



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2018/1056/F	Target Date:
Proposal: Proposed additional 5.5m wide vehicular access, 2no 2m wide footpaths interlinked into existing footpath network including associated right turning lane to The Olde Fairways Residential Development adjacent to 90 Colebrooke Road, Fivemiletown, BT75 0TE in substitution to previous 3m wide shared foot and cycle path approved under M/2008/0501/F.	Location: Proposed Additional Vehicular Access To The Olde Fairways Residential Development Adjacent To 90 Colebrooke Road Fivemiletown BT75 0TE.
Applicant Name and Address: Rahoran Limited C/O 103 Main Street Fivemiletown BT75 0PG	Agent Name and Address: Neil Irvine Design Limited Unit 5 Buttermarket 132 Main Street Fivemiletown BT75 0PW
Summary of Issues: This application involves the loss of an area approved as open space and it is intensifying the use of an existing access onto a protected route where the number of new accesses and the intensification of the use of accesses are severely restricted. In this case the proposal for an additional access to this large housing site will be designed to the appropriate standard and by sharing the volume of traffic for this 274 unit housing development, will reduce traffic noise and related nuisance at the existing entrance thereby improving the quality for these residents.	

Summary of Consultee Responses:

DFI Roads - 4.5m x 120.0m sight lines to be provided and the scheme to be built to Private Streets Standards.

Characteristics of the Site and Area:

This site is located within the development limit of Fivemiletown and incorporates No. 90 Colebrook Road and an existing strip of land located between No. 90 and 88 Colebrook Road and to the east of 12 and 14 The Olde Firways.

No. 90 is a generous plot with a detached single storey dwelling and double garage with sizable front and rear garden areas. A ranch style 3 rail timber fence defines the roadside boundary, with a 2m close boarded timber fence defining the remaining boundaries.

The grass strip shares part of its NE boundary with No. 88 and is defined by a 'D' Rail fence, close boarded fence and leylandii hedgerow. The SW boundary of the grass strip is shared with the curtilage boundaries of No. 90 and No. 12 and 14 The Olde Firways. The remaining boundaries are not defined with the SE and NE being open to agricultural land.

This site is located approx. 110m NE from the existing approved and built vehicular access to The Olde Firways.

Properties along Colebrook Road respect a common building line and are a mix of detached single and two storey dwellings with individual access onto a protected route within settlement limits, with the Olde Firways development located to the south. Densities are greater in the Olde Firways which is a mix of detached and semi-detached 2 storey dwellings.

Description of Proposal

This is a full planning application for an additional 5.5m wide vehicular access, 2no 2m wide footpaths interlinked into existing footpath network including associated right turning lane to The Olde Fairways Residential Development adjacent to 90 Colebrooke Road, Fivemiletown, BT75 0TE. This is to substitute previous 3m wide shared foot and cycle path approved under M/2008/0501/F.

Deferred Consideration:

This application was before the Planning Committee in December 2018 where it was deferred for the developer to submit further information for consideration.

Since the meeting in December 2018 the applicant has been in continuous consultation with DFI Roads to agree a safe and acceptable design for this access as it is onto a protected route within a settlement limit.. Members will be aware that new accesses and intensification of use of existing accesses on to Protected Routes are limited by policy as it is desirable to promote free flowing traffic along these routes and a proliferation of access points would hinder this. Policy AMP3 in PPS3 allows a new access or intensification of use of an existing access on to a Protected Route in this location if it can be demonstrated the nature and level of access will significantly assist in the creation of a quality residential environment without compromising standards of road safety or result in a proliferation of access points. In this case the proposal involves relocating the access to No 90 and

upgrading it to an acceptable standard for DFI Roads specification. This is not, in my opinion adding to the number of access points onto the Protected Route, it is however intensifying the use of an access point. I can advise DFI Roads have now agreed an acceptable access design and offered conditions about private streets determination and this deal with one aspect of AMP3.

In respect of the quality residential environment, I can advise members there are 274 residential units approved in this housing development, at the moment all traffic within the site must use one access onto the road. There were plans passed for linkages through an adjacent site which has another access closer to the village centre access Coolebrook Road, however this does not appear to have commenced on the ground. While the housing roads were design to accommodate this amount of traffic, the houses at the front part of this site will have all the noise of the traffic passing by them on a constant basis. To allow the traffic to be split will, in my opinion improve the quality for the residents of these houses. Members may also consider the overall benefit to allowing an additional access to be created as this will ensure, in the event of any blockages at the entrance, access is still available to the 274 residential units in this development.

As DFI Roads are not concerned about the safety of the access and there are clear benefits to the quality of the housing development recommend this application is approved

Conditions:

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

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

2. The visibility splays of 4.5 metres by 120.0 metres at the junction of the proposed access road with the public road, shall be provided in accordance with Drawing No. 04/7 received 17 October 2023, prior to the commencement of any other works or other development. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

PSD01. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Department has determined that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No 04/7 received 17 October 2023.

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

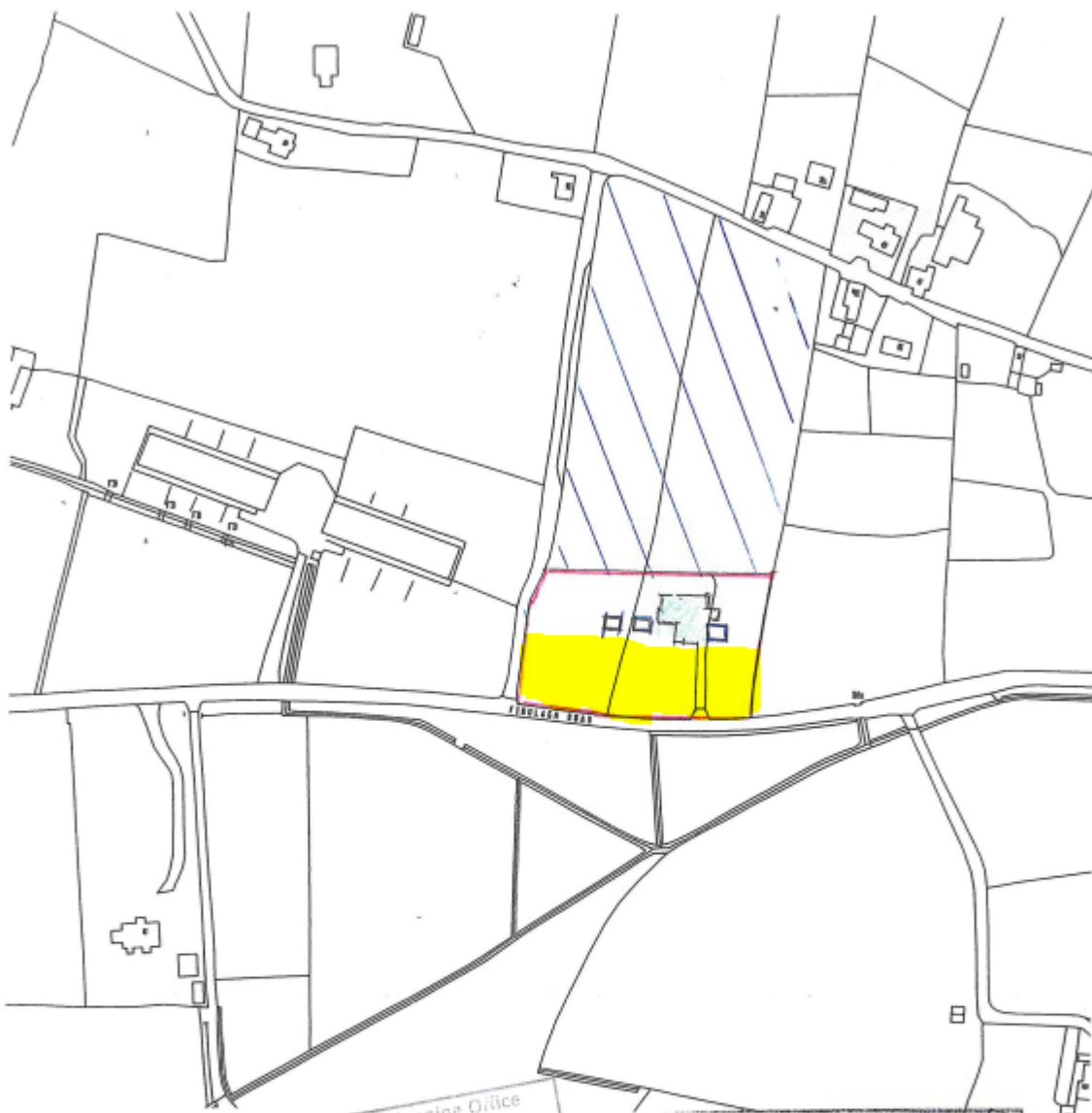
PSD02. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The access road hereby permitted shall not become operational until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number 04/7 received 17 October 2023. The Department has attached to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

Signature(s)

Date:



3 Planning Office
RECEIVED
19 AUG 2022
File No.
Mid Ulster District Council

Mid Ulster District Council
Drawing
Number. 01

Proposed Dwelling in Compliance with
Planning Policy 23 & (Infill Gap Site)
at 15 Fintona Rd Ardaraughfield
Dungannon For Mr Ryan McGee

DATE August 2022
SCALE 1/2500
O.S. GRID REF: 159:12
AND 160-09



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4th December 2018	Item Number:
Application ID: LA09/2018/1056/F	Target Date:
Proposal: Proposed additional 5.5m wide vehicular access, 2no 2m wide footpaths interlinked into existing footpath network including associated right turning lane to The Olde Fairways Residential Development adjacent to 90 Colebrooke Road, Fivemiletown, BT75 0TE in substitution to previous 3m wide shared foot and cycle path approved under M/2008/0501/F.	Location: Proposed additional vehicular access to The Olde Fairways Residential Development adjacent to 90 Colebrooke Road Fivemiletown BT75 0TE.
Referral Route: Recommendation to refuse	
Recommendation:	Refusal
Applicant Name and Address: Rahoran Limited C/O 103 Main Street Fivemiletown BT75 0PG	Agent Name and Address: Neil Irvine Design Limited Unit 5 Buttermarket 132 Main Street Fivemiletown BT75 0PW
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Description of proposal

This is a full planning application for an additional 5.5m wide vehicular access, 2no 2m wide footpaths interlinked into existing footpath network including associated right turning lane to The Olde Fairways Residential Development adjacent to 90 Colebrooke Road, Fivemiletown, BT75 0TE. This is to substitute previous 3m wide shared foot and cycle path approved under M/2008/0501/F.

Characteristics of Site and Area

This site is located within the development limit of Fivemiletown and incorporates No. 90 Colebrook Road and an existing strip of land located between No. 90 and 88 Colebrook Road and to the east of 12 and 14 The Olde Firways.

No. 90 is a generous plot with a detached single storey dwelling and double garage with sizable front and rear garden areas. A ranch style 3 rail timber fence defines the roadside boundary, with a 2m close boarded timber fence defining the remaining boundaries.

The grass strip shares part of its NE boundary with No. 88 and is defined by a 'D' Rail fence, close boarded fence and leylandii hedgerow. The SW boundary of the grass strip is shared with the curtilage boundaries of No. 90 and No. 12 and 14 The Olde Firways. The remaining boundaries are not defined with the SE and NE being open to agricultural land.

This site is located approx. 110m NE from the existing approved and built vehicular access to The Olde Firways.

Properties along Colebrook Road respect a common building line and are a mix of detached single and two storey dwellings with individual access onto a protected route within settlement limits, with the Olde Firways development located to the south. Densities are greater in the Olde Firways which is a mix of detached and semi-detached 2 storey dwellings.

Planning Assessment of Policy and Other Material Considerations

Area Plan

Dungannon and South Tyrone Area Plan 2010- The site is located within the development limits of Fivemiletown on land zoned as an area of constraint on mineral developments. Access is onto a protected route. The policy provisions of Strategic Planning Policy Statement (SPPS) and PPS3 Access, Movement and Parking apply.

3rd party representations

No representations have been received.

Relevant Planning History

M/2008/0501/F- Proposed residential housing development consisting of 19 detached houses, 1 block of 3 apartments, 2 blocks of 6 apartments, 1 block of 4 apartments, 1 block of 24 apartments, 110 semi-detached houses and 102 townhouses (Total 274) on lands to the rear of No 50-92 Colebrook Road and "The Olde Fairways", Colebrook Road, Fivemiletown, entrance via "The Olde Fairways" for Tullyherron Development Ltd. Permission was granted 22.09.2011.

Consideration

This proposal is to replace an area of proposed open space which was granted permission under M/2008/0501/F with a new vehicular access road, associated footways and right hand turning lane on Colebrook Road. The proposed area of open space granted under M/2008/0501/F incorporated a cycle/walkway between No.s 88 and 90 Colebrook Road flanked on both sides by green area and provided a link into to the proposed development from Colebrook Road, measuring approx 0.1ha.

The subject site incorporates the proposed area of open space (granted by the 2008 permission and site No. 90 Colebrook Road. No reason for this access position has been proffered by the agent. I sent an e-mail on 13.09.2018 seeking justification for this proposed vehicular access given that a perfectly good and usable access point was granted under the 2008 application. I phone the agent on 17.10.18 for an update on the required information and said he would forward something within 3 weeks. Nothing has been received to progress this planning application.

PPS3 Access, Movement and Parking policy AMP3- Access to Protected Routes states that planning permission will only be granted for a proposal involving residential development where it is demonstrated that the nature and level of access onto the Protected Route will significantly assist in the creation of a quality environment without compromising standards of road safety or resulting in an unacceptable proliferation of access points. It is clear that there is an existing safe access in place that can serve this development which is just over 100m from the proposed new access position. No clear reason has been provided as to why the new access is required. In my view this will lead to an unacceptable proliferation of access points onto Colebrook Road and should be refused.

There is insufficient information to demonstrate that a safe and satisfactory access, including right hand turning lane, can be provided for under this application and additional information required by DfI Roads to make a full and proper assessment has not been provided. The proposal is also contrary to Policy AMP2 Access to Public Roads in that it has not been

demonstrated that the proposed access will not prejudice road safety or significantly inconvenience the flow of traffic.

An area of open space is also being removed as part of a previous permission M/2008/0501/F. It has not been demonstrated by the applicant/agent if this will impact on the overall open space development for the wider permission, and, should this be allowed then a poor precedent for other developments may be set in terms of allowing an alternative use for areas of open space. The applicant/agent has to provide information to show existing provision and how removal of this area will impact on the wider development. The proposal is contrary to PPS7 Quality Residential Environments and PPS8 Open Space, Sport and Outdoor Recreation.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That planning permission be refused for the following reasons;

Refusal Reasons

1. The proposal is contrary to PPS7 Quality Residential Environments policy QD1 part (c) and PPS8 Open Space, Sport and Outdoor Recreation Policy OS2 in that the proposal will result in the loss of area of open space and insufficient information has been provided to demonstrate that sufficient open space has been provided in the wider permission M/2008/0501/F.

2. The proposal is contrary to PPS3 Access, Movement and Parking policies AMP2 and AMP3 in that it would result in an unacceptable proliferation of access points along a protected route and there is insufficient information to demonstrate that a safe and satisfactory access can be achieved onto the public road.

Signature(s)

Date:

ANNEX	
Date Valid	3rd August 2018
Date First Advertised	16th August 2018
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 10 The Olde Fairways Fivemiletown Tyrone</p> <p>The Owner/Occupier, 11 The Olde Fairways Fivemiletown Tyrone</p> <p>The Owner/Occupier, 12 The Olde Fairways Fivemiletown Tyrone</p> <p>The Owner/Occupier, 14 The Olde Fairways Fivemiletown Tyrone</p> <p>The Owner/Occupier, 15 The Olde Fairways, Fivemiletown, Tyrone, BT75 0SD,</p> <p>The Owner/Occupier, 88 Colebrook Road Fivemiletown Tyrone</p> <p>The Owner/Occupier, 9 The Olde Fairways, Fivemiletown, Tyrone, BT75 0SD,</p> <p>The Owner/Occupier, 90 Colebrook Road, Fivemiletown, Tyrone, BT75 0SA,</p> <p>The Owner/Occupier, 92 Colebrook Road Fivemiletown Tyrone</p>	
Date of Last Neighbour Notification	14th August 2018



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Magherafelt
BT45 6EN

Further Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/0729/F	Target Date: <add date>
Proposal: Proposed site for 5 no detached dwellings and garages (inclusion of footpath along public road) (additional plans received re footpath provision)	Location: 40m West of 16 Annaghmore Road Coalisland
Applicant Name and Address: Mr Conor Tennyson 39 Cloghog Road Coalisland BT71 5EH	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge Magherafelt BT41 3SG
Summary of Issues: <p>This application was before the Committee in October 2023 with a recommendation to approve. Following the meeting it was discovered that an error had occurred which resulted in the objection received on 13 September 2023 being uploaded against a different application on the planning portal and was not viewable against this application. Members are advised the objection was referred to in the previous report, however the application has been brought back to ensure members are aware of all the issues before reaching a decision on this application.</p>	
Summary of Consultee Responses: DFI Roads - provided conditions in the event of approval, no concerns raised in relation to the objections or road safety, will adopt the footpath Environmental Health Department –no objections in relation to noise impact on future occupants NI Water – capacity available at receiving wwtw	

Characteristics of the Site and Area:

The site is located within the development limits of Annaghmore, a small village located approx. 1.7km east of Coalisland, as defined in the Dungannon and South Tyrone Area Plan 2010. At present the site is an agricultural field used for rough grazing. There is a mature tree lined hedgerow along the southern boundary. The western boundary is adjacent to a small public road that loops from Gortgonis Road to Annaghmore Road, and this boundary is defined by an agricultural field gate that provides access to the field, a small grass verge behind which grows and tree lined hedgerow. The northern boundary is shared with 2 private detached dwellings to the north, and is defined by a patchy tree lined hedgerow, and some fencing. The eastern boundary, where it is proposed to access the new development, is defined by some trees and hedging. To the south of the site is open countryside where there is a character of dispersed single dwellings and small farm holdings, with land being used mostly for agricultural purposes. To the NW of the site there are some industrial development along Gortgonis Road. To the north is the village of Annaghmore, which has its own local services and businesses, and there is a primary school nearby, however the predominant landuse within the village is residential of a mix variety, including detached single and 2 storey, semi-detached 2 storey, and terraced dwellings.

Description of Proposal

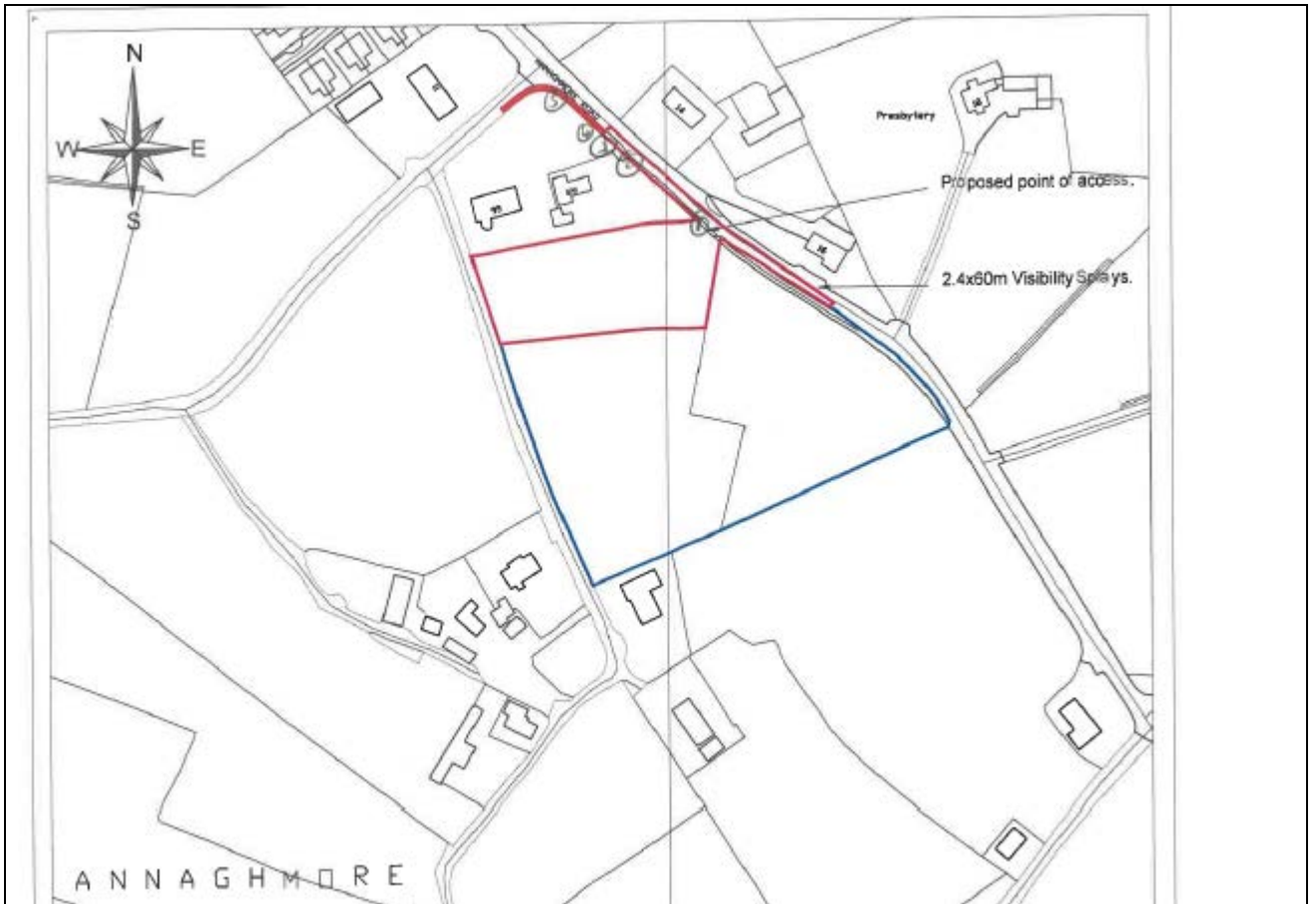
This is a full planning application for 5 no detached dwellings and garages with the inclusion of a footpath along public road.

Deferred Consideration:

This application was before the Planning Committee as an approval in June 2022 and where it was deferred for meetings with the objectors and the applicant to discuss the issues raised by the objectors and October 2023 where it was . Meetings were held on 16th September and a prepared statement from the objector was provided at that the meeting. Following the meeting a site inspection was carried out, Map 1 shows where the measurements of the road and verges were taken. The notes refer to the verge on the application side first and they were noted as follows:

- 1) 2.9m fence to read line at corner, road 5.6m wide, 1.4m to middle of hedge
- 2) 2.7m to pillar from road edge, 6.0,m road, 1.4m verge to wall opposite
- 3) 2.3m pillar to road edge, 5.85m road, 1.4m verge to wall
- 4) 1.8m fence to road edge
- 5) 1.5m to kerbline

The measurements taken on site do not match the drawings, however it is not unusual for some on site modifications or discrepancies in these types of drawings. Generally the plans do show where the development is going and DFI Roads have not raised any concerns about the dimensions. The other issues have been addressed further in the report.



Map 1 – measurements taken on 31 March 2023

Members will be aware from the previous report that the proposal was considered to meet the planning policies for a housing development within a small settlement. It is noted in the statement there has been no communication between the applicant and the neighbours. It is always encouraged that discussions take place in the interest of harmonious relationships, however unless the scheme is a major proposal there is no statutory requirement to carry out any public consultation prior to submitting an application. Compensation or accommodation works is not an issue that planning can or should become involved with, unless there is a clear public benefit or requirement within policy to seek these, this is primarily a civil matter between the relevant parties.

Roads engineers from DFI Roads have been consulted with this proposal and have not raised any concerns about the accuracy of the drawings, they have advised any footpath will be adopted by them. DFI Roads have explained there is no requirement for Private Streets Drawings to be Determined for the footpath as it is all contained within the verge they control/maintain.

DFI Roads were consulted following the meeting and asked to comment on the issues raised in the submission of 16th September 2023 which identified a number of concerns shared with neighbours about road safety, DFI Roads responded advising of conditions they feel should be attached to any approval if the Council is approving the development. Concerns raised about road safety as they are noted in bullet points on the prepared statement:

- Reference to footpath and accuracy, DFI Roads have not raised any issue with this drawing, they have advised the footpath is in the verge and will be adopted by them, sections provided (drawing No 12 shows how the footpath will be provided
- DFI Roads requested this in the consultation response on 3 September 2020, the dotted line identifies the area where the widening is to be and DFI Roads have not raised any concerns about this
- Volume of traffic and narrowness of the road are issues that DFI Roads take into account when assessing the application, as can be seen in the DC Checklist dated 02.09.2020. If traffic cannot pass then it may have to wait or mount the kerb as happens on other stretches of the road, DFI Roads have not raised any issue in relation to the forward sight distance associated with this development and its access. The reference to a near fatal accident just passed the proposed entry is unlikely to affect this access and DFI Roads have clearly identified they have assessed the requirements for this access and have signed it off as safe.
- Crossing point at the Gortgonis Road has been identified with tactile paving to be provided on both sides of the road, as DFI Roads will be adopting the footpath, signage relocation can be carried out at their request, under their instruction and to their satisfaction
- Flashing school sign relocation can be carried out at DFI Roads request, under their instruction and to their satisfaction
- BT poles and streetlights can be moved if required and this does not require planning consent, if necessary DFI Roads will deal with this through the adoption process
- Kerb heights are shown on drawing no 12 dated 10 May 2021 and range from 250mm to 50mm, DFI Roads have been made aware of these and have not raised any issues with them

Concerns raised about impact on objectors property road safety as they are noted in bullet points on the prepared statement:

- details to retain the objectors property are contained in the sections on drawing No 12 received 10 May 2021
- the details on drawing No 12 show existing and proposed ground levels as well as the detail of the footway to be provided, DFI Roads will be adopting this and it will be to their standards, it is not proposed to have large retaining structures here and DFI have not raised any concerns about the capability to provide these, any damage to the objectors property is a civil matter
- the retaining structures will form part of the footway and DFI Roads responsibility once adopted
- the developer will usually have responsibility to reinstate any damaged hedges or fences however this is a matter outside of planning control and is a civil issue,
- DFI Roads have advised the verge is under their control/management and so it will be for them to agree and monitor the provision of the footpath and any subsequent costs
- DFI roads have not raised any concerns with safety for pedestrians crossing the driveway to 109, it is reasonable to expect drivers and pedestrians to exercise caution where they might come into conflict as they would do at present if crossing the access

- DFI Roads will agree and advise what kerbs may or may not be appropriate for the provision and adoption of the footway along the entire length of it, there is a general detail on drawing no 13 which shows the footpath construction details, it provides an indicative height for the rear kerbs and due to the heights of these it is highly unlikely they would require planning permission in their own right
- Drawing 02 Rev 7 indicates there will be a dropped kerb at the either side of the entrance to No 109
- it is noted that the objectors driveway has been recently tarmaced, however as the access is over a verge that may have services contained within it, these may be dug up at any time for replacement and/or repair which could involve digging up and reinstatement of the objectors driveway. As set out above the drawing shows dropped kerbs to be provided
- the telegraph poles are not indicated to be moved on drawing No 02 rev 7, if this is required this can be carried out without planning permission under permitted development rights. It is not unusual to have these located in or at the back of footpaths and this is a matter to be dealt with through the adoption of the footpath with DFI Roads
- whilst the objector is querying the finished floor level of their property, they are not advising that it is incorrect. That said in terms of the overall potential for overlooking the finished floor level of the existing dwelling is immaterial as it is apparent on site how the proposed development will interact with the existing. To mitigate against any potential overlooking the applicants have indicated they will provide a 1.8m high wall along part of the boundary and a 1.2m high wall for the remainder, it is important to note the measurements are from the application side of the wall and will be higher on the objectors side. The properties are also orientated with fronts facing into the back of no 109 and side facing towards No 95 with one upstairs ensuite toilet window in the gable. The location plan does not show the extension to 109 that was approved by application LA09/2018/0821/F, this was to provide a kitchen, utility and WC extension. The extension has a door in the rear wall facing the application site and a patio area between the new extension and the existing bedroom extension. A garage at the rear of 109 partially screens the rear of No 109 from the proposed dwellings and development road. The proposed dwellings will be approx. 33 metres from front wall to the closest part of 109 (the rear wall of the new extension which has one door in it). I consider the proposed wall, the existing garage and the separation distance will ensure 109 is not overlooked to an unacceptable degree.
- Drawing No 02 Rev 7 clearly shows, in a grey line, the existing boundary between the application site and 109. There is a new wall set back from the existing hedge line for most of the boundary, it is close to the hedge line where the wall height changes from 1.2m to 1.8m. The details show there is no encroachment on the objectors property. The area between the wall and the hedge is a small portion of ground and it is highly likely, if the hedge is not removed and allowed to grow, it will fill the gap in time
- Drawing 02 Rev 7 and drawing 11 provide details of the wall and its location between the application site and the proposed development site. This wall is under 2 metres in height and as such could be constructed under permitted development rights.

Following receipt of amended plan, neighbours were notified and an additional comment was received on 13 September 2023, via email. This reiterated the concerns already set out above and do not raised any additional points for consideration.

The concerns of the objectors are not, in my opinion, such that would warrant recommendation of a refusal for the proposed development. The proposed development road will not be adopted by DFI Roads as such there will be no facilities for bin lorries to enter the development and turn. The most recent plan has identified an area where bins may be stored close to the public road. It is my view the issues raised have been and can be dealt with satisfactorily without undue detriment to the adjacent properties.

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.

As has already been concluded in the previous report to Committee, the proposed development meets with the published planning policies, as such is acceptable and I recommend this proposal for approval.

Conditions/Reasons for Refusal:

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

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

2. The development hereby approved shall be carried out in accordance with levels and cross sections indicated on drawings No. 02 rev7 date received 23/09/2022, No. 10 rev1 date received 17/12/2020, and, No. 12 date received 10/05/2022, unless otherwise agreed in writing with Mid Ulster council.

Reason: To ensure a quality residential environment and to protect existing and proposed residential amenity.

3. Prior to the occupation of any dwelling hereby approved, the area of open space along the north boundary of the site as shown on drawing No 02 Rev 7 received 23/09/2022 shall be put in place and sown out with grass seed, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: In the interest of visual amenity and to ensure a quality residential environment.

4. Prior to the occupation of any dwelling hereby approved, a document shall be submitted to Council for agreement detailing how the area of open space will be managed and maintained, and this shall include the maintenance of the 1.8m and 1.2m high rendered wall, indicated in drawing No. 02 rev7 date received 23/09/2022 as BW1 and BW2. The agreed management and maintenance plan shall be carried out in accordance with that plan thereafter, by an agreed Management and Maintenance Company, unless otherwise agreed in writing.

Reason: In the interest of visual amenity and to ensure a quality residential environment.

5. No dwelling hereby approved shall be occupied until a signed contract with an agreed Management and Maintenance Company for all areas of public open space and communal walls has been put in place, and details of which agreed with Council. All areas of communal open space shall be managed and maintained by that agreed management company thereafter, unless otherwise agreed.

Reason: To ensure that the open space provided is managed and maintained, in perpetuity, in accordance with the Department's Planning Policy Statement 7 (PPS7)- Quality Residential Environments, and Planning Policy Statement 8 (PPS8)-Open Space, Sport and Outdoor Recreation.

6. Prior to the occupation of any dwelling hereby approved, the boundary wall indicated as BW1 and BW2 on drawing No. 02 rev 7 date received 23/09/2022 and details shown on drawing No. 11 date received 30/09/2020 shall be put in place and permanently retained thereafter.

Reason: To protect existing and proposed residential amenity, and to create a quality residential environment.

7. All boundary treatments within each individual site, including boundary wall and/or fence provision, shall be put in place in accordance with details indicated on drawing No.02 rev 7 date received 23/09/2022 and details shown on drawing No. 11 date received 30/09/2020 prior to the occupation of that dwelling on that site, and shall be permanently retained thereafter.

Reason: To assist in the provision of a quality residential environment and to safeguard private residential amenity.

8. The existing hedgerow and vegetation along the western and southern boundaries of the site, as indicated on drawing No. 02 rev 7 date received 23/09/2022 shall be permanently retained unless otherwise agreed in writing. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Council unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing at the earliest possible moment.

Reason: In the interests of visual amenity and biodiversity.

9. Within the first available planting season from the commencement of development hereby approved, the 5m wide buffer planting along the eastern boundary and indicated on drawing No. 02 rev 7 date stamp received 23/09/2022 shall be put in place and permanently retained thereafter, unless otherwise agreed in writing. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Council unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing at the earliest possible moment.

Reason: In the interests of visual amenity and biodiversity, and to mark the distinction between village and countryside.

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

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

11. The first floor gable window in house type 03, shown on drawings No. 07 and 08 date received 24/06/2020, shall be of opaque glass.

Reason: To safeguard existing and proposed private amenity.

12. Prior to the commencement of any development hereby approved, the vehicular access, including visibility splays of 2.4m by 65m to the North West, and 2.4m by 70m to the South East, and any forward sight distance, shall be provided in accordance with Drawing No. 02 Rev 7 bearing the date stamp 23/09/2022, and shall be permanently retained thereafter. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

14. Prior to the commencement of any development hereby permitted the footway connecting the site to Gortgonis Road as indicated in blue on Drawing No 02 Rev

7 bearing the date stamp 23/09/2022 shall be constructed and adopted by DFI Roads and written confirmation of the adoption shall be submitted to the Council.

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

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/0729/F	Target Date: <add date>
Proposal: Proposed site for 5 no detached dwellings and garages (inclusion of footpath along public road) (additional plans received re footpath provision)	Location: 40m West of 16 Annaghmore Road Coalisland
Applicant Name and Address: Mr Conor Tennyson 39 Cloghog Road Coalisland BT71 5EH	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge Magherafelt BT41 3SG
Summary of Issues: In summary, concern has been raised by objectors in the following areas; -detrimental impact on the environment; -detrimental impact on visual and residential amenity; -contrary to planning policy and rural planning policy; Application ID: LA09/2020/0729/F -proposal will cause damage to private property, increase risk of accidents, 3rd party land may be required; -road safety issues; -maintenance concerns; -accuracy of plans; -procedural concerns including neighbour notification.	
Summary of Consultee Responses: DFI Roads - provided conditions in the event of approval, no concerns raised in relation to the objections or road safety, will adopt the footpath Environmental Health Department –no objections in relation to noise impact on future occupants NI Water – capacity available at receiving wwtw	

Characteristics of the Site and Area:

The site is located within the development limits of Annaghmore, a small village located approx. 1.7km east of Coalisland, as defined in the Dungannon and South Tyrone Area Plan 2010. At present the site is an agricultural field used for rough grazing. There is a mature tree lined hedgerow along the southern boundary. The western boundary is adjacent to a small public road that loops from Gortgonis Road to Annaghmore Road, and this boundary is defined by an agricultural field gate that provides access to the field, a small grass verge behind which grows and tree lined hedgerow. The northern boundary is shared with 2 private detached dwellings to the north, and is defined by a patchy tree lined hedgerow, and some fencing. The eastern boundary, where it is proposed to access the new development, is defined by some trees and hedging. To the south of the site is open countryside where there is a character of dispersed single dwellings and small farm holdings, with land being used mostly for agricultural purposes. To the NW of the site there are some industrial development along Gortgonis Road. To the north is the village of Annaghmore, which has its own local services and businesses, and there is a primary school nearby, however the predominant landuse within the village is residential of a mix variety, including detached single and 2 storey, semi-detached 2 storey, and terraced dwellings.

Description of Proposal

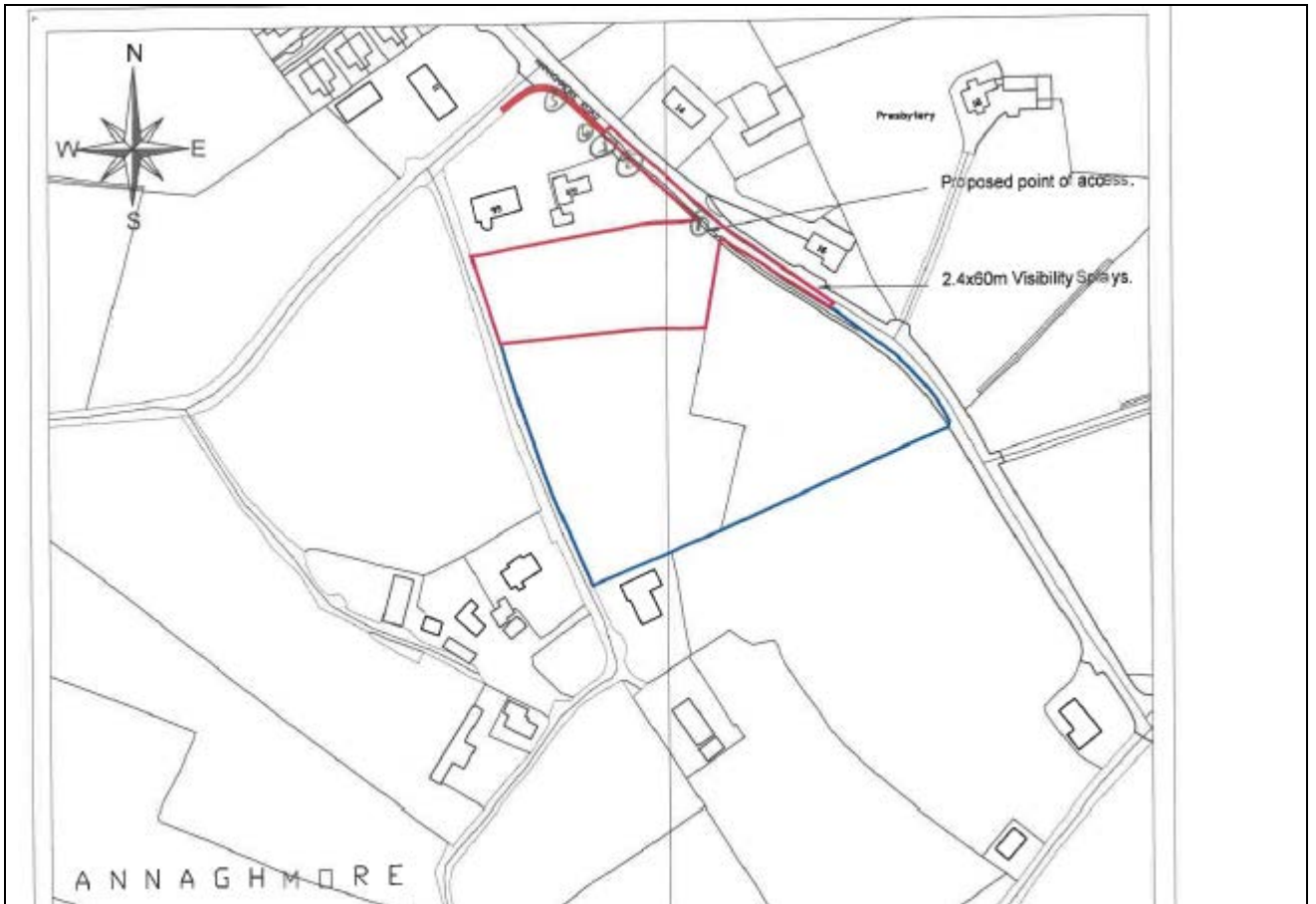
This is a full planning application for 5 no detached dwellings and garages with the inclusion of a footpath along public road.

Deferred Consideration:

This application was before the Planning Committee as an approval in June 2022 where it was deferred for meetings with the objectors and the applicant to discuss the issues raised by the objectors. Meetings were held on 16th September and a prepared statement from the objector was provided at that the meeting. Following the meeting a site inspection was carried out, Map 1 shows where the measurements of the road and verges were taken.

The notes refer to the verge on the application side first and they were noted as follows:

- 1) 2.9m fence to read line at corner, road 5.6m wide, 1.4m to middle of hedge
- 2) 2.7m to pillar from road edge, 6.0,m road, 1.4m verge to wall opposite
- 3) 2.3m pillar to road edge, 5.85m road, 1.4m verge to wall
- 4) 1.8m fence to road edge
- 5) 1.5m to kerbline



Map 1 – measurements taken on 31 March 2023

Members will be aware from the previous report that the proposal was considered to meet the planning policies for a housing development within a small settlement. It is noted in the statement there has been no communication between the applicant and the neighbours. It is always encouraged that discussions take place in the interest of harmonious relationships, however unless the scheme is a major proposal there is no statutory requirement to carry out any public consultation prior to submitting an application. Compensation or accommodation works is not an issue that planning can or should become involved with, unless there is a clear public benefit or requirement within policy to seek these, this is primarily a civil matter between the relevant parties.

Roads engineers from DFI Roads have been consulted with this proposal and have not raised any concerns about the accuracy of the drawings, they have advised any footpath will be adopted by them. DFI Roads have explained there is no requirement for Private Streets Drawings to be Determined for the footpath as it is all contained within the verge they control/maintain.

DFI Roads were consulted following the meeting and asked to comment on the issues raised in the submission of 16th September 2023 which identified a number of concerns shared with neighbours about road safety, DFI Roads responded advising of conditions they feel should be attached to any approval if the Council is approving the development. Concerns raised about road safety as they are noted in bullet points on the prepared statement:

- Reference to footpath and accuracy, DFI Roads have not raised any issue with this drawing, they have advised the footpath is in the verge and will be adopted by them, sections provided (drawing No 12 shows how the footpath will be provided
- DFI Roads requested this in the consultation response on 3 September 2020, the dotted line identifies the area where the widening is to be and DFI Roads have not raised any concerns about this
- Volume of traffic and narrowness of the road are issues that DFI Roads take into account when assessing the application, as can be seen in the DC Checklist dated 02.09.2020. If traffic cannot pass then it may have to wait or mount the kerb as happens on other stretches of the road, DFI Roads have not raised any issue in relation to the forward sight distance associated with this development and its access. The reference to a near fatal accident just passed the proposed entry is unlikely to affect this access and DFI Roads have clearly identified they have assessed the requirements for this access and have signed it off as safe.
- Crossing point at the Gortgonis Road has been identified with tactile paving to be provided on both sides of the road, as DFI Roads will be adopting the footpath, signage relocation can be carried out at their request, under their instruction and to their satisfaction
- Flashing school sign relocation can be carried out at DFI Roads request, under their instruction and to their satisfaction
- BT poles and streetlights can be moved if required and this does not require planning consent, if necessary DFI Roads will deal with this through the adoption process
- Kerb heights are shown on drawing no 12 dated 10 May 2021 and range from 250mm to 50mm, DFI Roads have been made aware of these and have not raised any issues with them

Concerns raised about impact on objectors property road safety as they are noted in bullet points on the prepared statement:

- details to retain the objectors property are contained in the sections on drawing No 12 received 10 May 2021
- the details on drawing No 12 show existing and proposed ground levels as well as the detail of the footway to be provided, DFI Roads will be adopting this and it will be to their standards, it is not proposed to have large retaining structures here and DFI have not raised any concerns about the capability to provide these, any damage to the objectors property is a civil matter
- the retaining structures will form part of the footway and DFI Roads responsibility once adopted
- the developer will usually have responsibility to reinstate any damaged hedges or fences however this is a matter outside of planning control and is a civil issue,
- DFI Roads have advised the verge is under their control/management and so it will be for them to agree and monitor the provision of the footpath and any subsequent costs
- DFI roads have not raised any concerns with safety for pedestrians crossing the driveway to 109, it is reasonable to expect drivers and pedestrians to exercise caution where they might come into conflict as they would do at present if crossing the access

- DFI Roads will agree and advise what kerbs may or may not be appropriate for the provision and adoption of the footway along the entire length of it, there is a general detail on drawing no 13 which shows the footpath construction details, it provides an indicative height for the rear kerbs and due to the heights of these it is highly unlikely they would require planning permission in their own right
- Drawing 02 Rev 7 indicates there will be a dropped kerb at the either side of the entrance to No 109
- it is noted that the objectors driveway has been recently tarmaced, however as the access is over a verge that may have services contained within it, these may be dug up at any time for replacement and/or repair which could involve digging up and reinstatement of the objectors driveway. As set out above the drawing shows dropped kerbs to be provided
- the telegraph poles are not indicated to be moved on drawing No 02 rev 7, if this is required this can be carried out without planning permission under permitted development rights. It is not unusual to have these located in or at the back of footpaths and this is a matter to be dealt with through the adoption of the footpath with DFI Roads
- whilst the objector is querying the finished floor level of their property, they are not advising that it is incorrect. That said in terms of the overall potential for overlooking the finished floor level of the existing dwelling is immaterial as it is apparent on site how the proposed development will interact with the existing. To mitigate against any potential overlooking the applicants have indicated they will provide a 1.8m high wall along part of the boundary and a 1.2m high wall for the remainder, it is important to note the measurements are from the application side of the wall and will be higher on the objectors side. The properties are also orientated with fronts facing into the back of no 109 and side facing towards No 95 with one upstairs ensuite toilet window in the gable. The location plan does not show the extension to 109 that was approved by application LA09/2018/0821/F, this was to provide a kitchen, utility and WC extension. The extension has a door in the rear wall facing the application site and a patio area between the new extension and the existing bedroom extension. A garage at the rear of 109 partially screens the rear of No 109 from the proposed dwellings and development road. The proposed dwellings will be approx. 33 metres from front wall to the closest part of 109 (the rear wall of the new extension which has one door in it). I consider the proposed wall, the existing garage and the separation distance will ensure 109 is not overlooked to an unacceptable degree.
- Drawing No 02 Rev 7 clearly shows, in a grey line, the existing boundary between the application site and 109. There is a new wall set back from the existing hedge line for most of the boundary, it is close to the hedge line where the wall height changes from 1.2m to 1.8m. The details show there is no encroachment on the objectors property. The area between the wall and the hedge is a small portion of ground and it is highly likely, if the hedge is not removed and allowed to grow, it will fill the gap in time
- Drawing 02 Rev 7 and drawing 11 provide details of the wall and its location between the application site and the proposed development site. This wall is under 2 metres in height and as such could be constructed under permitted development rights.

Following receipt of amended plan, neighbours were notified and an additional comment was received on 13 September 2023, via email. This reiterated the concerns already set out above and do not raised any additional points for consideration.

The concerns of the objectors are not, in my opinion, such that would warrant recommendation of a refusal for the proposed development. The proposed development road will not be adopted by DFI Roads as such there will be no facilities for bin lorries to enter the development and turn. The most recent plan has identified an area where bins may be stored close to the public road. It is my view the issues raised have been and can be dealt with satisfactorily without undue detriment to the adjacent properties.

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.

As has already been concluded in the previous report to Committee, the proposed development meets with the published planning policies, as such is acceptable and I recommend this proposal for approval.

Conditions/Reasons for Refusal:

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

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

2. The development hereby approved shall be carried out in accordance with levels and cross sections indicated on drawings No. 02 rev7 date received 23/09/2022, No. 10 rev1 date received 17/12/2020, and, No. 12 date received 10/05/2022, unless otherwise agreed in writing with Mid Ulster council.

Reason: To ensure a quality residential environment and to protect existing and proposed residential amenity.

3. Prior to the occupation of any dwelling hereby approved, the area of open space along the north boundary of the site as shown on drawing No 02 Rev 7 received 23/09/2022 shall be put in place and sown out with grass seed, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: In the interest of visual amenity and to ensure a quality residential environment.

4. Prior to the occupation of any dwelling hereby approved, a document shall be submitted to Council for agreement detailing how the area of open space will be managed and maintained, and this shall include the maintenance of the 1.8m and 1.2m high rendered wall, indicated in drawing No. 02 rev7 date received 23/09/2022 as BW1 and BW2. The agreed management and maintenance plan shall be carried out in accordance with that plan thereafter, by an agreed Management and Maintenance Company, unless otherwise agreed in writing.

Reason: In the interest of visual amenity and to ensure a quality residential environment.

5. No dwelling hereby approved shall be occupied until a signed contract with an agreed Management and Maintenance Company for all areas of public open space and communal walls has been put in place, and details of which agreed with Council. All areas of communal open space shall be managed and maintained by that agreed management company thereafter, unless otherwise agreed.

Reason: To ensure that the open space provided is managed and maintained, in perpetuity, in accordance with the Department's Planning Policy Statement 7 (PPS7)- Quality Residential Environments, and Planning Policy Statement 8 (PPS8)-Open Space, Sport and Outdoor Recreation.

6. Prior to the occupation of any dwelling hereby approved, the boundary wall indicated as BW1 and BW2 on drawing No. 02 rev 7 date received 23/09/2022 and details shown on drawing No. 11 date received 30/09/2020 shall be put in place and permanently retained thereafter.

Reason: To protect existing and proposed residential amenity, and to create a quality residential environment.

7. All boundary treatments within each individual site, including boundary wall and/or fence provision, shall be put in place in accordance with details indicated on drawing No.02 rev 7 date received 23/09/2022 and details shown on drawing No. 11 date received 30/09/2020 prior to the occupation of that dwelling on that site, and shall be permanently retained thereafter.

Reason: To assist in the provision of a quality residential environment and to safeguard private residential amenity.

8. The existing hedgerow and vegetation along the western and southern boundaries of the site, as indicated on drawing No. 02 rev 7 date received 23/09/2022 shall be permanently retained unless otherwise agreed in writing. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Council unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing at the earliest possible moment.

Reason: In the interests of visual amenity and biodiversity.

9. Within the first available planting season from the commencement of development hereby approved, the 5m wide buffer planting along the eastern boundary and indicated on drawing No. 02 rev 7 date stamp received 23/09/2022 shall be put in place and permanently retained thereafter, unless otherwise agreed in writing. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Council unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing at the earliest possible moment.

Reason: In the interests of visual amenity and biodiversity, and to mark the distinction between village and countryside.

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

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

11. The first floor gable window in house type 03, shown on drawings No. 07 and 08 date received 24/06/2020, shall be of opaque glass.

Reason: To safeguard existing and proposed private amenity.

12. Prior to the commencement of any development hereby approved, the vehicular access, including visibility splays of 2.4m by 65m to the North West, and 2.4m by 70m to the South East, and any forward sight distance, shall be provided in accordance with Drawing No. 02 Rev 7 bearing the date stamp 23/09/2022, and shall be permanently retained thereafter. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

14. Prior to the commencement of any development hereby permitted the footway connecting the site to Gortgonis Road as indicated in blue on Drawing No 02 Rev

7 bearing the date stamp 23/09/2022 shall be constructed and adopted by DFI Roads and written confirmation of the adoption shall be submitted to the Council.

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

Signature(s)

Date:



Development Management Officer Report
Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0729/F	Target Date:
Proposal: Proposed site for 5 no detached dwellings and garages (inclusion of footpath along public road) (additional plans received re footpath provision)	Location: 40m West of 16 Annaghmore Road Coalisland
Referral Route: Recommendation to approve, with objections.	
Recommendation:	Approve
Applicant Name and Address: Mr Conor Tennyson 39 Cloghog Road Coalisland BT71 5EH	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge Magherafelt BT41 3SG
Executive Summary: Recommendation to approve, meets planning policy, there are a number of objections.	
Signature(s):	

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

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

Summary of Issues

In summary, concern has been raised by objectors in the following areas;

- detrimental impact on the environment;
- detrimental impact on visual and residential amenity;
- contrary to planning policy and rural planning policy;

- proposal will cause damage to private property, increase risk of accidents, 3rd party land may be required;
- road safety issues;
- maintenance concerns;
- accuracy of plans;
- procedural concerns including neighbour notification.

These concerns will be considered later in my report.

Description of Proposal

This is a full planning application for 5 no detached dwellings and garages with the inclusion of a footpath along public road.

Characteristics of the Site and Area

The site is located within the development limits of Annaghmore, a small village located approx.. 1.7km east of Coalisland, as defined in the Dungannon and South Tyrone Area Plan 2010.

At present the site is an agricultural field used for rough grazing. There is a mature tree lined hedgerow along the southern boundary. The western boundary is adjacent to a small public road that loops from Gortgonis Road to Annaghmore Road, and this boundary is defined by an agricultural field gate that provides access to the field, a small grass verge behind which grows and tree lined hedgerow.

The northern boundary is shared with 2 private detached dwellings to the north, and is defined by a patchy tree lined hedgerow, and some fencing.

The eastern boundary, where it is proposed to access the new development, is defined by some trees and hedging.

To the south of the site is open countryside where there is a character of dispersed single dwellings and small farm holdings, with land being used mostly for agricultural purposes. To the NW of the site there are some industrial development along Gortgonis Road. To the north is the village of Annaghmore, which has its own local services and businesses, and there is a primary school nearby, however the predominant landuse within the village is residential of a mix variety, including detached single and 2 storey, semi-detached 2 storey, and terraced dwellings.

Planning Assessment of Policy and Other Material Considerations

Planning Act 2011

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

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

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.

Area Plan

Dungannon and South Tyrone Area Plan 2010- The site is located within the development limits of Annaghmore, just within the edge of the development limits. Land is not zoned for any specific use. As the site is for housing policies SETT1 and PPS7 apply.

In the area Area Plan it is outlined that housing development would normally be permitted provided the scale, layout, details and finishes are compatible with the scale and character of the settlement. Accordingly housing development in excess of 15 units will not normally be permitted.

Key Planning Policy

RDS 2035

SPPS- Strategic Planning Policy Statement

PPS7 Quality Residential Developments

PPS3 Access, Movement and Parking

PPS2 Natural Heritage

Design Guides

Creating Places

3rd party objections

A number of 3rd party objections have been received in relation to this development and the concerns are listed as follows;

- would lead to an unacceptable increase in traffic;
- increase road safety risk, would stop grandchildren walking to school down a lane;
- resident told that area was greenbelt and that no development would take place on the site, can't understand how housing could be approved on site;
- concern that the footpath along the road frontage that will link into the existing public footpath network will cause damage to the front boundary hedge and wall of existing property;
- that pedestrians crossing in front of existing driveways will increase road safety risk and will create additional dangers that do not currently exist;
- that the foot path provision will require part of private land;
- where will existing poles be relocated?
- concern raised over information on drawing showing footpath and private street provision;
- A number of questions posed to clarify information on drawings;
- details of wall construction, appearance and maintenance not properly provided;
- concern raised over the proposed construction of the footway and associated road safety issues;
- a number of questions are also posed that if a footpath is built, who would maintain it, who would maintain any retaining structures, details of accommodation works at the entrance of 109 for a pedestrian vehicle conflict or legalities of damage/accidents if they were to occur? Who would be responsible for the hedge if it dies? Etc.
- a question is raised over how finished floor levels of 109 was obtained;
- concerns raised over neighbour notification and procedural aspects of case;
- detrimental impact on horizon and landscape character of area;
- Views would be lost;
- detrimental impact on private rear amenity, increase in traffic noise;
- development proposed on a dangerous corner;
- due to narrowness of road at this point, lorries mount verge to allow passing traffic, the creation of a footpath would be dangerous as large vehicles would mount to allow other vehicles to pass, this would cause road safety issues;
- the access to the proposed development will conflict with an oil delivery business opposite, creating further road safety concerns;

- development will lead to an urbanisation of the area;
- No need for additional in this area of Annaghmore and the site is not within the traditional housing zone of Annaghmore;
- by approving this may lead to additional houses on adjacent land;
- proposal will have a detrimental impact on house price;
- an elevated housing development in this area will have a detrimental impact on the character of this area;
- would create ribbon development;
- detrimental impact on local wildlife;
- development would lead to loss of trees, and view would be replaced with housing;
- by approving this development would demonstrate Planning Authorities disregard for countryside policy areas and greenbelt areas;
- concern over if the impact on protected trees, hedges and local eco-system have been considered;
- proposal would demonstrably harm the amenities enjoyed by existing residents, including safety for kids to play, valuable green space, privacy and the right to enjoy a quiet and safe residential environment;

All concerns have not been listed exhaustively, however they can be grouped as follows;

- detrimental impacts on residential and visual amenity;
- road safety concerns;
- housing in this area not needed;
- unacceptable development in the countryside;
- procedural concerns raised over neighbour notification and requirement of plans to be described in greater detail;
- impact on environment and tree loss;
- potential detrimental impact/damage to private property.

Planning History

No relevant site history

Consideration

This residential proposal lies within the development limits of Annaghmore, a small village close to Coalisland. Objectors claim that this site is within an area of greenbelt/countryside and that rural planning policy should apply and be considered. This is not the case, it is clear in the Dungannon and South Tyrone Area Plan that this site is located within development limits. Concerns raised over ribbon development and other rural planning policies cannot be considered in this case, as the site is not located in the countryside. The proposal is located within defined development limits and planning policies SETT1 of the Area Plan and PPS7 Quality Residential Developments are applicable in this case.

PPS 7 - Quality Residential Environments.

-The first criteria is that the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;

The village of Annaghmore is defined by industrial and residential development. Throughout the settlement there are quite large residential parks, and the area has become quite urbanised. There are a vast mix of housetypes in the area and throughout the village. This site is located on the edge of development limits, with countryside to the south. It is proposed to plant a 5m landscape buffer to the eastern boundary and retain a mature tree lined boundary to the south. This will help define the boundary between village and countryside. The design of the dwellings are traditional in nature, with vertical emphasis in window openings, front projection on the doorway, off the wall dormer windows, chimney centrally on the side and symmetrical roof pitch. Given the proximity to the open countryside, this is a sensitive design type that is in keeping with the design of dwellings in the area, and respects its setting on the edge of the development limits. The design, scale and massing respect the character of the area. I do not believe that this is an overly elevated site within Annaghmore and that 2 storey dwellings will spoil the visual character of this area, and the objectors concerns in this regard are not determining in this respect.

-Second Criteria. Features of the archaeological and built heritage, and landscape features should be identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;

No archaeological or built heritage interests have been identified in this area, and no constraints are indicated on our spatial search or in the Area Plan. Historic Environment Division were not consulted on this proposal. Objectors do not raise any concerns in this regard.

Existing trees along the southern and western boundaries will be retained. Some trees along the eastern boundary will be removed to allow for access provision, however, a

new 5m wide landscape buffer will be planted along the eastern boundary to compensate for this loss. The site is not located within any environmentally protected areas, and the agricultural field itself is thought to be of low biodiversity value. Boundary hedging, where possible, will be retained.

-Third Criteria. PPS 7 QD1 also requires that adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;

A communal area of open space is proposed along the northern boundary of the site. There is also adequate private rear amenity space provided for each of the dwellings which is in keeping with Creating Places. A landscape buffer of 5m wide will be planted along the eastern boundary and this will help differentiate between village limits and the open countryside to the east and south of the site. I am satisfied that there will be adequate landscaping to soften the impact of these dwellings in this location.

Objectors raise concern that removal of trees on this site will interrupt views, and that houses in this prominent site will be development on the horizon and will ruin the character of this area. It is my view that sufficient landscaping will be retained to provide a backdrop for development, and new buffer landscaping will also limit the impact of these houses within Annaghmore Village. There is no policy restricting development on the horizon within urban areas, however consideration has to be given to impact on character and visual amenity. I am satisfied that the proposal will not have a detrimental impact on this area of Annaghmore.

Criteria four requires that adequate provision shall be made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development;

The site is located close to local convenience shops and local village services. In my view, given its location and size, this development does not require its own local neighbourhood facilities.

QD1 also requires a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures;

While the access road into the development will be private, DfI Roads raised concern that there would be no safe passage for occupiers of this development to walk into the village of Annaghmore, or indeed gain safe access to the nearby primary school on foot. I share these views and the agent was asked to look at how to provide a footpath that would link into the existing footpath network of the Village. From the proposed access to this development, and along Annaghmore Road towards the village, there is a grass verge, including to the front of No. 109 Gortgonis Road. This verge is in control of DfI Roads. Behind the verge is a hedgerow belonging to No. 109. There is also a verge between No. 109 and the junction of Annaghmore Road and Gortgonis Road. On the opposite side of the junction there is existing footway provision. The agent has carried out survey work, and claims to be able to provide road widening, and acceptable footway provision between his site entrance and the Gortgonis T Junction to the NW. DfI Roads have been consulted on this and on the sixth revision, are content with the footway that is being provided. DfI Roads do not say if any private land will be required for this footpath.

Objections have been received from No. 109, as they are concerned that the footpath may give rise to potential accidents at the entrance to their property, and that the footpath may cause damage to their hedge or garden area. While these are valid concerns, should 3rd party land be required then this will be an issue that will have to be settled between the interested parties. Should damage to 3rd party property be caused by the developer then this will be a civil issue.

The developer seems confident that he has control of adequate land to put the footpath in place as per the plans, to carry out road widening, and to construct the footpath and dwarf kerbing without damaging any private property. Cross-sections have been provided to show that the footpath can be put in place without damaging the existing hedgerow. I raised 3rd party concern with the agent, and they are aware that there are objections to this proposal. Given the level of objection, it would be remiss of the developer not to ensure that they have the required land to put the footpath in place. Should any damage be caused to 3rd party property then this will have to be settled as a civil matter between the interested parties. DfI Roads are content with the construction, and should the footpath be built in accordance with approved plans they will adopt the public footway and will be responsible for its upkeep.

Neighbours were notified and I am content that all adjoining notifiable neighbours were notified.

Another criteria is that the design of the development must draw upon the best local traditions of form, materials and detailing;

I consider that the proposal does reflect the surrounding design context for this village area.

Second last criteria is that the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance;

5 two storey detached dwellings with associated single store detached garages are proposed. The developer proposes to raise ground level to the rear of No. 95 Gortgonis Road to provide a level building surface. This will raise the ground level by less than 1 meter. Initially it was proposed that a 2 storey dwelling would be sited adjacent to the shared boundary of No. 95. This would have left a separation distance between the rear of No. 95 and the proposed gable of a proposed new dwelling of just over 15m. This would have left a very dominant impact on the existing rear garden area of No. 95. Through negotiation with the agent, the layout was amended, so that the single storey garage would be re-sited to be adjacent to the rear boundary of No. 95, and the 2 storey dwelling set back approx. 7m from the boundary of No. 95, leaving a separation distance of approximately 20m. The first floor window in the new dwelling facing No. 95 is an ensuite bathroom window, and this can be conditioned by opaque so that no overlooking will occur.

A row of 3 x 2 storey detached dwellings will face towards the rear and side amenity space of No.s 95 and 109 Gortgonis Road to the north. There is a separation distance between existing dwellings and these proposed dwellings of over 30m. An area of communal open space is proposed between the new access road into the proposed development and the rear of No. 109, which will separate traffic from directly behind the rear garden area of that property. Plus a 1.8m high rendered block wall is proposed to the private rear garden areas of No. 95 and 109. I am satisfied that the layout will not result in demonstrable detrimental impacts to existing or proposed residential amenity. The block walls will also reduce noise, travel of headlights, and secure privacy for existing dwellings. Environmental Health were consulted on this proposal and raise no residential amenity concerns, I find the objectors' concerns in relation to loss of privacy and amenity to be not determining in this case.

Adequate provision is provided for rear private garden areas to the proposed dwellings, and I am satisfied that there will be no overlooking or overshadowing of neighbouring properties.

The Environmental Health Department were consulted on this proposal. There are some industrial development in the area. Environmental Health has considered the existing noise environment of the area and any current planning conditions in place to protect

residential amenity from nearby noise sources. They are satisfied that sufficient control is in place to ensure that the residential amenity of future occupants will not be impacted, therefore, the Environmental Health department offer no objection to this proposal.

The final criteria is that the development is designed to deter crime and promote personal safety;

The development is considered to be designed to deter crime and promote personal safety. Areas of open space are overlooked by surrounding housing, there are no hidden or secluded areas that would attract anti-social behaviour, and the rear properties of boundaries are secured with appropriate boundary fencing and/or walls.

Policy SETT1

The proposal is also in keeping with policy SETT1 of the Dungannon and South Tyrone Area Plan, in that it is found to be an acceptable form of development within this village area, and is in keeping with the village setting and character of the area. All the policy points of SETT1 are covered in this report.

PPS3 Access, Movement and Parking

I am satisfied that a safe and satisfactory access to this proposed development can be achieved. The access provision will improve visibility at the corner on which it is situated, which will improve sight visibility and road width for all road users. The provision of the footway will also provide safe access for pedestrians who choose to walk towards the village and the primary school, including for the occupiers of No. 109. In curtilage parking is proposed for the 5 no. detached dwellings. The policy provisions of PPS3 have been met.

PPS2 Natural Heritage

In considering the impact of this proposal on the natural environment and existing biodiversity it is my view that there will be no negative impacts as the site is agricultural of low biodiversity value. The proposal would not be likely to have a significant effect on the features of any European site. There are no open watercourses nearby, and the site is not located within any European Designation. Boundary vegetation will be retained where possible, and compensatory replacement planting will be carried out along the eastern boundary.

Other considerations

No issues of land contamination have been identified on this site.

From the Strategic Flood Maps NI the site does not appear to be within a flood plain or be affected by pluvial ponding. A development of this size does not require a drainage assessment. No open watercourses are being culverted. It is the responsibility of the developer to ensure that acceptable drainage for the site can be achieved, that all drainage consents are in place and that drainage from the site will not have a detrimental impact on neighbouring property. I am satisfied that the policy provisions of PPS15 Planning and Flood Risk are met.

Concern was raised by an objector on how finished floor levels were arrived at. A cross-section drawing has been provided by the agent, along with a block plan which shows difference in levels between existing and proposed development. I find these levels to be acceptable from an amenity impact point of view. There are also levels shown at the access to the proposed site. I am content that there is sufficient information to control levels within the site, and I find this relationship between existing and proposed development to be acceptable. Should the development not be carried out in accordance with levels shown, and this is reported to Council's Planning Department, then it will be at the discretion of our Enforcement Team if this complaint should be investigated and how best to deal with the alleged breach.

I am satisfied that all objectors concerns have been covered and the proposed development will result in a quality residential environment that will not have a negative impact on surrounding property, or village character, road safety or the environment. I am satisfied that the plans are clear and are descriptive on how the development shall be carried out.

No evidence has been presented to suggest that 3rd party land is required for the footpath or visibility splay provision, and the developer is aware of the objections raised in connection with this. All neighbours have been notified in accordance with legislative requirements. Should it be the case that 3rd party land will be required to implement any part of the development, or 3rd party land is damaged during the construction process, or an accident occurs during or after construction then this will be a civil matter between the interested parties to sort out. The Planning Authority does not have the necessary expertise or jurisdiction to adjudicate in such matters, and these are ultimately matters for the Court to decide.

I am satisfied that objector's concerns in relation to this development are not determining in this case, and that this proposal for 5 detached 2 storey dwellings within the limits of

Annaghmore Village is acceptable at this site and locality and will not result in any significant environmental or amenity damage.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That planning permission be granted subject to the following conditions;

Conditions

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

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

2. The development hereby approved shall be carried out in accordance with levels and cross sections indicated on drawings No. 02 rev6 date received 18/01/2022, No. 10 rev1 date received 17/12/2020, and, No. 12 date received 10/05/2022, unless otherwise agreed in writing with Mid Ulster council.

Reason: To ensure a quality residential environment and to protect existing and proposed residential amenity.

3. Prior to the occupation of any dwelling hereby approved, the area of open space shall be put in place and sewn out with grass seed, unless otherwise agreed.

Reason: In the interest of visual amenity and to ensure a quality residential environment.

4. Prior to the occupation of any dwelling hereby approved, a document shall be submitted to Council for agreement detailing how the area of open space will be managed and maintained, and this shall include the maintenance of the 1.8m and 1.2m high rendered wall, indicated in drawing No. 02 rev6 date received 18/01/2022 as BW1 and BW2. The agreed management and maintenance plan shall be carried out in

accordance with that plan thereafter, by an agreed Management and Maintenance Company, unless otherwise agreed in writing.

Reason: In the interest of visual amenity and to ensure a quality residential environment.

5. No dwelling hereby approved shall be occupied until a signed contract with an agreed Management and Maintenance Company for all areas of public open space and communal walls has been put in place, and details of which agreed with Council. All areas of communal open space shall be managed and maintained by that agreed management company thereafter, unless otherwise agreed.

Reason: To ensure that the open space provided is managed and maintained, in perpetuity, in accordance with the Department's Planning Policy Statement 7 (PPS7)- Quality Residential Environments, and Planning Policy Statement 8 (PPS8)-Open Space, Sport and Outdoor Recreation.

6. Prior to the occupation of any dwelling hereby approved, the boundary wall indicated as BW1 and Bw2 on drawing No. 02 rev 6 date received 18/01/2022 and details shown on drawing No. 11 date received 30/09/2020 shall be put in place and permanently retained thereafter.

Reason: To protect existing and proposed residential amenity, and to create a quality residential environment.

7. All boundary treatments within each individual site, including boundary wall and/or fence provision, shall be put in place in accordance with details indicated on drawing No. 02 rev 6 date received 18/01/2022 and details shown on drawing No. 11 date received 30/09/2020 prior to the occupation of that dwelling on that site, and shall be permanently retained thereafter.

Reason: To assist in the provision of a quality residential environment and to safeguard private residential amenity.

8. The existing hedgerow and vegetation along the western and southern boundaries of the site, as indicated on drawing No. 02 rev 6 date received 18/01/2022 shall be permanently retained unless otherwise agreed in writing. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Council unless

necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing at the earliest possible moment.

Reason: In the interests of visual amenity and biodiversity.

9. Within the first available planting season from the commencement of development hereby approved, the 5m wide buffer planting along the eastern boundary and indicated on drawing No. 02 rev6 date stamp received 18/01/2022 shall be put in place and permanently retained thereafter, unless otherwise agreed in writing. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of the Council unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing at the earliest possible moment.

Reason: In the interests of visual amenity and biodiversity, and to mark the distinction between village and countryside.

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

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

11. The first floor window in house type 03, shown on drawings No. 07 and 08 date received 24/06/2020, shall be of opaque glass.

Reason: To safeguard existing and proposed private amenity.

12. Prior to the commencement of any development hereby approved, the vehicular access, including visibility splays of 2.4m by 65m to the North West, and 2.4m by 70m to the South East, and any forward sight distance, shall be provided in accordance with Drawing No. 02 Rev 6 bearing the date stamp 18 January 2022, and shall be permanently retained thereafter. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the

level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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

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

14. No dwelling hereby permitted shall be occupied until the footway indicated on Drawing No 02 Rev 6 bearing the date stamp 18 January has been fully completed in accordance with the approved plans, and shall be permanently retained thereafter, unless otherwise agreed.

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

Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.
2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.
4. DfI Roads advise the following;

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

The developer, future purchasers and their successors in title should note that the access way and parking areas associated with this development are, and will remain, private. The Department has not considered, nor will it at any time in the future consider, these areas to constitute a "street" as defined in The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

Responsibility for the access way and parking areas rests solely with the developer.

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

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

It is the responsibility of the Developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing road side drainage is preserved and does not allow water from the road to enter the site.

The developer is required to enter into a licence agreement with the Department for Infrastructure, Roads for the carrying out of the road works approved, prior to the commencement of any works to the public road network.

Signature(s)

Date:

ANNEX	
Date Valid	24th June 2020
Date First Advertised	7th July 2020
Date Last Advertised	23rd February 2021
Details of Neighbour Notification (all addresses)	
<p>Brenda & Isobel O'Neill 105 Gortgonis Road, Coalisland, Tyrone, BT71 4QQ</p> <p>Mr & Mrs Ryan O'Neill 107 Gortgonis Road, Coalisland, Tyrone, BT71 4QQ</p> <p>Magdala O'Neill 107 Gortgonis Road, Coalisland, Tyrone, BT71 4QQ</p> <p>The Owner/Occupier, 109 Gortgonis Road Coalisland Tyrone</p> <p>Stephen McCann & Sharon Trainor 109 Gortgonis Road, Coalisland, Tyrone, BT71 4QQ</p> <p>Sharon Trainor 109 Gortgonis Road, Coalisland, Tyrone, Northern Ireland, BT71 4QQ</p> <p>Sharon Trainor & Stephen McCann 109 Gortgonis Road, Coalisland, Tyrone, Northern Ireland, BT71 4QQ</p> <p>Stephen McCann and Sharon Trainor 109 Gortgonis Road, Coalisland, Tyrone, BT71 4QQ</p> <p>Shane _ Kerri McCann 10A ANNAGHMORE ROAD, COALISLAND, TYRONE, BT71 4QQ</p> <p>Seamus & Lucia McCann 12 Annaghmore Road, Coalisland, Tyrone, BT71 4QQ</p> <p>The Owner/Occupier,</p>	

16 Annaghmore Road Coalisland Tyrone

Finbar & Eimear Hughes

16 Annaghmore Road, Coalisland, Tyrone, BT71 4QZ

Gillian McGrath

31 Annaghmore Road, Coalisland, Tyrone, BT71 4QZ

Pete & Frank O'Neill

35a Annaghmore Hill, Coalisland, Co Tyrone, BT71 4QQ

The Owner/Occupier,

95 Gortgonis Road Coalisland Tyrone

Malachy Hughes

95 Gortgonis Road, Coalisland, Tyrone, BT71 4QQ

Michael & Teresa Campbell

99 Gortgonis Road, Coalisland, Tyrone, BT71 4QQ

The Owner/Occupier,

Annaghmore Primary School, 10 Annaghmore Road, Coalisland, Tyrone, BT71 4QZ

Sharon & Stephen Trainor & McCann

EMAIL

The Owner/Occupier,

McCann Fuels, 12 Annaghmore Rd, Coalisland, Dungannon BT71 4QZ

Date of Last Neighbour Notification	4th February 2022
Date of EIA Determination	
ES Requested	No
Notification to Department (if relevant): NA	
Date of Notification to Department:	
Response of Department:	



Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2021/1149/F Recommendation: Approve	Target Date: 1 October 2021
Proposal: New access	Location: 11A Strawmore Lane Doon Draperstown
Applicant Name and Address: E Kelly Esq 11A Strawmore Lane Doon Draperstown	Agent name and Address: Russell Finlay 350 Hillhead Road Magherafelt BT45 8QT
Summary of Issues: <p>This application was first before Members with a recommendation to refuse at July 2022 Planning Committee. It was considered the proposed new access was contrary to Policies AMP 2 of PPS3 and DCAN 15 in that it impacted upon Road Safety. Members agreed to defer the application for a Members site visit, which did take place. DFI Roads were also present at the site visit. A further site meeting has taken place between the applicant and DFI Roads to decide on measures to improve road safety. The application is now before Members with a recommendation to Approve, with the justification for the recommendation is detailed further in this report.</p>	
Summary of Consultee Responses:	
Characteristics of the Site and Area <p>The application site is located at 11a Strawmore Lane, Draperstown and is outside any defined settlement in the Magherafelt Area Plan 2015. It is within the Sperrins AONB. The topography of the area rises up from the Doon Road towards number 11, before falling towards the entrance to the site of number 11a. The landform continues to rise towards the South before falling away again towards the public road. The surrounding area is predominantly rural.</p>	

Description of Proposal

This is a full application for a new domestic access

Deferred Consideration:

This application is for a new access to a dwelling approved under LA09/2018/1262/F. This permission is live until 7th May 2024. The approved access utilised an existing laneway onto Doon Road, which runs parallel to Strawmore Lane. The applicant now wishes to take a new access directly onto Strawmore Lane. The area of contention which resulted in the initial recommendation to refuse is that the proposed access comes out onto Strawmore Lane adjacent to Doon Bridge. The applicant, in advance of gaining a permission for a new access, removed vegetation to provide clear visibility. Following consultation with DFI Roads concern was raised that the splays will not provide a safe access due to the location of the Doon Bridge wall which is within the proposed visibility splays. Roads also advised that the proposed access did not meet DCAN 15 minimum standard due to the close proximity of the Doon Bridge range wall. For these reasons the application was recommended for refusal.

In the intervening months, DFI Roads Structures Department have met the applicant on site. The required works to the site frontage and in close proximity of the bridge has been agreed in principle between both parties. The works will facilitate an acceptable visibility splay in accordance with DCAN 15 and will part overlook the bridge parapet wall. Formal re-consultation has been carried out with DFI Roads, who have confirmed this and they no longer offer an objection

It is therefore recommended that Members now approve this application subject to the conditions below.

Conditions/Reasons for Refusal:

Approval Conditions

Condition 1

The development hereby permitted shall be begun no later than the 7th May 2024

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

Condition 2

No other development hereby permitted shall be commenced until the vehicular access has been constructed in accordance with Drawing No. 02 bearing the date stamp 06 August 2021.

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 minimum visibility splays of 2 metres by 33 metres at the junction of the proposed access

with the public road, shall be provided prior to the commencement of any works or other development.

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

Condition 4

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

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

Signature(s):Karla McKinless

Date: 24 October 2023



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 5 th July 2022	Item Number:
Application ID: LA09/2021/1149/F	Target Date:
Proposal: New access	Location: 11a Strawmore Lane Doon Draperstown
Referral Route: Committee	
Recommendation:	Refusal
Applicant Name and Address: E Kelly Esq 11a Strawmore Lane Doon Draperstown	Agent Name and Address: Russell Finlay 350 Hillhead Road Magherafelt BT45 8QT
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The application site is located at 11a Strawmore Lane, Doon Road, Draperstown and is located outside the designated settlement limits as defined in the Magherafelt Area Plan, 2015 and is located within an Area of Outstanding Natural Beauty.

The Topography of the area rises up from the Doon Road towards no.11 before falling towards the entrance to the site of No 11a. The landform continues to rise towards the

south before falling away again towards the public road. The surrounding area is predominantly rural.

Description of Proposal

The proposal is a full application for a New Access

Planning Assessment of Policy and Other Material Considerations

Magherafelt Area Plan, 2015
Strategic Planning Policy Statement (SPPS)
PPS 3 Access, Movement and Parking
PPS 21 Sustainable Development in the Countryside
DCAN 15 Vehicular Access Standards

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

Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) states that the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The Magherafelt Area Plan does not contain any specific policies relevant to the application or the site within which it sits. The principal planning policies are therefore provided by PPS 21 and the SPPS.

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

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

The policy test for this application is Planning Policy Statement 3:- Access, Movement and Parking.

DFI Roads were consulted on the application and responded to say that the visibility splays as proposed on drawing 02 dated 06 Aug 2021 will not provide a safe access onto Strawmore Lane Draperstown due to the location of the Doon Bridge range wall on the Northern side of the access which is within the proposed visibility splays.

The proposed access will not meet the DCAN 15 minimum standard of 2.0 x 30 metres due to the close proximity (18.0m) to the location of Doon Bridge range wall.

The approved access for this dwelling (LA09/2018/1262/F) onto Doon Road is the most appropriate and safe access to the public road network.

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the visibility splays of 2.4 metres x 45 metres from the proposed access cannot be provided in accordance with the standards contained in the Departments Development Control Advise Note 15. DfI Roads recommend a refusal for the above application.

With this in mind I consider the proposed access arrangements to be unacceptable and in contrary to the provisions of PPS 3 - Access, Movement and Parking

Conclusion

The proposed access is clearly unacceptable and contrary to the provision of PPS 3 and DCAN 15 and therefore refusal is recommended

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

Reasons for refusal:

1. The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the visibility splays of 2.4 metres x 45 metres from the proposed access cannot be provided in accordance with the standards.
2. The proposed access will not meet the DCAN 15 minimum standard of 2.0 x 30 metres due to the close proximity (18.0m) to the location of Doon Bridge range wall.

3. The approved access for this dwelling (LA09/2018/1262/F) onto Doon Road is the most appropriate and safe access to the public road network.

Signature(s)

Date:

ANNEX	
Date Valid	6th August 2021
Date First Advertised	24th August 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 11 Strawmore Lane Draperstown Londonderry The Owner/Occupier, 11b Strawmore Lane, Draperstown, Londonderry, BT45 7JJ The Owner/Occupier, 14 Strawmore Lane Draperstown Londonderry	
Date of Last Neighbour Notification	25th August 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2018/1262/F Proposal: Change of house type from 1.5 storey to bungalow utilizing the existing footings as previously constructed under H/2006/1003/RM. Address: 70m SSW of 11 Strawmore Lane, Draperstown., Decision: PG Decision Date: 10.05.2019 Ref ID: LA09/2021/1149/F Proposal: New access Address: 11a Strawmore Lane, Doon, Draperstown, Decision: Decision Date: Ref ID: LA09/2017/1188/RM Proposal: New dwelling and garage Address: 80m S.E. of 11 Strawmore Lane, Draperstown, Decision: PG Decision Date: 16.11.2017	

Ref ID: LA09/2018/0177/F

Proposal: Extension to dwelling and conversion of garage to home gym

Address: 11 Strawmore Lane, Doon Road, Draperstown,

Decision: PG

Decision Date: 07.06.2018

Ref ID: H/2003/0562/O

Proposal: Site of dwelling and garage.

Address: Approx 280 SE of No 10 Strawmore Lane, Moneyneena, Draperstown.

Decision:

Decision Date: 19.01.2004

Ref ID: H/2004/0965/RM

Proposal: Dwelling and garage

Address: 280m South East of, 10 Strawmore Lane, Moneyneena, Draperstown

Decision:

Decision Date: 03.08.2005

Ref ID: H/2012/0159/O

Proposal: Proposed dwelling and garage

Address: 30m South East of 11 Strawmore Lane, Draperstown. Access via Doon Road,

Decision: PR

Decision Date: 18.03.2014

Ref ID: H/2006/1003/RM

Proposal: Dwelling and garage

Address: 300m South East of 10 Strawmore Lane, Draperstown

Decision:

Decision Date: 24.04.2007

Ref ID: H/2003/0561/O

Proposal: Site of dwelling and garage.

Address: Approx 300m SE of No 10 Strawmore Lane, Moneyneeny, Draperstown.

Decision:

Decision Date: 19.01.2004

Ref ID: H/2003/0014/O

Proposal: Site of dwelling and garage.

Address: Approx. 200m South of 10 Strawmore Lane, Moneyneeny, Draperstown.

Decision:

Decision Date: 18.03.2003

Ref ID: H/2006/0065/RM

Proposal: Proposed New Dwelling & Garage

Address: 200m South Of 10 Strawmore Lane, Moneyneena

Decision:

Decision Date: 10.05.2006

Ref ID: H/2002/0407/O

Proposal: Site for Dwelling & Garage.

Address: 200m south of 10 Strawmore Lane, Moneyneany, Draperstown.

Decision:

Decision Date: 09.09.2002

Ref ID: LA09/2015/0085/O

Proposal: Dwelling and garage

Address: 80m South East of 11 Strawmore Lane, Draperstown, Access via Doon Road,

Decision: PG

Decision Date: 04.11.2016

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

Drawing No.
Type:
Status: Submitted

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

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/1672/F	Target Date: <add date>
Proposal: Proposed change of house type and relocation of dwelling and domestic garage from that originally approved under M/2013/0414/F and domestic garage	Location: Approx. 100m North of 34 Ferry Road Coalisland Dungannon
Applicant Name and Address: Mr Patrick And Mrs Lisa Trainor 4 Ferry Road Coalisland Dungannon	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Summary of Issues: This application is for the relocation of a house and garage from the previously approved location. The house is located on a more exposed and visible site, it is much larger than originally approved and the design is not typically rural in appearance. The applicants have been offered the opportunity to amend the design and the location however they have instead provided a revised landscaping scheme and asked that it is conditioned to allow the house to be approved and built.	
Summary of Consultee Responses: DFI Roads - no objection subject to sight line improvements SES – HRA carried it and unlikely to have significant effects on European Designations NIEA – condition consent to discharge for septic tank and requested preliminary ecological assessment (desk top analysis)	

Characteristics of the Site and Area:

The site is located in the rural countryside outside any defined settlement limit designated under Dungannon and South Tyrone Area Plan 2010, approximately 2km southeast of Killeen. Lough Neagh lies approx. 200 – 300m to the north and northeast of the site.

The site in effect comprises two relatively square shaped plots, one larger southwest plot and one smaller northeast plot cut from the same much larger rectangular shaped host field. The larger southwest plot, previously approved for a dwelling and a garage under planning application M/2013/0414/F, comprises the overgrown foundations of a garage and a pre-fabricated modular building in use as a dwelling. The smaller northeast plot is where the current application seeks to relocate the previously approved scheme with a change of house type including garage. The site is set back approx. 450m from and accessed off the Ferry Rd via an existing gravelled laneway. A mix of native hedgerows and vegetation bounds the host field, which sits above the level of the adjacent lough shores. The boundaries of the site within the host field are undefined. The land rises through the site from southwest to northeast as such the smaller northeast plot sits substantially elevated above the larger southwest plot.

Critical views of the site are from the Ferry Rd around its access off the road and on the approach to it from the lane serving it. From these views, the vegetation bounding the host field and land rising within it would provide a dwelling on the lower southwest plot with a sense of enclosure and backdrop. However, from these views a dwelling on the higher northeast plot, as currently proposed, is likely to sit in the skyline and be unduly prominent in the landscape, as it is bound only to one side.

The area surrounding the site is predominantly agricultural land interspersed with detached dwellings, ancillary buildings and farm groups. Significant peat operations exist in the area along the lane leading to the site.

Description of Proposal

This is a full planning application for the proposed relocation and change of house type of a dwelling and garage previously approved and deemed to have commenced on site under planning application M/2013/0414/F.

Planning application M/2013/0414/F on the 14th October 2014 granted permission for a dwelling and garage on a farm in the southwest body of the current site (see Fig 1, below). Works under the aforementioned permissions were to have commenced prior to the 14th October 2019.

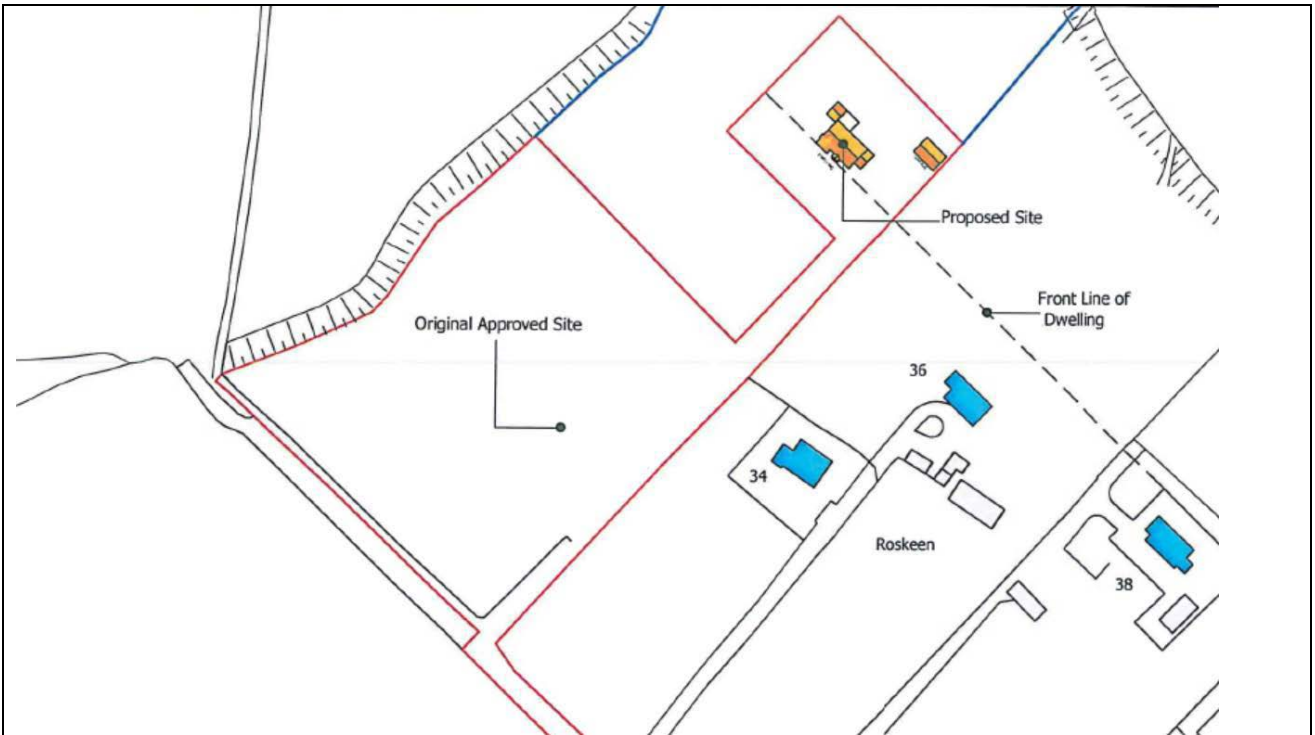


Fig 1: Current site location plan showing approx. location of previously approved dwelling and garage; and location of the change of house type including garage proposed.

Works on site would appear to have commenced in accordance with M/2013/0414/F. The access into the site and foundations of the garage appear to have been put in place within the specified timeframe as approved; and building control confirmed they carried out an inspection of the foundations on the 25th September 2019, as per a Building Control letter and invoice submitted alongside this application.

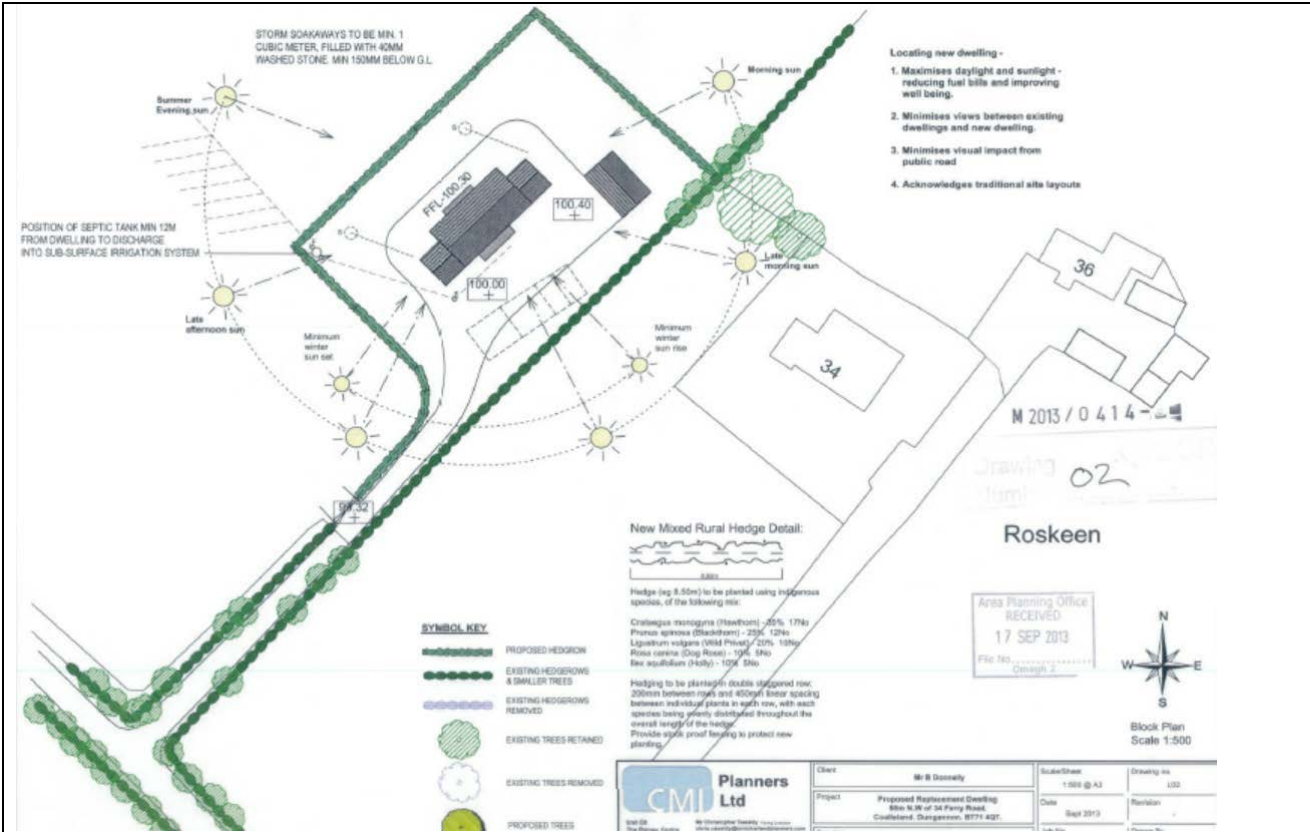


Fig 2: Block plan of dwelling and garage approved under M/2013/0414/F



Fig 3: Elevations of dwelling and garage approved under M/2013/0414/F

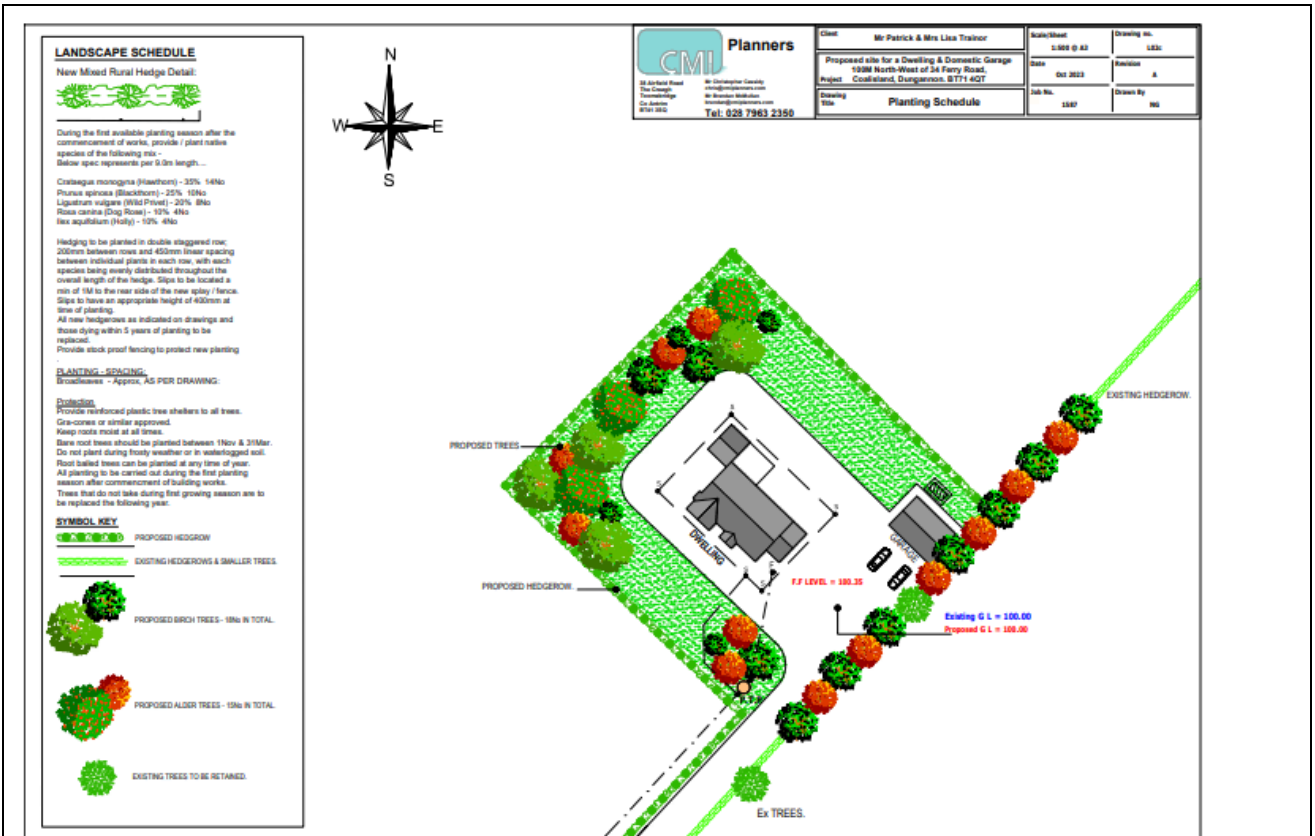


Fig 4: Block plan of dwelling and garage currently proposed, including revised landscaping plan



Fig 5: Floor plans and elevations of dwelling and garage currently proposed

As seen above in Figs 1, 2, 3, 4 & 5 above the previously approved scheme was for a modest single storey dwelling and single storey detached garage whilst the new proposal is for a substantial two-storey dwelling and single storey detached garage. The previous scheme was located in the southwest body of the current site on lower enclosed lands whilst the new scheme is to be located in the northeast body of the current site on elevated open lands.

Deferred Consideration:

This application was before the Planning Committee in July 2022 where it was deferred to allow a meeting with the Service Director. A meeting was held on 16 September and a further site visit was undertaken. At the site visit it was noted roadside vegetation has been removed which further opened up the site to views from the junction with Derryloughan Road and from this location the proposed dwelling would be prominent in the landscape on a local ridge line. Fig 6 shows the proposed dwelling superimposed onto the view from the junction, This view shows how prominent the site is and is a reasonable indication of how the dwelling will appear. It is noted the dwelling, especially in this view, will be divorced from the other buildings here will appear prominent in the landscape.

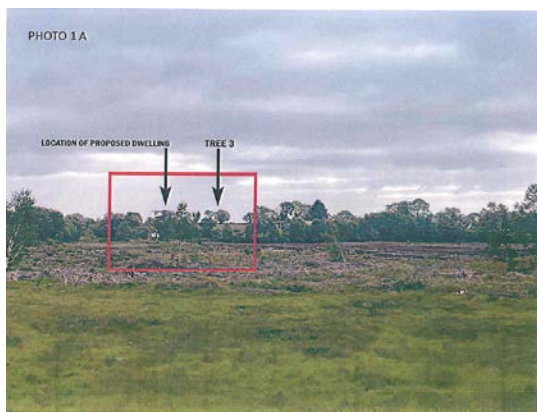


Fig 6 – Site identified and agent has superimposed dwelling in view from Derryloughan Road/Ferry Road junction.

The agent was advised to reduce the dwelling and resite, however additional information was provided about other houses in the immediate area. The dwellings referred to are located to the south east of the application site. as shown in Fig 7 below.

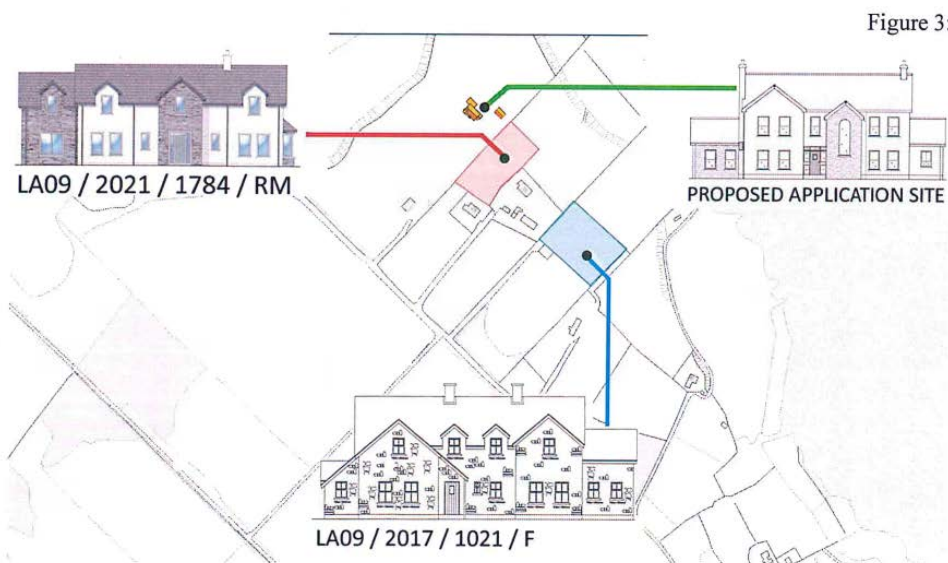


Fig 7 – other houses approved nearby

At a meeting with Linda Dillon MLA, the applicants and the agent on 16 October 2023, these dwellings were discussed and everyone was advised about how applications are each considered on their own merits. The identified dwellings were assessed in relation to the integration prospects due to existing buildings and vegetation around them and were considered acceptable. the dwelling in blue on fig 7 has been constructed on site, it is lower in the landscape and so well enclosed by vegetation that it is not visible from the public road, the dwelling in red is on a site that is enclosed by vegetation and other buildings. The applicants were requested to revise the proposal and reduce the impact of the dwelling. The agent indicated they would submit a revised landscaping plan and wished to have a decision on the proposal.

Members are advised that CTY13, para 3.59 – 3.64 deal with the issue of integration and that dwellings on top of slope/ridge locations will be unacceptable. It further sets out that new planting alone will not be sufficient and a dwelling on an unacceptable site cannot be integrated by the use of landscaping. The reason for this is the time period that is necessary for landscaping to mature. The proposed dwelling will be prominent in public views as indicated in fig 6 and as such it is recommended this application is refused.

Reasons for Refusal:

1. The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; and the design of the dwelling is inappropriate for the site and its locality due to its size, scale and massing, and if permitted it would be a prominent feature in the landscape.
2. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted be unduly prominent in the landscape and would therefore result in a detrimental change to the rural character of the countryside..

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1672/F	Target Date:
Proposal: Proposed change of house type and relocation of dwelling and domestic garage from that originally approved under M/2013/0414/F and domestic garage	Location: Approx. 100m North of 34 Ferry Road Coalisland Dungannon
Referral Route: Refuse	
Recommendation: Refuse	
Applicant Name and Address: Mr Patrick And Mrs Lisa Trainor 4 Ferry Road Coalisland Dungannon	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	Shared Environmental Services	Substantive Response Received
Statutory	NIEA	Advice

Representations:

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

Description of Proposal

This is a full planning application for the proposed relocation and change of house type of a dwelling and garage previously approved and deemed to have commenced on site under planning application M/2013/0414/F.

Planning application M/2013/0414/F on the 14th October 2014 granted permission for a dwelling and garage on a farm in the southwest body of the current site (see Fig 1, below). Works under the aforementioned permissions were to have commenced prior to the 14th October 2019.

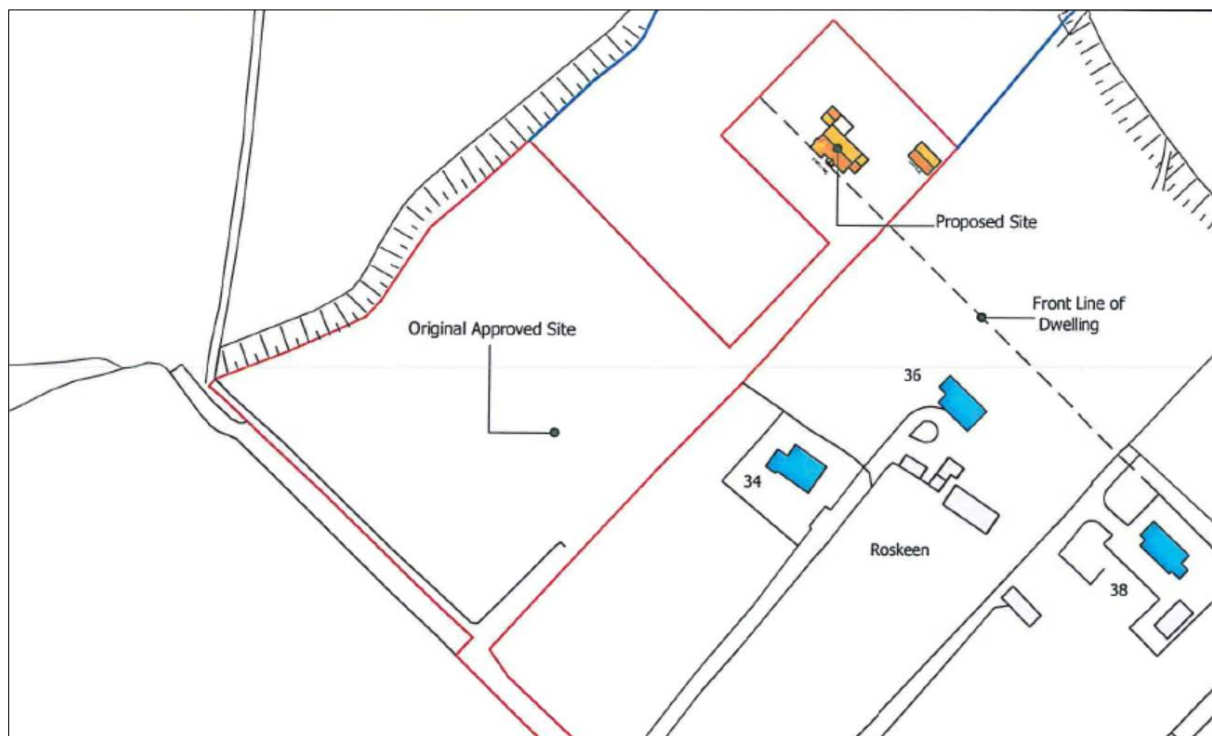


Fig 1: Current site location plan showing approx. location of previously approved dwelling and garage; and location of the change of house type including garage proposed.

Works on site would appear to have commenced in accordance with M/2013/0414/F. The access into the site and foundations of the garage appear to have been put in place within the specified timeframe as approved; and building control confirmed they carried out an inspection of the foundations on the 25th September 2019, as per a Building Control letter and invoice submitted alongside this application.

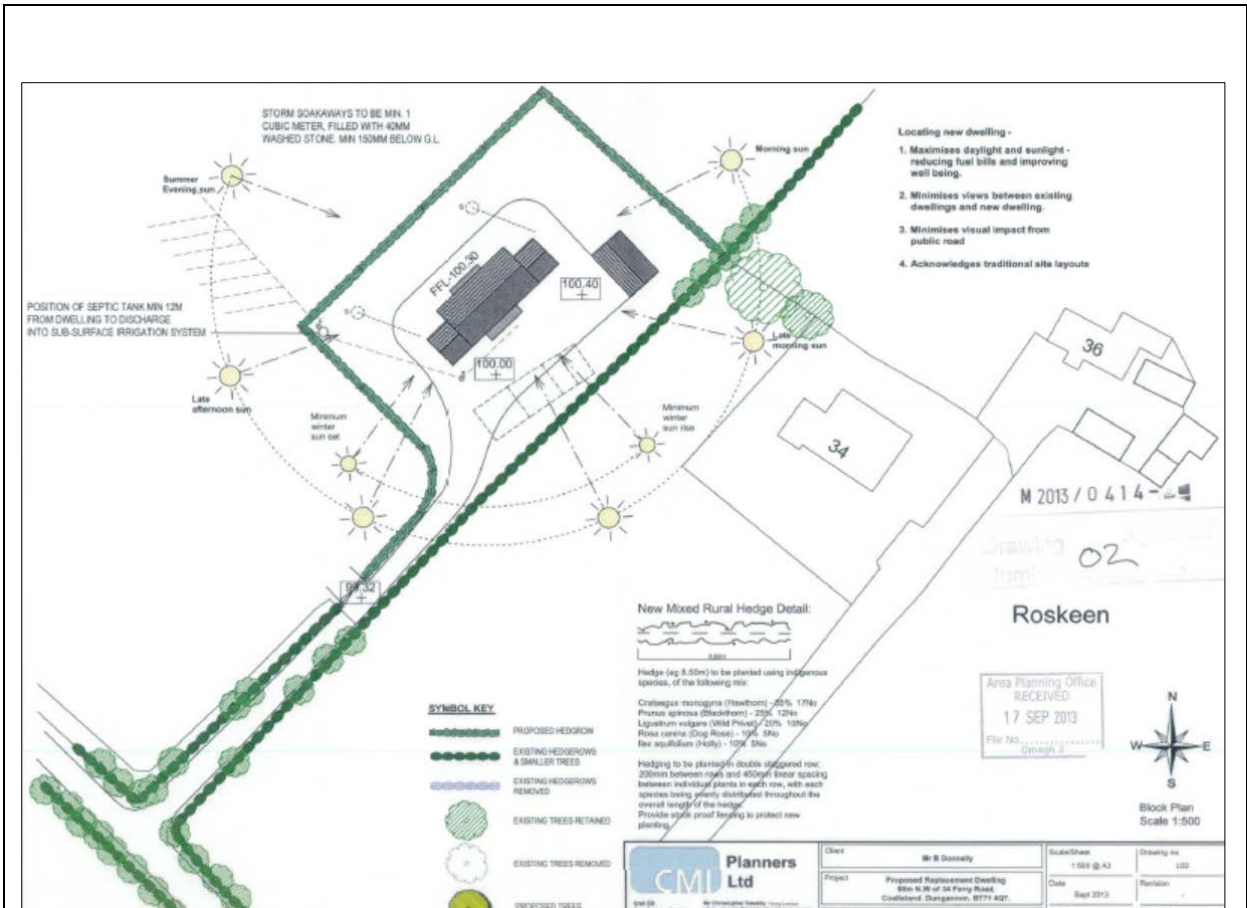


Fig 2: Block plan of dwelling and garage approved under M/2013/0414/F

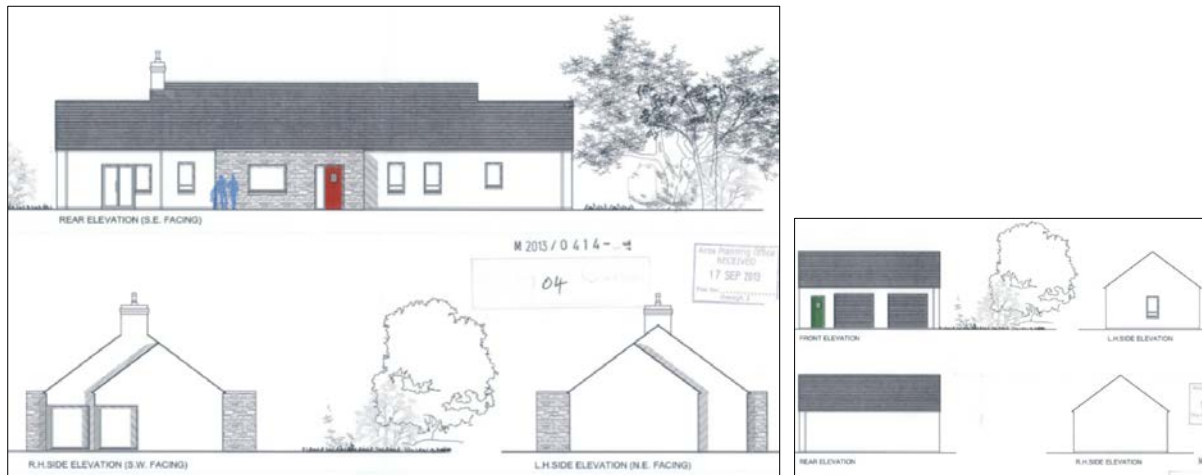


Fig 3: Elevations of dwelling and garage approved under M/2013/0414/F



Fig 4: Block plan of dwelling and garage currently proposed



Fig 5: Floor plans and elevations of dwelling and garage currently proposed

As seen above in Figs 1, 2, 3, 4 & 5 above the previously approved scheme was for a modest single storey dwelling and single storey detached garage whilst the new proposal is for a substantial two-storey dwelling and single storey detached garage. The previous scheme was located in the southwest body of the current site on lower enclosed lands whilst the new scheme is to be located in the northeast body of the current site on elevated open lands.

Characteristics of the Site and Area

The site is located in the rural countryside outside any defined settlement limit designated under Dungannon and South Tyrone Area Plan 2010, approximately 2km southeast of Killeen. Lough Neagh lies approx. 200 – 300m to the north and northeast of the site.

The site in effect comprises two relatively square shaped plots, one larger southwest plot and one smaller northeast plot cut from the same much larger rectangular shaped host field. The larger southwest plot, previously approved for a dwelling and a garage under planning application M/2013/0414/F, comprises the overgrown foundations of a garage and a pre-fabricated modular building in use as a dwelling. The smaller northeast plot is where the current application seeks to relocate the previously approved scheme with a change of house type including garage. The site is set back approx. 450m from and accessed off the Ferry Rd via an existing gravelled laneway. A mix of native hedgerows and vegetation bounds the host field, which sits above the level of the adjacent lough shores. The boundaries of the site within the host field are undefined. The land rises through the site from southwest to northeast as such the smaller northeast plot sits substantially elevated above the larger southwest plot.

Critical views of the site are from the Ferry Rd around its access off the road and on the approach to it from the lane serving it. From these views, the vegetation bounding the host field and land rising within it would provide a dwelling on the lower southwest plot with a sense of enclosure and backdrop. However, from these views a dwelling on the higher northeast plot, as currently proposed, is likely to sit in the skyline and be unduly prominent in the landscape, as it is bound only to one side.

The area surrounding the site is predominantly agricultural land interspersed with detached dwellings, ancillary buildings and farm groups. Significant peat operations exist in the area along the lane leading to the site.

Planning Assessment of Policy and Other Material Considerations

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

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

Regional Development Strategy 2030

Dungannon and South Tyrone Area Plan 2010

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 3 - Access, Movement and Parking

Planning Policy Statement 21 - Sustainable Development in the Countryside

Supplementary Planning Guidance for PPS21 - 'Building on Tradition' A Sustainable Design Guide for the Northern Ireland Countryside.

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in

assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

Representations

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

Relevant Planning History

On Site

- M/2002/0984/O - Replacement Dwelling House - 100m West of 34 Ferry Rd Coalisland - Withdrawn 1st March 2003 it would appear as there was no justification for it in a countryside policy area; and the dwelling did not meet replacement criteria.
- M/2005/0520/O - One dwelling - 100m West of 34 Ferry Rd Coalisland - Withdrawn 23rd September 2005 it would appear as there was no justification for it in a countryside policy area
- M/2013/0414/F - Farm dwelling and garage - 50m NW of 34 Ferry Rd Coalisland - Granted 14th October 2014
- LA09/2021/0063/CA - Alleged unauthorised modular building - 32 Ferry Road Coalisland - Assessment of enforcement case

Adjacent

- LA09/2020/1443/O - Proposed dwelling on a farm (CTY 10) - Adjacent to 34 & 36 Ferry Rd Dungannon - Granted
- LA09/2021/1784/RM - Proposed dwelling & garage - Adjacent to 34 & 36 Ferry Rd Dungannon - Granted

The above applications relate to lands to the rear of no. 34 Ferry Rd and immediately southeast of where the dwelling and garage under the current application is proposed to be sited. The dwelling approved under the above applications was 1 ¾ storey with a 7.5m ridge height above FFL.

Consultees

1. Dfi Roads were consulted in relation to access arrangements and have raised no objections to this proposal, subject to standard conditions and informatives. Accordingly, subject to these conditions and informatives I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.
2. Shared Environmental Services (SES) were consulted in relation to any potential hydrological link from the development to a European site as the site is located within Lough Neagh Ramsar Site; the applicant intends to use a package treatment plant for foul sewage; and both foul & storm drainage is to be taken to an existing open stream boundary.

SES have carried out a Habitats Regulation Assessment (HRA) report responded that having considered the nature, scale, timing, duration and location of the project, concluded it would not be likely to have a significant effect on any European site, either alone or in combination with any other plan or project and therefore an appropriate assessment is not required. In reaching this conclusion, no account was taken of measures intended to avoid or reduce potential harmful effects of the project on any European site. No likely significant effect is predicted due to the scale/nature of the proposed development, the presence of existing development in the vicinity and the quality of the habitat that will be lost to facilitate the proposed development.

Mid Ulster District Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by SES, dated 24th March 2022. This found that the project would not be likely to have a significant effect on any European site.

3. NIEA were consulted in relation to any potential hydrological link from the development to a European site as the site is located within Lough Neagh Ramsar Site; the applicant intends to use a package treatment plant for foul sewage; and both foul & storm drainage is to be taken to an existing open stream boundary.
 - Water Management Unit (WMU) and Inland Fisheries – WMU has considered the impacts of the proposal on the surface water environment and is content with the proposal subject to conditions, any relevant statutory permissions being obtained and the applicant referring and adhering to DAERA Standing advice. Inland Fisheries is content.
 - Natural Environment Division (NED) - Noted no ecological information had been submitted with the application and advised they required further information to fully assess the likely impacts on natural heritage interests. Based on aerial photography and the proposal drawings it appears that the site is likely to contain significant natural heritage interest. NED considers that a Preliminary Ecological Appraisal (PEA) is required to assess the potential impacts. A PEA will provide direction as to whether more detailed and/or targeted surveys should also be carried out. NED notes that the site contains suitable habitat for breeding birds and considers that site vegetation clearance works should not be undertaken during the birdbreeding season (which extends from 1st March to 31st August) unless an appropriate survey has been carried out by a suitably experienced ecologist which confirms the absence of active nests.

With regards NED's response above, I note it was a desk-based response, the lands within the site comprise improved grassland and existing vegetation bounding the site could be conditioned to be retained, should any development be accepted

Consideration

Dungannon and South Tyrone Area Plan 2010 - is the statutory local development plan for the application site. The site is located outside any development limit and the development plan offers no specific policy or guidance in respect of the proposal.

The Strategic Planning Policy Statement for Northern Ireland - Retains the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside.

Planning Policy Statement 21: Sustainable Development in the Countryside - is the overarching policy for development in the countryside. It provides certain instances where the development of a dwelling is considered acceptable in the countryside subject to criteria. These instances are listed in Policy CTY1 of PPS21.

I am content the principle of this development, a dwelling and garage, has been established on site through the previous approval M/2013/0414/F and the subsequent commencement of development. As detailed in 'Description of Proposal' further above works on site would appear to have commenced in accordance with M/2013/0414/F. The access into the site and foundations of the garage appear to have been put in place within the specified timeframe as approved (prior to the 14th October 2019); and building control confirmed they carried out an inspection of the foundations on the 25th September 2019, as per a Building Control letter and invoice submitted alongside this application.

The above said with respect to the relocation and design of the dwelling and garage proposed it must still comply with Policies CTY 13 and 14 of PPS 21. CTY 13 states that the proposed development must be able to visually integrate into the surrounding landscape and be of an appropriate design. Policy CTY 14 allows for a building in the countryside where it does not cause detrimental change to or further erode the rural character of the area.

In this instance, I do not believe the site has the capacity to absorb the proposed dwelling in accordance with Policy CTY13 and 14 in that the proposed site has only one established (eastern) boundary and therefore is unable to provide a suitable degree of enclosure for the building to integrate into the landscape. Furthermore, the size, scale, and massing of the dwelling in my opinion is inappropriate for the site and locality and if permitted would be a prominent feature in the landscape when viewed from the surrounding vantage points (see 'Characteristics of the Site and Area') leading to a detrimental change to the rural character of the area.

Whilst the previous dwelling was a low ridge bungalow of modest size and scale on lower more enclosed lands, the proposed dwelling is a substantial 2-storey dwelling (ridge height approx. 8.7m above FFL) on more elevated open lands, which in my opinion would have a significantly greater visual impact when viewed from surrounding vantage points. I would also note that the previously approved scheme was relatively simplistic in design and consistent with simple rural form whereas the new dwelling has two large front projections not considered typical of simple rural form.

Accordingly, the agent was contacted via email on the 12th May 2022 and advised Planning did not consider the design of the dwelling to be consistent with simple rural

form; and that due to its size, scale and location on an elevated and open site it would not integrate and appear prominent in the landscape. The agent was offered the opportunity to submit the following additional information for further consideration within 21 days from the of the email i.e. the 2nd June 2022:

- An amended design showing the size and scale of the property reduced;
- An amended block to show the dwelling moved lower down the field onto lower lands near the position of the previously approved dwelling; and
- A few existing (from a fixed point i.e. on the public road) and proposed spot levels.

To date no additional information for consideration has been received.

Other Policy/Considerations

Whilst the location and design of the dwelling including garage is not considered acceptable I had no concerns regarding it impacting the amenity of any existing or potential (see Planning History LA09/2020/1443/O & LA09/2021/1784/RM) neighbouring properties to any unreasonable degree owing to its location and the separation distances retained.

In addition to checks on the planning portal Historic Environment Division map viewer available, online has been checked and identified no built heritage assets of interest on site or within the immediate vicinity.

Checks of the Planning portal and Flood Maps NI indicate the site is not subject to flooding

The development is under the 15.2m height threshold in the area requiring consultation to Defence Estates relating to Met Office - Radar. The development is located within an area of constraint on wind turbines; the development is not for a turbine.

Taking all of the above into consideration I would recommend the refusal of this application.

Neighbour Notification Checked	Yes
Summary of Recommendation:	Refuse

Reasons for Refusal:

1. The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape; and the design of the dwelling is inappropriate for the site and its locality due to its size, scale and massing, and if permitted it would be a prominent feature in the landscape.
2. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if

permitted be unduly prominent in the landscape and would therefore result in a detrimental change to the rural character of the countryside.

Signature(s)

Date:



Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2022/0063/O Recommendation: Refuse	Target Date: 15 March 2022
Proposal: Proposed replacement dwelling and domestic garage	Location: Adjacent To 16 Roshure Road Desertmartin Magherafelt
Applicant Name and Address: Mr Rodney MC Knight 16 Roshure Road Desertmartin Magherafelt	Agent Name and Address: Cmi Planners 38B Airfield Road The Creagh Toomebridge BT41 3SG
Summary of Issues:	
Summary of Consultee Responses:	
Description of Proposal This is an outline application for a proposed replacement dwelling and domestic garage adjacent to 16 Roshure Road, Desertmartin.	
Deferred Consideration: This application was last presented before the Members with a recommendation to refuse in July 2023 where it was deferred for a site visit with Members. Having carried out my site inspection I am not persuaded this building was ever used as a dwelling house. Policy CTY 3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all the external walls are substantially intact. Buildings designed and used for agricultural purposes will not be eligible for replacement under this policy.	

Apart from the current domestic storage use that I observed, evidence regarding the building's original purpose and use history is inconclusive. The agent has stated there was an outside toilet to the western elevation of the building, but I have found no evidence of this on the ground.

The agent has submitted a Griffiths Valuation map from 1859. The agent has also pointed to different buildings to be replaced from that 1859 map. The 1859 list includes details for Samuel Fleming for a "house, offices and land". The 1859 map shows several buildings, and I am not persuaded, based on the detailing of the building, that the dwelling at that time is the building as it currently stands. Given the valuation refers to offices being situated at that time it seems to me more likely this building was used as offices and not as a dwelling.

I am not persuaded that the building was designed as a dwelling house. This is a single room building which does not have any of the essential characteristics of a dwelling house and is of such restricted floorspace does not present as ever being used as a dwelling. I do not consider there to be persuasive documentary evidence to demonstrate that the building had ever been used residentially or been rated as such. The building is therefore not eligible for replacement under Policy CTY 3. I further conclude that the proposal is not acceptable in principle in the countryside as set out in Policy CTY 1.

I recommend a refusal of this application based solely on CTY 3 as the building is not a building that exhibits the essential characteristics of a dwelling house and is not eligible for replacement under this policy.

Conditions/Reasons for Refusal:

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 there is no structure that exhibits the essential characteristics of a dwelling.

Signature(s):Karen Doyle

Date: 16 October 2023

Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2022/0063/O Recommendation: Refuse	Target Date: 15 March 2022
Proposal: Proposed replacement dwelling and domestic garage	Location: Adjacent To 16 Roshure Road Desertmartin Magherafelt
Applicant Name and Address: Mr Rodney MC Knight 16 Roshure Road Desertmartin Magherafelt	Agent Name and Address: Cmi Planners 38B Airfield Road The Creagh Toomebridge BT41 3SG
Summary of Issues:	
Summary of Consultee Responses:	
<p>Characteristics of the Site and Area</p> <p>The site is located off the Roshure Road between Desertmartin and Magherafelt and is in the rural area. The red line of the site covers the existing curtilage of No 16 Roshure Road and the building the applicant is seeking to replace. The site is accessed via an existing laneway to No 16. The character of the area is predominantly agricultural fields interspersed with dwellings and farm buildings.</p>	
<p>Description of Proposal</p> <p>This is an outline application for a proposed replacement dwelling and domestic garage adjacent to 16 Roshure Road, Desertmartin.</p>	

Deferred Consideration:

This application was presented before the Members with a recommendation to refuse in June 2022 where it was deferred for an office meeting with the Service Director. At the office meeting the agent presented a case for the building being a former dwelling and it was agreed I would carry out a site inspection and re-consider the application.

Having carried out my site inspection I am not persuaded this building was ever used as a dwelling house. Policy CTY 3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all the external walls are substantially intact. Buildings designed and used for agricultural purposes will not be eligible for replacement under this policy.

Apart from the current domestic storage use that I observed, evidence regarding the building's original purpose and use history is not only inconclusive, but given its design, somewhat questionable. The restricted dimensions and single room use is not indicative of residential use. It is clear from my site inspection that more modern, though the dates are unknown, works have taken place to the building. This is particularly evident at the gable end to the north east of the building which has been secured by modern block work. The inside of the building has been modernised with the rendered walls evident from my site inspection. What I consider to be currently the front of the building, that is the south eastern elevation, has also been somewhat modernised with significant brickwork around the openings of both the door and the window. I am not persuaded that the window opening is an original opening given the extent of more modern brick and plaster work. The same can be said for the window opening to the rear of the building along the north western elevation which is finished in the same way.

The agent has submitted a Griffiths Valuation map from 1859. The agent has also pointed to different buildings to be replaced from that 1859 map. The 1859 list includes details for Samuel Fleming for a house, offices and land. The 1859 map shows several buildings and I am not persuaded, based on the detailing of the building that the dwelling at that time was the building as it currently stands.

I am not persuaded that the building was designed as a dwelling house. This is a single room building which does not have any of the essential characteristics of a dwelling house and is of such restricted floorspace does not present as ever being used as a dwelling. The building is therefore not eligible for replacement under Policy CTY 3. I further conclude that the proposal is not acceptable in principle in the countryside as set out in Policy CTY 1.

I recommend a refusal of this application based solely on CTY 3 as the building is not a building that exhibits the essential characteristics of a dwelling house and is not eligible for replacement under this policy.

Conditions/Reasons for Refusal:**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 there is no structure that exhibits the essential characteristics of a dwelling.

Signature(s):Karen Doyle

Date: 21 June 2023

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2022/0063/O	Target Date:
Proposal: Proposed replacement dwelling and domestic garage	Location: Adjacent to 16 Roshure Road Desertmartin Magherafelt
Referral Route: To Committee - Refusal - Contrary to CTY 1 and 3 of PPS 21.	
Recommendation:	
Applicant Name and Address: Mr Rodney Mc Knight 16 Roshure Road Desertmartin Magherafelt	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SG
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Summary of Issues

To Committee - Refusal - Contrary to CTY 1 and 3 of PPS 21.

Characteristics of the Site and Area

The site is located 1.59km south east of the development limits of Desertmartin, as such the site is located within the open countryside, outside any defined settlement limits as per the Magherafelt Area Plan. The red line covers the existing curtilage of No.16 Roshure Road inclusive of the building identified to be replaced. I note that the site is accessed via the existing access that serves No.16. The surrounding area is mainly agricultural in nature with single dwellings located sporadically throughout the area.

Representations

Two neighbour notifications were sent out however no third party representations have been received.

Description of Proposal

This is an outline application for a proposed replacement dwelling and domestic garage located at Approx. Adjacent to 16 Roshure Road, Desertmartin, Magherafelt.

Planning Assessment of Policy and Other Material Considerations

Mid Ulster Local Development Plan 2030 - Draft Plan Strategy
 Strategic Planning Policy Statement (SPPS)
 Magherafelt Area Plan 2015
 PPS 1 - General Principles
 PPS 3 - Access, Movement and Parking
 PPS 21 - Sustainable Development in the Countryside
 Building on Tradition - A Sustainable Design Guide for Northern Ireland Countryside
 CTY 1 - Development in the Countryside
 CTY 3 - Replacement Dwellings

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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the Countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In this instance the application is for a replacement dwelling and as a result it must be considered under CTY 3 of PPS 21. CTY 3 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. Upon the site visit I note that there is an existing building on the site, however it did not appear to have the main characteristics of a dwelling. I note it did have a door way and windows, however there was no chimney nor fireplace upon internal inspection. In essence it appears to be an old byre or outbuilding wherein I am not content that a valid replacement opportunity exists. I note the agent has provided additional information to try and demonstrate that this was a house, however upon review of this I am still not content that this is sufficient to change my view.

In addition, the policy goes on to state that the proposed replacement should be sited within the established curtilage of the existing, unless either a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits. I note that this is only an outline and only an indicative position has been provided where I note the building is located within the curtilage and yard of no. 14. As such I am content that the building should be replaced as close to the existing position as possible. But given the application has failed to demonstrate a valid replacement opportunity I hold the view it fails under CTY 3.

After further discussions he confirmed that this was the only case that was applicable, after a quick review of CTY 1, I hold that a dwelling would not be acceptable under the remaining policies.

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I am content that an appropriately designed dwelling would not appear prominent and would be able to successfully integrate into the landscape. From this I am content that the application is able to comply with CTY 13.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. I am content that an appropriately designed dwelling will not appear prominent in the landscape wherein it would not cause detrimental harm to the rural character of the area. On a whole I am content that the proposed development complies with CTY 14.

PPS 3 - Access, Movement and Parking;

A consultation was sent to DFI Roads, in their response confirmed that they had no objections subject to conditions and informatives. I am content that the access is acceptable under PPS 3.

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

I have no flooding, ecological or residential amenity concerns.

The proposal fails under CTY 1 and 3 of PPS 21, as such I recommend refusal.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

Reasons for Refusal:

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

2. The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that there is no structure that exhibits the essential characteristics of a dwelling.

Signature(s)



Date: 16/5/22

ANNEX	
Date Valid	18th January 2022
Date First Advertised	1st February 2022
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 14c Roshure Road, Desertmartin, Londonderry, BT45 5PB The Owner/Occupier, 16 Roshure Road, Desertmartin, Londonderry, BT45 5PB	
Date of Last Neighbour Notification	17th February 2022
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2022/0063/O Proposal: Proposed replacement dwelling and domestic garage Address: Adjacent to 16 Roshure Road, Desertmartin, Magherafelt, Decision: Decision Date: Ref ID: H/2002/0825/O Proposal: Site of Dwelling and Garage Address: Adjacent to 16 Roshure Road, Desertmartin Decision: Decision Date: 16.07.2003 Ref ID: H/1994/4030 Proposal: RENOVATIONS TO DWELLING Address: 16 ROSHURE ROAD MAGHERAFELT Decision: Decision Date:	
Summary of Consultee Responses	
Drawing Numbers and Title	

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2022/0121/F Recommendation: Approve	Target Date: 25 March 2022
Proposal: Retention of farm machinery and animal feed store	Location: 55 M North Of 199 Glen Road Maghera
Applicant Name and Address: Mr John O'Kane 199 Glen Road Maghera BT46 5JN	Agent name and Address: Carol Gourley Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown BT80 9LU
Summary of Issues: <p>This application was first before Members at December 2022 Planning Committee with a recommendation to refuse. It was considered that the proposal was contrary to Policy CTY 12 of PPS 21 and Policy FLD 1 of PPS 15. Members agreed to defer the application for an office meeting with the Service Director and Senior Officer. This took place on the 15th December 2022 and following the submission of additional information and further consultation with Rivers Agency, the application is before Members again with a recommendation to Approve. Justification for this is provided further in this report.</p>	
Summary of Consultee Responses:	
Characteristics of the Site and Area <p>The site is set back 280m off the Glen Road and is accessed via an existing laneway. The access point is located between Fallagloon Community Hall and an approved site, currently used as a storage yard. The laneway follows the field boundaries, extending past the applicants dwelling before crossing through the Fallagloon Burn which is a 4m wide watercourse. No bridge exists at this crossing point. The shed is sited on an elevated portion of ground which has been infilled to create a level platform. The site is bounded to the rear, northern side by mature trees while the remaining three sides are undefined and are open to the surrounding agricultural</p>	

field, which falls away towards the Fallagloon Burn to the south. Due to the distance the shed is set back from the public road and the intervening hedgerows, there are limited views of the shed from the public road.

Description of Proposal

The proposal is for the rection of a six bay farm shed which has largely been completed. The shed is described as 'Retention of farm machinery and animal feed store'. The shed measures 29m x 10.5m with an eaves height of 5.75m and a ridge height of 6.63m above ground level. The shed has both gables partially built up with large door openings extending over half the gable width. The front of the shed, which faces south east, is completely open, while four bays on the rear, north west elevation, are sheeted from the eaves down to a height of approximately 2m from ground level. The lower section is currently open. The remaining two bays have solid block walls from ground level up to the sheeted portion.

Deferred Consideration:

This proposal is for the retention of an existing agricultural shed. In terms of context, the applicant had initially thought that he benefitted from agricultural permitted development but once he realised he did not, he submitted the retrospective application of his own accord. There is no current live enforcement case on the site.

The development has been assessed primarily under CTY 1 and CTY 12 of PPS 21. CTY 12 Agricultural and Forestry Development states the planning permission will be granted for development on an active and established agricultural or forestry holding where the proposal satisfies all the stated criteria. DAERA have confirmed that the farm business stated on the P1C has been established for more than 6 years and that it has claimed payments in each of the last 6 years. Therefore the business is both active and established for the required period of time. It is also necessary to assess the proposal against each of the policy tests as follows:-

- o The proposed development is necessary for the businesses efficient use;

Following a check of the land contained within the farm maps, no existing farm buildings are evident. The only buildings which currently exist on the farm holding, apart from the subject building, is the applicants dwelling and the domestic garage which is currently under construction. Therefore there would appear to be a need for a farm building to store feed stuffs and machinery.

- o It is appropriate in terms of character and scale;

The proposed shed is considered appropriate in terms of character and scale. It is located in a rural area scattered with agricultural buildings and it is typical of the scale of agricultural buildings across the district.

- o it visually integrates;

Although the site occupies an elevated location in the landscape, it does have an established boundary to the north which helps the building to achieve a sense of integration. The distance the shed is set back from the public road also helps the building to integrate into the landscape

as any views from the public road system are long distance. From those vantage points, the shed is set against mature vegetation and the rising ground to the north. Although the site does not have a sense of enclosure this is not critical due to the lack of public views.

- o there will be no adverse impact on natural or built heritage;

There are no listed buildings close by nor is the site in an area of archeological importance. The shed is used for the storage of machinery and feed and will not produce any emissions or run-off that will impact on features of natural heritage.

- o there will be no detrimental impact on residential amenity;

The building has the potential to have a detrimental impact on residential amenity as it is located immediately adjacent to an approved site for a replacement dwelling, which shares the same access laneway. However, it should be noted that the applicant owns the approved site, therefore this is not considered fatal to the proposal.

Furthermore the policy requires that where a new farm building is proposed, the applicant needs to demonstrate that there are no existing farm buildings which can be used, the design and materials are sympathetic to the locality and the proposed building is adjacent to the existing farm buildings. As stated above, this is the first farm building on the holding and therefore there are no existing buildings which can be utilised. The design and materials are typical of farm buildings and are acceptable in this location. However, whilst there are no existing farm buildings on the holding, there is the applicant's dwelling and an associated detached domestic garage, which is currently under construction. The dwelling and garage would therefore form an acceptable group of buildings for which to site a farm building beside.

The original case officer considered that no persuasive argument had been made to suggest that there are no other suitable sites available and did not accept that the proposed site was essential and not simply desirable. A fact of this case is that the shed is currently built and is being utilised for agricultural storage. It is having no impact on residential amenity, rural character, built or natural heritage. It is recommended that Members consider these factors and whilst the proposal may not meet all the criteria as set out in CTY 12, in particular, those around siting away from the buildings on the farm, to refuse this application and pursue the demolition or re-siting of this building would be unreasonable.

The proposal is also considered under PPS 15 - Planning and Flood Risk. Policy FLD 1 Development in Fluvial Flood Plains states that development will not be permitted within the 1 in 100 year fluvial flood plain unless the applicant can demonstrate that the proposal constitutes an exception to the policy. One such exception is 'Development for agricultural use, transport and utilities infrastructure, which for operational reasons has to be located within the flood plain.' This proposal does not fit neatly into this exception as there are no clear operational reasons as to why it was erected in this location. Since the application was first before Members, the applicant has since submitted a Flood Risk Assessment. Rivers have reviewed this. The FRA does indicate that this area will be susceptible to flooding in a 1 and 100 year event however as the shed will be used to store machinery, the front and rear elevations are open to allow flood waters through and will not sustain significant damage during a flood event and there is no increased risk to flooding elsewhere as a result of the construction of this shed. It is my opinion that on the basis of the advice from Rivers Agency that it would not be unreasonable to accept this proposal as an exception to PPS 15.

To conclude, it is recommended that Members consider this proposal as an exception to Policies CTY 12 of PPS 21 and FLD 1 of PPS15 and Approve subject to the conditions set out below.

Conditions/Reasons for Refusal:

Approval Conditions

Condition 1

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

Reason: This is a retrospective application.

Condition 2

The existing natural screenings of the site as indicated on drawing no. 02, uploaded on public access on 16/02/22 shall be retained unless necessary to prevent danger to the public in which case a full expansion along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: In the interests of visual amenity

Condition 3

The existing development shall be used only for the storage of agricultural machinery and animal feed/fodder

Reason: To protect features of natural heritage in the immediate and wider locality.

Signature(s):Karla McKinless

Date: 19 October 2023



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 December 2022	Item Number: 5.11
Application ID: LA09/2022/0121/F	Target Date: 25 March 2022
Proposal: Retention of farm machinery and animal feed store	Location: 55 M North Of 199 Glen Road Maghera
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr John O'Kane 199 Glen Road Maghera BT46 5JN	Agent Name and Address: Carol Gourley Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown BT80 9LU
Executive Summary:	

Case Officer Report**Site Location Plan**

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Consultations:

Consultation Type	Consultee	Response
	NI Water - Strategic Applications	Substantive: TBCResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBC
	DAERA - Coleraine	Substantive: TBCResponseType: FR
	NI Water - Single Units West	Substantive: TBCResponseType: FR
	Rivers Agency	Substantive: TBCResponseType: FR

Representations:

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

Summary of Issues

No representations have been received in respect of this proposed development.

Characteristics of the Site and Area

The site is set back 280m off the Glen Road and is accessed via an existing laneway. The access point is located between Fallagloon Community Hall and an approved site, currently used as a storage yard. The laneway follows the field boundaries, extending past the applicants dwelling before crossing through the Fallagloon Burn which is a 4m wide watercourse. No bridge exists at this crossing point.

The shed site on an elevated portion of ground which has been infilled to create a level platform. The site is bounded to the rear, northern side by mature trees while the remaining three sides are undefined and are open to the surrounding agricultural field, which falls away towards the Fallagloon Burn to the south.

Due to the distance the shed is set back from the public road and the intervening hedgerows, there are limited views of the shed from the public road.

Description of Proposal

The proposal is for the rection of a six bay farm shed which has largely been completed. The shed is described as 'Retention of farm machinery and animal feed store'. The shed measures 29m x 10.5m with an eaves height of 5.75m and a ridge height of 6.63m above ground level. The shed has both gables partially built up with large door openings extending over half the gable width. The front of the shed, which faces south east, is completely open, while four bays on the rear, north west elevation, are sheeted from the eaves down to a height of approximately 2m from ground level. The lower section is currently open. The remaining two bays have solid block walls from ground level up to the sheeted portion.

Although shed is currently used for the storage of farm machinery, the proposed plans indicate the presence of feed gates/galvanised railings along four of the rear, northern facing bays, which would indicate the intention to use the shed for animal housing. This is further reinforced as the plans also detail the external finishes of Moss Green corrugated tin to sides and roof of cattle shed. The block walls are to have a smooth render finish.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Relevant planning history

There is no previous planning history on the applicatin site. However, planning approval has been granted for a replacement dwelling under LA09/2016/1159/O, on a site to the immediate north of the proposed shed. That approval has been renewed under LA09/2019/1295/O and is the subject of a second renewal under LA09/2022/1352/O. All the aforementioned applications for the replacement dwelling, utilise the same access

laneway as the proposed shed.

Development Plan and key policy considerations

The main policy consideration in the assessment of this proposed development are:-

PPS 21 - Sustainable development in the countryside

Policy CTY 12 Agricultural and forestry development

PPS 15 - Planning and Flood Risk

Policy FLD 1 Development in Fluvial (River) and Coastal Flood Plains

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

The 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 lies outside any defined settlement limits and is open countryside as identified in the Magherafelt Area Plan 2015. No other constraints have been identified.

PPS 21 Policy CTY 12 Agricultural and Forestry Development states the planning permission will be granted for development on an active and established agricultural or forestry holding where the proposal satisfies all the stated criteria. Therefore it is necessary to first consider if the farm business is both active and if it has been established for more than the required period of 6 years. DAERA have confirmed that the farm business stated on the P1C has been established for more than 6 years and that it has claimed payments in each of the last 6 years. Therefore the business is both active and established for the required time.

Subsequently it is necessary to assess the proposal against each of the policy tests as follows:-

- o The proposed development is necessary for the businesses efficient use; Although the applicant has failed to provide any justification for the need for the proposed shed, following a check of the land contained within the farm maps, no existing farm buildings are evident. The only buildings which currently exist on the farm holding, apart from the subject building, is the applicants dwelling and the domestic garage which is currently under construction. Therefore there would appear to be a need for a farm building to provide both animal shelter and to store feed stuffs and machinery.

- o it is appropriate in terms of character and scale;

The proposed shed may be considered appropriate in terms of character and scale as it is proposed to be used as animal, fodder and machinery shelter.

- o it visually integrates;

Although the site occupies an elevated location in the landscape, it does have an established boundary to the north which would help the proposed building to achieve a

sense of integration. The distance the shed is set back from the public road also helps the building to integrate into the landscape as any views from the public road system are long distance. From those vantage points, the shed is set against mature vegetation and the rising ground to the north. Although the site does not have a sense of enclosure this is not critical due to the lack of public views.

- o there will be no adverse impact on natural or built heritage;

There will be no adverse impact on natural or built heritage.

- o there will be no detrimental impact on residential amenity;

The proposed building has the potential to have a detrimental impact on residential amenity as it is located immediately adjacent to the aforementioned approved site for a replacement dwelling, which shares the same access laneway. However, it should be noted that the applicant owns the approved site, therefore this is not considered fatal to the proposal.

Furthermore the policy requires that where a new farm building is proposed, the applicant needs to demonstrate that there are no existing farm buildings which can be used, the design and materials are sympathetic to the locality and the proposed building is adjacent to the existing farm buildings.

As stated above, this is the first farm building on the holding and therefore there are no existing buildings which can be utilised.

The design and materials are typical of farm buildings and are acceptable in this location.

However, whilst there are no existing farm buildings on the holding, there is the applicant's dwelling and an associated detached domestic garage, which is currently under construction. The dwelling and garage would therefore form an acceptable group of buildings for which to site a farm building beside.

No persuasive argument has been made to suggest that there are no other suitable sites available and it is not accepted that the proposed site is essential and not simply desirable. No health and safety reasons, other than to avoid the flood plain, have been provided. Furthermore, the applicant has failed to satisfactorily demonstrate why the building is necessary at this particular location and why it could not be sited at an alternative location other than to state that to locate the proposed shed 'further up the hill out of the flood plain would involve costly and environmentally destructive access as there is no laneway to those fields....' This issue is further expanded in the report below under PPS 15 Consideration.

Exceptionally an alternative site may be acceptable away from a group of existing farm buildings and where it is essential for the efficient functioning of the business and there are demonstrable health and safety reasons.

As no acceptable justification has been provided as to why the proposed building could not be located adjacent to the applicants dwelling and garage, it is contrary to these policy tests.

The applicant has already obtained planning approval for a replacement dwelling to the north of the proposed shed. The replacement dwelling will utilise the same laneway as the proposed shed and will extend the existing laneway beyond the site, Therefore it is clear that access can be gained beyond the proposed building by domestic vehicles and it is not accepted that the land is so steep that agricultural vehicles would not be able to

access an alternative site beyond the existing location.

Therefore, in my opinion, it is not accepted that there is any justification for a farm shed to be located at this particular location. Consequently, the proposal is considered to be contrary to the key tests of this policy.

PPS 15 - Planning and Flood Risk

Policy FLD 1 Development in Fluvial (River) and Coastal Flood Plains states that development will not be permitted within the 1 in 100 year fluvial flood plain unless the applicant can demonstrate that the proposal constitutes an exception to the policy. One such exception is 'Development for agricultural use, transport and utilities infrastructure, which for operational reasons has to be located within the flood plain.'

Where the principle of development is accepted by the planning authority through meeting the 'Exceptions Test', as set out under the Exceptions heading, the applicant is required to submit a Flood Risk Assessment for all proposals. Planning permission will only be granted if the Flood Risk Assessment demonstrates that

- a) All sources of flood risk to and from the proposed development have been identified; and
- b) There are adequate measures to manage and mitigate any increase in flood risk arising from the development.

A Flood risk assessment has not been submitted.

The agent submitted a supporting statement advising of the following in an attempt to justify the proposed site.

These points are discussed as follows:-

1. The existing cattle and sheep pens/ crush has been located beside where the shed has been built - so this area forms the only working yard.

At the time of inspection, there was no evidence of any existing cattle or sheep pens/crush near the proposed site.

2. It is beside the original farm dwelling house (located behind) which has permission granted for replacement dwelling. Again, trying to keep development together and linked.

As detailed above, given that planning approval has already been granted for a replacement dwelling immediately north of the proposed shed, there is no reason why the proposed shed could not have been built immediately north of that dwelling and outside of the floodplain. That alternative site would still have achieved the same linkage with the dwelling.

3. This location is well screened and sheltered from local residents views (from Ballyknock and Fallylea sides, set behind an existing woodland. Building a shed on other fields not on a flood plain would likely draw objection from neighbours in close proximity (in its current location there have been no objections

To state that an alternative site 'would likely draw objections from neighbours in close proximity....' is speculation. Even if objections were received from neighbours, such objections would need to be based on planning reasons. It should be noted that the closest third party dwelling is located in excess of 200m west of the site at 14 Fallylea Road. No. 14 Fallylea Road also has associated farm buildings between the dwelling and the proposed site. Therefore, in my opinion, it is unlikely that any objections would

be afforded any determining weight.

4. Current location - has never flooded in John Senior's time (73). John has built up the ground where the shed is - finished floor height level is 3ft+ above original ground height. This is the highest point of the floodplain, the shed is built on the periphery (other side of the hedge is not in a floodplain). The lower fields not in the floodplain (meadows), can only be accessed across the lowest point of the floodplain (and is actually the old riverbed, having been re-routed in the past).

As the agent has stated, the site is within the floodplain. The applicant has raised ground levels within the floodplain by means of infilling which will have the effect of displacing flood water elsewhere. Clearly the proposed shed could have been erected on the opposite side of the boundary hedge and outside the floodplain.

5. Building on the lower fields not in the floodplain would involve construction of a new access laneway across the lower floodplain/meadows. Previous inspections by DARD have shown an abundance of rare plants and wildflowers in the meadows and were keen on minimising any development in this area. The upper portion of the floodplain did not have the same level of wildlife in part due to the increased level of travel in this area with the existing farm yard and laneway.

The applicant has alternatives to erecting a shed within those lower fields not in the floodplain. As discussed above, there are several fields above the floodplain which are accessible and which would meet all other policy requirements.

6. The present location has an existing laneway in place and therefore reduces the amount of construction needed with less impact on the environment.

As discussed above, the replacement dwelling approved adjacent to the proposed sites' northern boundary is to be accessed via the existing laneway. Therefore it is reasonable to expect that the laneway would be extended to that site. Indeed the current aerial photos indicate that extension to already exist. Therefore it would only be necessary to extend the laneway by around 50m in a north-easterly direction which involves a gentle uphill slope. This would involve a lesser impact on the environment than that already undertaken by way of infilling the current site within the floodplain.

7. Locating the shed further up the hill out of the flood plain would involve costly and environmentally destructive access as there is no laneway to those fields, with a steep gradient (wouldn't be able to get large farm machinery up there).

This point has been addressed at point 7.

8. Security - we can see the shed from our house and access is via a lane past our house. Lands further up beyond the flood plain can be accessed via a disused laneway which joins the Fallylea Road which for us would be too difficult to monitor and secure a shed this far away from our farmhouse.

If the suggested alternative site were developed as opposed to the existing site, it would be approximately 40m from the current site. This would still be visible from the applicants dwelling and could be accessed via the existing laneway. The existing shed is 100m from the applicants dwelling, the alternative site would be 140m from the applicants dwelling, but more importantly would be 300m from the Fallylea Road. Even if there is an existing laneway to the alternative site, as the supporting statement advises, this is disused, and it also leads past the existing properties on Fallylea Road.

9. Minimal risk to human or livestock - machinery shed with simple steel and concrete construction. No risk to human or animal welfare as shed to be used to store machinery, crops & animal feed.

Contrary to the above assertion, the proposal could create a risk to human or livestock as it involves the infilling of an area within the floodplain thereby displacing floodwaters

elsewhere. This has the potential to endanger both human life and/or livestock.
10. The remaining fields not in the floodplain form the main pasture lands for cattle and sheep. The proposed location is not used for pasture/grazing and has been used for uncovered storage of machinery, round bales, equipment. Developing in the main pasture lands reduces available ground for grazing considerably in view of the small total acreage that John holds.

Council has access to ortho photography which clearly show the site was consistently in grass and used for agricultural purposes between 2003 and 2018. Therefore there is no difference between developing an alternative site and the proposed site.

The proposed site is therefore contrary to Policy FLD 1 of PPS 15.

CTY 13 Integration and design of buildings in the countryside.

As the site has the benefit of one established boundary and due to the distance it is set back from the public road and the restricted views of the proposed building, it will achieve an acceptable degree of integration

CTY 14 Rural Character

The proposal does not offend this policy as the proposed site is not considered to be prominent, it does not result in a suburban style form of development, it respects the traditional settlement pattern in the area, it does not create or add to a ribbon of development and the ancillary works would not damage rural character.

Recommendations

That planning approval be refused for the proposed development for the reasons listed below:-

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal and ancillary works are contrary to Policy FLD1 of Planning Policy Statement 15 Planning and Flood Risk in that the development would if permitted be at risk from flooding and would be likely to increase the risk of flooding elsewhere.

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 are no alternative sites available at another group of buildings on the holding and that health and safety reasons exist to justify an alternative site away from the existing farm buildings and that the alternative site is essential for the efficient functioning of the business.

Case Officer: Malachy McCrystal

Date: 23 November 2022

ANNEX	
Date Valid	28 January 2022
Date First Advertised	8 February 2022
Date Last Advertised	8 February 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 189A , Glen Road, Maghera, Londonderry, BT46 5JN The Owner / Occupier 189 Glen Road, Maghera, Londonderry, BT46 5JN The Owner / Occupier 199 Glen Road Maghera Londonderry BT46 5JN	
Date of Last Neighbour Notification	25 February 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses NI Water - Strategic Applications-Substantive: TBCResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR Environmental Health Mid Ulster Council-Substantive: TBC DAERA - Coleraine-Substantive: TBCResponseType: FR NI Water - Single Units West-Substantive: TBCResponseType: FR Rivers Agency-Substantive: TBCResponseType: FR	

Drawing Numbers and Title

Elevations and Floor Plans Plan Ref: 05
Elevations and Floor Plans Plan Ref: 04
Elevations and Floor Plans Plan Ref: 03
Block/Site Survey Plans Plan Ref: 02
Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2022/0249/O	Target Date: 7 June 2022
Proposal: Erection of a dwelling & domestic garage on a farm	Location: Land Adjacent To & Immediately South Of 14 Tychaney Road Ballygawley
Applicant Name and Address: Jenna Robinson 223D Newtownsaville Road Eskra Omagh	Agent Name and Address: Bernard Donnelly 30 Lismore Road Ballygawley BT70 2ND
Summary of Issues: This application is for a dwelling on a farm, it met all the tests but was not sited to cluster with or visually link with existing buildings on the farm. Initially it was located in the middle of the field away from the group of buildings in the farm, an amended siting was submitted that meets the policies.	
Summary of Consultee Responses: DFI Rivers - surface water flooding to north, may want to request Drainage Assessment DFI Roads – recommend to approve with conditions, 2.4m x 45.0m sightlines and forward sight distance NIEA – refer to guidance DEARA –established but no recent claims on the land	
Characteristics of the Site and Area: The site is located at lands adjacent to immediately south of 14 Tychaney Road, Ballygawley. The red line of the site includes a roadside portion of a larger agricultural field. Lands to the East and South of the site are outlined in blue, indicating ownership. The blue lands include farm buildings to the south and a dwelling with outbuildings on the opposite side of the road. The site has been amended to include this area to the south.	

The lands rise quite steeply from the roadside towards the east of the site. The surrounding area is rural in nature, with scattered dwellings and their associated outbuildings.

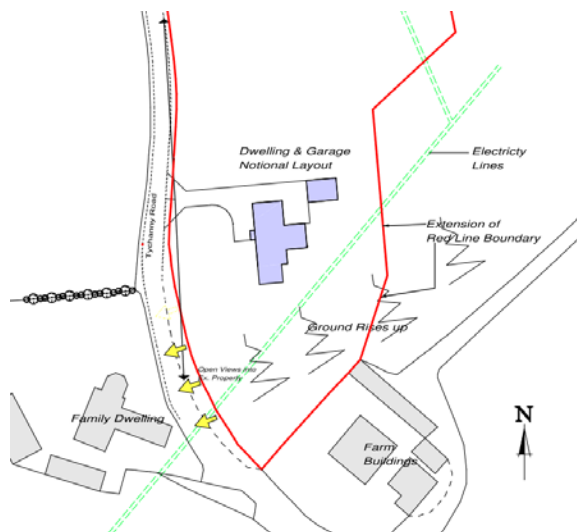
Description of Proposal

Outline planning permission is sought for the erection of a dwelling and domestic garage on a farm.

Deferred Consideration:

This application was before the Planning Committee in February 2023 where it was deferred for a meeting with the Service Director for Planning. At the meeting it was indicated that the proposal does not meet all the criteria for a dwelling on a farm as it was located too far from the group of buildings on the farm.

Following the meeting the agent amended the proposal and provided an indicative layout to show a dwelling located further south than was previously proposed (Drawing No 02)



Drawing No 02.

The proposed siting is opposite and north of the existing farm house and below the level of the existing agricultural buildings. On approach from the north, the dwelling and garage will be located approx. as shown in red in fig 1 and will be visually linked and appear to cluster with the buildings.



Fig 1 site from the north, dwelling located in area identified as red

From the south it will be difficult to see the dwelling until level with the agricultural buildings due to the road alignment and the existing buildings. The new dwelling will be seen in the gap between the farmhouse and the agricultural buildings as seen in fig 2.



Fig 1 site from the north, dwelling located in area identified as red

I consider a dwelling of low elevation as now proposed will be closely associated with the existing group of buildings on the farm and now meets all of the criteria set out in CTY10. I recommend this application is approved with the conditions set out below.

Conditions/Reasons for Refusal:

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

- i. the expiration of 5 years from the date of this permission; or
- ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from Mid Ulster District Council, in writing, before any development is commenced.

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

3. The dwelling and garage hereby approved shall be sited generally in accordance with the details as shown on drawing No 02 received 22 AUG 2023.

Reason: To ensure the development integrates into the landscape

4. The dwelling hereby approved shall have a ridge height not exceeding 6.5m above the finished floor level of the dwelling.

Reason: To ensure the development integrates into the landscape.

5. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.4m x 45.0m in both directions and a 45.0m forward sight line, shall be provided in accordance with the 1:500 site plan submitted and approved at reserved matters stage. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

6. During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of all trees and hedges within and on the site boundaries to be retained, measures for their protection during the course of development and details of native species hedging to be planted along all new boundaries of the site and behind the sight lines. 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)

Date:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 7 February 2023	Item Number: 5.11
Application ID: LA09/2022/0249/O	Target Date: 19 April 2022
Proposal: Erection of a dwelling & domestic garage on a farm	Location: Land Adjacent To & Immediately South Of 14 Tychaney Road Ballygawley
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Jenna Robinson 223D Newtownsaville Road Eskra Omagh	Agent Name and Address: Bernard Donnelly 30 Lismore Road Ballygawley BT70 2ND
Executive Summary:	

Case Officer Report**Site Location Plan**

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Consultations:

Consultation Type	Consultee	Response
	NIEA	Substantive: TBCResponseType: FR
	Rivers Agency	Substantive: TBCResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR
	DAERA - Omagh	Substantive: TBCResponseType: FR

Representations:

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

Summary of Issues

The proposal is considered to be contrary to CTY 10 and CTY 13 of PPS 21 - Sustainable Development in the Countryside.

There were no representations received in relation to the proposal.

Characteristics of the Site and Area

The site is located at lands adjacent to immediately south of 14 Tychaney Road, Ballygawley. The red line of the site includes a roadside portion of a larger agricultural field. Lands to the East and South of the site are outlined in blue, indicating ownership. The blue lands include farm buildings to the south and a dwelling with outbuildings on the opposite side of the road. The lands rise quite steeply from the roadside towards the east of the site. The surrounding area is rural in nature, with scattered dwellings and their associated outbuildings.

Description of Proposal

Outline planning permission is sought for the erection of a dwelling and domestic garage on a farm.

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: 4 and 44 Turnabarson 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

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

The Dungannon and South Tyrone Area Plan 2010 identify the site as being outside any defined settlement limits and there are no other designations or zonings within the Plan.

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

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

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

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

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

o demonstrable health and safety reasons; or

o verifiable plans to expand the farm business at the existing building groups(s)

With respect to (a) the applicant has provided details surrounding their farm business ID and associated mapping. DAERA have noted in their response that the applicants Business ID has been in existence from 1991, but there have been no single farm payment claims made on the lands over the past 6 years. The agent provided supporting information, by way of receipts and invoices which date from and across the years 2015-2021 and relate to the sale of round bales, hedge cutting and the purchase of a range of agricultural goods. From this information, I am content that the farm holding has been active and established for at least 6 years and that the land itself has been maintained in good agricultural and environmental condition.

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

With respect to (c), the new dwelling is not considered to be visually linked with existing farm buildings and therefore we feel the proposal fails the policy on this criterion. The proposed site is approx. 60m at the closest point to the red line of the site and the farm complex to the South of the application site. The agent was asked for justification away from the farm buildings and he responded stating the proposed site avoids the High Voltage Electric line running through the site and the access position would be away from the bend in the Road. They added that the siting would protect the amenity of No.17 Tychanny Road, which is noted as the Farm Business ID owners address. It is our view that a dwelling could be sited and designed closer to the farm buildings without impacting on No.17's amenity. When discussed at our internal group meeting, we felt that the justification did not warrant an exception within the policy.

An area to the northern portion of the site indicates an area subject to surface flooding. Rivers agency were consulted on the proposal and noted that a Drainage Assessment is not required by the policy but the developer should still be advised to carry out their own assessment of flood risk and construct in the appropriate manner that minimises flood

risk to the proposed development and elsewhere. There was no further information sought from the applicant/agent to determine what impact this could have on potential development within the red line, given we weren't content with the principle of development at this site, however it may be something to be mindful of if approval were to be forthcoming. If the proposal is set outside of this flood zone, it would essentially be a cut out of an open field, would lack enclosure from existing boundaries and may appear prominent if siting on higher ground.

To conclude, there is appreciable distance between the proposed site and farm buildings and no justifiable reason has been provided by the agent to warrant siting away from the farm buildings. There appears to be alternative sites which would meet with the policy contained within CTY 10 within blue lands. There are no verifiable plans that the farm business is to be expanded.

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

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

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the proposed new building is visually linked with an established group of buildings on the farm. No health and safety reasons exist to justify an alternative site not visually linked with an established group of buildings on the farm and no verifiable plans exist to expand the farm business at the existing building group(s) to justify an alternative site not visually linked (or sited to cluster) with an established group of buildings on the farm.

Reason 2

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed building would be a prominent feature in the landscape and the proposed building would fail to blend with the landform,

existing trees, buildings, slopes and other natural features which provide a backdrop. In the case of a proposed dwelling on a farm the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.

Case Officer: Sarah Duggan

Date: 19 January 2023

ANNEX	
Date Valid	22 February 2022
Date First Advertised	10 March 2022
Date Last Advertised	8 March 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 14 Tycanny Road Garvaghy Dungannon Tyrone BT70 2EB The Owner / Occupier 17 Tycanny Road Garvaghy Dungannon Tyrone BT70 2EB	
Date of Last Neighbour Notification	21 March 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses NIEA-Substantive: TBCResponseType: FR Rivers Agency-Substantive: TBCResponseType: FR DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR DAERA - Omagh-Substantive: TBCResponseType: FR	
Drawing Numbers and Title Site Location Plan Plan Ref: 01	
Notification to Department (if relevant) Not Applicable	



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Further Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2022/0437/F	Target Date: <add date>
Proposal: Erection of farm dwelling	Location: 59 Derryvaren Road Coalisland
Applicant Name and Address: Mr James Campbell 59 Derryvarren Road Coalisland BT71 4QP	Agent Name and Address: Cmi Planners Ltd 38B Airfield Road Toomebridge BT413SG
Summary of Issues: <p>This application was for the retention of a pre fabricated dwelling on a farm and has been changed to a proposed dwelling on a farm. It has not been demonstrated the farm is established for the 6 years needed in CTY10. The development is located in a 1 in 100 year flood plain where the policy is to refuse development unless it is one of the exceptions stated in FLD1 and a dwelling is not an exception.</p>	
Summary of Consultee Responses: DFI Rivers - development inside 1 in 100 year flood area DFI Roads - access to be provided in accordance with proposed drawings DAERA – business allocated 16/03/2022, category 3 farm	
Characteristics of the Site and Area: <p>The site is in the countryside and outside of any settlement limits in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is semi-rural in character with predominantly agricultural fields, groups of farm buildings and single rural dwellings.</p> <p>There is a lot of development pressure along Derryvaren Road and adjoining roads from the construction of single dwellings. To the east and directly adjacent to the application site is a modest single storey dwelling at No. 63.</p>	

The site has a flat topography and there is no fencing or hedging along the roadside boundary. Along the west and south boundaries there is a row of established trees and hedging along the boundary with No. 63. The sites comprises a prefabricated building and a shed to the rear.

Description of Proposal

This is a full application for the erection of a farm dwelling at 59 Derryvaren Road, Coalisland.

Deferred Consideration:

This application was before the Committee in September 2022 where it was deferred for a meeting with Service Director, it was brought back in February 2023 and deferred to allow the consideration of additional information that had been submitted.

The additional information submitted was a rebuttal of the reasons for refusal and included a proposed dwelling on the site instead of the retention of the existing prefabricated structure revised house type on the site, spot heights of the site and surrounding lands for DFI Rivers comment and advising that PAC Decisions have been taken on the basis of farming information submitted in support of applications.

No new farming information has been provided, it has been noted there is a Category 3 farm business issued on 16 March 2022, this does not establish the farm for the 6 years required in CTY10. The receipts previously submitted have already been assessed and are not considered to prove this is an established farm. I note the main building on the site is in existence since before 4 April 2007 and there are other temporary buildings that would appear to have been here since 2010, over 5 years. This would, in my opinion constitute a group of buildings on the farm. It has been previously accepted there are no development sites or dwellings transferred off the holding or planning permission granted for a dwelling on the farm in the last 10 years. I consider CTY10 criteria b and c have been met but criteria a has not, as such it has not been demonstrated this is an active and established farm and so is contrary to CTY10.

It has also been considered that Mr Campbell is a licensed Lough Neagh eel fisher and while there may be a proposed policy in the Draft Plan Strategy that may assist him, this is not currently adopted and the Council may not grant any development under this policy.

DFI Rivers were unable to comment on the original submission due to the spot levels being indecipherable. They have provided further information about flooding on the site and have provided clarification to the rebuttal about the land never having flooded. The classification states that historical flooding maps provide detail of lands that have flooded and are taken from surveys and photographs. The 1:100 year flood event maps are predictions of the area that will flood. The predicted flooding maps up to 2080 show the entire site is within a flood plain. (Fig 1) Members are advised that no new development is permitted in flood plains unless it meets the exceptions set out in FLD1, a dwelling is not one of those exceptions. FLD1 advocates a precautionary approach to development and indicates that where development is in an area that may flood it should be refused.



Fig 1 – Rivers updated flood maps, site identified on map

This application was for the retention of a mobile home on this site, the amended plans show a new one bedroom bungalow with 6m ridge height, storm porch with traditional dark slate or tiled roof and rendered walls. In principle, the appearance of this proposed dwelling would, in my opinion, be acceptable on this site and in this location, given the vegetation and scale and form of development around it. Following the receipt of the revised plans for the house in February 2023, neighbours were notified about these and have had the opportunity to comment on them. Additional flooding information was submitted and neighbours notified about those on 21 September 2023. Since then the description has been amended to reflect the current proposal, I do not consider this is a significant change to the proposal that would warrant re advertisement or additional notification. I am of the view that neighbours have been consulted on 3 occasions about the proposal and are aware of the development, could have made comment and are not prejudiced in any way. That said I do not consider the principle of the dwelling in policy terms has been established as it does not meet CTY10 and is located in an area that is likely to flood. As such the application is recommended for refusal.

Reasons for Refusal:

Reason 1

Contrary to policy FLD 1 - Development in Fluvial (River) and Coastal Flood Plains in PPS 15 - Planning and Flood Risk that the development is located within the Q100 flood plain and is not an exception to policy.

Reason 2

Contrary to CTY 10 - Dwellings on Farms in PPS 21 - Sustainable Development in the Countryside in that there is not an active and established farm business for the past 6 years.

Signature(s)

Date:



Comhairle Ceantair
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Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2022/0437/F	Target Date: <add date>
Proposal: Retrospective application for the retention of farm dwelling	Location: 59 Derryvaren Road Coalisland
Applicant Name and Address: Mr James Campbell 59 Derryvarren Road Coalisland BT71 4QP	Agent Name and Address: Cmi Planners Ltd 38B Airfield Road Toomebridge BT413SG
Summary of Issues: This application is for the retention of a pre fabricated dwelling on a farm. The development is located in a 1 in 100 year flood plain where the policy is to refuse development unless it is one of the exceptions and a dwelling is not an exception.	
Summary of Consultee Responses: DFI Rivers - development inside 1 in 100 year flood area	
Characteristics of the Site and Area: The site is in the countryside and outside of any settlement limits in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is semi-rural in character with predominantly agricultural fields, groups of farm buildings and single rural dwellings. There is a lot of development pressure along Derryvaren Road and adjoining roads from the construction of single dwellings. To the east and directly adjacent to the application site is a modest single storey dwelling at No. 63. The site has a flat topography and there is no fencing or hedging along the roadside boundary. Along the west and south boundaries there is a row of established trees and hedging along the boundary with No. 63. The sites comprises a prefabricated building which is the subject of this application and a shed to the rear.	

Description of Proposal

This is a full application for retrospective application for the retention of farm dwelling at 59 Derryvaren Road, Coalisland.

Deferred Consideration:

This application was before the Committee on 6 September 2022 with a recommendation to refuse, where it was deferred for meeting with the Service Director. At the deferral meeting on 16 September 2022 it was indicated the proposal is for the applicants farm dwelling and that he had been living in a caravan at the rear of the site. The proposed dwelling is of a temporary nature and the applicant only wants to live in it for a temporary period of 4 or 5 years. The site is within an area the DFI Rivers have advised is a flood plain for a 1 in 100 year flood event, the applicant is an elderly gentlemen and has never seen the site flooding. It would be costly to produce a Flood Risk Assessment and the applicant is unlikely to provide this.

No information has been submitted since the deferral meeting to provide any further information about the applicants farming case or to demonstrate the site sits outside any flood plain. Members are advised there are a number of invoices for buying feed bin, railings and grid supply(possibly cattle grid) from McLaughlin Engineering from 2015 to 2020, invoices for round silage bales from G&C McGahan from 2015 to 2020, receipts from Shane Campbell for hay bales from 2014 to 2020 and details that the farm business id was issued for a cat 3 farm on 16 March 2022. While the recent allocation of a DAERA Business ID gives some indication that farming is currently active, it has not been demonstrated the business has been ongoing for the required 6 years. I agree with the original assessment that some receipts and invoices are on a general template and do not convince me they are contemporaneous for the works carried out..

It is also submitted the applicant is a Lough Neagh Brown Eel fisherman and has licenses issued by DEARA from 2009 until 2021. Members will be aware there is a proposed policy in the Draft Plan Strategy which relates to Lough Neagh fishermen, that said the policy is in draft form and cannot currently be relied on when make decisions on applications.

The proposed dwelling is a prefabricated building and the applicant only wishes to reside here for 4 – 5 years. There is nothing in the policy that would support this proposal with temporary dwellings only permissible for a short period of time (up to 3 years) where a site has planning permission and the development is ongoing in accordance with an approval or there are compelling and site specific reasons to have it here. No new information has been provided to a make any additional case for this dwelling on a site specific basis. Members are advised that temporary buildings of this nature are not in keeping with the design guide and they are not particularly appropriate in the countryside.

DFI Rivers Maps show the site within a 1 in 100 year flood event. There are some categories of development which may be permitted in these areas however a dwelling is not one of these categories. The policy does not allow for infilling to raise development out of a flood area as this is moving the problem elsewhere and could result in someone else's property being flooded due to the displacement of flood water. A hydrological report for this area is likely to be a very costly due to the extensive nature of it as it would be modeling the entire Lough Neagh basin.



As there has been no new information presented to justify this proposal and it is in a flood plain I recommend planning permission is refused.

Reasons for Refusal:

Reason 1

Contrary to policy FLD 1 - Development in Fluvial (River) and Coastal Flood Plains in PPS 15 - Planning and Flood Risk that the development is located within the Q100 flood plain and is not an exception to policy.

Reason 2

Contrary to CTY 10 - Dwellings on Farms in PPS 21 - Sustainable Development in the Countryside in that there is not an active and established farm business for the past 6 years and there is no group of farm buildings to cluster or visually link with.

Reason 3

Contrary to CTY 13 - Integration and Design of Buildings in the Countryside in PPS 21 in that the design of the building is inappropriate for the site.

Reason 4

Contrary to CTY 14 - Rural Character in PPS 21 in that the design of the dwelling is of a temporary nature and does not reflect the traditional pattern of settlement in the area.

Signature(s)

Date:

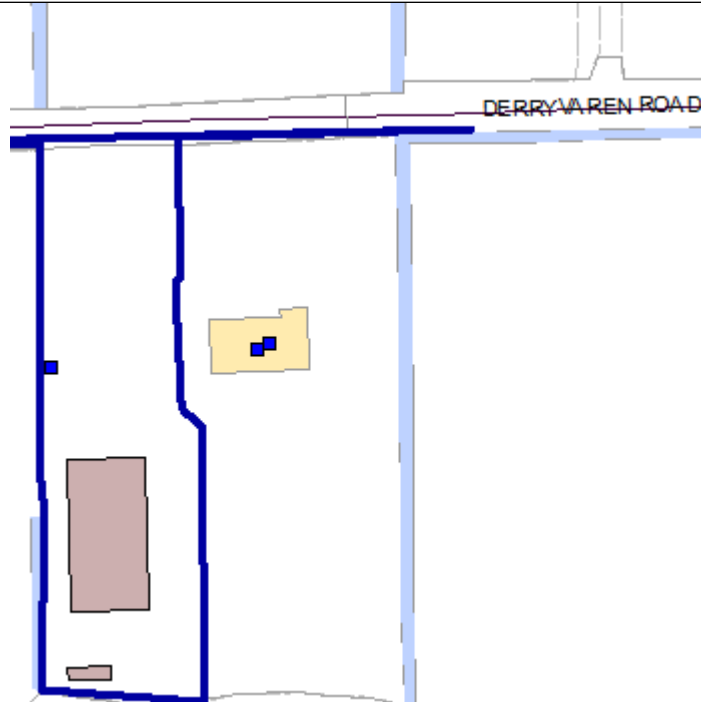


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 September 2022	Item Number: 5.28
Application ID: LA09/2022/0437/F	Target Date: 27 May 2022
Proposal: Retrospective application for the retention of farm dwelling	Location: 59 Derryvaren Road Coalisland
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr James Campbell 59 Derryvarren Road Coalisland BT71 4QP	Agent Name and Address: Cmi Planners Ltd 38B Airfield Road Toomebridge BT413SG
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: TBC
	DAERA - Omagh	Substantive: TBC
	Rivers Agency	Substantive: TBCResponseType: FR

Representations:

Letters of Support	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 in the countryside and outside of any settlement limits in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is semi-rural in character with predominantly agricultural fields, groups of farm buildings and single rural dwellings.

There is a lot of development pressure along Derryvaren Road and adjoining roads from the construction of single dwellings. To the east and directly adjacent to the application site is a modest single storey dwelling at No. 63.

The site has a flat topography and there is no fencing or hedging along the roadside boundary. Along the west and south boundaries there is a row of established trees and hedging along the boundary with No. 63. The sites comprises a mobile home which is the subject of this application and a shed to the rear.

Description of Proposal

This is a full application for retrospective application for the retention of farm dwelling at 59 Derryvaren Road, Coalisland.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Representations

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

Planning History

M/2010/0538/F - Proposed domestic garage - Lands adjacent to 62 Derryvarren Road, Coalisland - Permission Granted 15.04.2011. This is the shed to the rear of the mobile home

Site across the road

M/2008/0554/F – Proposed domestic store for the storage of fisherman's boat car, turf & household utilities - To the rear of 62 Derryvarren Road, Coalisland - Permission Granted – 14.10.2009

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

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

Dungannon and South Tyrone Area Plan 2010

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

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

Planning Policy Statement 21

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In addition, other types of development will only be permitted where overriding reasons are submitted why the development is essential and could not be located within a settlement. As this proposal is for a dwelling on a farm CTY 10 is the relevant policy in the assessment.

CTY 10 – Dwelling on a Farm

DAERA have confirmed in their consultation response that the farm business has not been in existence for over 6 years and the farm business is category 3. The DAERA ID was only allocated on the 16th March 2022 even-though the applicant states on the P1C form the farm business was established more than 6 years. DAERA state there are no subsidies being claimed at the site by an farm business. The applicant is Mr James Campbell who lives at 59 Derryvaren Road in the mobile home currently on site. The applicant has submitted the following evidence to substantiate claims that the farm business has been active for the past 6 years.

Invoices from SC Groundworks for

1. Ground Maintenance on the 7th March 2018

2. Site Clearance on the 12th August 2015
3. Installation of septic tank on 7th November 2014
4. Installation of pipes on 19th October 2020
5. Levelling of stone on the 15th February 2020
6. Preparation of ground on the 17th July 2020
7. Drain Cleaning on the 11th August 2019
8. Installation of sewage pipe on the 25th September 2018
9. Laying of concrete on the 14th August 2017

Evidence from DAERA for a fishing licence registered to Mr James Campbell from the 3rd August 2021 to 31st December 2021.

A brown eel fishing permit for James Campbell valid from 1st May 2021.

Invoices from MacLaughlin Engineering for

1. A feeding bin on the 1st February 2020
2. Railings on the 6th April 2018
3. Grid Supply on the 20th June 2015

Invoices from Shane Campbell Hay and Straw Sales at 55 Derryvaren Road, Coalisland for

1. 4 Hay Bales on 1st December 2017
2. 4 Hay Bales on 7th December 2016
3. 4 Hay Bales on 3rd December 2015
4. 4 Hay Bales on 5th December 2014
5. 4 Hay Bales on 5th December 2020
6. 4 Hay Bales on 4th December 2019
7. 4 Hay Bales on 3rd December 2018

Invoices from G & C McGahan for

1. 2 round bale silage on 3rd December 2015
2. 2 round bale silage on 28th November 2016
3. 2 round bale silage on 28th September 2017
4. 2 round bale silage on 18th December 2018
5. 2 round bale silage on 13th November 2019

6. 2 round bale silage on 22nd September 2020

The invoices from Shane Campbell and G & C McGahan which relate to farming activity at the site are a Word format and not a named invoice from a company so it is difficult to ascertain the validity of these receipts. The only land the applicant has shown in blue on the site location plan is one field immediately west of the site. Google maps image from May 2022 appear to show the grass at the field has been cut and maintained. On the basis of the evidence provided I am not content there is an active and established farm business at the site for the past 6 years. The invoices from SC Groundworks relate to the mobile home and do not show that there is active farming at the site.

I completed a check of histories on the fields provided and no sites have been sold off from the farm holding within the past 10 years.

The only building on the site is a shed to the rear of the mobile which was granted approval under M/2010/0538/F as a domestic garage. I completed a check on Spatial NI orthophotography and the shed was on site on the 6th July 2013. I am content the shed has been on site for over 5 years and is a building can be used to cluster with. However as there is only one building on site within the farm business I do not consider there is a group of farm buildings to cluster or visually link with.

Overall, I am of the opinion the proposal does not meet the criteria in CTY 10 for a dwelling on a farm.

CTY 13 – Integration and Design of Buildings in the Countryside

There are established trees and mature hedging along the east and west boundaries which will assist in the integration of the building into the landscape.

I have no concerns about the new access as it runs for a short distance through the middle of the site.

The building to be retained is a mobile home which is in not appropriate for a dwelling in the countryside. Mobile homes are normally only allowed on site for a temporary period agreed with the Council pending the construction of a dwelling.

Overall, I consider this dwelling would not integrate into the landscape due to the design of the building.

CTY 14 – Rural Character

I consider the mobile home does not reflect the traditional pattern of settlement in the area. Mobile buildings should only be on land in the countryside for a temporary period and are unacceptable as a rural dwelling. I am of the opinion mobile buildings have an unacceptable impact on rural character and are visually prominent.

PPS 3 Access, Movement and Parking

Policy AMP 2 – Access to Public Roads

PPS 3 policy AMP 2 outlines that planning permission will only be granted for a development proposal involving direct access onto a public road where; It does not

prejudice public safety or inconvenience traffic. It does not conflict with access to protected routes. In addition, consideration should be given to the nature and scale; character of existing development; contribution to a quality environment and the location and number of existing accesses.

The proposal is to retain new access at the site. DFI Roads were consulted as the statutory authority and responded with no concerns subject to visibility splays of 2.4m x 70m in both directions. I am content the new access will not prejudice road safety.

The site does not access onto a protected route so there are no concerns.

PPS 15 – Planning and Flood Risk

Policy FLD 1 – Development in Fluvial (River) and Coastal Flood Plains

Rivers Agency confirmed the application site is within the Q100 flood plain. As the proposal is for a farm dwelling it does not meet the criteria to be considered an exception in FLD 1.

There are no other watercourses abutting the site so consideration of other FLD's in the policy is not necessary.

Other Considerations

The site is within Lough Neagh and Lough Beg Ramsar Site but due to the distance from Lough Neagh I am content the proposal is sufficiently removed from the Ramsar for there not to be an unacceptable impact on it.

I have completed checks on the statutory ecological and built heritage map viewers and there are no other issues at the site.

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

Contrary to policy FLD 1 - Development in Fluvial (River) and Coastal Flood Plains in PPS 15 - Planning and Flood Risk that the development is located within the Q100 flood plain and is not an exception to policy.

Reason 2

Contrary to CTY 10 - Dwellings on Farms in PPS 21 - Sustainable Development in the

Countryside in that there is not an active and established farm business for the past 6 years and there is no group of farm buildings to cluster or visually link with.

Reason 3

Contrary to CTY 13 - Integration and Design of Buildings in the Countryside in PPS 21 in that the design of the building is inappropriate for the site.

Reason 4

Contrary to CTY 14 - Rural Character in PPS 21 in that the development does not reflect the traditional pattern of settlement in the area.

Signature(s): Gillian Beattie

Date: 17 August 2022

ANNEX	
Date Valid	1 April 2022
Date First Advertised	12 April 2022
Date Last Advertised	12 April 2022
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 63 Derryvaren Road Coalisland Tyrone BT71 4QP</p> <p>The Owner / Occupier 62 Derryvaren Road Coalisland Tyrone BT71 4QP</p> <p>The Owner / Occupier 61 Derryvaren Road Coalisland Tyrone BT71 4QP</p> <p>The Owner / Occupier 64 Derryvaren Road Coalisland Tyrone BT71 4QP</p> <p>The Owner / Occupier 59 Derryvaren Road, Coalisland, Tyrone, BT71 4QP</p>	
Date of Last Neighbour Notification	28 April 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses	
<p>DFI Roads - Enniskillen Office-Substantive: TBC</p> <p>DAERA - Omagh-Substantive: TBC</p> <p>Rivers Agency-Substantive: TBCResponseType: FR</p>	

Drawing Numbers and Title

Existing Plans Plan Ref: 03
Site Layout or Block Plan Plan Ref: 02
Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2022/1065/O	Target Date: 7 October 2022
Proposal: Dwelling and Garage Under Cty 10	Location: 50 Metres South Of 37 Moor Road Coalisland
Applicant Name and Address: Niall And Mary Kilpatrick 37 Moor Road Coalisland BT71 4QB	Agent Name and Address: CMI Planners Ltd 38B Airfield Road The Creagh Toomebridge BT41 3SQ
Summary of Issues: This application is for a dwelling on a farm. Flood maps indicate the site floods, a Flood Risk Assessment has been provided which Rivers have assessed and agree does not have flood risk, siting beside buildings on a farm and has met the requirements for a dwelling on a farm.	
Summary of Consultee Responses: DFI Rivers - FRA provided, shows site is not subject to flooding, Rivers do not disagree with this DFI Roads – recommend to approve with conditions NIEA – request Preliminary Ecological Survey SES – may impact on RAMSAR as hydrological link, suggest condition to mitigate against impact DEARA –business id supplied is category 3 and was allocated 31/03/2022, not entitled to claim	
Characteristics of the Site and Area: The site lies in the rural countryside approx. 370 metres south of the settlement limits of Annaghmore as depicted by the Dungannon and South Tyrone Area plan 2010; and	

approx. 100m north of Coalisland canal.

The site is a relatively flat square shaped plot cut from a much larger agricultural field that runs along the south side and to the rear / east side of the applicant's home no. 37 Moor Rd, an existing single storey detached roadside dwelling with ancillary detached garage and large domestic store.

It is cut from the middle of the host field to the south side of no. 37. Whilst the host field has a frontage onto the public Moor Rd the site is set back approx. 30 metres from the Moor Rd, which it is to be accessed off via the existing access and driveway serving no. 37 Moor with alteration.

The site lacks long established boundaries and is open on all sides with the exception of its party northern party boundary with no. 37 Moor Rd defined by a line of trees and a few trees along the southern boundary. The roadside frontage of the host field is also undefined.

Critical views of the site are open from the Moor Rd on the southern approach to it from the Moor Bridge over the Coalisland Canal and passing along its roadside frontage. Views of the site are screened on the northern approach along Moor Rd by existing development immediately to its north including no. 37 Moor Rd and no. 39 Moor Rd a large two storey hipped roofed dwelling with large sheds to its rear / east side. Whilst the surrounding area is primarily rural in nature with agricultural lands running to the south and east of the site in addition to the development immediately north of the site some further development, namely detached dwelling but including GEDA Construction, Civil Engineering, and Development company, in existence to the opposite side of the road to the site running towards Moor Bridge.

Description of Proposal

This is an outline application for a proposed dwelling and garage under Policy CTY10 of PPS21 to be located on lands 50 Metres South of 37 Moor Road Coalisland.

Deferred Consideration:

This application was before the Planning Committee in March 2023 where it was deferred for a meeting with the Service Director for Planning. At the meeting on 24 March 2023 it was indicated that flooding had been dealt with under a different application and the agent agreed to provide additional information to demonstrate this. Discussions around the potential clustering of development was for further assessment.

A Flood Risk Assessment was submitted for this application site and the immediate area, it provides a more detailed assessment of the hydrology here. It considered the Torrent River and the Coalisland Canal and flows between them and concluded this site does not flood The report was submitted to and assessed by DFI Rivers, who have advised they have no reason to disagree with the conclusions.. DFI Rivers have advised that a freeboard is added to any finished floor level to ensure the new development is well out of any risk areas. This is a matter for the applicant to be aware of and I do not consider it necessary to attach a condition requiring this. In light of DFI Rivers response it is clear the site does not flood and the site proposed is not subject to FLD1 policy.

The previous report set out the considerations about the active and established farm here and it has been accepted this meets all the criteria set out in CTY10. Concerns were raised about the potential of the site to integrate a new dwelling and garage and that it would result in Ribbon Development along Moor Road. Members are advised that CTY13 and CTY14 are considerations for a dwelling as a exception within CTY10 and where it

meets the criteria for a dwelling in a farm then it may be approved. Any development on this site will be screened from views from the north by the existing dwelling and buildings on that side of it. The views from the south are limited to just past the turn in to the car park and bridges over the Torrent River and Coalisland Canal. From here any new dwelling would be seen and cluster with the existing group of buildings on the farm (a bungalow, garage and shed). The existing trees in the foreground would help to integrate a new dwelling here, especially if it is low elevation, similar to the neighbouring property and additional landscaping is provided to augment the existing scheme. (Fig 1)

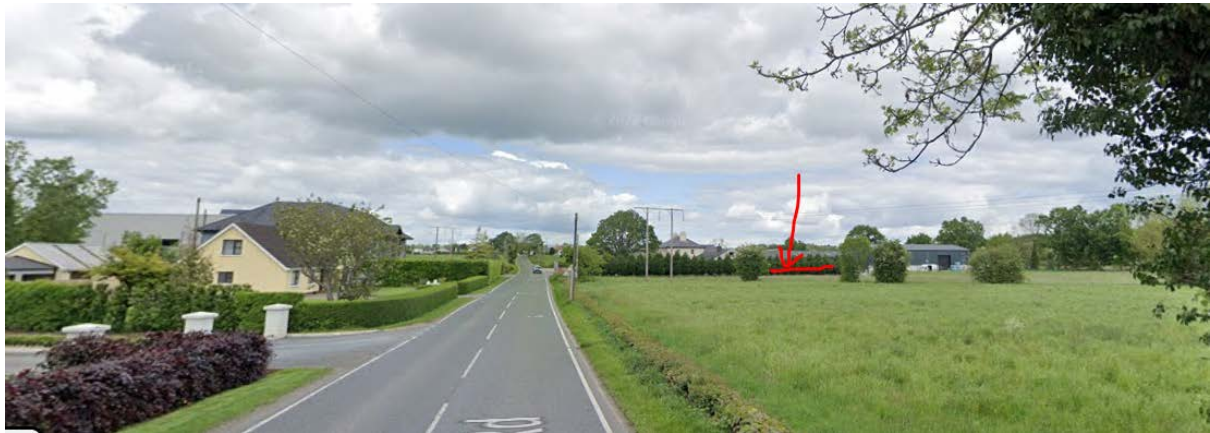


Fig 1 – site identified in red on approach from south, group of buildings to the rear

It is also noteworthy that flood maps identify the front part of the applicants land here as being subject to surface water flooding and some flooding is also identified to the south side. The flood risk assessment still shows this as being the case with the proposed site not located in any area that floods or is subject to ponding. I consider this prevents the applicants from siting anywhere else on their farm and will prevent any development to the front of any proposed dwelling so that it may remain as a field or could become a garden for any dwelling here.

NIEA have requested a Preliminary Ecological Appraisal to be carried out as they have assessed the proposal as close to trees, scrublands and a watercourse that links to Lough Neagh. Access to the site will require removal of some conifers which I do not consider have any particular ecological value, an existing hedge line can be conditioned to be retained at the side of the site and the land is improved grassland with little ecological value. Their response goes on to suggest mitigation measures to ensure the septic tank and soakaways do not come within 10 metres of any watercourse thereby mitigating any impacts on Lough Neagh. The location of the septic tank and soakaway can be dealt with at Reserved Matters stage and I consider a condition will adequately deal with this. I do not consider one additional dwelling here would have such a significant impact on designated features of Lough Neagh. it is necessary to request this information.

In my opinion the proposal meets the requirements of CTY10 and there is sufficient mitigation available to ensure the proposal is unlikely to have any significant impacts of Lough Neagh. I recommend the application is approved.

Conditions/Reasons for Refusal:

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

- i. the expiration of 5 years from the date of this permission; or
- ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from Mid Ulster District Council, in writing, before any development is commenced.

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

3. The dwelling hereby approved shall have a ridge height not exceeding 6.5m above the finished floor level of the dwelling.

Reason: To ensure the development integrates into the landscape.

4. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.4m x 120.0m in both directions and a 120.0m forward sight line, shall be provided in accordance with the 1:500 site plan submitted and approved at reserved matters stage. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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 all trees and hedges within and on the site boundaries to be retained, measures for their protection during the course of development and details of native species hedging to be planted along all new boundaries of the site and behind the sight lines. 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

6. At Reserved Matters stage a suitable and clearly defined buffer of at least 10 m shall be identified between the location of all refuelling, storage of oil/fuels, concrete

mixing and washing areas, storage of machinery/materials/spoil etc. and all open field drains/watercourses within and surrounding the application site. The buffer shall be provided prior to commencement of any development and maintained for the duration of on site construction works.

Reason: To ensure the project will not have an adverse effect on the integrity of Lough Neagh & Lough Beg RAMSAR/SPA.

7. At Reserved Matters stage a suitable and clearly defined buffer of at least 10 m shall be identified between the location of any septic tank, its soakaways and discharge point and all open field drains/watercourses within and surrounding the application site. The buffer shall be provided prior to commencement of any development and shall be permanently maintained. Discharges from the septic tank or soakaways shall not be directed towards any watercourse.

Reason: To ensure the project will not have an adverse effect on the integrity of Lough Neagh & Lough Beg RAMSAR/SPA.

Signature(s)

Date:

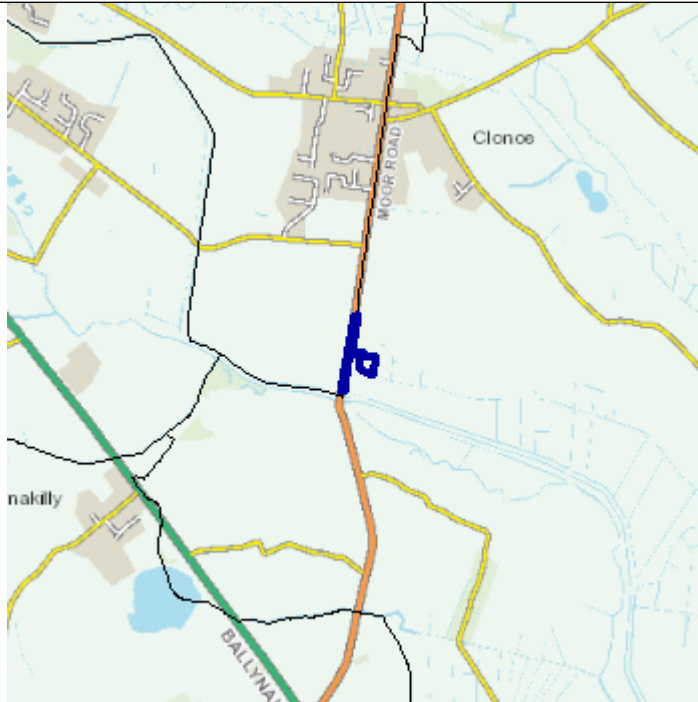


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 7 March 2023	Item Number: 5.18
Application ID: LA09/2022/1065/O	Target Date: 7 October 2022
Proposal: Dwelling and Garage Under Cty 10	Location: 50 Metres South Of 37 Moor Road Coalisland
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Niall And Mary Kilpatrick 37 Moor Road Coalisland BT71 4QB	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	NIEA	PRT - LA09-2022-1065-O.PDF
Non Statutory Consultee	Shared Environmental Services	LA09-2022-1502-F HRA.pdf
Non Statutory Consultee	DAERA - Omagh	See uploaded document LA09-2022-1065-O.DOCX
Statutory Consultee	DFI Roads - Enniskillen Office	
Statutory Consultee	Rivers Agency	496681 FINAL.pdf
Non Statutory Consultee	Shared Environmental Services	LA11-2022-1065-O Reconsult request letter.pdf
Non Statutory Consultee	Shared Environmental Services	LA09-2022-1065-O - HRA.pdf
Non Statutory Consultee	Shared Environmental Services	

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 lies in the rural countryside approx. 370 metres south of the settlement limits of Annaghmore as depicted by the Dungannon and South Tyrone Area plan 2010; and approx. 100m north of Coalisland canal.

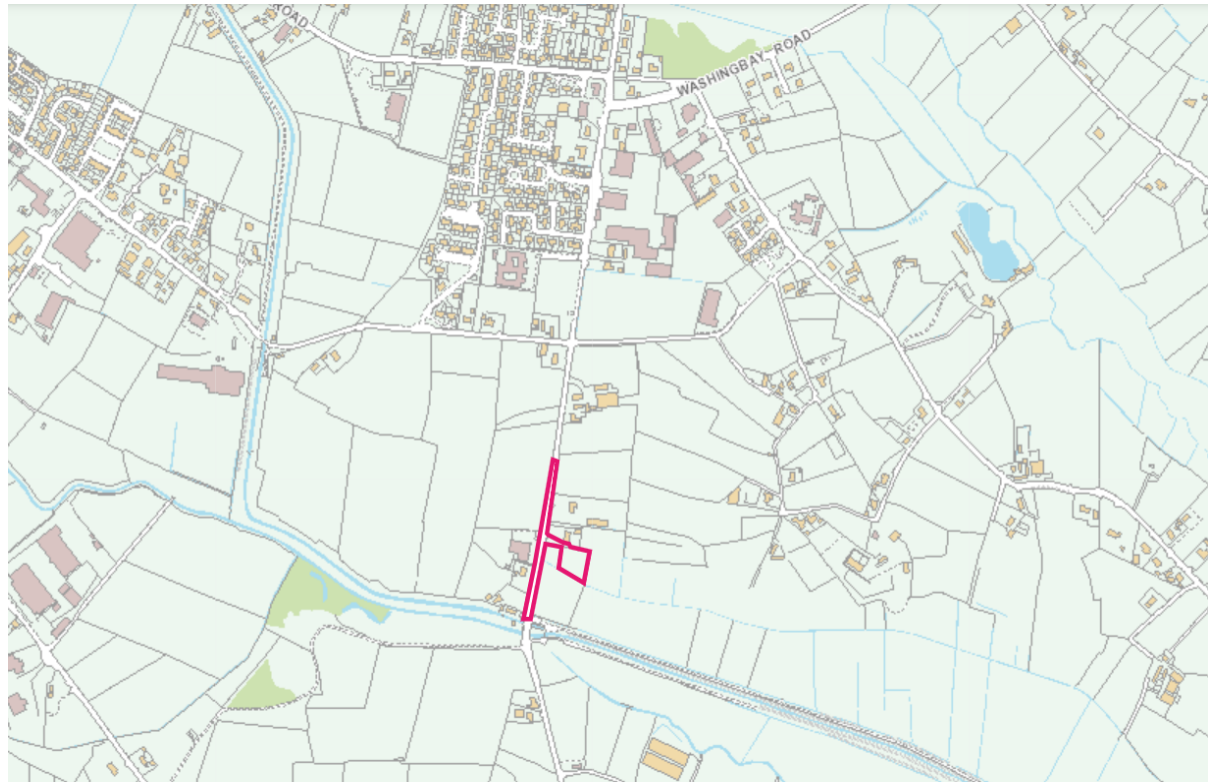


Fig 1: Site outlined red

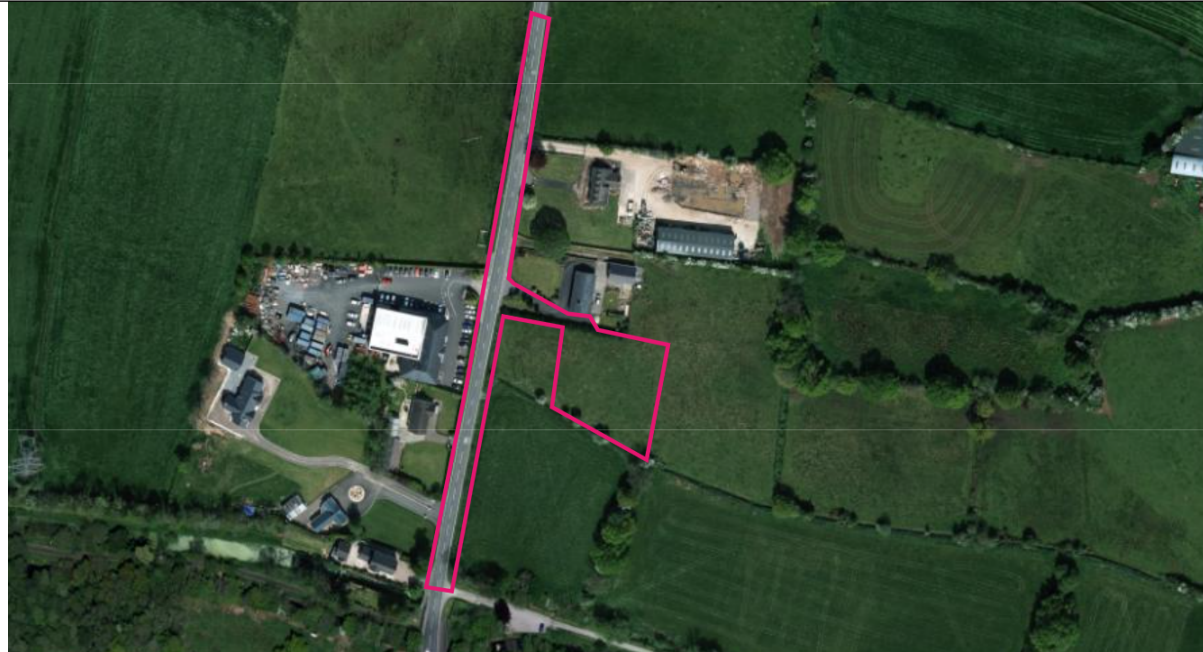


Fig 2: Site outlined red

The site is a relatively flat square shaped plot cut from a much larger agricultural field that runs along the south side and to the rear / east side of the applicant's home no. 37 Moor Rd, an existing single storey detached roadside dwelling with ancillary detached garage and large domestic store.

It is cut from the middle of the host field to the south side of no. 37. Whilst the host field has a frontage onto the public Moor Rd the site is set back approx. 30 metres from the Moor Rd, which it is to be accessed off via the existing access and driveway serving no. 37 Moor with alteration.

The site lacks long established boundaries and is open on all sides with the exception of its party northern party boundary with no. 37 Moor Rd defined by a line of trees and a few trees along the southern boundary. The roadside frontage of the host field is also undefined.

Critical views of the site are open from the Moor Rd on the southern approach to it from the Moor Bridge over the Coalisland Canal and passing along its roadside frontage. Views of the site are screened on the northern approach along Moor Rd by existing development immediately to its north including no. 37 Moor Rd and no. 39 Moor Rd a large two storey hipped roofed dwelling with large sheds to its rear / east side.

Whilst the surrounding area is primarily rural in nature with agricultural lands running to the south and east of the site in addition to the development immediately north of the site some further development, namely detached dwelling but including GEDA Construction, Civil Engineering, and Development company, in existence to the opposite side of the road to the site running towards Moor Bridge.

Description of Proposal

This is an outline application for a proposed dwelling and garage under Policy CTY10 of PPS21 to be located on lands 50 Metres South of 37 Moor Road Coalisland.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

Regional Development Strategy 2030
Strategic Planning Policy Statement for Northern Ireland
Dungannon and South Tyrone Area Plan 2010
Planning Policy Statement 2: Natural Heritage
Planning Policy Statement 3: Access, Movement and Parking
Development Control Advice Note 15: Vehicular Standards
Planning Policy Statement 15: Planning and Flood Risk
Planning Policy Statement 21: Sustainable Development in the Countryside
Building on Tradition - A Sustainable Design Guide for Northern Ireland Countryside

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

Representations

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

Planning History

- M/1982/00220 - Erection of bungalow - Moor Road Coalisland - Granted
- M/1982/002201 - Erection of bungalow - Moor Road Coalisland - Granted
- M/1998/0475 - Domestic garage general purpose store for domestic purposes only - 37 Moor Road Coalisland - Granted
- LA09/2020/1089/F - Proposed domestic store - To the rear of 37 Moor Road Coalisland - Granted 4th March 2021

Consultees

1. Dfl Roads were consulted in relation to access arrangements and raised no objection subject to standard conditions and informatives. Accordingly, I am content the proposal would comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.
2. Department of Agriculture, Environment and Rural Affairs (DEARA) were consulted on this application and advised the farm business stipulated on the P1C Form accompanying the application has not been in existence for more than 6 years. It was established on the 31/03/2022 and has a category 3 status that is not entitled to claim land payments. Furthermore, no payments on this site have been claimed by any business in the current year.
3. River's Agency (River's) were consulted as Flood Maps NI indicated the site was located within the fluvial floodplain and bound by a watercourse. River's responded as follows from a drainage and flood risk aspect under PPS15 (Revised) Planning and Flood Risk, Policy:
 - *FLD1 Development in Fluvial Flood and Coastal Plains* - The Strategic Flood Map indicates the site lies entirely within the 1 in 100year fluvial flood plain. The policy states 'Development will not be permitted within the 1 in 100 year fluvial flood plain (AEP7 of 1%) unless the applicant can demonstrate that the proposal constitutes an exception to the policy. Where the principle of development is accepted by the planning authority through meeting the 'Exceptions Test', the applicant is required to submit a Flood Risk Assessment (FRA) for all proposals. Planning permission will only be granted if the FRA demonstrates that: a) All sources of flood risk to and from the proposed development have been identified; and b) There are adequate measures to manage and mitigate any increase in flood risk arising from the development.
 - *FLD2 Protection of Flood Defence and Drainage Infrastructure* – the application is affected by a designated open watercourse. Policy requires a 5m to 10m level maintenance strip along the watercourse. The applicant MUST contact the relevant local DFI Rivers area office to establish their maintenance needs and then mark the agreed maintenance strip on a drawing along with cross sections to demonstrate that it is level, free from obstructions and has access and egress points etc.
 - *FLD3 Development and Surface Water* - A Drainage Assessment isn't triggered by the policy but the development is located within a predicted flooded area as indicated on the Surface Water Flood Map. In such cases the policy states that it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site.

With regard to the above, specifically bullet point 1, Planning does not deem this proposal an exception under Policy FLD 1 of PPS15 therefore it is contrary to Policy FLD 1 of PPS15 and the additional information required i.e. FRA has not been requested. The principle of this development has not been established.

4. Shared Environmental Services were consulted on this application as the site is

located within a floodplain and bound by a watercourse therefore there could be a potential hydrological link to Lough Neagh and Lough Beg Ramsar Site/Lough Neagh and Lough Beg SPA. SES considered the proposal in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) on behalf of Mid Ulster District Council. Following an appropriate Habitats Regulations Assessment (HRA) in accordance with the Regulations SES advised having considered the nature, scale, timing, duration and location of the project it would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects subject to the following mitigation measures being conditioned in any approval:

- A suitable and clearly defined buffer of at least 10m must be maintained between the location of all refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and all identified open field drains/watercourses within/surrounding the application site.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site.

Mid Ulster District Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by SES. The mitigation measures considered reasonable could be conditioned.

5. NIEA – were consulted further to consultation with Shared Environmental Services who advised the proposal is hydrologically connected to Lough Neagh and Lough Beg Ramsar Site/Lough Neagh and Lough Beg SPA and a likely significant effect on these sites cannot be discounted. NIEA responded as follows: *Water Management Unit* - raised no objections to the proposal referring to DAERA Standing Advice for single dwellings containing standard conditions and informatives.

Natural Environment Division (NED) - considered the impacts of the proposal on designated sites and raised no concerns subject to the conditions below to ensure there is no degradation of the adjacent aquatic environment from contaminated runoff resulting during construction and operational works, which I consider reasonable:

- A suitable buffer of at least 10m must be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc and the watercourse.
- There must be no discharges from the septic tank or soakaway towards the any watercourse; a buffer of 10m must be maintained between the septic tank and soakaway and any watercourse.

NED also provided preliminary ecological advice in relation to other natural heritage concerns including that a Biodiversity Checklist be used to establish if any ecological surveys are required for a complete application and to enable NED to carry out a more detailed assessment.

As detailed further above, this proposal is contrary Policy FLD 1 of PPS15 Planning and Flood Risk. As such, the principle of this development has not been established and the additional information required in relation to other natural heritage (Biodiversity Checklist) has not been requested.

Consideration

Dungannon and South Tyrone Area Plan 2010 – the site lies in the rural countryside outside any designated settlement.

The Strategic Planning Policy Statement for Northern Ireland – advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These instances are listed in Policy CTY1 of PPS21 'Development in the Countryside'. The applicant has applied under one of these instances a dwelling on a farm under Policy CTY 10 of PPS 21.

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

- the farm business is currently active and has been established for at least 6 years,

As detailed further above Department of Agriculture, Environment and Rural Affairs (DEARA) were consulted on this application and advised the farm business stipulated on the P1C Form accompanying the application has not been in existence for more than 6 years. It was established on the 31/03/2022 and has a category 3 status that is not entitled to claim land payments and no payments on this site have been claimed by any business in the current year.

The above said alongside this application the agent submitted a letter from DEARA dated 22nd April 2022 to the applicant advising they had been allocated a sheep flock number. A number of invoices and receipts ranging from 2015 through every year until 2022 when DEARA advised the business was established but not entitled to claim lands payments and the sheep flock number was allocated. The invoices to the applicant include for works such as hedge cutting, sowing fertiliser, bailing and wrapping hay, slurry spreading, and for fencing materials. Receipts from the applicant were for the sale of bales. Accordingly, I am reasonably content that it has been demonstrated that the farm business has been active and established for over 6 years. Criterion (1) of CTY 10 has been met.

- 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 or since PPS 21 was introduced on 25th November 2008,

I have checked the farm maps associated with the application and there is no evidence to indicate that any dwellings or development opportunities out-with settlement limits have been sold off from the applicant's farm holding within the last 10 years from the date of the application. Criterion (2) of CTY 10 has been met.

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

A dwelling on this site would visually link and cluster with the applicant's home no. 37 Moor Rd, a single storey detached dwelling with ancillary detached garage and large domestic store located immediately to the north of the site. And as such Criterion (3) of CTY 10 has been met.

CTY 10 goes on to say that the application site must also meet the requirements of Planning Policies CTY 13 Integration and Design of Buildings in the Countryside and CTY 14 Rural Character. I am not content that a dwelling on the site would visually integrate into the surrounding landscape without causing a detrimental change to the rural character of an area in accordance with CTY 13 and 14. I consider the site lacks sufficient long established natural boundaries to provide a suitable degree of enclosure for the dwelling and garage to integrate into the landscape. I consider a dwelling and garage on this relatively open and exposed site would if permitted be unduly prominent in the landscape and would therefore result in a detrimental change to the rural character of the countryside. Whilst the vegetation and development to the north of the site will provide a backdrop to views on the southern approach along Moor Rd, when passing the frontage of the host field the building will have no substantial backdrop to aid its integration.

This proposal in my opinion would also be contrary to Policy CTY 8 of PPS 21 in that when travelling along the Moor Rd it would extend an existing ribbon of development with a common frontage onto the road further south. The existing ribbon of development immediately to the north of the site includes no. 37 Moor Rd, an existing single storey detached roadside dwelling with ancillary detached garage and large domestic store located to its rear; and no. 39 Moor Rd a large two storey hipped roofed dwelling with large sheds to its rear / east side.

Bearing in mind all of the above. As the principle of this development has not been established under Policy FLD 1 of PPS 15: Planning and Flood Risk in that the proposal is located within the 1 in 100 year fluvial flood and does not constitute an exception to the policy, a FRA has not been requested. Additional information to demonstrate a dwelling could integrate on the site without causing a detrimental change to the rural character of the area has also not been requested. Nor has any additional information to address the issues raised by NIEA or SES (see 'Consultees' above).

Additional considerations

I had some concerns regarding the shared access arrangements impacting the amenity of the neighbouring property to the north in terms of overlooking however this is the

applicant's home and I consider these concerns could have been overcome through careful design had the site been acceptable in principle.

In addition to checks on the planning portal Historic Environment Map (HED) map viewer available online has been checked and identified no built heritage assets of interest on site.

Recommendation: Refuse

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policy FLD 1 'Development in Fluvial (River) and Coastal Flood Plains' of Planning Policy Statement 15: Planning and Flood Risk in that the proposal is located within the 1 in 100 year fluvial flood and does not constitute an exception to the policy.

Reason 2

The proposal is contrary to Policy CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside in that proposal does not meet all the requirements of Policies CTY 13(a-f) and CTY 14.

Reason 3

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site lacks long established natural boundaries therefore is unable to provide a suitable degree of enclosure for the new buildings to integrate into the landscape.

Reason 4

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the new buildings would, if permitted, be unduly prominent in the landscape and would therefore result in a detrimental change to the rural character of the countryside.

Reason 5

The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the new buildings would, if permitted add to ribbon development along the Moor Rd.

Signature(s): Emma Richardson

Date: 22 February 2023

ANNEX	
Date Valid	24 June 2022
Date First Advertised	18 August 2022
Date Last Advertised	7 July 2022
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 39 Moor Road Coalisland Tyrone BT71 4QB</p> <p>The Owner / Occupier 36 Moor Road Coalisland Tyrone BT71 4QB</p> <p>The Owner / Occupier 34A Moor Road Coalisland Tyrone BT71 4QB</p> <p>The Owner / Occupier 37 Moor Road Coalisland Tyrone BT71 4QB</p> <p>The Owner / Occupier 34 Moor Road Coalisland Tyrone BT71 4QB</p> <p>The Owner / Occupier 32 Moor Road Coalisland Tyrone BT71 4QB</p>	
Date of Last Neighbour Notification	15 September 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: M/1976/0324 Proposals: IMPROVEMENTS TO DWELLING Decision: PG Decision Date:</p> <p>Ref: M/1975/0358 Proposals: IMPROVEMENTS TO DWELLING Decision: PG Decision Date:</p> <p>Ref: M/1994/0142 Proposals: Extension to dwelling Decision: PG Decision Date:</p>	

Ref: M/2001/1165/F

Proposals: Proposed extension and alterations to existing dwelling to provide two storey accommodation.

Decision: PG

Decision Date: 17-JAN-02

Ref: M/1978/0808

Proposals: ERECTION OF DWELLING

Decision: PG

Decision Date:

Ref: LA09/2021/0155/O

Proposals: Proposed infill dwelling

Decision: PG

Decision Date: 27-APR-21

Ref: LA09/2016/0902/F

Proposals: Proposed relocation of existing approval LA09/2015/0489/RM

Decision: PG

Decision Date: 27-OCT-16

Ref: M/1979/0577

Proposals: HOUSING DEVELOPMENT

Decision: PR

Decision Date:

Ref: M/2009/0688/F

Proposals: Retention of existing agricultural shed and retention of existing access.

Decision: PG

Decision Date: 27-JAN-10

Ref: M/1979/0772

Proposals: IMPROVEMENTS TO DWELLING

Decision: PG

Decision Date:

Ref: M/2011/0198/F

Proposals: Additional electrical plant and equipment installation, control room inside the existing sub-station site. Overhead electrical transmission lines detailed in Form P1.

Decision: PG

Decision Date: 08-DEC-11

Ref: M/1984/050401

Proposals: DWELLING

Decision: PG

Decision Date:

Ref: M/1984/0504

Proposals: DWELLING

Decision: PG

Decision Date:

Ref: M/2001/1045/RM

Proposals: Proposed Industrial Unit/Offices/Carparking Facilities

Decision:

Decision Date:

Ref: M/2004/0873/F

Proposals: proposed erection of light engineering workshop & office accommodation

Decision: PG

Decision Date: 09-NOV-04

Ref: LA09/2020/1099/F

Proposals: Retention of 2.4m high security fence, hard standing & floodlighting.

Decision: PG

Decision Date: 28-JAN-21

Ref: LA09/2020/0124/LDP

Proposals: Proposed provision of an external fire escape from existing canteen

Decision: PG

Decision Date: 30-JUL-20

Ref: M/2001/0557/O

Proposals: Erection of Light Industrial Workshop

Decision: PG

Decision Date: 20-AUG-01

Ref: LA09/2015/0489/RM

Proposals: Proposed Dwelling and Domestic Garage on Infill Site

Decision: PG

Decision Date: 01-DEC-15

Ref: LA09/2021/1685/RM

Proposals: Proposal infill dwelling.

Decision: PG

Decision Date: 05-APR-22

Ref: M/2014/0106/PREAPP

Proposals: Proposed infill site for dwelling

Decision: ELR

Decision Date: 21-AUG-14

Ref: M/2014/0416/O

Proposals: Proposed dwelling and domestic garage on an infill site

Decision: PG

Decision Date: 21-JAN-15

Ref: M/2004/0652/F

Proposals: Proposed alterations to previously approved plan of warehouse and offices

M/2002/1375/F

Decision:

Decision Date:

Ref: M/1998/0475

Proposals: Domestic Garage General Purpose Store for domestic purposes only

Decision: PG

Decision Date:

Ref: LA09/2020/1089/F

Proposals: Proposed domestic store

Decision: PG

Decision Date: 04-MAR-21

Ref: M/2008/0169/F

Proposals: Proposed replacement creche at 10m east of No 39 Moor Road, Coalisland

Decision: PR

Decision Date: 15-MAY-09

Ref: LA09/2022/1065/O

Proposals: Dwelling and Garage Under Cty 10

Decision:

Decision Date:

Ref: M/1977/0056

Proposals: EXTENSION TO DWELLING

Decision: PG

Decision Date:

Ref: M/1980/0636

Proposals: ALTERATIONS TO DWELLING

Decision: PG

Decision Date:

Ref: LA09/2018/0353/F

Proposals: Replacement dwelling

Decision: PG

Decision Date: 04-JUL-18

Ref: M/2002/1375/F

Proposals: Proposed change of access to previously approved application for light industrial unit.

Decision: PG

Decision Date: 27-FEB-03

Ref: M/1982/0022

Proposals: BUNGALOW

Decision: PG

Decision Date:

Ref: M/1982/002201

Proposals: ERECTION OF BUNGALOW

Decision: PG

Decision Date:

Ref: M/1999/0863/O

Proposals: Dwelling House and Domestic Garage

Decision: PG

Decision Date: 18-FEB-00

Ref: M/1996/0771

Proposals: Egg Packing and Processing Unit

Decision: PG

Decision Date:

Ref: M/2002/0362/F

Proposals: Proposed industrial unit with ancillary offices/car parking facilities

Decision: PG

Decision Date: 10-OCT-02

Summary of Consultee Responses

NIEA-PRT - LA09-2022-1065-O.PDF

Shared Environmental Services-LA09-2022-1502-F HRA.pdf

DAERA - Omagh-See uploaded documentLA09-2022-1065-O.DOCX

DFI Roads - Enniskillen Office-

Rivers Agency-496681 FINAL.pdf

Shared Environmental Services-LA11-2022-1065-O Reconsult request letter.pdf

Shared Environmental Services-LA09-2022-1065-O - HRA.pdf

Shared Environmental Services-

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2022/1277/F Recommendation: Refuse	Target Date: 29 November 2022
Proposal: PROPOSED NEW INFILL DWELLING AND DETACHED DOMESTIC GARAGE	Location: Lands Approx 7M East Of 20 Ballymacpeake Road Portglenone
Applicant Name and Address: Mr FEARGAS QUINN 20 BALLYMACPEAKE ROAD PORTGLENONE BT44 8LW	Agent Name and Address: Mr JOE DIAMOND 77 MAIN STREET MAGHERA BT46 5AB
Summary of Issues: The application was presented to Members as a refusal at January 2023 Planning Committee. The proposal was deemed to be contrary to policies CTY 1 and CTY 8 of PPS 21. Members agreed to defer the application for an office meeting with Dr Boomer and the Senior Planning Officer, which took place on the 8 th February 2023. At the meeting it was suggested that the agent/applicant consider an annex onto the side of the adjacent dwelling which is within family ownership as this was a more policy compliant option. To date, no changes to the proposal have been submitted. As such, the proposal is before Members again with a recommendation to refuse.	
Summary of Consultee Responses: No consultations were issued to inform this deferred consideration	
Description of Proposal This is a full application for a proposed new dwelling and domestic garage the site is identified as land Approx. 7M East Of 20 Ballymacpeake Road, Portglenone	

Deferred Consideration:

The application proposes to erect a standalone dwelling in the garden of no. 20 Ballymacpeake Road. In the absence of the submission of an alternative solution, as suggested at the deferred office meeting, this proposal is being considered primarily under Policies CTY 1 and CTY 8 of PPS 21.

CTY 8 states that planning permission will be refused for a building which creates or adds to ribbon development. However an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern. This proposal is relying on dwellings no. 20, 20a and 22 Ballymacpeake Road as being a continuous line of buildings along a common frontage. I would agree with the original case officer that this is not the case. The 3 dwellings all have different frontages. As such, the site can not be considered as a gap in line with the provisions of CTY 8.

Policy CTY 1 sets out that an extension to a dwelling house can be considered under Policy EXT 1 of the Addendum to PPS 7. This policy also provides for ancillary living accommodation in certain circumstances. At the deferred office meeting it was suggested that as no. 20 was in family ownership that consideration would be given a granny annex/ancillary living accommodation which would be linked someway to number 20. This option was never taken up by the applicant. Adequate time has been given to the applicant to consider this option and in the absence of a revised scheme, the application currently before Members tonight has to be decided.

It is recommended that Members refuse the application as it fails to meet the provisions of CTY 1 and CTY 8 of PPS 21

Conditions/Reasons for Refusal:**Refusal Reasons****Reason 1**

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

Reason 2

The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal is not located within a gap along a continuous and built up frontage.

Signature(s):Karla McKinless

Date: 19 October 2023



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2023	Item Number: 5
Application ID: LA09/2022/1277/F	Target Date: 29 November 2022
Proposal: PROPOSED NEW INFILL DWELLING AND DETACHED DOMESTIC GARAGE	Location: Lands Approx 7M East Of 20 Ballymacpeake Road Portglenone
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr FEARGAS QUINN 20 BALLYMACPEAKE ROAD PORTGLENONE BT44 8LW	Agent Name and Address: Mr JOE DIAMOND 77 MAIN STREET MAGHERA BT46 5AB
Executive Summary: To Committee - Refusal - Contrary to CTY 1 and 8 of PPS 21.	

Case Officer Report

Site Location Plan



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Consultations:

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

Representations:

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

Summary of Issues

To Committee – Refusal – Contrary to CTY 1 and 8 of PPS 21.

Characteristics of the Site and Area

The site is approximately 2.4km west of the development limits of Clady, as such the site is located within the open countryside as per the Magherafelt Area Plan 2015. The site has been identified as lands Approx. 7M East Of 20 Ballymacpeake Road, Portglenone,

in which the site lies in part of the garden area for No.20 Ballymacpeake Road. I note that the site intends to use the same access as No.20. I note that the immediate and surrounding area is characterised by residential development, with the wider setting being characterised by agricultural land uses.

Representations

Four neighbour notifications were sent out however one objection was received in connection with this application.

Description of Proposal

This is a full application for a proposed new dwelling and domestic garage the site is identified as land Approx. 7M East Of 20 Ballymacpeake Road, Portglenone

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 8 – Ribbon Development

CTY 13 – Integration and Design of Buildings in the Countryside; and

CTY14 – Rural Character

PPS 3 - Access, Movement and Parking;

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

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

CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However an exception will be permitted for the

development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. The agent is relying on dwellings Nos 20, 20a and 22 Ballymacpeake Road to be able to constitute as a continuous line of buildings along a common frontage. Taking each separately I note the following;

- No. 20 fronts onto a private laneway off the Ballymacpeake Road with no common frontage to the Ballymacpeake Road. (Figure 1)
- No.20s front onto a different private laneway off the Ballymacpeake Road with no common frontage to the Ballymacpeake Road. (Figure 1)
- Finally, No.22 does front and share a common frontage to the Ballymacpeake Road. (Figure 2)



Figure 1



Figure 2

With this in mind I hold the view that the application has failed to demonstrate that there is a line of three buildings along a common frontage. I note that the three dwellings around the site all have different frontages and would not comply under this part of the policy. In terms of the gap, I note that this is sufficient for only one dwelling which has been applied in line with this part of the policy. From such I hold the view that the application has failed to demonstrate compliance under CTY 8.

I referred the issues to the agent with regards to this policy and confirmed that this was the only case under CTY 1 that was applicable. I note that I have considered the other policies under CTY 1 and hold the view that none of these are applicable to this site and must recommend refusal under CTY 1 respectively.

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that the size of the proposed dwelling is reflective of the immediate area, as such I am content that the proposed dwelling is unlikely to appear as visually prominent and given the position and surrounding landscaping is able to visually integrate. I am content that the proposed design is acceptable within this rural context. As such I am content that the application is able to comply under CTY 13.

CTY 14 states that planning permission will only be granted for a building in the

countryside where it does not cause detrimental change to, or further erode the rural character of an area. Upon review of the plans I am content that the proposed dwelling in this location will not cause a detrimental impact to the character of the area and as such complies with CTY 14.

Other policy and material considerations

PPS 3 - Access, Movement and Parking;

A consultation was sent to DFI Roads, in their final response confirmed that they had no objections subject to conditions and informatives. I am content that the access is acceptable under PPS 3.

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

I have no flooding or residential amenity concerns.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal is not located within a gap along a continuous and built up frontage.

Signature(s): Peter Henry

Date: 20 December 2022

ANNEX	
Date Valid	16 August 2022
Date First Advertised	30 August 2022
Date Last Advertised	30 August 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 22 Ballymacpeake Road Portglenone Londonderry BT44 8LW The Owner / Occupier 20B Ballymacpeake Road Portglenone Londonderry BT44 8LW The Owner / Occupier 20A Ballymacpeake Road Portglenone Londonderry BT44 8LW The Owner / Occupier 20 Ballymacpeake Road Portglenone Londonderry BT44 8LW	
Date of Last Neighbour Notification	12 September 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Full & RM Resp.docx	
Drawing Numbers and Title Site Location Plan Plan Ref: DA41-22-01 Site Layout or Block Plan Plan Ref: DA41-22-02 Proposed Elevations Plan Ref: DA41-22-03 Garage Plans Plan Ref: DA41-22-04	

Notification to Department (if relevant)

Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2022/1408/O	Target Date: 4 January 2023
Proposal: Proposed infill dwelling and domestic garage as policy cty8	Location: 70M NE of 107 Drummerrer Lane Coalisland
Applicant Name and Address: Mr JOHN MC CABE 97 DRUMMERRER LANE COALISLAND BT71 4QJ	Agent Name and Address: Mr AUSTIN MULLAN 38b AIRFIELD ROAD TOOMEBRIDGE BT41 3SG
Summary of Issues: The proposal is for a dwelling as an exception to CTY8, infill. The existing development to form the “bookends” for the ribbon required further clarification.	
Summary of Consultee Responses: DFI Roads – sight lines of 2.4m x 33.0m and 33.0m forward sight lines necessary for safe access. GSNI – no objections	
Characteristics of the Site and Area: The site is located in the rural countryside, as defined by the Dungannon and South Tyrone Area Plan 2010, approx. 1.2 mile west of Lough Neagh and 1.3 miles east of Annaghmore village.	



Fig 1: Site outlined red



Fig 2: Site outlined red

The site is a relatively flat rectangular shaped plot comprising the eastern half and roadside frontage of a large agricultural field situated adjacent a right-angled bend in, and accessed off, a minor road known as Drummurre Lane. The site is bound to the north by a mix of mature hedgerow and trees. The roadside boundary is defined by some light vegetation but largely open onto Drummurer Lane. The southern boundary is defined by post and wire fencing and low hedging enclosing the curtilage of a neighbouring 1 ½ storey dwelling of bungalow appearance. The eastern boundary is open onto the host field. An agricultural access and lane run along the inside of the northern boundary of the site.

The site is located just outside of a right-angled bend in Drummurrer Lane. It is bound by a large, detached garage to the northwest and the detached 1 ½ storey dwelling with ancillary double detached garage, no. 108 Drummurrer Lane to the south.

Views of a dwelling on this site would be on the western and southern approach along Drummurrer Lane and passing along its roadside frontage. From these views the mature vegetation bounding the site alongside topography, vegetation and development in the wider vicinity would help to enclose and provide a dwelling on it with a backdrop. Whilst the surrounding area is rural in character with the site's host field backing onto a small corpse of trees it has come under some development pressure in recent years with

a number of dwellings with ancillary buildings located adjacent and set back from the Drummurrer Lane in the immediate vicinity.

Description of Proposal

This is an outline planning application for a dwelling and domestic garage to be located on lands 70m northeast of 107 Drummurrer Lane Coalisland. The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 8 Ribbon Development.

Deferred Consideration:

This application was before the Planning Committee in April 2023 and was deferred for a meeting with the Service Director. At a meeting on 21 April 2023, via zoom, the agent stressed that other development around the site is established and may be considered to make the case for the proposal.

Members will be aware that in taking decisions on planning applications where buildings in the vicinity of a site are required to make the case, ie. dwellings on farms, clustering or the exception in the ribbon development policy, there must be a building and the buildings must be established in planning terms. It is not sufficient to rely on an approval or extant permission. Buildings can be established if they have been granted planning permission, have a Certificate of Lawfulness or it is clear they are immune from enforcement action that may require them to be removed. Members will also be aware that the granting of planning permission does not itself constitute a building and in the assessment for infill development a building must be in situ.

To the north of this application site, a dwelling has been erected without the benefit of planning permission. This dwelling is located on a site that was granted for a dwelling and garage and it is located within the curtilage of the approved dwelling. Investigations indicate that it is immune from enforcement action and as such is an established building. Investigations also indicate that the access and foundations of the approved dwelling were put in place within the timescales set out in the permission. In view of this I am content that the dwelling to the north and its curtilage may be considered in the determination of this application. Members will be aware that Policy CTY8 restricts ribbon development but allows dwellings in small gap sites within a line of 3 buildings, provided they have a common frontage. This proposed site is located at right angles to the approved site with the established garage. When standing at the corner it is clear there is a line of 3 buildings here, the established dwelling to the north and an approved dwelling and large garage to the south. These buildings do, in my opinion, present a common frontage onto Drummurrer Lane even though the road has a 90degree bend in it. From my visit to the site I was aware of the established dwelling and the proposed site reading together as both sites are located on the outside of the bend (Pic 1). To the south of the site is a dwelling with a large detached garage off-set to the rear of it. It is clear the proposed site reads with this and it is a gap within the overall frontage. I consider the proposal meets with the exception in CTY8 for a gap site and that planning permission may be granted. I consider it is appropriate to limit the height of the dwelling to respect the character of the development either side of it and a 6.0m ridge height restriction is appropriate



Pic 1 – proposed site to right of picture with garage of other dwelling further right, established dwelling to the left



Pic 2 – proposed site to left of picture with garage set to rear of dwelling reads as 2 buildings

Conditions:

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-
 - i. the expiration of 5 years from the date of this permission; or
 - ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from the Council, in writing, before any development is commenced.

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

3. Details of existing and proposed levels within the site, levels along the roadside, and the finished floor level of the proposed dwelling shall be submitted for approval at Reserved Matters stage. The dwelling shall be built in accordance with levels agreed at Reserved Matters stage.

Reason: To ensure that the dwelling integrates into the surrounding countryside.

4. The dwelling hereby approved shall have a ridge height not exceeding 6.0m above the finished floor level of the dwelling.

Reason: To ensure the development integrates into the landscape.

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 all trees and hedges within and on the site boundaries to be retained, measures for their protection during the course of development and details of native species hedging to be planted along all new boundaries of the site and behind the sight lines. 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

6. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the uploaded form RS1 including sight lines of 2.4m by 33.0m in both directions and a forward sight distance of 33.0m where the access meets the public road. The access as approved at Reserved Matters stage shall be constructed in accordance with the approved plans, prior to the commencement of any other development hereby approved.

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

Signature(s)

Date:

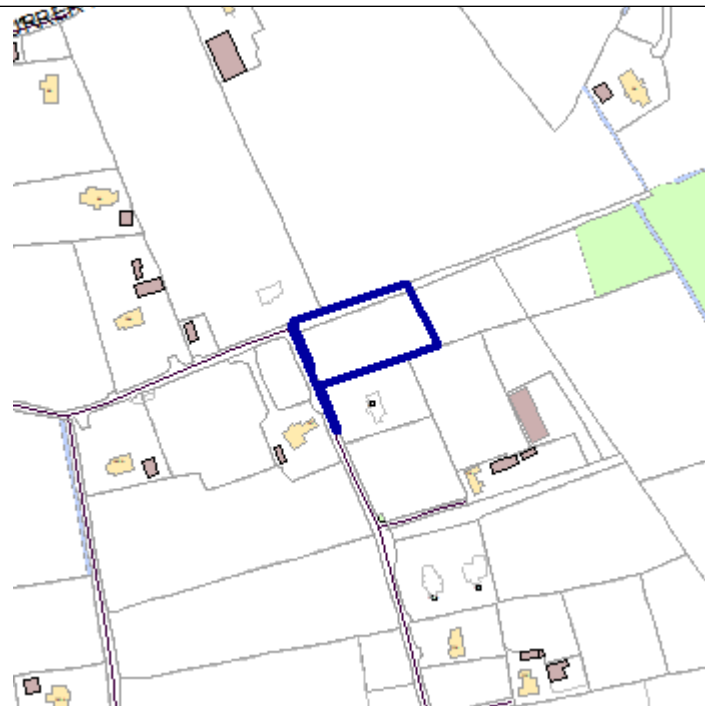


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 April 2023	Item Number: 5.8
Application ID: LA09/2022/1408/O	Target Date: 4 January 2023
Proposal: Proposed infill dwelling and domestic garage as policy cty8	Location: 70M NE of 107 Drummerrer Lane Coalisland
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr JOHN MC CABE 97 DRUMMERRER LANE COALISLAND BT71 4QJ	Agent Name and Address: Mr AUSTIN MULLAN 38b AIRFIELD ROAD TOOMEBRIDGE BT41 3SG
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	FORM RS1 STANDARD.doc Roads outline.docx
Non Statutory Consultee	Geological Survey NI (DfE)	3248 MUDC Planning. 70m West Of 107 Drummerr Lane Coalisland.doc

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site is located in the rural countryside, as defined by the Dungannon and South Tyrone Area Plan 2010, approx. 1.2 mile west of Lough Neagh and 1.3 miles east of Annaghmore village.



Fig 1: Site outlined red



Fig 2: Site outlined red

The site is a relatively flat rectangular shaped plot comprising the eastern half and roadside frontage of a large agricultural field situated adjacent a right-angled bend in, and accessed off, a minor road known as Drummurre Lane. The site is bound to the north by a mix of mature hedgerow and trees. The roadside boundary is defined by some light vegetation but largely open onto Drummurer Lane. The southern boundary is defined by post and wire fencing and low hedging enclosing the curtilage of a neighbouring 1 ½ storey dwelling of bungalow appearance. The eastern boundary is open onto the host field. An agricultural access and lane run along the inside of the northern boundary of the site.

The site is located just outside of a right-angled bend in Drummurrer Lane. It is bound by a large, detached garage to the northwest and the detached 1 ½ storey dwelling with ancillary double detached garage, no. 108 Drummurrer Lane to the south.

Views of a dwelling on this site would be on the western and southern approach along Drummurrer Lane and passing along its roadside frontage. From these views the mature vegetation bounding the site alongside topography, vegetation and development in the wider vicinity would help to enclose and provide a dwelling on it with a backdrop.

Whilst the surrounding area is rural in character with the site's host field backing onto a small copse of trees it has come under some development pressure in recent years with a number of dwellings with ancillary buildings located adjacent and set back from the Drummurrer Lane in the immediate vicinity.

Description of Proposal

This is an outline planning application for a dwelling and domestic garage to be located on lands 70m northeast of 107 Drummurrer Lane Coalisland. The dwelling is being applied for under Planning Policy Statement 21, Policy CTY 8 Ribbon Development.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

Regional Development Strategy 2030
Strategic Planning Policy Statement for Northern Ireland
Dungannon and South Tyrone Area Plan 2010
Planning Policy Statement 3: Access, Movement and Parking
Development Control Advice Note 15: Vehicular Standards
Planning Policy Statement 21: Sustainable Development in the Countryside
Supplementary Planning Guidance for PPS21 - 'Building on Tradition' A Sustainable Design Guide for the Northern Ireland Countryside.

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

Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

Representations

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

Planning History

- M/2003/0634/O - Proposed dwelling - 146m South West of 86 Drummurrer Lane Coalisland - Granted June 2003
- M/2006/1433/RM- Proposed dwelling and garage - 146m South West of 86 Drummurrer Lane Coalisland - Granted 14th August 2007

The above applications relate to lands immediately northwest of the current site. These lands contain a large, detached garage and the foundations of a dwelling (see Fig 3, below). Whilst the foundations of the dwelling appear generally in the location approved under M/2003/0634/O and M/2006/1433/RM the pre-commencement access arrangements do not appear to have been carried out and the garage on site is not the garage approved, nor is it in the location approved nor can my own checks of historical orthophotography confirm it has been in place for 5 years and therefore immune to enforcement. See drawings approved under M/2006/1433/RM further below (Figs 4, 5 & 6)



Fig 3: Lands immediately northwest of the current site circled yellow containing a large, detached garage and the foundations of a dwelling.

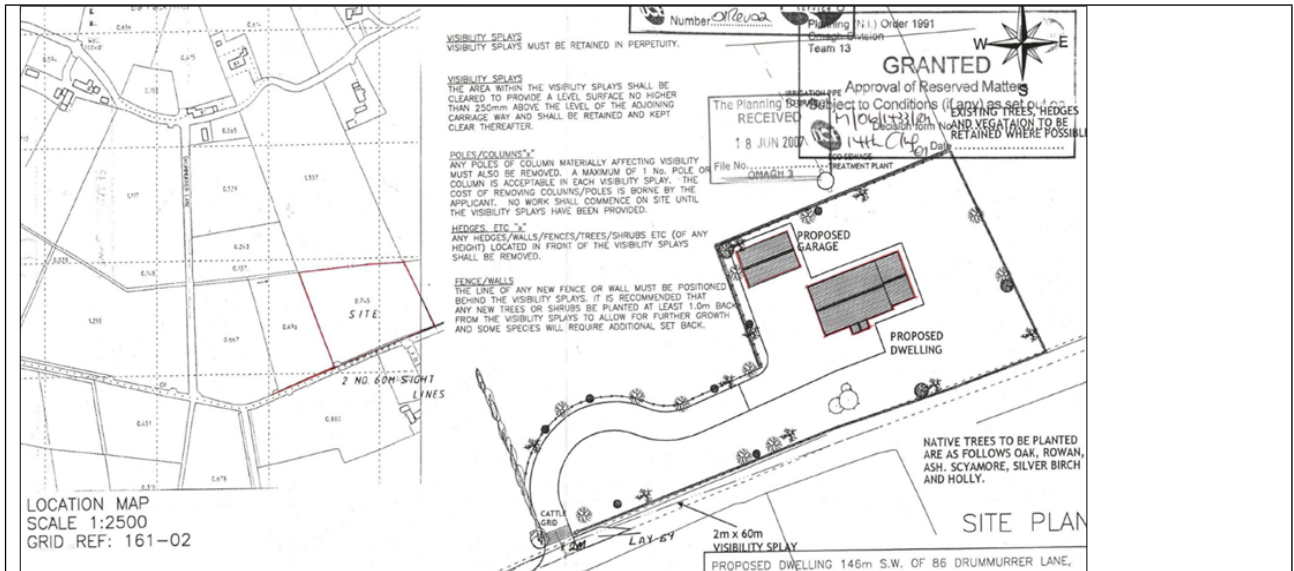


Fig 4: Site location and block plan approved under M/2006/1433/RM

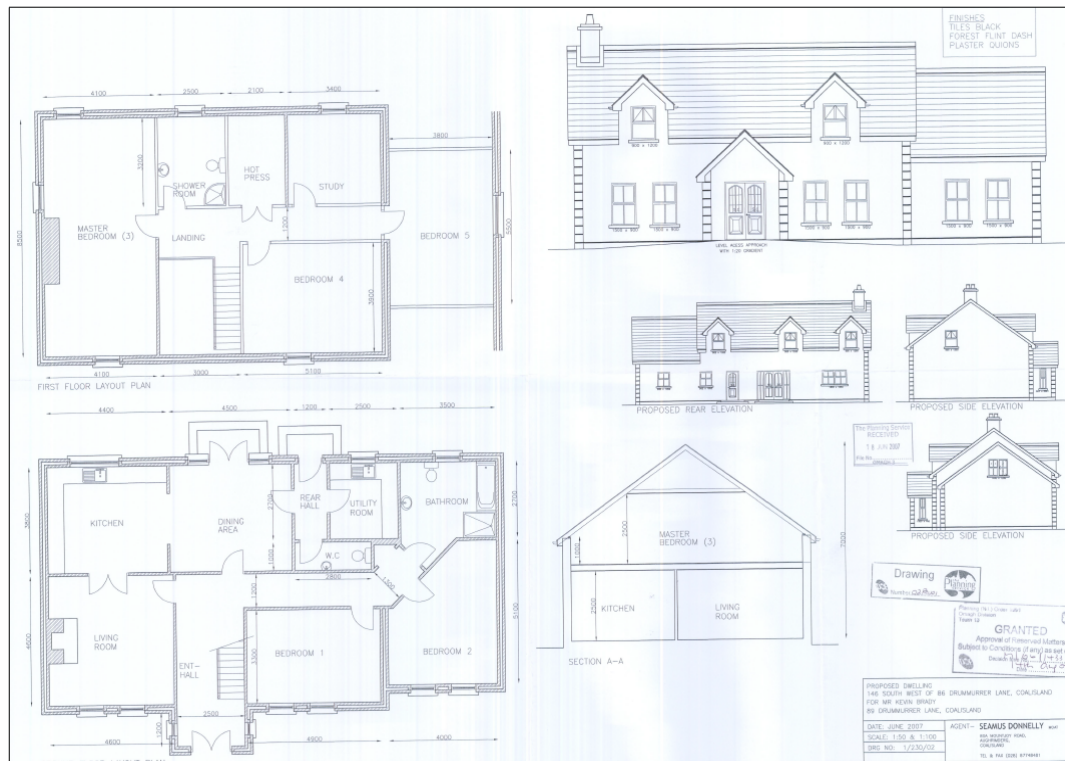


Fig 4: Floor plan and elevations of dwelling approved under M/2006/1433/RM

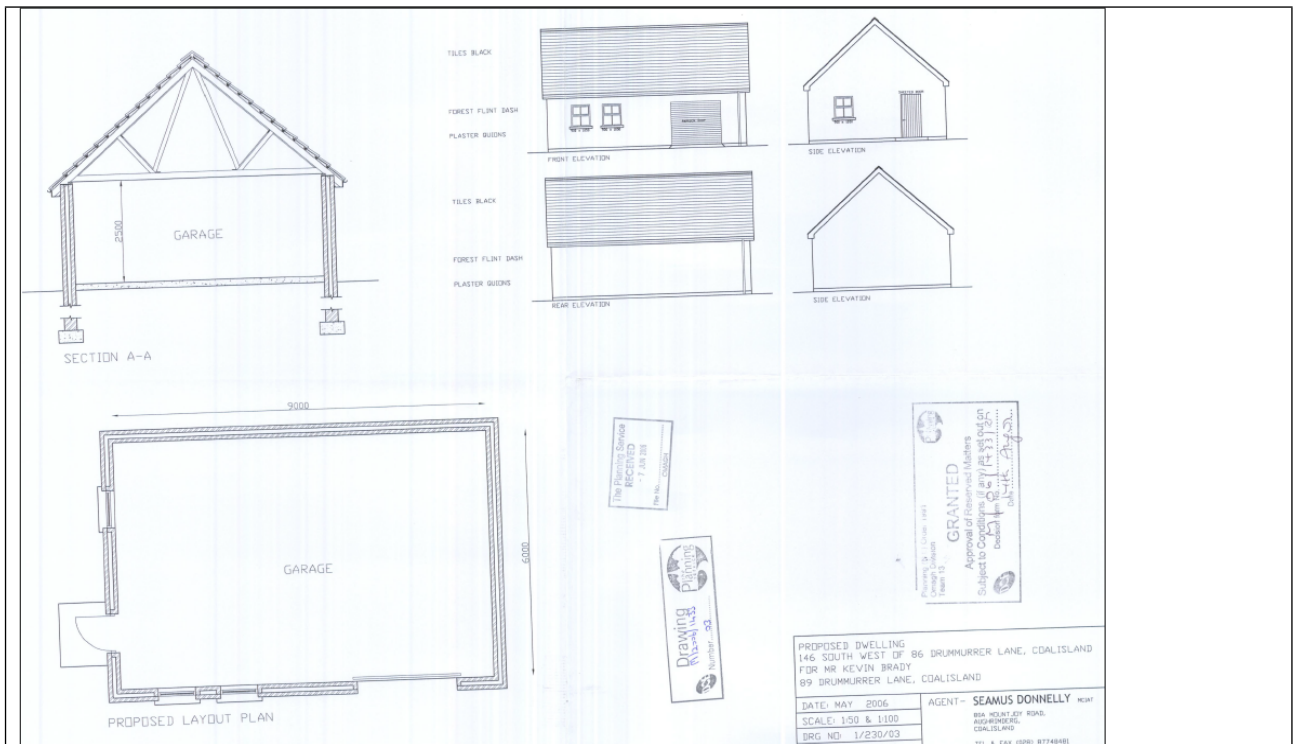


Fig 5: Floor plan and elevations of garage approved under M/2006/1433/RM

LA09/2023/0032/CA - Unauthorised garage / possibly a small dwelling - Adjacent and East of the foundations of 106 Drummurrer Lane Coalisland Tyrone - Under investigation

Consultees

1. DFI Roads were consulted in relation to access, movement and parking arrangements and had no objections to the proposal subject to standard conditions and informatives, which could be applied to any subsequent decision notice to comply with the requirements of Planning Policy Statement 3: Access, Movement and Parking.
2. DETI Geological Survey of Northern Ireland (GSNI) were consulted as the site is located within an area of constraint on abandoned mines. GSNI responded that having assessed the above planning proposal in view of stability issues relating to abandoned mine workings they had no objection. A search of the GSNI's "Shafts and Adits Database" indicates that the proposed site is not in an area of known abandoned mine working.

Consideration

Dungannon and South Tyrone Area Plan 2010 – the site lies in the rural countryside outside any designated settlement.

The Strategic Planning Policy Statement for Northern Ireland advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside are retained.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside –

PPS21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These are listed in Policy CTY1 of PPS21. It has been submitted the current proposal falls under one of these instances, the development of a small gap site in accordance with Policy CTY8 - Ribbon Development.

Policy CTY8 states that an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental criteria. For the purposes of this policy the definition of a substantial built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

I do not consider this application in principle acceptable under CTY8. It is my opinion that the current site does constitute a small gap site suitable to accommodate a dwelling within an otherwise substantial and continuously built-up frontage. Whilst at face value it could be considered on balance that it is located within a line of 3 buildings with a common frontage and similar plot size onto Drummurrer Lane given the dwelling and double detached garage located on lands to the south and the large garage (and foundations of a dwelling) on lands to the northwest I am not content the garage (and foundations of a dwelling) to the northwest are lawful and can be considered for the purposes of Policy CTY 8. The garage (and foundations of a dwelling) is currently the subject of investigation by Planning's Enforcement Team. See 'Planning History further above.'

This proposal is contrary to Policy CTY 8 of PPS 21 in that when read in conjunction with the dwelling and double detached garage located on lands to the south it will result in the extension of ribbon development north along Drummurrer Lane leading to a further erosion of the areas rural character.

Additional considerations

I consider that had the garage to the northwest of the site benefitted from planning permission or being immune to enforcement action the site would have on balance been acceptable under policy CTY8 of PPS21 and a suitably designed scheme would not have had any unreasonable impact on the neighbouring properties amenities in terms of overlooking or overshadowing given the existing vegetation bounding the site and substantial separations distances that can be retained.

In addition to checks on the planning portal, Natural Environment Map Viewer (NED) and Historic Environment Map (NED) map viewers available online have been checked and identified no natural heritage features of significance or built heritage assets of interest on site.

Flood Maps NI identified no flooding on site.

Recommendation: Refuse

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policy CTY8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the extension of ribbon development along Drummurrer Lane leading to a further erosion of the areas rural character.

Signature(s): Emma Richardson

Date: 22 March 2023

ANNEX	
Date Valid	21 September 2022
Date First Advertised	28 February 2023
Date Last Advertised	4 October 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 108 Drummurrer Lane Coalisland Tyrone BT71 4QJ The Owner / Occupier 107 Drummurrer Lane Coalisland Tyrone BT71 4QJ The Owner / Occupier 106 Drummurrer Lane Coalisland Tyrone BT71 4QJ	
Date of Last Neighbour Notification	20 February 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Ref: M/2003/1623/O Proposals: Proposed Dwelling - Renewal of Outline Permission M/2000/0758/O Decision: PG Decision Date: 02-MAR-04 Ref: M/2006/1433/RM Proposals: Proposed dwelling and garage Decision: PG Decision Date: 17-AUG-07 Ref: M/1994/4050 Proposals: Extension to Dwelling Decision: PDNOAP Decision Date: Ref: M/2009/1043/F Proposals: Proposed two storey extension to side of dwelling including new entrance to public road Decision: PG Decision Date: 07-JUL-10 Ref: M/2003/0634/O Proposals: Proposed dwelling Decision: PG Decision Date: 10-JUN-03	

Ref: LA09/2022/1408/O
Proposals: Proposed infill dwelling and domestic garage as policy cty8
Decision:
Decision Date:
Ref: M/1975/0110
Proposals: IMPROVEMENTS TO DWELLING HOUSE
Decision: PG
Decision Date:
Ref: M/1975/0069
Proposals: 11 KV O/H LINE
Decision: PG
Decision Date:
Ref: M/2001/1054/O
Proposals: Site for dwelling.
Decision:
Decision Date:
Ref: M/2007/0202/RM
Proposals: Proposed dwelling
Decision: PG
Decision Date: 05-APR-07
Ref: M/2000/0758/O
Proposals: Site for dwelling
Decision: PG
Decision Date: 11-JAN-01

Summary of Consultee Responses

DFI Roads - Enniskillen Office-FORM RS1 STANDARD.docRoads outline.docx
Geological Survey NI (DfE)-3248 MUDC Planning. 70m West Of 107 Drummerr Lane
Coalisland.doc

Drawing Numbers and Title

Site Location Plan Plan Ref: L01

Notification to Department (if relevant)

Not Applicable

Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2022/1419/O Recommendation: Refuse	Target Date: 5 January 2023
Proposal: Single detached bungalow with associated external private amenity space and garage.	Location: Lands to The West of 4,5, 6 & 7 Riverdale Drive, Cookstown
Applicant Name and Address: Mr Sammy Lyle 167 Drum road Cookstown BT80 9DW	Agent Name and Address: Mr karson tong 172 Tates Avenue Bebox Unit 5 Belfast BT12 6ND
Summary of Issues: <p>This application for a dwelling was first presented to Members as a Refusal at February 2023 Planning Committee. It was considered that the proposal was contrary to policy CTY 2A of PPS 21 as it represented the overdevelopment of a very restrictive site and would significantly alter the existing character of the cluster. It was also considered that a dwelling would adversely impact on residential amenity as the restrictive nature of the site would not allow for the provision of adequate and useable private amenity space. Members agreed to defer the application for an office meeting with Dr Boomer and the Senior Planner, which took place on the 17th February 2023. Following the submission and consideration of additional plans the application was presented as a Refusal for a second time to Planning Committee in August 2023 where it was agreed to defer the application again so that Members could visit the site. This site visit took place on Tuesday 22nd August 2023. The application is again being recommended for Refusal tonight with the justification provided further in this report.</p>	

Summary of Consultee Responses:

DFI Roads have been consulted with the revised plans and they have requested an amended layout detailing a 2m wide footpath along the entire site frontage to the end of site boundary at garage. I have not requested these amendments as the proposal is not considered acceptable in principle. EH have been consulted and have failed to respond despite a reminder letter being issued on the 3rd October 2023.

Description of Proposal

This is an outline application for a proposed single detached bungalow with associated external private amenity space and garden located at lands to the west of No. 4, 5, 6 & 7 Riverdale Drive, Cookstown.

Deferred Consideration:

This is an outline application for a bungalow to be sited on a small parcel of land in Riverdale Drive, Cookstown. The site is outside the development limits of Cookstown as defined in the Cookstown Area Plan 2010. The main area of contention with this application is the ability of the site to accommodate a dwelling which would be in keeping with the character of the development as well as providing usable private amenity space. An indicative site layout and indicative elevations have been submitted and third parties have been given the opportunity to view and comment on these. There have been no further objections submitted since the application was last before Members in August 2023. To date there have been 8 no. objections submitted in total. The issues raised in all these objections are summarised as follows and those that are material to the consideration are dealt with generally in my report.

1. Application site is too narrow for proposed development
2. Impact on neighbouring properties views and potential decrease in house value
3. Roadway is too narrow to allow cars to park
4. Hard shoulder to the east of the site is very busy, lorries regularly park up
5. Overdevelopment of the site / neighbourhood
6. Impact on the character of the long established and mature neighbourhood
7. Impact on residential amenity from the loss of amenity space

As this site sits outside the development limits of Cookstown the primary policy consideration is CTY 1 of PPS 21. In the absence of a statement of case being submitted with the application, the proposal is being considered specifically under policy CTY2A of PPS21 - Dwellings in existing Clusters, as the existing level of development in the immediate area lends itself to being described as a cluster. The cluster in question can be taken as Riverdale Drive which lies outside of a farm and consists of 4 or more dwellings. The development does appear as a visual entity in the local landscape when travelling either along the Dungannon Road or the Ardcumber Road. There is a busy service station (A25 Garage) located to the immediate North of the site which could be considered as a focal point for the purpose of this policy. Whilst the site is elongated in nature, it is bounded on 2 sides by adjacent dwellings within Riverdale Drive. There are 4 other dwellings within the development which bound the Eastern boundary of the

site, only for the presence of the estate road. I would also contend that a dwelling on this site, could be considered as consolidating the existing cluster.

My main policy concern under CTY2A is in respect of residential amenity. It is very evident that this site is very restrictive. Its elongated nature allows only for a small parcel (75m²) of private amenity space. 75m² is considered an acceptable amount of private amenity space in new residential developments but the only reason it can be considered private in this location is that it is fenced off with closed board wooden fencing. It is my opinion that this does not represent a good quality residential solution for private amenity space and its is questionable as to how private this space will be, given the main Dungannon Road runs so close along one boundary and the estate road so close against the other boundary. Unlike the other dwellings in the development, their private amenity space is exactly that - private and located to the rear of the dwellings. The space provided for this dwelling will result in washing lines, bins etc being stored in an area which is considered private. For this reason the proposal fails to comply with this final criteria of CTY2A of PPS21.

Policy CTY 13 of PPS21 is also a policy consideration. Part E of this policy deals with design and whether or not the dwelling is appropriate for the site and the locality. It is my opinion that a dwelling in this location is totally out of character with the other dwellings in Riverdale Drive. Riverdale Drive is a development made up of detached dwellings on generous plots which have substantial front and rear gardens. The application site is clearly not reflective of the general layout and size of the existing plots. The dwellings in the development were approved back in the 1980's and there is no evidence that the application site was ever conditioned to be public open space in association with the development however objectors do all contend that this plot of land has historically been used as communal open space for the residents. It is my opinion having visited the site, that the size and shape of it does not lend itself to being an acceptable site for a dwelling which is reflective of the character of the development. A dwelling in this location can only be considered an overdevelopment of a restrictive site and would be inappropriate in this location and as such there is conflict with policy CTY 13 of PPS21.

Since the last site visit I have issued a consultation to EH to consider any potential impacts on residential amenity from road noise, due to the close proximity of the site to the main Dungannon Road. This consultation was issued on the 23rd August 2023. This was followed up with a reminder on the 3rd October 2023. To date, EH have failed to respond and in the absence of a response the agent is requesting that the application be brought back to committee for a decision.

It is my recommendation that this application is refused for the reasons stated below.

Conditions/Reasons for Refusal:

Refusal Reasons

Reason 1

The proposal is contrary to Policy CTY2A of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:

A dwelling would, if permitted adversely impact on residential amenity as the restrictive nature of the site would not allow for the provision of acceptable private amenity space conducive of a

quality residential development.

Reason 2

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Integration and Design of Buildings in the Countryside in that a dwelling on this site would be inappropriate for the site and locality. The development of this restrictive site would be out of character with the general layout of the existing development.

Signature(s):Karla McKinless

Date: 25 October 2023

Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2022/1419/O Recommendation: Refuse	Target Date: 5 January 2023
Proposal: Single detached Bungalow with associated external private amenity space and garage.	Location: Detached Dwelling And Garden At Lands To The West Of 4,5, 6 & 7 Riverdale Drive, Cookstown
Applicant Name and Address: Mr Sammy Lyle 167 Drum road Cookstown BT80 9DW	Agent Name and Address: Mr karson tong 172 Tates Avenue Bebox Unit 5 Belfast BT12 6ND
<p>Summary of Issues:</p> <p>This application for a dwelling was presented to Members as a Refusal at February 2023 Planning Committee. It was considered that the proposal was contrary to policy CTY 2A of PPS 21 as it represented the overdevelopment of a very restrictive site and would significantly alter the existing character of the cluster. It was also considered that a dwelling would adversely impact on residential amenity as the restrictive nature of the site would not allow for the provision of adequate and useable private amenity space. Members agreed to defer the application for an office meeting with Dr Boomer. Following the office meeting the applicant submitted additional detailed drawings for further assessment and a site visit was carried out by the Senior Officer. The application is being recommended for refusal tonight with the justification provided further in this report.</p>	

Summary of Consultee Responses:

DFI Roads have been consulted with the revised plans and they have requested an amended layout detailing a 2m wide footpath along the entire site frontage to the end of site boundary at garage. I have not requested these amendments as the proposal is not considered acceptable in principle.

Description of Proposal

This is an outline application for a proposed single detached bungalow with associated external private amenity space and garden located at lands to the west of No. 4, 5, 6 & 7 Riverdale Drive, Cookstown.

Deferred Consideration:

This is an outline application for a bungalow to be sited on a small parcel of land in Riverdale Drive, Cookstown. The site is outside the development limits of Cookstown as defined in the Cookstown Area Plan 2010. The main area of contention with this application is the ability of the site to accommodate a dwelling as well as providing adequate and usable private amenity space. As part of this deferred consideration an indicative site layout and indicative elevations have been submitted and third parties have been given the opportunity to view and comment on these. Since the application was last before Members, 4 objections have been received in addition to the 4 previous objections. The issues raised in all these objections are summarised as follows and those that are material to the consideration are dealt with generally in my report.

Application site is too narrow for proposed development
Impact on neighbouring properties views and potential decrease in house value
Roadway is too narrow to allow cars to park
Hard shoulder to the east of the site is very busy, lorries regularly park up
Overdevelopment of the site / neighbourhood
Impact on the character of the long established and mature neighbourhood
Impact on residential amenity from the loss of amenity space

As this site sits outside the development limits of Cookstown the primary policy consideration is CTY 1 of PPS 21. In the absence of a statement of case being submitted with the application, the proposal is being considered specifically under policy CTY2A of PPS21 - Dwellings in existing Clusters, as the existing level of development in the immediate area lends itself to being described as a cluster. The cluster in question can be taken as Riverdale Drive which lies outside of a farm and consists of 4 or more dwellings. The development does appear as a visual entity in the local landscape when travelling either along the Dungannon Road or the Ardculmer Road. There is a busy service station (A25 Garage) located to the immediate North of the site which could be considered as a focal point for the purpose of this policy. Whilst the site is elongated in nature, it is bounded on 2 sides by adjacent dwellings within Riverdale Drive. There are 4 other dwellings within the development which bound the Eastern boundary of the site, only for the presence of the estate road. I would also contend that a dwelling on this site, could be considered as consolidating the existing cluster.

My main policy concern under CTY2A is in respect of residential amenity. It is very evident that this site is very restrictive. Its elongated nature allows only for a small parcel (75m²) of private amenity space and the only reason it can be considered private is that it is fenced off with closed board wooden fencing. It is my opinion that this does not represent a good quality residential solution for private amenity space and its is questionable as to how private this space will be, given the main Dungannon Road runs so close along one boundary and the estate road so close against the other boundary. For this reason the proposal fails to comply with this final criteria of CTY2A of PPS21.

Policy CTY 13 of PPS21 is also a policy consideration. Part E of this policy deals with design and whether or not the dwelling is appropriate for the site and the locality. It is my opinion that the general layout of this dwelling is out of character with the other dwellings in Riverdale Drive. Riverdale Drive is a development made up of detached dwellings on generous plots which have substantial front and rear gardens. The application site is clearly not reflective of the general layout and size of the existing plots. The dwellings in the development were approved back in the 1980's and there is no evidence that the application site was ever conditioned to be public open space in association with the development however objectors do all contend that this plot of land has historically been used as communal open space for the residents. It is my opinion having visited the site, that the size and shape of it does not lend itself to being an acceptable site for a dwelling which is reflective of the character of the development. A dwelling in this location can only be considered an overdevelopment of a restrictive site and would be inappropriate in this location and as such there is conflict with policy CTY 13 of PPS21.

It is recommended that Members refuse this application for the reasons stated below.

Conditions/Reasons for Refusal:

Refusal Reasons

Reason 1

The proposal is contrary to Policy CTY2A of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:

A dwelling would, if permitted adversely impact on residential amenity as the restrictive nature of the site would not allow for the provision of acceptable private amenity space.

Reason 2

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Integration and Design of Buildings in the Countryside in that a dwelling on this site would be inappropriate for the site and locality. The development of this restrictive site would be out of character with the layout of the existing development.

Signature(s):Karla McKinless

Date: 19 July 2023

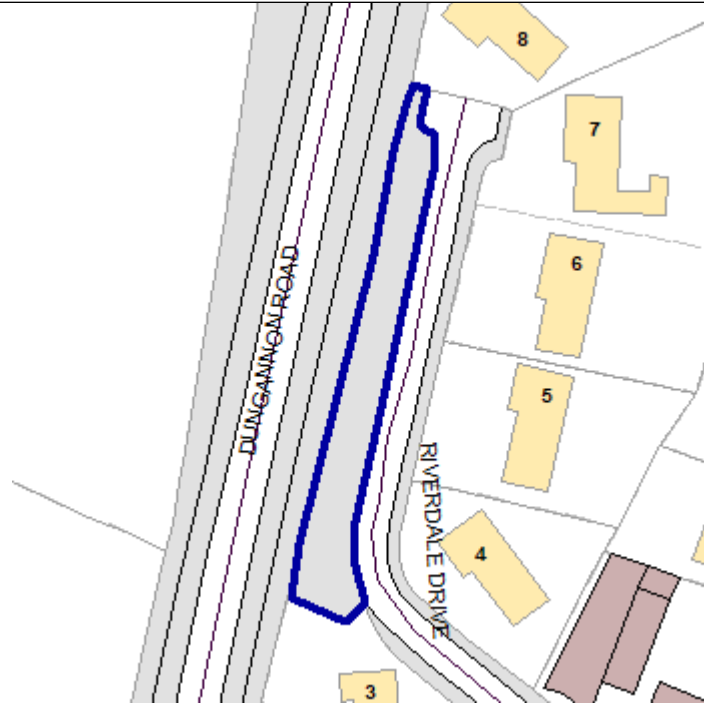


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 7 February 2023	Item Number: 5.24
Application ID: LA09/2022/1419/O	Target Date: 5 January 2023
Proposal: Single detached Bungalow with associated external private amenity space and garage.	Location: Detached Dwelling And Garden At Lands To The West Of 4,5, 6 & 7 Riverdale Drive, Cookstown
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Sammy Lyle 167 Drum road Cookstown BT80 9DW	Agent Name and Address: Mr karson tong 172 Tates Avenue Bebox Unit 5 Belfast BT12 6ND
Executive Summary: The current application is presented as a refusal, having failed to meet the requirements of policy CTY 1 and CTY 2A of PPS 21. It has also received objections from neighbouring properties at No. 3, 5, 7 and 8 Riverdale Drive, Cookstown.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads outline.docx
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	DFI Roads - Enniskillen Office	Roads outline - RECON RESPONSE.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Additional information requested.
Statutory Consultee	DFI Roads - Enniskillen Office	Additional information requested.
Statutory Consultee	Historic Environment Division (HED)	

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	6
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Concerns raised by objectors are summarised below:

1. Application site is too narrow for proposed development
2. Impact on neighbouring properties views and potential decrease in house value
3. Roadway is too narrow to allow cars to park
4. Hard shoulder to the east of the site is very busy, lorries regularly park up
5. Overdevelopment of the site / neighbourhood
6. Impact on the character of the long established and mature neighbourhood

Characteristics of the Site and Area

Characteristics of the Site and Area

The application site is located at lands to the west of No. 4, 5, 6 & 7 Riverdale Drive, approximately 0.4km south of the settlement limits of Cookstown. The application site is a narrow strip of land located in an existing residential cul-de-sac that runs parallel to the Dungannon Road. The site is accessed from Ardcomber Road. There are a number of residential properties immediately to the north, east and south of the application site, with commercial development further north and agricultural lands to the east.

The site is defined along the eastern boundary by a timber fence, with all remaining boundaries undefined. There is a listed building located approximately 0.1km southeast of the application site at No. 27 Ardcomber Road.



Consultations

1. Historic Environment Division (Historic Buildings) have considered the proposal and have advised that it is sufficiently removed in context from the listed building as to have no impact.

2. DfI Roads were consulted initially and requested further information, however as this proposal is being presented as a refusal for other reasons, the additional information sought is irrelevant in the determination of this application.

Site History

There is no relevant site history for this application site.

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty as set down in Article 8 (2) of the Planning GDPO Regulations (NI) 2015. This application was initially advertised in the local press on 04/10/2022 and readvertised on 01/11/2022. Seven neighbouring properties were notified in relation to this application and objections have been received from four of these properties.

Description of Proposal

This is an outline application for a proposed single detached bungalow with associated external private amenity space and garden located at lands to the west of No. 4, 5, 6 & 7 Riverdale Drive, Cookstown.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Cookstown Area Plan 2010

The site is located approximately 0.4km south of the development limits of Cookstown as per the Cookstown Area Plan 2010. There are no other zonings or designations related to the site.

Strategic Planning Policy Statement for Northern Ireland (SPPS)

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

Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes new dwellings in existing clusters. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th of 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.

Planning Policy Statement 21 – Sustainable Development in the Countryside

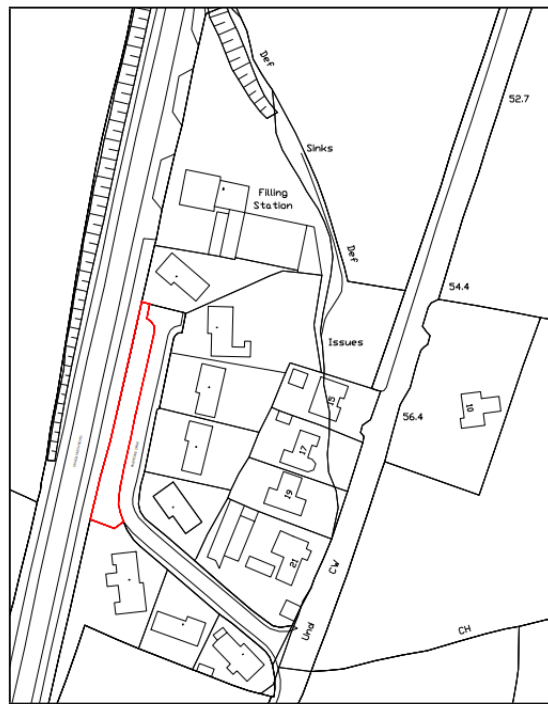
Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the Countryside.

Policy CTY 1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access, and road safety. A number of examples are provided in CTY 1 detailing the different cases that would allow for planning permission in the countryside, one of these being a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a.

Policy CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all of the following criteria are met:

- ***The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings, and open sided structures) of which at least three are dwellings;***

I am content that there is a cluster of development with six dwellings located to the north, east and south of the proposed site.



- ***The cluster appears as a visual entity in the local landscape;***

I am content that the cluster appears as a visual entity in the local landscape. Whilst travelling along the Dungannon Road, it is clear that there is a cluster of

development in this location. Similarly, whilst travelling along the Ardcomber Road and upon entering Riverdale Drive it is clear that there is a cluster.

- ***The cluster is associated with a focal point such as a social / community building / facility, or is located at a cross-roads;***

There is an existing filling station to the north of the application site which acts as a focal point in this instance.

- ***The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;***

I am content that the site is bounded to the north and south by dwellings. I am content that this criterion has been met.

- ***Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside;***

The current proposal represents the overdevelopment of a restricted site which is not in keeping with the character of the existing residential development. I am not content that the proposal meets this criterion.



- Development would not adversely impact on residential amenity;

The site is extremely narrow and lacks sufficient private amenity space for the applicant, therefore I am not content that this criterion has been met.

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 CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that:

A dwelling would if permitted represent the overdevelopment of a very restrictive site and would significantly alter the existing character of the cluster.

A dwelling would if permitted adversely impact on residential amenity as the restrictive nature of the site would not allow for the provision of adequate and useable private amenity space.

Signature(s): Zoe Douglas

Date: 26 January 2023

ANNEX	
Date Valid	22 September 2022
Date First Advertised	1 November 2022
Date Last Advertised	4 October 2022
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 8 Riverdale Drive Cookstown Tyrone BT80 9AJ The Owner / Occupier 7 Riverdale Drive Cookstown Tyrone BT80 9AJ The Owner / Occupier 6 Riverdale Drive Cookstown Tyrone BT80 9AJ The Owner / Occupier 5 Riverdale Drive Cookstown Tyrone BT80 9AJ The Owner / Occupier 3 Riverdale Drive Cookstown Tyrone BT80 9AJ</p>	
Date of Last Neighbour Notification	9 November 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: LA09/2022/1419/O Proposals: Single detached Bungalow with associated external private amenity space and garage. Decision: Decision Date:</p> <p>Ref: I/1998/0040 Proposals: Extension to dwelling Decision: PG Decision Date:</p>	
Summary of Consultee Responses	
DFI Roads - Enniskillen Office-Roads outline.docx	

Historic Environment Division (HED)-
DFI Roads - Enniskillen Office-Roads outline - RECON RESPONSE.docx
DFI Roads - Enniskillen Office-Additional information requested.
DFI Roads - Enniskillen Office-Additional information requested.
Historic Environment Division (HED)-

Drawing Numbers and Title

Site Location Plan Plan Ref: PL00

Notification to Department (if relevant)

Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2022/1504/O	Target Date: 27 January 2023
Proposal: Proposed site for dwelling and domestic garage as cluster policy cty 2a	Location: 160M North East Of 116 Lurgylea Road, Dungannon
Applicant Name and Address: Mr PATRICK CLARKE 100 LURGYLEA ROAD DUNGANNON BT70 2NY	Agent Name and Address: Mr AUSTIN MULLAN 38b AIRFIELD ROAD TOOMEBRIDGE BT41 3SG
Summary of Issues: The proposal is contrary to Policy CTY2a of PPS 21 in that there is not an existing cluster of development at this location; the site is not associated with a focal point, it is not bounded on at least two sides with other development and the development cannot be absorbed into an existing cluster. The proposal also fails to meet CTY1, CTY 13 and CTY14 of PPS 21.	
Summary of Consultee Responses: DFI Roads – sight lines of 2.4m x 60.0m and 60.0m forward sight lines necessary for safe access.	
Characteristics of the Site and Area: The site is a 0.95ha parcel of ground located on the Lurgylea Road and lies approximately 2.3km north west of Galbally. The site is located within the rural countryside, outside any defined settlement limit as identified in the Dungannon and South Tyrone Area Plan 2010. The site outlined in red is a triangular field with the Lurgylea Road running along the southern boundary and the Shanmaghry Road running along the northern boundary. The southern boundary is defined by hawthorn hedging, with similar hedging and intermittent mature deciduous trees along the southern half of the eastern boundary. The northern boundary is defined by a double post and wire fence with saplings in between the two fences. The highest point of the site is at the	

southeastern tip, with the site falling away from the Lurgylea Road towards the Shanmaghry Road, as well as from east to west.

There is little recent development pressure in the area, with a single storey dwelling with associated shed and also a commercial double garage (Barrack Hill Garage) to the south of the site, and an agricultural structure to the north of the site. Altmore Church Of the Immaculate Conception lies 130m to the south of the western most tip of the site, with a two storey dwelling and associated outbuildings (No. 116 Lurglylea Road) 76m to the SW of this point.

Description of Proposal

Proposed site for dwelling and domestic garage as cluster policy cty 2a

Deferred Consideration:

This application was before the Planning Committee in February 2023 and was deferred for a meeting with the Service Director. At a meeting on 16th February 2023, via zoom, the agent referred to 3 focal points adjacent to the site, a car sales, a church and cross roads and also that PAC decisions were taken on the basis that policy interpretation is not a rigid set of rules.

The proposed site is a large triangular shaped field with some conifer trees along the east boundary, it is open to views from the west as can be seen in Pic 1 and Pic 2 below. This field is the only land that that has been identified as in the ownership of the applicant.



Pic 1 – proposed site identified in red, crossroads in the foreground, car sales to the right of the picture, Church of the Immaculate Conception not visible to left of picture



Pic 2 – closer view



Pic 3 – proposed site in the foreground of the picture with car sales to the rear at grey barrel roofed buildings, crossroads to the right and Church not visible behind car sales

The application has been submitted for consideration as a dwelling within a cluster, Policy CTY2a. Members will be aware there are 6 criteria that must be met before planning permission can be granted under that policy. There have been occasions where the members have allowed development where it does not meet all the criteria, however those have been clearly set out as exceptions where they are well contained and surrounded by development and rounds off a cluster. Taking into account the images above, members will note there is development on the opposite side of Lurgylea Road from the site. That development is well contained and framed, a dwelling on the proposed site whoever will be open and exposed in views and will not, in my view read with it. A dwelling on this site will appear in isolation and does not meet the concept of clustering of development.

The applicant only has identified this site as being in their ownership and control. As there are no buildings and the site does not have any potential to integrate a dwelling, farming information was not south as it is unlikely to meet the exception test in CTY10 if the other criteria was met.

In light of the above I concur with the previous officers report and recommend this application is refused.

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 CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is not an existing cluster of development at this location; the site is not associated with a focal point, it is not bounded on at least two sides with other development and the development cannot be absorbed into an existing cluster.

Reason 3

The proposal is contrary to Policy CTY 13 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site lacks well established boundaries to enable the site to integrate in the rural countryside and as a result the proposal would, if permitted, erode the rural character of the area.

Signature(s)

Date:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 7 February 2023	Item Number: 5.26
Application ID: LA09/2022/1504/O	Target Date: 27 January 2023
Proposal: Proposed site for dwelling and domestic garage as cluster policy cty 2a	Location: 160M North East Of 116 Lurgylea Road, Dungannon
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr PATRICK CLARKE 100 LURGYLEA ROAD DUNGANNON BT70 2NY	Agent Name and Address: Mr AUSTIN MULLAN 38b AIRFIELD ROAD TOOMEBRIDGE BT41 3SG
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	No objection, subject to conditions. Roads outline.docx FORM RS1 STANDARD.doc

Representations:

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

Summary of Issues

The proposal is contrary to Policy CTY2a of PPS 21 in that there is not an existing cluster of development at this location; the site is not associated with a focal point, it is not bounded on at least two sides with other development and the development cannot be absorbed into an existing cluster. The proposal also fails to meet CTY1, CTY 13 and CTY14 of PPS 21.

Characteristics of the Site and Area

The site is a 0.95ha parcel of ground located on the Lurgylea Road and lies approximately 2.3km north west of Galbally. The site is located within the rural countryside, outside any defined settlement limit as identified in the Dungannon and South Tyrone Area Plan 2010. The site outlined in red is a triangular field with the Lurgylea Road running along the southern boundary and the Shanmaghry Road running along the northern boundary. The southern boundary is defined by hawthorn hedging, with similar hedging and intermittent mature deciduous trees along the southern half of the eastern boundary. The northern boundary is defined by a double post and wire fence with saplings in between the two fences. The highest point of the site is at the southeastern tip, with the site falling away from the Lurgylea Road towards the Shanmaghry Road, as well as from east to west.

There is little recent development pressure in the area, with a single storey dwelling with associated shed and also a commercial double garage (Barrack Hill Garage) to the south of the site, and an agricultural structure to the north of the site. Altmore Church Of the Immaculate Conception lies 130m to the south of the western most tip of the site, with a two storey dwelling and associated outbuildings (No. 116 Lurgylea Road) 76m to the SW of this point.

Description of Proposal

Proposed site for dwelling and domestic garage as cluster policy cty 2a

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 Histories

There are no recent relevant histories associated with this site.

Representations

Three (3) neighbouring properties were identified to be notified and press advertisement has been carried out in line with the Council's statutory duty. 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 from PPS 21, 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 the Shanmaghry Road, as indicated on the submitted plan. DFI Roads have no objection subject to sightlines of 2.4m x 60m being provided. This will result in the existing hedge and fence to be setback within the sight visibility line area, which I consider acceptable.

CTY1 of PPS 21 - Development in the Countryside

PPS21 is the overarching document for assessing development proposals in the countryside. Policy CTY1 of PPS21 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 2a – New Dwellings in Existing Clusters

CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;

The existing development in the area lies outside of a farm. To the south of the site lies No. 110 - a single storey dwelling which has a large shed building adjacent and west of it situated within the same curtilage, and No. 112 - Barrack Hill Garage. An agricultural structure is situated to the north of the site. A Church with associated carpark, and No. 116 a two storey dwelling with associated outhouses lie further to the south/southwest of the site. The agricultural structure to the north is open on two sides and therefore cannot be included within any cluster. On the same principle, the shed associated with No. 110 cannot be considered, nor can the ancillary buildings at No. 116. The Church lies 130m from the nearest point of the site, with No. 116 located 76m from the nearest point of the site. It should be noted at this time that the agent has indicated the southwestern most portion of the site as the preferred location of the site, which would increase these distances to 158m and 160m respectively. These buildings are all located in a linear form along the Lurgylea Road. I do not feel there is an existing cluster of development at this location, nor are there at least three dwellings. From this I consider the first criterion for CTY 2a has not been met.

the cluster appears as a visual entity in the local landscape;

When viewed on site and from orthophotography the site and the surrounding development does not appear as a visual entity in the landscape. When travelling northwest along the Lurgylea Road the site will read with the existing development at No. 110 as well as with Barrack Hill Garage; however, it does not read with the Church or No. 116 given their set back and distance from the public road, as well as the existing mature vegetation. When travelling southeast along the Lurgylea Road the site is viewed with No. 116 and with the garage. There is no visual connection with the Church given its setback and the intervening vegetation. When travelling northeast along the Shanmaghy Road along the site frontage, a dwelling sited as proposed will read with No. 110 and the garage but not with the Church or No. 116. When travelling southwest along the Shanmaghy Road a dwelling as proposed will read with No. 110, the garage and No. 116. These views are filtered by the existing vegetation along the southern portion of the eastern boundary. Once again, the Church is screened from view by the intervening vegetation. There is currently no sense of arriving at 'a cluster' on any approach to the

site and I therefore do not feel the second criterion has been met.

the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,

The focal point as identified by the agent comprises the Church as well as the dwelling and ancillary buildings at No. 116. The Church can be considered a focal point here, but I do not feel there is a cluster of development associated with it as there is not four or more buildings of which at least three are dwellings. Furthermore, although the site is located at a road junction it is not a cross-roads, and as such the proposal fails to comply with the third criterion of CTY2a.

the identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;

The site has limited vegetation cover save for the southern half of the eastern boundary. The site is bounded to the south by a single storey dwelling with associated shed as well as a commercial garage. There is no development to the eastern boundary, and only an open sided agricultural structure to the north. The site is only bounded to one side by development. I do not feel the site has a suitable degree of enclosure, nor is it bounded on three sides with other development. I do not consider this criterion has been met.

development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside;

A new dwelling here cannot be absorbed into the existing cluster, as a cluster of development does not exist. A dwelling on this site would significantly alter the existing character here. As there is no existing development on either side it is my consideration the development could not be absorbed, but would rather significantly alter the existing character and would visually intrude into the open countryside. Accordingly, the fifth criterion cannot be met.

development would not adversely impact on residential amenity.

A new dwelling on this site would not adversely impact on residential amenity should an approval be considered acceptable.

Policy CTY 13 – Design and Integration and Policy 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. It is my consideration that the site lacks long established natural boundaries suitable to provide a degree of enclosure for the building to integrate into the landscape, but rather would rely primarily on the use of new landscaping for integration. The proposal fails to meet the requirements of CTY 13.

CTY 14 of PPS21 Rural Character states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. The proposed dwelling would read with the existing

buildings in both static and transient views. This would result in a suburban style build-up of development that would be detrimental to rural character. A dwelling on this site is not in accordance with this policy and the proposal therefore fails to comply with CTY 14.

There is no evidence to suggest that the appeal proposal falls into any other types of development that are listed as acceptable in principle in the countryside under Policy CTY 1 or that there are overriding reasons why the development is essential and could not be located in a settlement. The agent was advised on 30th November 2022 that we did not think this application met Policy CTY2a as there is not an existing cluster of development consisting of at least three dwellings, however no further justification for the site has been provided. It therefore does not comply with Policy CTY1 or Policy CTY2a of PPS21.

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.

From a check of the Rivers Agency Strategic Flood Map I have no flooding concerns. I recommend the application is refused as it is contrary to CTY 1, CTY 2a, CTY 13 and CTY 14 of PPS 21.

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 CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that there is not an existing cluster of development at this location; the site is not associated with a focal point, it is not bounded on at least two sides with other development and the development cannot be absorbed into an existing cluster.

Reason 3

The proposal is contrary to Policy CTY 13 and CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the site lacks well established boundaries to enable the site to integrate in the rural countryside and as a result the proposal would, if permitted, erode the rural character of the area.

Signature(s): Deirdre Laverty

Date: 24 January 2023

ANNEX	
Date Valid	14 October 2022
Date First Advertised	25 October 2022
Date Last Advertised	25 October 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier Church Of The Immaculate Conception Altmore Pomeroy The Owner / Occupier 116 Lurgylea Road, Dungannon BT70 2NY The Owner / Occupier 110 Lurgylea Road, Dungannon BT70 2NY	
Date of Last Neighbour Notification	18 November 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-No objection, subject to conditions.Roads outline.docxFORM RS1 STANDARD.doc	
Drawing Numbers and Title Site Location Plan Plan Ref: 01	

Notification to Department (if relevant)

Not Applicable



Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2022/1561/O Recommendation: Refuse	Target Date: 16 February 2023
Proposal: Proposed site for dwelling & domestic garage based on policy CTY 2A - dwelling within an existing cluster	Location: Approx 30M South Of No 26 Grillagh Hill Maghera
Applicant Name and Address: MR MALACHY SCULLIN No 10 CORLACKY HILL MAGHERA BT46 5NP	Agent Name and Address: MR BRENDAN MONAGHAN 38b AIRFIELD ROAD THE CREAGH TOOMEBRIDGE BT41 3SQ
Summary of Issues: <p>The application was first presented to Members as a refusal at January 2023 Planning Committee. The proposal was deemed to be contrary to policies CTY 1, CTY 2A, CTY 8, and CTY 14 of PPS 21 and policies FLD 1 & FLD 3 of PPS15. Members agreed to defer the application for an office meeting with Dr Boomer and the Senior Planning Officer, which took place on the 19th January 2023. The application was presented as a refusal for a 2nd time at April 2023 Planning Committee for the same reasons. At this meeting Members agreed to defer the application again to allow the applicant to consider alternative options. No alternatives have been put forward and so the application is again recommended for refusal.</p>	
Summary of Consultee Responses: <p>No new consultations carried out to inform my deferred consideration</p>	
Description of Proposal <p>This is an outline planning application for a proposed site for dwelling & domestic garage (based on policy CTY2a - dwelling within an existing cluster).</p>	

Deferred Consideration:

The site subject of this application was applied for under Policy CTY 2A - Dwelling in an existing cluster. It was considered that the proposal failed to meet 3 of the 6 criteria contained within the policy. It does not appear as a visual entity in the local landscape. It is not associated with a focal point or cross roads and it was not demonstrated that development would not adversely impact on residential amenity. It was also considered that a dwelling on this site would fail to comply with policies CTY 8 and CTY 14 in that, it would create a ribbon of development along Grillagh Hill Road. Furthermore, the site also lies within a Fluvial Flood Plain and a single dwelling does not meet any of the exceptions contained within policy FLD 1 of PPS15. Consultation was carried out with DFI Rivers, who advised that surface water run-off from the development may adversely impact upon other development. They recommended that a Drainage Assessment be carried out for further consideration. This was never submitted and so the proposal is also contrary to policy FLD 3 of PPS 15. An objection was raised in relation to surface water flooding and the impact this would have on the neighbouring property. Without any Drainage Assessment to show otherwise it was determined that the proposal would adversely impact the amenity of the neighbouring property.

At the deferred office meeting no new information was submitted to deal with any of the issues detailed above. The potential for a farm case was explored however the agent advised this was not achievable.

The application was presented again at April 2023 Planning Committee with a recommendation to refuse. Members on the night agreed to defer the application to allow the agent and applicant some time to explore alternative options. 7 months have passed and no alternative has been put forward.

It is recommended that Members agreed to refuse this application as the proposal fails to comply with Policies CTY 2A, CTY 8 and CTY 14 of PPS 21 and Policies FLD 1 and FLD 3 of PPS 15.

Refusal is recommended

Conditions/Reasons for Refusal:**Refusal Reasons****Reason 1**

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

Reason 2

The proposal is contrary to Policy CTY2A of Planning Policy Statement 21, Sustainable Development in the Countryside in that the cluster does not appear as a visual entity in the local landscape, the cluster is not associated with a focal point such as a social / community building/facility, or is located at a cross-roads. The development would also adversely impact on residential amenity as it has not been demonstrated that surface water run-off from the site will not impact on adjacent properties.

Reason 3

The proposal is contrary to Policy CTY 8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, would extend a ribbon of development along Grillagh Hill.

Reason 4

The proposal is contrary to Policies FLD 1 and FLD 3 of Planning Policy Statement 15, Planning and Flood Risk. The site is located within the 1 in 100 year fluvial flood plain and a single dwelling is not considered one of the exceptions under FLD 1. No Drainage Assessment has been submitted to demonstrate that surface water run-off from the development will not adversely impact on other development in the area.

Signature(s):Karla McKinless

Date: 19 October 2023



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 9 January 2023	Item Number: 5
Application ID: LA09/2022/1561/O	Target Date: 16 February 2023
Proposal: proposed site for dwelling & domestic garage (based on policy cty 2a - dwelling within an existing cluster)	Location: Approx 30M South Of No 26 Grillagh Hill Maghera
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr MALACHY SCULLIN No 10 CORLACKY HILL MAGHERA BT46 5NP	Agent Name and Address: Mr BRENDAN MONAGHAN 38b AIRFIELD ROAD THE CREAM TOOMEBRIDGE BT41 3SQ
Executive Summary:	

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	Rivers Agency	818577 - Final Response.pdf

Representations:

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

Summary of Issues

The proposal is contrary to Policy CTY 1, 2A, 8, and 14 of PPS 21 and policy FLD 1 & FLD 3 of PPS15.

One objection has been received. The objection did not raise any issues with the principle of development rather highlighting issues relating to drainage issues and highlighting surface water flooding within the site. These issues have been assessed as

part of this report.

Characteristics of the Site and Area

The site is located within the open countryside, outside any development limits of any other designations as per the Magherafelt Area Plan. The red line of the application site is comprised of the eastern, roadside portion of a larger agricultural field, which extends further west. The site is relatively flat, with a low level hedge defining the southern boundary, with the eastern and northern boundaries defined by post and wire fencing and wooden fencing separating the site from the adjacent dwelling to the north. The western boundary is currently undefined. The surrounding area is a mix of residential dwellings and agricultural land.

Description of Proposal

This is an outline planning application for a proposed site for dwelling & domestic garage (based on policy CTY2a - dwelling within an existing cluster).

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside.

Policy CTY 1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access and road safety. A

number of examples are provided in CTY 1 detailing the different cases, which would allow for planning permission in the countryside, one of these being a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a.

Policy CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- *The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings.*

I am content there is a cluster of development which consists of four dwellings, three to the north of the site and one to the east.

- *The cluster appears as a visual entity in the local landscape*
- *The cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads.*

With regards the above two points, it was agreed at an internal group meeting that the cluster does not appear as a visual entity in the local landscape. Furthermore, the agent is relying on a church in ruins and burial grounds approximately 250m north west of the site. Whilst this has been agreed as a focal point for other applications, these applications have been within the cluster associated with that focal point. While it is contended there is a cluster of development around the development site, this cluster is not associated with this focal point as it is too far removed, therefore failing to comply.

- *The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster.*

The site is bounded to the north by No.26 Grillagh Hill and although the public road separates the site from No.23 to the east it is agreed this is considered being bound. Therefore, the development is bounded on two sides.

- *Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside.*

As the development is bounded on two sides, I am content this site can be absorbed into the existing cluster and it will not visually intrude into the open countryside. There is an existing laneway directly adjacent to the south which acts as an important boundary for the cluster, any development beyond this would appear as visually intrusive in the open countryside.

- *Development would not adversely impact on residential amenity.*

An objection was raised in relation to surface water flooding and the impact this would have of the neighbouring property. DfI Rivers were consulted who stated that surface water run-off from the development may adversely impact upon other development. As such, in its current form and without any assessment to show otherwise, I believe the

proposal would adversely impact the amenity on the neighbouring property.

Policy CTY 13 of PPS 21 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, no design details have been submitted. However, I am content a well-designed dwelling at this location would not be a prominent feature in the landscape and would visually integrate into the surrounding landscape with additional planting along the western boundary to aid integration. A ridge height condition of 6m should be applied to any approval.

Policy CTY 14 states planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As stated, the proposed dwelling would not appear unduly prominent in the landscape if kept to a restricted ridge height. However, a dwelling in this location my view, would extend a ribbon of development along the Grillagh Road and would be contrary to Policy CTY 8 and Policy CTY 14.

PPS 3 - Access, Movement and Parking;

The proposal is to create a new access. Transport NI advised that they have no objection to the proposed development subject to conditions.

PPS 15 (Revised): Planning and Flood Risk

DfI Rivers were consulted and responded to state that the Strategic Flood Map (NI) indicates that the site lies within the 1 in 100 year fluvial flood plain. DfI Rivers would consider that this proposal is contrary to PPS 15, Planning and Flood Risk, FLD 1. I do not consider the application to be an exception to this nor of overriding regional importance. A Flood Risk Assessment has not been received or requested and as such the proposal is contrary to FLD 1.

DfI Rivers stated further that surface water run-off from the development may adversely impact upon other development. Therefore, DfI Rivers would recommend that a Drainage Assessment is carried out for our consideration. As the principle of development has not been agreed or established a Drainage Assessment was not request and as such the proposal is contrary to FLD 3.

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. 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.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that the cluster does not appear as a visual entity in the local landscape, the cluster is not associated with a focal point such as a social / community building/facility, or is located at a cross-roads and the development would adversely impact on residential amenity.

Reason 3

The proposal is contrary to Policy CTY 8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, would extend a ribbon of development along Grillagh Hill.

Reason 4

The proposal is contrary to Policy FLD 1 and FLD 3 of Planning Policy Statement 15, Planning and Flood Risk in that the site is located within the 1 in 100 year fluvial flood plain and not Drainage Assessment has been submitted to prove surface water run-off from the site development will not adversely impact on other development.

Signature(s): Ciaran Devlin

Date: 20 December 2022

ANNEX	
Date Valid	3 November 2022
Date First Advertised	15 November 2022
Date Last Advertised	15 November 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 23 Grillagh Hill Maghera Londonderry BT46 5PR The Owner / Occupier 26 Grillagh Hill Maghera Londonderry BT46 5PR	
Date of Last Neighbour Notification	25 November 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: H/2009/0068/F Proposals: Proposed farm dwelling. Decision: PG Decision Date: 09-APR-09</p> <p>Ref: LA09/2022/1561/O Proposals: proposed site for dwelling & domestic garage (based on policy cty 2a - dwelling within an existing cluster) Decision: Decision Date:</p> <p>Ref: H/1979/0515 Proposals: SITE OF BUNGALOW INCLUDING GUEST HOUSE ACCOMMODATION Decision: PR Decision Date:</p> <p>Ref: H/2002/1113/F Proposals: Two storey dwelling and garage. Decision: PG Decision Date: 17-JAN-03</p> <p>Ref: H/2008/0645/F</p>	

Proposals: Retrospective relocation of access approved under H/2002/1113/F, erection of pillars and wing walls. Proposed adjacent farm shed and new access.

Decision: PG

Decision Date: 28-JUL-09

Ref: H/2002/0224/O

Proposals: Site For Two-Storey Dwelling & Garage

Decision: PG

Decision Date: 24-MAY-02

Ref: H/2012/0155/F

Proposals: Proposed extension and alterations to provide additional creche/day care facilities and first floor living accommodation to supersede planning approval

H/2008/0638/F

Decision: PG

Decision Date: 12-SEP-12

Ref: H/2001/1037/F

Proposals: Dwelling & Garage

Decision: PG

Decision Date: 14-MAR-02

Ref: H/2003/1052/O

Proposals: Site of dwelling and garage.

Decision: PG

Decision Date: 04-AUG-04

Ref: H/2004/1364/F

Proposals: Proposed dwelling and garage

Decision: PG

Decision Date: 08-JUL-05

Ref: H/2008/0638/F

Proposals: Proposed incorporation of creche facilities into existing dwelling.

Decision: PG

Decision Date: 16-JUN-09

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Outline resp.docx

Rivers Agency-818577 - Final Response.pdf

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2022/1686/O	Target Date: 20 March 2023
Proposal: Dwelling & garage	Location: 61 Ballynakilly Road Coalisland BT71 6JJ
Applicant Name and Address: Mr Terry McCann 62 Ballynakilly Road Coalisland BT71 6JJ	Agent Name and Address: Karen Mollaghan 89 Main Street Garvagh Coleraine BT51 5AB
Summary of Issues: <p>This application is for a dwelling in a cluster, there is a substantial amount of development around the site, it is located to the rear of and beside a mechanics business and other dwellings. Development that was approved in the mechanics yard has now been built and provides the development on 2 sides of the site. The mechanics is not considered to be a social/community building/facility and so all the criteria are not met. The site is well screened and enclosed by development so will not affect rural character and an exception is being made here to CTY2a.</p>	
Summary of Consultee Responses: DFI Roads – recommend to approve with conditions, 2.4m x 160.0m sightlines and 160.0m forward sight distance	
Characteristics of the Site and Area: <p>The site lies in the open countryside just a short distance to the south east of the settlement limits of Coalisland and the North west of Ballynakilly and outside all areas of constraint as depicted by the DSTAP 2010. The site lies along the main Ballynakilly road</p>	

and the red line includes a portion of lands set back from the roadside. The site had a post and wire fence along rear boundary and is enclosed along the N and S sides by the existing buildings which enclose the existing yard area.

Description of Proposal

Outline planning permission is sought for dwelling and garage under CTY 2a of PPS 21.

Deferred Consideration:

This application was before the Planning Committee in June 2023 where it was deferred for a meeting with the Service Director for Planning. At the meeting it was advised that development immediately adjacent to the site has now been built and this provides the development on 2 sides as required by the policy. The agent also advised they are not seeking an exception to policy here as they believe the proposal is at a focal point as there is a large mechanics yard that provides car services, valeting and tyre sales/fitting.

I have visited the site and the mechanics yard and buildings adjacent to the site have now been completed generally in accordance with the approved details. The site proposed is located immediately behind the buildings and to the north is the garden and garage of a recently constructed dwelling, that dwelling was granted as one of a double infill. I agree with the previous case officer report that now the approved development has been built the site is bounded completely on one side and partially on another side as set out below. I do not agree with the agent that the mechanics is a focal point, it is a rural business and there are a number of similar businesses along Ballynakilly Road. The fact it is not a focal point does not, in my view, mean that it should not be granted permission. I do consider the proposal will be well hidden from views, especially if the dwelling is kept to 6.0m ridge height similar to those around it. A dwelling here would result in rounding off of the development here and would not have any real impact on the overall character of the area.



I consider a dwelling on this site would round off development here and not result in any obvious expansion of the cluster of development. I consider members could make an exception to CTY2a here and allow this development for this reason and I recommend planning permission is granted.

Conditions/Reasons for Refusal:

1. Application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted, shall be begun by whichever is the later of the following dates:-

- i. the expiration of 5 years from the date of this permission; or
- ii. the expiration of 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.

2. Approval of the details of the siting, design and external appearance of the buildings, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters"), shall be obtained from Mid Ulster District Council, in writing, before any development is commenced.

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

3. The dwelling hereby approved shall have a ridge height not exceeding 6.0m above the finished floor level of the dwelling.

Reason: To ensure the development integrates into the landscape.

4. Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.4m x 160.0m in both directions and a 160.0m forward sight line, shall be provided in accordance with the 1:500 site plan submitted and approved at reserved matters stage. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

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 all trees and hedges within and on the site boundaries to be retained, measures for their protection during the course of development and details of native species hedging to be planted 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)

Date:



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 12 June 2023	Item Number: 5.31
Application ID: LA09/2022/1686/O	Target Date: 20 March 2023
Proposal: Dwelling and garage	Location: 61 Ballynakilly Road Coalisland BT71 6JJ
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Terry McCann 62 Ballynakilly Road Coalisland BT71 6JJ	Agent Name and Address: Karen Mollaghan 89 Main Street Garvagh Coleraine BT51 5AB
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

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

Representations:

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

Summary of Issues

No representations received. Contrary to CTY 2a of PPS 21.

Characteristics of the Site and Area

The site lies in the open countryside just a short distance to the south east of the settlement limits of Coalisland and the North west of Ballynakilly and outside all areas of constraint as depicted by the DSTAP 2010. The site lies along the main Ballynakilly road and the red line includes a portion of lands set back from the roadside. The site had a

post and wire fence along rear boundary and is enclosed along the N and S sides by the existing buildings which enclose the existing yard area.

Description of Proposal

Outline planning permission is sought for dwelling and garage under CTY 2a of PPS 21.

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: 63, 65, 61A, 61 and 63A Ballynakilly Road. At the time of writing, there were no representations received.

Planning History

There is not considered to be any relevant planning associated with the site itself.

There is relevant planning history associated with the land to the east and is discussed throughout the report.

LA09/2021/1350/F - Lands To The Rear Of 61 Ballynakilly Road, Coalisland - Extension to existing yard with new shed for proposed expansion of existing established vehicle mechanic business – PERMISSION GRANTED

Planning Assessment of Policy and Other Material Considerations

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

The Dungannon and South Tyrone 2010 identify the site as being outside any defined settlement limits and there are no other designations or zonings within the Plan.

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

In line with planning policy held within CTY 2a of PPS 21 permission will only be granted for a dwelling at an existing cluster of development provided the cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are

dwelling. This proposal site lies outside of a farm and consists of more than 4 buildings thus adhering to this criteria. The cluster appears easily as a visual entity in the local landscape. The site is not associated with any focal point nor is it located at a crossroads and thus fails on this criterion.

The identified site is also not considered to be bounded on two sides. There was a recent approval for expansion of the mechanics yard (under LA09/2021/1350/F) which appears to have one part of the shed recently constructed but not the main bulk which would bound this application site and the development to the north mainly bounds the access arrangement to this site, rather than the actual site. The approved site layout plan is shown below in figure 1. Photo 1 shows the photograph provided from the agent which shows what has been built on site.

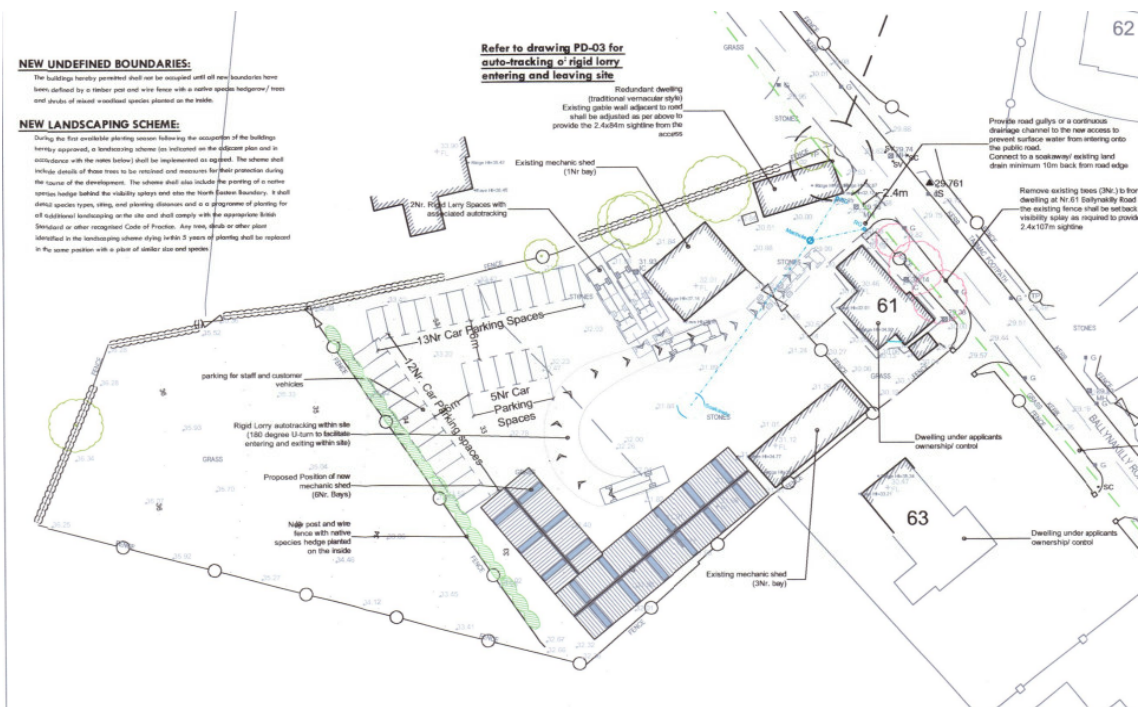


Figure 1 – the development which was approved, which should provide bounding to the east of the site however not all of what was approved was evident on site yet. See Photo 1 below.



Photo 1 – Shows a portion of the development approved under LA09/2021/1350/F constructed.

Figure 2 below shows what the agent provided when asked where they felt the site was bounded on two sides by development. As noted before, if the development which was approved previously was constructed on site I would be content that it was bounded on this end, however the northern boundary is still only slightly bounded and mainly is the access which bounds with development to the north. It is my consideration that the proposed development may extend slightly but overall could be absorbed into the existing cluster without significantly altering the existing character or adversely impacting on the residential amenity. I am content a dwelling could be designed within the red line of the site which would avoid issues such as privacy or overlooking concerns with neighbouring properties.



Figure 2 – The agent provided this map to highlight where they felt the development was bounded on two sides.

It is also necessary for the proposal to be considered against the requirements of CTY 13 and CTY 14 of PPS 21, whereby it states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. This proposal is for an outline application thus no design has been stipulated at this time however given the character of the area and noting that the dwellings at either side of the red line of the site either single or 1.5 storey, I feel a ridge height restriction of 6m would be appropriate should approval be forthcoming. The existing landscaping will be conditioned to be retained where possible with full details of proposed landscaping along the remainder of the boundaries to also be included with the RM application.

The proposal intends to create a new access onto Ballynakilly Road, DfI Roads were consulted and have raised no concerns subject to condition.

Having considered all of the above, I consider that the development fails on some of the

criterion held within CTY 2a of PPS 21 and as such is recommended for refusal.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point and is not located at a cross-roads. The proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure and the dwelling would if permitted visually intrude into the open countryside.

Signature(s): Sarah Duggan

Date: 24 May 2023

ANNEX	
Date Valid	5 December 2022
Date First Advertised	22 December 2022
Date Last Advertised	22 December 2022
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 63 Ballynakilly Road Coalisland Tyrone BT71 6JJ The Owner / Occupier 65 Ballynakilly Road Coalisland Tyrone BT71 6JJ The Owner / Occupier 61A Ballynakilly Road Coalisland Tyrone BT71 6JJ The Owner / Occupier 59A Ballynakilly Road Coalisland Tyrone BT71 6JJ The Owner / Occupier 59 Ballynakilly Road Coalisland Tyrone BT71 6JJ The Owner / Occupier 62 Ballynakilly Road Coalisland Tyrone BT71 6JJ The Owner / Occupier 61 Ballynakilly Road Coalisland Tyrone BT71 6JJ The Owner / Occupier 63A Ballynakilly Road Coalisland Tyrone BT71 6JJ</p>	
Date of Last Neighbour Notification	23 March 2023
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses	
DFI Roads - Enniskillen Office-Outline resp.docx	

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable