



Development Management Officer Report Committee Application

| Summary | |
|---|---|
| Committee Meeting Date: 1 August 2023 | Item Number: 5.1 |
| Application ID: LA09/2022/0528/RM | Target Date: 17 June 2022 |
| Proposal: Proposed dwelling & garage. | Location: 20M South Of NO2. Kinturk Road Moortown. |
| Referral Route: Approve is recommended | |
| Recommendation: Approve | |
| Applicant Name and Address: Colm Hagan 2 Kinturk Road Moortown Cookstown | Agent Name and Address: No Agent |
| Executive Summary: HED have asked that planning make the decision on the siting of the garage, they welcome its removal from beside the listed building and movement away from it. Siting is just outside the setting as previously agreed. | |

Case Officer Report

Site Location Plan



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Consultations:

| Consultation Type | Consultee | Response |
|---------------------|-------------------------------------|-------------------------------------|
| | Historic Environment Division (HED) | Substantive: TBCResponseType: PR |
| | DFI Roads - Enniskillen Office | Substantive: TBCResponseType: PR |
| Statutory Consultee | Historic Environment Division (HED) | |
| 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

No issues. No representations received.

Characteristics of the Site and Area

The application site is a 0.2 hectare plot of land located approx. 20m South of a dwelling at number 2 Kinturk Road, Moortown. It is outside the development limits of any settlement defined in the Cookstown Area Plan 2010 (CAP). There is a small cottage located along the Northern boundary, a bungalow along the Western boundary and a laneway, a dwelling and outbuildings along the Southern boundary. Along the Eastern boundary at the opposite side of the Kinturk Road, is Coyles Cottage, a Listed Building and a detached bungalow. This area is rural in character however it has experienced a substantial build up of development in recent years, the predominant form of development being single dwellings and agricultural buildings. Kinturk Cultural Centre is also located in the immediate area. The area is not subject to any Area Plan designations or zonings.

Description of Proposal

The planning application seeks approval of matters reserved from previous outline planning consent re. LA09/2018/1601/O. Outline planning permission was granted for "Proposed dwelling and garage in a cluster" on 3rd May 2019, therefore the principle of development has already been established on this site with a number of conditions set out on the approval. This current application seeks consent for a number of matters which were reserved at the outline stage.

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. Neighbours notified include: 1, 2, 4 Kinturk Road, 89, 90 Anneeter Road, 1 Anneeter Lane and 56, 57 Annaghmore Road. At the time of writing, no third party representations have been received.

Planning History

LA09/2018/1601/O - Proposed dwelling and garage in a cluster - 20M South Of NO2 Kinturk Road, Moortown – PERMISSION GRANTED

Planning Assessment of Policy and Other Material Considerations

- Cookstown Area Plan 2010
- Strategic Planning Policy Statement (SPPS)
- PPS 21: Sustainable Development in the Countryside
- PPS 3: Access, Movement and Parking

- Local Development Plan 2030 – Draft Plan Strategy

When outline planning permission was granted re. LA09/2018/1601/O a number of conditions were imposed. There were concerns raised by HED in relation to the validity of the application given it did not strictly meet with the siting condition which was applied to the outline hence why this application is being presented to the committee. Following internal discussions and discussions with HED who have assessed the development as it currently is on the ground, we are content to allow the application. HED have asked that planning make the decision on the siting of the garage and they welcome its removal from beside the listed building and movement away from it which is just outside the setting as previously agreed.

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 site is located in the open countryside as defined by the Cookstown Area Plan and has no other zonings or designations within the plan.

The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. The general planning principles with respect to this proposal have been complied with.

Policy CTY 1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access and road safety. The principle of development for a replacement dwelling under CTY 3 has already been agreed at this site. Policy CTY 13 – Integration and Design of Buildings in the Countryside and Policy CTY 14 – Rural Character of PPS 21 are relevant to this proposal. These policies require development to be appropriately designed and integrated into the surrounding landscape to ensure the rural character of the area is not harmed.

The proposed dwelling is single storey and is modest in size and scale. It is not considered to be inappropriate for the site or its locality and the materials include render finish to the walls and slate tiles to the roof, both considered to be acceptable in the countryside. The proposal is thought to be respectful of the existing pattern of settlement found in the surrounding area as it is similar in size and scale and it would not create or add to a ribbon of development. There is a single storey garage proposed also which has a metal cladding finish and a typical design of garage and therefore is considered acceptable. HED were consulted on the proposal and as discussed previously, they initially raised concern relating to the validity of the application but were asked if they

were content with the proposal, particularly its impact on Coyle's Cottage which is listed. They have advised that it is up to the Council to make a fair and balanced judgement on the application and their response is advice. They have welcomed the relocation of the garage and as such I am content that on balance the proposal is acceptable and will not adversely affect on the setting of the listed building adjacent.

The proposal intends to alter the existing access onto Kinturk Road. DfI Roads were consulted and raised no concern with the proposal subject to condition.

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

All landscaping comprised in the approved details of landscaping shall be carried out in the first planting season following the commencement of the construction of the development hereby approved and any trees or shrubs which, within a period of five years from the completion of the development, die are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Council.

Reason: To ensure that there is a well laid out scheme of healthy trees and shrubs in the interests of visual amenity.

Condition 3

The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 01a bearing the date stamp 04/11/2022 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.

Signature(s): Sarah Duggan

Date: 18 July 2023

| ANNEX | |
|---|-----------------|
| Date Valid | 22 April 2022 |
| Date First Advertised | 3 May 2022 |
| Date Last Advertised | 3 May 2022 |
| Details of Neighbour Notification (all addresses) | |
| <p>The Owner / Occupier 4 Kinturk Road, Cookstown, Tyrone, BT80 0JD The Owner / Occupier 90 Anneeter Road, Cookstown, Tyrone, BT80 0HZ The Owner / Occupier 1 Anneeter Lane, Cookstown, Tyrone, BT80 0JB The Owner / Occupier 2 Kinturk Road Cookstown Tyrone BT80 0JD The Owner / Occupier 89 Anneeter Road, Cookstown, Tyrone, BT80 0HZ The Owner / Occupier 1 Kinturk Road, Cookstown, Tyrone, BT80 0JD The Owner / Occupier 57 Annaghmore Road Ardboe Cookstown Tyrone BT80 0JA The Owner / Occupier 56 Annaghmore Road Ardboe Cookstown Tyrone BT80 0JA</p> | |
| Date of Last Neighbour Notification | 4 May 2022 |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> | |
| Summary of Consultee Responses | |
| <p>Historic Environment Division (HED)-Substantive: TBCResponseType: PR DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR Historic Environment Division (HED)- Historic Environment Division (HED)-</p> | |

Drawing Numbers and Title

Proposed Plans Plan Ref: 01
Proposed Elevations

Notification to Department (if relevant)

Not Applicable

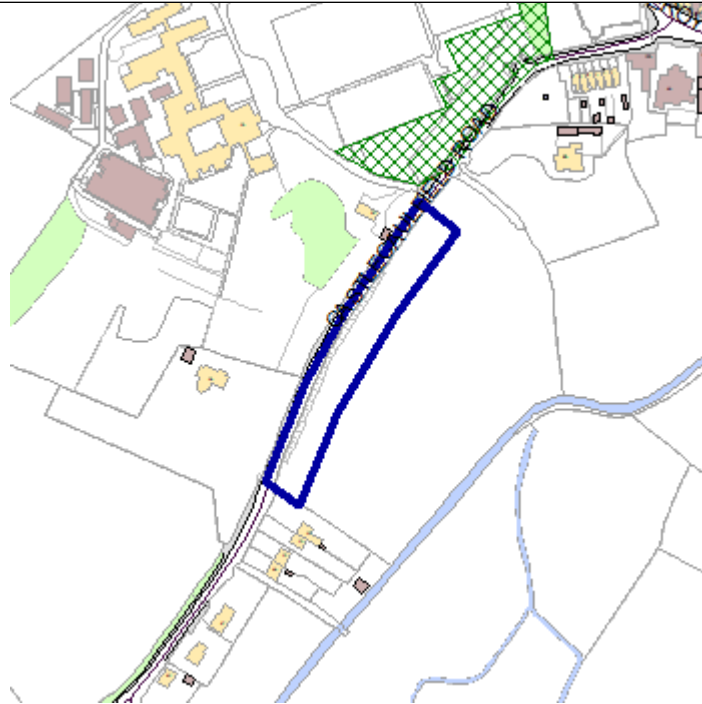


Development Management Officer Report Committee Application

| Summary | |
|---|---|
| Committee Meeting Date: 1 August 2023 | Item Number: 5.2 |
| Application ID: LA09/2022/1400/O | Target Date: 3 January 2023 |
| Proposal: Housing Development | Location: Lands Opposite 56 Castlecaulfield Road Donaghmore Dungannon |
| Referral Route: Approve is recommended | |
| Recommendation: Approve | |
| Applicant Name and Address: Trustees Of Donaghmore Parish C/o Parochial House 61 Castlecaulfield Road Donaghmore | Agent Name and Address: McKeown And Shields Ltd 1 Annagher Road Coalisland Dungannon BT71 4NE |
| Executive Summary: A neighbouring resident submitted objections to the proposal. | |

Case Officer Report

Site Location Plan



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Consultations:

| Consultation Type | Consultee | Response |
|-------------------------|---|------------------------------------|
| Non Statutory Consultee | Environmental Health Mid Ulster Council | Planning Response LA09-22-1400.pdf |
| Statutory Consultee | Historic Environment Division (HED) | |
| Statutory Consultee | NIEA | PRT LA09-2022-1400-O.PDF |
| Statutory Consultee | DFI Roads - Enniskillen Office | RS1 Form.docConditions.docx |
| Statutory Consultee | Rivers Agency | 745050 final.pdf |
| Statutory Consultee | NI Water - Multiple Units West | LA09-2022-1400-O.pdf |
| | Historic Environment Division (HED) | |
| | Environmental Health Mid Ulster Council | |

Representations:

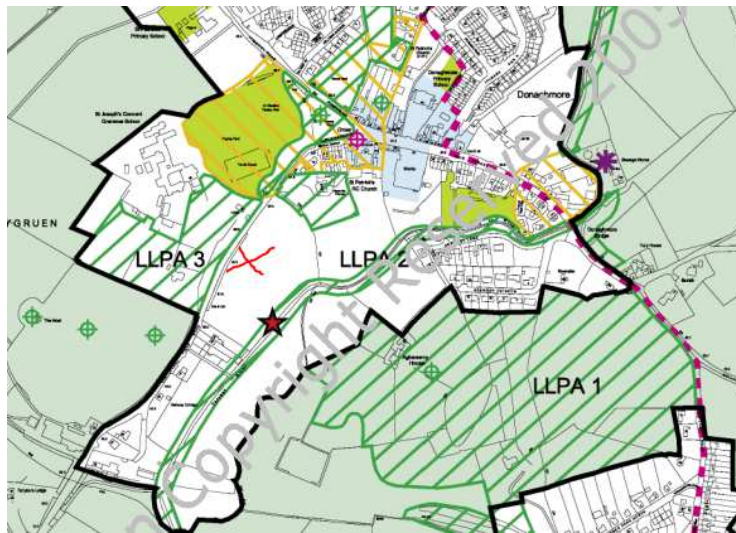
| | |
|---------------------------------|---|
| Letters of Support | 0 |
| Letters Non Committal | 0 |
| Letters of Objection | 3 |
| Number of Support Petitions and | |

| | |
|---|--|
| signatures | |
| Number of Petitions of Objection and signatures | |

Summary of Issues

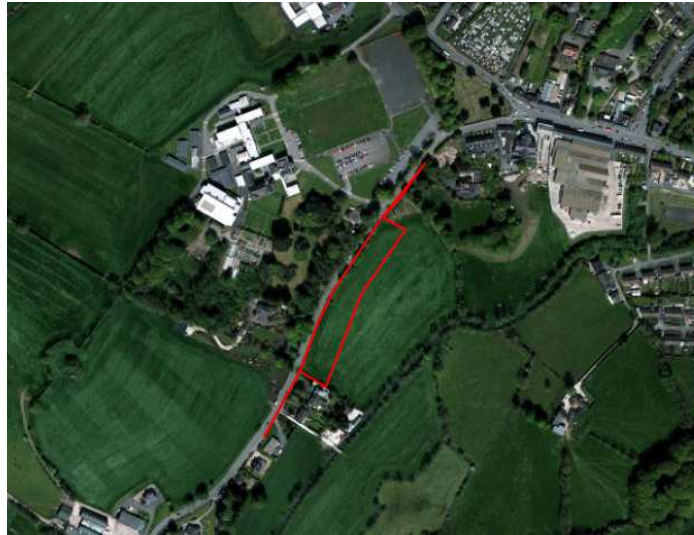
Characteristics of the Site and Area

This application site is a rectangular plot of land which is opposite No 56 Castlecaulfield Road in Donaghmore. It occupies the western portion of an agricultural field and sits alongside and to the east of the Castlecaulfield Road. It is located in the south western part of Donaghmore village and is whiteland in the Dungannon and South Tyrone Area Plan (DSTAP). St Joseph’s Convent School and grounds are on the opposite side of the road of this site which is part of Local Landscape Policy Area (LLPA) 3, as well as St Patrick’s Parochial House and St Patrick’s RC Church. The Torrent River to the east of the site is designated as LLPA 2 and is also part of the larger Site of Local Nature Conservation Interest (SLNCI) in DSTAP.



This application site is 40 metres deep, has a frontage of approximately 210 metres and is 0.81 hectares. The southern boundary of the site forms the curtilage of No 55 Castlecaulfield Road and is a hedgerow with some trees. Adjacent to this boundary to the south of the site are 2 pairs of two storey semi-detached dwellings, with 3 detached 2 storeys beyond this. The western roadside boundary is a low hedgerow with a grassed verge and the northern boundary is undefined on the ground. Beyond this northern boundary is a triangular portion of land which has been planted at some stage, with a post and wire road frontage which continues approximately 20 metres to the north of the site’s boundary to where an access leads down to a gated barrier. St Patrick’s Parochial

House and grounds sits to the north of this access laneway. The eastern boundary of the application site is undefined as the land falls to the where the Torrent River runs approximately 60 metres from the rear of the site.



Planning History

LA09/2017/1595/O - Proposed Housing Development - Lands Opposite 56 Castlecaulfield Road, Donaghmore – Approval - 24.05.2019

Description of Proposal

This application seeks outline planning permission for Housing Development on lands opposite No 56 Castlecaulfield Road, Donaghmore.

Consultations and Representations

NI Water were consulted and have stated there is available capacity at the Donaghmore WWTW for a maximum period of 18 months from the date of their consultation response. They confirmed there is no public foul sewer within 20m of the proposed development boundary however access is available via extension of the existing foul sewerage network and this can be requested by NI Water in accordance with Article 154 of the Water and Sewerage Services (Northern Ireland) Order 2006.

DfI Rivers were consulted to provide comment on the Flood Risk Assessment (FRA) submitted with this application. As the FRA states the site lies outside of the 1 in 100-year fluvial flood plain and therefore DFI Rivers cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective. However due to its location close to the flood plain, they advise all finished floor levels (including gardens,

driveways and paths) should be placed at a minimum of 600mm above the predicted 1 in 100-year fluvial flood level. The FRA refers to a Drainage Assessment which was submitted as part of the previous application is incomplete, however a pre-commencement condition to submit an up-to-date Drainage Assessment can be attached to any permission granted.

The Environmental Health section of mid Ulster District Council have noted that connection to the main sewer must be via an extension of the existing foul sewerage network and there is the potential for this pump causing issues in relations to noise. They advise the agent to adhere to the Clean Neighbourhood and Environment Act (NI) 2011 to ensure all plant and equipment is situated, operated and maintained as to prevent the transmission of noise.

The Water Management Unit (WMU) of NIEA have no objection to this proposal, subject to the inclusion of a condition regarding sewage disposal for the proposed development.

DfI Roads were consulted and have no objection subject to the provision of 2.4 metres by 70 metres in both directions and a forward sight distance of 70 metres to be detailed on a scale plan as part of any subsequent application.

This application has been advertised in Local Press in line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015. All 14 relevant neighbouring properties have been notified of this planning application.

There were 2 objections to this proposal from a neighbouring resident highlighting a number of concerns,

- The proposal has not taken into consideration the impact of traffic and congestion which already exists on the Castlecaulfield Road due to the “unmanaged entrance” of St Joseph’s Grammar School on a Monday – Friday.
- There is concern over having to set back the walls and pillars of the Parochial House in order to provide visibility splays.
- Absence of additional traffic speed bumps
- Increase in traffic will have pollution and environmental impacts
- Inadequate up-to-date information within the Flood Risk Assessment.

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

The Strategic Planning Policy Statement for Northern Ireland `Planning for Sustainable Development (SPPS) published in September 2015 is material to all decisions on individual planning applications and appeals. The SPPS 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 retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS. As this application site is located the settlement limits of Donaghmore as defined in the DSTAP, SETT 1 is a relevant policy. I am content that if the proposal complies with PPS7, it will also comply with SETT 1.

Policy QD1 - Quality in New Residential Development in PPS7 - Quality Residential Environments states all proposals for residential development will be expected to conform to a list of criteria. As this site is located within the development limits of Donaghmore on whiteland, there is a presumption for development. This part of Donaghmore includes St Joseph's Grammar School and a number of residential properties. The site itself is currently a visual gap on the outskirts of the village but within the settlement limits. The agricultural fields included in this application site and those beyond to the east gave this part of the village a strong rural appearance.

The premise of residential development has already been granted on this site in May 2019 under application LA09/2017/1595/O. As this proposal is only an outline planning application, there are no details provided to determine if the development does respect the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions. Full details on the density, design, layout, appearance of buildings, amount of landscaped and hard surfaced area will be a matter for consideration for any subsequent application on this site.

In this part of Donaghmore village, there are 2 features close to this site which are of special architectural and historic interest and thereby protected by Section 80 of the Planning Act (NI) 2011. The Historic and Environmental Division (HED) of NIEA were

consulted and the Archaeology and Built Heritage section identified the Grade B+ Listed Building of St. Joseph's Convent Grammar School - HB13/15/001 and the Grade B2 East Gate Lodge at St Joseph's Convent - HB13/15/016.

HED (Historic Buildings) have agreed in principle with this residential development but require further information on the scale, height, massing and alignment shown in context with the listed buildings. As this application seeks outline permission, specific details are not required at this stage. If this application is granted permission, the details mentioned above can be assessed by HED at Reserved Matters stage to determine if this proposed development integrates successfully with these protected features. Overall HED have no concerns subject to pre-commencement conditions regarding Archaeological Works in line with BH 4 – Archaeological Mitigation in PPS 6 Planning, Archaeology and the Built Heritage.

The provision for landscaped areas as well as public and private open space associated with each individual dwelling will be assessed at Reserved Matters stage taking into consideration the standards in Creating Places. Boundary treatment of each individual property and all landscaping details must be clearly identified on the drawings and can be conditioned. I feel it is necessary to ensure the eastern boundary to the rear of the site is planted to provide some degree of enclosure, while softening the visual impact of the development and assisting in its integration with the surrounding area.

There is no requirement for the developer to provide local neighbourhood facilities as part of this planning application due to its scale of the proposed development. However potential occupants will be able to access a range of existing facilities provided in the village. The location of this site within the development limits means most methods of movement and transport connections are readily accessible. There is currently a footpath on the opposite side of the road which continues on to the edge of the settlement limits of the village to the south of the site.

The desired amount of parking space that must be provided is dependent on the number of dwellings and the number of bedrooms each dwelling provides. These details are not known at this time and will be assessed at a later stage taking Creating Places into consideration, as will the design features and details of the development.

Due to the location of this site along the roadside in an agricultural field, I do not think there would be any overlooking or overshadowing issues. However at this outline application stage of the decision-making process, there is not available information whereby to determine if there could be any conflict with adjacent land uses and that there will be no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.

I am satisfied the proposed residential development on this application site will consider ways to deter crime and promote personal safety through its design process and layout configuration. These details can be fully assessed at Reserved Matters stage.

PPS 3 - Access, Movement and Parking

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal involves the creation of a new access off the Castlecaulfield Road into the site.

The objector's main concerns were regarding road safety and the ongoing congestion problems of the village. This site lies within the 40 miles per hour speed limits which facilitates a reduction in speed already. The ongoing traffic issues in the village are a result of increased traffic journeys by car and the organic configuration of the village does not help this. In the interests of road safety and the regulation of traffic flow, DfI Roads were consulted and have no objection subject to the provision of 2.4 metres by 70 metres in both directions and a forward sight distance of 70 metres to be detailed on a scale plan as part of any subsequent application. They also stated the access shall be at a right angle to the public road over a distance of 5.0 metres as measured from the near edge of the public road and to be paired. The public road fronting site must be widened to a minimum width of 6.0 metres and a footway 2 metres in width shall be provided along the site frontage and connect to the existing footway network.

PPS 15 - Planning and Flood Risk

This application was submitted with a Flood Risk Assessment (FRA) and DfI Rivers were consulted to provide comment. The FRA demonstrated the site lies outside of the 1 in 100-year fluvial flood plain. However due to the site's location close to the flood plain, DFI Rivers advise that all finished floor levels (including gardens, driveways and paths) should be placed at a minimum of 600mm above the predicted 1 in 100-year fluvial flood level. They also commented on the incomplete Drainage Assessment which was submitted as part of the original application in 2017. DFI Rivers have no objections from a drainage or flood risk perspective and recommend approval, subject to a pre-commencement condition requiring the developer to submit an up-to-date Drainage Assessment be attached to any permission granted. This condition should also help alleviate any concerns the objector raised regarding this issue and safeguard against flood risk to the proposed development and elsewhere.

The potential impact of this proposal on Special Areas of Conservation, Special Protection Areas and RAMSAR sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats etc) Regulations (NI) 1995 (as amended). This proposal would not be likely to have a significant effect on the features, conservation objectives or status of any of these sites.

Summary of Recommendation:

Approve is recommended

As there was an objector to this development proposal, it cannot be dealt with through

the Council's Scheme of Delegation and must be decided by the Mid Ulster District Council's Planning Committee.

Having taken into consideration the objector's concerns identified above, I am satisfied this proposed residential development proposal complies with the provisions of the SPPS, Dungannon and South Tyrone Area Plan as well as PPS 3, 7 and 15. I would also refer the members to the planning history on this application site which has already established the suitability of this site for residential development, therefore I recommend permission is granted, subject to conditions.

Approval Conditions

Condition 1

Application for approval of the reserved matters shall be made to Mid Ulster District 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 Mid Ulster District Council, in writing, before any development is commenced.

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

Condition 3

Full particulars, detailed plans and elevations of the reserved matters required in Conditions 01 and 02 shall be submitted in writing to the Council and shall be carried out as approved.

Reason: To enable the Council to consider in detail the proposed development of the site.

Condition 4

The reserved matters submission shall include a plan of the site indicating the existing

and proposed contours, the finished floor level(s) of the proposed building(s) and the position, height and materials of any retaining walls.

Reason: To ensure the development takes account of the site's natural features and to safeguard the amenities of the existing and proposed dwellings

Condition 5

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 dated 29th November 2022 and as generally indicated on the approved drawings.

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

Condition 6

No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

Reason: To ensure protection to the aquatic environment.

Condition 7

No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by Mid Ulster District Council in consultation with Historic Environment Division, Department for Communities.

The POW shall provide for:

- o The identification and evaluation of archaeological remains within the site;
- o Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- o Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- o Preparation of the digital, documentary and material archive for deposition.

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

Condition 8

No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under Condition 7.

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

Condition 9

A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under Condition 7.

These measures shall be implemented and a final archaeological report shall be submitted to Mid Ulster District Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Mid Ulster District Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

Condition10

Prior to the commencement of any approved development on site, a final Drainage Assessment, containing a detailed drainage network design and compliant with Annex D of PPS 15 must be submitted to Mid Ulster District Council for its consideration and approval in consultation with DfI Rivers.

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

Condition11

All finished floor levels (including gardens, driveways and paths) of each proposed building should be placed at a minimum of 600mm above the predicted 1 in 100-year fluvial flood level.

Reason: To prevent damage from potential flooding.

Condition12

No development shall take place until a landscaping scheme has been submitted to and approved by the Council showing the location, numbers, species and sizes of trees and shrubs to be planted. The scheme of planting as finally approved shall be carried out during the first planting season after the commencement of the development. The scheme shall include details of those trees to be retained and measures for their protection during the course of development. Any tree, shrub or other plant identified in the landscaping scheme dying within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.

Condition13

A Landscape Management Plan shall be submitted to include details of all existing vegetation within the site indicating those trees to be retained or removed and methods for their protection during construction works, all proposed hard and soft landscape works, planting plans; written planting specifications; schedules of plants and trees indicating site preparation, planting methods, the species, the size at time of planting, location, spacing and numbers and an implementation and maintenance programme.

Reason: To ensure successful establishment and maintenance in perpetuity of the open space and amenity areas in the interests of visual and residential amenity.

Condition14

Details of the maintenance and management in perpetuity of the open space and landscaped areas by a Management Company supported by a charitable trust or properly constituted residents association with associated management arrangements, or other such arrangements agreeable to Mid Ulster District Council, including a signed copy of the Memorandum and Articles of Association in accordance with the Landscape Management Plan shall be submitted to and agreed in writing, prior to the occupation of the first dwelling hereby permitted and finalised to the satisfaction of Mid Ulster District Council.

Reason: To ensure successful establishment and maintenance in perpetuity of the open space and amenity areas in the interests of visual and residential amenity.

Signature(s): Cathy Hughes

Date: 18 July 2023

| ANNEX | |
|---|-------------------|
| Date Valid | 20 September 2022 |
| Date First Advertised | 4 October 2022 |
| Date Last Advertised | 4 October 2022 |
| Details of Neighbour Notification (all addresses) | |
| <p>The Owner / Occupier 56 Castlecaulfield Road Donaghmore Dungannon The Owner / Occupier 47 Castlecaulfield Road Donaghmore Dungannon The Owner / Occupier 49 Castlecaulfield Road Donaghmore Dungannon The Owner / Occupier 51 Castlecaulfield Road Donaghmore Dungannon The Owner / Occupier 53 Castlecaulfield Road Donaghmore Dungannon The Owner / Occupier 55 Castlecaulfield Road Donaghmore Dungannon The Owner / Occupier 50 Castlecaulfield Road Donaghmore Dungannon The Owner / Occupier St Joseph's Convent School, 58 Castlecaulfield Road Donaghmore Dungannon The Owner / Occupier 61 Castlecaulfield Road Donaghmore Dungannon The Owner / Occupier RNN - 67 Castlecaulfield Road Donaghmore Dungannon</p> | |
| Date of Last Neighbour Notification | 12 October 2022 |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> | |
| <p>Ref: M/2004/0969/Q Proposals: New School Buildings Decision: 300</p> | |

Decision Date: 19-JAN-05

Ref: M/2014/0502/LBC

Proposals: Alterations to reinstate gate lodge to original detail and character

Decision: CG

Decision Date: 28-JAN-15

Ref: M/1992/0571

Proposals: Erection of Dwelling

Decision: PG

Decision Date:

Ref: M/2010/0307/F

Proposals: Conversion of existing single storey outhouse/garage to dwelling with single storey side and rear extensions

Decision: PG

Decision Date: 03-JUN-10

Ref: M/1992/0571B

Proposals: Erection of Dwelling

Decision: PG

Decision Date:

Ref: M/2003/0877/F

Proposals: Domestic garage and store

Decision: PG

Decision Date: 14-OCT-03

Ref: LA09/2022/1400/O

Proposals: Housing Development

Decision:

Decision Date:

Ref: M/2012/0526/F

Proposals: Two storey side kitchen/living and bedroom extension with new covered area to front door

Decision: PG

Decision Date: 09-NOV-12

Ref: LA09/2017/1595/O

Proposals: Proposed Housing Development

Decision: PG

Decision Date: 02-AUG-19

Ref: M/1997/0793

Proposals: Dwelling

Decision: PG
Decision Date:

Ref: M/2012/0158/F
Proposals: First Floor Copper Clad Bathroom Extension to Rear
Decision: PG
Decision Date: 08-MAY-12

Ref: M/2005/0652/F
Proposals: New replacement school.
Decision: PG
Decision Date: 13-JUN-06

Ref: LA09/2018/1482/LBC
Proposals: Priority 1 remedial works
Decision: CG
Decision Date: 28-JUN-19

Ref: M/2012/0062/F
Proposals: Proposed 2 no. stand alone classrooms of modular construction. Music classroom with associated group rooms and ancillary accommodation. Art room with associated ICT room and ancillary accommodation
Decision: PG
Decision Date: 26-MAR-12

Ref: LA09/2020/0129/F
Proposals: Proposed Alterations & Extension to include a Kitchen and a living area to 50 Castlecaulfield Road, Donaghmore, Co Tyrone
Decision: PG
Decision Date: 16-APR-20

Ref: M/1993/6002
Proposals: Proposed uses and history of land Castlecaulfield Road Donaghmore
Decision: QL
Decision Date:

Summary of Consultee Responses

Environmental Health Mid Ulster Council-Planning Response LA09-22-1400.pdf
Historic Environment Division (HED)-
NIEA-PRT LA09-2022-1400-O.PDF
DFI Roads - Enniskillen Office-RS1 Form.docConditions.docx
Rivers Agency-745050 final.pdf
NI Water - Multiple Units West-LA09-2022-1400-O.pdf
Historic Environment Division (HED)-
Environmental Health Mid Ulster Council-

Drawing Numbers and Title

Site Location Plan Plan Ref: 01 Rev 1
Site Layout or Block Plan Plan Ref: 02 Rev 1
Site Layout or Block Plan Plan Ref: 03 Rev 1
Site Location Plan Plan Ref: JA1066 / 101 / A1
Site Layout or Block Plan Plan Ref: JA1066 / 103 / A2
Site Layout or Block Plan Plan Ref: JA1066 / 104 / A2

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

| Summary | |
|--|--|
| Committee Meeting Date: 1 August 2023 | Item Number: 5.3 |
| Application ID: LA09/2022/1470/F | Target Date: 20 January 2023 |
| Proposal: Compost manufacturing facility unit | Location: 10A Ferry Road, Coalisland |
| Referral Route: Approve is recommended | |
| Recommendation: Approve | |
| Applicant Name and Address: Evergreen Horticulture 10A Ferry Road Coalisland BT71 4QT | Agent Name and Address: CMI Planners Ltd 38B Airfield Road The Creagh Toomebridge BT41 3SQ |
| Executive Summary: | |

Case Officer Report

Site Location Plan

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Consultations:

| Consultation Type | Consultee | Response |
|-------------------------|---|---|
| Statutory Consultee | Shared Environmental Services | LA09-2022-1470-F HRA_Stage_2_AA_080320 23.pdf |
| Statutory Consultee | Rivers Agency | 460720 - Final reply.pdf |
| Statutory Consultee | DFI Roads - Enniskillen Office | DC Checklist.doc Roads Consultation blank.docx |
| Statutory Consultee | Environmental Health Mid Ulster Council | Planning response.pdf |
| Statutory Consultee | NIEA | PRT - LA09-2022-1470-F.PDF |
| Statutory Consultee | NIEA | PRT LA09-2022-1470-F.PDF |
| Non Statutory Consultee | Environmental Health Mid Ulster Council | Planning response 4.pdf |
| Statutory Consultee | NIEA | PRT LA09-2022-1470-F.PDF |
| Statutory Consultee | Rivers Agency | |
| Non Statutory Consultee | NIEA | PRT LA09-2022-1470-F.PDF |
| Non Statutory Consultee | Environmental Health Mid Ulster Council | Planning response (2).pdf |

Representations:

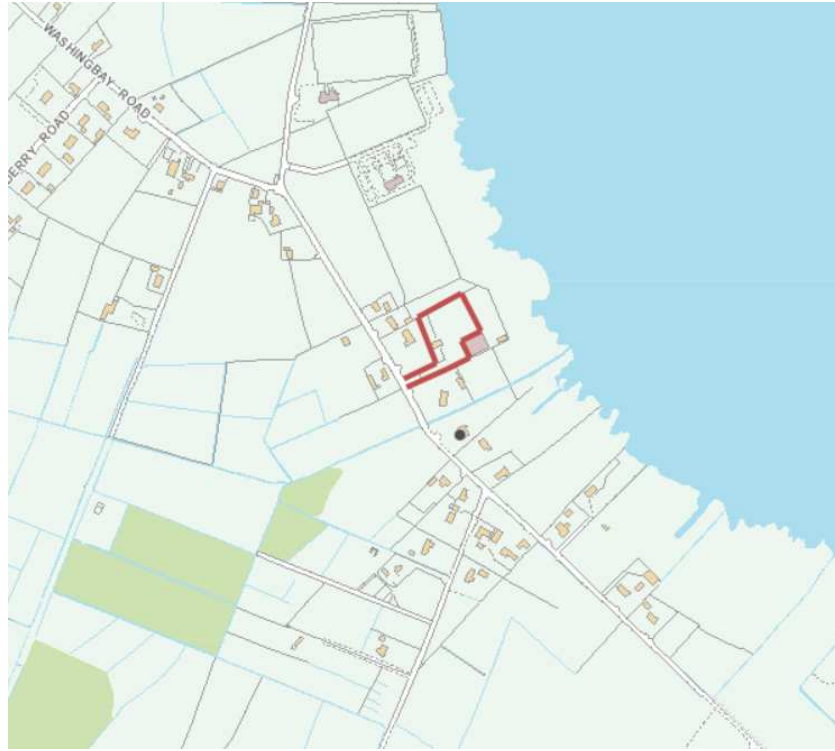
| | |
|---|----|
| Letters of Support | 0 |
| Letters Non Committal | 0 |
| Letters of Objection | 11 |
| Number of Support Petitions and signatures | |
| Number of Petitions of Objection and signatures | |

Summary of Issues

Characteristics of the Site and Area

The site lies in the open countryside just a short distance to the East of the settlement limits of Clonoe and on the shores of Lough Neagh to the East. The area is defined by a mix of detached dwellings and indigenous businesses. Land is mostly agriculture. The Washingbay Centre and Playing Fields are located

to the north.



The site is located along Ferry Road, and includes an existing peat business Evergreen Horticulture and to the east a modest detached bungalow. The site is accessed via a concrete laneway which has two large pillars and a double gated entrance.



Inside the gates there was a large concreted yard filled with piles of loos peat and palletes of pre packaged peat as well as numerous bits of machinery and vehicles.

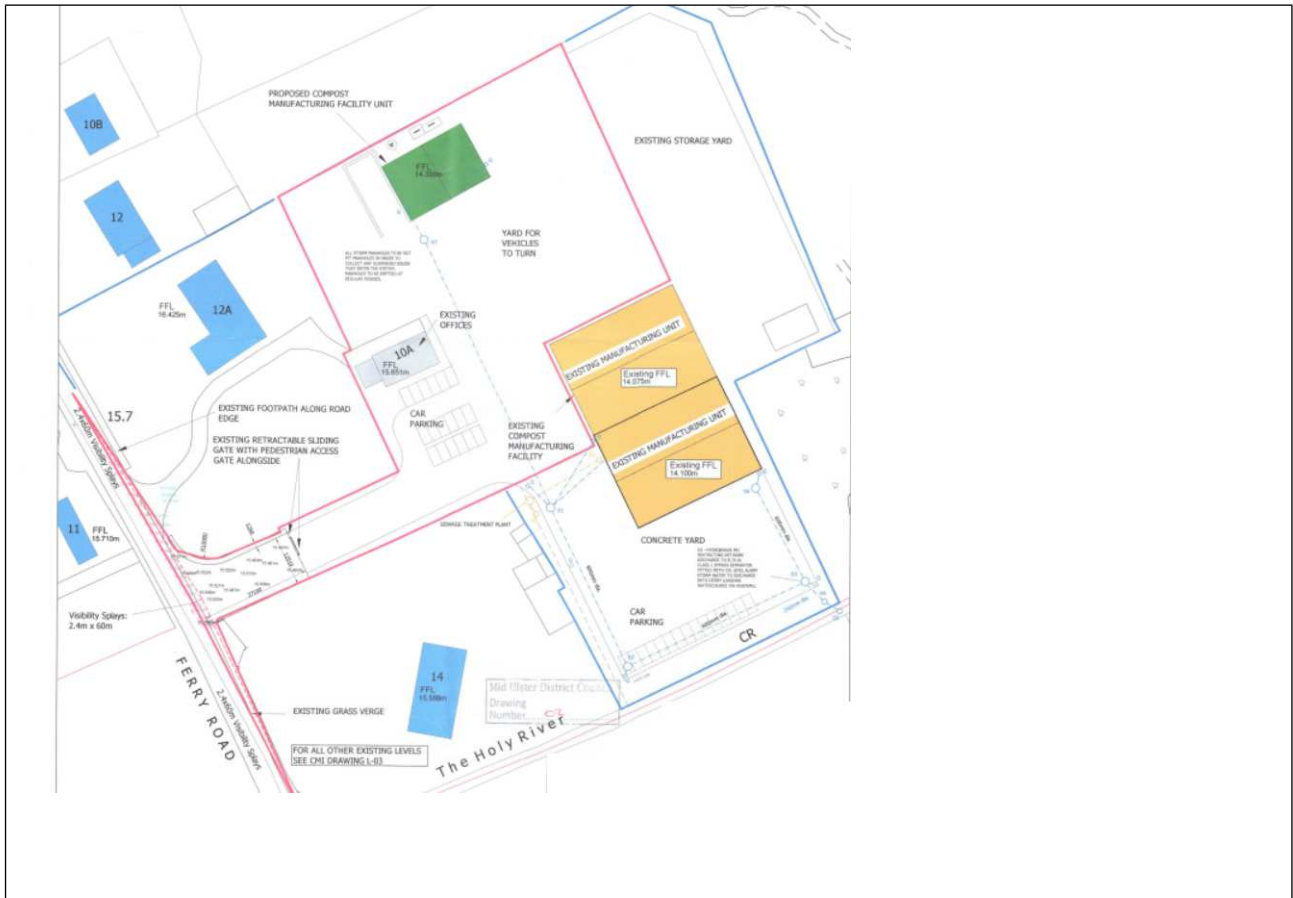


The existing large shed acts as the eastern boundary, the southern boundary here is a wire mesh fence and outhouse between the site and the neighbouring dwelling.

The Holy River which drains into Lough Neagh runs just south of the site. There is also a row of mature trees along this boundary. The shores of Lough Neagh lie approx. 100m east of the site and there is a copse of mature trees between the site and the Lough.

Description of Proposal

The proposal seeks full planning permission for a compost manufacturing facility unit.



Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Planning Act 2011

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

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.

Dungannon and South Tyrone Area Plan 2010

This is the extant plan for this area. 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.

The proposal is located in the open countryside. There are no specific plan policies that are relevant to this proposal. The policy provisions of SPPS, PPS21 and PPS4 apply.

Key Planning Policy

Regional Development Strategy 2035

Strategic Planning Policy Statement for Northern Ireland (SPPS)

Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Policy Statement 4- Planning and Economic Development.

Planning Policy Statement 3: Access, Movement and Parking

PPS 15: Planning and Flood Risk (revised)

Relevant Planning history

M/1983/0455- Peat manufacturing plant and store, permission granted.

M/2000/0400/F- Commercial offices to service adjoining peat processing and packaging factory, granted 09.11.2000

LA09/2020/1196/f - Extension to existing compost manufacturing facility to facilitate the relocation of existing bagging plant – Granted 13/04/22

Third Party Representations

The proposal was advertised in the local press and neighbour notification carried out in line with Council's statutory duties.

A number of 3rd party objections have been received, and the issues are summarised below. The full objections can be viewed on the planning portal;

- Concerns raised over actual vehicle movements, questioning the validity of the TAF.
- Currently vehicles from the existing development are parking on the public road, and that the development will exacerbate the problem, causing road safety concerns to all existing road users;
- Build up of traffic on unsuitable road network including forklift journeys between site and 245 Washingbay Rd;
- Red line across the road
- the development will have a detrimental impact on the natural habitat and wildlife, including potential pollution to the nearby Holy River and Lough Neagh and on the bird and bat population;
- development not needed as peat extraction coming to an end in Ireland soon.
- NIE issues/power shortages

Consideration

SPPS

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. 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. There is no conflict between SPPS and retained policy in this case.

PPS21

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 Industry and Business uses in the countryside that are in accordance with policies contained within PPS4- Planning and Economic Development.

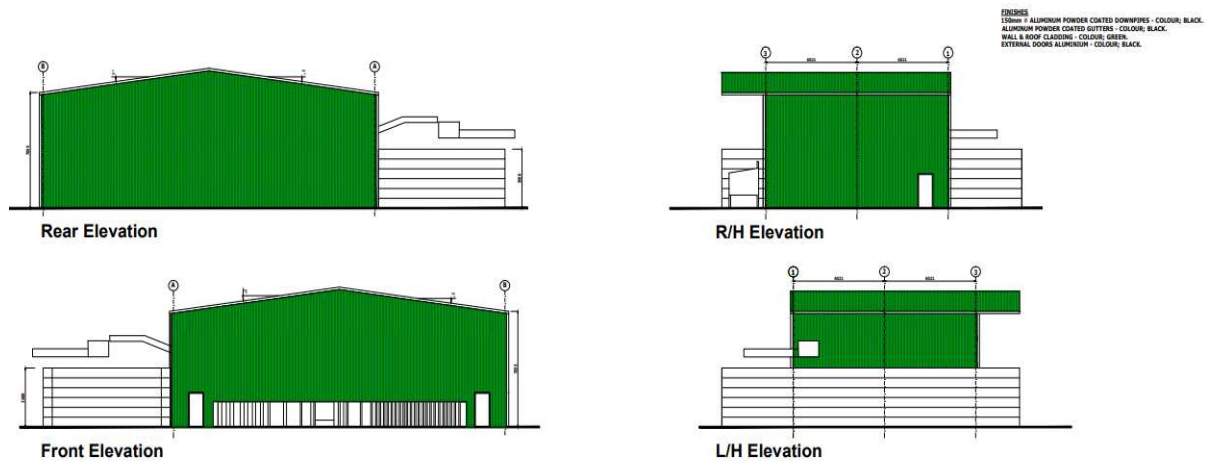
It is clear from the previous planning history that there is an existing established commercial peat processing and packaging factory and yard at this site. This proposal aims to expand the existing peat business by adding a new compost manufacturing facility unit.

The applicant has clarified by email that this proposal does not involve any increase in peat brought onto the site, the compost will be processed from recycled wood chippings. An objector raised concern over the need for this peat facility as peat extraction in Ireland is coming to an end. The demonstration of need in this particular case is not a policy requirement. As with all businesses, they adopt to change or diversify where obstacles and challenges are met. I do not find the objectors concerns in this regard to be determining to this application.

Policy PED 3- Expansion of an Established Economic development Use in the Countryside of PPS4 is the appropriate policy in which to assess this application.

PED 3 allows for the expansion of an established economic development use in the countryside where the scale and nature of the proposal will not harm the rural character of the area or appearance of the local area and there is no major increase in the site area of the enterprise.

The applicant’s intentions are to build a new unit in the North portion of the site, the main body of the unit measures 12m x 22m with a chip store to the side measuring 8m x 20m. The unit is also 7 metres high. The proposed building will match the size, scale and design of the existing building, in fact will be somewhat smaller in scale than the existing and the ridge will not be higher than the building on site.



The building will be well enclosed with existing hedgerows and boundary fences and screened from the public road by existing development. Environmental Health do not raise any concern over odour and

noise issues. In my view the proposed extension will not ruin the harm or rural character of this area and does not represent any increase to the site area in this case.



The policy states that proposals for expansion will normally be expected to be accommodated through the reuse or extension of existing buildings on site. As the two existing buildings were full to capacity at the time of site visit it is clear this is not possible. This part of the policy is met.

One objection raised the issue of the red line of the site including an area across the main road, this was raised with the applicant and the red line was then reduced. I find the proposal to be of scale and nature that is acceptable for this site and area and will not have a detrimental impact on the appearance of the local area and does not represent a major increase in the site area of the enterprise. PED 3 is met.

All proposals for economic development use will be required to meet criteria contained within policy PED 9 General Criteria of Economic Development Use.

Criteria a. There is an established economic development use that is being extended. While the proposal is close to the rear boundary of No. 12, Environmental Health raise no concerns subject to the acoustic fence. I find the use to be compatible with it's surroundings.

Criteria b. Environmental Health were consulted on this proposal and advise that acoustic conditions be attached to any permission. The existing factory is also beside No. 12 and EHD have not raised any history of noise complaints in their consultation reply. There will be no issues of overlooking or overshadowing of neighbouring property. I am satisfied that the development will not harm the amenities of nearby residents subject to noise mitigation conditions being attached.

Criteria c. The site is not located within or beside any known area that is protected for it's built heritage. The site is located adjacent to Holy River, and close to the shores of Lough Neagh ASSI/SAC. Consultation was carried out with NIEA and SES on this proposal and the agent has provided environmental reports

and information to demonstrate that the proposal will not have a negative impact on the natural environment and wildlife. A flood risk and drainage assessment were also provided, and all consultees are now content with this proposal subject to conditions. I am satisfied that the objectors concerns are not determining in this instance and that it has been demonstrated by the agent that the development will not have a detrimental impact on the environment.

Criteria d. The agent has provided information to show that the development is not located within the 1:100 floodplain of Lough Neagh, and Rivers Agency have accepted this. Rivers Agency are content that the development will not cause flooding elsewhere.

Criteria e. I am satisfied that the proposal will not cause a noise nuisance to surrounding residential properties.

Criteria f. On the P1 form the agent has indicated that sewage from the site will be dealt with through existing septic tank arrangements. Other waste streams will be dealt with through removal by licensed contractors. Discharge consent of storm water will be applied for under separate legislation. No consultees have raised any concern over other emissions or effluent from the site. I am content that all emissions or effluent from the site can be dealt with.

Criteria g. One of the main concerns relayed in the objections received were surrounding vehicle movement, parking, road safety concerns, traffic build up, unsuitable road network and inaccuracies within the TAF.

DfI Roads were consulted on this proposal and raise no objections over access to the site, or the capacity of the road network in safely handling extra vehicles. There is acceptable parking, access and manoeuvring of vehicles and DfI Roads have no concerns in this regard subject to planning conditions which will be listed later in my report. I visited the site three times over a six month period and I didn't experience an unacceptable level of road traffic. On all occasions there was enough space with the parking area, and I had no issues in turning. In this respect I am also satisfied that the policy provisions contained within PP3 have been met, and that a safe and satisfactory access to the site can be achieved. In my view 3rd party objections in relation to road safety issues are not determining in this instance.

Criteria h and i. Access to the site, is mostly by private or service vehicles. DfI Roads raised no requirement for foot path provision. Due to the location of the site, I am satisfied that appropriate access can be obtained by those using or visiting the site.

Criteria j. I am satisfied that most existing trees and hedgerows can be retained, and that the development represents a sustainable design, respectful of the environment.

Criteria k and m. Existing natural boundaries that are important for screening the site can be retained and will help integrate the site into the landscape. Most natural screening to the site falls outside the site boundaries.

Criteria l. The perimeter of the site will be enclosed by hedging or fencing which will deter crime and promote personal safety.

I am satisfied that the spirit of this policy is met.

Other Consideration

No land contamination issues have been identified.

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

Prior to the construction of the drainage network, the applicant shall submit a Drainage Assessment, compliant with FLD 3 & Annex D of PPS 15, to be agreed with the Council which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, in a 1 in 100 year event with an additional allowance for climate change (10%) and urban creep (10%).

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

Condition 3

Within 4 weeks from planning approval, the 3.5m high acoustic barrier with a surface weight of at least 30kg/m2 or greater, shall be erected, maintained and permanently retained, as indicated on drawing 02RevB, date stamped 08 MAR 2023.

Reason: To protect nearby residential amenity from noise.

Condition 4

All walls and roof facades of the buildings hereby approved shall be constructed using the below building material or equivalent and shall achieve a minimum sound Reduction Index of at least those values set out in Table 1:

Table 1:

| Name | Octave Spectrum (dB) | | | | | | | | |
|-----------------------|----------------------|------|------|------|------|------|------|------|------|
| | 31.5 | 63 | 125 | 250 | 500 | 1000 | 2000 | 4000 | Rw |
| Kingspan KS1000 RW | - | 13.0 | 16.0 | 21.0 | 24.0 | 20.0 | 25.0 | 42.0 | 24.0 |

Reason: To protect nearby residential amenity from noise.

Condition 5

The level of noise from the generator shall not exceed 51dB(A) as measured at 7 metres.

Reason: To protect nearby residential amenity from noise

Condition 6

Within 4 weeks of a written request by the Council following a 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 the Grainger Acoustics Ltd, Acoustic Report, dated March 2023 revised, Version v 03 iss. 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.

Informative 1

Water Management Unit are satisfied that the applicant has made the necessary revisions to the Construction Environmental Management Plan (CEMP) to protect the local water environment.

The applicant must refer to and adhere to all the relevant precepts contained in DAERA Standing Advice Pollution Prevention Guidelines paying particular regard to:

- o Their responsibilities regarding oil storage
- o The use of oil separators in surface water drainage systems

Water Management Unit recommends the storm drainage of the site (where appropriate) should be designed to the principles of Sustainable Drainage Systems (SuDS).

The contractor / person carrying out the works is responsible for ensuring that any and all required mitigation measures are in place and ultimately under the Water (Northern Ireland) Order 1999 is liable for any discharge or deposit, whether knowingly or otherwise, of any poisonous, noxious, or polluting matter so that it enters a waterway or water in any underground strata.

The applicant should note discharge consent, issued under the Water (Northern Ireland) Order

1999, is required for any discharges to the aquatic environment and may be required for

site drainage during the construction phase and may be required during the operational phase of the development.

Any proposed discharges not directly related to the construction of the development, such as from septic tanks or wash facilities, will also require separate discharge consent applications.

It should be noted that Discharge Consent can only be assessed whenever the department has received an application deemed complete as a number of site-specific factors need to be taken into account in assessing the suitability of the proposed means of effluent disposal and the applicant should note there is no guarantee that Discharge Consent will be granted.

No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.

This condition is to ensure protection to the aquatic environment and to help the applicant avoid incurring unnecessary expense before it can be ascertained that a feasible method of sewage disposal is available. This includes the purchase of any wastewater treatment plant.

Signature(s): Peter Hughes

Date: 10 July 2023

| ANNEX | |
|--|-----------------|
| Date Valid | 7 October 2022 |
| Date First Advertised | 18 October 2022 |
| Date Last Advertised | 18 October 2022 |
| Details of Neighbour Notification (all addresses) The Owner / Occupier 12 Ferry Road Coalisland Tyrone BT71 4QT The Owner / Occupier 10A Ferry Road Coalisland Tyrone BT71 4QT The Owner / Occupier 12A Ferry Road Coalisland Tyrone BT71 4QT The Owner / Occupier 14 Ferry Road Coalisland Tyrone BT71 4QT | |
| Date of Last Neighbour Notification | 13 October 2022 |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> | |
| Summary of Consultee Responses Shared Environmental Services-LA09-2022-1470-F HRA_Stage_2_AA_08032023.pdf Rivers Agency-460720 - Final reply.pdf DFI Roads - Enniskillen Office-DC Checklist.docRoads Consultation blank.docx | |

Environmental Health Mid Ulster Council-Planning response.pdf
NIEA-PRT - LA09-2022-1470-F.PDF
NIEA-PRT LA09-2022-1470-F.PDF
Environmental Health Mid Ulster Council-Planning response 4.pdf
NIEA-PRT LA09-2022-1470-F.PDF
Rivers Agency-
NIEA-PRT LA09-2022-1470-F.PDF
Environmental Health Mid Ulster Council-Planning response (2).pdf

Drawing Numbers and Title

Site Layout or Block Plan Plan Ref: L02 B
Site Location Plan Plan Ref: 01 Rev A
Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Site Layout or Block Plan Plan Ref: 03
Existing Plans Plan Ref: 04
Existing Plans Plan Ref: 04A

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

| Summary | |
|---|---|
| Committee Meeting Date: 1 August 2023 | Item Number: 5.4 |
| Application ID: LA09/2022/1475/F | Target Date: 30 January 2023 |
| Proposal: The application forms part of the overall Clogher Active travel scheme being developed by MUDC & DFI. The scheme will link existing footpaths on the station road and the ballymagowan road to create a link around the area. This application contains the formalisation of 2 existing entrances along this section being changed into vehicle entrances as part of the works. D01 & D01A - Change of an existing pedestrian entrance into a vehicle entrance D02 & D02A - Change of an existing field entrance gate into vehicle & commercial vehicle entrance for HGV's/timber lorries to access the existing timber yard business | Location: 2 Properties Entrance Formalisations - One At 47 Station Road Clogher Co.Tyrone Bt760aq And The Other At 57A Station Road Clogher |
| Referral Route: Approve is recommended | |
| Recommendation: Approve | |
| Applicant Name and Address: MUDC Burn Road Cookstown BT80 8DT | Agent Name and Address: No Agent |
| Executive Summary: This application is being presented to the Planning Committee for determination as the application is being made on behalf of Mid Ulster District Council. | |

Case Officer Report

Site Location Plan



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Consultations:

| Consultation Type | Consultee | Response |
|---------------------|-------------------------------------|---------------------------|
| Statutory Consultee | DFI Roads - Enniskillen Office | Roads Consultation.docx |
| Statutory Consultee | Historic Environment Division (HED) | |
| Statutory Consultee | DFI Roads - Enniskillen Office | Roads Consultation 2.docx |
| Statutory Consultee | DFI Roads - Enniskillen Office | previously answered |
| Statutory Consultee | DFI Roads - Enniskillen Office | Roads Consultation 2.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 is located within the development limits of Clogher as identified in the Dungannon and South Tyrone Area Plan 2010. The application site relates to two strips of land, one on the Station Road and another on the Ballymagowan Road.

The surrounding area has a mixture of uses including residential and commercial given its location within Clogher. Clogher Mart lies to the west of the site on the Station Road.

Description of Proposal

The application forms part of the overall Clogher Active travel scheme being developed by MUDC & DFI. The scheme will link existing footpaths on the station road and the Ballymagowan road to create a link around the area. This application contains the formalisation of 2 existing entrances along this section being changed into vehicle entrances as part of the works. D01 & D01A - Change of an existing pedestrian entrance into a vehicle entrance D02 & D02A - Change of an existing field entrance gate into vehicle & commercial vehicle entrance for HGV's/timber lorries to access the existing timber yard business

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

Nine (9) no. neighbour notifications have been carried out as well as press advertisement in line with the Council's statutory duty. To date no third party representations have been received.

Relevant Planning History

There are no relevant histories pertinent to this application.

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 Clogher 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 sense of place through sensitive design;
- there is no significant detrimental affect on amenities;
- there is no significant conflict with recognised conservation interests;
- there are satisfactory arrangements for access, parking and sewage disposal;
- where appropriate, any additional infrastructure necessary to accommodate the proposal is provided by the developer; and
- the proposal is in accordance with prevailing regional planning policy and the policies, requirements and guidance contained in Part 3 of the Plan.

I feel that the proposal is sensitive to the size, character and function of Clogher in terms of scale, form, design and use of materials as it is minor in nature and will link existing footpaths on the Station Road and Ballymagowan Road to create a link around the area. I do not consider there will be a significant detrimental affect on amenities, nor is there any conflict with recognised conservation interests.

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. No conflict arises between the provisions of the SPPS and those of retained policies regarding issues relevant to this application.

Paragraph 2.1 states the planning system should positively and proactively facilitate

development that contributes to a more socially economically and environmentally sustainable Northern Ireland. The guiding principle of the SPPS is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

Paragraph 6.293 further states that the successful integration of transport and land use is fundamental to the objective of furthering sustainable development. Planning has a vital contributing role for improving connectivity and promoting more sustainable patterns of transport and travel. Consequently, the relevant policy context is provided by Planning Policy Statement 3 – Access, Movement and Parking. I am content that as the proposal complies with SETT 1 the main consideration is now PPS 3.

PPS 3 - Access, Movement and Parking

This application contains the formalisation of 2 existing entrances along this section being changed into vehicle entrances as part of the works. On the Station Road it involves the change of an existing pedestrian entrance into a vehicle entrance. On the Ballymagowan Road it involves the change of an existing field entrance gate into vehicle & commercial vehicle entrance for HGV's/timber lorries to access the existing timber yard business. New footpaths and grass verges will be provided at both points. The overall scheme will link existing footpaths on the Station road and the Ballymagowan road to create a link around the area. This introduces a degree of betterment in accordance with the provisions of Policy AMP 1 and AMP 2 of PPS 3.

DFI Roads were consulted on this application and responded that it is recommended and good practice in accordance with guidelines to keep the number of accesses to a minimum. If the additional access is to be approved by Council, then the applicant should be informed of the following conditions/informatives. The condition will state that the vehicular access (es) including visibility splays shall be provided in accordance with the approved drawings prior to the commencement of any other footway construction Works associated with the Clogher Active Travel Scheme.

PPS 6 - Planning, Archaeology & the Built Heritage

HED (Historic Buildings) were also consulted on the application due to the proximity of Listed buildings on the Station Road, in accordance with the requirements of Policy BH11 – Development affecting the Setting of a Listed Building. Their remit is in relation to aspects of the proposals which are situated within the setting of the above-mentioned listed buildings i.e., on Station Road.

In their previous response dated 16th December 2022, they had concerns in relation to the proposal. However following communication with the Agent via email in May 2023 and submission of revised drawings, they can confirm that they consider the proposal now satisfies policy, and they request the following condition:

The proposal shall be strictly in accordance with the planning drawings published to the MUDC planning portal on 24th May 2023.

Reasons:

1. To ensure that the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the buildings.
2. To ensure the nature of the use proposed respects the character of the setting of the buildings.

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.

In addition to checks on the planning portal, Natural Environment Division (NED) map viewer available online has been checked and did not identify any natural heritage interests on site to raise any concerns in relation this proposal.

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

I am satisfied that having considered the SPPS and criterion set out in SETT 1 in the Dungannon and South Tyrone Area Plan, this proposal meets the policy requirements and is compatible with the surrounding land uses. I also have no flooding, ecological or residential amenity concerns and therefore 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 shall be provided in accordance with the approved drawings prior to the commencement of any other footway construction Works associated with the Clogher Active Travel Scheme. 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 proposal shall be strictly in accordance with the planning drawings published to the MUDC planning portal on 24th May 2023.

Reasons:

1. To ensure that the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the buildings.
2. To ensure the nature of the use proposed respects the character of the setting of the buildings.

Signature(s): Deirdre Laverty

Date: 5 July 2023

| ANNEX | |
|---|-----------------|
| Date Valid | 17 October 2022 |
| Date First Advertised | 3 November 2022 |
| Date Last Advertised | 3 November 2022 |
| Details of Neighbour Notification (all addresses) | |
| <p>The Owner / Occupier 6 Ballymagowan Road Clogher BT76 0AG The Owner / Occupier 7 Ballymagowan Road Clogher BT76 0AG The Owner / Occupier 8 Ballymagowan Road Clogher BT76 0AG The Owner / Occupier 8A Ballymagowan Road Clogher BT76 0AG The Owner / Occupier 47 Station Road Clogher BT76 0AQ The Owner / Occupier 57 Station Road Clogher BT76 0AQ The Owner / Occupier 57A Station Road Clogher BT76 0AQ The Owner / Occupier 57B Station Road Clogher BT76 0AQ The Owner / Occupier 57C Station Road Clogher BT76 0AQ The Owner / Occupier Clogher Valley Livestock Mart 44 Station Road Clogher BT76 0AQ</p> | |
| Date of Last Neighbour Notification | 20 June 2023 |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> | |
| <p>Ref: M/1993/0444 Proposals: Canteen for Clogher Cattle Mart Decision: PG Decision Date:</p> <p>Ref: M/2013/0008/LBC Proposals: Proposed alterations and improvements to existing dwelling</p> | |

Decision: CG

Decision Date: 08-JUL-13

Ref: LA09/2020/1274/F

Proposals: Change of use from Sawmill and Timber Product manufacturing business to Car Wash and Car valet service

Decision: WDN

Decision Date: 18-JAN-22

Ref: LA09/2022/1475/F

Proposals: The application forms part of the overall Clogher Active travel scheme being developed by MUDC & DFI. The scheme will link existing footpaths on the station road and the ballymagowan road to create a link around the area. This application contains the formalisation of 2 existing entrances along this section being changed into vehicle entrances as part of the works. D01 & D01A - Change of an existing pedestrian entrance into a vehicle entrance D02 & D02A - Change of an existing field entrance gate into vehicle & commercial vehicle entrance for HGV's/timber lorries to access the existing timber yard business

Decision:

Decision Date:

Ref: M/2006/1226/F

Proposals: Proposed covering of existing cattle holding pens

Decision: PG

Decision Date: 13-JUN-06

Ref: M/2013/0264/F

Proposals: Alterations and improvements to listed railway house

Decision: PG

Decision Date: 08-JUL-13

Ref: LA09/2020/1409/F

Proposals: Retrospective change of use from work shop to veterinary surgeons office, with proposed alterations

Decision:

Decision Date:

Ref: LA09/2021/0008/LBC

Proposals: Retrospective change of use from work shop to veterinary surgeons office, with proposed alterations

Decision:

Decision Date:

Ref: LA09/2020/1268/A

Proposals: Double sided hoarding type sign, yellow background with red lettering

Decision: WDN

Decision Date: 18-JAN-22

Ref: LA09/2022/0209/PAD

Proposals: Proposed residential development - 46 no dwellings

Decision: PAD

Decision Date: 26-AUG-22

Ref: M/1980/0499

Proposals: NEW SALE RING AND OFFICE EXTENSION

Decision: PG

Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Roads Consultation.docx
Historic Environment Division (HED)-
DFI Roads - Enniskillen Office-Roads Consultation 2.docx
DFI Roads - Enniskillen Office-previously answered
DFI Roads - Enniskillen Office-Roads Consultation 2.docx
Historic Environment Division (HED)-

Drawing Numbers and Title

Road Access Plan Plan Ref: 02 rev 01
Road Access Plan Plan Ref: 03 rev 01
Road Access Plan Plan Ref: 04 rev 01
Road Access Plan Plan Ref: 05 rev 01
Site Location Plan Plan Ref: 01 rev 01
Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Site Layout or Block Plan Plan Ref: 03
Proposed Floor Plans Plan Ref: 04
Proposed Floor Plans Plan Ref: 05

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

| Summary | |
|---|--|
| Committee Meeting Date: 1 August 2023 | Item Number: 5.5 |
| Application ID: LA09/2023/0025/F | Target Date: 24 April 2023 |
| Proposal: Retention of Agricultural Shed to store machinery | Location: Adjacent to 26A Brookmount Road Ballinderry Bridge Cookstown |
| Referral Route: Refuse is recommended | |
| Recommendation: Refuse | |
| Applicant Name and Address: Francis Rocks 26A Brookmount Road Ballinderry Bridge BT80 0BB | Agent Name and Address: Manor Architects Ltd Stable Buildings 30A High Street Moneymore BT45 7PD |
| Executive Summary: <p>The proposal has been assessed against under all relevant policy including the Cookstown Area Plan, SPPS, PPS 21, PPS 2 and PPS 3. It is my opinion that the proposal fails to comply with PPS 21 policy CTY 12 in that it has not been demonstrated that the development is on an active and established agricultural holding. The agent contends that the landowner rents fields out on conacre, but no evidence has been provided by way of a conacre agreement and this has been requested previously.</p> <p>The agent also contends the building is to store agricultural vehicles & machinery used for the maintenance and upkeep of field boundary hedgerows, fences & gates. However, it is my opinion that the building larger than what is required for this work. There was a previous approval granted on the site for a domestic shed however, this shed was built instead and is of a larger scale. This application has been made retrospectively to retain the shed built without planning permission. An enforcement case is currently live on the site, with enforcement proceedings on hold pending the outcome of this planning application, as if this application was approved it would rectify the breach.</p> <p>Two letters of objection have been received from one neighbour and have been considered fully in the body of this report and consultee advice sought where necessary.</p> | |

Points raised in the objections relate to the scale of the building, the proposed use of the building not relating to agricultural use, drainage arrangements including discharge to a nearby watercourse and health and safety issues regarding the laneway.

Case Officer Report

Site Location Plan



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Consultations:

| Consultation Type | Consultee | Response |
|-------------------------|--------------------------------|---|
| Statutory Consultee | DAERA - Coleraine | Consultee Response LA09-2023-0025-F.DOCX |
| Non Statutory Consultee | Rivers Agency | 75584 - Final Response.pdf |
| Non Statutory Consultee | NIEA | PRT LA09-2023-0025-F.PDF |
| Non Statutory Consultee | NIEA | PRT LA09-2023-0025-F.PDF |
| 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 | 2 |
| Number of Support Petitions and signatures | |
| Number of Petitions of Objection and signatures | |

Summary of Issues

Two letters of objection received. The proposal is contrary to policy CTY 1, CTY 12 & CTY 13.

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits and outside any other designations as per the Cookstown Area Plan 2010. The red line of the application site includes part of an existing shared laneway which extends south from Brookmount Road until it meets the site of the building which is located in an existing yard to the rear of 26A Brookmount Road. At the time of the site visit the building was completed with the top of the building finished with metal cladding and block work with smooth render on the bottom half of the building. The yard is relatively flat with the existing shared laneway located adjacent to the southern boundary and travelling west, with the lane rising to a level above the ground level of the building. The southern boundary was defined by a post and wire fence with a low level wall being built at the corner of the laneway. The northern boundary is defined by an existing mature laurel hedgerow with the western boundary defined by a post and wire fence. The surrounding area is rural in nature with the predominant land use being agricultural fields and dispersed dwellings.

Description of Proposal

This is a full planning application for the retention of Agricultural Shed to store machinery

Site History

LA09/2021/0011/F- Replacement shed Adjacent To 26A Brookmount Road Ballinderry Bridge. Permission Granted 4th March 2021.

This shed was approved with the condition that the shed shall be used only for purposes ancillary to the residential use of the dwelling known as No.26a Brookmount Road.

Below is an image of the previous approval and another image shown the building on site at the time of the site visit. The building subject to this application is located at the same location within the yard as the previous approval, however it has a larger footprint.



Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Cookstown Area Plan 2010
 Strategic Planning Policy Statement (SPPS)
 PPS 21: Sustainable Development in the Countryside
 PPS 2: Natural Heritage
 PPS 3: Access, Movement and Parking

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. Policy CTY 1 of PPS 21 sets out the range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

One of these types of development is agricultural and forestry development in accordance with Policy CTY 12. Provisions of SPPS do not impact on this policy.

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

Firstly, with regards to determining if the agricultural holding is active and established as set out within Policy CTY 10, DAERA responded to a consultation response after a P1C form was submitted to confirm that the Business ID was established in April 2005 but it has since been closed because it has no agricultural activity for the last five years. The agent then provided a statement of case in which he advised the applicant does not currently use the land for agricultural activity but instead hires it out to two other farmers (David Porte & Andrew Paterson) under conacre. They state further that under this agreement the applicant is obliged to maintain the boundaries, fences and gates and this building is to store the machinery needed. However, no evidence of the conacre agreement was provided to indicate that the business has been active and established for the last 6 years. The agent was asked for evidence of this conacre agreement on 7th June and nothing has been received to date. From this the proposal is contrary to Policy CTY 12 in that it has not been demonstrated the farm holding is active and established.

Although it hasn't been demonstrated that the farm holding is active and established the proposal will be further assessed under Policy CTY 12.

Regarding the policy requirement stating it should be necessary for the efficient use of the holding, following internal group discussions I believe the building on site is not necessary. The agent has stated its purpose is for the storage of agricultural vehicles and machinery used for the maintenance and upkeep of field boundaries and hedges on the farm holding. The farm maps provided (which aren't up-to-date as no single farm payment has been claimed so up-to-date farm maps are not provided by DAERA) show the holding being a modest 8.2hectare and no evidence of the machinery has been provided to justify a building of this size. It should be noted that the previous approval for a domestic shed with a footprint of 132sqm with the new building measuring 181sqm with the ridge height measuring similar to what was approved.

In terms of the character and scale of the building I am not satisfied it is appropriate for its location given the applicant hasn't justified the need for the building to be this large and it is not located on an active and established farm holding, it is therefore contrary to criteria B.

With regards to the building visually integrating, the building is visible when travelling north western on Brookmount Road however given how far it is set back from the road I am content it will integrate. Additional planting would be required on the southern and

western boundaries which has not been shown on the plans but could be addressed by way of a condition.

With regards to the impact on natural or built heritage the objector raised concerns regarding the development a trench being dug and pipes laid running in the direction of a watercourse. NIEA were consulted as a result of these comments and responded to state, "Water Management Unit note the letter of objection and advise that NIEA do not consent storm water discharges to the environment but do, where appropriate, consent discharges of effluents and potentially contaminated site drainage generated during construction or due to the activity taking place at the site." The applicant must refer to and adhere to relevant precepts in DAERA Standing Advice Discharges to the Water. They also stated Discharge to Consent may be required for the development. I am content as NIEA did not raise any planning concerns that the development will not have an adverse impact on the natural or built environment.

In terms of any impact on neighbouring amenity I am content that the proposal is far enough removed from any third party dwellings as to avoid any nuisance. The objector raised concerns regarding the use of the building was not for agricultural purposes but this can be dealt with by way of a planning condition should the application be approved to ensure it is only used for the storage of agricultural machinery and no livestock or business operations should take place in the premises.

As the proposal is for a new building, the applicant is also required to provide sufficient information to confirm all of the following:

- There are no suitable existing buildings on the holding or enterprise that can be used;
- The design and materials to be used are sympathetic to the locality and adjacent buildings; and
- The proposal is sited beside existing farm or forestry buildings.

Exceptionally, consideration may be given to an alternative site away from existing farm or forestry buildings, provided there are no other sites available at another group of buildings on the holding, and where:

- it is essential for the efficient functioning of the business; or
- there are demonstrable health and safety reasons.

As the proposal is to be the first agricultural building on the holding, the proposal cannot comply with the above policy requirements. The policy is silent on the provision for first agricultural buildings and as such this proposal fails to meet the policy criteria.

Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design. As previously mentioned, I am content the building integrates into the landscape but does require additional planting however does not rely solely on this new planting in order to integrate. As previously mentioned, I am not satisfied the design of the building is appropriate for the site and its locality as it is a large building and a strong enough case has been put forward justifying the need for a building of this size. As such fails to comply with CTY 13.

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 previously mentioned, I am content the proposal will not be a prominent feature in the landscape.

PPS 3: Access, Movement and Parking

DFI Roads development control offer no objection to the above mentioned proposal on the condition that it is constructed and maintained to that detailed on plan No 02. The vehicular access is existing and sight visibility lines of 2.4 x 60m are insitu and in place, to be maintained.

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

Reason 2

The proposal is contrary to Policy CTY12 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated that; there is an active and established farm holding, the building is necessary for the efficient use of the agricultural holding and in terms of character and scale it is not appropriate to its location.

Reason 3

The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that in terms of character and scale it is not appropriate to its location.

Signature(s): Ciaran Devlin

Date: 7 July 2023

| ANNEX | |
|--|-----------------|
| Date Valid | 9 January 2023 |
| Date First Advertised | 14 March 2023 |
| Date Last Advertised | 24 January 2023 |
| Details of Neighbour Notification (all addresses) | |
| <p>The Owner / Occupier 26A Brookmount Road Cookstown Londonderry BT80 0BB</p> | |
| Date of Last Neighbour Notification | 3 March 2023 |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> | |
| <p>Ref: LA09/2023/0025/F Proposals: Replacement Agricultural Shed Decision: Decision Date:</p> | |
| <p>Ref: I/1977/0095 Proposals: BUNGALOW Decision: PG Decision Date:</p> | |
| <p>Ref: I/1977/009501 Proposals: ERECTION OF FARMHOUSE BUNGALOW. Decision: PG Decision Date:</p> | |
| <p>Ref: I/1999/0641/F Proposals: Extension to dwelling to provide seperate accommodation. Decision: PG Decision Date: 04-MAY-00</p> | |
| <p>Ref: LA09/2021/0011/F Proposals: Replacement Shed</p> | |

Decision: PG
Decision Date: 04-MAR-21

Ref: I/2005/0047/F
Proposals: Proposed single storey dwelling & domestic garage.
Decision: PG
Decision Date: 15-MAR-05

Ref: I/2004/0432/RM
Proposals: Proposed Domestic Dwelling & Garage
Decision: PG
Decision Date: 17-JUN-04

Ref: I/2003/1042/O
Proposals: New Dwelling
Decision: PG
Decision Date: 21-JAN-04

Ref: I/2004/0675/O
Proposals: Proposed dwelling & domestic garage
Decision: PG
Decision Date: 29-SEP-04

Summary of Consultee Responses

DAERA - Coleraine-Consultee Response LA09-2023-0025-F.DOCX
Rivers Agency-75584 - Final Response.pdf
NIEA-PRT LA09-2023-0025-F.PDF
NIEA-PRT LA09-2023-0025-F.PDF
DFI Roads - Enniskillen Office-Roads Consultation - Full response.docxDC Checklist
1.doc

Drawing Numbers and Title

Site Layout or Block Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Proposed Plans Plan Ref: 03

Notification to Department (if relevant)

Not Applicable

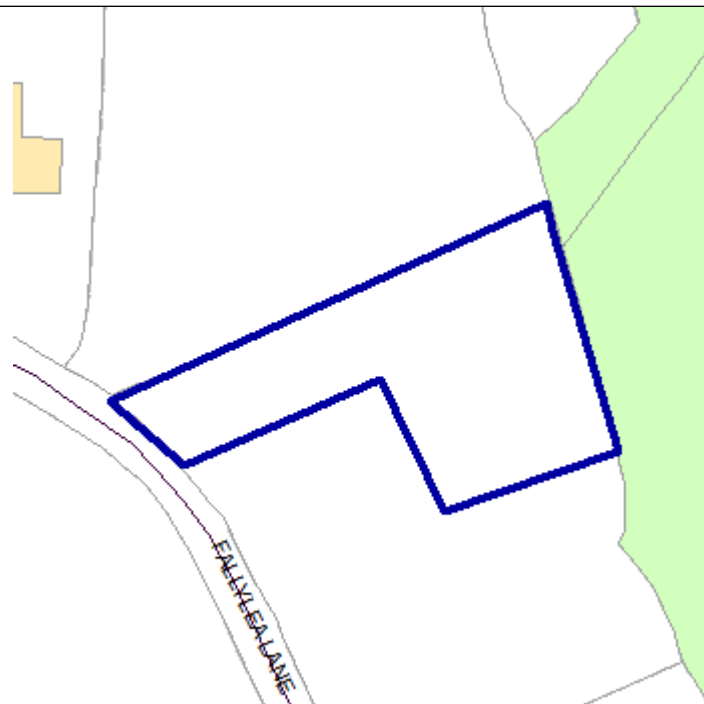


Development Management Officer Report Committee Application

| Summary | |
|--|---|
| Committee Meeting Date: 1 August 2023 | Item Number: 5.6 |
| Application ID: LA09/2023/0066/RM | Target Date: 5 May 2023 |
| Proposal: Two Storey Dwelling & Detached Garage | Location: 70M South East of 43 Fallylea Lane Maghera |
| Referral Route: Approve is recommended | |
| Recommendation: Approve | |
| Applicant Name and Address: Mr Michael & Leanne Warnock & McCrystal 22 Tirgan Road Moneymore Magherafelt BT45 7RZ | Agent Name and Address: Mr Joe Diamond 77 Main Street Maghera BT46 5AB |
| Executive Summary: The applicant is relative of a staff member of the Planning Section of Mid Ulster Council - Malachy Mc Crystal. | |

Case Officer Report

Site Location Plan



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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 | 0 |
| Number of Support Petitions and signatures | |
| Number of Petitions of Objection and signatures | |

Summary of Issues

Characteristics of the Site and Area

This application site is located 70 metres south east of No 43 Fallylea Lane, Maghera. It sits over 3.5 kilometres to the north west of Maghera village, with the Glenshane Road 800 metres to the south of the site. The site lies in the countryside as designated in the Magherafelt Area Plan, with the edge of the Sperrins AONB sitting approximately 200 metres to the north west. The surrounding area is typically rural with single dwellings

dispersed throughout and agricultural fields the dominant landuse.

The site occupies almost half of a flat agricultural field which sits alongside and to the east of Fallylea Lane. The existing agricultural entrance to the field is on the outer corner of a slight bend on this minor road. At the time of the site inspection, some round bales were stored in the field close to the gate. A triangular shaped field occupies a position to the north of the application site and has a very small opening where it accesses the public road. This field separates the site from No 43 Fallylea Lane which sits approximately 60 metres to the north west. A bungalow at No 39 sits approximately 100 metres to the south of the site.



The western boundary of the host field which runs along the roadside is an established hedgerow with gorse interspersed. The northern boundary of the site is hedgerow and some trees, with a post and wire fence securing the field. The western and southern boundaries are undefined as the site occupies the northern section of a field. The eastern boundary of the site is treed and beyond which runs a watercourse, located approximately 35 metres away at its closest.

Planning History

LA09/2021/1604/O - Site for a two-storey dwelling with a ridge height of 8.5m - 70M SE of 43 Fallylea Lane, Fallylea, Maghera – Approval - 18.08.2022

Description of Proposal

This application seeks Reserved Matters for a Two Storey Dwelling & Detached Garage on land 70M South East of 43 Fallylea Lane, Maghera.

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 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 on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th of 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.

Policy CTY 1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access and road safety. In particular Policy CTY 13 - Integration and Design of Buildings in the Countryside and Policy CTY 14 - Rural Character of PPS 21 are relevant to this proposal. These policies require development to be appropriately designed and integrated into the surrounding landscape to ensure the rural character of the area is not harmed.

As stated above, this application site benefits from outline planning permission under LA09/2021/1604/O which was granted permission in August 2022. The purpose of this application is to assess if the proposed dwelling complies with the conditions which were set out as part of the approved outline permission, along with CTY 13 and 14. This application has met the time constraints as set out in Condition 1 of the outline permission LA09/2021/1604/O as well as Condition 2 and 3 requirements. Condition No 4 which sets out the visibility splays of 2.4 metres by 45 metres in both directions and a forward sight distance of 45 metres has been achieved. Landscaping was covered in Condition 5 which required a native species hedgerow to the rear of the visibility splays, the planting of the southern and western boundaries, as well as the southern boundary of the new access. These have been shown on the Site Plan as well as a timber post and wire fence and it is therefore in compliance with this condition.

The permanent retention of the northern and eastern boundaries of the site was conditioned under No 6 and is also shown on the submitted Site Plan as below. Condition No 7 restricted the curtilage of the dwelling to a yellow shaded area in the

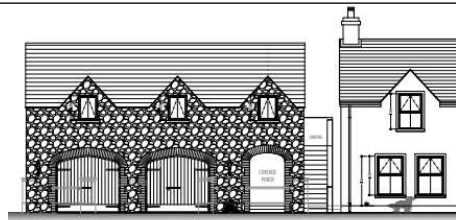
northern corner of the site while the remainder of the site shaded in orange is to be permanently retained for agricultural purposes. This condition has also been complied with.



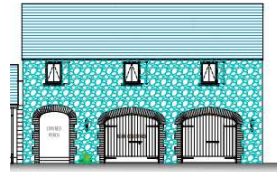
Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. This dwelling as discussed above has adhered to the siting restriction which was a part of the permission granted at outline stage. As this site is cut out of a larger field and as is required by Conditions 5 and 6 of the outline application, I feel that the implementation of the landscaping as indicated on the submitted drawings along the southern and western boundaries and the entire access laneway as well the retention of the existing boundaries will aid the integration of this development into the surroundings.

This application includes a large 2 storey dwelling with a detached garage. The main bulk of the dwelling is symmetrical in appearance and has a ridge height of 8.5m FFL with a chimney located at each end of the roof ridge. A flat roof single storey porch projection is centrally positioned on the front elevation and to the rear is a single-story return. A projection on the northern gable has a 7 metre ridge height FFL with a chimney at the end and a single storey projection at the southern gable has a ridge height of 4 metres FFL.

The garage is located north of the dwelling, covering a footprint of 92 sq. metres and measures 11.8 metres wide and 7.8 metres deep. It has a ridge height of 7.5 metres FGL with a set of external steps to the room at first floor level as seen below. This double garage proposes 2 arched double hardwood doors with a small arched feature allowing access to a covered porch as well as 3 v-shaped wall dormers on the front elevation facing the road. There are 2 windows at ground level, 1 v-shaped wall dormers and 2 roof lights to the rear elevation of the garage. The front elevation and the external steps are finished in basalt stone while remaining elevations are smooth painted render.



Initial



Amended

Following discussion of this proposal internally at Group, there were concerns regarding the bulk and mass of this development. The proposed garage and dwelling as initially configured gave the impression of a continuous built-up frontage of 38 metres in length. Although the garage was sited to the rear of the dwelling, it did not lessen the impression of this building mass.

In order to break up this undesirable appearance, the agent was asked to remove the dormers on the garage and to turn the orientation of the garage so the gable is facing the road. It resulted in the garage being sited further back into the corner of the site so as to allow for a courtyard area with an increased garden space to the rear of the dwelling. This created a more desirable frontage for this rural location and the finishes of smooth render walls with basalt stone to the single storey projection as well as the southern elevation and external stairs to the garage are deemed suitable.



In terms of Policy CTY 14, 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 surrounding area to this site is characterised by single detached dwellings and I am content this proposed dwelling and garage respects the pattern of development within the local area and will not damage the rural character of the area. There would be limited long term views of this site due to the intervening vegetation in the area and the minor road network. The existing treed boundary to the rear of the site provides a suitable backdrop and enclosure for the buildings.

I am satisfied the overall design is acceptable for this rural area and I am content this proposed dwelling complies with Policy CTY 13. It also meets the policy requirements of CTY 14 as it will not cause a detrimental change to the rural character of this immediate area. I am content the amenity of neighbouring properties will not be adversely impacted by this proposal in terms of overlooking or overshadowing as there is more than a

reasonable distance from the nearest dwellings to this site.

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

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

I am satisfied this proposal meets the policy requirements of PPS 21 and therefore approval 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 vehicular accesses, including visibility splays of 2.4 metres by 60 metres in both directions, shall be provided in accordance with Drawing No 01 Rev 2 date stamp 14th April 2021 prior to the commencement of any other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway before the development hereby permitted is commenced and such splays shall be retained and kept clear thereafter.

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

Condition 3

The access gradient shall not exceed 4% (1 in 25) over the first 10 metres outside the road boundary. Where the vehicular access crosses footway or verge, 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

All existing trees and hedges along the southern boundary of the site shall be permanently retained, hedges to their existing height and the trees to a minimum height of 3 metres, unless necessary to prevent danger to the public, in which case a full explanation shall be given to the Council in writing prior to their removal.

Reason: In the interests of visual amenity and to ensure the maintenance of screening to the site.

Condition 5

During the first available planting season following the occupation of the dwelling hereby approved, the landscaping scheme as agreed on Drawing No 01 REV 2 date stamp received 14th April 2021 shall be implemented and all trees and hedges are to be permanently retained thereafter. Any tree, shrub or other plant identified in the landscaping scheme dying within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: To ensure the provision of a high standard of landscape and to safeguard biodiversity.

Signature(s): Cathy Hughes

Date: 19 July 2023

| ANNEX | |
|---|-----------------|
| Date Valid | 20 January 2023 |
| Date First Advertised | 31 January 2023 |
| Date Last Advertised | 31 January 2023 |
| Details of Neighbour Notification (all addresses) The Owner / Occupier 43 Fallylea Lane, Fallylea, Maghera., | |
| Date of Last Neighbour Notification | 20 January 2023 |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> Ref: LA09/2021/1604/O Proposals: Site for a two storey dwelling with a ridge height of 8.5m. Decision: PG Decision Date: 29-SEP-22 Ref: H/2004/1326/F Proposals: 11 KV Supply Decision: PG Decision Date: 30-DEC-04 Ref: LA09/2023/0066/RM Proposals: Two Storey Dwelling & Detached Garage Decision: Decision Date: | |
| Summary of Consultee Responses DFI Roads - Enniskillen Office-RM 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
Proposed Elevations Plan Ref: 04

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

| Summary | |
|---|--|
| Committee Meeting Date: 1 August 2023 | Item Number: 5.7 |
| Application ID: LA09/2023/0087/O | Target Date: 11 May 2023 |
| Proposal: Proposed dwelling with detached domestic garage | Location: Site Approx 50M East of 90 Screeby Road Fivemiletown |
| Referral Route: Approve is recommended | |
| Recommendation: Approve | |
| Applicant Name and Address: Mr Ian & Gillian Browne 47 Screeby Road Fivemiletown BT75 0LF | Agent Name and Address: Mr Neil Irvine 132 Main Street Unit 5 The Buttermarket Fivemiletown BT75 0PW |
| Executive Summary: <p>This proposal is essentially a renewal of planning permission LA09/2016/0235/O. The applicant is a Category 1 farmer with only one building to site with. The applicant is unable to site beside the group of buildings associated with the chicken house on the farm holding due to bio-security issues. There are no other groups of buildings on the farm, and although there is only one building here it has previously been accepted under CTY 10 with the approval of LA09/2016/0235/O. The site has not altered since this approval. I consider this application should be approved as an exception within policy CTY 10 of PPS 21.</p> | |

Case Officer Report

Site Location Plan



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Consultations:

| Consultation Type | Consultee | Response |
|-------------------------|--------------------------------|-----------------------|
| Statutory Consultee | DFI Roads - Enniskillen Office | Outline resp.docx |
| Non Statutory Consultee | DAERA - Omagh | LA09-2023-0087-O.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 objections or representations received.

Characteristics of the Site and Area



The site is located within the rural area approximately 2.2km north-east of Fivemiletown along Screeby Road and is outwith any settlement limits as set down in the Dungannon and South Tyrone Area Plan 2010. The site is a 0.35ha parcel of land, located to the east of No. 90 Screeby Road which is not associated with this site. The site is an agricultural field which rises slightly from the road, with an agricultural building in the rear corner of the site. A dwelling and agricultural buildings lie to the immediate west of the site. The site is roughly square shaped, with the northern and eastern boundaries of the site defined by a post and wire fence. The southern (roadside) boundary is defined by deciduous hedging with 3 no. mature trees along it. Conifers define the western boundary as well as along the southern boundary and within the SW corner of the site. There is little recent development pressure in the area, with existing development taking the form of mostly single dwellings with associated outhouses.

Description of Proposal

Proposed dwelling with detached 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 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.

Relevant history

Ref: LA09/2016/0235/O

Proposals: Proposed dwelling with domestic detached garage

Decision: PG

Decision Date: 02-AUG-16

Representations

One (1) neighbouring property was identified to be notified and press advertisement has been carried out in line with the Council's statutory duty. I spoke with the occupier of No. 90 at the time of my site inspection and he advised they are not associated with the site, but are aware of this planning application. To date no letters of representation have been received.

Dungannon and South Tyrone Area Plan 2010

The site lies outside any settlement limit defined in the Dungannon and South Tyrone Area Plan 2010 and is not subject to any area plan designations, as such, existing planning policies should be applied in this assessment.

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 an Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

SPPS – Strategic Planning Policy Statement for Northern Ireland

The SPPS 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. It does not present any change in policy direction therefore existing policy applies.

PPS 3 – Access, Movement and Parking

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal involves a new access onto Screeby Road. DFI Roads have been consulted and have no objections subject to a plan at 1:500 scale to be submitted as part of the reserved matters application, showing sightlines of 2.4m x 60m in both directions and a forward sight distance of 60m as per the RS1 form. This will involve the set back of the existing hedge

to achieve these visibility splays.

Planning Policy Statement 21 - Sustainable Development in the Countryside

CTY 1 allows for a new dwelling in the countryside provided it meets with the criteria specified in other policies within the document. Planning permission will be granted for an individual dwelling house in the countryside in the following cases:

- a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;
- a replacement dwelling in accordance with Policy CTY 3;
- a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;
- a dwelling to meet the essential needs of a non-agricultural business enterprise in accordance with Policy CTY 7;
- the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or
- a dwelling on a farm in accordance with Policy CTY 10.

CTY 10 of PPS21 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
DAERA have been consulted and have confirmed that the Farm Business ID has been in existence for the required 6 year period. They have also confirmed that payments are currently being claimed by the farm business and that the proposed site is located in a field which is under the control of the farm business identified on the P1C form. From this I am satisfied that the farm business is currently active and 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

I have carried out a planning history search of the applicants holding and I am satisfied there are no planning approvals that could be considered as development opportunities to be sold/transferred off within the past ten years. As some of the farm holding is within Fermanagh Omagh District Council, the agent was asked to advise if there are any relevant planning applications within the last ten years on the lands owned by the applicant which are not within the Mid Ulster District Council area. He has confirmed there have been no relevant domestic dwelling planning applications within the last ten years on all lands owned by the applicant.

(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.

There is an agricultural building within the red outline of the site which comprises

an open silo pit, a closed silo pit, a 4 bay cattle shed, crush and pen. Approximately 200m from the site, on the other side of the public road, is a free range poultry house with a litter store, 2no meal storage bins and a wash water storage tank shown under the applicant's control and within their ownership. These were approved under LA09/2017/1668/F. Although there is now a group of buildings on the farm holding I do not consider it would be possible to site beside these buildings due to bio-security issues. There are no other groups of buildings on the farm.

It was assessed under LA09/2016/0235/O that a dwelling on this site would visually link and cluster with the farm building on site as well as with other agricultural buildings adjacent to the site (albeit not a group of buildings on this particular farm) and was granted permission under CTY 10 of PPS21. The approval on site is a relevant material consideration given there has been no change in policy since this approval was granted. I feel it would be unduly harsh to refuse this application given the previous approval on site, as this application is essentially a renewal of LA09/2016/0235/O. For these reasons I consider this application could be considered an exception to policy. A new access is proposed as it is not practicable to obtain access from an existing lane.

CTY 13 – Integration and Design of Buildings in the Countryside and CTY 14 – Rural Character

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. As this is an outline application the design elements of CTY 13 cannot be dealt with under this application but will be considered under any RM or Full application. I do not deem it necessary to put a ridge height condition on any new dwelling as none was considered necessary under LA09/2016/0235/O and the site has not altered significantly in the meantime. There is a two storey dwelling adjacent to the site. There are no long term critical views of the site when travelling east along the public road due to the existing development to the west of the site. When travelling west a dwelling here will read with the existing development to the west. A new dwelling here will not be a prominent feature in this landscape and will be in keeping with the existing character of the area. I am of the opinion that a dwelling here will integrate and will not be prominent in the countryside. I am satisfied the proposal meets policy CTY 13. Existing and proposed levels will have to be provided with any approval, along with a comprehensive landscaping plan, including details of what vegetation will have to be removed, what is to be retained and what additional planting to mitigate against any removal is proposed.

CTY 14 of PPS21 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A proposed dwelling on this site will not be unduly prominent in the landscape as it will be screened from any long term views. A dwelling here will not contribute to a localised sense of build-up and respects the tradition pattern of

settlement. I have no concerns with the creation of ribboning and am content that the proposed dwelling in this location will not erode the rural character of this area. I consider the proposal complies with CTY 14.

Other 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.

In addition to checks on the planning portal, Natural Environment Division (NED) map viewer available online has been checked and did not identify any natural heritage interests on site to raise any concerns in relation this proposal and I have no ecological or residential amenity concerns.

From assessment of the Rivers Agency Strategic Flood Hazards and Flood Risks Map (NI) I have no flooding concerns. In addition, I have no ecological or residential amenity concerns.

I consider that giving determining weight to the recent approval on site LA09/2016/0235/O which was approved under this same policy, and the bio-security issues with siting with the exiting group of buildings on the farm, this application should be approved as an exception to policy.

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

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

Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4m x 60.0m and a forward sight distance of 60.0m shall be provided in accordance with a 1/500 scale site plan as submitted and approved at Reserved Matters stage. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter. This plan shall show the access to be constructed and other requirements in accordance with the RS1 form uploaded to the planning portal.

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

Condition 4

No development shall take place until a plan of the site has been submitted to and approved by the Council indicating the existing and proposed contours, the finished floor level(s) of the proposed building(s) and the position, height and materials of any retaining walls. Development shall be carried out in accordance with the approved plans.

Reason: To ensure the development takes account of the site's natural features and to safeguard the amenities of the proposed dwellings.

Condition 5

During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development; details of a native species hedge to be planted to the rear of the visibility splays and along all new boundaries of the site. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: In the interests of visual amenity, to protect the rural character of the countryside and ensure the development satisfactorily integrates into the countryside

Signature(s): Deirdre Laverty

Date: 30 June 2023

| ANNEX | |
|---|-----------------|
| Date Valid | 26 January 2023 |
| Date First Advertised | 9 February 2023 |
| Date Last Advertised | 9 February 2023 |
| Details of Neighbour Notification (all addresses) The Owner / Occupier 90 Screeby Road Fivemiletown BT75 0LG | |
| Date of Last Neighbour Notification | 31 January 2023 |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> | |
| <p>Ref: LA09/2016/0235/O Proposals: Proposed dwelling with domestic detached garage Decision: PG Decision Date: 02-AUG-16</p> <p>Ref: M/2009/0265/O Proposals: Site for farm dwelling house with detached domestic garage Decision: PG Decision Date: 15-OCT-09</p> <p>Ref: M/2004/1323/F Proposals: Extension to dwelling Decision: PG Decision Date: 12-OCT-04</p> <p>Ref: M/1993/0675 Proposals: Site for replacement Dwelling Decision: PG Decision Date:</p> <p>Ref: M/1993/0675B Proposals: Replacement dwelling</p> | |

Decision: PG
Decision Date:

Ref: M/2000/0217/F
Proposals: Double Garage with store room.
Decision: PG
Decision Date: 13-APR-00

Ref: LA09/2023/0087/O
Proposals: Proposed dwelling with detached domestic garage
Decision:
Decision Date:

Ref: M/2000/0288/F
Proposals: Rural Spur.
Decision: PG
Decision Date: 15-MAY-00

Ref: M/1991/4034
Proposals: Improvements to dwelling
Decision: PDNOAP
Decision Date:

Ref: M/2011/0138/F
Proposals: Erection of dwelling house with detached double domestic garage
Decision: PG
Decision Date: 13-APR-11

Ref: LA09/2017/1668/F
Proposals: Proposed 1 free range poultry house with Litter Store, 2no meal storage bins, wash water storage tank and associated access & turning area (to contain 16,000 free range egg laying hens) - details and locations of perimeter fences
Decision: PG
Decision Date: 08-MAR-19

Ref: M/1999/0337
Proposals: Site for dwelling house and garage
Decision: PG
Decision Date:

Ref: M/1999/0898/F
Proposals: One and a half storey dwelling with domestic garage
Decision: PG
Decision Date: 11-JAN-00

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Outline resp.docx
DAERA - Omagh-LA09-2023-0087-O.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01 Rev 1
Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

| Summary | |
|--|---|
| Committee Meeting Date: 1 August 2023 | Item Number: 5.8 |
| Application ID: LA09/2023/0170/O | Target Date: 31 May 2023 |
| Proposal: Proposed site for new replacement dwelling | Location: To The rear of and Approx 30M East of 87 Kinrush Road Cookstown |
| Referral Route: Refuse is recommended | |
| Recommendation: Refuse | |
| Applicant Name and Address: Maurice McKenna 87 Kinrush Road Coagh Cookstown BT80 0HP | Agent Name and Address: Gibson Design & Build 25 Ballinderry Bridge Road Coagh Cookstown BT80 0BR |
| Executive Summary: Contrary to CTY 3 of PPS 21. | |

Case Officer Report

Site Location Plan



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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 red line of the site includes a portion of lands set back slightly from the Kinrush Road. The lands directly to the west of the site are outlined in blue, indicating ownership and include an existing dwelling and garage. The lands are generally flat throughout and within the red line of the site is an existing mobile home. There is existing trees and

landscaping to the south of the site with the remainder of the boundaries being defined by post and wire fencing. The surrounding area is rural in nature, scattered with single dwellings and associated outbuildings.

Description of Proposal

Outline planning permission is sought for a proposed site for new replacement dwelling.

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. Neighbours notified include: 87 Kinrush Road. At the time of writing, no third party representations were received.

Planning History

There is not considered to be any relevant planning history associated with this site.

Planning Assessment of Policy and Other Material Considerations

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

The site is located outside any defined Settlement Limit in the rural countryside and the site has no other zonings or designations related to the site.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. 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 Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. It notes the importance of sustainable development in the countryside which promotes high standards in the design, siting and landscaping. It doesn't offer any change in policy direction with regards to replacement dwellings.

Policy CTY 1 states that there are a range of types of development which in principle are considered to be acceptable in the countryside, one of these being a replacement

dwelling in accordance with Policy CTY 3. Policy CTY 3 of PPS 21 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact. The structure in question is shown below in figure 1. CTY 3 notes that **“buildings of a temporary construction will not be eligible for replacement under this policy”** and as such the proposal is deemed contrary to policy and is recommended for refusal. As seen in figure 1 below, the structure is clearly a mobile home and thus cannot be considered as a permanent structure for which is what this policy caters for.



Figure 1 – Mobile home to be replaced.

The agent referred to a different case approved in MUDC, LA09/2017/0896/O and LA09/2018/0363/RM. I have looked into the circumstances surrounding this case and would note that the building was considered a more permanent construction given that it was able to function and operate as a lawful dwelling as a result of an approval for the certificate of lawfulness at this site, LA09/2017/0279/LDE. Looking at google street view, it is evident that a mobile home has been located at this site for over the last 10 years. It appears there has been a change in the mobile home during this time, however it appears to be located roughly in the same location. Even if a CLUD were to be granted at this site for the mobile home as a result of immunity, there are no guarantees that this would result in a replacement opportunity as each application is assessed on its own merits and again CTY 3 is clear in its policy noting that buildings of a temporary

construction are not eligible for replacement.

CTY 3 goes on to note a further five criterion which all must be met also, however, as this is an outline application the details of the siting, design and size etc have not been provided at this time and thus it is hard to assess against each of these criterion. The site location plan would suggest that the siting would be immediately east of the structure and thus is just outside the existing curtilage. In terms of size and scale, if approval were to be forthcoming, I would recommend that a ridge height restriction would be attached, given the surrounding properties and the structure to be replaced. Policy 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. I would have some concern relating to the natural boundaries which would surround the site and if there is a suitable degree of enclosure for the building to integrate into the landscape.

The applicant/agent has indicated on the P1 form that the proposal intends to utilise the existing access onto Kinrush Road. DfI Roads were not consulted as the proposal is for a replacement dwelling which is using an existing access arrangement.

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 Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building is of a temporary construction.

Signature(s): Sarah Duggan

Date: 19 July 2023

| ANNEX | |
|---|------------------|
| Date Valid | 15 February 2023 |
| Date First Advertised | 28 February 2023 |
| Date Last Advertised | 28 February 2023 |
| Details of Neighbour Notification (all addresses) The Owner / Occupier 87 Kinrush Road, Cookstown, Tyrone, BT80 0HP | |
| Date of Last Neighbour Notification | 21 February 2023 |
| Date of EIA Determination | |
| ES Requested | <events screen> |
| <u>Planning History</u> | |
| <p>Ref: I/1999/0781/O Proposals: Site for Dwelling Decision: PG Decision Date: 09-FEB-00</p> <p>Ref: I/1994/0409 Proposals: Site for Dwelling Decision: PG Decision Date:</p> <p>Ref: I/1994/6084 Proposals: Site Ardboe airfield Decision: QL Decision Date:</p> <p>Ref: I/1994/0410 Proposals: Site for Bungalow Decision: PG Decision Date:</p> <p>Ref: I/1999/0780/O Proposals: Site for Dwelling</p> | |

Decision: PG
Decision Date: 09-FEB-00

Ref: I/1999/0530/O
Proposals: Dwelling
Decision: PG
Decision Date: 04-JAN-00

Ref: I/2001/0164/F
Proposals: One and a half storey dwelling and garage
Decision: PG
Decision Date: 18-JUN-01

Ref: I/2007/0361/F
Proposals: Disabled bathroom extension at rear single storey dwelling, disabled access ramp to rear and side of dwelling, minor works also(internal)
Decision: PG
Decision Date: 22-JUN-07

Ref: LA09/2021/1274/F
Proposals: Proposed dwelling with 6.5m Ridge height
Decision: PG
Decision Date: 11-MAY-22

Ref: I/1976/0097
Proposals: RECONDITIONING FARMHOUSE
Decision: PG
Decision Date:

Ref: LA09/2021/0057/O
Proposals: Infill site for dwelling & garage
Decision: PG
Decision Date: 22-JUN-21

Ref: I/2005/0858/O
Proposals: Proposed dwelling house and garage
Decision: PG
Decision Date: 08-MAR-06

Ref: I/2006/0682/RM
Proposals: Proposed dwelling house & garage
Decision: PG
Decision Date: 20-DEC-06

Ref: I/1998/0510
Proposals: Proposed Site for Dwelling

Decision: PG
Decision Date:

Ref: I/2002/0329/O
Proposals: Proposed Dwelling
Decision: PR
Decision Date: 14-MAR-03

Ref: I/2004/0746/O
Proposals: Proposed domestic dwelling and domestic garage
Decision: PR
Decision Date: 14-OCT-04

Ref: I/2000/0444/F
Proposals: Dwelling and domestic store/garage
Decision: PG
Decision Date: 31-JUL-00

Ref: I/1976/0279
Proposals: II KV O/H LINE
Decision: PG
Decision Date:

Ref: I/2000/0472/O
Proposals: Site for dwelling
Decision: PG
Decision Date: 22-JUN-01

Ref: LA09/2023/0170/O
Proposals: Proposed site for new replacement dwelling
Decision:
Decision Date:

Summary of Consultee Responses

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Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable