NIALL McCARTAN No 56 CAVEY ROAD BALLYGAWLEY ROAD BT70 2JQ	<b>Agent Name and Address:</b> Mr BRENDAN MONAGHAN 38b AIRFIELD ROAD THE CREAGH TOOMEBRIDGE BT41 3SQ
<b>Executive Summary:</b>  Refusal - conditions were attached to ensure the proposal complied with policies contained within PPS 21.	

## Case Officer Report

### Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

### Consultations:

Consultation Type	Consultee	Response

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

No representations received.

### Characteristics of the Site and Area

The application site includes lands located approx 25m NW of 56 Cavey Road, Ballygawley. The red line of the site is an irregular shed and includes a roadside portion of lands with an area attached outlined in blue indicating ownership. The lands rise from the roadside towards the site and beyond. The site is predominantly bounded by existing



hedging and vegetation and there is wooden fencing between the application site and adjacent properties. The immediate area is surrounded by existing dwellings, including detached and semi detached dwellings and beyond that the lands are rural in nature, scattered with single dwellings. The settlement of Ballygawley is a short distance from the site.

### **Description of Proposal**

Planning permission is sought for the removal of Conditions No. 7 & No. 8 from previously approved Planning Application LA09/2023/0022/O.

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

#### **Policy Consideration**

##### 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: 42, 44, 46, 47 and 56 Cavey Road. At the time of writing, no third party representations have been received.

##### Planning History

LA09/2023/0022/O - PROPOSED SITE FOR DWELLING & DOMESTIC GARAGE - 25M North West of 56 Cavey Road, Ballygawley – PERMISSION GRANTED

LA09/2021/0119/O - 20M NW Of No.56 Cavey Road, Ballygawley BT70 2JQ - One No. Dwelling House (infill site) – 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 with no other zonings or designations within the plan.

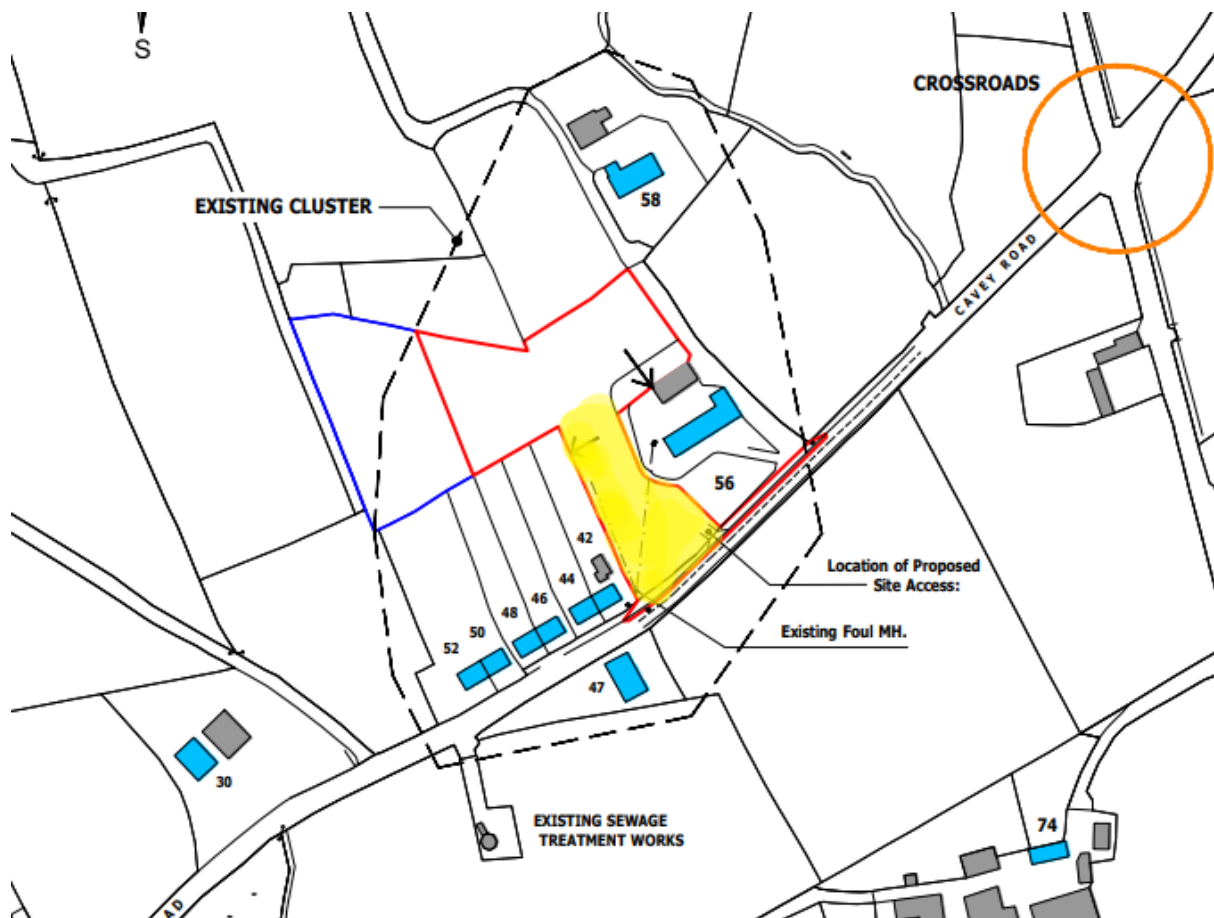
The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The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

The agent/applicant originally submitted application LA09/2023/0022/O for a dwelling under the clustering policy CTY 2a, however following group discussion it was felt that CTY 8 was appropriate as the site was not associated with a focal point or at a crossroads. The application was therefore assessed against policy CTY8 – ribbon development and conditions were attached to ensure that the proposal met with this policy. This current application is for the removal of conditions No. 7 & No. 8 from previously approved Planning Application LA09/2023/0022/O which were:

- *The proposed dwelling shall be sited in the area shaded yellow on the approved plan No. 01 Rev 1 which was received on 9th January 2023.*
- *The curtilage of the proposed dwelling shall be as indicated in the area shaded yellow on the approved plan No. 01 Rev 1 which was received on 9th January 2023.*



**Figure 1 – The site location plan above shows the area shaded yellow referred to in conditions 7 & 8.**

The agent provided justification for the removal of these conditions, noting that the outline application LA09/2023/0022/O was intended to supersede the approval, LA09/2021/0119/O adding that a home in this “small, narrow and fairly steep plot of land

was and is not financially practicable or feasible”. They add that extensive cutting/excavating would be required for a dwelling at this approved site. During the discussions of the previous application, LA09/2023/0022/O the agent was made aware of the proposed siting and curtilage we were proposing restrictions by email and noted they were content. It has since been confirmed that this was an error on their behalf, hence the submission of this application.

The removal of both of these conditions would mean that the dwelling could be sited elsewhere within the red line. It was considered under the previous application and further discussions under this application confirmed that we do not believe the removal of these conditions would allow for a dwelling at this site as the proposal would then be contrary to CTY 8 of PPS 21, which it was approved under and as discussed already in the previous reports there are no other policies which we feel the site would meet. CTY 2a was discussed under LA09/2023/0022/O and it was felt it had no focal point, nor was it located at a crossroads.

Given the reasoning set out above, it is considered that the conditions attached were necessary to ensure the proposal was in line with policy requirements of PPS 21 and as such we would not be content with the removal of them and therefore this application is recommended for refusal.

**Summary of Recommendation:**

Refuse is recommended

**Refusal Reasons**

**Reason 1**

The planning approval LA09/2023/0022/O was only agreed subject to condition 7 and 8 being attached to ensure it met with the criteria of Policy CTY8 of Planning Policy Statement 21.

**Signature(s):** Sarah Duggan

**Date:** 22 August 2023

<b>ANNEX</b>	
<b>Date Valid</b>	24 May 2023
<b>Date First Advertised</b>	5 June 2023
<b>Date Last Advertised</b>	5 June 2023
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner / Occupier  56 Cavey Road Ballygawley Tyrone BT70 2JQ  The Owner / Occupier  46 Cavey Road Ballygawley Tyrone BT70 2JQ  The Owner / Occupier  47 Cavey Road Ballygawley Tyrone BT70 2JQ  The Owner / Occupier  44 Cavey Road Ballygawley Tyrone BT70 2JQ  The Owner / Occupier  42 Cavey Road Ballygawley Tyrone BT70 2JQ</p>	
<b>Date of Last Neighbour Notification</b>	5 June 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>	
-	
<b>Drawing Numbers and Title</b>	
Site Location Plan Plan Ref: 01	

**Notification to Department (if relevant)**

Not Applicable

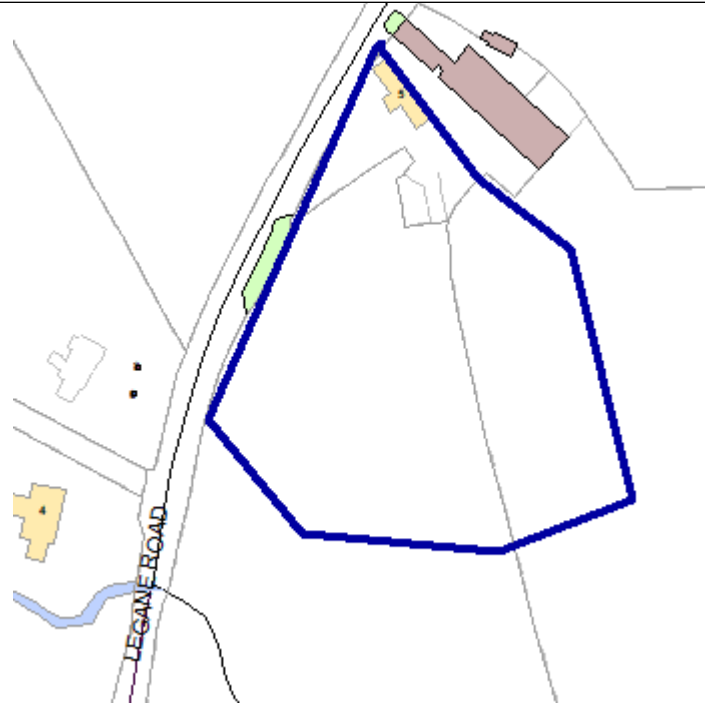


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 5 September 2023	<b>Item Number:</b> 5.17
<b>Application ID:</b> LA09/2023/0592/F	<b>Target Date:</b> 7 September 2023
<b>Proposal:</b> Off-site replacement dwelling and garage	<b>Location:</b> Adjacent and South of No 5 Legane Road Aughnacloy
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Mr & Mrs Chris Potter 21A Legane Rd Aughnacloy BT69 6ES	<b>Agent Name and Address:</b> Mr Marcus Kerr 111 GILLYGOOLEY ROAD OMAGH BT78 4SU
<b>Executive Summary:</b> <p>One third party objection has been received and raises issues about the scale and massing of the dwelling, integration, impact on the landscape, replacement dwelling criteria and loss of hedgerows.</p> <p>The following are issues with the proposal:</p> <p>CTY 3 - Greater visual impact of the proposed dwelling in relation to the existing dwelling. The scale and massing of the proposed dwelling is too large for the site and will rely on new landscaping for integration.</p> <p>CTY 13 - The proposal will be a prominent feature in the landscape, design is inappropriate for the site, and the access is unacceptable as it is a sweeping driveway with large garden area.</p> <p>CTY 14 - The proposal will be a prominent feature in the landscape, does not respect the pattern of settlement in the area and the access would damage rural character.</p>	

## Case Officer Report

### Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	DC Checklist 1.doc Roads Consultation - response.docx

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	1
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

### Characteristics of the Site and Area

The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character and the predominant land uses are agricultural fields, dwellings on single plots

and groups of farm buildings. There is minimal development pressure in the immediate area from the construction of single dwellings. To the north and within the site is a single storey dwelling at No.5 Legane Road. Beside the dwelling is a group of outbuildings. The application site is a cut-out of a larger agricultural field. Along the roadside boundary is a grass verge and low hedge and along the east boundary is hedging.

### **Description of Proposal**

This is a full application for off-site replacement dwelling and garage at adjacent and South of No 5 Legane Road, Aughnacloy.

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

#### **Policy Consideration**

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

#### **Representations**

Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty. At the time of writing, one third-party objection has been received.

An objection letter was submitted on the 19<sup>th</sup> June 2023 from Mr and Mrs E Bradley who lives at No. 4 Legane Road which is 89m to the southwest corner of the application site. The following issues were raised in the objection letter.

#### **Design of the proposed dwelling**

The objector states that the dwelling is not in character with other dwellings along this road where the majority are small/medium size houses. It is stated the proposed dwelling is about 10 to 20 times larger than the existing dwelling and will have a negative impact on the area. Also, the proposed dwelling is replacing a three-bedroom cottage. In rebuttal, issues about the design of the dwelling will be considered in the assessment of CTY 3.

#### **Loss of Hedgerows**

The objector states that the proposal will result in the loss of hedgerows and wildlife and negatively impact on views within the countryside. In rebuttal, the applicant has



proposed to plant new hedging along any boundaries where they are removed.

### Views in the Countryside

The objector states that the proposed dwelling will cut into the hill and negatively impact on one of the most scenic areas of the locality. I consider that private views from a dwelling within the countryside are not a material planning consideration but the overall impact on the landscape and prominence will be considered in the assessment.

### Dwelling to be Replaced

The objector has raised concerns to the reasoning as to why the proposed dwelling is not sited on the footprint of the existing dwelling and there are existing outbuildings which could adequately be used for storage. The objector considers that if the existing dwelling is to be retained as storage this should be a separate application and the area will now have two buildings as opposed to one. This issue will be considered in the assessment of CTY 3.

### Construction of the new dwelling

The objector states that the construction of the new dwelling will have a negative impact on this quiet country road. It is stated that with a dwelling of this size there will be an increase in the number of vehicles coming and going from the dwelling which will increase noise levels in the area. The noise from the construction of the dwelling and future number of vehicles at the site would not be a material planning consideration.

### Proposed dwellings as part of a group with existing buildings at No.5 Legane Road

The objector has stated that they do not consider the proposed dwelling will be viewed as part of a group when viewed with existing farm buildings. Also, they consider it is not possible that the new dwelling will not have a greater impact than the existing building. This issue will be considered in the assessment of CTY 3.

### **Planning History**

There are no planning histories at 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.

### **Dungannon and South Tyrone Area Plan 2010**

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

the Plan.

**SPPS – Strategic Planning Policy Statement for Northern Ireland:** sets out that The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster’s Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes replacement dwelling 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 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 this proposal is for a replacement dwelling CTY 3 is the relevant policy in the assessment.

### **CTY 3 – Replacement Dwellings**

The building to be replaced is single storey and has a long rectangular form. The external finishes are white pebbledash walls, slate roof tiles and upvc windows and doors. The building has two chimneys that project from the ridgeline. I am content the walls of the building are substantially intact, and it has the appearance of a dwelling. I consider the building is a dwelling to be replaced.

I consider the dwelling to be replaced could be defined as a vernacular building as it meets the characteristics in Annex 2 of PPS 21. It has a long rectangular form with most of the windows on the front and back elevation of the building. The agent has stated in a supporting statement that they wish the dwelling to be retained as a storage shed for the farm. I am content the building can be conditioned to be retained and not for use as a dwelling. In the objection letter submitted the objector has queried why the existing dwelling needs to be retained for storage as there are several farm buildings within the farming grouping which could be used for storage. The policy in CTY 3 does state that the retention of the existing structure will be accepted for retention is it can be successfully incorporated into the scheme for example as a store. The adjacent group of farm buildings are within the applicant’s ownership and the existing dwelling sits within a group of these buildings. I am content the existing dwelling can be converted to a store.

The proposed dwelling will not be sited on the footprint of the dwelling to be replaced which is located on a farm and beside existing outbuildings. The proposed dwelling will be sited in the northeast corner of the adjacent field to the south. The agent stated there are slurry tanks at the farmyard beside the existing dwelling and on health and safety

grounds it is not viable to replace the dwelling on the existing footprint. Also, the existing dwelling is modest, and the existing curtilage is restricted to accommodate a family sized dwelling. The objector has raised issues as to why the proposed dwelling cannot be sited on the footprint of the existing dwelling. I accept the reasoning why the dwelling cannot be located within the existing curtilage as existing dwelling is sited beside farm buildings and could not reasonably accommodate a family sized dwelling with amenity space.

The proposed dwelling will be sited in the adjacent field where the topography rises steeply from the front of the site to the rear boundary. As shown in figure 1 below the applicant has provided a section through the site to demonstrate the proposed dwelling will cut into the slope and sit at approximately the same ground level as the adjacent dwelling and farm buildings.



Figure 1 – Image of the section through the site.

The dwelling to be replaced is a modest single storey dwelling that clusters with a group of other buildings. The proposed dwelling as shown in figure 2 is a large two storey building with the main section to the front and a section in the middle which leads to the large garage and games room to the rear. CTY 3 states the overall size of the dwelling should integrate into the landscape and not have a greater visual impact than the existing building.



Figure 2 – Front Elevation of Proposed dwelling.

As shown in figure 2 the proposed dwelling is a large two storey dwelling with different sections to the side and rear. I consider the scale and massing of the dwelling is excessive and does not reflect a simple rural form for a dwelling in the countryside.

There is a two-storey dwelling across the road at Np.4 Legane Road but this is on flat land and is hidden in critical views with established vegetation around the site as shown in figure 3. I consider the scale and massing of the dwelling is also inappropriate for the site itself and will not integrate into the landscape. As shown in figures 4 and 5 the application site has a lack of enclosure and there is limited existing vegetation to screen the large dwelling in critical views. I consider the main prominent view is at the end of Legane Road as the large dwelling will be face on in direct views. There are long distance views of the dwelling as Rehaghy Road is a long straight road but as the agent has shown the dwelling will be cut into the slope so will be approximately the same ridge line as the existing buildings.



Figure 3 – Image of neighbouring dwelling showing other two storey dwellings in the area.



Figure 4 – Image of the application site and existing dwelling and farm buildings.



Figure 5 – Image from the junction of the Legane Road and Rehaghy Road.





Figure 6 – Long distance view along Rehaghy Road of the site.

After assessing the site, I consider the design of the proposed dwelling is not appropriate to the rural setting and is too large in scale and massing. As shown in figure 7 below to achieve the design the applicant will have to cut excessively into the slope and will involve significant cut and infill.

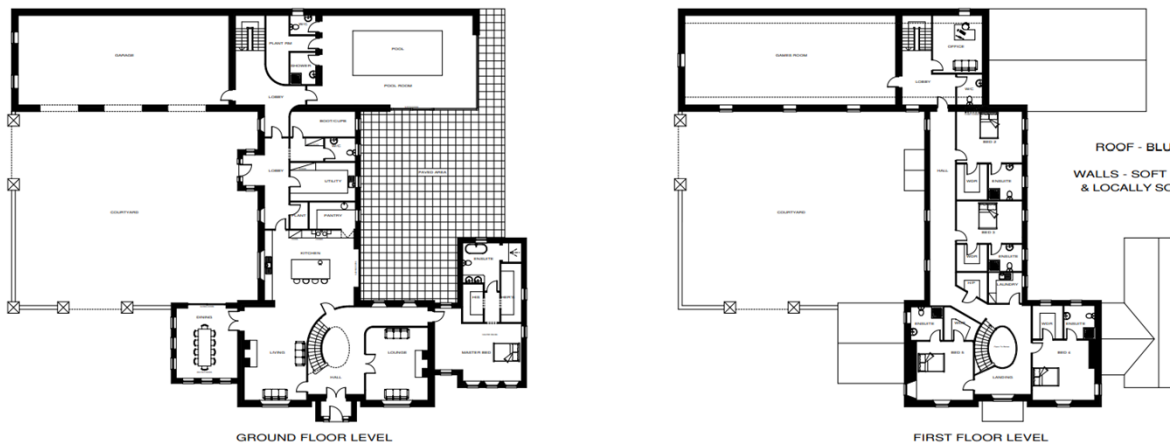


Figure 7 – Image of the proposed floor plans.



Figure 8 – Image of the proposed site plan.

As shown in figure 8 the applicant has proposed a new access through the middle of the adjacent field and the remaining area will be garden area. I have shown an image in figure 9 from 'Building on Tradition' guidance which shows that a design should avoid for a dwelling in the countryside. It states avoid extensive cut and fill, a sweeping driveway and a large garden area.

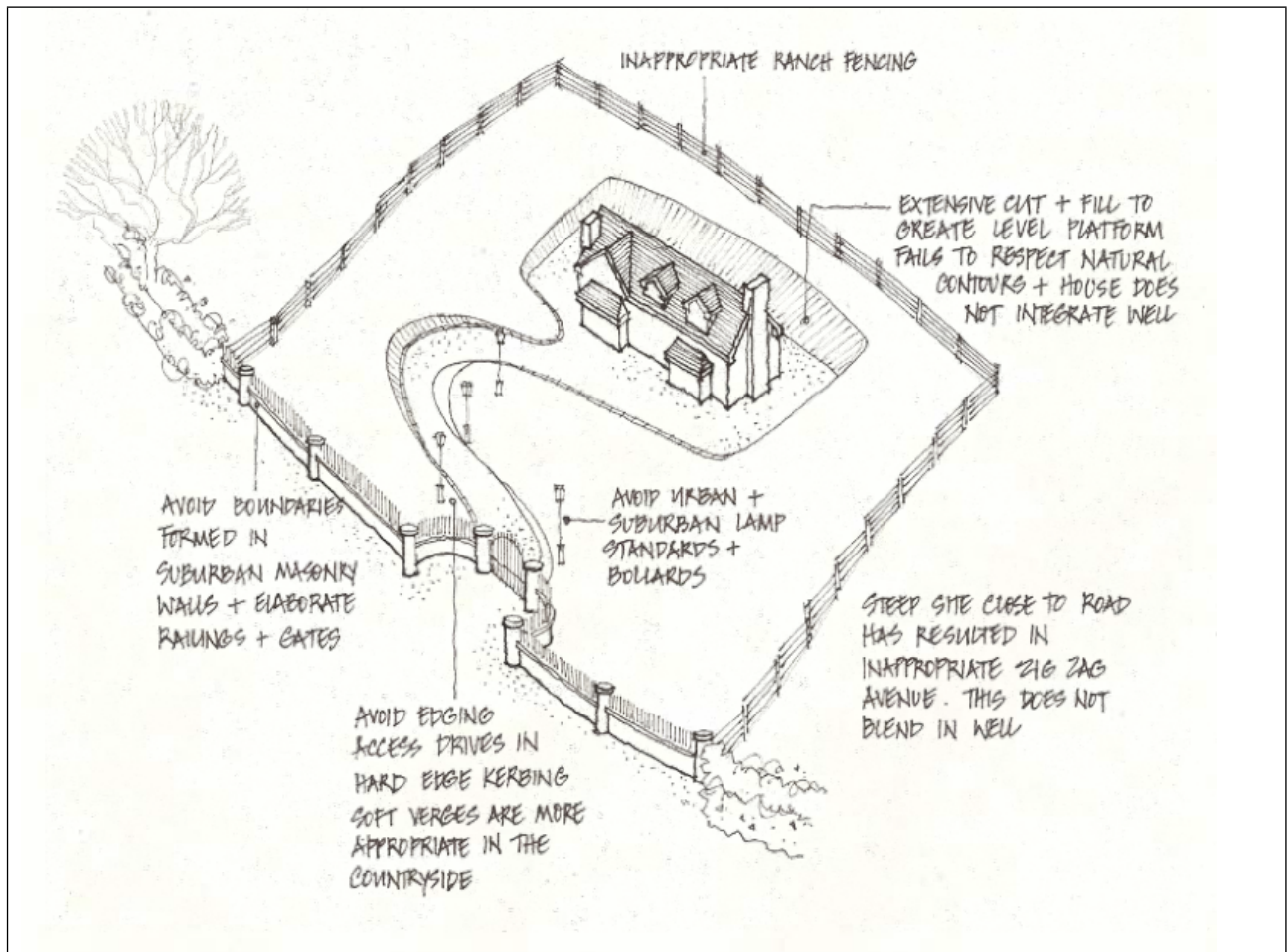


Figure 9 – Image from ‘Building on Tradition’ guidance.

Overall, I consider the proposed dwelling does not meet the criteria in CTY 3 for a replacement dwelling.

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

As stated earlier in the assessment I consider the proposed dwelling will be a prominent feature in the landscape as the scale and massing of the dwelling is too large for the site. The proposal will involve extensive cutting into the hill and there is a lack of existing natural boundaries. I am of the opinion the dwelling will rely on new landscaping to integrate and I believe the access will not integrate into the landscape either. I consider the design of the dwelling is inappropriate for the site and it is replacing a modest single storey dwelling.

### **CTY 14 – Rural Character**

I consider the proposed dwelling and access in this location will be detrimental to rural character as it will be prominent in the landscape. The proposal does not respect the traditional pattern of settlement in the area of dwellings with a simple rural form.

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

### **AMP 2 – Access to Public Roads**



The site does not access onto a protected route, so I have no concerns in this regard.

DFI Roads had no concerns with the proposal subject to visibility splays of 2.4m x 70m in both directions and 70m forward sight distance. This would involve the removal of hedging along the roadside boundary in both directions and this was one of the only natural boundaries at the site.

### **Other Considerations**

I completed checks on the statutory map viewers and I am content there are no other ecological, built heritage or flooding issues at the site.

### **Summary of Recommendation:**

Refuse is recommended

The proposal is recommended for refusal as it does not comply with all the criteria in CTY3, CTY13 and CTY14 in PPS 21 – Sustainable Development in the Countryside.

### **Refusal Reasons**

#### **Reason 1**

Contrary to CTY 1 - Development in the Countryside in PPS 21 that no overriding reason has been demonstrated why the development cannot be located within a settlement.

#### **Reason 2**

Contrary to CTY 3 - Replacement Dwellings in PPS 21 in that the overall size of the dwelling would not allow it to integrate into the landscape and the proposed dwelling and garage would have a greater visual impact than the existing dwelling, the design of the dwelling is not appropriate to the rural setting and it will not respect the existing field pattern and will result in the loss of hedgerows.

#### **Reason 3**

Contrary to CTY 13 - Integration and Design of Buildings in the Countryside in PPS 21 in that the development if permitted would be a prominent feature in the landscape, unable to provide a suitable degree of enclosure and would rely on new landscaping for integration, and the ancillary works do not integrate with their surroundings.

#### **Reason 4**

Contrary to CTY 14 - Rural Character in PPS 21 in that the development if permitted would be a prominent feature in the landscape, does not respect the traditional pattern of settlement in the area and the impact of ancillary works would damage rural character.

**Signature(s):** Gillian Beattie

**Date:** 7 August 2023

<b>ANNEX</b>	
<b>Date Valid</b>	25 May 2023
<b>Date First Advertised</b>	5 June 2023
<b>Date Last Advertised</b>	5 June 2023
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner / Occupier 6 Legane Road Aughnacloy Tyrone BT69 6HD The Owner / Occupier 4 Legane Road Aughnacloy Tyrone BT69 6HD The Owner / Occupier 5 Legane Road Aughnacloy Tyrone BT69 6HD</p>	
<b>Date of Last Neighbour Notification</b>	1 June 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: LA09/2023/0592/F Proposals: Off-site replacement dwelling and garage Decision: Decision Date:</p> <p>Ref: M/2009/0731/F Proposals: Proposed two storey dwelling with central single storey flat roofed porch, rear and side projections and a double garage Decision: Decision Date:</p>	
<b>Summary of Consultee Responses</b>	
DFI Roads - Enniskillen Office-DC Checklist 1.docRoads Consultation - response.docx	

**Drawing Numbers and Title**

Site Location Plan Plan Ref: 01  
Site Layout or Block Plan Plan Ref: 02  
Proposed Floor Plans Plan Ref: 03  
Cross Sections Plan Ref: 04

**Notification to Department (if relevant)**

Not Applicable

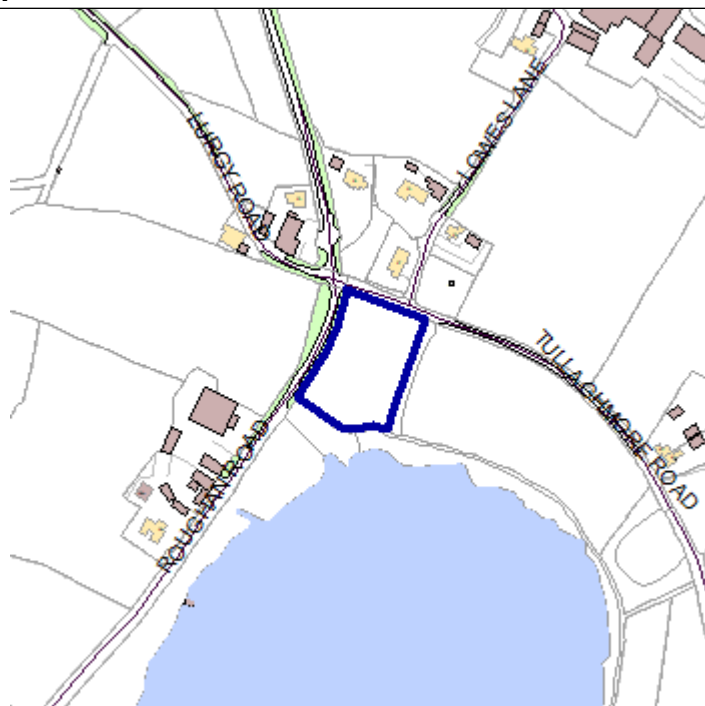


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 5 September 2023	<b>Item Number:</b> 5.18
<b>Application ID:</b> LA09/2023/0618/RM	<b>Target Date:</b> 15 September 2023
<b>Proposal:</b> Proposed dwelling and garage	<b>Location:</b> Land at Tullaghmore Road, Roughan Road Cross Roads opposite and 30M South of 57 Tullaghmore Road Dungannon
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mr and Mrs Jamie Allen 59 Roughan Road Dungannon BT71 4EW	<b>Agent Name and Address:</b> Sean O'Neill 15A Letfern Road Omagh BT78 1RX
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation - response.docx DC Checklist 1.doc
Statutory Consultee	NIEA	PRT LA09-2023-0618-RM.PDF

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	5
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

### Characteristics of the Site and Area

The site is located in the rural countryside as defined by the Cookstown Area Plan 2010,

approx. 1.6 miles southwest of Stewartstown and approx. 1 mile northeast of Newmills.

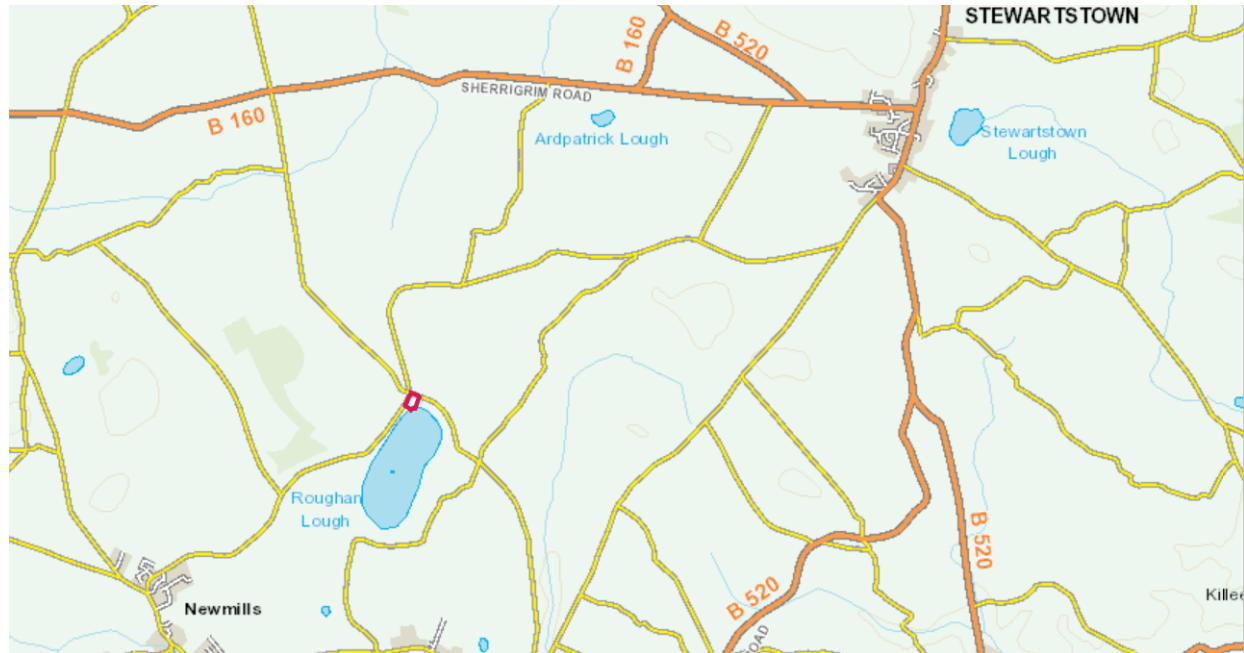


Fig 1: Site outlined red



Fig 2: Site outlined red

The application site is a relatively flat low-lying roadside field bound by a mix of mature hedgerow vegetation. The site sits adjacent and to the southeast of the Roughan Road and Tullaghmore Road crossroads. The Roughan Road bounds the site to the west and the Tullaghmore Road bounds the site to the north. Roughan Lough sits and runs to the

south of the site.

Whilst the wider area surrounding the site and adjacent Roughan Lough is primarily rural in character comprising agricultural lands interspersed with single dwellings, ancillary buildings, and farm groups a small pocket of development comprising six dwellings with ancillary buildings has formed in recent times on the lands to the opposite site of the crossroads to the site including nos. 52 and 53 Roughan Road, two 2-storey dwellings; and nos. 49, 51, 53 and 57 Tullaghmore Road, four single storey dwellings.

Whilst there will be views of the site from the surrounding road network, views into it will be quite screened due to its low lying nature and the mature vegetation bounding it.

### **Description of Proposal**

This is a reserved matters application for a proposed dwelling to be located on lands at Tullaghmore Road, Roughan Road Cross Roads opposite and 30m south of 57 Tullaghmore Road Dungannon. This proposal gained outline approval under planning application LA09/2021/0273/O on the 11<sup>th</sup> May 2022.

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

#### **Policy Consideration**

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

Development Control Advice Note 15: Vehicular Standards

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 22<sup>nd</sup> 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 24<sup>th</sup> September 2020. The period for Counter Representations closed on 18<sup>th</sup> 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**

LA09/2021/0273/O - Site for dwelling and garage - Land at Tullaghmore Road Roughan Road Cross Roads opposite and 30m south of 57 Tullaghmore Road Dungannon - Granted 11<sup>th</sup> May 2022

The above application was agreed at Planning Committee as an exception to Policy. That whilst the proposal was not considered to meet all of the criteria in Policy CTY2a of PPS 21 New dwellings in existing clusters or the exception in Policy CTY10 of PPS 21 Dwellings on Farms there was an established farming case here and due to site specific conditions it was considered a dwelling on this site could limit the visual impacts of a suitable dwelling on the character of the area subject to conditions.

## **Consultees**

1. DFI Roads were consulted in relation to access, movement and parking arrangements and had no objections. Accordingly, I am content subject to standard conditions, which will be applied to any subsequent decision notice this proposal will comply with the requirements of PPS 3 Access, Movement and Parking.
2. NIEA were consulted in relation to the proposal's potential impact on the natural environment. Water Management Unit considered the impacts of the proposal on the surface water environment and raised no concerns with the proposal. Whilst the Natural Environment Division noted no ecological information had been submitted to support the application and advised a Biodiversity Checklist be submitted with the potential for a Preliminary Ecological Appraisal to be required to assess the impacts to natural heritage features within the site this was not considered necessary given the site comprises improved grassland and only a small amount of hedge will be removed to provide safe access arrangement to the site with additional landscaping also to be provided.

## **Cookstown Area Plan 2010.**

The site lies in the rural countryside outside any settlement designated by the Plan.

## **The Strategic Planning Policy Statement for Northern Ireland (SPPS)**

The 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 advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained.

## **Planning Policy Statement (PPS) 21 Sustainable Development in the Countryside**

PPS 21 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.

The principle of development has already been established on this site under outline planning application LA09/2021/0273/O (see 'Relevant Planning History', further above).

This Reserved Matters proposal complies with the planning conditions set at outline stage under LA09/2021/0273/O including condition 3 that the dwelling would have a ridge height not exceeding 5.5m above existing ground level. Existing and proposed levels on the block plan submitted show they are reducing the area around the house approx. 0.3m and the resultant ridge of the dwelling will not be higher than the 5.5m conditioned.

The size, scale, siting, orientation and design (including finishes) of the dwelling and garage are considered acceptable for the site and locality in that they should integrate on site and into the landscape, with minimal disruption to the character of the area. As such, this proposal should not offend policy CTY 13 or CTY 14 of Planning Policy Statement 21.

The design of the new dwelling is considered appropriate to its rural setting, whereby there are a mix of house types, size, scale and design including finishes in the vicinity. It is generally simplistic and reflective of traditional rural design 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 single storey and H-shaped in construction. It comprises two parallel, elongated rectangular units similar in length, width, and height (5.5m ridge height above FFL) with pitched roof constructions connected via a third shorter pitched roofed unit of the same height. The third unit forms the central part of the property's front elevation facing north towards onto Tullaghmore Road, which it is to be accessed off. The garage is single storey and located to the east of dwelling, offset to the north. It has a rectangular shaped floor plan and pitched roof construction (5.7m ridge height above FFL). Finishes to the dwelling and garage include white render with random course limestone stonework detailing to walls; natural blue / black roof slates; grey window frames; and black rainwater goods.

Whilst I had some initial concerns regarding the design of the dwelling not being entirely consistent with simple rural form due to the amount of glazing and roof dormer in the south facing elevation and a similar roof dormer in the south facing elevation of the garage upon further consideration I am reasonably content that the glazing is proportionate to the dwelling and its walls from a solid to void ratio and due to the recessed nature of the middle connecting section of the property, the garage south elevation being screened by the dwelling on the south approach, the low lying nature of the site, mature vegetation bounding the site and planting proposed along the new south curtilage boundary views of the dormers should be limited from the surrounding road network and in this instance acceptable. Given the vegetation bounding the site is to be allowed to grow to 4 meter in height and be retained at that height and the dwelling and garage have relatively low ridges I consider the existing vegetation should provide a substantial enclosure and screening to the entire dwelling including garage, alongside the additional planting proposed.

I have no significant concerns regarding the proposal impacting the amenity of neighbouring properties to any unreasonable degree in terms of overlooking or overshadowing due to its size, scale, siting, orientation and design; the substantial separation distances that will be retained; and the existing vegetation to be retained and proposed around the site.

### **Representations**

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, 4 third party objections had been received, these included:

- 1 received 20<sup>th</sup> June 2023 from Mr Barry Swan of 49 Tullaghmore Road
- 1 received 20<sup>th</sup> June 2023 from Ms Catherine Swan - email address.
- 1 received 20<sup>th</sup> June 2023 from Tullaghmore Residents Environmental and Heritage Group submitted by Ms Eileen Donnelly 53 Tullaghmore Rd
- 1 received 21<sup>st</sup> June 2023 from Mrs Gillian Arthur - 57 Tullaghmore Rd

Having taken account of the objections above the opinion remains to approve this proposal.

It is noted that objections had been raised and considered in relation to the original outline approval on site, LA09/2021/0273/O. The objectors had the right to request to speak to the members before they made the decision and the objectors did not take this opportunity to address the Planning Committee to put forward their concerns about the proposal that the Planning Committee approved.

Whilst objections have now been raised again including in relation to the principle of this proposal, the principle has already been established on site under the outline permission LA09/2021/0273/O which was granted on the 11<sup>th</sup> May 2022. This reserved matters application meets the conditions set at outline and for the reasons detailed further above in the main assessment of the proposal I am content the matters reserved which including the siting, design, external appearance of the building and landscaping thereto are acceptable for the site and locality. I consider this proposal should have limited impacts on the character of the area, residential amenity or on biodiversity given the site comprises improved grassland and only a small amount of hedge will be removed to provide safe access arrangement to the site to the standards advised by DfI Roads. Additional landscaping is also to be provided to further enclose, screen and integrate the proposal.

**Taking all of the above into consideration I would recommend the approval of this application.**

### **Summary of Recommendation:**

Approve is recommended

## Approval Conditions

### Condition 1

The development to which this approval relates must be begun by whichever is the later of the following dates:-

- i. The expiration of a period of 5 years from the grant of outline planning permission; or
- ii. The expiration of a period of 2 years from the date hereof.

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

### Condition 2

The existing vegetation to be retained along the west, north and east boundaries of the site (except for access purposes) as detailed on approved Drawing No. 02 received 1 JUN 2023, should be allowed to grow to at least 4 metres in height and be retained at that height.

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

### Condition 3

All proposed landscaping as detailed on approved Drawing No. 02 received 1 JUN 2023, shall be carried out during the first available planting season following the occupation of the dwelling 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 dwelling integrates into the countryside and to ensure the maintenance of screening of the site.

### Condition 4

The vehicular access, including visibility splays of 2.4 metres x 35 metres in both directions and any forward sight distance, shall be provided in accordance with approved Drawing No. 02 received 1 JUN 2023, prior to the commencement of any other works or other development hereby permitted. 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.

### Condition 5

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.

**Condition 6**

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

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

**Signature(s):** Emma Richardson

**Date:** 8 August 2023

<b>ANNEX</b>	
<b>Date Valid</b>	2 June 2023
<b>Date First Advertised</b>	13 June 2023
<b>Date Last Advertised</b>	13 June 2023
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner / Occupier  49 Tullaghmore Road Stewartstown Tyrone BT71 4EY  The Owner / Occupier  57 Tullaghmore Road Stewartstown Tyrone BT71 4EY</p>	
<b>Date of Last Neighbour Notification</b>	15 June 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: LA09/2021/0273/O  Proposals: Site for dwelling and garage  Decision: PG  Decision Date: 11-MAY-22</p> <p>Ref: I/1981/0169  Proposals: SITE FOR DWELLING  Decision: PG  Decision Date:</p> <p>Ref: I/1992/0147  Proposals: Temporary changing rooms  Decision: PR  Decision Date:</p> <p>Ref: I/1993/0344  Proposals: Proposed Ski Club Rooms and Demolition of existing unapproved structure</p>	

Decision: PG  
Decision Date:

Ref: LA09/2023/0618/RM  
Proposals: Proposed dwelling and garage  
Decision:  
Decision Date:

**Summary of Consultee Responses**

DFI Roads - Enniskillen Office-Roads Consultation - response.docx  
DC Checklist 1.doc  
NIEA-PRT LA09-2023-0618-RM.PDF

**Drawing Numbers and Title**

Site Location Plan Plan Ref: 01  
Site Layout or Block Plan Plan Ref: 02  
Proposed Plans Plan Ref: 03  
Proposed Plans Plan Ref: 04

**Notification to Department (if relevant)**

Not Applicable



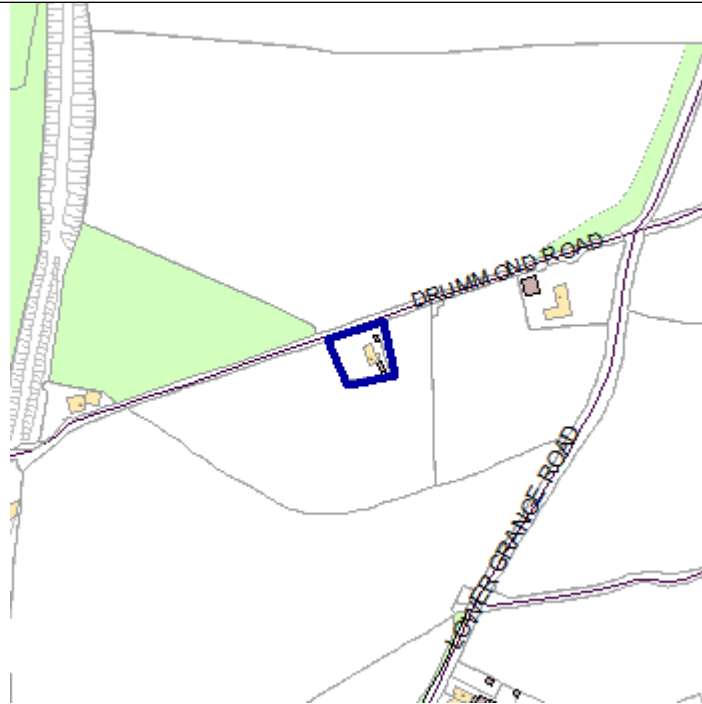
## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 5 September 2023	<b>Item Number:</b> 5.19
<b>Application ID:</b> LA09/2023/0661/F	<b>Target Date:</b> 28 September 2023
<b>Proposal:</b> Proposed Replacement Dwelling and Garage	<b>Location:</b> 10 Drummond Road, Cookstown
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mr Jonathan Buchanan 68 Rockdale Road Dungannon BT70 3JD	<b>Agent Name and Address:</b> Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
<b>Executive Summary:</b>  The applicant in this proposal is Mr Jonathan Buchanan who is a council elected member. This application is therefore brought before the Planning Committee. Having assessed the proposal, it is recommended that planning permission be granted.	



## Case Officer Report

### Site Location Plan



This material is based upon Crown Copyright and is reproduced with the permission of Land & Property Services under delegated authority NIMA CS&LA581 from the Controller of Her Majesty's Stationary Office © Crown copyright and database rights.

### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation - Full response.docxDC Checklist 1.doc

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

### Characteristics of the Site and Area

The site of the proposed is located in the rural countryside approximately 2.5 miles outside the Cookstown settlement limit as defined in the Cookstown Area Plan 2010. The site is identified as 10 Drummond Road, where on the site lies an existing and

vacant two-storey dwelling and garage. The dwelling sits on the road-side, though is almost completely hidden from view due to the overgrown nature of the site. Opposite the site is a brick-walled boundary which runs along much of the length of the south eastern boundary of Killymoon, along the Drummond and Lower Grange Roads. There are no adjacent neighbouring dwellings or other buildings to the application site.

### **Description of Proposal**

This is a full application for a proposed replacement dwelling and garage.

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

#### **Policy Consideration**

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

#### **Relevant Histories**

None

#### **Representations**

To date no third party representations have been received.

#### **Cookstown Area Plan 2010**

The site of the proposed is located in the rural countryside approximately 2.5 miles outside the Cookstown settlement limit as defined in the Cookstown Area Plan 2010.

#### **Other Constraints**

The site is not located within or adjacent to any listed building / structures.

There are no issues pertaining to flooding at the site.

The site is not located within or adjacent to any protected areas, including SACs, SPAs and Ramsar sites.

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

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

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

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 replacement dwelling 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'.

### PPS 21 – Sustainable Development in the Countryside

PPS 21 is the overarching document for assessing development proposals in the countryside. Policy CTY1 of PPS 21 lists development proposals that are considered to be acceptable forms of development in the countryside, including replacement dwellings, subject to policy criteria within CTY3 - Replacement Dwellings being met.

The dwelling on site has all four walls and the roof and windows intact and I am content that the building exhibits the essential characteristics of a dwelling and qualifies for a replacement. This is a modest-sized two-storey dwelling. It is considered that the building, although older, is not vernacular.

Policy CTY3 then goes on to set out other criteria for consideration in all replacement cases. It states that the proposed 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. I am content that the proposed dwelling is to be sited within the curtilage of the existing building.

The proposed is a two-storey dwelling with a principal ridge height of 7 metres from finished floor levels, which is about the same height as the dwelling presently on site. The site at present is also heavily overgrown and therefore it is accepted that the proposed will naturally have a greater visual impact than the current site once the site is cleared. A Google Street View image dated August 2009 shows the dwelling before the site became overgrown. While the dwelling proposed is larger than the existing, it is accepted that the increase in the visual impact as a result of this will not be to a significant scale.

In terms of design, finished materials include smooth render with dark sandstone to the front and side returns. Blue / black natural slates are proposed to the roof.

I am content that the proposed design of the dwelling is appropriate to its rural setting.

All necessary services are available and access to the public road will not prejudice road safety (see PPS 3 below). I am satisfied that the proposed complies with CTY 3 of PPS 21.

Policy CTY 13 provides 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 accepted that the proposed will not be an overtly prominent feature in the environment. The site is complete with strong natural boundaries, particularly along the western, northern and eastern edges of the site. It is expected that the overgrown site will have to be re-shaped to accommodate the dwelling as indicated on the site layout plan, though existing hedgerows to the north road-side boundary and eastern boundary are to be retained. Parts of the hedging along the road-side boundary are to be brought back at the access point to accommodate splays, and new trees are to be planted along the western boundary of the site. I am content that the site will not rely primarily on the use of new landscaping for integration and I am content that the site will blend with the local landform.

As discussed above, the design of the building is considered to be appropriate for the site and its locality. The proposed complies with CTY 13 of PPS 21.

It is considered that the site and its environs are suitable for absorbing a dwelling of this size and scale. I am content that there is unlikely to be any adverse impact to the rural character of the area and as such I am content that the application complies under CTY 14 of PPS 21.

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

The proposed involves the construction of a new access to a public road. Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. DfI Roads were consulted and provided no objection to the proposal subject to conditions. I am content that the proposed satisfies policy AMP 2 of PPS 3.

#### Recommendation

Having carried out an assessment of the planning policy and other material considerations pertaining to this proposal, I recommend that this application be granted permission subject to the below conditions.

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

Approve is recommended

## Approval Conditions

### Condition 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.

### Condition 2

The vehicular access including visibility splays of 2.4m x 33m both directions and any forward sight distance shall be provided in accordance with Drawing No 02 Rev A, uploaded to planning portal on 27/07/2023, 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.

### Condition 3

The access gradient to the dwelling 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.

### Condition 4

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

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

### Condition 5

All landscaping comprised in the approved details of landscaping on Drawing No 02 Rev A, uploaded to planning portal on 27/07/2023, shall be carried out in the first planting season following the occupation of the dwelling hereby approved.

Reason: In the interest of visual amenity and site integration.

### Condition 6

The existing hedgerows as identified on Drawing No 02 Rev A, uploaded to planning portal on 27/07/2023, 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.

**Condition 7**

The existing dwelling coloured green on the site location plan Drawing No 01, uploaded to planning portal on 15/06/2023, shall be demolished within 6 weeks of the occupation of the new dwelling and all rubble and foundations removed from the site.

Reason: To prevent an accumulation of dwellings on the site.

**Signature(s):** Benjamin Porter

**Date:** 21 August 2023

<b>ANNEX</b>	
<b>Date Valid</b>	15 June 2023
<b>Date First Advertised</b>	27 June 2023
<b>Date Last Advertised</b>	27 June 2023
<b>Details of Neighbour Notification (all addresses)</b>	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: I/2002/0280/F  Proposals: Proposed extension to dwelling and roof space conversion  Decision: PG  Decision Date: 18-JUN-02</p> <p>Ref: I/1996/0539  Proposals: Extension to Dwelling  Decision: PG  Decision Date:</p> <p>Ref: I/1996/0034  Proposals: Replacement Dwelling  Decision: WITHDR  Decision Date:</p> <p>Ref: I/1977/0291  Proposals: 11KV O/H LINE  Decision: PG  Decision Date:</p> <p>Ref: I/1996/0086  Proposals: 11 kv rural spur (system improvement)</p>	

Decision: PG  
Decision Date:

Ref: LA09/2023/0661/F  
Proposals: Proposed Replacement Dwelling and Garage  
Decision:  
Decision Date:

Ref: LA09/2020/1068/RM  
Proposals: Proposed dwelling and garage.  
Decision: PG  
Decision Date: 15-DEC-20

Ref: I/2001/0878/F  
Proposals: Garage  
Decision: PG  
Decision Date: 13-FEB-02

Ref: LA09/2019/0417/O  
Proposals: Proposed dwelling and garage.  
Decision: PG  
Decision Date: 05-JUN-20

Ref: I/1997/0459  
Proposals: Site for Replacement Dwelling  
Decision: PR  
Decision Date:

Ref: I/2011/0143/F  
Proposals: Proposed retention of conversion of garage to living room  
Decision: PG  
Decision Date: 03-JUN-11

Ref: I/1976/034101  
Proposals: REPLACEMENT DWELLING  
Decision: PG  
Decision Date:

Ref: I/1985/0230  
Proposals: 1. CHANGE OF USE FROM STORE TO CRAFT WORKSHOP 2.  
EXTENSION TO CRAFT WORK  
Decision: PG  
Decision Date:

Ref: I/1976/0341  
Proposals: ERECTION OF BUNGALOW



Decision: PG  
Decision Date:

**Summary of Consultee Responses**

DFI Roads - Enniskillen Office-Roads Consultation - Full response.docxDC Checklist  
1.doc

**Drawing Numbers and Title**

Site Layout or Block Plan  
Elevations and Floor Plans  
Site Location Plan Plan Ref: 01  
Site Layout or Block Plan Plan Ref: 02  
Elevations and Floor Plans Plan Ref: 03

**Notification to Department (if relevant)**

Not Applicable