



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 November 2023	<b>Item Number:</b> 5.1
<b>Application ID:</b> LA09/2022/0112/O	<b>Target Date:</b> 24 March 2022
<b>Proposal:</b> Dwelling & garage	<b>Location:</b> 60M South Of 29 Lisnagowan Road Feroy Dungannon
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Mr Derek Montgomery 29 Lisnagowan Road Feroy Dungannon BT70 3LH	<b>Agent Name and Address:</b> Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan

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### Consultations:

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

### Representations:

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

### Summary of Issues

No representations received.

### Characteristics of the Site and Area

The site is located at lands approx. 60m South Of 29 Lisnagowan Road, Dungannon. The site is a rectangular portion of lands which fronts onto two roads. Some of the lands which surround the site are outlined in blue, indicating ownership and include the building to the NW of the site which is to be replaced. The site itself is sloping, with an increase from the SE portion of the site to the NW. There is existing post and wire fencing along the roadside boundaries with the remainder of the boundaries currently undefined opening to the agricultural field and agricultural buildings. The surrounding area is largely rural in nature, with scattered single dwellings and their associated outbuildings.

### Description of Proposal

Outline planning permission is sought for a dwelling and garage.

### Planning Assessment of Policy and Other Material Considerations

#### Policy Consideration

#### Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified under this application include: 30 Lisnagowan 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. The proposal originally was submitted as dwelling on a farm and there were applications associated with the farm business including a sell of which would have been relevant, however the agent/applicant has since advised that they wish the proposal to be assessed under the CTY 3 Replacement policy given it failed the criterion within CTY 10.

### Planning Assessment of Policy and Other Material Considerations

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

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

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

The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. It does not offer any change in policy direction with regards to replacement dwellings.

Policy CTY 1 states that there are a range of types of development which in principle are considered to be acceptable in the countryside. As discussed before, the applicant was originally submitted as a dwelling on a farm application under CTY 10, however the agent was made aware of a sell off related to the farm business and as such has asked that the proposal is assessed under Policy CTY 3. Policy CTY 3 of PPS 21 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact.

The structure in question is a single storey building with all of its external walls intact. I don't consider that the building in question exhibits characteristics which would help determine that the application is a dwelling, including chimneys, window and door openings. From my findings on site, noting the internal and external features of the building (shown below in photos 1 – 3), I am not convinced that the building in question represents a genuine replacement opportunity. The agent has been afforded a number of opportunities to present their case, on 5th October 2020 to provide further evidence



Photo 1 – internal picture from building



Photo 2 – External image of the building



Photo 3 – External image of the building

The agent has indicated the preferred siting which is just SE of the building to be replaced. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be granted, however as noted before, it is considered the proposal is contrary to the policy criterion held within CTY 3 in that it does not exhibit the essential characteristics of a dwelling. The proposal also lacks any degree of existing landscaping and if approval were to be forthcoming, a landscaping scheme would be required at RM stage.

The proposal intends to create a new access onto Lisnagowan Road. DfI Roads were consulted and have raised no concerns subject to condition.

**Summary of Recommendation:**

Refuse is recommended

## Refusal Reasons

### Reason 1

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):** Sarah Duggan

**Date:** 25 October 2023



**Notification to Department (if relevant)**

Not Applicable





## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 November 2023	<b>Item Number:</b> 5.2
<b>Application ID:</b> LA09/2022/0499/RM	<b>Target Date:</b> 8 June 2022
<b>Proposal:</b> Proposed 2 No. 1.5 storey detached dwellings	<b>Location:</b> To The Rear Of 11 Adair Gardens Cookstown
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> R And F Developments 90 Oldtown Road Castledawson Magherafelt	<b>Agent Name and Address:</b> Henry Marshall Brown Architectural Partnership 10 Union Street Cookstown BT80 8NN
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan

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### Consultations:

Consultation Type		Consultee	Response
Statutory Consultee		DFI Roads - Enniskillen Office	Roads Consultation full approval.docx
Non Consultee	Statutory	NIEA	PRT LA09-2022-0499-RM SA.PDF
Non Consultee	Statutory	NI Water - Single Units West	LA09-2022-0499-RM.pdf
Non Consultee	Statutory	Rivers Agency	470209 final.pdf
Non Consultee	Statutory	NIEA	PRT LA09-2022-0499-RM.PDF
Non Consultee	Statutory	NIEA	PRT LA09-2022-0499-RM.PDF
Non Consultee	Statutory	NIEA	PRT LA09-2022-0499-RM.PDF

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	3
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

There were three objections received in relation to the proposal. The main issues raised within these objections were: Adverse environmental impacts Traffic during construction/ Congestion Character of the Area Bats Roosting Increased noise Pollution Street lighting Infringement of our privacy

### Characteristics of the Site and Area

The site is located within the limit of development for Cookstown as defined within the Cookstown Area Plan 2010. Located approximately 1km south west of the town centre the site lies within an existing residential estate. Access to the proposal is gained via Adair Gardens which connects onto Adair Drive and in turn the Westland Road South. The development road to the proposed dwellings is via the side of no 9, removing the attached garage and adjacent to the boundary with no 7. Site boundaries are a mixture

of conifer type hedging and timber fencing. Within the south western part of the site is existing woodland/scrub area. Levels within the site vary considerably from Adair Gardens estate road to the southern corner of same.

### **Description of Proposal**

The proposal is for a dwelling and domestic garage. The planning application seeks approval of matters reserved from previous outline planning consent re. LA09/2019/1213/O. Outline planning permission was granted for the "Proposed renewal of outline planning approval" on 5th December 2019 therefore the principle of development has already been established on this site with a number of conditions set out on the approval. This current application seeks consent for a number of matters which were reserved at the outline stage.

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

#### **Policy Consideration**

##### Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 7,8, 9,11, 12 and 14 Adair Gardens and 16 Westbury Gardens. At the time of writing, three objections were received.

- Adverse environmental impacts
- Traffic during construction/Congestion
- Character of the Area
- Bats Roosting
- Increased noise
- Pollution
- Street lighting
- Infringement of Privacy

The issues raised above were considered and the principle of this development was established under the outline under planning application on site, LA09/2019/1213/O. I am content this reserved matters application meets the conditions set at outline and for the reasons detailed further above in the main assessment of the proposal the matters reserved including the siting, design, external appearance of the building and landscaping thereto are acceptable for the site and locality. In terms of roads safety DfI Roads were consulted at outline and have been re-consulted under this application and have raised no concerns.

##### Planning History

I/2013/0370/O - Lands to the rear of 9 Adair Gardens, Cookstown - Proposed residential development incorporating the retention of the existing garage (amended description) – Permission Granted

LA09/2019/1213/O - Proposed renewal of outline planning approval - Westland Road South, Lands To The Rear Of 9 Adair Gardens, Cookstown – Permission Granted 5<sup>th</sup>

December 2019

LA09/2017/0150/O - Proposed demolition of workshop and erection of 1 No. 1.5 storey dwelling - To the rear of nos. 9 and 11 Adair Gardens – Permission Granted 22nd November 2018

LA09/2021/1575/RM - Proposed demolition of workshop & erection of 1no. 1.5 storey detached dwelling - To The Rear Of 11 Adair Gardens, Cookstown – Permission Granted 15<sup>th</sup> February 2023

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

- Cookstown Area Plan 2010
- Strategic Planning Policy Statement (SPPS)
- PPS 7: Quality Residential Environments
- PPS 3: Access, Movement and Parking
- 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 28<sup>th</sup> May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

When outline planning permission was granted re. LA09/2019/1213/O a number of conditions were imposed. I am content that the conditions set out have been complied with.

The Plan has defined the settlement limits and allows for development within these limits provided it meets with regional policy requirements of Policy SETT 1 Settlement Limit's. Policy SETT 1 gives favourable consideration to development proposals within settlement limits subject to general criteria including the proposal being in accordance with prevailing regional planning policy and the policies, requirements and guidance contained in Part 3 of the Plan.

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

The principle of development has already been agreed at outline stage at this site and therefore the only thing left to determine is if the design, siting and landscaping etc of the proposal is suitable at this site. The proposal is for a 2no. dwellings which have the same design. The design includes 1.5 storey dwellings with a small porch to the front. In considering the surrounding context, there is an eclectic mix of dwellings which surround the site, ranging in both size and design. The general layout of the proposal would be respectful of the existing building line in that there is other dwellings set back from the

roadside and it is considered that the dwelling proposed is similar in scale and massing of development in the locality. The design of the dwelling similar in terms of size and scale to some of the closest neighbouring properties. Public view are going to be somewhat limited also due to the set back location from the roadside and the proposed and existing landscaping shown on the plans. The proposal intends to create a new access onto Adair Gardens. The road layout which were agreed at outline stage were provided on the plans. DfI Roads were consulted and have raised no concerns, subject to conditions.

NIEA were consulted on the application given the proposed development's hydrological link to Upper Ballinderry River. A construction method statement and an otter survey was provided and Natural Environment Division (NED) has considered the impacts of the proposal on designated sites and, on the basis of the information provided, is content with the proposal provided they comply with the recommendations and conditions set out in their response.

### **Summary of Recommendation:**

Approve is recommended

### Approval Conditions

#### Condition 1

The development to which this approval relates must be begun by whichever is the later of the following dates:-

- I. The expiration of a period of 5 years from the grant of outline planning permission; or
- II. The expiration of a period of 2 years from the date hereof.

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

#### Condition 2

The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 02 bearing the date stamp 13 April 2022 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

#### Condition 3

NED are content that any potentially significant impacts on the designated sites will be avoided if the methods and mitigation measures provided in the Construction Method Statement (date received 20th March 2023) and Otter Survey (date received 27th July

2023) are adhered to, unless there are any significant changes.

Reason: To prevent adverse impacts on the features of the designated sites.

**Condition 4**

Prior to discharge to watercourses, any surface water generated during the construction and operation phases of the development must first pass through appropriate treatment, such as sediment traps and hydrocarbon interceptors.

Reason: To prevent adverse impacts on the features of the designated sites.

**Condition 5**

No development hereby permitted should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) and full details have been provided to Mid Ulster District Council.

Reason: To ensure that a satisfactory means of sewage disposal is achieved and in the interest of safeguarding residential amenity and public health.

**Signature(s):** Sarah Duggan

**Date:** 26 October 2023

<b>ANNEX</b>	
<b>Date Valid</b>	13 April 2022
<b>Date First Advertised</b>	3 May 2022
<b>Date Last Advertised</b>	3 May 2022
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner / Occupier            9 Adair Gardens Cookstown Tyrone BT80 8PS            The Owner / Occupier            7 Adair Gardens Cookstown Tyrone BT80 8PS            The Owner / Occupier            11 Adair Gardens Cookstown Tyrone BT80 8PS            The Owner / Occupier            8 Adair Gardens Cookstown Tyrone BT80 8PS            The Owner / Occupier            12 Adair Gardens Cookstown Tyrone BT80 8PS</p> <p>The Owner / Occupier            16 Westbury Gardens Cookstown Tyrone BT80 8WE            The Owner / Occupier            18 Westbury Gardens Cookstown Tyrone BT80 8WE</p>	
<b>Date of Last Neighbour Notification</b>	28 June 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: I/2006/1290/F            Type: F            Status: PG</p> <p>Ref: I/2001/0815/F            Type: F            Status: PG</p> <p>Ref: I/2003/1002/F            Type: F</p>	

Status: PG

Ref: I/2013/0370/O

Type: O

Status: PG

Ref: LA09/2019/1213/O

Type: O

Status: PG

Ref: LA09/2022/0499/RM

Type: RM

Status: PCO

Ref: LA09/2021/1575/RM

Type: RM

Status: PDE

Ref: LA09/2017/0150/O

Type: O

Status: PG

Ref: I/2004/0164/F

Type: F

Status: PG

Ref: LA09/2021/0639/F

Type: F

Status: PG

Ref: I/1983/0216

Type: H13

Status: PG

Ref: I/1977/0377

Type: H13

Status: PG

Ref: I/1999/0544/F

Type: F

Status: PG

Ref: I/1995/0147

Type: F

Status: PCO



Ref: I/2011/0187/F

Type: F

Status: PG

Ref: I/2004/0694/F

Type: F

Status: PG

Ref: I/1994/6101

Type: PREAPP

Status: PCO

Ref: I/2002/0777/F

Type: F

Status: PG

Ref: I/2002/0778/F

Type: F

Status: PG

Ref: I/1999/0156

Type: F

Status: PCO

Ref: I/1994/0404

Type: F

Status: PCO

Ref: I/2014/0089/F

Type: F

Status: PG

Ref: I/2008/0496/F

Type: F

Status: PG

Ref: I/1996/0395

Type: F

Status: PCO

Ref: I/1996/0488

Type: F

Status: PCO

Ref: LA09/2016/1778/NMC

Type: NMC

Status: CG

Ref: I/1985/037901

Type: H13

Status: PG

Ref: I/1985/0379

Type: H13

Status: PG

Ref: LA09/2017/0237/F

Type: F

Status: PG

Ref: I/1995/0501

Type: F

Status: PCO

Ref: LA09/2015/1091/F

Type: F

Status: PG

Ref: I/1999/0657/F

Type: F

Status: APPRET

Ref: I/2009/0204/A

Type: A

Status: CG

Ref: I/2000/0225/F

Type: F

Status: PG

Ref: I/2006/1121/O

Type: O

Status: PR

Ref: I/2009/0399/F

Type: F

Status: PG

Ref: I/1997/0548

Type: F

Status: PCO

Ref: I/1987/0477

Type: F

Status: PG

Ref: I/1987/0237

Type: F

Status: PG

Ref: I/1987/0438

Type: H13

Status: PG

Ref: I/1986/0399

Type: H13

Status: PG

Ref: I/1986/0232

Type: H13

Status: PG

Ref: I/1989/0053

Type: F

Status: PCO

Ref: I/1989/0052

Type: F

Status: PCO

Ref: I/2004/0819/F

Type: F

Status: PG

Ref: I/1988/0258

Type: F

Status: PCO

Ref: I/2007/0389/F

Type: F

Status: PG

Ref: I/1990/0386

Type: F

Status: PCO

Ref: I/1989/0497

Type: F

Status: PCO

Ref: I/1988/0242

Type: F

Status: PCO

Ref: I/1986/0419

Type: H13

Status: PG

Ref: I/1999/0589

Type: A41

Status: 205

Ref: I/1976/0013

Type: H13

Status: CROWN

Ref: I/1988/0178

Type: F

Status: PCO

Ref: I/1986/0386

Type: H13

Status: PG

Ref: I/1986/0402

Type: H13

Status: PG

Ref: I/1977/0421

Type: H13

Status: PG

Ref: I/1977/0283

Type: H13

Status: PR

Ref: I/1986/0231

Type: H13

Status: PG

### **Summary of Consultee Responses**

DFI Roads - Enniskillen Office-Roads Consultation full approval.docx  
NIEA-PRT LA09-2022-0499-RM SA.PDF

NI Water - Single Units West-LA09-2022-0499-RM.pdf  
Rivers Agency-470209 final.pdf  
NIEA-PRT LA09-2022-0499-RM.PDF  
NIEA-PRT LA09-2022-0499-RM.PDF  
NIEA-PRT LA09-2022-0499-RM.PDF

**Drawing Numbers and Title**

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

Site Location Plan Plan Ref: 01

**Notification to Department (if relevant)**

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 November 2023	<b>Item Number:</b> 5.3
<b>Application ID:</b> LA09/2022/0606/F	<b>Target Date:</b> 1 July 2022
<b>Proposal:</b> Proposed housing development consisting of 6 detached houses, 18 semi detached houses, associated site works and foul water pumping station	<b>Location:</b> Adjacent/ East Of 88 Roughan Road And 48 Drumreagh Road Newmills Dungannon
<b>Referral Route:</b> Approve <b>is recommended</b>	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Firtree Developments (Ni) Ltd 97 Derryloughan Road Coalisland Dungannon	<b>Agent Name and Address:</b> J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
<b>Executive Summary:</b>  The proposed development is partially outside the settlement limits for Newmills. The works located outside the settlement limits are solely for access purposes to serve the site as there are no viable alternative means of access to the site. This proposal will not have any detrimental impact on the setting of Newmills.	

## Case Officer Report

### Site Location Plan

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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	NIEA	PRT LA09-2022-0606-F.PDF
Non Statutory Consultee	Environmental Health Mid Ulster Council	Planning response.pdf
Statutory Consultee	NI Water - Multiple Units West	LA09-2022-0606-F.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	23-11-2022.docx
Non Statutory Consultee	Rivers Agency	585349 - Final reply.pdf
Statutory Consultee	Rivers Agency	669396 - Final reply.pdf
Non Statutory Consultee	Environmental Health Mid Ulster Council	Planning response (2).pdf
Statutory Consultee	NIEA	PRT LA09-2022-0606-F.PDF
Statutory Consultee	DFI Roads - Enniskillen Office	Conditions.docx

### Representations:

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

### Summary of Issues

### Characteristics of the Site and Area

The site lies primarily within the settlement limits of Newmills in the upper most NE corner. The bulk of the site is within the limits, however a small triangular portion is just outside the limits. This small segment is necessary for access and visibility purposes. There will be no development within this area. The site lies outside all other areas of constraint as depicted by the Dungannon and South Tyrone Area Plan 2010.



The site has a frontage onto Roughan Road, to the NE of the settlement of Newmills. Newmills is a small village located just north of Dungannon and not far from Coalisland. An existing mature treelined hedge and stream defines the limit of development, and this boundary dissects the site to the east. Land falls from the roadside into the site, and then rises steeply to the south. The southern boundary is defined by a native species hedgerow, and further to the south you can see the new housing development of Newberry Lane, which are 2 storey detached and semi-detached dwellings. The western boundary is defined by hedgerow and in parts share a boundary with existing residential development to the west, including a detached dwelling along Roughan Road and the housing development of Drumreagh Crescent which is defined by terraced and semi-detached dwellings. Currently the site is agricultural.

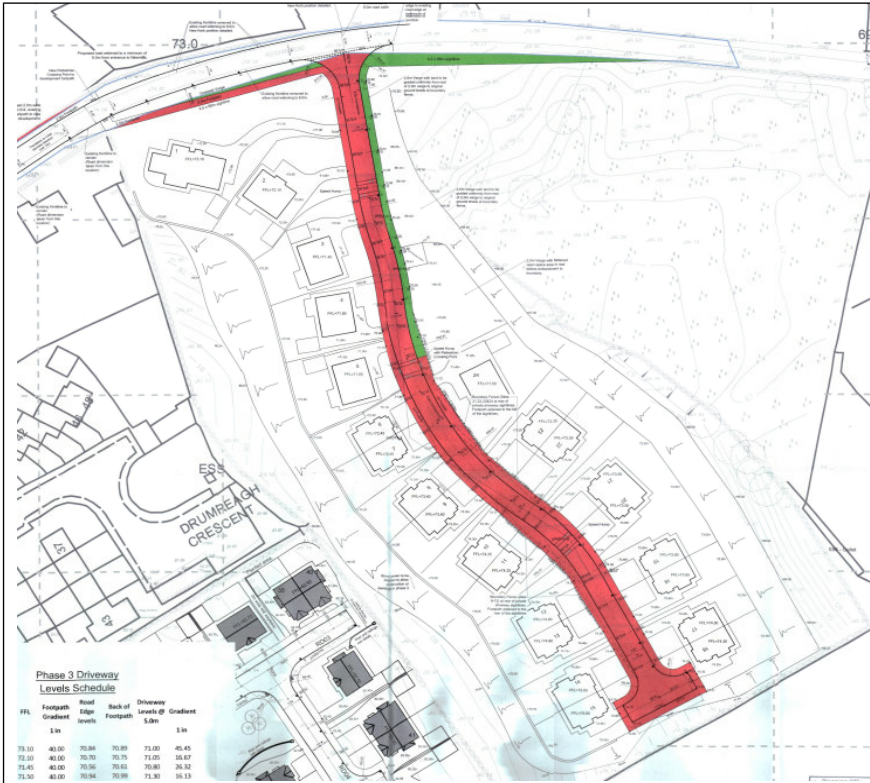




The heart of the village of Newmills lies to the SW, with open countryside to the north and east. The surrounding housing combines a mix of semi detached and terraced housing with the Presbyterian church a short distance to the South.

### **Description of Proposal**

This is a full planning application for housing development consisting of 6 detached houses, 18 semi detached houses, associated site works and foul water pumping station.



## Planning Assessment of Policy and Other Material Considerations

### Policy Consideration

#### **Planning Act 2011**

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

#### **Area Plan**

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

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

Part of the site is located within the development limits of Newmills as defined in the plan, part falls outside in the countryside. No part of the site is zoned.

Policy SETT1 allows for favourable consideration of development within the limits of development

provided it meets a number of criteria.

#### Relevant Policy

SPPS Strategic Planning Policy Statement  
PPS7 Quality Residential Environments  
PPS21 Sustainable Development in the Countryside  
PPS3 Access, Movement and Parking  
PPS 2 Natural Heritage  
PPS15 Planning and Flood Risk

#### Third Party Representations

At the time of writing no objections have been received.

#### Relevant Planning History

LA09/2021/0380/F - Proposed housing development consisting of 1 detached bungalow and 4 detached two storey houses, with foul water treatment plants and associated site works – Application returned.

#### Recommendation

This proposal seeks permission for a total of 24 units of accommodation. The proposed dwellings are comprised of 6 detached houses, 18 semidetached houses and are located within the development limits of Newmills, however, part of the proposed access and landscaping is located outside the limits of development.

The Strategic Planning Policy Statement which was published in September 2015 has retained PPS 7 which was the policy the original application was assessed under and thus applicable for this application.

The principle of development for housing on this site is considered acceptable given the land zoning and previous planning history on the site.

Policy QD1 - Quality in New Residential Development states all proposals for residential development will be expected to conform to all of the following criteria:

a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced area;

There is a clearly defined tree lined hedge and stream on the ground that identifies the limits of development to Newmills, and in my view is a clear boundary demarcating where the village ends, and the countryside begins.

To the southwest of the site is the new housing development of Blackberry Lane. There is a clear access position into the agricultural field where this proposed housing development is located. However, upon exploring this possible access it is evident the levels would not work, the fall would be too great to allow a safe access into the site. This was discussed with senior management at the previous application and this alternative was agreed acceptable whereby a portion of the land outside the limits were to be used for visibility splays so long as no development was to take place within it. In my view this is an

acceptable compromise.



b) features of the archaeological and built heritage, and landscaped features are identified and, where appropriate, protected and integrated on a suitable manner into the overall design and layout of the development;

There are no archaeological features in the immediate vicinity of this site.

c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area.

There is sufficient private amenity space provided for each dwelling in this application. A public area of open space has been indicated within the development. I consider this to be acceptable for a development of this size.

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

There is no requirement to provide local neighbourhood facilities, given the proximity to local services and shops within Newmills.

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

There is also a footpath provision provided for pedestrians which would link into an existing footpath network that would lead into the heart of the village and to public transport nodes.

f) adequate and appropriate provision is made for parking;

There is adequate in-curtilage space for parking provided for each dwelling proposed. DfI Roads do not raise any concern in this regard.

g) the design of the development draws upon the best local traditions of form, materials and detailing;  
Proposed building materials are acceptable for this site and locality.

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

In terms of design the dwellings are all similar to the new dwellings in Blackberry lane, the main designs are shown below. They are finished in a cream render with a dark tiled roof and some dwellings have a natural stone front projection. There are no issues of overlooking or overshadowing and I find the layout to be acceptable when viewed in the context of existing surrounding development.



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

The site has street lights located along it which will provide a lit area. Rear gardens are protected by boundary fencing, areas of communal open space are overlooked by surrounding properties. Overall the proposal is of a good layout to deter crime, while providing good connectivity to surrounding footpath and road networks.

Policy LC 1 - Protecting Local Character, Environmental Quality and Residential Amenity of the Addendum to PPS 7 - Safeguarding the Character of Established Residential Areas states planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing where all the criteria set out in Policy QD 1 of PPS 7, and all the additional criteria set out below are met:

(a) the proposed density is not significantly higher than that found in the established residential area;  
The density is similar to previous approval and the existing surrounding area ie Blackberry lane, therefore it is my opinion that it is acceptable.

(b) the pattern of development is in keeping with the overall character and environmental quality of the established residential area;

The layout and design of residential development within this development are two storey detached and semi detached. I do not think this proposal is conflicting with the character of the existing residential area.

(c) all dwelling units and apartments are built to a size not less than those set out in Annex A  
The sizes of the dwellings proposed exceed the minimum recommended standards.

**Other considerations**

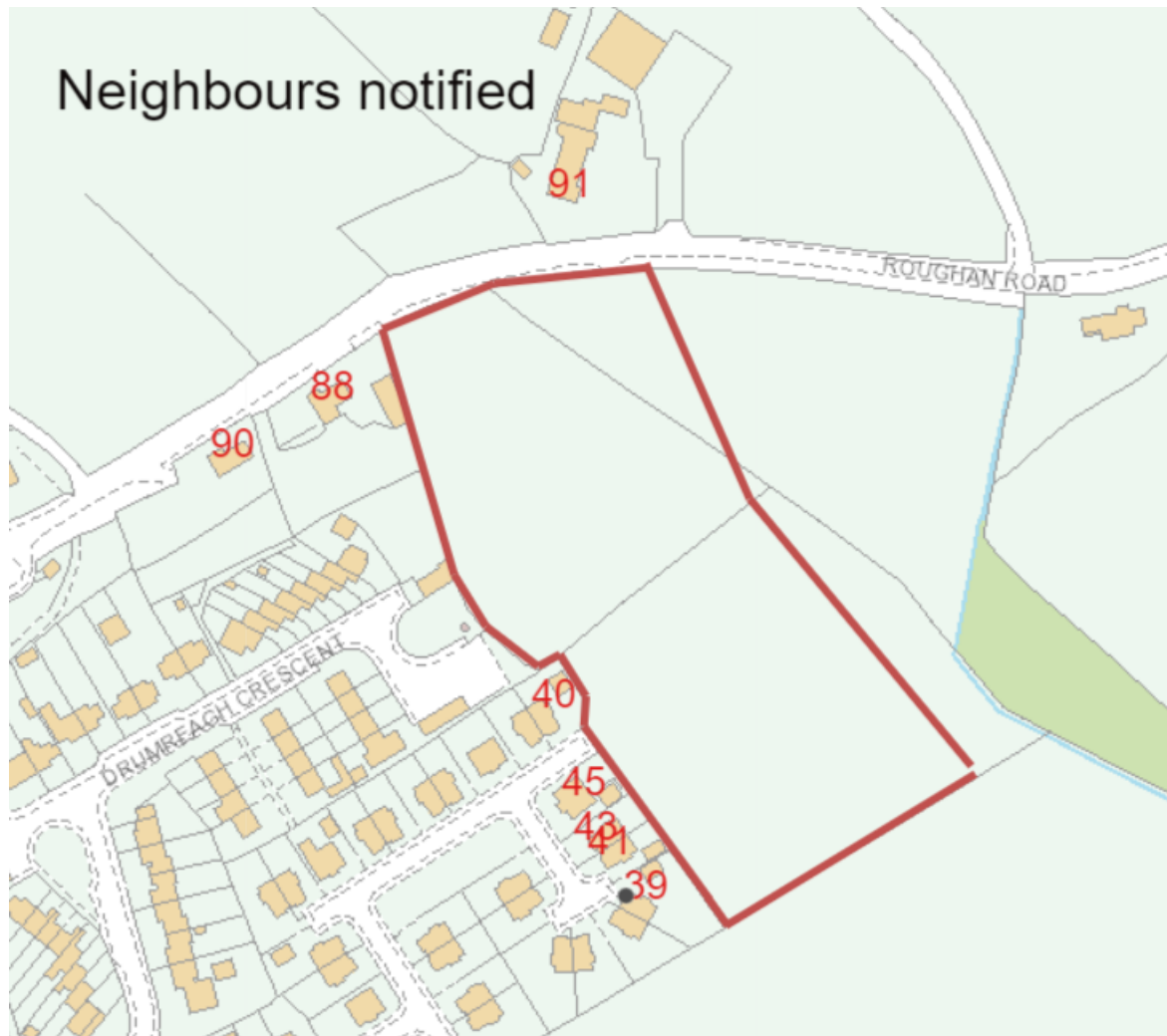
The site is not subject to flooding and there is no open watercourses being culverted. Rivers Agency raise no issues.

DfI Roads, environmental health and NIEA have also been consulted and responded with no objections subject to conditions and informatives

Recommendation Approval.

An Environmental Impact Assessment was also undertaken as this application falls under Schedule 2 Part 10 b Urban Development projects.

Form this it was determined no Environmental Assessment was required as any issues would be dealt with through the normal development management process in the determining of this application.



**Summary of Recommendation:**

Approve is recommended

### Approval Conditions

#### Condition 1

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

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

#### Condition 2

Prior to the commencement of the development hereby approved, the applicant shall submit a Drainage Assessment, compliant with FLD 3 & Annex D of PPS 15, to be agreed with the Council and DFI Rivers. The drainage network shall be constructed in accordance with the agreed plans.

Reason - In order to safeguard against surface water flood risk.

#### Condition 3

In the event that previously unknown contamination is discovered falling outside the scheme of the approved remediation strategy, development on the site shall cease pending submission of a written report, detailing the proposed investigation, risk assessment and remediation scheme, for the agreement of The Council in consultation with Northern Ireland Environment Agency.

Development works shall not resume until the developer has received written confirmation from the Council that the additional measures as agreed in any report have been fully implemented.

Reason: In the interests of the health and amenity of future occupiers.

#### Condition 4

The visibility splays of 4.5 metres by 80 metres to the west and 4.5 metres by 98 metres at the junction of the proposed access road with the public road, shall be provided in accordance with Drawing No. 04 Revision B bearing the date stamp 13 December 2022, prior to the commencement of any other 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 5

No dwellings shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of the development.

REASON: To ensure the orderly development of the site and the road works necessary

to provide satisfactory access to each dwelling.

**Condition 6**

All hard and soft landscape works shall be carried out in accordance with the approved details on drawing No.02b dated 10 JUL 2023 and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the dwelling.

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

**Condition 7**

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

The Department for Infrastructure has determined that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 04B bearing date stamp 13 December 2022.

**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.

**Condition 8**

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

No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road and provision of the link footway along the Roughan Road have been completed in accordance with the details outlined blue on Drawing Number 04B bearing the date stamp 13 December 2022. The Department for Infrastructure 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):** Peter Hughes

**Date:** 11 October 2023



<b>ANNEX</b>	
<b>Date Valid</b>	6 May 2022
<b>Date First Advertised</b>	24 May 2022
<b>Date Last Advertised</b>	24 May 2022
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner / Occupier  39 Blackberry Lane Dungannon Tyrone BT71 4AZ  The Owner / Occupier  41 Blackberry Lane Dungannon Tyrone BT71 4AZ  The Owner / Occupier  43 Blackberry Lane Dungannon Tyrone BT71 4AZ  The Owner / Occupier  45 Blackberry Lane Dungannon Tyrone BT71 4AZ  The Owner / Occupier  40 Blackberry Lane Dungannon Tyrone BT71 4AZ  The Owner / Occupier  90 Roughan Road Stewartstown Tyrone BT71 4EN  The Owner / Occupier  91 Roughan Road Stewartstown Tyrone BT71 4EN  The Owner / Occupier  88 Roughan Road Stewartstown Tyrone BT71 4EN</p>	
<b>Date of Last Neighbour Notification</b>	30 June 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: M/2002/0272/O  Type: O  Status: APPRET</p> <p>Ref: M/2002/1173/F  Type: F  Status: PG</p> <p>Ref: M/2003/0889/O  Type: O  Status: PR</p>	

Ref: M/1978/0725  
Type: H13  
Status: PG

Ref: M/1989/0221  
Type: F  
Status: PCO

Ref: M/1976/0476  
Type: H13  
Status: PG

Ref: LA09/2017/0350/F  
Type: F  
Status: PG

Ref: LA09/2020/0324/DC  
Type: DC  
Status: AL

Ref: LA09/2018/1676/DC  
Type: DC  
Status: AL

Ref: LA09/2020/0322/DC  
Type: DC  
Status: AL

Ref: M/1976/0018  
Type: H13  
Status: PG

Ref: LA09/2021/0380/F  
Type: F  
Status: APPRET

Ref: LA09/2022/0606/F  
Type: F  
Status: PCO

Ref: M/2004/0089/Q  
Type: PREAPP  
Status: PCO

Ref: M/2004/0493/F

Type: F  
Status: PG

Ref: M/1999/0385  
Type: F  
Status: PCO

Ref: M/2006/1150/O  
Type: O  
Status: APPRET

Ref: M/2006/2063/O  
Type: O  
Status: PG

Ref: M/1995/0660  
Type: F  
Status: PCO

Ref: M/1988/0245  
Type: H13  
Status: PG

Ref: M/2007/0021/F  
Type: F  
Status: PG

Ref: M/2009/0568/F  
Type: F  
Status: PG

Ref: M/2000/0420/F  
Type: F  
Status: PG

Ref: M/1994/0479  
Type: O  
Status: PCO

Ref: M/1996/0246  
Type: F  
Status: PCO

Ref: M/2003/0593/F  
Type: F  
Status: PG

### **Summary of Consultee Responses**

NIEA-PRT LA09-2022-0606-F.PDF  
Environmental Health Mid Ulster Council-Planning response.pdf  
NI Water - Multiple Units West-LA09-2022-0606-F.pdf  
DFI Roads - Enniskillen Office-23-11-2022.docx  
Rivers Agency-585349 - Final reply.pdf  
Rivers Agency-669396 - Final reply.pdf  
Environmental Health Mid Ulster Council-Planning response (2).pdf  
NIEA-PRT LA09-2022-0606-F.PDF  
DFI Roads - Enniskillen Office-Conditions.docx

### **Drawing Numbers and Title**

Roads Details	Plan Ref: 04B
Roads Details	Plan Ref: 05
Roads Details	Plan Ref: 04
Proposed Plans	Plan Ref: 03
Site Layout or Block Plan	Plan Ref: 02
Site Location Plan	Plan Ref: 01
Roads Details	Plan Ref: 4A
Proposed Plans	Plan Ref: 10
Site Layout or Block Plan	Plan Ref: 2B
Garage Plans	Plan Ref: 7
Proposed Plans	Plan Ref: 8
Proposed Plans	Plan Ref: 9

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

Not Applicable

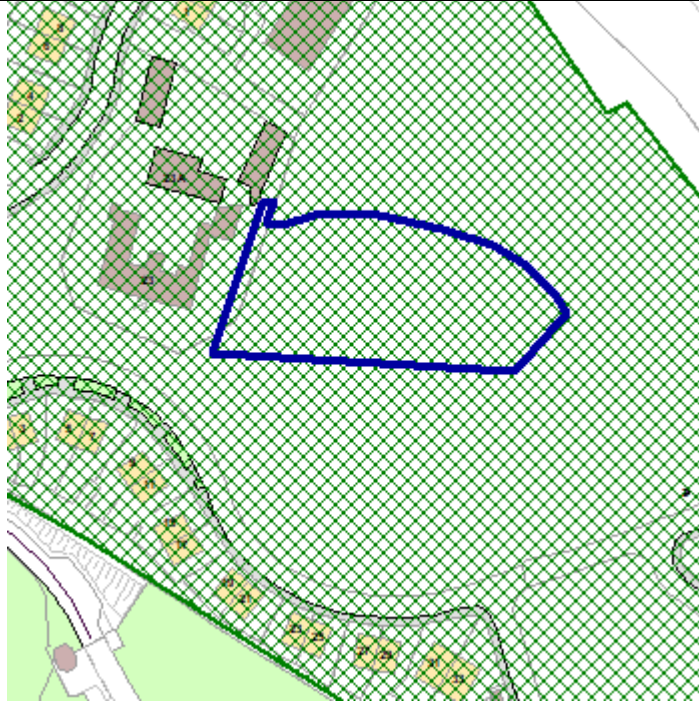


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 November 2023	<b>Item Number:</b> 5.4
<b>Application ID:</b> LA09/2022/1118/F	<b>Target Date:</b> 18 October 2022
<b>Proposal:</b> Erection of single storey dwelling	<b>Location:</b> Site 120, Killymeal Road, Killymeal House, Dungannon
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> J And V Construction 30 Creenagh Road Dungannon BT71 6HB	<b>Agent Name and Address:</b> Clarman Ltd Unit 1 33 Dungannon Road Coalisland BT71 4HP
<b>Executive Summary:</b> <p>The site on an area shown as open space on a previous planning approval but the agent has stated the proposal is for a dwelling associated with the Northern Ireland Housing Executive. In OS1 in PPS 8 there is an exception to the loss of open space where it would bring substantial community benefits that would outweigh the loss of open space.</p> <p>The application site is adjacent to Killymeal House which is a listed building so Historic Environment Division were consulted as the statutory authority. HED have concerns about the scale, massing, design and location of the proposed dwelling. At the time of writing no revised plans for the siting and design of the dwelling have been received.</p> <p>NI Water have recommended the proposal for refusal as there is no capacity at the Dungannon WasteWater Treatment Works. At the time of writing no revised plans have been submitted which show a septic tank or treatment plant at the site.</p>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation full approval.docx
Statutory Consultee	Historic Environment Division (HED)	
Non Statutory Consultee	Geological Survey NI (DfE)	3148 MUDC Planning. Site 120 Killymeal Road Killymeal House Dungannon.doc
Statutory Consultee	NI Water - Single Units West	LA09-2022-1118-F.pdf
Statutory Consultee	MUDC Environment and Conservation Team	LA09.2022.1118.F RECON 05.04.2023.pdf
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation further info.docx
Non Statutory Consultee	MUDC Environment and Conservation Team	LA09.2022.1118.F RECON.pdf
Statutory Consultee	NI Water - Single Units West	LA09-2022-1118-F.pdf
Statutory Consultee	Historic Environment Division (HED)	

<b>Representations:</b>	
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	
<b>Summary of Issues</b>	
<b>Characteristics of the Site and Area</b>	
<p>The application site is within the settlement limits of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is urban in character and the predominant land uses within the surrounding area are leisure, residential and educational. The site is set within a housing development which is currently under construction and within the Killymeal House which is a listed building. Killymeal House and grounds was a former MOD site and it was listed in 1991. Following a fire in the main house, it is in a poor state of repair. However as part of the development of the wider site, and including this proposal, Killymeal House is being brought back to its former glory and used for housing units.</p> <p>The application site is an elevated site to the southeast of Killymeal House, with a line of mature trees located along the western boundary which are the subject of a Tree Preservation Order. There are some spoil heaps from surrounding development located on the site, along with a construction compound, machinery and building materials. Adjacent to the application site is a housing development under construction which is mainly semi-detached dwellings interspersed with single bungalows. Immediately north of the site is approval LA09/2020/0537/F which is predominantly semi-detached dwellings and there is 1no. bungalow in the southwest corner.</p>	
<b>Description of Proposal</b>	
<p>This is a full application for erection of single storey dwelling at site 120, Killymeal Road, Killymeal House, Dungannon.</p>	
<b>Planning Assessment of Policy and Other Material Considerations</b>	
<b><u>Policy Consideration</u></b>	

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

### **Representations**

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

### **Planning History**

M/2008/0425/F - Construction of housing development consisting of 41 no. units in total (33 no apartments & 8 no. townhouses) & parking and landscaping - Lands To The North And West And Adjacent To Killymeal House, Killymeal Road, Dungannon – permission granted 11<sup>th</sup> November 2010.

LA09/2015/0241/F - 20no dwellings, 2 storey in height, with associated carparking and landscaping (amended scheme) - Killymeal House And Adjacent Lands, Killymeal Road, Dungannon - permission granted 20<sup>th</sup> January 2017.

LA09/2017/1239/F - Erection of 3 dwellings and conversion of existing building to 2 dwellings - Killymeal House and Adjacent Lands, Killymeal Road, Dungannon - permission granted 27<sup>th</sup> July 2020.

LA09/2017/1238/F - 21 Dwellings 2 Storey in height with associated car parking and landscaping - Killymeal House and Adjacent Lands, Killymeal Road, Dungannon - permission granted 26<sup>th</sup> February 2019,

LA09/2018/1231/F - Proposed development comprising of 8 semidetached dwellings 2No. 4 block dwellings. 1 detached dwelling, a residential apartment block with 2 units and a second apartment block with 4 units (total 23 residential properties) with associated car parking and landscaping - Killymeal House and Adjacent Lands Killymeal Road Dungannon - permission granted 29<sup>th</sup> March 2019.

LA09/2018/0385/F - Proposed repairs and reinstatement works to listed building, for conversion into office accommodation - Killymeal House, Killymeal Road, Dungannon – permission granted 18<sup>th</sup> September 2018.

LA09/2020/0537/F - Housing development comprising of 14 no. semidetached dwellings, 7 no. block of 3 dwellings, 1 no. block of 4 dwellings, and 1 detached bungalow (40 no. units total) with associated carparking and landscaping - permission granted 9<sup>th</sup> September 2021.

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

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



Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28<sup>th</sup> May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

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

The site is within the settlement limit of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010, so SETT 1 is the relevant policy which applies.

The proposal is for a single storey dwelling for bespoke accommodation to address additional medical needs. As there are other detached dwellings interspersed within the adjacent housing development, I am content with the principle of a single dwelling at the site.

The proposed finishes of the dwelling are smooth rendered walls, natural slate roof tiles and cast-iron rainwater goods. I have no concerns about the proposed finishes, and I consider they are sympathetic to the adjacent listed building. I consider the scale, form, and design to be not sensitive to the size, character and function of the settlement. The massing of the development is overly complicated with two front projections and four pillars on the front elevation as shown in figure 1 below. The footprint of the dwelling is also large, but the agent has stated that there needs to be space in each room for accessibility.



Figure 1 – Image of front elevation of proposed dwelling.

I emailed the agent on the 19<sup>th</sup> December 2022, 22<sup>nd</sup> June 2023, 4<sup>th</sup> September 2023 asking for a revised design for the dwelling to address Historic Environment’s concerns about the design of the dwelling and at the time of writing no revised plans have been received.

There is an elevated topography at the site, but the finished floor level has been shown to be only 1m higher than the finished floor level of adjacent Killymeal House. The applicant has submitted a street scene as shown in figure 2 which shows the proposed

dwelling in the context of the surrounding area. There is a backdrop of existing trees and there are no critical views from the roadside. However, the massing and design of the dwelling is not a simple form and will dominate the immediate area.



Figure 2 – 3d view of proposed dwelling in the context of the listed building.

There are no other dwellings abutting the application site, so I am content there are no issues with overlooking, overshadowing or dominance.

The application site is directly adjacent to Killymeal House which is a Grade B1 listed building so Historic Environment Division were consulted as the statutory authority on conservation interests. In their latest consultation response on the 11<sup>th</sup> May 2023 HED stated the scale and footprint of the proposed dwelling is too large and the massing is overcomplicated. Also, HED considers the location and alignment is not appropriate and will have a detrimental impact on the listed building at Killymeal House. The proposed dwelling is larger than adjacent dwellings which are mainly semi-detached dwellings. There is a single storey dwelling approved under LA09/2020/0537/F as shown in figures 3 – 5. This dwelling has a simple form and the scale and massing fits with the character of adjacent dwellings in comparison with the proposed dwelling in this application. The approved dwelling is also in the corner of the site so is not located in a prominent location.

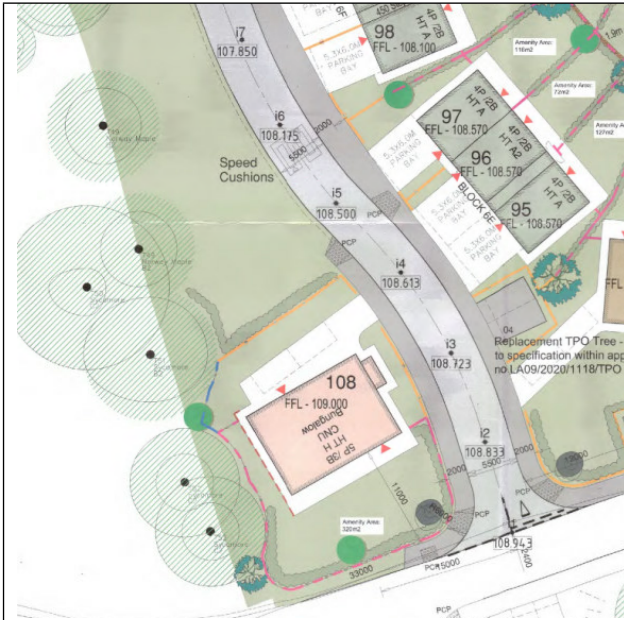
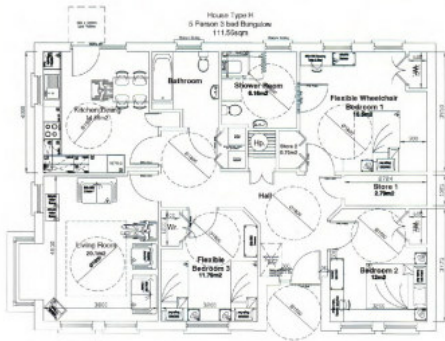


Figure 3 - Image of siting of approved single storey dwelling under LA09/2020/0537/F.



Proposed Front Elevation  
Scale 1 : 1 0 0

**Schedule of Finishes**  
 Roof - Black Slate effect Concrete Tiles.  
 Walls - Render in mixed colours. All Masonry Paint colours are to be selected from the Dulux Heritage Range.  
 Windows - Timber effect uPVC.  
 Rainwater Goods - Black Heavy Cast Aluminium.



Proposed Ground Floor Plan  
Scale 1 : 1 0 0

Figure 4 – Image of elevation and floor plan of approved single storey dwelling under LA09/2020/0537/F.



Figure 5 – Street Section of approved single storey dwelling under LA09/2020/0537/F.

An email was sent on the 4<sup>th</sup> September requesting that the applicant and agent reconsider the design of the proposed dwelling based on HED’s comments and at the time of writing no revised plans have been submitted. A previous email was sent on the 22<sup>nd</sup> June 2023 requesting amended plans and no revised plans were submitted.

Mid Ulster Council Conservation Officer was also consulted as there are trees in the immediate vicinity which are under a Tree Protection Order. The consultation response stated there are no concerns about the proposal subject to conditions about the tree works. The agent has provided an Arboricultural Report which demonstrates that the TPO can be safeguarded and protected.

The proposal involves new access to the site and is accessed via a private car park approved under LA09/2020/0537/F. DFI roads were consulted and were content with the proposal subject to conditions. The applicant has not shown immediately adjacent to the dwelling for the parking of at least two cars, but three car parking spaces have been taken from the private car park approved under LA09/2020/0537/F.

As the proposal is within the settlement limit of Dungannon NI water were consulted. NI Water responded in their consultation response on the 26<sup>th</sup> September 2022 that there is not sufficient capacity at the wastewater treatment works within Dungannon. The agent has argued that there is already extant approval at the site and there is no need for a septic tank or treatment works. The adjacent approval LA09/2020/0537/F is a separate development site, and this proposal is deemed as a new site. Currently NI Water are only approving extant permissions to the sewage network due to ongoing issues with capacity at the wastewater treatment works. At the time of writing no revised plans have been submitted showing a septic tank or treatment plant. If the applicant wants connection to the sewage network NI Water have asked for a PDE Impact Assessment to be submitted. The issue of sewage could be negative conditioned that the development cannot commence until it is discharged by the Council. The agent sent an email on the 4<sup>th</sup> September 2023 stating the site has capacity for 125 dwellings but this application is for a new connection to the sewage network and there is currently no capacity within Dungannon.

Overall, I consider the proposal does not meet all the criteria in SETT 1.

## **Planning Policy Statement 7 – Quality Residential Environments**

### **Policy QD 1 – Quality in New Residential Development**

I believe the proposal does not respect the surrounding context as it is not appropriate to the character and topography of the site. The proposal is for a single storey dwelling on an elevated site, but it has a complicated massing with front projections and pillars. I consider the proposed dwelling will dominate the landscape.

There are no archaeological features within the vicinity, but the site is adjacent to Killymeal House which is a Grade B1 listed building. As stated earlier in the assessment HED have concerns about the location, scale and massing of the dwelling and consider the proposal will have a negative impact on the listed building.

I am content there is sufficient private open space at the site and due to the scale of the development there is no requirement for public open space. The application site is part of a portion of land which has been shown as public open space on approval LA09/2020/0537/F. The proposal will involve the loss of open space but there is an agreement between Planning and the NIHE that proposals that include the loss of open space will be acceptable where they bring substantial community benefits. The agent has stated the proposed dwelling is for an individual with additional medical needs and requires a dwelling with additional space for turning in each room. As HED have concerns about the proposal it was agreed in discussions with the senior planner that an exception cannot be made in this case.

To the scale of the development as a single dwelling there is no requirement for neighbourhood facilities.

The site is within the settlement limit of Dungannon, so I am content there is adequate provision for walking and cycling. The site is within a larger housing development which is accessed off Killymeal Road, which has footpaths providing pedestrian access to the main shopping areas within Dungannon.

I do not consider there is sufficient provision for parking and turning of cars at the site. The applicant has shown three car parking spaces taken from an adjacent approval but there is no parking or turning of cars adjacent to the dwelling. It shows on the block plan parking at the end of the driveway and then the owner/occupier will have to walk up the driveway to the dwelling.

As stated earlier in the assessment I consider the design and massing of the proposed dwelling is not acceptable.

As there are no dwellings directly adjacent to the application site, I am content there will not be unacceptable overshadowing, loss of light or overlooking.

The proposed dwelling is within an area where there are other dwellings in the immediate vicinity which will assist in deterring crime and promoting personal safety.

Having accessed all the evidence, I do not consider the proposal meets all the criteria in

PPS 7.

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

### **Policy BH 11 – Development affecting the setting of a Listed Building**

As stated earlier in the assessment, HED were consulted as the site is adjacent to Killymeal House which is a listed building. HED in their consultation response consider the footprint is too large and the massing is over complicated. HED considers a dwelling that cannot be absorbed at this site without having a negative impact on the listed building. HED do acknowledge the proposed finishes on the dwelling do use sympathetic and traditional building materials. The proposed external finishes are sandstone rendered walls, natural slate roof tiles and cast-iron downpipes. I have no concerns about the external finishes of the proposed dwelling. As the proposal is for a dwelling and residential is the predominant land use in the area, I have no concerns. I consider the proposal does not meet all the criteria in BH 11.

## **Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation**

### **Policy OS 1 – Protection of Open Space**

The application site has been shown as an area of public open space on planning approval LA029/2020/0537/F. Previous approvals have been constructed around the land at the site and to the east of it as it is to be maintained as open space. Annex A in PPS 8 states that open space is not only areas where it has been specifically designated but includes iii amenity green space including informal recreation spaces, communal green spaces in and around houses and village greens. I consider the land which the application site is located on can be considered amenity green space.

OS1 states there is a presumption against the loss of open space irrespective of its physical condition and appearance but there are exceptions to the policy. An exception will be permitted where it is shown the redevelopment will bring substantial community benefits that outweigh the loss of open space. The Northern Ireland Housing Executive have stated they are involved with this proposal and the dwelling is to cater for a person with additional medical needs. Members are also advised NIHE have a Joint Protocol with Planning that recognizes there may be circumstances where existing open space can be developed. In considering this development the protocol sets out information that is necessary to consider if development meets with the exception. However as Historic Environment Listed Buildings Division have raised concerns about the proposal and the impact on adjacent Killymeal House I consider the proposal cannot be considered an exception to OS1.

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

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

The application site does not directly access Killymeal Road but there are changes to the layout of the approved road layout plans. DFI roads were consulted and are content with the proposal.

## **Other Considerations**

I have checked the statutory map viewers, and I am content there are no other NED, HED, flooding or geological issues at the application site.

## **Summary of Recommendation:**

Refuse is recommended

The proposal is recommended for refusal as it does not meet the criteria in SETT 1 in the Plan, QD1 in PPS 7, BH 11 in PPS 6 and OS 1 in PPS 8.

## **Refusal Reasons**

### **Reason 1**

Contrary to Policy SETT 1 in the Dungannon and South Tyrone Area Plan 2010 in that the proposal is not sensitive to the character of the settlement in terms of massing and design of the proposed dwelling. The proposal conflicts with recognized conservation interests in the form of the adjacent listed building and there are not satisfactory arrangements for sewage disposal.

### **Reason 2**

Contrary to QD1 Quality in New Residential Development in PPS 7 in that the development does not respect the surrounding context in terms of massing and appearance of the building. The proposal will have an unacceptable impact on the setting of the adjacent listed building at Killymeal House.

### **Reason 3**

Contrary to Policy OS 1 Protection of Open Space in PPS 8 as Historic Environment Listed Buildings Division have raised concerns about the impact on adjacent Killymeal House I consider the proposal cannot be considered an exception to OS1.

### **Reason 4**

Contrary to BH 11 Development affecting the setting of a Listed Building in PPS 6 in that the development if permitted would have an unacceptable impact on the setting of the adjacent listed building at Killymeal House in terms of scale, massing and location of the proposed dwelling.

**Signature(s):** Gillian Beattie

**Date:** 17 October 2023



<b>ANNEX</b>	
<b>Date Valid</b>	5 July 2022
<b>Date First Advertised</b>	21 July 2022
<b>Date Last Advertised</b>	21 July 2022
<b>Details of Neighbour Notification (all addresses)</b> The Owner / Occupier Killymeal House 23 Killymeal Road Dungannon Tyrone BT71 6LJ The Owner / Occupier 23A Killymeal Road Dungannon Tyrone BT71 6LJ	
<b>Date of Last Neighbour Notification</b>	14 September 2022
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: LA09/2018/0347/LBC Proposals: Proposed conversion of existing two storey outbuilding within setting of Listed Building Killymeal House (Historic Buildings Ref HB 13/20/033) with two no. two storey semi detached dwellings. Decision: CG Decision Date: 27-JUL-20</p> <p>Ref: M/1974/0031 Proposals: TYPE K2.2 TELEPHONE EXCHANGE Decision: PG Decision Date:</p> <p>Ref: LA09/2019/0502/DC Proposals: Discharge of Condition No 12 of Planning Approval LA09/2018/1231/F Decision: AL Decision Date: 12-JUN-19</p> <p>Ref: LA09/2017/1238/F Proposals: 21 Dwellings 2 Storey in height with associated car parking and landscaping Decision: PG Decision Date: 26-FEB-19</p>	

Ref: M/2002/0313/O

Proposals: Masterplan of New Road, Playing fields and development of replacement new building St Patricks Academy (boys & Girls) and St Patricks College

Decision: PG

Decision Date: 14-MAY-03

Ref: LA09/2022/1044/DC

Proposals: discharge of conditions 20,21 and 22 relating to LA09/2020/0537/F

Decision:

Decision Date:

Ref: LA09/2022/1118/F

Proposals: Erection of single storey dwelling

Decision:

Decision Date:

Ref: LA09/2018/0251/DC

Proposals: Discharge of Planning Conditions 8-14 of Planning Approval LA09/2015/0241/F

Decision: AL

Decision Date: 03-JUL-18

Ref: LA09/2018/0385/F

Proposals: Proposed repairs and reinstatement works to listed building, for conversion into office accommodation.

Decision: PG

Decision Date: 18-SEP-18

Ref: LA09/2018/1234/O

Proposals: Outline application for proposed extension of existing residential development (Sycamore Drive, Killymeal Road, Dungannon) to provide for 2 storey dwellings.

Decision: PG

Decision Date: 11-APR-19

Ref: LA09/2020/1062/DC

Proposals: Discharge of Conditions 6, 7 & 8 of LA09/2018/1231/F.

Decision: AL

Decision Date: 26-APR-21

Ref: LA09/2018/0375/LBC

Proposals: Proposed repairs and reinstatement works to Listed Building Killymeal House (Historic Buildings Ref HB13/20/033) for conversion into office accommodation.

Decision: CG

Decision Date: 18-SEP-18

Ref: LA09/2016/0627/DC

Proposals: Discharge of condition 4 of planning approval M/2008/0425/F

Decision: AL

Decision Date: 27-MAY-16

Ref: LA09/2017/0349/DC

Proposals: Discharge of Planning Condition 16 on LA09/2015/0241/F

Decision: AL

Decision Date: 15-MAY-17

Ref: LA09/2017/0551/NMC

Proposals: Changes to approved finishes to proposed dwellings .To include change from natural slate to slate effect concrete roof tiles and change from timber windows to UPVC coloured woodgrain timber effect windows

Decision: CR

Decision Date: 05-MAY-17

Ref: LA09/2018/1462/F

Proposals: Alterations ,extension, repair and reinstatement to existing residential outbuildings associated with listed building, Killymeal House,HB Ref HB13/20/023 to form 11 No. 1 bedroom residential units

Decision: PG

Decision Date: 08-DEC-20

Ref: LA09/2015/0241/F

Proposals: 20no dwellings, 2 storey in height, with associated carparking and landscaping (amended scheme).

Decision: PG

Decision Date: 20-JAN-17

Ref: M/2005/0579

Proposals: Development Potential of Killymeal House

Decision: EOLI

Decision Date: 13-JUN-05

Ref: LA09/2017/0649/F

Proposals: Vary Condition No 15 of Planning Approval LA09/2015/0241/F

Decision: PG

Decision Date: 02-OCT-17

Ref: M/2008/0425/F

Proposals: Construction of housing development consisting of 41 no. units in total (33 no apartments & 8 no. townhouses) & parking and landscaping

Decision: PG

Decision Date: 11-NOV-10

Ref: LA09/2018/1463/LBC

Proposals: Alterations, extension, repair and reinstatement to existing residential outbuildings associated with listed building, Killymeal House, HB Ref HB13/20/023 to form 11 No. 1 bedroom residential units

Decision: CG

Decision Date: 08-DEC-20

Ref: M/2014/0073/PREAPP

Proposals: Development of Killymeal House

Decision:

Decision Date:

Ref: LA09/2020/1118/TPO

Proposals: Proposal for consent to fell a tree protected by a TPO (T65 scrub sycamore)

Decision: WTPOG

Decision Date: 01-OCT-20

Ref: LA09/2019/0625/TPO

Proposals: Proposal for consent to carry out works to a Protected Tree

Decision: WTPOG

Decision Date: 23-MAY-19

Ref: LA09/2017/0664/TPO

Proposals: Proposal for consent to carryout works to a protected tree

Decision: WTPOG

Decision Date: 29-JUN-17

Ref: M/2007/1303/Q

Proposals: Housing Developments

Decision: ESA

Decision Date: 10-MAR-08

Ref: LA09/2018/1231/F

Proposals: Proposed development comprising of 8 semi detached dwellings 2No. 4 block dwellings. 1 detached dwelling ,a residential apartment block with 2 units and a second apartment block with 4 units (total 23 residential properties) with associated car parking and landscaping

Decision: PG

Decision Date: 29-MAR-19

Ref: LA09/2020/0183/DC

Proposals: Discharge of Condition No 9 of Planning Approval LA09/2017/1238/F.

Decision: AL

Decision Date: 29-APR-20

Ref: LA09/2019/0433/DC

Proposals: Discharge of Condition 11 of Planning Permission LA09/2017/1238/F.

Decision: AL  
Decision Date: 21-AUG-19

Ref: LA09/2020/0537/F  
Proposals: Housing development comprising of 14 no. semi detached dwellings, 7 no. block of 3 dwellings, 1 no. block of 4 dwellings, and 1 detached bungalow (40 no. units total) with associated carparking and landscaping  
Decision: PG  
Decision Date: 09-SEP-21

Ref: LA09/2017/1239/F  
Proposals: Erection of 3 dwellings and conversion of existing building to 2 dwellings.  
Decision: PG  
Decision Date: 27-JUL-20

Ref: M/1989/0091  
Proposals: 25 metre high aerial with 1.2M dish  
Decision: PG  
Decision Date:

### **Summary of Consultee Responses**

DFI Roads - Enniskillen Office-Roads Consultation full approval.docx  
Historic Environment Division (HED)-  
Geological Survey NI (DfE)-3148 MUDC Planning. Site 120 Killymeal Road Killymeal House Dungannon.doc  
NI Water - Single Units West-LA09-2022-1118-F.pdf  
MUDC Environment and Conservation Team-LA09.2022.1118.F RECON 05.04.2023.pdf  
Historic Environment Division (HED)-  
DFI Roads - Enniskillen Office-Roads Consultation further info.docx  
MUDC Environment and Conservation Team-LA09.2022.1118.F RECON.pdf  
NI Water - Single Units West-LA09-2022-1118-F.pdf  
Historic Environment Division (HED)-

### **Drawing Numbers and Title**

Site Location Plan Plan Ref: 01 REV 1  
Site Layout or Block Plan Plan Ref: 02 REV 1  
Cross Sections Plan Ref: 04 REV 1  
Site Layout or Block Plan Plan Ref: 05  
Site Location Plan Plan Ref: 01  
Site Layout or Block Plan Plan Ref: 01-03  
Proposed Plans Plan Ref: 02-01  
Levels and Cross Sections Plan Ref: PH 6-3-05-01

**Notification to Department (if relevant)**

Not Applicable

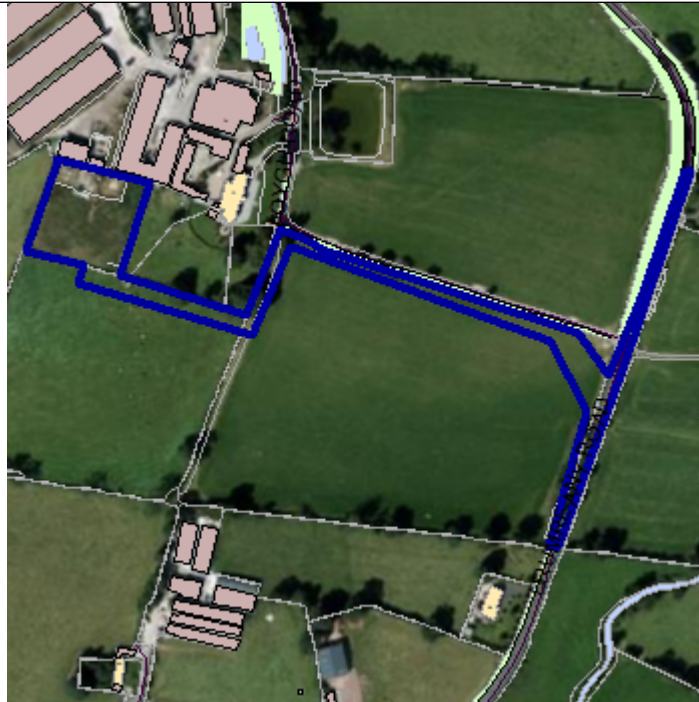


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 November 2023	<b>Item Number:</b> 5.5
<b>Application ID:</b> LA09/2022/1336/O	<b>Target Date:</b> 16 December 2022
<b>Proposal:</b> Replacement Dwelling and Garage	<b>Location:</b> Land Approx 100M West Of 12 Foygh Road Dungannon (Access Off Drumreany Road)
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mr Roger McLean 21 Tullyaran Road Dungannon BT70 3HH	<b>Agent Name and Address:</b> Henry Marshall Brown Architecture Partnership 10 Union Street Cookstown BT80 8NN
<b>Executive Summary:</b>  Application is being presented to Council as one no. objection has been received citing concerns with possible objections about the level of emissions from the objector's poultry unit which is in close proximity to the site. Committee are also asked to consider that the application dwelling qualifies for replacement and meets policy tests, however; concerns have been raised by Environmental Health and NIEA Industrial Pollution & Radiochemical Inspectorate regarding the close proximity to the poultry units. An alternative site was offered to alleviate these concerns but the applicant declined the offer and wishes this site to be determined.	

## 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.FORM RS1 STANDARD.docRoads outline.docx
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09.2022.1336.0 Foygh Rd 2023.doc
Statutory Consultee	NIEA	PRT LA09-2022-1336-O.PDF
Non Statutory Consultee	Environmental Health Mid Ulster Council	
Non Statutory Consultee	Environmental Health Mid Ulster Council	
Statutory Consultee	NIEA	PRT LA09-2022-1336-O.PDF
Non Statutory Consultee	Environmental Health Mid Ulster Council	

### Representations:

Letters of Support	0
Letters Non Committal	0



Letters of Objection	1
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

**Summary of Issues**

One no. objection has been received citing concerns with possible objections about the level of emissions from the objector's poultry unit which is in close proximity to the site. The application dwelling qualifies for replacement and meets policy tests, however; concerns have been raised by Environmental Health and NIEA Industrial Pollution & Radiochemical Inspectorate regarding the close proximity to the poultry units. An alternative site was offered to alleviate these concerns but the applicant declined the offer and wishes this site to be determined.

**Characteristics of the Site and Area**



The site is a 0.97ha parcel of ground located West Of 12 Foygh road, with access onto the Drumreany road and lies approximately 600m north-east of Castlecaulfield. 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 comprises a 1 ½ storey derelict dwelling with a projection to the rear as well as a walled area to the south of the dwelling and the access to the public road. This access runs parallel with an existing access laneway. The site is located within an extensive poultry and pig unit to the north. The site is square in shape and is walled on all boundaries, with the smaller

walled area contained within the larger site.

There is significant development to the north of the as the dwelling lies at the southern most edge of an existing extensive poultry and pig unit with numerous agricultural sheds to the north as well as a 2 storey dwelling.

### **Description of Proposal**

Proposed replacement Dwelling and Garage

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

#### **Policy Consideration**

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so 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 relevant histories to consider on the site outlined in red.

#### **Representations**

Two (2) no. neighbour properties were identified to be notified and Press advertisement has been carried out in line with the Council's statutory duty. To date one objection has been received citing concerns over the fact the site is located within 15m of existing chicken houses that are within the objectors' sole control and the occupiers of a dwelling here would have the potential to object to a level of emissions and their established farm business could be affected with dire consequences. They raised concerns with the initial DAERA consultation response as it indicated that the site was financially linked to the overall farm which was inaccurate. I have reconsulted DAERA and advised that the dwelling to be replaced is not financially linked to the poultry units and they have subsequently amended their response.

#### **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 28<sup>th</sup> May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

### **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 Drumreany road, which runs parallel with an existing concrete lane. DFI Roads have been consulted and have no concerns provided the access is paired with the existing access and shows visibility splays of 2.4m x 120m and a forward sight distance of 120m at RM stage.

### **CTY1 of PPS 21 – Development in the Countryside**

PPS21 is the overarching document for assessing development proposals in the countryside. Policy CTY1 of PPS21 lists development proposals that are considered to be acceptable forms of development in the countryside, including replacement dwellings, subject to policy criteria within CTY3 – Replacement Dwellings being met.

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

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

### CTY 3 – Replacement Dwellings

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.

The building on site is constructed in stone and some block masonry infilling. The roof is pitched, has a slate roof and chimney and is wholly intact. The building is sited gable end to the agricultural complex to the north and has a door at ground floor level, with a window at first floor level on the northern elevation. The front elevation (facing east) has a door and a window at ground floor level, with a downpipe running at an angle from the roof downwards across the entire elevation. The southern elevation has a window at ground floor level. Outside lights are evident on the eastern and northern elevations as well as lighting inside the building itself. An extension has been added to the rear of the dwelling with block walls and zinc roofing. Although the building to be replaced would appear to be utilised for agricultural purposes at this time, I consider it exhibits the essential characteristics of a dwelling house and qualifies for replacement. It is obvious the dwelling dates back a considerable period of time and exhibits some of the primary characteristics of a vernacular building. It is built without the benefit of any formal plan, drawing or written specification and the depth of the house is limited by roof construction to about 6 metres. The walls are of mass load-bearing materials, and the chimney is expressed along the ridge line. An extension is to the rear and the front of the dwelling has no projections. However, although vernacular, the dwelling does not make an overtly important contribution to the heritage, appearance or character of the locality given its distance from the public road and the lack of critical views of it. Additionally, the dwelling has been subsumed by the farm complex to the north and this limits its contribution to the character and appearance of the locality. For this reason, planning permission will be granted for a new dwelling.



Policy CTY3 then goes on to set out other criteria for consideration in all replacement cases. It states that the proposed dwelling should be sited within the established curtilage of the existing building unless either (a) the curtilage is so restricted that it could

not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.



**Fig 1. Dwelling shown in yellow with no private amenity space**

The proposed dwelling will have to be sited outside the curtilage of the existing, extending into the walled area to the south as the curtilage of the existing building is extremely restrictive given the fact it is surrounded by agricultural buildings. This move will have demonstrable amenity benefits as the new dwelling will be further away from the agricultural buildings.

Given the very restrictive nature of the site the applicant was offered the option of an off-site replacement as the dwelling to be replaced is essentially located within an active poultry unit. Crucially, the applicant does not own the buildings which are located the closest to the dwelling to be replaced and an objection to the proposal was received by the owner of these buildings. The agent was asked to look at alternative sites to try and address these issues. An alternative site was identified at the roadside, as the applicant would not be happy with a dwelling further back on their lands as there would be considerable expense providing an access. Discussion took place around the suggested alternative and the agent was advised that there are merits in the site, provided the roadside boundary is retained as this is critical. Any flooding issues will also have to be addressed. A new application would be required however we will hold this application until other is decided. The applicant has subsequently decided that they did not want to peruse the alternative site on the lower (potentially flood plain) part of the field and wants the site on the higher ground – away from any potential flood issues.

**CTY13 – Integration and Design of Buildings in the Countryside and CTY14 – Rural**

## **Character**

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. As this is an outline application in which the exact design and siting details have not been submitted I am content that an appropriately designed dwelling would not appear as a prominent feature in the landscape. A comprehensive landscaping plan should be submitted as part of the reserved matters application detailing what planting is to be proposed to aid integration of the dwelling on site as there is no vegetation cover on the site boundaries outlined in red.

In terms of policy CTY 14, planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As stated, an appropriately designed dwelling would not appear as visually prominent. I am of the opinion that the proposed dwelling would not result in a suburban style build-up of development when viewed with existing and approved buildings. From all of this I am satisfied that the application is able to comply with CTY 14 of PPS21.

## **Other Material Considerations**

### **Consultation with Environmental Health Department**

EHD were consulted given the site's proximity to poultry and pig units, and they have stated that the applicant should be aware that the proposed is located in close proximity to existing free range poultry sheds. The Environmental Health section recommend that a separation distance of at least 75 metres is maintained between the poultry houses and third-party residential land use to protect residential amenity from potential impact of odour, noise and pests.

### **Consultation with NIEA Industrial Pollution & Radiochemical Inspectorate**

The Inspectorate regulates an intensive poultry installation, located approximately 40 metres to the north of the site of the proposed development. In the opinion of the Inspectorate this is not a suitable location for a dwelling. Even if the operators of the above installation comply with the conditions of their PPC(IE) permit and employ "Best Available Technique" (BAT) the occupants of the proposed dwelling are likely to experience an impact from emissions (e.g., odour, ammonia, dust) from the poultry farm. The occupants of the proposed dwelling are likely to suffer loss of amenity, due to the relatively close proximity to the farm. In the opinion of the Inspectorate this is not a suitable location for a dwelling.

Both Environmental Health and NIEA have concerns with the dwelling siting in close proximity to the existing poultry installation. However, alternative siting to alleviate these concerns have been offered to the applicant who has decided not to take this offer. The applicant and his professional advisors are fully aware of the potential effect to residential amenity and have made the decision to keep the siting as initially submitted.

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

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

Although the occupants of a dwelling here may experience a loss of residential amenity as identified by EHD and NIEA, the dwelling on site is eligible for replacement and meets the policy requirements of CTY 3 of PPS21 and as this is the case, I must recommend approval.

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

Approve is recommended

#### **Approval Conditions**

##### **Condition 1**

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

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

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

##### **Condition 2**

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

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

##### **Condition 3**

Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4m x 120.0m and a forward sight distance of 120.0m shall

be provided in accordance with a 1/500 scale site plan as submitted and approved at Reserved Matters stage. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter. This plan shall show the access to be constructed and other requirements in accordance with the RS1 form uploaded to the planning portal.

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

#### Condition 4

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

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

#### Condition 5

The construction of the dwelling hereby permitted, including the clearing of topsoil, shall not commence until the existing building, coloured green on the approved plan 01 date received 02 Sept 2022 is demolished, all rubble and foundations have been removed and the site restored in accordance with the details on the approved plans.

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

#### Condition 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 a native species hedge to be planted to the rear of the visibility splays and planting along all new boundaries of the site. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

**Signature(s):** Deirdre Laverty

**Date:** 23 October 2023



<b>ANNEX</b>	
<b>Date Valid</b>	2 September 2022
<b>Date First Advertised</b>	15 September 2022
<b>Date Last Advertised</b>	15 September 2022
<b>Details of Neighbour Notification (all addresses)</b> The Owner / Occupier 12 Foygh Road DUNGANNON BT70 3PH The Owner / Occupier 81 Drumeany Road Dungannon	
<b>Date of Last Neighbour Notification</b>	10 January 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: M/1980/0270 Proposals: REBUILDING OF BUNGALOW AFTER DESTRUCTION BY FIRE Decision: PG Decision Date:</p> <p>Ref: M/1974/0144 Proposals: RECONDITIONING OF AND EXTENSIONS TO COTTAGE Decision: PG Decision Date:</p> <p>Ref: LA09/2022/1336/O Proposals: Replacement Dwelling and Garage Decision: Decision Date:</p> <p>Ref: M/1988/0094 Proposals: BUNGALOW (RETIREMENT DWELLING) Decision: PG Decision Date:</p> <p>Ref: M/1987/0525 Proposals: RETIREMENT DWELLING</p>	

Decision: PG  
Decision Date:

**Summary of Consultee Responses**

DFI Roads - Enniskillen Office-No objection, subject to conditions.FORM RS1  
STANDARD.docRoads outline.docx  
Environmental Health Mid Ulster Council-LA09.2022.1336.0 Foygh Rd 2023.doc  
NIEA-PRT LA09-2022-1336-O.PDF  
Environmental Health Mid Ulster Council-  
Environmental Health Mid Ulster Council-  
NIEA-PRT LA09-2022-1336-O.PDF  
Environmental Health Mid Ulster Council-

**Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

**Notification to Department (if relevant)**

Not Applicable

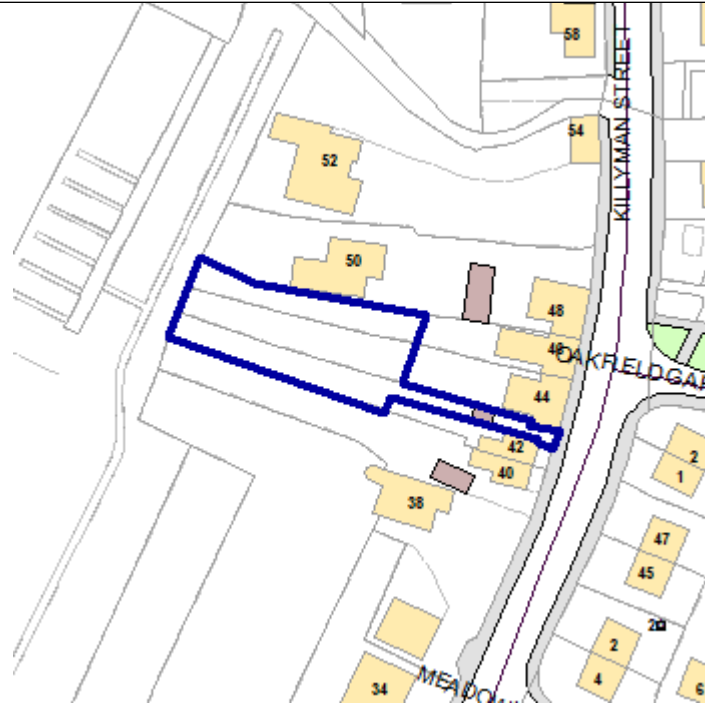


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 November 2023	<b>Item Number:</b> 5.6
<b>Application ID:</b> LA09/2022/1370/O	<b>Target Date:</b> 23 December 2022
<b>Proposal:</b> Dwelling	<b>Location:</b> Lands To The Rear Of 42,44 And 46 Killyman Street Moy Adjacent To And Immediately South Of 50 Killyman Street
<b>Referral Route:</b> Approve <b>is recommended</b>	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mr Dermot MacNeice 12 The Square Moy Bt71 7SG	<b>Agent Name and Address:</b> McKeown And Shields Ltd 1 Annagher Road Coalisland Dungannon BT71 4NE
<b>Executive Summary:</b>  Proposal is for a dwelling to the rear gardens of 3 existing dwellings on Killyman Street Moy.  4No. objections received and the main issues were loss of light, privacy, overlooking and loss of character to the area. The applicant has submitted an indicative layout showing the position of the dwelling on site; and a section and elevation through the site. The proposed dwelling is shown to be single storey and will be sited further to the rear boundary to reduce the potential for loss of light to neighbouring windows.	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	Historic Environment Division (HED)	
Non Statutory Consultee	Geological Survey NI (DfE)	3232 MUDC Planning. Killyman Street, Moy Adjacent To And Immediately South Of 50 Killyman Street.doc
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation response.docx
Non Statutory Consultee	NI Water - Single Units West	LA09-2022-1370-O.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation - Full approval.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Amendments requested.Roads Consultation recon - response.docx
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	Historic Environment Division (HED)	

Statutory Consultee	Historic Environment Division (HED)	
<b>Representations:</b>		
Letters of Support		0
Letters Non Committal		0
Letters of Objection		4
Number of Support Petitions and signatures		
Number of Petitions of Objection and signatures		
<b>Summary of Issues</b>		
<b>Characteristics of the Site and Area</b>		
<p>The site is within the settlement limits of Moy as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is residential in character and is predominantly a mix of single dwellings on larger plots, terraced and semi-detached dwellings. The site is accessed via a laneway between 42 and 44 Killyman Street. The application site comprises of land to the rear gardens of No.42, 44 and 46 Killyman Street. The land rises up from the back patio areas of these dwellings via steps where the land levels off at the site. There is established hedging along the rear and southern boundaries of the site.</p>		
<b>Description of Proposal</b>		
<p>This is an outline application for a dwelling at Lands To The Rear Of 42,44 And 46 Killyman Street, Moy, Adjacent To And Immediately South Of 50 Killyman Street.</p>		
<b>Planning Assessment of Policy and Other Material Considerations</b>		
<b><u>Policy Consideration</u></b>		
<p>Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.</p>		
<b>Representations</b>		
<p>Press advertisement and neighbour notification have been carried out in line with the</p>		

Council's statutory duty. At the time of writing, 4no. third party objections were received.

An objection letter was received on the 24<sup>th</sup> November 2022 from the owner/occupier of No.40 Killyman Street. No name was supplied with the objection letter. No.40 abuts the southern boundary of the application site. The following issues have been raised in the objection letter.

1. The proposed application does not show the location of any proposed dwelling.
2. The application does not indicate the proposed eaves height of any proposed dwelling.
3. The application does not show the orientation of any proposed dwelling.
4. If approved, the new proposed dwelling will result in loss of our private amenity space due to close proximity to our property. No topological survey has been provided.
5. A concept plan needs to be provided to demonstrate how levels and issues such as daylight and privacy are being dealt with.
6. The proposed access is unfit for purpose of servicing additional vehicles due to visibility splays.
7. There is a mature hedge along our boundary which is approximately 1m thick and home to a vast array of wildlife and provides screening.
8. This proposal seeks to use the gardens of No.42,44 and 46 which means these gardens will no longer enjoy private amenity space.

An objection letter was received on 23<sup>rd</sup> November 2022 from Noel and May Cuddy who lives at No.50 Killyman Street. No.50 abuts the northern boundary of the application site. The following issues have been raised in the objection letter.

The occupiers of No.50 do state at the start of the letter they have no particular objection to the application as such but have concerns. They are concerned about the close proximity of their kitchen and utility room windows bordering on the garden of No.46.

Also, the objectors state the proposed dwelling would closely impact on their privacy and overshadow their dwelling they have lived in for 35 years.

May and Noel Cuddy submitted an objection by email on the 21<sup>st</sup> November 2022 raising similar issues but also raising the issue about water and they have concerns about the impact of the proposal on existing properties.

An email was sent on the 30<sup>th</sup> November 2022 by Ladine Watt who lives at No.1 Oakfield Gardens which is directly across the road from the dwellings at No.42,44 and 46. The main issues raised are:

1. Unacceptable siting resulting in unsympathetic addition that is at odds with the existing built environment.
2. The houses and residents have been there for many years and the land and housing is well matured.
3. The proposal does not preserve the character and appearance of the area.

4. The site is unsightly and impacts on views of the residents and invades privacy.
5. The construction and demolition of the dwelling would cause issues with parking and traffic congestion.

The following issues will be considered in the assessment of planning policy.

### **Planning History**

No planning history at the application site.

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

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

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

The site is within the settlement limit of Dungannon as defined in the Dungannon and South Tyrone Area Plan 2010 so SETT 1 is the relevant policy which applies. The site is not within any other zonings or designations within the Plan.

The proposal is for a dwelling in a site which comprises of the rear garden area of dwellings at No. 42, 44 and 46 Killyman Street. I am content to accept the principle of a dwelling in this location as there is already a dwelling in the rear garden of No.48 to the north, so the principle has already been established in the area. In discussions with the applicant, it was accepted that a single storey dwelling would be most acceptable in this location. A concept plan has been submitted which shows the dwelling situated at roughly the same building line as No.50 which will protect No.50's amenity from overshadowing and loss of light. I am content the proposal is sensitive to the size, character and function of the settlement limit of Moy. The site is not within Moy conservation area or within the curtilage of a listed building, but it is within the statutory 200m buffer zone of archaeological site and monument TYR062:013 – artillery fort. In their consultation response Historic Environment Division had concerns the proposal had the potential to find archaeological artefacts in the construction but this has been remedied by the conditioning of archaeological mitigation. I am content the dwelling can be accessed via an access which will not negatively impact on road safety and there is sufficient space for the parking and turning of at least two cars. There are no issues with sewage as the applicant has proposed to use a package treatment plant. Overall, I am content the proposal complies with all the criteria in SETT 1.

**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.

## **Planning Policy Statement 7 – Quality Residential Environments**

### **Policy QD 1 – Quality in New Residential Development**

The site is a portion of land which encompasses about 2/3 of the rear garden spaces of No.42, 44 and 46 Killyman Street Moy. The land rises from the rear patio area at these properties to the location of the proposed dwelling where it levels off and the site itself has a relatively flat topography. As this is an outline application no design for the dwelling has been submitted but the applicant has shown a proposed sitting for the dwelling. In terms of the principle of a dwelling in this location, a dwelling in a rear garden has been approved at No. 50 which abuts the northern boundary of the site, so I have no concerns with the principle of a dwelling in this location. The dwellings along the roadside are a mix of modest single storey and two-storey semi-detached dwellings. The dwelling to the rear at No.50 is a one and half storey dwelling so I consider a single storey dwelling would be acceptable at this location and not be out of character for the area.

The site is within the statutory 200m buffer zone of archaeological sites and monuments TYR062:013 and TYR062:15. The site is also in close proximity to HB13 08 001 St James Church, The Diamond Moy Dungannon County Tyrone (Grade A), and HB13 08 024 The Rectory 37 The Square Moy Dungannon County Tyrone (Grade A). In terms of the archaeological sites and monument HED have requested an archaeological elevation including a metal detection survey as the site is close to a 17<sup>th</sup> century artillery fort and the village of Moy itself is a historically significant village. It has been agreed with HED an archaeological evaluation can be submitted at the Reserved Matters Stage.

In terms of the listed buildings, HED are content with the proposal submitted subject to conditions. HED request the dwelling has a low ridge height and the finished floor level shall not exceed that of the adjacent property at No.50. The dwelling should be aligned with No.50 and any native hedging and along the shared boundary with the church should be retained. As this is an outline application these could be conditioned as part of any approval.

In terms of public open space, this is not a requirement due to the size of the proposal. In terms of private open space, the applicant has shown a rear garden of approximately 20m depth from the rear wall of the proposed dwelling to the rear boundary of the site. I consider this is acceptable as it is at least 10m as stated in ‘Creating Places’ design guidance. The site is using a portion of the existing garden space of the dwellings at No.42,44 and 46 but the rear gardens of No.44 and No.46 will still have a depth of 21m which I consider is acceptable. No.42 will still have a garden space of 40sqm which is within the parameters stated in the Creating Places guidance.

The application site is on the edge but within the village of Moy and there is a footpath from the entrance to the main shops and services within Moy. I am content there is adequate access to walk and cycle from the site.



As this is an outline application the parking and turning not been shown. This material consideration will be considered at a Reserved Matters Stage, but sufficient space would need to be provided for the parking and turning of at least 2 cars within the curtilage of the site.

Again, the design of the dwelling would be considered at the Reserved Matters Stage, but I think it is appropriate to condition a low ridge height on the dwelling. This would be in accordance with the recommendations of HED and also to protect the amenity of neighbouring dwellings.

#### Impact on No. 50 to the north

The owner/occupier of No.50 has submitted an objection to the proposal on the grounds of neighbouring amenity and an assessment of this is considered below.

In terms of neighbour amenity, the siting of windows will be considered at the Reserved Matters Stage with the design of the dwelling. In terms of overlooking in No.50's property, as shown in figures 1 and 2 below there is a kitchen and utility room window on the side wall of No.50 facing directly onto the site. There is currently no fence in place between the boundary of No.50 and the site but under permitted development rights the owner/occupier of the application site can put up a 2m fence, but I consider new fencing or hedging along the boundary can be conditioned to protect No.50's amenity. No. 50 is at a lower ground level than the application site by approximately 1m. The applicant has shown on the block plan new hedging planted along the boundary. The gable wall of No. 50 is about 1.5m from the boundary with the site.

In terms of overshadowing and loss of light, I believe the proposal has the potential to block light to the side windows of No.50. The width of the site is 18.7m and the width of No. 50 site is 16.7m. I consider a modest sized dwelling feasible on the application site. In a block plan the applicant has shown the siting of the proposed dwelling at the same building line as No. 50. I consider this will mitigate against any potential overshadowing and the afternoon path of the sun will not overshadow No. 50's rear amenity space. But in terms of the kitchen and utility room on the gable wall of No.50 I consider there will be some overshadowing to these windows as the south facing sun will hit these windows in the afternoon. In the concept plan the applicant has shown the proposed dwelling pushed further west to reduce the impact of overshadowing to these windows on No.50.



Figure 1 – View of the site facing onto No. 50's dwelling



Figure 2 – View of No. 50 and the boundary of the site

Impact on No.44 and No.46

In terms of overlooking, the application site is at a higher ground level than the rear

gardens of No.44 and No.46. There is a separation distance of 23m from the proposed siting of the dwelling to the rear walls of No.44 and No.46 which I consider is a sufficient separation not to create unacceptable overshadowing and loss of light to these properties. The applicant has also proposed new hedging along the boundary which will assist in protecting their amenity.



Figure 3 – View from the site facing towards the rear amenity space of No.44 and No.46

#### Impact on No.40

The garden area of No.40 abuts the southern boundary of the application site. The owner/occupier of No. 40 has submitted an objection to the proposal on the grounds of neighbouring amenity and an assessment of this is considered below. There is currently established hedging along the boundary and the applicant has shown on the block plan to retain this boundary treatment.

In terms of looking into the amenity space of No. 40 the positioning of windows will be considered at the Reserved Matters Stage. I consider it is appropriate to condition a low ridge height on the dwelling to mitigate against potential overlooking.

In terms of overshadowing and loss of light, the early morning sun in the north would hit the rear amenity space of No.40 which I consider is acceptable as it is not the main part of the day. Also, I consider there is sufficient separation distance between the siting of the dwelling and the dwelling and immediate rear amenity space of No.40.

#### Impact on No.1 Oakfield Gardens

No.01 is across the road from the front elevation of the site so I am content the proposal will not have an unacceptable impact on the occupants of No.01 by way of overshadowing, loss of light or overlooking. There is sufficient separation distance between No.1 and the site to not have a detrimental impact on their amenity.

## **Addendum to Planning Policy Statement 7 – Safeguarding the Character of Residential Areas**

### **Policy LC 1 – Protecting Local Character, Environmental Quality and Residential Amenity**

LC 1 is relevant in this application as the proposal is for the location of a dwelling in the rear gardens of three existing dwellings. The applicant has submitted a concept plan to demonstrate an indicative layout of the dwelling on the site. In the indicative layout the applicant has shown the footprint of a dwelling which is similar in size to other dwellings, and it is stated the dwelling will be single storey. I consider the plot size and rear amenity space does not the pattern of settlement within the area as No.50 to the north as a similar sized garden area. Annex A in the policy states a single-storey three-bedroom house should have a floorspace of at least 75m<sup>2</sup> and the footprint shown on the concept plan shows 130sqm. Overall, I consider the proposal meets all the criteria in LC1.

### **PPS 6 – Planning, Archaeology and the Built Heritage**

#### **Policy BH2 - The Protection of Archaeological Remains of Local Importance and their Settings, BH3 - Archaeological Assessment and Evaluation and BH 4 - Archaeological Mitigation**

The application site is located close to the site of a 17th century artillery fort (TYR 062: 015) so Historic Environment Division were consulted as the statutory authority on archaeological monuments. In their initial consultation response HED responded stating they had concerns about the proposal and there was the potential to discover archaeological remains during construction. In discussions with HED it was agreed that the programme of archaeological remains could be conditioned to be discharged by the Council at a later stage before construction of the proposed dwelling is started.

#### **Policy BH 11 - Development affecting the Setting of a Listed Building**

To the north and adjacent to the rear boundary of the application site are the following listed buildings - Grade A St James Church Moy and Grade B1 The Rectory Moy, so Historic Environment Division were consulted as the statutory authority. In their initial consultation response HED stated they had concerns about the proposal and its impact on the setting of the listed buildings. Subsequently a photomontage was submitted to show an outline of the proposed dwelling in the context of the listed buildings. This was submitted and, on the 6th September 2023, stated in their response they were now content with the proposal subject to conditions about ridge height, form and materials used. As this is an outline application the design of the dwelling will be considered at the reserved matters stage. Overall, I am content that the proposed dwelling will not have an unacceptable impact on the adjacent listed buildings.

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

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

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

The proposed dwelling will be accessed via an existing laneway which is in the middle of

a row of dwellings. DFI roads are content with the proposal subject to visibility sprays of 2.0m x 33m in both directions.

### **Other Considerations**

I am content there are no other NED, HED or flooding issues at the application site.

Geological Survey confirmed in their consultation response on the 9<sup>th</sup> November 2022 that the application site is not within any abandoned mine workings.

NI Water were consulted as the site is within the settlement limit of Moy and initially recommended the proposal for refusal as there is not sufficient capacity at the Waste Water Treatment Works. Subsequently the applicant has shown a package treatment plan on the block plan. I am content the sewage system has been shown at least 7m from neighbouring boundaries so there is no need to consult Environmental Health.

### **Summary of Recommendation:**

Approve is recommended

### **Approval Conditions**

#### **Condition 1**

Application for the approval of 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 the approval of the last of the reserved matters to be approved.

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

#### **Condition 2**

Approval of the details of the design and external appearance of the buildings, the landscaping of the site (herein thereafter called the "Reserved Matters", shall be obtained from Mid Ulster Council in writing before any development is commenced.

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

#### **Condition 3**

The vehicular access including visibility splays of 2.0m x 33m both directions and any

forward sight distance shall be provided in accordance with drawing No. 02 Rev 1 date received 12 JUNE 2023 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

#### Condition 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. Where the vehicular access crosses footway, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

#### Condition 5

Gates or security barriers at the access shall be located at a distance from the edge of the public road that will allow the largest expected vehicle to stop clear of the public road when the gates or barriers are closed.

Reason: To ensure waiting vehicles do not encroach onto the carriageway.

#### Condition 6

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

Reason: To ensure the dwelling integrates into the landform.

#### Condition 7

The dwelling shall have a traditional hipped or pitched roof form.

Reason: To ensure the detailed design respects the listed buildings in terms of massing.

#### Condition 8

The ridge height of the dwelling shall be 38.750, as shown on drawing no. 03 date received 30 AUG 2023.

Reason: To ensure the detailed design respects the listed buildings in terms height and scale.

#### Condition 9

The dwelling shall have a slate finish with a slim leading-edge profile.

Reason: To ensure the works proposed make use of sympathetic building materials and techniques which respect those found on the building.

#### Condition10

A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development, hereby approved at the Reserved Matters Stage. No trees of hedgerows which may be damaged or die within a period of 5 years from the date of the planting shall be replaced by plants of similar species and size at the time of their removal.

Reason: In the interests of visual amenity.

#### Condition11

The mature trees and hedging to the shared boundary with the church shall be retained in perpetuity, as indicated on drawing 02 Rev 1 date received 12 JUNE 2023 shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: To ensure the proposed development respects the character of the setting of the building.

#### Condition12

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

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

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

#### Condition13

No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 12.

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

#### Condition14

A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition. These measures shall be implemented and a final archaeological report shall be submitted to Mid Ulster District Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Mid Ulster District

Council.

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

**Signature(s):** Gillian Beattie

**Date:** 12 October 2023



<b>ANNEX</b>	
<b>Date Valid</b>	9 September 2022
<b>Date First Advertised</b>	22 September 2022
<b>Date Last Advertised</b>	22 September 2022
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner / Occupier 46 Killyman Street Moy Tyrone BT71 7SJ The Owner / Occupier 44 Killyman Street Moy Tyrone BT71 7SJ The Owner / Occupier 40 Killyman Street Moy Tyrone BT71 7SJ The Owner / Occupier 50 Killyman Street Moy Tyrone BT71 7SJ The Owner / Occupier 1 Oakfield Gardens Moy BT71 7NT The Owner / Occupier 42 Killyman Street Moy Tyrone BT71 7SJ</p>	
<b>Date of Last Neighbour Notification</b>	15 June 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: LA09/2017/0503/F Proposals: Erection of two storey side extension to dwelling to allow car port on ground floor and two additional bedrooms above Decision: PG Decision Date: 09-JUN-17</p> <p>Ref: M/1975/0325 Proposals: EXTENSION TO DWELLING Decision: PG Decision Date:</p> <p>Ref: M/2008/0046/F Proposals: Renovation to existing dwelling.</p>	

Decision: PG  
Decision Date: 17-APR-08

Ref: M/1985/0439  
Proposals: DETACHED DWELLING  
Decision: PG  
Decision Date:

Ref: LA09/2022/1370/O  
Proposals: Dwelling  
Decision:  
Decision Date:

Ref: LA09/2018/1123/F  
Proposals: Attic conversion and erection of extension to rear of dwelling to provide additional bedrooms.  
Decision: PG  
Decision Date: 25-SEP-18

Ref: M/1989/0492  
Proposals: Relocation of existing shop into garage and provision of first floor stores.  
Decision: PG  
Decision Date:

Ref: M/1989/0152  
Proposals: Provision of Storage Area above Garage  
Decision: PG  
Decision Date:

Ref: M/1980/0611  
Proposals: BATHROOM AND KITCHEN EXTENSION  
Decision: PG  
Decision Date:

Ref: M/2002/0570/F  
Proposals: Extension to rear of Dwelling  
Decision: PG  
Decision Date: 09-JUL-02

Ref: M/1999/0008  
Proposals: Demolition of Derelict Dwelling and Erection of New Dwelling  
Decision: PG  
Decision Date:

Ref: M/2002/0741/RM

Proposals: Demolition of existing derelict dwelling and erection of new dwelling

Decision: PG

Decision Date: 27-AUG-02

Ref: M/1998/0507

Proposals: Site for Replacement Dwelling

Decision: WITHDR

Decision Date:

### **Summary of Consultee Responses**

Historic Environment Division (HED)-

Geological Survey NI (DfE)-3232 MUDC Planning. Killyman Street, Moy Adjacent To And Immediately South Of 50 Killyman Street.doc

DFI Roads - Enniskillen Office-Roads Consultation response.docx

NI Water - Single Units West-LA09-2022-1370-O.pdf

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

DFI Roads - Enniskillen Office-Amendments requested.Roads Consultation recon - response.docx

Historic Environment Division (HED)-

Historic Environment Division (HED)-

Historic Environment Division (HED)-

### **Drawing Numbers and Title**

Site Location Plan Plan Ref: JA/101/A0

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

Not Applicable

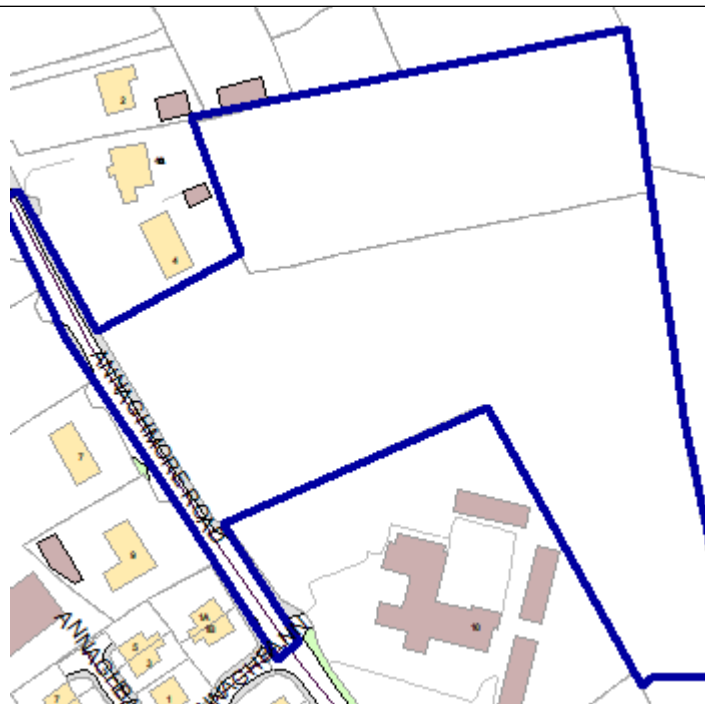


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 November 2023	<b>Item Number:</b> 5.7
<b>Application ID:</b> LA09/2022/1670/F	<b>Target Date:</b> 28 June 2023
<b>Proposal:</b> Residential development comprising of 44no units; 8no detached and 36no of semi-detached dwelling units. with associated landscaping / open space; waste water pumping station; parking; and roads and access onto Annaghmore Road and associated works	<b>Location:</b> Lands immediately North Of St Patrick's Primary School 10 Annaghmore Road Coalisland
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mr DECLAN McCLOSKEY 11 MOUNTJOY ROAD DUNGANNON BT71 5DQ	<b>Agent Name and Address:</b> Mr EAMONN MOORE 10 KNOCKMOYLE COOKSTOWN BT80 8XS
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation.docxDC Checklist.doc
Statutory Consultee	Environmental Health Mid Ulster Council	Planning Response LA09-23-1670.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation 2.docx
Statutory Consultee	Environmental Health Mid Ulster Council	
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation PSD.docx
Statutory Consultee	NIEA	PRT LA09-2022-1670-F.PDF
Statutory Consultee	Rivers Agency	Substantive reply - 10/01/2023933216 - FINAL REPLY.pdf
Statutory Consultee	NI Water - Strategic Applications	Consulted in error. Resend to Multi units West.
Statutory Consultee	NI Water - Multiple Units West	LA09-2022-1670-F.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	
<b>Summary of Issues</b>	
<b>Characteristics of the Site and Area</b>	
<p>The site is located at Lands immediately North Of St Patrick's Primary School , 10 Annaghmore Road ,Coalisland.</p> <p>The site extends to approximately 2.4ha is vacant undeveloped land and is currently in agricultural use. It comprises vacant open ground, including a grassed field and benefits from some mature trees and hedging, but the boundaries defining the south and southwest contiguous with the school and road are sparsely vegetated.</p> <p>The site benefits from a considerable frontage along Annaghmore Road, which provides a direct access into the site. There is currently an agricultural gate into the site. The site topography is generally flat, falling slightly to the east/ southeast</p> <p>The site is surrounded by a mixture of land uses, reflective its central location within this small settlement;</p> <p>To the north – a cluster of detached single dwellings, which comprises mainly recent construction</p> <p>To the north west- a row of detached dwellings that create a strong road frontage along the Annaghmore Road</p> <p>To the to the north and west, beyond the housing- an area of industrial development.</p> <p>To the south and south west- St Patrick’s Primary School, set within school grounds comprising open space, hardstanding, parking areas, the main school building and ancillary mobile classrooms with hardstand circulation areas.</p> <p>To the west- On the opposite side of Annaghmore Road, there is a medium to higher density housing, comprising Annahgbawn, which promotes a development density of over 25dph.</p> <p>To the east- open countryside, with a watercourse beyond.</p> <p>A school to the south, countryside to the east and some industrial developments further west.</p> <p>The surrounding residential character comprises a relatively dense pattern of development reflective of this small settlement, comprising a mix of design styles and finishes. These range between single storey and two storey properties.</p>	
<b>Description of Proposal</b>	

Residential development comprising of 44no units; 8no detached and 36no of semi-detached dwelling units. with associated landscaping / open space; waste water pumping station; parking; and roads and access onto Annaghmore Road and associated works

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

### **Policy Consideration**

**The relevant policy considerations include Dungannon and South Tyrone Area Plan 2010, RDS 2035, SPPS, PPS2, PPS3, PPS4, PPS7, PPS8, PPS12, PPS15, Creating Places.**

#### **PPS7 - Quality Residential Environments**

Proposals need to conform to all 9 identified criteria laid out in QD1 of PPS7.

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

The proposal respects the surrounding context and is appropriate to character of the area in terms of layout, scale, massing and appearance.

Proposal initially was for 49 units and concerns had been raised in relation to density and lack of open space in particular in relation to the Area Plan for this area, which states ' residential development (in Annaghmore) in excess of 15 units will not normally be permitted'

Following lengthy discussions and negotiations the proposal was reduced to 44 units. Although the number proposed is significantly higher than what is stated in the Area Plan 2010, we must take into account that this is outdated somewhat and also the comparable approvals since that have been approved nearby.

The dwellings along the front of the site along Annaghmore Road, remain in the same building line with dropped heights and one dwelling was removed from the original proposal . The site has been divided into Zones to highlight the overall concept of the development and its relationship to existing development.

Zone A consists of 4 units and reads like an extension the existing roadside dwellings along Annaghmore Road.

Zone B is reflective of the adjacent housing development in terms of size, scale and density.

Zone C connects well with the dwellings to the North and integrates with them.

Zone D takes account of the relationship with the school and its ground, respecting its form and layout and common boundary landscaping is adequate.

The scale and density of the proposal is in keeping with the scale and character of the surrounding area of Annaghmore. The proposed scheme has a density of 7.6 units per acre. The agent was able to provide examples which were verified as comparable examples;

Moorlands - 9.73 units per acre

Annaghbann (opposite St Patricks PS)- 11.82 units per acre

Gortmyre - 12.2 units per acre

Annaghmore Meadows - 11.19 per acre

Moor Park - 9.55 per acre.

(b) Features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;

The proposal has taken into account the townscape and landscape characters. The layout would not adversely affect the character of the area.

The dwellings have been orientated to present an attractive outlook and the materials used will match to what is existing in the surrounding area.

There are no archaeological areas of interest that will be affected.

(c) Adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;

The main greenspace provided is mainly along the common boundary with St Patricks PS with various pockets throughout the site. There is a strong existing common boundary with is shown will be augmented. This will aid it's integration on this part of the site and reduce the visual impact for the school and any dwellings located here.

Private open space has been sufficiently provided for in line with Creating Places. Total site area is 23,867m<sup>2</sup> and open space is 3947m<sup>2</sup> so % of Public amenity spaces 16.4%, houses per care ratio 7.6units pa.

(d) Adequate provision has been made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development.

(e) A movement pattern has been 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.

(f) Adequate and appropriate provision is made for parking;

Following amended plans, DFI Roads mention in relation to the internal layout, if there is



a need for the number of communal layby parking shown as they are in proximity to a limited number of dwellings and if they could be removed or reduced to a few parallel spaces to facilitate visitor parking.

The agent replied that while they would ordinarily be content to comply, that part of our design rationale for this came from the pre-application consultation with the adjoining Primary School. They had engaged with these neighbours at length during the PAN process during which they had raised concerns about the removal of the current ad hoc parking that currently occurs along the grass verge across the front of our clients site. In the interests of good neighbourliness, the applicant agreed to offer additional layby parking within the application site and a pedestrian linkage to facilitate overflow parking for the school. Therefore they consider it is best to retain the surplus car parking for this reason. DFI Roads were consulted with this rationale and have no objections subject to conditions provided.

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

There is a mix of semi and detached dwellings with varying heights. Finishes include dashed render and black pvc which are acceptable in this area. The variety of dwellings integrate well with the existing dwellings in the area in terms of design, materials and finishes.

(h) The design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance;

There is a strong common boundary between the adjacent Primary School and the nearest dwellings and overlooking to the playground area is minimal. There are no issues with overlooking or overshadowing with existing dwellings to the north or east of the site.

EH had indicated that foul sewage from this proposal will be disposed of through the public sewer. NI Water have indicated that connection to the public sewerage system in this area is recommended to be curtailed. If an alternative form of waste disposal, such as a sewage package treatment plant, is to be used it is imperative this does not result in adverse environmental conditions at the closest existing/proposed dwellings.

The Environmental Health Department would recommend that the developer demonstrates (e.g. by way of manufacturer's data including type of plant, capacity, etc.) the appropriate separation distance to be applied between sewage treatment plant and the closest residential property to ensure that nuisance conditions will not arise. Where a separation distance is not provided by the manufacturer an odour impact assessment/noise impact assessment should be carried out to assess the distance required. If connection to the public sewerage system is approved, then Environmental Health will have no further comment to make.

A pre-commencement condition can be added to any approval to ensure this issue is dealt with.

DFI Rivers have considered the proposal from a drainage and flood risk aspect and have made no objections to the proposal in line with PPS15.

(i) The development has been designed to deter crime and promote personal safety.

The requirements of QD1 of PPS7 have been satisfactorily complied with.

### **Local Dev Plan 2023 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 and Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

### **Representations**

One objection has been received from a neighbouring property who has children attending St. Patricks PS. They are concerned about additional traffic and congestion to an already busy area and the safety of the children, due to more vehicles from the new dwellings. They also mention loss of parking, inadequate access and inadequate parking provisions. It is mentioned data from DFI shows increases in accidents close to schools over recent years.

Other issues raised were over development, close to adjoining properties and strain on existing community facilities.

In relation to the traffic and parking issues, DFI were consulted and re-consulted, the details of this are outlined in the body of the report. St. Patricks P.S. were an integral part of the pre-community consultation process and have been notified as part the planning process and have provided no objection to the proposal.

The density of the site has been assessed and it is felt its character remains in keeping the existing surrounding development, as detailed under the assessment of PPS7. There is sufficient separation between proposed and existing dwellings and adequate screening shown to provide screening and avoid any loss of privacy.

In terms of facilities, all relevant consultees, including NI Water, were consulted and appropriate conditions will be attached to any approval.

The revised layout and all other relevant information has been fully considered and an approval is being recommended with conditions.

**Summary of Recommendation:**

Approve is recommended

**Approval Conditions**

**Condition 1**

The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.

Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011

**Condition 2**

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

The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. 22-073-DR-101 rev B (with DfI Roads PSD stamp date 06 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.

**Condition 3**

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

No other development hereby permitted shall be commenced] until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing Number 22-073-DR-101 rev B (with DfI Roads PSD stamp date 06 October 2023). The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreements under Article 3 (4C) and Article 32.

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.

#### Condition 4

The visibility splays of 4.5 metres by 70 metres at the junction of the proposed access road with the public road, shall be provided in accordance with Drawing 22-073-DR-101 rev B (with DfI Roads PSD stamp date 06 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.

#### Condition 5

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

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

#### Condition 6

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

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

#### Condition 7

None of the residential units hereby approved shall be occupied until a satisfactory method for sewage disposal has been submitted to and agreed with Mid Ulster District Council in consultation with NI Water.

Reason: In the interests of residential amenity and to ensure there is a satisfactory means of sewage disposal.

#### Condition 8

The existing natural screenings along existing boundaries of this site, shall be retained,

augmented where necessary and let grow to a mature height unless necessary to prevent danger to the public in which case a full explanation shall be given to Mid Ulster District Council in writing, prior to the commencement of any works. Any proposed planting should be carried out in accordance with that shown on the same site plan 02/01 dated 11 October 2023.

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

**Condition 9**

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

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

**Signature(s):** Emma McCullagh

**Date:** 20 October 2023

<b>ANNEX</b>	
<b>Date Valid</b>	30 November 2022
<b>Date First Advertised</b>	15 December 2022
<b>Date Last Advertised</b>	15 December 2022
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner / Occupier  2B Annaghbann Coalisland Tyrone BT71 4RY  The Owner / Occupier  95 Gortgonis Road Coalisland Tyrone BT71 4QQ  The Owner / Occupier  107 Gortgonis Road Coalisland Tyrone BT71 4QQ  The Owner / Occupier  1 Annaghbann Coalisland Tyrone BT71 4RY  The Owner / Occupier  1A Annaghbann Coalisland Tyrone BT71 4RY  The Owner / Occupier  1B Annaghbann Coalisland Tyrone BT71 4RY  The Owner / Occupier  2 Annaghbann Coalisland Tyrone BT71 4RY  The Owner / Occupier  2A Annaghbann Coalisland Tyrone BT71 4RY  The Owner / Occupier  3 Annaghbann Coalisland Tyrone BT71 4RY  The Owner / Occupier  4 Annaghbann Coalisland Tyrone BT71 4RY  The Owner / Occupier  5 Annaghbann Coalisland Tyrone BT71 4RY  The Owner / Occupier  6 Annaghbann Coalisland Tyrone BT71 4RY  The Owner / Occupier  7 Annaghbann Coalisland Tyrone BT71 4RY  The Owner / Occupier  8 Annaghbann Coalisland Tyrone BT71 4RY  The Owner / Occupier  9 Annaghbann Coalisland Tyrone BT71 4RY  The Owner / Occupier  10 Annaghbann Coalisland Tyrone BT71 4RY  The Owner / Occupier  11 Annaghbann Coalisland Tyrone BT71 4RY  The Owner / Occupier  12 Annaghbann Coalisland Tyrone BT71 4RY  The Owner / Occupier</p>	

13 Annaghbann Coalisland Tyrone BT71 4RY  
The Owner / Occupier

117 Washingbay Road Coalisland Tyrone BT71 4QE  
The Owner / Occupier

119 Washingbay Road Coalisland Tyrone BT71 4QE  
The Owner / Occupier

121 Washingbay Road Coalisland Tyrone BT71 4QE  
The Owner / Occupier

121A Washingbay Road Coalisland Tyrone BT71 4QE  
The Owner / Occupier

123 Washingbay Road Coalisland Tyrone BT71 4QE  
The Owner / Occupier

125 Washingbay Road Coalisland Tyrone BT71 4QE  
The Owner / Occupier

1 Annaghmore Road Coalisland Tyrone BT71 4QZ  
The Owner / Occupier

2 Annaghmore Road Coalisland Tyrone BT71 4QZ  
The Owner / Occupier

3 Annaghmore Road Coalisland Tyrone BT71 4QZ  
The Owner / Occupier

3A Annaghmore Road Coalisland Tyrone BT71 4QZ  
The Owner / Occupier

4 Annaghmore Road Coalisland Tyrone BT71 4QZ  
The Owner / Occupier

5 Annaghmore Road Coalisland Tyrone BT71 4QZ  
The Owner / Occupier

5 Annaghmore Road Coalisland Tyrone BT71 4QZ  
The Owner / Occupier

6 Annaghmore Road Coalisland Tyrone BT71 4QZ  
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7 Annaghmore Road Coalisland Tyrone BT71 4QZ  
The Owner / Occupier

8 Annaghmore Road Coalisland Tyrone BT71 4QZ  
The Owner / Occupier

9 Annaghmore Road Coalisland Tyrone BT71 4QZ  
The Owner / Occupier

10 Annaghmore Road Coalisland Tyrone BT71 4QZ  
The Owner / Occupier

10A Annaghmore Road Coalisland Tyrone BT71 4QZ  
The Owner / Occupier

11 Annaghmore Road Coalisland Tyrone BT71 4QZ  
The Owner / Occupier

12 Annaghmore Road Coalisland Tyrone BT71 4QZ  
The Owner / Occupier

13 Annaghmore Road Coalisland Tyrone BT71 4QZ  
The Owner / Occupier

14 Annaghmore Road Coalisland Tyrone BT71 4QZ  
The Owner / Occupier

15 Annaghmore Road Coalisland Tyrone BT71 4QZ The Owner / Occupier 16 Annaghmore Road Coalisland Tyrone BT71 4QZ The Owner / Occupier St Patricks PS 10 Annaghmore Road Coalisland Tyrone BT71 4QZ	
<b>Date of Last Neighbour Notification</b>	11 October 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>	
DFI Roads - Enniskillen Office-Roads Consultation.docxDC Checklist.doc Environmental Health Mid Ulster Council-Planning Response LA09-23-1670.pdf DFI Roads - Enniskillen Office-Roads Consultation 2.docx Environmental Health Mid Ulster Council- DFI Roads - Enniskillen Office-Roads Consultation PSD.docx NIEA-PRT LA09-2022-1670-F.PDF Rivers Agency-Substantive reply - 10/01/2023933216 - FINAL REPLY.pdf NI Water - Strategic Applications-Consulted in error. Resend to Multi units West. NI Water - Multiple Units West-LA09-2022-1670-F.pdf	



**Drawing Numbers and Title**

Site Location Plan Plan Ref: 01  
Site Layout or Block Plan Plan Ref: 02  
Landscape Proposals Plan Ref: 03  
Proposed Elevations Plan Ref: 04  
Proposed Elevations Plan Ref: 05  
Proposed Elevations Plan Ref: 06  
Proposed Elevations Plan Ref: 07  
Proposed Elevations Plan Ref: 08  
Proposed Floor Plans Plan Ref: 09  
Proposed Floor Plans Plan Ref: 10  
Proposed Floor Plans Plan Ref: 11  
Proposed Floor Plans Plan Ref: 12  
Proposed Floor Plans Plan Ref: 13  
Proposed Elevations Plan Ref: 14  
Longitudinal Sections Plan Ref: 15  
Mining Waste Management Plan Plan Ref: 16  
Detailed Drawing Plans Plan Ref: 17  
Detailed Drawing Plans Plan Ref: 18  
Mining Waste Management Plan Plan Ref: 19  
Proposed Plans Plan Ref: 20

**Notification to Department (if relevant)**

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 November 2023	<b>Item Number:</b> 5.8
<b>Application ID:</b> LA09/2023/0163/O	<b>Target Date:</b> 31 May 2023
<b>Proposal:</b> Outline planning permission for proposed replacement dwelling with retention of the existing dwelling for agricultural storage	<b>Location:</b> 50M South of 5 Beaghbeg Road Cookstown
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Benny McAleer 24 Drum Road Cookstown BT80 8JG	<b>Agent Name and Address:</b> MOR Architects Ltd 11 Dunamore Road Cookstown BT80 9NR
<b>Executive Summary:</b> <p>This application is being presented to the planning committee with the recommendation of approval as an exception to policy. The application is for a replacement dwelling in which there is no issue with meeting this policy. However, the mapping system and DfI Rivers identified an undesignated watercourse. The proposed dwelling is to be sited within this area with the applicant stating that this undesignated watercourse is to be culverted which would result in the proposal being contrary to FLD 4 of PPS 15. It should be noted by members that the undesignated watercourse appears to be a field ditch, rather than a stream or a river. Outline permission was granted on site for the same proposal under LA09/2019/1128/O however, the time for submitting the Reserved Matters application has passed.</p>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	Shared Environmental Services	
Statutory Consultee	Shared Environmental Services	LA09-2023-0163-O - AA complete 03.08.23.pdf
Statutory Consultee	Shared Environmental Services	
Statutory Consultee	NIEA	PRT LA09-2023-0163-O.PDF
Statutory Consultee	Shared Environmental Services	
Statutory Consultee	Rivers Agency	426673 - Final Response.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	DC Checklist 1.doc FORM RS1 STANDARD.doc Roads outline.docx

### Representations:

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

Number of Petitions of Objection and signatures	
<b>Summary of Issues</b>	
<p><b>Characteristics of the Site and Area</b></p> <p>The site is located south of 5 Beaghbeg Road, Cookstown in County Tyrone. This is a rural location and the site lies outside any settlement limits as defined within the Cookstown Area Plan 2010. The site forms part of a field with proposed access onto the Keerin Road, which is a minor road. The area surrounding the site exhibits a relatively undulating nature and can be described as a rural area with elements of discernible variation in elevation. This is quite an open area of the countryside however there is little in terms of expansive views spanning across the wider landscape.</p> <p><b>Representations</b></p> <p>No third party representations have been received.</p>	
<p><b>Description of Proposal</b></p> <p>This is an outline planning application for a proposed replacement dwelling with retention of the existing dwelling for agricultural storage.</p> <p><b>Site History</b></p> <p>LA09/2019/1128/O- Outline planning permission for proposed replacement dwelling with the retention of the existing dwelling for agricultural storage. South Of 5 Beaghbeg Road, Cookstown BT80 9PE. Permission Granted.</p>	
<p><b>Planning Assessment of Policy and Other Material Considerations</b></p> <p><b><u>Policy Consideration</u></b></p> <p>Cookstown Area Plan 2015 Strategic Planning Policy Statement (SPPS) PPS 21 - Sustainable Development in the Countryside</p> <p>The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes replacement dwellings. Section 6.77 states that "proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety".</p>	

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. For the purposes of this policy all references to 'dwellings' will include buildings previously used as dwellings. Buildings designed and used for agricultural purposes, such as sheds or stores, and buildings of a temporary construction will not however be eligible for replacement under this policy. Policy states that if the dwelling does not make an important contribution to the heritage, appearance or character of the locality, planning permission will be granted for a new dwelling. In such cases the retention of the existing structure will be accepted where it is sympathetically incorporated into the layout of the overall development scheme, for example ancillary accommodation or a store, to form an integrated building group.

I am content from a site visit that the building to be replaced is a dwelling. Although the dwelling is not being used for residential purposes rather it appears to be being used as a storage building.

The policy further states that replacement dwellings will only be permitted where all the following criteria are met:

*- The proposed replacement dwelling should be sited within the established curtilage of the existing building.*

The proposal is for an off site replacement, with the proposed site located approximately 65m south west of the existing dwelling. Policy allows for an off-site replacement if the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits. As was acceptable when assessing LA09/2019/1128/O I am content the off-site replacement is acceptable.

*- The overall size of the new dwelling should allow it to integrate into the surrounding landscape and would not have a visual impact significantly greater than the existing building.*

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

As this is an outline planning application, no detailed design details have been submitted. Given the rural nature of the existing dwelling and the lack of public views to the site, I am content a ridge height restriction of 6m would ensure the dwelling would not have a significantly greater visual impact than the existing building.

*-All necessary services are available or can be provided without significant adverse impact on the environment or character of the locality;*

I am content that the necessary services can be provided and will not have an adverse impact on the environment or character of the locality.

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

Dfl Roads were consulted as the proposal includes a new access. They responded with no objection.

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design. I note that this is only an outline application therefore, no design details has been submitted however, I am of the opinion that an appropriately designed dwelling with a ridge height of no more than 6m above finished floor level will not appear prominent in the landscape. I am content that a dwelling at this location does not rely solely on new planting for integration, although additional planting would benefit the integration of the dwelling. I am content ancillary works will integrate with their surroundings and an appropriately designed dwelling would blend with the landform and other natural features.

Policy CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I am content that an appropriately designed building will not appear prominent in the landscape.

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

Policy FLD 4 states that the planning authority will only permit the artificial modification of a watercourse, including culverting or canalisation operations, in either of the following exceptional circumstances:

- *Where the culverting of short length of a watercourse is necessary to provide access to a development site or part thereof;*
- *Where it can be demonstrated that a specific length of watercourse needs to be culverted for engineering reasons and that there are no reasonable or practicable alternative courses of action.*

It is noted that part of the undesignated watercourse will be culverted to provide access to the development. However, no further justification has been provided to show compliance with FLD 4. The agent has stated that the undesignated watercourse could be described as an open sheugh and that there are many months of the year that it is dry. While it is acknowledged that at the time of the site visit in February 2023 (image below) there was a small portion of the watercourse closest to the roadside boundary that contained water, and did not appear as a flowing watercourse.



The agent has also provided a site layout showing the existing watercourse being diverted away from the development. In this instance I do not believe the watercourse to be a free-flowing watercourse, rather it appears to be a field ditch and as there are no concerns regarding flooding in the area, I am recommending this application is approved as an exception to FLD 4. It should also be noted that planning approval was granted on the same site for the same development under LA09/2019/1128/O in which the issue of the watercourse was never identified and approval was granted. Although that application has passed the period for a Reserved Matters application it is still considered a live approval as the 5-year timeframe has not passed.

### **Other Material Considerations**

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

### **Summary of Recommendation:**

Approve is recommended

Approval Conditions

#### Condition 1

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

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

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

#### Condition 2

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

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

#### Condition 3

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

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

#### Condition 4

A landscaping scheme shall be submitted simultaneously with the detailed drawings for the development, hereby approved, at the Reserved Matters stage. Any trees or shrubs which may be damaged or die within a period of 5 years from the date of planting shall be replaced by plants of similar species and size at the time of their removal. All landscaping shall take place within the first available planting season after the commencement of the development.

Reason: In the interests of visual amenity.

#### Condition 5

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

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

#### Condition 6

The dwelling hereby permitted shall have a ridge height not exceeding 6 metres above existing ground level.

Reason: To ensure that the dwelling is not a prominent feature in the landscape.



Condition 7

The existing building coloured green on the approved 1:1000 scale site location plan, shall no longer be used or adapted for the purpose of human habitation and may only be used for non-residential use.

Reason: To ensure that the proposed development does not result in the creation of an additional dwelling in the rural area.

**Signature(s):** Ciaran Devlin

**Date:** 20 October 2023

<b>ANNEX</b>	
<b>Date Valid</b>	15 February 2023
<b>Date First Advertised</b>	28 February 2023
<b>Date Last Advertised</b>	28 February 2023
<b>Details of Neighbour Notification (all addresses)</b> The Owner / Occupier 9 Keerin Road Cookstown Tyrone BT80 9PD The Owner / Occupier 5 Beaghbeg Road Cookstown Tyrone BT80 9PE	
<b>Date of Last Neighbour Notification</b>	17 February 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: I/2003/0974/O  Proposals: Proposed dwelling and garage  Decision:  Decision Date:</p> <p>Ref: LA09/2020/1350/DC  Proposals: Discharge of condition No.2 of Planning approval LA09/2017/1717/F  Decision: AL  Decision Date: 12-FEB-21</p> <p>Ref: LA09/2017/1717/F  Proposals: Proposed dwelling on a farm and garage  Decision: PG  Decision Date: 06-MAR-20</p> <p>Ref: I/2013/0233/O  Proposals: Dwelling and garage  Decision: PG  Decision Date: 02-APR-14</p> <p>Ref: LA09/2019/1128/O  Proposals: Outline planning permission for proposed replacement dwelling with the</p>	

retention of the existing dwelling for agricultural storage.

Decision: PG

Decision Date: 17-OCT-19

Ref: LA09/2016/1024/F

Proposals: Proposed 11kv Overhead line to facilitate wind turbine at 28 Keerin Road

Decision: PG

Decision Date: 07-OCT-16

Ref: LA09/2023/0163/O

Proposals: Outline planning permission for proposed replacement dwelling with retention of the existing dwelling for agricultural storage

Decision:

Decision Date:

Ref: I/2010/0529/Q

Proposals: Proposed dwelling

Decision: 211

Decision Date:

Ref: I/1976/0291

Proposals: FARMWORKER'S BUNGALOW

Decision: PG

Decision Date:

Ref: LA09/2015/0054/F

Proposals: Proposed change of house type to recently approved application I/2014/0198/F for dwelling and garage

Decision: PG

Decision Date: 07-JUL-15

Ref: I/2005/1053/O

Proposals: Proposed dwelling & domestic garage

Decision:

Decision Date:

Ref: I/2014/0198/F

Proposals: Dwelling and garage on a farm and proposed new access

Decision: PG

Decision Date: 27-JAN-15

Ref: I/2009/0437/O

Proposals: Proposed Dwelling & Garage

Decision: PR

Decision Date: 29-SEP-10

Ref: I/2006/0125/O  
Proposals: Proposed dwelling & domestic garage  
Decision: PR  
Decision Date: 31-JAN-07

Ref: I/2004/1378/O  
Proposals: Site for dwelling  
Decision:  
Decision Date:

### **Summary of Consultee Responses**

Shared Environmental Services-  
Shared Environmental Services-LA09-2023-0163-O - AA complete 03.08.23.pdf  
Shared Environmental Services-  
NIEA-PRT LA09-2023-0163-O.PDF  
Shared Environmental Services-  
Rivers Agency-426673 - Final Response.pdf  
DFI Roads - Enniskillen Office-DC Checklist 1.docFORM RS1 STANDARD.docRoads  
outline.docx

### **Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

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

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 November 2023	<b>Item Number:</b> 5.9
<b>Application ID:</b> LA09/2023/0369/F	<b>Target Date:</b> 13 July 2023
<b>Proposal:</b> Amendment of access location and visibility splay requirement	<b>Location:</b> Adjacent to 4 Whitebridge Rd Ballygawley
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mr Eamon Cassidy 1 Church Street Ballygawley BT70 2HA	<b>Agent Name and Address:</b> Mr John Aidan KELLY 50 Tullycullion Road DUNGANNON BT70 3LY
<b>Executive Summary:</b>  Application is being presented to Council as one no. objection has been received citing road safety concerns.	

## Case Officer Report

### Site Location Plan



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### Consultations:

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

### Representations:

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

### Summary of Issues

One no. objection has been received citing road safety concerns

### Characteristics of the Site and Area



The application site is located adjacent to No. 4 Whitebridge Road within the development limits of Ballygawley as identified in the Dungannon and South Tyrone Area Plan 2010. At present on site is an almost completed industrial building. The site is defined by mature trees and hedging to the northern boundary with palisade fencing to the southern and eastern (roadside) boundaries.

The area is defined mostly by housing but there is a variety of mixed uses in the area, including ground floor businesses to the south such as a hair dressers and public house, and St. Marys Primary School to the east. Ballygawley Main Street lies to the south. Further to the north you leave Ballygawley and enter the open countryside.

### **Description of Proposal**

Amendment of access location and visibility splay requirement

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

#### **Policy Consideration**

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

### **Planning History**

Ref: LA09/2018/0641/F

Proposals: Light industrial (Class B2) building including foul water treatment plant

Decision: PG

Decision Date: 04-OCT-18

Ref: LA09/2021/0198/CA

Breach Type: OP\_A

Officer: 200094

This application has been received in an attempt to regulate an alleged breach of planning control at the site, namely an unauthorised access. MUDC currently have an ongoing enforcement case in relation to this matter.

### **Representations**

Twenty six (26) no. neighbour notifications have been identified to carry out as well as Press advertisement in line with the Council's statutory duty. The neighbour notification process was carried forward from the original application for this site LA09/2018/0641/F. I am satisfied all relevant neighbours have been notified. To date one objection has been received citing concerns over safety as it will directly affect the access into their laneway, further cluttering a busy road and visibility with this proposed entrance. There are also concerns over the safety of children walking to and from the primary school next door.

Roads Service were consulted with the objection letter received as it relates primarily to road safety grounds. They subsequently re-visited the site and looked at the amended plans submitted in relation to their previous comments, and now offer no objection to the proposal on the condition that it is constructed and maintained to that detailed on plan 02 rev. 01 dated June 2023 which shows visibility splays of 2.4m x 45m to the South and 2.4m x 60m to the North.

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

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

Plan Policy SETT 1 – Settlement Limits states that favourable consideration will be given



to development proposals within settlement limits including zoned sites provided the following criteria are met:

- the proposal is sensitive to the size, character and function of the settlement in terms of scale, form, design and use of materials;
- the proposal respects the opportunities and constraints of the specific site and its surroundings and, where appropriate, considers the potential for the creation of a new sense of place through sensitive design;
- there is no significant detrimental affect on amenities;
- there is no significant conflict with recognised conservation interests;
- there are satisfactory arrangements for access, parking and sewage disposal;
- where appropriate, any additional infrastructure necessary to accommodate the proposal is provided by the developer; and
- the proposal is in accordance with prevailing regional planning policy and the policies, requirements and guidance contained in Part 3 of the Plan.

As the proposal is for an amended access to an approved Light industrial (Class B2) building and Roads Service have no objections to the proposal I consider it meets all the criteria within SETT1.

### **Local Development Plan 2030 - Draft Plan Strategy**

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

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

The SPPS introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. The key consideration here is whether the new access point and visibility splays will be acceptable when assessed against the provisions of PPS 3 Access, Movement and Parking and DCAN 15 Vehicular Access Standards.

### **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 an

amendment to the access location and visibility splay requirement onto the Whitebridge Road from what was previously approved under LA09/2018/0641/F.

DFI Roads were consulted on this application and initially advised that the proposed access position is satisfactory if blue land/control of 60m sight visibility line can be achieved and hedge removal to accommodate sight line to the North. Amended plans were subsequently received which showed control of the land required to achieve these visibility splays. They now offer no objection to the proposal on the condition that it is constructed and maintained to that detailed on plan 02 rev. 01 dated June 2023 which shows visibility splays of 2.4m x 45m to the South and 2.4m x 60m to the North.

As stated the proposal involves the relocation of the access and all other works on site have been carried out as approved under LA09/2018/0641/F. It is not considered the proposal would adversely impact on neighbouring amenity. There are no overlooking or overshadowing concerns and I do feel that the proposal will lead to any loss of amenity due to an unacceptable increase in noise and disturbance. Given the fact this is an amended access proposal and there are no material changes to the building, there are no natural or built heritage features which could be affected by the proposal, and the site is not located in an area of flood risk.

### **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 assessment of the Rivers Agency Strategic Flood Hazards and Flood Risks Map I have no flooding concerns. In addition, I have no ecological or residential amenity concerns. The concerns raised by the objector have been considered by DFI Roads Service and they are content the proposal will not have any safety implications provided the visibility splays are provided in accordance with the submitted plans. I am content these can be conditioned on any planning permission and therefore I recommend approval.

### **Summary of Recommendation:**

Approve is recommended

### **Approval Conditions**

Condition 1

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

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

**Condition 2**

The vehicular access(es) including visibility splays of 2.4m x 45m to the South and 2.4m x 60m to the North and any forward sight distance shall be provided in accordance with Drawing No. 02 Rev 01 date received 07 June 2023 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

**Condition 3**

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

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

**Condition 4**

Gates or security barriers at the access shall be located at a distance from the edge of the public road that will allow the largest expected vehicle to stop clear of the public road when the gates or barriers are closed.

Reason: To ensure waiting vehicles do not encroach onto the carriageway.

**Signature(s):** Deirdre Laverty

**Date:** 11 October 2023

<b>ANNEX</b>	
<b>Date Valid</b>	30 March 2023
<b>Date First Advertised</b>	10 April 2023
<b>Date Last Advertised</b>	10 April 2023
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner / Occupier 7 Whitebridge Road Ballygawley BT70 2JH</p> <p>The Owner / Occupier 4B , Whitebridge Road, Ballygawley, Tyrone, BT70 2JH,</p> <p>The Owner / Occupier 4 Whitebridge Road, Ballygawley, Tyrone, BT70 2JH,</p> <p>The Owner / Occupier Flat 4A , Whitebridge Road, Ballygawley, Tyrone, BT70 2JH,</p> <p>The Owner / Occupier Flat 4D, Whitebridge Road, Ballygawley, Tyrone, BT70 2JH,</p> <p>The Owner / Occupier Flat 4B, Whitebridge Road, Ballygawley, Tyrone, BT70 2JH,</p> <p>The Owner / Occupier Flat 4C, Whitebridge Road, Ballygawley, Tyrone, BT70 2JH,</p> <p>The Owner / Occupier 7 Castle Hill Park Ballygawley Tyrone BT70 2LN</p> <p>The Owner / Occupier 9 Castle Hill Park Ballygawley Tyrone BT70 2LN</p> <p>The Owner / Occupier 5 Whitebridge Road Ballygawley Tyrone BT70 2JH</p> <p>The Owner / Occupier St Mary's Primary School 1 Whitebridge Road Ballygawley Tyrone BT70 2JH</p> <p>The Owner / Occupier 11A Church Street Ballygawley Tyrone BT70 2HA</p> <p>The Owner / Occupier 11B Church Street Ballygawley Tyrone BT70 2HA</p> <p>The Owner / Occupier 9 Church Street Ballygawley Tyrone BT70 2HA</p> <p>The Owner / Occupier 7 Church Street Ballygawley Tyrone BT70 2HA</p> <p>The Owner / Occupier 5 Church Street Ballygawley Tyrone BT70 2HA</p> <p>The Owner / Occupier 1 Church Street Ballygawley Tyrone BT70 2HA</p> <p>The Owner / Occupier 3 Church Street Ballygawley Tyrone BT70 2HA</p> <p>The Owner / Occupier</p>	

1 Castle Hill Park Ballygawley Tyrone BT70 2LN  
The Owner / Occupier

8 Castle Hill Park Ballygawley Tyrone BT70 2LN  
The Owner / Occupier

10 Castle Hill Park Ballygawley Tyrone BT70 2LN  
The Owner / Occupier

12 Castle Hill Park Ballygawley Tyrone BT70 2LN  
The Owner / Occupier

13 Castle Hill Park Ballygawley Tyrone BT70 2LN  
The Owner / Occupier

14 Castle Hill Park Ballygawley Tyrone BT70 2LN  
The Owner / Occupier

Ballygawley Veterinary Centre 11 Church Street Ballygawley Tyrone BT70 2HA  
The Owner / Occupier

3 Whitebridge Road Ballygawley Tyrone BT70 2JH

<b>Date of Last Neighbour Notification</b>	12 September 2023
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<b>Date of EIA Determination</b>	
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<b>ES Requested</b>	<events screen>
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**Planning History**

Ref: M/1997/0825

Proposals: Change of use from Shop with Living Accommodation to Ground Floor Veterinary Surgery, First Floor Offices and Second Floor Flat with Extension

Decision: PG

Decision Date:

Ref: M/1994/0371

Proposals: Erection of 6 no temporary mobile homes and storage containers and 1 no laundry facility

Decision: PG

Decision Date:

Ref: M/2001/0464/F

Proposals: Demolition of existing stores/garage and erection of new garage and store ancillary to undertakers business.

Decision: PG

Decision Date: 30-AUG-01

Ref: M/2002/1436/A41

Proposals: Undergrounding of Overhead Utility Cables, Footpath & Entry Resurfacing,

Street Furniture Locations, Disabled Access to Selected Premises

Decision: 205

Decision Date: 20-MAR-03

Ref: LA09/2015/0913/F

Proposals: Change of Use of First Storage Area to 2 Bedroom Flat including External Amenity Space

Decision: PG

Decision Date: 11-DEC-15

Ref: LA09/2023/0369/F

Proposals: Amendment of access location and visibility splay requirement

Decision:

Decision Date:

Ref: M/2010/0440/F

Proposals: Conversion of 2 first floor stores into 4 no. flats

Decision: PG

Decision Date: 01-SEP-10

Ref: M/2006/1387/F

Proposals: Replacement of existing buildings with ground floor shop units and first floor stores.

Decision: PG

Decision Date: 18-OCT-06

Ref: LA09/2015/0485/F

Proposals: Conversion of Part Shop Unit to 1 no Flat

Decision: PG

Decision Date: 25-NOV-15

Ref: M/2000/0479/O

Proposals: Housing Development

Decision: PG

Decision Date: 02-NOV-00

Ref: LA09/2018/0641/F

Proposals: Light industrial (Class B2) building including foul water treatment plant

Decision: PG

Decision Date: 04-OCT-18

**Summary of Consultee Responses**

DFI Roads - Enniskillen Office-DC Checklist 1.doc

DFI Roads - Enniskillen Office-Roads Consultation - Recon response.docx

DFI Roads - Enniskillen Office-Roads Consultation full.docx

**Drawing Numbers and Title**

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

**Notification to Department (if relevant)**

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 November 2023	<b>Item Number:</b> 5.10
<b>Application ID:</b> LA09/2023/0397/O	<b>Target Date:</b> 19 July 2023
<b>Proposal:</b> Proposed site for a dwelling and domestic garage approx 35m North of No. 2 Motalee Lane, Desertmartin, BT45 5JN	<b>Location:</b> Approx 35M North of No. 2 Motalee Lane Desertmartin
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mr Michael Gribbin 4 Draperstown Road Desertmartin BT45 5NB	<b>Agent Name and Address:</b> CMI Planners Ltd 38B Airfield Road Toomebridge BT41 3SG
<b>Executive Summary:</b>  The proposal satisfies the cluster criteria under Policy CTY 2a, though given the previous planning refusal at the site for the same cluster development (ref. LA09/2015/1277/O), it is appropriate that this case be brought before the planning committee. The proposed is brought to the planning committee with a recommendation for approval.	



## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
	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

### Characteristics of the Site and Area

The site is located in the rural countryside approximately 1 mile north west and outside of the Magherafelt settlement limit as defined in the Magherafelt Area Plan 2015. The proposed site is currently a portion of an agricultural field which is sandwiched between the Luney Road (adjacent and west of site) and Motalee Lane (adjacent and east of site). The site has three boundaries - the western and eastern boundaries are defined by 2

metre hedgerow and the southern boundary is defined by a 2 metre fence. The northern boundary is undefined and extends into a larger field area. The site is square and relatively flat, with a slight rise to the north. Neighbours include no. 2 Motalee Lane adjacent and south, and nos. 18a and 18b Luney Road adjacent and west. The surrounding environment consists of dwellings and agricultural fields and NW of the site is Meadowvale equestrian centre.

### **Description of Proposal**

This is an outline application for a proposed site for a dwelling and domestic garage. The proposal falls under Policy CTY 2a - New Dwellings in Existing Clusters.

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

#### **Policy Consideration**

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

#### **Relevant Histories**

LA09/2015/1277/O – Proposed dwelling and garage – 40m N.W. of 2 Motalee Lane Magherafelt with access from Luney Road – Permission Refused 13/04/2016

#### **Representations**

To date no third party representations have been received.

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

The site is located in the rural countryside approximately 1 mile north west and outside of the Magherafelt settlement limit as defined in the Magherafelt Area Plan 2015.

#### **Other Constraints**

This site is not located within or adjacent to any protected areas, including SACs, SPAs and Ramsar sites.

This site is not located within or adjacent to any listed buildings / structures.

The site is not subject to any issues pertaining to flooding.

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

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

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

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

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes 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'.

### PPS 21 – Sustainable Development in the Countryside

PPS 21 is the overarching document for assessing development proposals in the countryside. Policy CTY 1 of PPS 21 lists development proposals that are considered to be acceptable forms of development in the countryside, including a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a.

Policy CTY 2a provides that planning permission will be granted for a dwelling at an existing cluster of development subject to the following criteria:

- 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;

In this case the proposal site lies outside of a farm and there are more than the required 4 buildings.

- The cluster appears as a visual entity in the local landscape;

It is my opinion that the development in this locality creates a cluster which 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;

Consideration is given to the LA09/2015/1277/O application for the same proposal on the same site, albeit encompassing the entirety of the field and not just the southern half

as in this case. This application was refused on the grounds that the Meadowvale Equestrian Centre did not amount to a valid focal point, since it was not considered a community facility, but rather an operating business. The refusal was never challenged.

The Meadowvale Equestrian Centre is a sizable facility complete with a number of large house sheds, show jumping grounds fenced horse arenas. While a degree of the centre is well screened from the road, a large portion of the centre is still visible from the road and signage at the entrance of the facility give the place a sense of presence within the local vicinity.

Over the past several years the Council has demonstrated its willingness to interpret the focal point criteria of CTY 2a more liberally, taking into account shops and businesses. In respecting this approach, and having considered that the current proposal is on a much smaller site than the previous application and thus in keeping with the nature of surrounding development, I am content on this basis that Meadowvale Equestrian Centre amounts to what is considered a valid focal point.

- The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;

The site is bounded on both the southern and western boundary with other development in the cluster. The site provides an adequate degree of enclosure for the dwelling.

- 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;

I am content that the development of the site can be absorbed into the existing cluster through rounding off. The degree of screening provided by the roadside hedgerow on both sides of the site will assist in absorbing the dwelling.

- Development would not adversely impact on residential amenity.

I have no reason at this outline stage to suspect that the development of a suitably designed dwelling at this site would adversely impact on residential amenity.

Having assessed the proposal against Policy CTY 2a, I am content that all the criteria are adequately satisfied.

Policies CTY 13 and CTY 14 are also applicable in relation to the proposal. Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. It is considered that a dwelling could blend in with its immediate and wider surroundings if it were of a size and scale appropriate for the site and its locality. The cluster is complete with a mixture of single and two storey dwellings. In consideration of the site and its current levels of screening it is recommended that a ridge height condition of 6.5 metres from finished floor levels be applied if approval is granted. The roadside hedging of the site is 2 metres in height and provide a degree of screening,

together with a few scatterings of trees dotted around the perimeter of the site. It is therefore considered that the site would not rely entirely on the use of new landscaping for integration. A condition will be applied to retain all trees and hedging (except where removal is required for access and splays) to ensure any dwelling at reserved matters stage integrates if approval is granted. The proposed complies with CTY 13 at this outline stage.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As this is an outline application, the details of the design, access and landscaping would be reviewed at reserved matters stage if approval were to be granted. I find no reason why a dwelling could not be designed and sited to integrate successfully into this site. The proposed complies with CTY 14 at this outline stage.

### PPS 3 –Access, Movement and Parking

The proposed access arrangements involve the construction of a new access to the public road. A consultation with DfI Roads provided a response with no objection to the proposed, subject to the standard RS1 condition. The proposed complies with PPS 3 at this outline stage.

### Recommendation

Having assessed the proposal against the relevant planning policy and all other material considerations, it is recommended that planning permission be granted.

### **Summary of Recommendation:**

Approve is recommended

### Approval Conditions

#### Condition 1

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

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

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

#### Condition 2

A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1.

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

#### Condition 3

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

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

#### Condition 4

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

Reason: To ensure the dwelling integrates into the landform.

#### Condition 5

The dwelling hereby permitted shall have a ridge height of not greater than 6.5 metres from finished floor levels, designed and landscaped in accordance with the Department of Environments Building on Tradition Sustainable Design Guide for the Northern Ireland Countryside.

Reason: In the interests of visual amenity and to ensure the proposed dwelling is not prominent in the landscape.

#### Condition 6

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

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

#### Condition 7

The existing natural screening of the site (to include the hedging along the western and eastern boundaries of the site) shall be retained (except where removal is required for access and splays), or unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and

agreed in writing with the Council, prior to removal.

Reason: In the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality

**Signature(s):** Benjamin Porter

**Date:** 9 October 2023

<b>ANNEX</b>	
<b>Date Valid</b>	5 April 2023
<b>Date First Advertised</b>	18 April 2023
<b>Date Last Advertised</b>	18 April 2023
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner / Occupier  6 Motalee Lane Desertmartin Londonderry BT45 5JT  The Owner / Occupier  18B Luney Road Desertmartin Londonderry BT45 5JN  The Owner / Occupier  18A Luney Road Desertmartin Londonderry BT45 5JN  The Owner / Occupier  18 Luney Road Desertmartin Londonderry BT45 5JN  The Owner / Occupier  2 Motalee Lane Desertmartin Londonderry BT45 5JT</p>	
<b>Date of Last Neighbour Notification</b>	22 May 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: LA09/2021/0679/O  Proposals: Proposed site for dwelling and domestic garage Under policy CTY8 infill/gap site  Decision: PG  Decision Date: 17-AUG-21</p> <p>Ref: H/1983/0036  Proposals: REPLACEMENT STABLES AND STORE  Decision: PG  Decision Date:</p> <p>Ref: H/2005/0622/O  Proposals: Site Of Dwelling &amp; Garage  Decision: PR  Decision Date: 15-SEP-06</p>	



Ref: LA09/2023/0339/RM

Proposals: Proposed site for replacement dwelling & domestic garage

Decision:

Decision Date:

Ref: LA09/2023/0397/O

Proposals: Proposed site for a dwelling and domestic garage approx 35m North of No. 2 Luney Road, Desertmartin, BT45 5JN

Decision:

Decision Date:

Ref: LA09/2019/1530/F

Proposals: Proposed change of house type from previously approved dwelling and domestic garage (Ref: LA09/2017/0089/F).

Decision: PG

Decision Date: 04-FEB-20

Ref: LA09/2015/1277/O

Proposals: Proposed dwelling and garage

Decision: PR

Decision Date: 13-APR-16

Ref: H/1988/0132

Proposals: REPLACEMENT DWELLING

Decision: PG

Decision Date:

Ref: H/1975/0232

Proposals: SITE OF DWELLING

Decision: PG

Decision Date:

Ref: LA09/2023/0335/RM

Proposals: Proposed Site for Dwelling on Farm and Domestic Garage as Policy CTY10

Decision:

Decision Date:

Ref: LA09/2023/0396/O

Proposals: Proposed Site for a Dwelling and Domestic Garage

Decision:

Decision Date:

Ref: LA09/2023/0336/RM

Proposals: Proposed Infill Dwelling and Domestic Garage

Decision:

Decision Date:

Ref: H/2006/0174/RM  
Proposals: Proposed Dwelling & Garage  
Decision: PG  
Decision Date: 04-AUG-06

Ref: H/2003/1340/O  
Proposals: Site of two storey dwelling and garage.  
Decision: PG  
Decision Date: 24-FEB-05

Ref: H/2007/0347/F  
Proposals: Replacement Dwelling and Garage  
Decision: PG  
Decision Date: 15-FEB-08

Ref: H/1980/0383  
Proposals: SITE OF REPLACEMENT BUNGALOW  
Decision: PG  
Decision Date:

Ref: LA09/2021/1793/O  
Proposals: Proposed site for dwelling & domestic garage, under Policy CTY 10 Dwelling on a Farm.  
Decision: PG  
Decision Date: 25-AUG-22

Ref: LA09/2021/1792/O  
Proposals: Proposed replacement dwelling & domestic garage.  
Decision: PG  
Decision Date: 24-MAR-22

Ref: LA09/2015/0373/O  
Proposals: Infill Dwelling  
Decision: PG  
Decision Date: 19-NOV-15

### **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



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 November 2023	<b>Item Number:</b> 5.11
<b>Application ID:</b> LA09/2023/0402/F	<b>Target Date:</b> 19 July 2023
<b>Proposal:</b> Proposed 3no. detached dwellings	<b>Location:</b> Adjacent to 7 Desertmartin Road Moneymore
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Mr Marie and Sean Corr 7 Desertmartin Road Moneymore BT45 7RB	<b>Agent Name and Address:</b> CMI Planners Ltd 38B Airfield Road Toomebridge BT41 3SQ
<b>Executive Summary:</b> <p>Application for three no houses within settlement limit of Moneymore, fronting onto the A29 Desertmartin Road.</p> <p>Previous outline permission on the site for 2no. chalet dwellings under LA09/2017/1511/O.</p> <p>This application is for three larger dwellings with one located in the southern portion of the site, which did not include a dwelling under the original application.</p> <p>Scheme has been assessed against all relevant policy and is found to be contrary to PPS 7 because the house in the southern portion of the site would experience overlooking and loss of privacy from no 10 Mountview Drive and also, the same impact would be experienced by no. 10 Mountview Drive, from the proposed dwelling.</p> <p>Other issues were identified to the agent and amendments were received. Agent was also advised that it was Councils view that three dwellings on this site would not be feasible. However, the agent has refused to alter the scheme from three houses.</p> <p>NI Water have also stated that capacity to WWTW is not available. Agent has been advised to liaise with NIWater to overcome this issue but they have failed to provide any</p>	

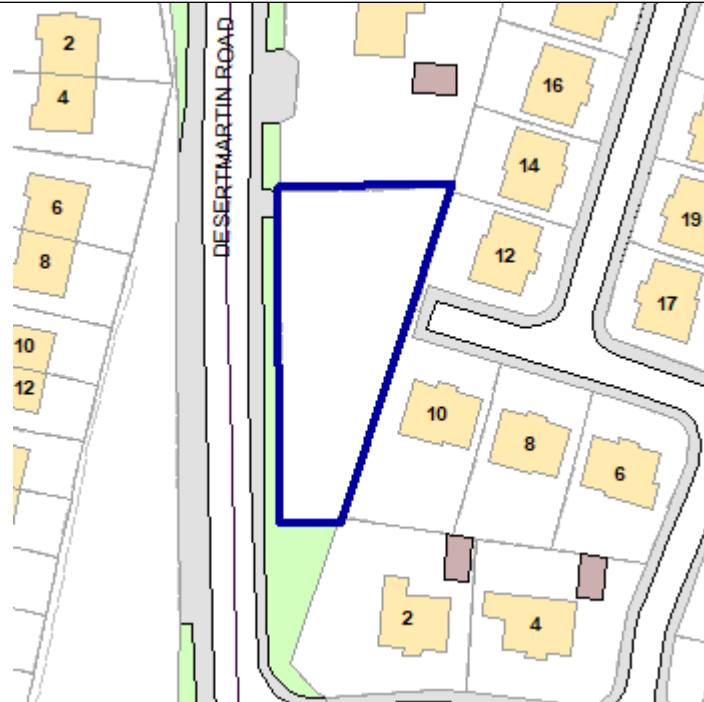
alternative sewerage treatment proposals. This is therefore contrary to the Cookstown Area Plan, the SPPS and QD 1 PPS 7

One objection received from no. 10 Mountview Drive and this has been considered in the report.

Recommendation is to refuse - contrary to PPS 7, CAP and the SPPS.

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation full approval.docx
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09 2023 0402 F 3 dwellings Desertmartin Road Moneymore.doc
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	NI Water - Single Units West	LA09-2023-0402-F.pdf
Statutory Consultee	NIEA	PRT LA09-2023-0402-F.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

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

The site is within the settlement limit of Moneymore and consists of a triangular shaped field immediately south of no 7 Desertmartin Road.

Immediately to the east is Mountview Drive which sits above the level of the proposed site and is separated from the site by a hawthorn hedge. The roadside boundary of the site is defined by a post and wire fence. New housing development, Carndaisy Lane is located across the road to the west.

The character of the area is defined by a high degree of residential development as well as a busy main road (A29) which runs adjacent to the site and onto which the site is proposed to access.

There is an outline planning permission for a pair of semi detached dwellings in the northern part of the site under LA09/2017/1511/O.

## **Description of Proposal**

Proposed 3no. detached dwellings. The proposal is for three no. three bedroom, 2 storey units facing onto the Desertmartin Road. This has been amended from the original scheme which consisted of three different house types – 2 of which fronted onto the main road, and one of which was gable end towards the road, facing northwards.

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

### **Policy Consideration**

The following policies are relevant;

- Cookstown Area Plan
- SPPS – Strategic Planning Policy Statement
- PPS 7 – Quality Residential Environments
- Creating Places – Achieving Quality in Residential Developments
- PPS 6 – Archaeology and the Built Heritage
- PP3 3 – Access, Movement and Parking
- PPS 2 – Natural Heritage

### **Cookstown Area Plan (CAP)**

The site is located within the settlement limit of Moneymore as per the CAP and access

will be taken onto a protected route as identified by the CAP. Therefore, prevailing planning policies for housing in settlements and for accessing onto protected routes are relevant and must be assessed as part of this application.

Part 3 of the CAP states that Moneymore is a village wherein the capacity of the WWTW is an overriding constraint on development and that permission for new dwellings will not be granted unless a satisfactory means of sewage disposal can be effected. In relation to this application, NIWater have commented that adequate WWTW capacity is **not** available. They have stated that the public system cannot presently serve this development without significant risk of environmental harm. I have advised the applicant / agent about this and requested that they liaise directly with NIWater to see if an alternative treatment solution can be achieved. No further information has been provided by the agent despite the request being made 4 months ago and reminder issued.

### SPPS

The SPPS is largely focussed on the role of LDPs in allocating land for housing within settlements but does clearly state that role of the planning system is to promote more sustainable housing development within existing urban areas. It also states that planning system should promote sustainable patterns of housing development that lead to more compact village forms. There is therefore a very general presumption in favour of the notion of small housing developments within villages such as Moneymore providing they are sustainable and help to promote quality residential environments.

The Core Planning Principles of the SPPS state that there are a wide range of environment and amenity considerations which should be taken into account by planning authorities when managing development. One of these is the need to safeguard against adverse environmental impacts of development including sewerage, drainage, waste management and water quality. As mentioned above, this development has the potential to cause significant environmental harm by virtue of the fact that there is no WWTW capacity to cater for this development.

### PPS 7 – Quality Residential Environments

Policy QD 1 states that an overarching principle for all housing development is that in areas of existing residential development, new development will not be permitted where it would result in unacceptable damage to environmental quality, among other things.

As mentioned above, NI Water have commented that adequate WWTW capacity is **not** available and that the public system cannot presently serve this development without significant risk of environmental harm. I have advised the applicant / agent about this but they have failed to take action to address the issue and therefore, the development as proposed would be at risk of causing significant environmental harm.

QD 1 of PPS 7 also sets out that all proposals for residential housing development will



be expected to conform to all the following criteria which have been assessed in turn as laid out below;

- (a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;**

The nature development is in keeping with the character of the area which is characterised by housing developments immediately to the east and west.

Along the Desertmartin Road from the Fairhill / Spar shop towards this site is characterised by substantial, detached bungalows fronting onto the main road. The proposed 3 no. dwellings under this application, will be detached two storey dwellings and will not be in keeping with this building pattern but given the location of the aforementioned housing developments close by, the larger, detached bungalows are not typical of the immediate surroundings of this site. The immediate surroundings of the site are instead, characterised by higher density housing located at Carndaisy Lane and Mountview Drive and this is the context in which this development is considered.

Having said that, it is my view that the topography of the site is not suitable for the entirety of this development. The triangular nature of the site and the elevated nature of the land to the east means that development in the southern portion of the site is problematic. The narrow southern portion of the site means that enough space is not available to provide adequate separation distance and the elevated nature of the land to the east means that overlooking will be an issue between the proposed dwelling in the southern portion and number 10 Mountview Drive. This is discussed at more length in the relevant paragraphs below.

I note that the previous approval on the site for 2 dwellings did not include any dwellings located in this southern portion of the site. For illustration purposes, I have attached an image of the approved layout under LA09/2017/1511/O and that currently submitted.





ABOVE - Current layout submitted with development in southern portion.

- (b) **features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;**

The Historic Environment Map Viewer shows two industrial heritage records close by and the former railway station yard is located 200m to the south. HED have therefore been consulted and have responded to say that there is limited potential for any negative impact to be had on any archaeological remains. The site is far enough removed from the old railway site to have any visual impact on the former station house building.

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

The requirement to provide public open space only applies to residential developments in excess of 25 units, as per OS 3 of PPS 8. Therefore there is no requirement for public open space to be provided as part of this development.

In relation to private amenity space, Creating Places states that *“a variety of different garden sizes should be provided and back garden provision should therefore be calculated as an average space standard for the development as a whole, and should be around 70 sq m per house or greater.”*

The proposed development contains 3 separate units each with their own private amenity space. According to measurements provided by the agent, which appear to be accurate following measurements carried out on the planning portal, the amount of private amenity space shown for each dwelling ranges from 137sq. metres to 188 sq. metres and this results in an average private amenity space for the development of just over 150 sq. metres each.

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

This criterion is not relevant to a development of this size and is more fitting for a large scale development whereby facilities can be incorporated to benefit the wider community as well as the inhabitants of any such development

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

The development will be linked to a public footpath which will enable residents to easily walk to the local shops and services available within Coagh Village.

**(f) adequate and appropriate provision is made for parking;**

DFI roads have been consulted and have no objections to this proposal.

The layout drawing shows all dwellings as having at least 2 parking spaces available to each dwelling which is in accordance with notional parking standards for this type of development.

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

The design, scale and form of the dwellings is in keeping with the typical house design in this kind of development and the appearance of the new dwellings is typical, in terms of design and scale to other houses already erected in the village.

However, having said that, I am aware that all three house types are exactly the same (House Type A) and all are fronting onto a main road – the A29 which is heavily trafficked. Views of the site will therefore be important and in my opinion, the current scheme of three identical houses fronting onto such a busy road will create a sterile and unattractive frontage when entering the village. Creating Places talks about the need to have visual contrasts along road frontages and in my opinion, this development does not

achieve this.

The agent has amended this scheme following feedback from the Council and whereas, the original scheme contained three different house types, the final scheme now consists of three identical house types, which in my opinion is not suitable and does not represent an innovative or considered design process rather than an attempt to fit as many houses of a certain size onto the site as possible.

**(h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.**

As mentioned above, the original approval on the site was an outline approval which provided for the location of two chalet type dwellings in the northern portion of the site, with the southern portion of the site marked as a “garden” area. This current proposal involves three dwellings which are larger than chalet style dwellings (8.5m ridge height) and the third of which, is in the southern portion of the site, which was previously to be undeveloped.

In my opinion, this scheme is contrary to criterion (h) because it will have an unacceptable impact on the existing property at number 10 Mountview Drive and similarly, the existing property will have an unacceptable impact on the proposed properties.

For example, Creating Places states that where the development abuts the private garden areas of existing properties, a separation distance greater than 20m will generally be appropriate to minimise overlooking, with a minimum of around 10m between the rear of new houses and the common boundary. The document also states that this separation distance may even be enhanced for development on sloping sites, which is the case in this scenario due to the changes in levels between existing site and proposed site.

In this case, the house proposed on the southern portion of the site will abut the private garden of number 10 Mountview Drive and the separation distance between both properties will be approximately 12m with a 5m distance between the rear of the new dwelling and the common boundary. Indeed, given the layout of the site, the distance from the rear of the house to the common boundary will even be as little as 2m in the extreme southern portion of the site. In addition to this, when the elevated nature of the existing property is taken into consideration, the result is a clear unacceptable impact upon the private amenity space of the proposed property.

The limited separation distance will mean that a bedroom window and a landing window of the new dwelling, will be overlooking the rear private amenity space of no. 10 Mountview Drive. I have visited the site with another planning officer who stood on the site and held a measuring pole to the approximate height of the proposed dwelling whilst I entered the rear garden area of no. 10 Mountview Drive. This helped to replicate the level of overlooking what would be experienced by no. 10 Mountview Drive and this

clearly represents a negative impact, in addition to that which would be inflicted upon the proposed property.

The two houses proposed in the northern part of the site, abut the private rear amenity space of no. 12 Mountview Drive – especially the dwelling proposed in the most northern part of the site. However, even though the original approval insisted these dwellings were only satisfactory because of the “chalet” style design which reduced their height, I am of the view that loss of privacy and overlooking will not be an issue with these two dwellings as proposed. The separation distances between each proposed dwelling and no. 12 Mountview Drive are in excess of 20m and the distance to the common boundary is over 10m.

I am therefore of the view that two dwellings can be accommodated on this site but that the third dwelling is unacceptable when assessed against policy.

I have corresponded with the agent in relation to these concerns as well as initial concerns in relation to the original scheme which was submitted wherein I expressed the view that 3 dwellings on the site would not be feasible. While some of the original concerns have been addressed by the amended scheme, I am still of the view that the provision of three dwellings is not feasible on this site for the reasons presented above.

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

The development is located within the built form of Moneymore along a main road which is heavily trafficked and this in turn promotes excellent visibility into the site. There are no alleyways or blind spots where anti social behaviour can develop. There is also good natural surveillance from existing and proposed properties which will deter crime and / or antisocial behaviour.

Given the above consideration of PPS 7 – Policy QD 1, I am of the view that the development as proposed is contrary to PPS 7 by virtue of the fact that the development is not compatible with the adjacent land uses. The proposed dwelling to the southern portion of the site will have an unacceptable impact upon no. 10 Mountview Drive in terms of loss of privacy and overlooking and similarly, no. 10 Mountview Drive will also overlook the proposed dwelling to an extent which would cause loss of privacy.

I am also concerned that the uniform house type will create an unattractive frontage along the main A29 road and this fails to draw upon the positive aspects of the character and appearance of the surrounding area.

PPS 6 – Archaeology and the Built Heritage

The Historic Environment Map Viewer shows two industrial heritage records close by and the former railway station yard is located 200m to the south. HED have therefore been consulted and have responded to say that there is limited potential for any negative

impact to be had on any archaeological remains. The site is far enough removed from the old railway site to have any visual impact on the former station house building.

### PPS 3 – Access, Movement and Parking

Policy AMP 3 of PPS 3 states that within settlements, access will only be granted for direct access onto protected routes where it is demonstrated that access cannot be taken from an alternative adjacent minor road. In this case, there is no other access available.

The policy also states that the access will need to be designed so as to not compromise road safety or lead to a proliferation of access points. DFI Roads have been consulted and have not offered any objection.

The policy therefore complies with PPS 3.

### PPS 2 – Natural Heritage

The proposal involves the removal of hedgerows to provide visibility splays and the hedgerows in questions qualify as priority habitat hedgerows. Policy NH5 of PPS 2 states that planning permission will only be granted where it is shown that there will be no adverse impact on priority habitat. The developer has shown that the loss of hedgerows will be mitigated against by offsetting the lost hedges with new hedgerows to the roadside boundary.

NIEA have noted that this is not shown on the submitted site layout drawing which was available at the time of consultation. However drawings submitted later with amended layout does show the hedgerow being planted to offset the hedges which will be removed.

Given the unacceptable nature of the development, re consultation with NIEA has not been carried out as the development is considered unacceptable for the reasons outlined above and the provision of hedgerows in question is not capable of making the development acceptable.

The ecological information submitted by the agent shows the hedgerows to have negligible bat roosting potential (BRP) and NED have no reason to disagree with this assessment and ore of the view that the development will not pose a threat to breeding populations of bats in the local area.

### **OTHER CONSIDERATIONS**

One objection has been received from PRO Planning Consultancy on behalf of no. 10 Mountview Drive.

The objections relate to the following issues;

- Ownership of shared boundary and permission hasn't been granted for removal of hedge along this boundary.
- Separation distance / overlooking dominance
- House types not in keeping with the house types in existing nearby development

I have considered the entirety of the objection document and would comment as follows.

Ownership disputes in relation shared boundaries are civil matters between both parties and planning authority cannot determine ownership. Planning permission does not confer title and if this development were to be approved, agreement between both parties would still need to be reached and therefore, this is not an issue which can be resolved as part of this application.

In relation to issues of overlooking / loss of privacy, I agree with the arguments put forward by the objector and this has been detailed in my report.

I believe that the design of the houses is in keeping with the type of houses which are common in the area. There is no requirement for all houses in housing developments to be the same. This type of house is common in built up residential areas. I have recognised in my report that the traditional building pattern along the Desertmartin Road is one of large detached dwellings but this has been altered by newer developments further towards the edge of the settlement, where this site is located.

Having said that, as expressed in report, I am of the view that three identical houses fronting onto the main A29 road, creates an unattractive frontage and is not acceptable.

### **Summary of Recommendation:**

Refuse is recommended

Given all of the above, I recommend that the development is refused as it fails to create a quality residential environment and also poses the risk of significant environmental harm.

It is therefore contrary to policy QD 1 of PPS 7, The Cookstown Area Plan and the SPPS and should be refused for the following reasons;

### **Refusal Reasons**



**Reason 1**

The proposal is contrary to policy QD 1 of PPS 7 because it fails to provide a quality residential environment for existing and proposed residents, in that it would if permitted, contribute to a loss of privacy by virtue of overlooking for both the proposed dwelling to the south of the site and also for the existing dwelling at no. 10 Mountview Drive.

**Reason 2**

The proposal is contrary to policy QD 1 of PPS 7 because it would if permitted, have potential to cause significant environmental harm because the receiving WWTW does not have capacity to serve this development and the developer has not submitted sufficient information on an alternative means of sewage disposal.

**Reason 3**

The proposal is contrary to para. 4.12 of the SPPS because it would if permitted, have potential to cause significant environmental harm because the receiving WWTW does not have capacity to serve this development and the developer has not submitted sufficient information on an alternative means of sewage disposal.

**Reason 4**

The proposal is contrary to the Cookstown Area Plan because the developer has failed to show how a satisfactory means of sewage disposal can be affected.

**Signature(s):** Colin McKeown

**Date:** 25 October 2023

<b>ANNEX</b>	
<b>Date Valid</b>	5 April 2023
<b>Date First Advertised</b>	18 April 2023
<b>Date Last Advertised</b>	18 April 2023
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner / Occupier  10 Mountview Drive Moneymore Londonderry BT45 7GX  The Owner / Occupier  2 Mountview Drive Moneymore Londonderry BT45 7GX  The Owner / Occupier  12 Mountview Drive Moneymore Londonderry BT45 7GX  The Owner / Occupier  14 Mountview Drive Moneymore Londonderry BT45 7GX  The Owner / Occupier  2 Carndaisy Road Moneymore Londonderry BT45 7TZ  The Owner / Occupier  4 Carndaisy Road Moneymore Londonderry BT45 7TZ</p>	
<b>Date of Last Neighbour Notification</b>	21 September 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: I/1978/0101  Proposals: PETROL FILLING STATION AND KIOSK  Decision: PG  Decision Date:</p> <p>Ref: I/1981/0243  Proposals: RESIDENTIAL DEVELOPMENT  Decision: WITHDR  Decision Date:</p> <p>Ref: I/2004/0936/F  Proposals: Proposed 11no Detached Dwellings and Garages.  Decision: PG</p>	

Decision Date: 06-JUL-05

Ref: I/2013/0078/F

Proposals: Proposed 10no. detached dwelling and garages

Decision: PG

Decision Date: 18-NOV-13

Ref: I/1982/0229

Proposals: RESIDENTIAL DEVELOPMENT

Decision: PG

Decision Date:

Ref: LA09/2023/0402/F

Proposals: Proposed 3no. detached dwellings

Decision:

Decision Date:

Ref: I/2011/0285/F

Proposals: Proposed 3 no. dwellings and garages (Amended roads details)

Decision: PG

Decision Date: 24-APR-12

Ref: LA09/2017/1511/O

Proposals: Site for 2 No (1 Pair) semi-detached dwellings (Reduced Site Area and Revised Proposal)

Decision: PG

Decision Date: 09-NOV-18

Ref: I/1976/0364

Proposals: NON-SUBSIDY BUNGALOW

Decision: PG

Decision Date:

Ref: I/1979/0351

Proposals: ERECTION OF 1 NO DWELLING

Decision: WITHDR

Decision Date:

Ref: I/1976/036401

Proposals: REPLACEMENT BUNGALOW

Decision: PG

Decision Date:

Ref: I/1979/0334

Proposals: BUNGALOW

Decision: PG

Decision Date:

Ref: I/1978/0372

Proposals: DOMESTIC GARAGE

Decision: PG

Decision Date:

Ref: I/2003/0055/F

Proposals: 9 No. detached dwellings and garages  
(Amended Scheme) (RE-ADVERTISEMENT)

Decision: PG

Decision Date: 13-NOV-03

Ref: I/1986/0315

Proposals: DOMESTIC GARAGE AND STORE

Decision: PG

Decision Date:

Ref: I/1992/0507

Proposals: Domestic Garage

Decision: PG

Decision Date:

### **Summary of Consultee Responses**

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

Environmental Health Mid Ulster Council-LA09 2023 0402 F 3 dwellings Desertmartin  
Road Moneymore.doc

Historic Environment Division (HED)-

NI Water - Single Units West-LA09-2023-0402-F.pdf

NIEA-PRT LA09-2023-0402-F.PDF

### **Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Proposed Plans Plan Ref: 03

Proposed Plans Plan Ref: 04

Proposed Plans Plan Ref: 05

Site Layout or Block Plan Plan Ref: 02 Rev 1

**Notification to Department (if relevant)**

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 November 2023	<b>Item Number:</b> 5.12
<b>Application ID:</b> LA09/2023/0411/O	<b>Target Date:</b> 19 July 2023
<b>Proposal:</b> Proposed site for a dwelling and domestic garage approx 40m North of No 19a Ballyronan Road, Toome, BT41 3SJ	<b>Location:</b> Approx 40M North of No, 19A Ballyronan Road Toome
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Mr Matt Murphy 4 O'Neills Terrace Toome BT41 3SW	<b>Agent Name and Address:</b> CMI Planners Ltd 38B Airfield Road Toomebridge BT41 3SQ
<b>Executive Summary:</b>  The current application for a dwelling and domestic garage is presented as a refusal. CTY 1 – This proposal fails to meet Policy CTY 1 of PPS 21 as there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. CTY 2a – This proposal fails to meet Policy CTY 2a of PPS 21 as the cluster is not associated with a focal point such as a social/community building/facility, or is located at a cross-roads.	

## 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

### Characteristics of the Site and Area

The application site is located within the open countryside, outside any defined settlement limits as per the Magherafelt Area Plan 2015. The site is identified as approximately 40m North of No. 19A Ballyronan Road, Toome.

The proposal site is a large agricultural field, which is accessed via Ballyronan Road, between dwellings Nos. 19 and 17A Ballyronan Road. The eastern boundary is defined

by a wooden fence, while the remaining boundaries are defined by tall, mature trees. The immediate locality is characterised by residential development with the wider surroundings characterised by predominantly agricultural uses.

### **Description of Proposal**

This is an outline application for a proposed site for a dwelling and domestic garage approximately 40m North of No. 19A Ballyronan Road, Toome, BT41 3SJ.

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

#### **Policy Consideration**

##### Representations

Eight neighbour notification letters were issued in relation to this application; however no representations were received.

##### Relevant Planning History

No relevant planning history.

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

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

Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030 - Draft Strategy

Strategic Planning Policy Statement (SPPS)

PPS 1: General Principles

PPS 3: Access, Movement and Parking

PPS 21: Sustainable Development in the Countryside

CTY 1 – Development in the Countryside

CTY 2a – New Dwellings in Existing Clusters

CTY 13 – Integration and Design of Buildings in the Countryside

CTY 14 – Rural Character



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

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

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

Development in the countryside is controlled under the provisions of PPS 21: Sustainable Development in the Countryside. Policy CTY 1 provides clarification on which types of development area are acceptable in the countryside. In this instance the application is for a new dwelling in an existing cluster therefore this development must be considered under CTY 2a of PPS 21. Policy CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

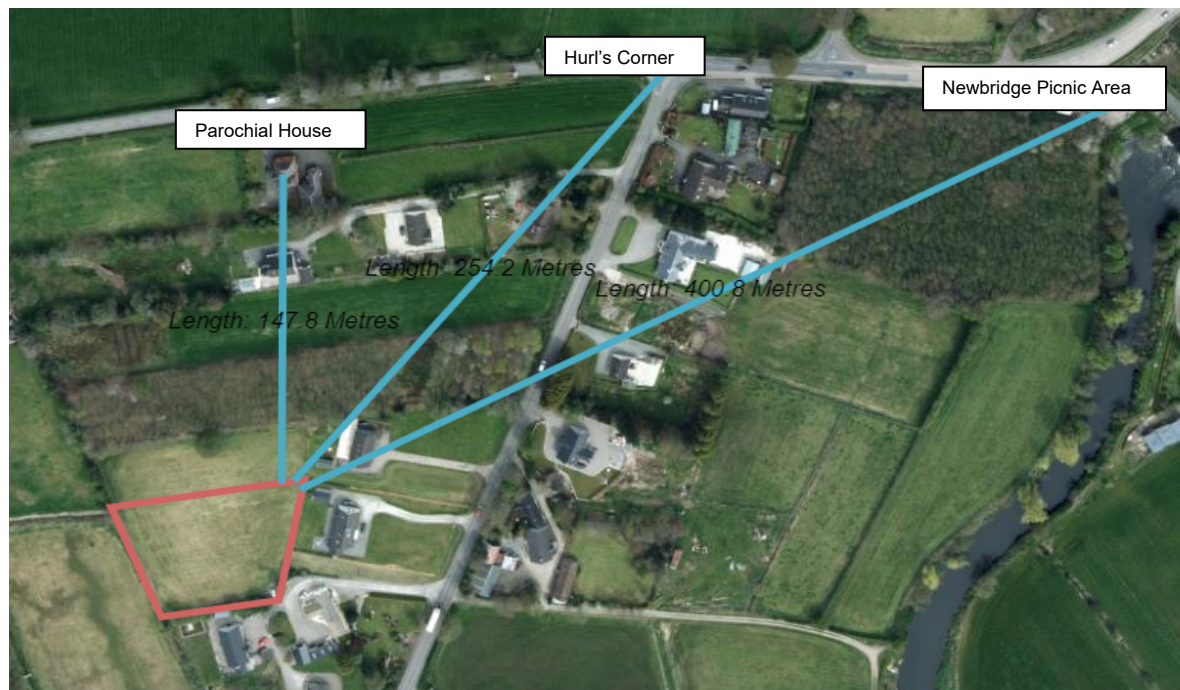
- The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;
- The cluster appears as a visual entity in the local landscape;
- The cluster is associated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

In this case the proposal site does lie outside of a farm, and there are more than 4 buildings adjacent. It is my opinion that the cluster does appear as a visual entity in the local landscape. The proposal site does provide a suitable degree of enclosure and is bounded on at least two sides (eastern and southern boundaries) with other development in the cluster. I am content development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside, and it would not adversely impact on residential amenity.

In terms of focal point, it is my opinion that there is no focal point at this proposal site. The agent has identified three focal points: the Parochial House, Hurls Corner and Newbridge Picnic Area. However, first and foremost I believe they are too far removed to be considered as a focal point.

The Parochial House is the closest of the three focal points highlighted by the agent in terms of distance at approximately 148m from the site, however it is situated along Aughrim Road, and following my site visit I consider it is much too far removed to be considered a focal point for this cluster. Furthermore, on site, there are no signs at the dwelling that show that this is a Parochial House. Therefore, I do not believe this could be considered as a focal point.

Hurls corner is a T-junction, not a crossroads, therefore this does not meet policy, and cannot be considered as a focal point. Newbridge Picnic Area is approximately 400m from the proposal site and I consider it to be extremely far removed, and could not be considered as a focal point.



### **Other policy and material considerations**

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

DfI Roads were consulted, and their response confirmed that they had no objection,

subject to conditions. I am content that the access is acceptable under PPS 3.

I have no flooding, ecological or residential amenity concerns.

**Summary of Recommendation:**

Refuse is recommended

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

**Refusal Reasons**

**Reason 1**

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

**Reason 2**

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

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

**Date:** 25 October 2023

<b>ANNEX</b>	
<b>Date Valid</b>	5 April 2023
<b>Date First Advertised</b>	18 April 2023
<b>Date Last Advertised</b>	18 April 2023
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner / Occupier  14 Ballyronan Road Toome Londonderry BT41 3SJ  The Owner / Occupier  16 Ballyronan Road Toome Londonderry BT41 3SJ  The Owner / Occupier  21 Ballyronan Road Toome Londonderry BT41 3SJ  The Owner / Occupier  4 Ballyronan Road Toome Londonderry BT41 3SJ  The Owner / Occupier  19 Ballyronan Road Toome Londonderry BT41 3SJ  The Owner / Occupier  17A Ballyronan Road Toome Londonderry BT41 3SJ  The Owner / Occupier  17 Ballyronan Road Toome Londonderry BT41 3SJ  The Owner / Occupier  19A Ballyronan Road Toome Londonderry BT41 3SJ</p>	
<b>Date of Last Neighbour Notification</b>	21 April 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: H/2004/0961/O  Proposals: Site of dwelling and garage.  Decision: PR  Decision Date: 14-NOV-05</p> <p>Ref: LA09/2016/0256/O  Proposals: Bungalow with rooms in the roofspace and domestic garage (infill site)  Decision: PG  Decision Date: 06-JUL-16</p> <p>Ref: H/1988/0609</p>	

Proposals: BUNGALOW

Decision: PG

Decision Date:

Ref: H/1988/0360

Proposals: BUNGALOW AND GARAGE

Decision: WITHDR

Decision Date:

Ref: LA09/2016/1197/RM

Proposals: 1 Bungalow with rooms in roofspace

Decision: PG

Decision Date: 20-OCT-16

Ref: H/1990/6028

Proposals: HOUSE AND GARAGE BALLYRONAN ROAD MAGHERAFELT

Decision: PRER

Decision Date: 19-JUN-90

Ref: H/1990/0353

Proposals: SITE OF HOUSE

Decision: PR

Decision Date:

Ref: H/2002/1149/O

Proposals: Site of dwelling and garage.

Decision: PG

Decision Date: 13-NOV-03

Ref: H/2006/0932/RM

Proposals: Dwelling and Garage

Decision: PG

Decision Date: 21-FEB-07

Ref: H/2002/1150/O

Proposals: Site of dwelling and garage.

Decision: PR

Decision Date: 09-FEB-05

Ref: LA09/2015/1144/O

Proposals: Site of proposed infill site for 2 storey dwelling and garage

Decision: PG

Decision Date: 03-FEB-16

Ref: LA09/2021/1181/O

Proposals: Site of proposed infill site for new 2 storey dwelling and garage

Decision: PG  
Decision Date: 12-OCT-21

Ref: H/2010/0374/O  
Proposals: Site of proposed infill site for new 2 storey dwelling and garage  
Decision: PG  
Decision Date: 14-OCT-10

Ref: H/1999/0165  
Proposals: SITE OF DWELLING AND GARAGE  
Decision: PG  
Decision Date:

Ref: H/1989/0074  
Proposals: BUNGALOW AND GARAGE  
Decision: PG  
Decision Date:

Ref: H/1988/0257  
Proposals: SITE OF DWELLING AND GARAGE  
Decision: PG  
Decision Date:

Ref: H/2009/0451/O  
Proposals: Proposed infill site for new dwelling and garage  
Decision: PG  
Decision Date: 28-JUL-10

Ref: H/2013/0051/RM  
Proposals: Proposed dwelling and detached garage  
Decision: PG  
Decision Date: 08-MAY-13

Ref: H/1999/0680/F  
Proposals: Dwelling and garage  
Decision: PG  
Decision Date: 11-FEB-00

Ref: H/2002/0388/O  
Proposals: Site for Dwelling & Garage.  
Decision: PR  
Decision Date: 04-APR-03

Ref: H/1998/0219  
Proposals: EXTENSION TO DWELLING  
Decision: PG

Decision Date:

Ref: H/1987/0283

Proposals: ALTERATIONS & ADDITIONS TO BUNGALOW

Decision: PG

Decision Date:

Ref: H/1999/0184

Proposals: SITE OF DWELLING AND GARAGE

Decision: WITHDR

Decision Date:

Ref: H/2004/1164/O

Proposals: Site of Dwelling and Garage.

Decision: PR

Decision Date: 19-NOV-05

Ref: H/1984/0368

Proposals: DWELLING HOUSE AND GARAGE

Decision: WITHDR

Decision Date:

Ref: H/2004/0904/O

Proposals: Site of dwelling and garage.

Decision:

Decision Date:

Ref: LA09/2017/0003/NMC

Proposals: Remove the rear return from stamped approved drawing No. 03 and No. 5 of planning approval H/2013/0091/RM

Decision: CG

Decision Date: 27-FEB-17

Ref: H/2013/0091/RM

Proposals: Dwelling and garage on a farm

Decision: PG

Decision Date: 22-JUL-13

Ref: H/2012/0198/O

Proposals: Proposed dwelling on farm

Decision: PG

Decision Date: 03-SEP-12

Ref: H/2004/0771/O

Proposals: Site of proposed dwelling house.

Decision:

Decision Date:

Ref: H/1999/0544

Proposals: DWELLING

Decision: PG

Decision Date: 13-JUN-00

Ref: H/1999/0310

Proposals: SITE OF DWELLING AND GARAGE

Decision: PG

Decision Date:

Ref: LA09/2023/0411/O

Proposals: Proposed site for a dwelling and domestic garage approx 40m North of No 19a Ballyronan Road, Toome, BT41 3SJ

Decision:

Decision Date:

Ref: H/2013/0371/O

Proposals: Infill Dwelling

Decision: PG

Decision Date: 15-MAY-14

Ref: H/2008/0128/F

Proposals: Proposed replacement dwelling & garage

Decision: PG

Decision Date: 25-NOV-08

Ref: H/2004/0982/O

Proposals: Site of dwelling and garage

Decision: PR

Decision Date: 24-NOV-05

Ref: H/2014/0405/F

Proposals: Proposed new infill dwelling and garage

Decision: PG

Decision Date: 12-FEB-15

Ref: H/1993/6024

Proposals: SITE OF DWELLING BALLYRONAN ROAD MAGHERAFELT

Decision: QL

Decision Date:

Ref: H/1974/0037

Proposals: IMPROVEMENTS TO HOUSE

Decision: PG



Decision Date:

**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



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 November 2023	<b>Item Number:</b> 5.13
<b>Application ID:</b> LA09/2023/0422/O	<b>Target Date:</b> 19 July 2023
<b>Proposal:</b> Site for a 2 storey dwelling and domestic garage on a farm	<b>Location:</b> Lands Approx 215M East of 5 Rarogan Road, Augher
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Pat McAleer 5 Rarogan Road Augher BT77 0DH	<b>Agent Name and Address:</b> Mark Hackett 21 Church Street Ballygawley Dungannon BT70 2HA
<b>Executive Summary:</b> <p>The proposal is contrary to CTY1, CTY10 and CTY13 of PPS21 as it is not sited to visually link or cluster with an established group of buildings on a farm. In addition, the proposal is contrary to SPPS Para 6.297 and AMP4 of PPS as the proposed development impacts on the land take associated with the planned route of the A5 Western Corridor dual carriageway project and would, if permitted, prejudice the implementation of this strategically significant Northern Ireland Executive Flagship project.</p>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	Environmental Health Mid Ulster Council	Planning Response LA09-23-0422.pdf
Non Statutory Consultee	DAERA - Omagh	LA09-2023-0422-O.docx
Statutory Consultee	DFI Roads - Enniskillen Office	10-05-2023.docx
Non Statutory Consultee	Environmental Health Mid Ulster Council	

### 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 not sited to visually link or cluster with an established group of buildings on a farm. In addition, the proposed development impacts on the land take associated

with the planned route of the A5 Western Corridor dual carriageway project.

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



The site is a 0.75ha parcel of land located within the rural area approximately 3.3km north-east of Augher with access onto the Newtownsaville Road and is outwith any settlement limits as set down in the Dungannon and South Tyrone Area Plan 2010. The site is elevated from the public road and lies approximately 170m from it, with 2 no. agricultural fields between it and the road. The site is roughly square shaped and rises from south to north. The southern and western boundaries are defined by mature hedgerows, with the northern and eastern boundaries undefined as they are cut out of the larger agricultural field. The access to the site runs along the existing field boundaries to the south-west of the site.

There is little recent development pressure in the area, with existing development taking the form of mostly farm dwellings with associated outhouses. The farm with which the site is associated lies approximately 200m to the west. An operational wind turbine is located approximately 295m to the north-east.

### **Description of Proposal**

Outline application for proposed dwelling on a Farm

### **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 relevant histories to consider on the site.

### **Representations**

Two (2) properties were 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 28<sup>th</sup> May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

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

The SPPS introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. It does not present any change in policy direction therefore existing policy applies, the primary consideration being PPS21 – Sustainable Development in the Countryside.

The SPPS gives provision for development in the countryside subject to a number policy provisions, including CTY 8 of PPS 21 which deals with Ribbon Development. There has been no change in policy direction in the SPPS in respect of Ribbon Development therefore Policy CTY 8 of PPS 21 remains my primary policy consideration in this assessment.

Para 6.297 of the SPPS further states that the regional strategic objectives for transportation and land-use planning are to:

- promote sustainable patterns of development which reduce the need for motorised transport, encourages active travel, and facilitate travel by public

transport in preference to the private car;

- ensure accessibility for all, with the needs of people with disabilities and others whose mobility is impaired given particular consideration;
- promote the provision of adequate facilities for cyclists in new development;
- promote parking policies that will assist in reducing reliance on the private car and help tackle growing congestion;
- protect routes required for new transport schemes including disused transport routes with potential for future reuse;
- restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes; and
- promote road safety, in particular for pedestrians, cyclists and other vulnerable road users.

I do not consider the proposal is in line with the regional strategic objectives of the SPPS for transportation and land-use planning, as it will, if approved, impact on the route required for the new transport scheme of the A5 Western Transport Corridor. The New Approach to Regional Transportation, produced by the DRD, also supports these regional strategic objectives for transportation in Northern Ireland and highlights the aspirations of the Executive with regard to it. I do not consider this proposal supports these objectives.

### **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 public road. DfI Roads initially indicated that visibility splays of 2.4m x 80m were required however could not be achieved as third party land is required. Amended plans were subsequently submitted which showed the required visibility splays, as well as a reduced red outline of the site to address concerns with the A5 WTC.

Policy AMP 4 of PPS 3 Protection for New Transport Schemes is also relevant and states that planning permission will not be granted for development that would prejudice the implementation of a transport scheme identified in a development plan.

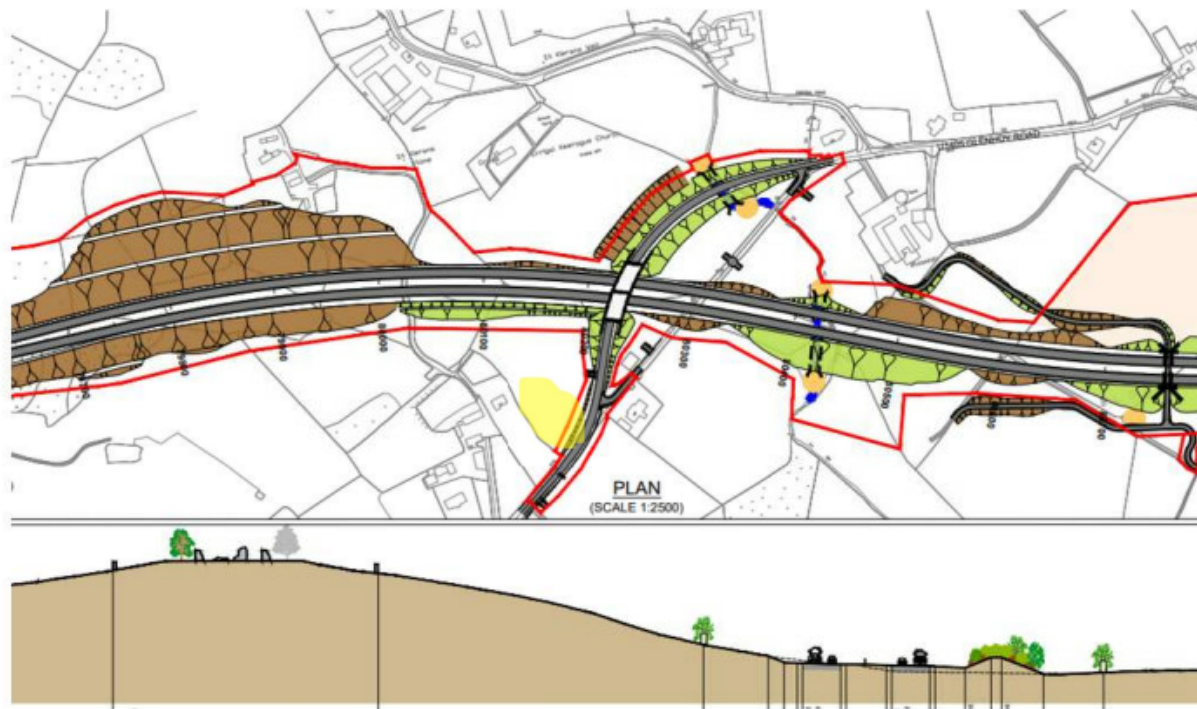
Para 5.30 states that the following matters will be taken into account in assessing whether the implementation of a particular scheme would be prejudiced by a development proposal:

- the nature of the proposal;
- the programming of the transport scheme; and
- the extent to which implementation of the scheme would be compromised by the carrying out of the proposed development.

DfI Roads were re-consulted and forwarded the recent drawing 01 rev. 01, road access plan and statement from agent received via Planning Portal on 05/07/2023 to the A5 WTC team for further consideration on the proposals. It has been confirmed that the proposal will still have an effect on the vesting envelope and associated maintenance

strip required for the A5 WTC scheme.

For ease of reference I have included below the A5WTC map for Glenhoy Road which shows how this application will impact on the Western Corridor Project (site shown highlighted in yellow).



DfI Roads recommend a refusal for this application as the proposal is contrary to Planning Policy Statement 3, AMP 4 Protection for New Transport Schemes, in that it would, if permitted, impact on the land take associated with the planned route of the A5 Western Transport Corridor dual carriageway project, as provided for within the associated Notice of Intention to make a Direction Order and Notices of Intention to make Vesting Orders and would, if permitted, prejudice the implementation of this strategically significant Northern Ireland Executive Flagship project.

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

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

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

- a dwelling on a farm in accordance with Policy CTY 10.

Policy CTY 8 of PPS21 states that permission will be refused for applications which create or add to ribbon development in the countryside. An exception is however permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. A substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. The application is seeking outline permission for an infill site between two properties to the west of the site (No's 68 and 70) and an agricultural shed to the east.

In terms of the road frontage here I do not consider there is a substantial and built-up frontage to enable development of a small gap site here. The site itself as defined in red is cut out of a larger agricultural field, between No. 70 to the west and an agricultural shed to the east. It is my view that the distance of 104m from No. 70 to this agricultural building is too large to be considered a small gap. I am of the opinion that the host field containing the site is a visual break that helps retain the rural character of the area and should be protected. To the west of the site, No. 70 sits 75m back from the public road with manicured gardens between the dwelling and the public road. I am content it has a frontage to the public road as the curtilage extends down to the road. No. 68 adjacent to, and west of, No. 70 sits approximately 70m back from the public road. A triangular shaped field lies between this dwelling and the public road and therefore the curtilage of No. 68 does not extend to the road and have a frontage to it. Ribbon development is cited as being detrimental to rural landscapes, creating a built-up appearance to roads. I do not consider that the existing development constitutes a substantial and built-up frontage as defined in policy. As such, another dwelling in this location will create build up and will add another dwelling into the existing ribbon of development. I therefore consider that the infilling of this gap site will be detrimental to the rural character of this area. In the absence of a substantial and built-up frontage consisting of a line of 3 or more buildings along a road frontage, the proposal is contrary to CTY 8.

Furthermore, I do not feel that policies other than CTY 8 of PPS21 should be explored at this stage given the DFI Roads comments in relation to the effect the proposal will have on the vesting envelope and associated maintenance strip required for the A5 WTC scheme.

CTY 13 of PPS 21 - Design and Integration 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.

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. It also states that a new building will be



unacceptable where it results in a suburban style build up of development or adds to a ribbon of development. A new dwelling would visually link with No.70. The proposal would add to a ribbon of development which is a suburban style of development and I do not accept that this site is an infill opportunity within an existing ribbon of development. This would therefore cause detrimental change to, and further erode the rural character of the area. I do not consider the proposal complies with CTY 14.

### **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 assessment of the Rivers Agency Strategic Flood Hazards and Flood Risks Map (NI) I have no flooding concerns.

In addition to checks on the planning portal, Natural Environment Division (NED) map viewer available online has been checked and did not identify any natural heritage interests on site to raise any concerns in relation this proposal. The Errigal Keerouge Cross and Graveyard TYR059:005 lies to the north of the site, but this site should not have any negative impact on it given its distance from it (see below).



From consideration of all of the above I do not consider the proposal will fill a small gap in an otherwise substantial and built up frontage as defined in policy, and would therefore result in a detrimental change to the overall rural character of the area. I consider the proposed development is contrary to CTY1, CTY8 and CTY14 of PPS 21, SPPS Para 6.297 and AMP4 of PPS3 and I recommend refusal.

**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 CTY 10 and CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm and therefore would not visually integrate into the surrounding landscape.

**Reason 3**

The proposed development is contrary to SPPS Para 6.297 as it is located within the land take associated with the planned route of the A5 Western Corridor dual carriageway project, and would if permitted, prejudice the implementation of this strategically significant Northern Ireland Executive Flagship project.

**Reason 4**

The proposal is contrary to Planning Policy Statement 3, AMP 4 Protection for New Transport Schemes, in that it would, if permitted, impact on the land take associated with the planned route of the A5 Western Transport Corridor dual carriageway project, as provided for within the associated Notice of Intention to make a Direction Order and Notices of Intention to make Vesting Orders and would, if permitted, prejudice the implementation of this strategically significant Northern Ireland Executive Flagship project.

**Signature(s):** Deirdre Laverty

**Date:** 18 October 2023

<b>ANNEX</b>	
<b>Date Valid</b>	5 April 2023
<b>Date First Advertised</b>	17 April 2023
<b>Date Last Advertised</b>	17 April 2023
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier No Neighbours	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: LA09/2023/0422/O  Proposals: Site for a 2 storey dwelling and domestic garage on a farm  Decision:  Decision Date:</p> <p>Ref: LA09/2020/0825/F  Proposals: Replacement of existing turbine approved under M/2010/0660/F with an EW DW54 250KW Turbine comprising of a 50m hub height &amp; blade span of 27m (overall tip height of 77m)  Decision: PG  Decision Date: 09-JUN-21</p>	
<b>Summary of Consultee Responses</b>	
<p>Environmental Health Mid Ulster Council-Planning Response LA09-23-0422.pdf  DAERA - Omagh-LA09-2023-0422-O.docx  DFI Roads - Enniskillen Office-10-05-2023.docx  Environmental Health Mid Ulster Council-</p>	

**Drawing Numbers and Title**

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

**Notification to Department (if relevant)**

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 November 2023	<b>Item Number:</b> 5.14
<b>Application ID:</b> LA09/2023/0467/O	<b>Target Date:</b> 4 August 2023
<b>Proposal:</b> Erection of Dwelling and Domestic Garage in a gap site under policy CTY 8 of PPS 21	<b>Location:</b> Land adjacent and N.E. of 70 Glenhoy Road, Ballygawley
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Mr Sean O'Neill 54 Errigal Road Ballygawley BT70 2DQ	<b>Agent Name and Address:</b> Mr BERNARD DONNELLY 30 Lismore Road Ballygawley BT70 2ND
<b>Executive Summary:</b> <p>The proposal is contrary to CTY1, CTY8 and CTY14 of PPS21 as it does not constitute a small gap site in a substantial and continuously built up frontage and would, if permitted, result in the creation of ribbon development. In addition, the proposal is contrary to SPPS Para 6.297 and AMP4 of PPS3 as the proposed development impacts on the land take associated with the planned route of the A5 Western Corridor dual carriageway project and would, if permitted, prejudice the implementation of this strategically significant Northern Ireland Executive Flagship project.</p>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Dfl Roads response 18/10/2023.
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Dfl Roads response dated 18/10/23
Statutory Consultee	DFI Roads - Enniskillen Office	Dfl Roads response 18/10/2023

### 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 not sited in a small gap site in a substantial and continuously built up

frontage. In addition, the proposed development impacts on the land take associated with the planned route of the A5 Western Corridor dual carriageway project.

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



The site is located adjacent to and south-east of No. 70 Glenhoy Road, outwith any development limits as identified in the Dungannon and South Tyrone Area Plan 2010 and approximately 4.5km SW of Ballygawley. The site outlined in red is rectangular in shape with the northern and eastern boundaries undefined as they are cut out of a larger agricultural field. The western and southern (roadside) boundaries of the field are defined by mature leylandii hedging. The submitted site location plan has been amended from that originally submitted to only show an access point outlined in red to the public road. This has the result of the southern boundary of the actual site being undefined on the ground. A landscaped garden lies to the west of the site, within the curtilage of No. 70 Glenhoy Road. The site rises gently from south to north.

The site is cut out of a larger agricultural field, with an agricultural shed further to the east. A single storey dwelling (No. 70) lies adjacent to and west of the site, with another single storey dwelling (No .68) and outhouses adjacent to it and another single storey dwelling further west, closer to the public road.

### **Description of Proposal**

Erection of dwelling and domestic garage in a gap site under policy CTY 8 of PPS 21

### **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 relevant histories to consider on the site.

### **Representations**

Two (2) properties were 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 28<sup>th</sup> May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

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

The SPPS introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. It does not present any change in policy direction therefore existing policy applies, the primary consideration being PPS21 – Sustainable Development in the Countryside.

The SPPS gives provision for development in the countryside subject to a number policy provisions, including CTY 8 of PPS 21 which deals with Ribbon Development. There has been no change in policy direction in the SPPS in respect of Ribbon Development therefore Policy CTY 8 of PPS 21 remains my primary policy consideration in this assessment.

Para 6.297 of the SPPS further states that the regional strategic objectives for transportation and land-use planning are to:



- promote sustainable patterns of development which reduce the need for motorised transport, encourages active travel, and facilitate travel by public transport in preference to the private car;
- ensure accessibility for all, with the needs of people with disabilities and others whose mobility is impaired given particular consideration;
- promote the provision of adequate facilities for cyclists in new development;
- promote parking policies that will assist in reducing reliance on the private car and help tackle growing congestion;
- protect routes required for new transport schemes including disused transport routes with potential for future reuse;
- restrict the number of new accesses and control the level of use of existing accesses onto Protected Routes; and
- promote road safety, in particular for pedestrians, cyclists and other vulnerable road users.

I do not consider the proposal is in line with the regional strategic objectives of the SPPS for transportation and land-use planning, as it will, if approved, impact on the route required for the new transport scheme of the A5 Western Transport Corridor. The New Approach to Regional Transportation, produced by the DRD, also supports these regional strategic objectives for transportation in Northern Ireland and highlights the aspirations of the Executive with regard to it. I do not consider this proposal supports these objectives.

### **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 public road. DfI Roads initially indicated that visibility splays of 2.4m x 80m were required however, could not be achieved as third party land is required. Amended plans were subsequently submitted which showed the required visibility splays, as well as a reduced red outline of the site to address concerns with the A5 WTC.

Policy AMP 4 of PPS 3 Protection for New Transport Schemes is also relevant and states that planning permission will not be granted for development that would prejudice the implementation of a transport scheme identified in a development plan.

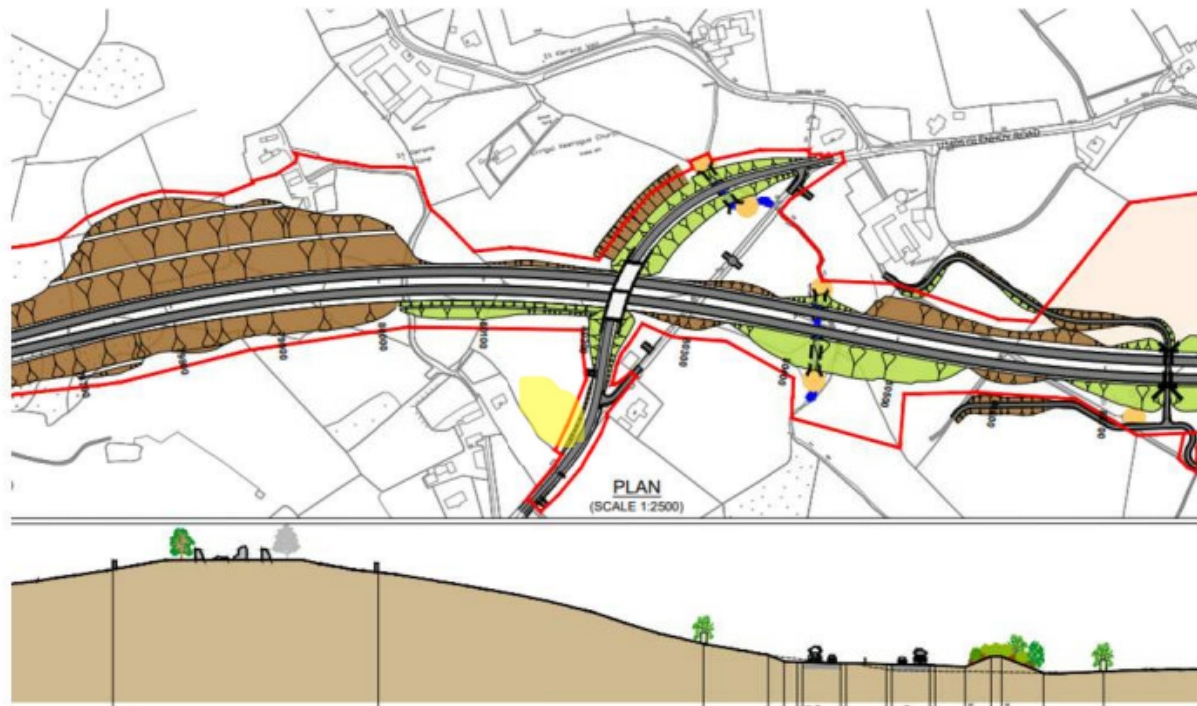
Para 5.30 states that the following matters will be taken into account in assessing whether the implementation of a particular scheme would be prejudiced by a development proposal:

- the nature of the proposal;
- the programming of the transport scheme; and
- the extent to which implementation of the scheme would be compromised by the carrying out of the proposed development.

DfI Roads were re-consulted and forwarded the recent drawing 01 rev. 01, road access plan and statement from agent received via Planning Portal on 05/07/2023 to the A5

WTC team for further consideration on the proposals. It has been confirmed that the proposal will still have an effect on the vesting envelope and associated maintenance strip required for the A5 WTC scheme.

For ease of reference I have included below the A5WTC map for Glenhoy Road which shows how this application will impact on the Western Corridor Project (site shown highlighted in yellow).



DfI Roads recommend a refusal for this application as the proposal is contrary to Planning Policy Statement 3, AMP 4 Protection for New Transport Schemes, in that it would, if permitted, impact on the land take associated with the planned route of the A5 Western Transport Corridor dual carriageway project, as provided for within the associated Notice of Intention to make a Direction Order and Notices of Intention to make Vesting Orders and would, if permitted, prejudice the implementation of this strategically significant Northern Ireland Executive Flagship project.

I have spoken again with the Roads Service engineer dealing with this application on 25<sup>th</sup> October 2023. This follows correspondence from the agent indicating that a consultant from WSP, an engineering and professional services firm, held a site meeting with the A5WTC team. They indicate that the A5 WTC scheme will be providing an access of land owned by Mr O'Neill, the exact location is currently being defined by the highways team. The consultant has confirmed that the access will meet the planning requirements of 2.4mx80m. Once the location has been determined the necessary plan will be forwarded.

The Roads Service engineer explained that whilst it may be the case that an agreed access can be provided to the applicant, it is unclear where exactly this access may be and if it will be within the red outline of the site, or indeed even if it will be offered onto

the Glenhoy Road. For this reason they cannot recommend approval and still advise this application should be refused as it is contrary to AMP4 of PPS3.

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

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

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

Policy CTY 8 of PPS21 states that permission will be refused for applications which create or add to ribbon development in the countryside. An exception is however permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. A substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. The application is seeking outline permission for an infill site between two properties to the west of the site (Nos 68 and 70) and an agricultural shed to the east.

The site itself as defined in red is cut out of a larger agricultural field, between No. 70 to the west and an agricultural shed to the east. To the west of the site, No. 70 sits 75m back from the public road with manicured gardens between the dwelling and the public road. I am content it has a frontage to the public road as the curtilage extends down to the road. No. 68 adjacent to, and west of, No. 70 sits approximately 70m back from the public road. A triangular shaped field lies between this dwelling and the public road and therefore the curtilage of No. 68 does not extend to the road and have a frontage to it. Additionally, there is a distance of 104m from No. 70 to the agricultural building to the east of the site, and it is my consideration that this distance is too large to be considered a small gap. In terms of the road frontage here I do not consider there is a substantial and built-up frontage to enable development of a small gap site here. I am of the opinion that the host field containing the site is a visual break that helps retain the rural character of the area and should be protected. Ribbon development is cited as being detrimental to rural landscapes, creating a built-up appearance to roads. As such, another dwelling in this location will create build up and will add another dwelling into the existing ribbon of development. I therefore consider that the infilling of this gap site will be detrimental to

the rural character of this area. In the absence of a substantial and built-up frontage consisting of a line of 3 or more buildings along a road frontage, the proposal is contrary to CTY 8.

Furthermore, I do not feel that policies other than CTY 8 of PPS21 should be explored at this stage given the DFI Roads comments in relation to the effect the proposal will have on the vesting envelope and associated maintenance strip required for the A5 WTC scheme.

CTY 13 of PPS 21 - Design and Integration 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.

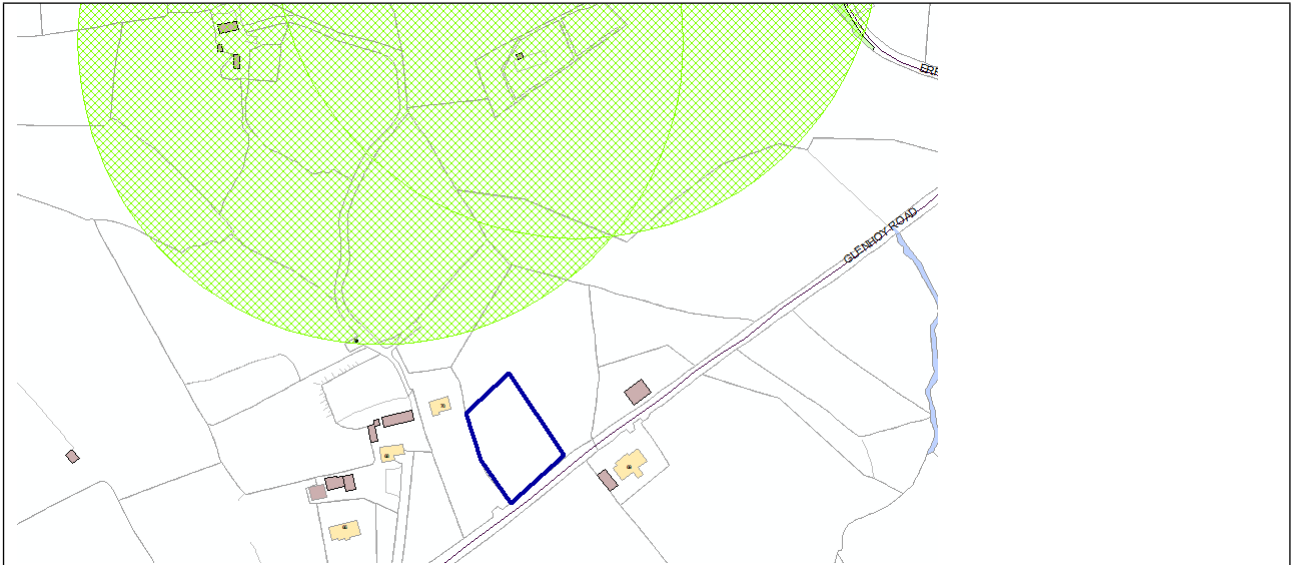
CTY 14 of PPS21 - Rural Character states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It also states that a new building will be unacceptable where it results in a suburban style build up of development or adds to a ribbon of development. A new dwelling would visually link with No.70. The proposal would add to a ribbon of development which is a suburban style of development and I do not accept that this site is an infill opportunity within an existing ribbon of development. This would therefore cause detrimental change to, and further erode the rural character of the area. I do not consider the proposal complies with CTY 14.

### **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 assessment of the Rivers Agency Strategic Flood Hazards and Flood Risks Map (NI) I have no flooding concerns.

In addition to checks on the planning portal, Natural Environment Division (NED) map viewer available online has been checked and did not identify any natural heritage interests on site to raise any concerns in relation this proposal. The Errigal Keerouge Cross and Graveyard TYR059:005 lies to the north of the site, but this site should not have any negative impact on it given its distance from it (see below).



From consideration of all of the above I do not consider the proposal will fill a small gap in an otherwise substantial and built up frontage as defined in policy, and would therefore result in a detrimental change to the overall rural character of the area. I consider the proposed development is contrary to CTY1, CTY8 and CTY14 of PPS 21, SPPS Para 6.297 and AMP4 of PPS3 and I recommend refusal.

**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 does not constitute a small gap site in a substantial and continuously built up frontage and would, if permitted, result in the creation of ribbon development along this stretch of the Glenhoy Road.

**Reason 3**

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in a suburban style build-up of development when viewed with existing buildings, and would

if permitted, create a ribbon of development at this stretch of the Glenhoy Road and therefore result in a detrimental change to the rural character of the countryside.

**Reason 4**

The proposed development is contrary to SPPS Para 6.297 as it is located within the land take associated with the planned route of the A5 Western Corridor dual carriageway project, and would if permitted, prejudice the implementation of this strategically significant Northern Ireland Executive Flagship project.

**Reason 5**

The proposal is contrary to Planning Policy Statement 3, AMP 4 Protection for New Transport Schemes, in that it would, if permitted, impact on the land take associated with the planned route of the A5 Western Transport Corridor dual carriageway project, as provided for within the associated Notice of Intention to make a Direction Order and Notices of Intention to make Vesting Orders and would, if permitted, prejudice the implementation of this strategically significant Northern Ireland Executive Flagship project.

**Signature(s):** Deirdre Laverty

**Date:** 25 October 2023

<b>ANNEX</b>	
<b>Date Valid</b>	21 April 2023
<b>Date First Advertised</b>	1 May 2023
<b>Date Last Advertised</b>	1 May 2023
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier 69 Glenhoy Road Ballygawley Tyrone BT70 2AY The Owner / Occupier 70 Glenhoy Road Ballygawley Tyrone BT70 2AY	
<b>Date of Last Neighbour Notification</b>	28 April 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  DFI Roads - Enniskillen Office-Dfl Roads response 18/10/2023. DFI Roads - Enniskillen Office-Outline resp.docx DFI Roads - Enniskillen Office-Outline resp.docx DFI Roads - Enniskillen Office-Dfl Roads response dated 18/10/23 DFI Roads - Enniskillen Office-Dfl Roads response 18/10/2023	
<b>Drawing Numbers and Title</b>  Site Location Plan Plan Ref: 01 REV 01 Site Location Plan Plan Ref: 01	

**Notification to Department (if relevant)**

Not Applicable





## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 November 2023	<b>Item Number:</b> 5.15
<b>Application ID:</b> LA09/2023/0552/F	<b>Target Date:</b> 30 August 2023
<b>Proposal:</b> Proposed residential development comprising 2 semi detached dwellings and 2 detached dwelling (4 units in total) with private access road and car parking (amended plans)	<b>Location:</b> Adjacent to and immediately NW of 48 Main Street Coagh, Cookstown
<b>Referral Route:</b> Approve <b>is recommended</b>	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Nigel Hagan 52 Main Street Coagh Cookstown BT80 0EP	<b>Agent Name and Address:</b> Kee Architecture Ltd 9A Clare Lane Cookstown BT80 8RJ
<b>Executive Summary:</b> <p>Application was originally submitted for 5 dwellings. 2 sets of semis and 1 detached.</p> <p>Site visit was carried out and it became apparent that the impact of the original scheme particularly on existing dwellings to the west (The Courtyard) would be unacceptable. Also it was noted that the proposed detached dwellings facing gable on to the road would be unacceptable and not in keeping with the existing building pattern.</p> <p>Amendments were sought and submitted. These amendments were provided and reduced the pair of semis beside the Courtyard down to a single dwelling with a garden area to the west, increasing separation distance between proposed dwellings and courtyard. The detached house was also re orientated to face the road in keeping with existing building pattern.</p> <p>Policies / guidance assessed</p> <ul style="list-style-type: none"><li>o Cookstown Area Plan (CAP)</li></ul>	

- o SPPS
- o PPS 7 - Quality Residential Environments
- o Creating Places
- o PPS 3- Access, Movement and Parking

#### Consultations

- o Roads OK
- o Env Health OK
- o NIWater recommend refusal due to ability connect to sewerage network and the proximity to WWTW. Negative condition has been attached to deal with connection to network and issues of proximity to WWTW were not given determining weight because there is already intervening development beside the site and the WWTW.

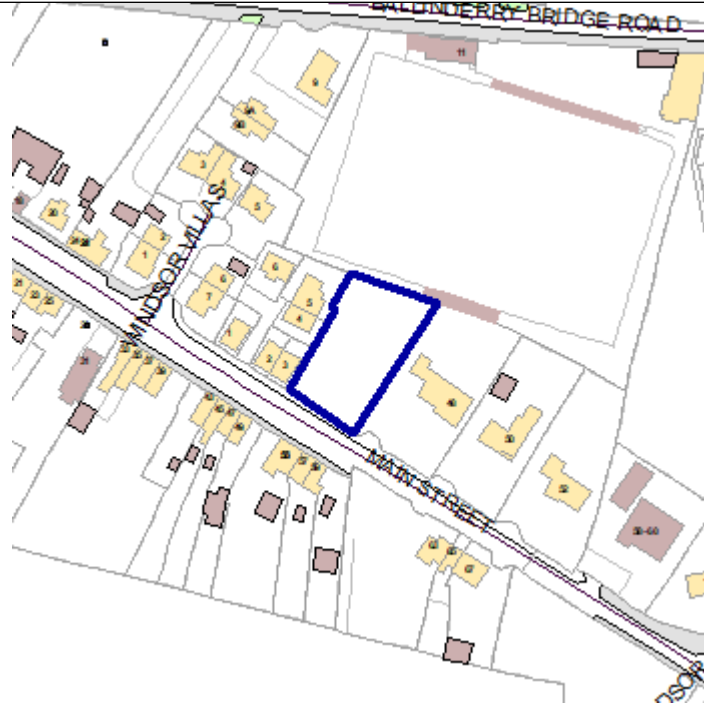
#### Third Party Representations

There were 5 objections to original scheme and 1 objection to the amended scheme. Objections have been fully considered in the body of the report.

Recommendation is to approve.

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Response Template.docx
	NI Water - Multiple Units West	LA09-2023-0552-F.pdf
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09 2023 0552 F dwellings Main st., Coagh.doc
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation full approval.docx

### 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

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

The site is a rectangular shaped plot of land immediately adjacent to the Main Street within the settlement of Coagh. The northern boundary of the site consists of a post and wire fence which separates the site from Coagh United FC main pitch. The eastern boundary of the site is a stepped wall which divides the site from no. 48 Main Street. The western boundary is low block wall which acts as a boundary between the site and the development immediately adjacent known as The Courtyard. The roadside boundary consists of a small hedge and an agricultural gate.

The general character of the area is a typical village streetscape with houses fronting onto the main street as well as shops in the locality. To the south east of the site, there are more detached residential plots with the housing density higher towards the main part of the village.

## **Description of Proposal**

Proposed residential development comprising 4 semi detached dwellings and 1 detached dwelling with private access road and car parking.

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

### **Policy Consideration**

The relevant policy considerations are;

- Cookstown Area Plan (CAP)
- SPPS
- PPS 7 – Quality Residential Environments
- Creating Places
- PPS 3- Access, Movement and Parking

### **Cookstown Area Plan**

The site is located within the settlement limit of Coagh. It is just outside the designated Area of Townscape Character (ATC). Therefore, whilst the ATC designation is not a determining factor, it signifies the existence of a distinctive and traditional townscape which must be taken into consideration.

The applicant initially had proposed to site one of the proposed houses with a gable end facing to the road. Whilst not within the ATC, I was of the view that this would be at odds with the traditional streetscape and asked for the scheme amended so that the dwelling fronted onto the road. The agent agreed to this and consequently, the house in question

now fronts onto the road, in line with the established building pattern. Hence, whilst not within the ATC, the applicant has successfully taken account of the existing building pattern that contributes to the wider character of the area. This change in house orientation will also improve the relationship between the proposal and no. 3 The Courtyard so that the gable windows of the proposed house are all that look towards the existing property, as opposed to the windows of the rear elevation, as would've been the case.

### SPPS

The SPPS is largely focussed on the role of LDPs in allocating land for housing within settlements but does clearly state that role of the planning system is promote more sustainable housing development within existing urban areas. It also states that planning system should promote sustainable patterns of housing development that lead to more compact village forms. There is therefore a very general presumption in favour of the notion of small housing developments within villages such as Coagh providing they are sustainable and help to promote quality residential environments.

### PPS 7 – Quality Residential Environments

QD 1 of PPS 7 states that all proposals for residential housing development will be expected to conform to all the following criteria which have been assessed in turn as laid out below;

- (a) the development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas;**

It has already been demonstrated how the proposal has taken account of the existing development pattern, particularly towards to the centre of Coagh where higher density housing fronts onto the Main Street and that the developer has amended the scheme to reflect this.

The site is approx.. 0.12 hectares in area and contains 4 proposed dwellings. This would give a density of around 32 units per hectare which is a relatively high density. However, when considered against nearby housing developments particularly towards the main part of the settlement of Coagh, other developments have a similar or higher density, most notably The Courtyard which is immediately adjacent and which has a density of approx.. 42 units per hectare and Windsor Villas which has a density of around 28 units per hectare.

From this site, to the east towards Ardboe, the density of development in the settlement is notably lower. However, towards the centre of the village there is a higher density of development and it is my view that this proposal which favours a higher density is still in keeping with the building pattern in the area.

The scale and massing of the proposed houses are in keeping with the general area and the agent has provided a streetscape drawing (drawing no. 02 rev 1) which shows the

ridge heights of the new dwellings in keeping with those of the neighbouring dwellings. The slightly sloping context of the general topography will mean that the ridge heights will vary in the proposed development from anywhere between 52.65 – 54.12. This compares with the adjacent ridge heights of no. 48 and the Courtyard of 53.22 and 53.23. Therefore whilst the houses in the new development will be slightly taller, the difference is not considerable and the overall appearance of the dwellings will be that they are in keeping in terms of scale and massing, with the existing dwellings in the vicinity.

The design of the buildings are typical of urban development projects with 2 semi detached dwellings and a “detached townhouse” style dwellings (HTCs A and C) being typical of dwellings commonly built in settlements and villages. HT B is a larger, detached dwelling but is still similar in terms of its scale, design and proportions to dwellings which are commonly found in towns and villages such as and including Coagh.

**(b) features of the archaeological and built heritage, and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development;**

The Historic Environment Map Viewer shows a listed building (dwelling) standing on the site of the dwellings fronting onto the main street as part of The Courtyard development, immediately adjacent to the site. There is no evidence of this historic asset on the ground and it is highly likely that it no longer exists.

I have consulted with HED for them to provide clarity and they have responded that the building is no longer listed but recorded as “record only”. It is therefore likely that it has been removed to facilitate the construction of the Courtyard development. HED have commented that the nearest listed building is Coagh Presbyterian Church but that it is far enough away from the site for it not to be impacted by this proposal.

The proposal therefore will have no impact on any archaeological or built heritage features.

**(c) adequate provision is made for public and private open space and landscaped areas as an integral part of the development. Where appropriate, planted areas or discrete groups of trees will be required along site boundaries in order to soften the visual impact of the development and assist in its integration with the surrounding area;**

The requirement to provide public open space only applies to residential developments in excess of 25 units, as per OS 3 of PPS 8.

In relation to private amenity space, Creating Places states that *“a variety of different garden sizes should be provided and back garden provision should therefore be calculated as an average space standard for the development as a whole, and should be around 70 sq m per house or greater.”*

The proposed development contains 4 separate units each with their own private amenity space. The amount of private amenity space shown for each dwelling ranges from 51sq. metres to 129 sq. metres and this results in an average private amenity space for the development of just under 90 sq. metres each.

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

This criterion is not relevant to a development of this size and is more fitting for a large scale development whereby facilities can be incorporated to benefit the wider community as well as the inhabitants of any such development

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

The development will be linked to a public footpath which will enable residents to easily walk to the local shops and services available within Coagh Village.

**(f) adequate and appropriate provision is made for parking;**

DFI roads have been consulted and after some changes, have no objections to this proposal.

The layout drawing shows all dwellings as having at least 2 parking spaces available to each dwelling which is in accordance with notional parking standards for this type of development.

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

The design, scale and form of the dwellings is in keeping with the typical house design in this kind of development. Typical finishes are grey concrete tiles with grey PVC doors, black aluminium rainwater goods and white render finish.

The appearance of the new dwellings will not be out of context in the locality and similar in terms of design and scale to other houses already erected in the village.

**(h) the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance**

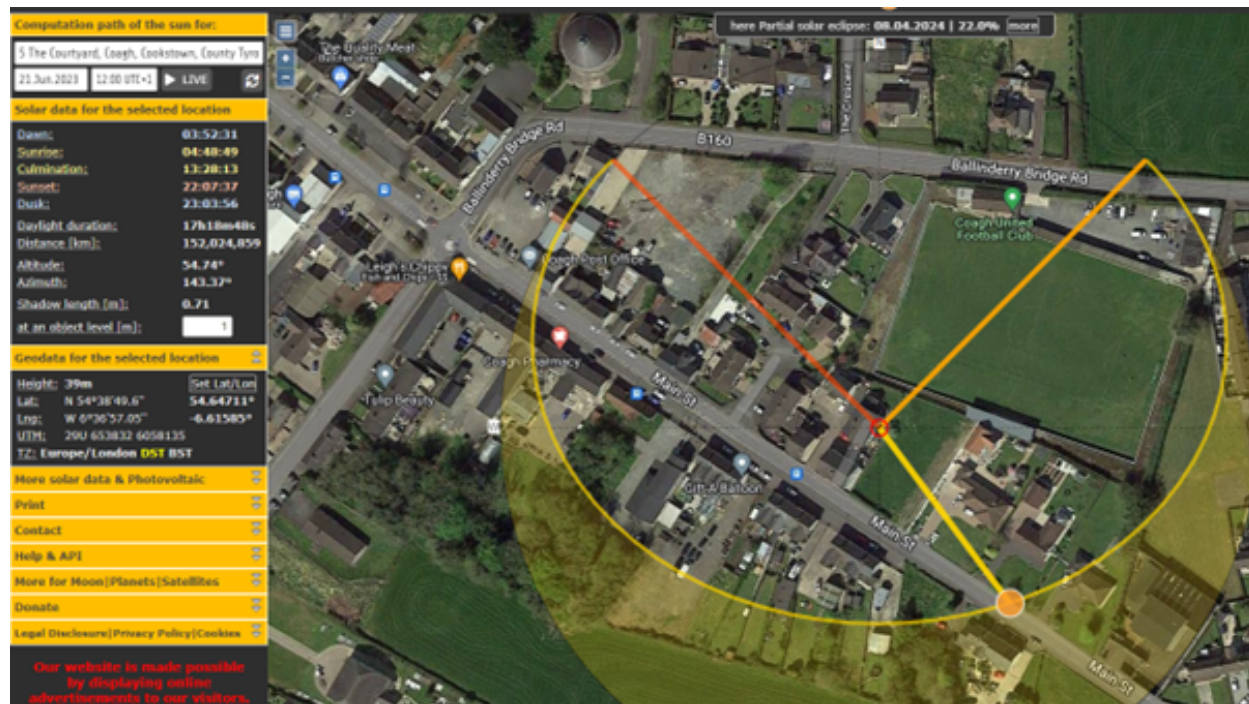
When this scheme was submitted it contained 5 units consisting of 2 pairs of semis along the back of the site with a detached dwelling towards the front.

The scheme as originally proposed would have caused a detrimental impact on the

residential amenity of no 5 The Courtyard by virtue of the fact that the proposed pair of semis in the back left of the site would have been too close to the rear boundary and rear amenity space of that property. The result would have been a gable wall within 5 m of the rear of no 5 and 1.3m from the boundary wall. This would have been dominant and overbearing when viewed from no 5 and would've caused a considerable degree of overlooking into the rear amenity area of no. 5. This would have been severely detrimental to the residential amenity of people living at this address.

The agent however, has significantly amended the design to reduce this pair of semis down to a detached dwelling and to move the remaining dwelling away from the boundary of no 5. There is now a garden area immediately adjacent to no 5 instead of a building, with the remaining building now being located approx. 8m from the rear of no.5 and 5 metres from the boundary wall.

In terms of loss of sunlight to no.5 The Courtyard, the increased separation will mitigate any direct sunlight which may be reduced but sun path diagrams show that during the strongest sunlight hours, the proposed dwelling in question will not impact the sunlight entering the rear amenity area of no.5 to any significant degree (see below).



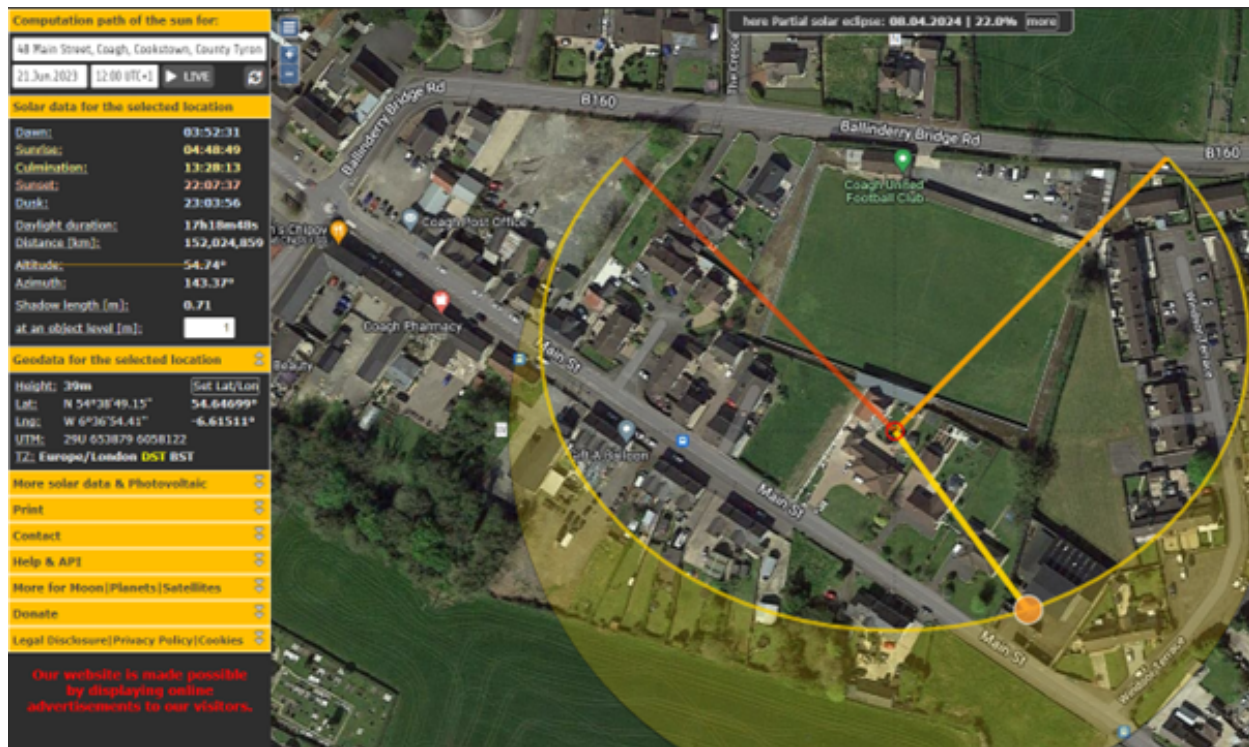
I am therefore satisfied that the amendments to the design which have been secured have resulted in a scheme which does not have a significantly negative impact upon the amenity of no.5 The Courtyard

The other pair of semi detached dwellings have not been altered but it is my opinion that they will have much less of an impact on the nearest existing dwelling (no.48 Main Street) than the other pair of semis would have had on no. 5 The Courtyard, if the scheme had been left unchanged. The proposed dwellings will be approx. 1.5m from the boundary wall and 6m from the nearest part of no. 48. However, the room (in no. 48) in



question, to which the dwellings will be closest, does not appear to be a principal room in the house and appears as an additional TV Room / games room / play room from what I witnessed during my two site inspections. The proposed pair of semis will not protrude past the line of sight from the main window in this room.

In terms of impact on rear amenity space and loss of sunlight to same, it is difficult to see, when considered in the context of the below sun path diagram, that there will be any significant loss of sunlight as a result of the new dwellings. During the strongest hours of sunlight, the new dwellings will not have any impact on sunlight received into no. 48 (see below) and when the sun is in a position so that the new dwellings would have an impact on sunlight (i.e. later in the evening), this is mitigated by the fact that the recently constructed garage at no. 48 would play a major role in blocking sunlight to the rear of the property in any case.



In terms of other adjacent land uses, I have raised informally with Environmental Health that there may be a conflict between new properties and the adjacent football club. However, given the existing properties which are already situated close to the football club without any issues, they did not raise a concern. Their formal response to the consultation on this application raised no objections.

NIWater have raised a concern that the development is within an odour consultation zone between existing infrastructure and the proposed site. The only NIWater infrastructure which I am aware of in Coagh is located to the west of the village with significant amount of intervening development between it and this site. Therefore, it would be difficult to sustain an argument that this site is incapable of being developed because of smell from this piece of NIWater infrastructure. During my two site inspections I did not experience any odours and Environmental Health, as already

stated, have not raised any objections on these grounds.

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

The development is located within the built form of Coagh along the Mian Street which benefits from street lighting. There are no alleyways or blind spots where anti social behaviour can develop. There is good natural surveillance from existing and proposed properties which will deter crime and / or antisocial behaviour.

PPS 3 – Access, Movement and Parking

DFI Roads initially had concerns that appropriate turning radii were not available with the original scheme. They have been re consulted with the amended scheme and have no objections. The proposed dwellings have 2 parking spaces per unit which is acceptable in a development such as this.

**OTHER MATERIAL CONSIDERATIONS**

The following houses were notified of the application;

- 3 The Courtyard
- 4 The Courtyard
- 5 The Courtyard
- Coagh United FC
- 55 Main Street
- 57 Main Street
- 59 Main Street

5 Objections were received and are considered below. Following receipt of amended plans, neighbours were re notified. Even though the scheme was reduced in terms of numbers of units, it was felt that the material change in layout of some houses meant that re notification of neighbours was desirable. No. 48 Main Street made a second representation on the back of the re notification of neighbours.

Objection from 57 Main Street

The objector has raised two issues – that the development will block the view they currently have and that visitors to these houses will park in the parking spaces outside their home.

There is no “right to a view” in planning policy and the view which the objector refers to is presumably a reference to the fact that there is a break in the building line opposite their house. This is a site within the development limit and as such there is a presumption in favour of development at this site. To insist on it not being developed because of a view which a resident believes they currently have, is not a valid planning concern.

In relation to the parking issue, there are two car parking spaces per dwelling provided and DFI Roads have not raised any concern over the required level of car parking. From my site inspection, I assume the parking spaces to which the objector relates are public parking spaces and can be parked in by anyone and this is not something which the planning system can regulate.

#### Objection from no. 3 The Courtyard

The objector has raised the following issues;

- Lack of on street parking for their property
- Overhsadowing, loss of privacy and loss of sunlight.
- Contrary to criteria laid out in PPS 7

In relation lack of on street parking for the objectors property, there are two car parking spaces per dwelling provided and DFI Roads have not raised any concern over the required level of car parking. The objector has stated that they would have concerns over future parking associated with this development. It is unclear as to what this relates to but as with the previous objection, is the concern relates to people parking on the public street parking, this is not something which planning can control.

The objector also states that they have concerns over a loss of privacy resulting from the rear of the proposed dwelling looking into their landing window. This was a reference to the initial site layout where the detached property was orientated with the gable to the road. The window in question, as acknowledged by the objector is a landing window and therefore, not a window which belongs to a room within their dwelling, much less a principal room such as a living room or kitchen. I am therefore satisfied that there will be no loss of privacy to no. 3 the Courtyard by virtue of this development.

In relation to loss of sunlight, I have reviewed this using sun path diagram modelling and am off the view that from 1pm onwards at the peak times of the year for sunlight, the objector will not be impacted by this this proposed development, in terms of loss of sunlight. Possibly, the dwelling will be impacted upon between the hours of 11am – 1pm but after this time, the line of sunlight will not be impacted.

As already has been mentioned, the impact will relate to a landing window and not a main window. I am content therefore that loss of sunlight will not be a significant issue at this property.

I have considered extensively the proposal and how it complies with PPS 7, so in relation to that part of this objection, it is addressed in the preceding paragraphs.

#### Objection from no. 4 The Courtyard

The objector has raised the following issues;

- Overbearing and loss of privacy impacting from unit 2 on the rear of their property

and also the impact of unit 1 causing loss of sunlight.

- Not complying with PPS 7 – too many units on one site possibly leading to overdevelopment of a restricted site. Development is not in keeping with the building pattern of the area, particularly towards the east.
- Objection to gable facing onto the road
- Insufficient parking provision
- Visibility splays are not sufficient and are not achievable

In relation to unit 2 impacting on the objector by way of overbearing and loss of privacy, it is noted that the proposed dwellings will not be directly adjacent to no 4 The Courtyard. The amendments to the scheme will mean that the proposed unit is now further way from no. 4 The Courtyard (and the bloc is reduced from 2 dwellings to 1 dwelling). The separation distance between the two units is now 11m from the front door of unit 2 to rear elevation of no. 4 and given the orientation of the two units with the proposed unit not being directly behind the existing unit, I do not accept that there will be and loss of privacy experienced by the objector.

In terms of loss of sunlight, no. 4 The Courtyard will not experience any significant loss of sunlight as a result of this development. The objector asserts that the detached unit at the front of the site will result in loss of sunlight to their property. However, given the location of the proposed unit, it will only be in the path of sunlight from around 1pm – 2pm and this will be when the sun is at its highest in the sky. This coupled with the separation distance between the proposed dwelling and no.4 (almost 20m) will mean, in my opinion that loss of sunlight will not be an issue, in the way the objector states.

I have considered extensively the proposal and how it complies with PPS 7, so in relation to that part of this objection, it is addressed in the preceding paragraphs.

The dwelling which originally faced with gable to the road has been re orientated. In this regard, I agree with the objector as has been outlined in my report. The dwelling is now fronting onto the road and this is more in keeping with the streetscape.

In relation lack of on street parking for the objectors property, there are two car parking spaces per dwelling provided and DFI Roads have not raised any concern over the required level of car parking. The objector has stated that they would have concerns over future on street parking associated with this development but as with the previous objection, the concern relates to people parking on the public street and this is not something which the planning system can control.

DFI Roads are content with visibility splays as shown for this development on drawing 02 rev 1. In relation to them being unachievable, a negative condition will be attached to ensure that no development can take place until the required splays are in situ.

#### Objection from no. 5 The Courtyard

The objector has raised the following issues;

- Extension to their property not shown on submitted plans – they cant be sure its

been considered therefore

- No public amenity space or planting
- Boundary wall could fail
- Impacts of noise from construction
- Not complying with PPS 7 – too many units on one site possibly leading to overdevelopment of a restricted site. Development is not in keeping with the building pattern of the area, particularly towards the east.
- Unit 2 – too close to their property – overbearing impact
- Objection to gable facing onto the road
- Insufficient parking provision

In relation to the objectors concerns about their extension not showing on the site layout, their concerns have been addressed with amended scheme now showing the extension which exists to the side of no. 5.

There is no requirement for public amenity space for a development of this size. In relation to planting, this is normally required to soften the impact of the development but given the urban setting of this site, I do not feel that the provision of planting is essential in this case.

Perceived impacts of the development on boundary walls are a civil matter between parties and not something which planning can adjudicate on.

Environmental Health have been consulted and have raised no issues regarding noise or fumes from construction. This is something which they can condition if they feel it will be a serious issue for residential amenity but have not done so in this case.

I have considered extensively the proposal and how it complies with PPS 7, so in relation to that part of this objection, it is addressed in the preceding paragraphs.

The dwelling which originally faced with gable to the road has been re orientated. In this regard, I agree with the objector as has been outlined in my report. The dwelling is now fronting onto the road and this is more in keeping with the streetscape. Similarly, the dwellings which were closest to no. 5 The Courtyard have been reduced to only one dwelling with a much increased separation distance between the remaining house and no. 5. The objectors points were considered relevant in this case and the amendments reflect the valid concerns which they had.

In relation lack of on street parking for the objectors property, there are two car parking spaces per dwelling provided and DFI Roads have not raised any concern over the required level of car parking. The objector has stated that they would have concerns over future on street parking associated with this development but as with the previous objection, the concern relates to people parking on the public street and this is not something which the planning system can control.

Objection from no. 48 Main Street

The objector has raised the following issues;

- Loss of privacy caused by property adjacent to the objectors boundary
- Loss of sunlight
- Not complying with PPS 7 – Dwelling with gable facing the road and too many units on one site possibly leading to overdevelopment of a restricted site. Development is not in keeping with the building pattern of the area, particularly towards the east.
- Insufficient parking provision
- Objection to gable facing onto the road
- No public amenity space or planting
- Visibility splays are not sufficient and are not achievable

The loss of privacy referred to by the objector relates to a bathroom window which they claim would look into their private rear amenity space. The fact that this window belongs to a bathroom and will have frosted glass. The fact that this is not a principal room in the dwelling and will invariably have frosted / obscure glazing mean that issues of loss of privacy are not worthy of concern in my opinion.

The concerns raised about loss of sunlight at no. 48 have been considered in my assessment of PPS 7 above.

I have considered extensively the proposal and how it complies with PPS 7, so in relation to that part of this objection, it is addressed in the preceding paragraphs.

The dwelling which originally faced with gable to the road has been re orientated. In this regard, I agree with the objector as has been outlined in my report. The dwelling is now fronting onto the road and this is more in keeping with the streetscape. Similarly, the dwellings which were closest to no. 5 The Courtyard have been reduced to only one dwelling with a much increased separation distance between the remaining house and no. 5. The objectors points were considered relevant in this case and the amendments reflect the valid concerns which they had.

In relation lack of on street parking for the objectors property, there are two car parking spaces per dwelling provided and DFI Roads have not raised any concern over the required level of car parking. The objector has stated that they would have concerns over future on street parking associated with this development but as with the previous objection, the concern relates to people parking on the public street and this is not something which the planning system can control.

DFI Roads are content with visibility splays as shown for this development on drawing 02 rev 1. In relation to them being unachievable, a negative condition will be attached to ensure that no development can take place until the required splays are in situ.

There is no requirement for public amenity space for a development of this size. In relation to planting, this is normally required to soften the impact of the development but given the urban setting of this site, I do not feel that the provision of planting is essential

in this case.

This objector has raised concerns a second time via a public comment following a consultation with the amended scheme. The concerns raised are the same as the initial correspondence, although some of the text has been edited to reflect how the development now only relates to 4 dwellings and not 5. No new concerns / issues raised via the comments made after the second neighbour notification.

**Summary of Recommendation:**

Approve is recommended

Given all of the above lengthy considerations of both planning policy and objections raised, I am of the view that the amendments received to this scheme have made it acceptable in terms of prevailing planning policy and as a result, I recommend that this application is approved subject to the following conditions.

**Approval Conditions**

**Condition 1**

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

Reason: Time Limit.

**Condition 2**

The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 02 rev1 which was uploaded to the portal on 20th July 2023, prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

**Condition 3**

None of the residential units hereby approved shall be commenced until a satisfactory method for sewage disposal has been submitted to and agreed with Mid Ulster District Council in consultation with NI Water.

Reason: In the interests of residential amenity and to ensure there is a satisfactory means of sewage disposal

**Signature(s):** Colin McKeown

**Date:** 17 October 2023



<b>ANNEX</b>	
<b>Date Valid</b>	17 May 2023
<b>Date First Advertised</b>	30 May 2023
<b>Date Last Advertised</b>	30 May 2023
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner / Occupier  Chairperson, Coagh United FC 11 Ballinderry Bridge Road Coagh Tyrone BT80 0BR</p> <p>The Owner / Occupier  1 The Courtyard Coagh Tyrone BT80 0EG</p> <p>The Owner / Occupier  3 The Courtyard Coagh Tyrone BT80 0EG</p> <p>The Owner / Occupier  4 The Courtyard Coagh Tyrone BT80 0EG</p> <p>The Owner / Occupier  5 The Courtyard Coagh Tyrone BT80 0EG</p> <p>The Owner / Occupier  48 Main Street Coagh Co Tyrone</p> <p>The Owner / Occupier  55 Main Street Coagh Tyrone BT80 0EP</p> <p>The Owner / Occupier  57 Main Street Coagh Tyrone BT80 0EN</p> <p>The Owner / Occupier  59 Main Street Coagh Tyrone BT80 0EN</p>	
<b>Date of Last Neighbour Notification</b>	29 September 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: LA09/2019/1595/F  Proposals: Detached Garage.  Decision: PG  Decision Date: 14-JAN-20</p> <p>Ref: I/1990/0097  Proposals: Bungalow</p>	

Decision: PG  
Decision Date:

Ref: I/2012/0191/F

Proposals: Installation of a 6 kw wind turbine on 15m mast to reduce running costs and produce energy from renewable source

Decision: PR

Decision Date: 23-APR-13

Ref: I/2003/0501/F

Proposals: Proposed 6 No. dwellings

Decision: PG

Decision Date: 16-NOV-04

Ref: LA09/2023/0552/F

Proposals: Proposed residential development comprising 4 semi detached dwellings and 1 detached dwelling with private access road and car parking

Decision:

Decision Date:

Ref: I/2006/1082/F

Proposals: Proposed bedroom & en-suite extension to side of dwelling

Decision: PG

Decision Date: 16-FEB-07

Ref: I/2002/0154/O

Proposals: Proposed Housing Development

Decision: PG

Decision Date: 25-MAR-03

Ref: I/1993/6037

Proposals: Restoration of Rose Cottage 31 Main Street Coagh

Decision: QL

Decision Date:

Ref: I/2014/0078/F

Proposals: Single Storey Side Extension To Provide Bedroom and Disabled Shower Room

Decision: PG

Decision Date: 27-MAY-14

Ref: I/1984/0391

Proposals: CHANGING ROOMS TO FOOTBALL PITCH

Decision: PG

Decision Date:

Ref: I/1983/0068  
Proposals: NEW FOOTBALL PITCH  
Decision: PG  
Decision Date:

### **Summary of Consultee Responses**

DFI Roads - Enniskillen Office-Response Template.docx  
NI Water - Multiple Units West-LA09-2023-0552-F.pdf  
Environmental Health Mid Ulster Council-LA09 2023 0552 F dwellings Main st.,  
Coagh.doc  
Historic Environment Division (HED)-  
DFI Roads - Enniskillen Office-Roads Consultation full approval.docx

### **Drawing Numbers and Title**

Site Location Plan Plan Ref: 01  
Site Layout or Block Plan Plan Ref: 02  
Proposed Plans Plan Ref: 03  
Proposed Plans Plan Ref: 04  
Site Layout or Block Plan Plan Ref: 02 rev 1  
Proposed Plans Plan Ref: 05

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

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 November 2023	<b>Item Number:</b> 5.16
<b>Application ID:</b> LA09/2023/0612/F	<b>Target Date:</b> 14 September 2023
<b>Proposal:</b> Construction of 1 no. two storey detached dwelling with garage	<b>Location:</b> Land adjacent and East of 146C Drumagarner Road, Kilrea
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mr Niall Dallatt 143 Drumagarner Road Kilrea BT51 5TW	<b>Agent Name and Address:</b> Gerard McPeake Architectural Ltd 31A Main Street Limavady BT49 0EP
<b>Executive Summary:</b>  This application is brought to the planning committee with a recommendation for approval. An objection letter was received from a resident of a nearby dwelling. It is deemed that the issues raised in this objection letter have been adequately addressed.	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Full Resp.docx
Statutory Consultee	NI Water - Multiple Units West	LA09-2023-0612-F.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Full Resp.docx

### Representations:

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

### Summary of Issues

It should be noted that the objection letter in this case was received before the scheme was reduced from 2 no. dwellings to 1 no. dwelling. The concerns raised in this objection letter include the following:- Loss of residential amenity and privacy as a result of overlooking into rear garden from proposed dwelling(s). This includes concerns pertaining to loss of sunlight and concerns about loss of rural features. - Issue with two dwellings being proposed instead of one. - Road safety concerns. These issues are

addressed in the main body of the report.

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

The site of the proposed is located approximately 2 miles outside and south west of the settlement of Kilrea and outside any settlement limits in the Mid Ulster district. The site is therefore located in the rural countryside as defined in the Magherafelt Area Plan 2015. The application site is located to the rear of property nos. 146a, 146b and 146c Drumagarner Road which are road-fronting dwellings. The site is accessed via an existing laneway off the main road which serves several other properties. The 0.1 hectare area site is relatively flat and currently overgrown. Much of its boundaries are made up of the boundaries of other properties in the form of fencing. The site is adjacent and to the rear of nos. 146a, 146b and 146c along its western boundary which is marked by fencing. The north eastern boundary is provided by the shared laneway, of which there are 3 dwellings on the other side of the lane. The south eastern boundary is defined by mature trees which encroach heavily on the site. Finally the southern boundary is defined by post and wire fencing and adjoins an adjacent field to the south of the site. The shared laneway ends with nos. 140 and 142 Drumagarner Rd, which are located adjacent to and south west of the site. The wider surrounding environment consists mostly of agricultural fields with scatterings of dwellings and farm buildings dotted all along the Drumagarner Rd.

### **Description of Proposal**

The proposed is a full application for the proposed construction of 1 no. two storey detached dwelling with garage. Note: The original proposal for this application was for 2 no. two storey detached dwellings (without garages). Following discussions with the agent, amended plans were received reducing the scheme to a single dwelling.

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

#### **Policy Consideration**

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

#### **Relevant Histories**

LA09/2019/1573/O – Proposed site for dwelling and garage – To the rear of 146a, 146b, 146c Drumagarner Road Kilrea – Permission Granted 20/05/2020

#### **Representations**

One objection letter was received against the application proposal from a resident of a neighbouring dwelling identified as 146 Drumagarner Road. It should be noted that this

objection letter was received before the scheme was reduced from 2 no. dwellings to 1 no. dwelling. The concerns raised in this objection letter include the following:

- Loss of residential amenity and privacy as a result of overlooking into rear garden from proposed dwelling(s). This includes concerns pertaining to loss of sunlight and concerns about loss of rural features.
- Issue with two dwellings being proposed instead of one.
- Road safety concerns.

Following this objection letter, the agent provided minor amendments which included the removal of one of the first floor side elevation windows and the obscure glazing of the other (for both dwellings). Upon reviewing the proposal with the senior planner, including the full particulars of the objection letter, it was agreed that the proposal would still result in an unacceptable loss of residential amenity of adjacent properties. The agent was advised to reduce the scheme to a single dwelling which has since been done. The amended drawings provide for a proposed single dwelling and garage. I am pleased that the proposed has no first floor side elevation windows which removes any potential for overlooking into neighbouring properties (particularly the dwellings to the north west). The closest elevation to this boundary is now 6.5 metres away, as opposed to the original separation distance of 2.5 metres. I am content that these changes adequately address the issues pertaining to loss of residential amenity as well as the second issue.

With regard to the concerns for the access and the use of the shared laneway, DfI Roads were consulted in this application and provided no objection to the proposal in their response dated 29/08/2023. The reduced scheme from two dwellings to one dwelling should also minimise this concern. Having considered Appendix C: Adoption and maintenance (page 163) of Creating Places, it is accepted that developments of more than 5 residential units requires the access road to be brought up to an adoptable standard. The proposed will bring that number up to 6 residential units, though it is considered that this is not applicable to this application because the proposed is for a single dwelling located in the countryside and not within an urban settlement.

On the above basis I am content that all the concerns in the objection letter have been adequately considered and remedial action taken where necessary to address these issues.

Following receipt of the most recent drawings reflecting the reduced scheme, all neighbours (including the objector) were re-notified. No further comments have been provided since.

### Magherafelt Area Plan 2015

The site of the proposed is located approximately 2 miles outside and south west of the settlement of Kilrea and outside any settlement limits in the Mid Ulster district. The site is therefore located in the rural countryside as defined in the Magherafelt Area Plan 2015.

### Other Constraints

This site is not located within or adjacent to any protected areas, including SACs, SPAs

and Ramsar sites.

The site is not located within or adjacent to any listed building / structures.

There are no issues pertaining to flooding at the site.

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

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

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

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and 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 3 – Access, Movement and Parking

The proposed involves the alteration of an existing access to a public road. DfI Roads were consulted who provided no objection to the application, subject to condition. In light of this, I am content that the proposed complies with Policy AMP 2 of PPS 3.

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

PPS21 is the overarching document for assessing development proposals in the countryside. Policy CTY 1 states that planning permission 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 in accordance with Policy CTY 8. This application is therefore considered under CTY 8 – Ribbon Development. The principle of development for a gap site single dwelling at this site is established under the extant LA09/2019/1573/O approval. Given the case is going to committee, its compliance with Policy CTY 8 is reaffirmed in the below paragraph.

In terms of the plot size, I am content that the site would be able to accommodate the proposed dwelling. For the purposes of this policy, the definition of a substantial and built



up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear. In this case, the road comprises a private lane with a built up frontage of 3 dwellings, starting from the south end of the lane with no. 142 Drumagarner Rd, followed by a second dwelling adjacent and north west of this, followed by the gap site, and finally followed by no. 146a. I am content that the proposed dwelling will lend itself well within the gap site of this otherwise substantial and continuously built up frontage of dwellings. Given this, I am content that the proposed complies with policy CTY 8 of PPS 21.

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The proposed is a two storey dwelling with an 8 metre ridge height from finished floor levels, which together with the design is in keeping with the road-side dwellings which the site lies behind. Finished materials include smooth coloured white render to the walls and black concrete tile roofing. The design is considered to be appropriate for the site and its locality. The proposed will not be a prominent feature in the environment, given its ridge height and profile which is similar to the dwellings that it nestles behind. The site is able to provide a suitable degree of enclosure for the dwelling. It is accepted that a number of the encroaching trees along the south eastern boundary will have to be removed to accommodate the dwelling, though a number of these trees are to be retained as per the site layout plan (02 Rev B). Given the level of enclosure and the retention of some of the trees, it is deemed that the site does not rely primarily on the use of new landscaping. I am content that the proposed blends with existing buildings around the site. The proposed complies with Policy CTY 13.

In terms of policy CTY14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It is considered that the site and its surrounding environs are suitable for absorbing a dwelling of this size and scale.

#### Recommendation

Having carried out an assessment of the planning policy and other material considerations pertaining to this proposal, I recommend that this application be granted planning permission subject to the below conditions.

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

Approve is recommended

#### Approval Conditions

Condition 1

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

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

**Condition 2**

The vehicular access including visibility splays 2.4 x 120 metres and a 120-metre forward sight distance, shall be provided in accordance with Drawing No. 02 Rev B uploaded to public access on 10/10/2023, prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

**Condition 3**

All landscaping comprised in the approved details of landscaping on Drawing No. 02 Rev B uploaded to public access on 10/10/2023, shall be carried out in the first planting season following the occupation of the development hereby approved.

Reason: To ensure the development integrates into the countryside.

**Condition 4**

The existing trees to be retained, as indicated on Drawing No. 02 Rev B uploaded to public access on 10/10/2023, shall be permanently retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

**Signature(s):** Benjamin Porter

**Date:** 25 October 2023

<b>ANNEX</b>	
<b>Date Valid</b>	1 June 2023
<b>Date First Advertised</b>	20 June 2023
<b>Date Last Advertised</b>	13 June 2023
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner / Occupier  150 Drumagarner Road Kilrea Londonderry BT51 5TW  The Owner / Occupier  138 Drumagarner Road Kilrea Londonderry BT51 5TN  The Owner / Occupier  143 Drumagarner Road Kilrea Londonderry BT51 5TN  The Owner / Occupier  139 Drumagarner Road Kilrea Londonderry BT51 5TN  The Owner / Occupier  146A Drumagarner Road Kilrea Londonderry BT51 5TW  The Owner / Occupier  146C Drumagarner Road Kilrea Londonderry BT51 5TW  The Owner / Occupier  148 Drumagarner Road Kilrea Londonderry BT51 5TW  The Owner / Occupier  142 Drumagarner Road Kilrea Londonderry BT51 5TW  The Owner / Occupier  146B Drumagarner Road Kilrea Londonderry BT51 5TW  The Owner / Occupier  140 Drumagarner Road Kilrea Londonderry BT51 5TW  The Owner / Occupier  146 Drumagarner Road Kilrea Londonderry BT51 5TW  The Owner / Occupier  138A Drumagarner Road Kilrea Londonderry BT51 5TN</p>	
<b>Date of Last Neighbour Notification</b>	12 October 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: H/2002/0479/RM  Proposals: Dwelling  Decision: PG</p>	

Decision Date: 24-JUL-02

Ref: H/2001/0565/O

Proposals: Site for Dwelling

Decision: PG

Decision Date: 18-DEC-01

Ref: LA09/2017/0016/NMC

Proposals: Proposed in line movement of Structure IMP73 (2 metres) West of previously approved location.

Proposed in line movement of Structure IMP56 (1.5 metres) South West of previously approved location.

All alterations are contained within the land ownership boundaries of the landowners who requested the movements.

Decision: CG

Decision Date: 17-JAN-17

Ref: LA09/2017/0017/NMC

Proposals: Proposed in line movement of Structure IMP42 (11 metres) West of previously approved location.

Proposed in line movement of Structure IMP76 (3 metres) West of previously approved location.

Proposed in line movement of Structure IMP79 (30 metres) North to boundary hedge.

This will require a further movement to structures AM78 (10 metres) and AM81 (10 metres) to accommodate this new structure location.

All alterations are contained within the land ownership boundaries of the landowners who requested the movements.

Decision: CG

Decision Date: 17-JAN-17

Ref: LA09/2023/0126/F

Proposals: Proposed 2 storey side extension to dwelling

Decision: PG

Decision Date: 24-MAR-23

Ref: LA09/2023/0612/F

Proposals: Construction of two no of two storey detached dwelling houses

Decision:

Decision Date:

Ref: H/2004/0750/O

Proposals: Site of dwelling.

Decision:

Decision Date:

Ref: H/2005/0383/O

Proposals: Site of Bungalow

Decision: PG

Decision Date: 18-SEP-06

Ref: LA09/2017/1324/F

Proposals: New domestic shed for vintage cars and tractors.

Decision: PG

Decision Date: 28-NOV-17

Ref: H/2004/0278/F

Proposals: Alterations / Additions to house.

Decision: PG

Decision Date: 20-MAY-04

Ref: H/1993/0056

Proposals: BUILDERS STORE FOR CAR,LORRY AND TURF SUPPLIES

Decision: PR

Decision Date:

Ref: H/1980/0347

Proposals: ALTERATIONS AND ADDITIONS TO BUNGALOW

Decision: PG

Decision Date:

Ref: H/1999/0485

Proposals: SITE OF DWELLING

Decision: PG

Decision Date:

Ref: H/2000/0207/RO

Proposals: Dwelling and garage

Decision: PG

Decision Date: 17-MAY-00

Ref: H/1991/0350

Proposals: BUNGALOW AND GARAGE

Decision: PG

Decision Date:

Ref: LA09/2017/0002/DC

Proposals: Discharge of conditions 11 and 12 on Planning Application LA09/2015/1294/

Decision: AL

Decision Date: 13-JAN-17

Ref: LA09/2015/0011/RM

Proposals: Proposed infill dwelling and garage

Decision: PG  
Decision Date: 30-SEP-15

Ref: H/2000/0039/F  
Proposals: 2 No Dwellings and Garages  
Decision: PG  
Decision Date: 19-MAY-00

Ref: H/2000/0518/O  
Proposals: Site for dwelling  
Decision: PG  
Decision Date: 18-SEP-00

Ref: H/1998/0443  
Proposals: SITE OF DWELLING  
Decision: PG  
Decision Date:

Ref: H/1999/0080  
Proposals: SITE OF DWELLING  
Decision: PG  
Decision Date:

Ref: H/1994/0065  
Proposals: SITE OF DWELLING  
Decision: WITHDR  
Decision Date:

Ref: H/2013/0018/O  
Proposals: Proposed infill site for dwelling and garage  
Decision: PG  
Decision Date: 30-AUG-13

Ref: LA09/2019/1573/O  
Proposals: Proposed site for dwelling and garage  
Decision: PG  
Decision Date: 20-MAY-20

Ref: LA09/2017/1229/F  
Proposals: Proposed retention of existing access (amended description)  
Decision: PG  
Decision Date: 05-DEC-17

Ref: H/2002/0605/O  
Proposals: Site of dwelling and garage.  
Decision: PR

Decision Date: 05-FEB-03

Ref: H/1989/0332

Proposals: SITE OF DWELLING

Decision: PR

Decision Date:

Ref: H/2004/1305/F

Proposals: Bungalow and Garage.

Decision: PG

Decision Date: 21-JAN-06

Ref: LA09/2017/0007/F

Proposals: Proposed 2 no. infill dwellings and garages

Decision: PG

Decision Date: 24-MAR-17

Ref: H/2003/1042/F

Proposals: Dwelling and garage.

Decision: PG

Decision Date: 14-DEC-04

### **Summary of Consultee Responses**

DFI Roads - Enniskillen Office-Full Resp.docx

NI Water - Multiple Units West-LA09-2023-0612-F.pdf

DFI Roads - Enniskillen Office-Full Resp.docx

### **Drawing Numbers and Title**

Proposed Plans      Plan Ref: 03 REV A

Proposed Plans      Plan Ref: 04 REV A

Site Location Plan   Plan Ref: 01

Site Layout or Block Plan   Plan Ref: 02

Proposed Plans      Plan Ref: 03

Proposed Elevations      Plan Ref: 04

Proposed Plans      Plan Ref: 05

Proposed Plans      Plan Ref: 06

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

Not Applicable







## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 November 2023	<b>Item Number:</b> 5.17
<b>Application ID:</b> LA09/2023/0650/RM	<b>Target Date:</b> 25 September 2023
<b>Proposal:</b> Dwelling and detached garage	<b>Location:</b> Lands 85M SW of No 16 Megargy Road Magherafelt
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Declan Donnelly 41 Foxfield Park Magherafelt BT45 5FQ	<b>Agent Name and Address:</b> Healy McKeown Architects The Studio 11-13 Maghera Street Kilrea BT51 5QL
<b>Executive Summary:</b> <p>This RM application for a dwelling and detached garage is being presented to committee as one (1) objection has been received.</p> <p>This proposal has been assessed under all relevant policy and guidance, that is the SPPS, the Magherafelt Area Plan 2015, PPS3, PPS 21 (CTY 13 AND 14) and Building on Tradition- a Sustainable Design Guide for the Northern Ireland Countryside 2012. The proposal is not at conflict with any of the relevant policies. DFI Roads have been consulted and have raised no concerns.</p> <p>1 no. objection has been received to date. Issues raised include impact on wildlife from erection of proposed boundary post and wire fence, impact from package treatment plant. Members are advised that all material planning issues raised in these objections have been fully considered. The objections do not merit the refusal of this application. Approval is recommended with appropriate conditions and informatives attached to any decision.</p>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Dfl Roads response dated 22/09/2023.
Statutory Consultee	DFI Roads - Enniskillen Office	RM Response.docx
Statutory Consultee	DFI Roads - Enniskillen Office	RM Response.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Dfl Roads response dated 19/7/2023 - duplicated.

### 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

#### Representations

Two (2) neighbouring properties were notified, and press advertisement was carried out in line with the Council's statutory duty. To date, one third party representation has been

received from the occupants of number 18 Megargy Road.

### **Summary of Issues:**

1 objection was received on the 29/06/2023 and it raised the following concerns:

The proposed boundary of a post and wire fence with native species hedging will replace the existing (which belongs to no.18) and will result in loss of wildlife. It would appear that the objector has read the site layout incorrectly. The existing boundary with no. 18 will be unaffected. It is proposed to create a new boundary through the middle of the host field therefore there will be no loss of existing habitat.

Package treatment plant from dwelling discharging into waterway/pond. The proposed treatment plant will be subject to independent approval from NIEA.

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

The site is located approximately 0.8km west of the development limits of Magherafelt, wherein the site lies in the open countryside as per the Magherafelt Area Plan 2015. The site is identified as 85M southwest of 16 Megargy Road, Magherafelt in which the red line covers a slightly sloped agricultural field that sits on the roadside. I note that the red line covers a portion of a much larger agricultural field. All boundaries are defined by a mix of mature hedging and trees where the intention is to create a post and wire fence with native species hedging. The proposed site is currently accessed via an existing agricultural field where to proposed seeks to create a new access onto the public road closer to the northeast boundary. I note that the immediate and surrounding area are predominately agricultural land uses with a scattering of residential dwellings.

### **Description of Proposal**

This is a Reserved Matters application for a dwelling and detached garage.

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

#### **Policy Consideration**

#### **Relevant Planning History**

Reference: LA09/2020/0909/O

Proposal: Proposed dwelling and garage on a farm

Location: 85M SW Of 16 Megargy Road, Magherafelt

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

- Magherafelt Area Plan 2015
- SPPS - Strategic Planning Policy Statement for Northern Ireland
- Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 21: Sustainable Development in the Countryside
  - CTY 1: Development in the Countryside
  - CTY 13: Integration and Design of Buildings in the Countryside; and
  - CTY 14: Rural Character
- Building on Tradition- a Sustainable Design Guide for the Northern Ireland Countryside 2012

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

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities.

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

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so as far as material to the application, and to any other material considerations. Sections 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise. The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause and Independent Examination. In light of this, the draft Plan Strategy does not yet carry determining weight.

## **Planning Policy Statement 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 proposed dwelling and garage will result in the construction of a new access onto a public road therefore, DFI Roads were consulted and provided no objection to the proposed subject to standard conditions.

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

PPS21 is the overarching document for assessing development proposals in the countryside. Policy CTY 1 provides clarification on which types of development area acceptable in the countryside. The principle of development for this site has been established in the LA09/2020/0909/O approval. The proposed satisfies the outline conditions including the 7.5 metre ridge height restriction.

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

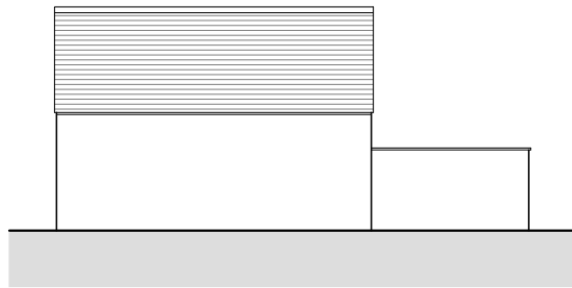
Policy CTY13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design. The proposed is a two-storey modest-sized dwelling that is not a prominent feature in the environment. Existing screening along the western boundary is to be maintained and will provide a suitable degree of enclosure for the building to integrate into the landscape. New landscaping is also proposed in the form of a new post and wire fence with native species hedgerow to the northern, eastern and southern boundary. Finished materials include smooth painted render to alongside locally sourced natural stone to the walls and natural slate to the roof. I deem these materials to be acceptable and appropriate for the site and its locality. From this I am content that the application is able to comply with Policy CTY 13.

## **CTY 14- Rural Character**

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. As mentioned previously I am content that a dwelling in this location will not be unduly prominent in landscape. It is considered that the site and its environs are suitable for absorbing a dwelling of this size and scale. I am content that there is unlikely to be any adverse impact to the rural character of the area as such I am content that the application complies under CTY 14.

Having carried out an assessment of the planning policy and other material considerations pertaining to this proposal, I recommend that this application be granted planning permission.

## Proposed garage elevations:



proposed north elevation 1:100



proposed south elevation 1:100

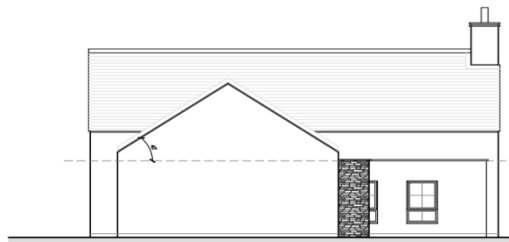
## Proposed dwelling elevations:



proposed east elevation 1:100



proposed north elevation 1:100



## **Other Considerations**

To the west of the proposed site lies 10m Watercourse Buffer and 1200 surface water flood extent, as the proposed dwelling and garage is mainly to the north of the property, I am content that it was not necessary to consult with rivers in this instance as the west of the property will remain unaffected by the proposal.

## **Habitats Regulations Assessment**

A Habitats Regulations Assessment (HRA) was conducted to determine any potential impact this proposal may have on Special Protection Areas, Special Areas of Conservation and Ramsar sites. This was assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc) Regulations (Northern

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

**Summary of Recommendation:**

Approve is recommended

**Approval Conditions**

**Condition 1**

As required by Section 62 of the Planning Act (Northern Ireland) 2011 the development to which this approval relates must be begun by whichever is the later of the following dates:-

- i. The expiration of a period of 5 years from the grant of outline planning permission; or
- ii. The expiration of a period of 2 years from the date hereof.

Reason: Time limit.

**Condition 2**

The vehicular access including visibility splays 2.4 x 60 metres and a 60-metre forward sight distance, shall be provided in accordance with Drawing No. 02 Rev 01 bearing the date stamp 07 Aug 2023 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

**Condition 3**

All landscaping comprised in the approved details of landscaping on stamped drawing No. 02 uploaded to Public Access on 12/06/2023 shall be carried out in the first planting season following the occupation of the dwelling hereby approved.

Reason: To ensure the development integrates into the countryside.

**Condition 4**

The existing mature trees and vegetation along the site boundaries as shown on drawing no. 02 rev 01 shall be retained except where it is required to provide sight lines. No trees or vegetation shall be lopped, topped or removed without prior consent in writing to the Council, unless necessary to prevent danger to the public in which case a full explanation shall be given in writing at the earliest possible moment.

Reason: To ensure the maintenance of screening to the site.

**Signature(s):** Ciara Carson

**Date:** 17 October 2023



<b>ANNEX</b>	
<b>Date Valid</b>	12 June 2023
<b>Date First Advertised</b>	27 June 2023
<b>Date Last Advertised</b>	27 June 2023
<b>Details of Neighbour Notification (all addresses)</b> The Owner / Occupier 16 Megargy Road Magherafelt BT45 5HW The Owner / Occupier 18 Megargy Road Magherafelt BT45 5HW	
<b>Date of Last Neighbour Notification</b>	21 June 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: LA09/2018/0647/F Proposals: New underground gas transmission pipeline (intermediate pressure) approximately 9km in length, both in-road/verge, with associated temporary site works, including open cut excavation and horizontal directional drilling for pipe installation, and temporary storage areas for pipes and soil Decision: PG Decision Date: 08-AUG-18</p> <p>Ref: LA09/2020/0909/O Proposals: Proposed dwelling and garage on a farm Decision: PG Decision Date: 26-NOV-20</p> <p>Ref: LA09/2023/0650/RM Proposals: Dwelling and detached garage (reserved matters) Decision: Decision Date:</p>	
<b>Summary of Consultee Responses</b>	
<p>DFI Roads - Enniskillen Office-Dfl Roads response dated 22/09/2023. DFI Roads - Enniskillen Office-RM Response.docx</p>	

DFI Roads - Enniskillen Office-RM Response.docx  
DFI Roads - Enniskillen Office-Dfl Roads response dated 19/7/2023 - duplicated.

**Drawing Numbers and Title**

Site Location Plan Plan Ref: 01  
Site Layout or Block Plan Plan Ref: 02  
Proposed Floor Plans Plan Ref: 03  
Proposed Floor Plans Plan Ref: 04  
Proposed Elevations Plan Ref: 05  
Proposed Elevations Plan Ref: 06  
Garage Plans Plan Ref: 07  
Site Location Plan Plan Ref: 01 rev 01  
Site Layout or Block Plan Plan Ref: 02 rev 01  
Proposed Elevations Plan Ref: 05 REV 01  
Proposed Elevations Plan Ref: 06 REV 01  
Garage Plans Plan Ref: 07 REV 01

**Notification to Department (if relevant)**

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 November 2023	<b>Item Number:</b> 5.18
<b>Application ID:</b> LA09/2023/0690/O	<b>Target Date:</b> 5 October 2023
<b>Proposal:</b> Proposed site for new dwelling in infill site	<b>Location:</b> Between 42 and 42A Tamnaskeeney Road Cookstown
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Richard McAllister 12 Knockaleery Road Cookstown BT80 9EA	<b>Agent Name and Address:</b> Gibson Design & Build 23 Ballinderry Bridge Road Coagh Cookstown BT80 0BR
<b>Executive Summary:</b> <p>This proposal has been assessed under all relevant policy, such as the SPPS, Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy, PPS 3 and PPS21. It is my opinion that the proposal is not at conflict with any of the relevant policy tests. One objection has been received to date. Issues raised include impact on privacy and rural impact. Members are advised that all material planning issues raised in these objections have been fully considered and consultee advice sought if necessary. The objections do not merit the refusal of this application.</p>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	DC Checklist 1.doc FORM RS1 STANDARD.doc Roads outline.docx

### Representations:

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

### Summary of Issues

One letter of objection was submitted online. The concerns raised within the objection letter have been fully considered as part of this planning application. The main points have been summarised below.

- Privacy Concerns

- Rural Impact

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

The proposed site is located outside any defined settlement limits and as such is in the open countryside as defined in Cookstown Area Plan 2010. The site is identified as lands between 42 and 42A Tamnaskeeney Road, Cookstown, in which the red line covers a roadside site that is a portion of a much larger agricultural field. The immediate area is predominately agricultural in nature with a scattering of dwellings throughout.

### **Description of Proposal**

This is an outline application for a proposed site for a new dwelling in infill site.

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

#### **Policy Consideration**

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

In line with Statutory Neighbour Notification Procedures, five neighbouring properties were notified of this application. To date, there has been one letter of objection received in respect of the proposal.

The following policies will be considered in this assessment:

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

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

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities

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

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

### **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. DFI roads were consulted and, in their response, stated if the Council Planning decide to approve this application, the following conditions must be applied.

### **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. The application to be considered is for a dwelling and garage under the provisions of policy CTY 8 – Ribbon Development.

Policy CTY 8 states that “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 these respects the existing development pattern along the frontage in terms of size, scale siting and plot size and meets other planning and environmental requirements”. A substantial and built-up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

The gap as shown below between the dwellings at No.42 and 42a Tamnaskeeny Road is sufficient only to accommodate one dwelling. The dwelling at No.42 also has a outbuilding/shed which fronts onto the Tamnaskeeny Road and therefore can be counted as a building. For the purposed of this assessment, I am content that this can be deemed a substantial and built-up frontage.

It is also my opinion that given the size of the application site and the plot sizes along this section of the road, a dwelling at this proposed location would represent an acceptable infill opportunity that respects the adjacent plot sizes. The existing dwelling to the West (No. 42a) has a frontage of 90m, with the dwelling to the East (No. 42) having a frontage of 40m. The gap in between measures 42m which is suitable for one infill dwelling. The gap created by the host field is not of a size that represents any sort of visual break in this particular landscape.

Overall, I am content the proposal meets all the criteria in CTY 8.



Policy CTY 13 stipulates that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design. I hold the opinion that an appropriately designed dwelling will not appear prominent in the landscape. Existing landscaping along the existing boundaries should be retained where possible and supplemented with additional landscaping to aid integration. Finally, I feel it would be necessary to restrict the ridge height to be no more than 6.5m above finished floor level given the surrounding development. No details about the design and materials of the garage have been provided and this will be considered at the reserved matters stage. From this I am content that the application is able to comply with CTY 13.

Policy CTY14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. An objector has raised concerns over the rural impact that this proposal may have on the adjacent area. With considering this concern, I am content that an appropriately designed dwelling will not appear prominent in the landscape wherein it will still be able to respect the pattern of development in the area. Furthermore, I am content on the balance that this proposed application will not unduly change the character of the area. Overall, I am satisfied that the proposed development complies with CTY 14 and I cannot attach any determining weight to the objectors concerns over rural impact.

## **Other considerations**

Another issue raised by the objector was concerns over the privacy concerns due to proximity from the proposed to the adjacent dwelling (No.42a). With a separation distance of approximately 34m and mature boundary vegetation, I cannot attach any determining weight to the objectors concerns over privacy of neighbouring residents.

## **Habitats Regulations Assessment**

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

## **Summary of Recommendation:**

Approve is recommended

## **Approval Conditions**

### **Condition 1**

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

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

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

### **Condition 2**

A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1.

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 depth of the underbuilding between finished floor level and ground level shall not exceed 0.3m at any point.



Reason: In the interest of visual amenity.

**Condition 4**

The dwelling hereby permitted shall have a ridge height not exceeding 6.5 metres above existing ground level and be designed in accordance with the design guide 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside'

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

**Condition 5**

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

Reason: To ensure the provision of a high standard of landscaping and in the interests of visual amenity.

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

**Date:** 26 October 2023

<b>ANNEX</b>	
<b>Date Valid</b>	22 June 2023
<b>Date First Advertised</b>	4 July 2023
<b>Date Last Advertised</b>	4 July 2023
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner / Occupier  41 Tamnaskeeney Road Cookstown Tyrone BT80 9EQ  The Owner / Occupier  38 Tamnaskeeney Road Cookstown Tyrone BT80 9EQ  The Owner / Occupier  42A Tamnaskeeney Road Cookstown Tyrone BT80 9EQ  The Owner / Occupier  43 Tamnaskeeney Road Cookstown Tyrone BT80 9EQ  The Owner / Occupier  42 Tamnaskeeney Road Cookstown BT80 9EQ</p>	
<b>Date of Last Neighbour Notification</b>	4 August 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: I/1978/030001  Proposals: REPLACEMENT BUNGALOW  Decision: PG  Decision Date:</p> <p>Ref: I/2003/1005/O  Proposals: Proposed dwelling and garage  Decision: PG  Decision Date: 15-JAN-04</p> <p>Ref: I/1992/4035  Proposals: Improvements to dwelling  Decision: PDNOAP  Decision Date:</p> <p>Ref: I/1978/0300</p>	

Proposals: BUNGALOW

Decision: PG

Decision Date:

Ref: LA09/2023/0690/O

Proposals: Proposed site for new dwelling in infill site

Decision:

Decision Date:

### **Summary of Consultee Responses**

DFI Roads - Enniskillen Office-DC Checklist 1.docFORM RS1 STANDARD.docRoads outline.docx

### **Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

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

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 November 2023	<b>Item Number:</b> 5.19
<b>Application ID:</b> LA09/2023/0694/F	<b>Target Date:</b> 6 October 2023
<b>Proposal:</b> Proposed farm machinery/feed store with handling facilities (no animal housing)	<b>Location:</b> 140M SE of 49 Slate Quarry Road Pomeroy
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mr John and Brian Lagan 31A Tullyreavy Road Rock Dungannon BT70 3JN	<b>Agent Name and Address:</b> Mrs Carol Gourley Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown BT80 9LU
<b>Executive Summary:</b> <p>This application is being presented to the committee as an exception to policy. The proposal is for a farm shed located away from existing farm buildings and whilst the policy does allow for an alternative site away from existing farm buildings, only if there are no other sites available at another group of buildings. In this case, there are other sites available beside the existing group of buildings however the applicant is seeking this new building at an alternative site to allow for the efficient functioning of the building to provide storage on another part of the farm holding. Therefore, it is to be considered as an exception to policy as although it does comply with all other criteria within CTY 12 it fails the exceptionality test stated in the last paragraph of CTY 12.</p>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation full approval.docx
Statutory Consultee	Environmental Health Mid Ulster Council	Planning response.pdf
Statutory Consultee	DAERA - Omagh	LA09-2023-0694-F.docx

### Representations:

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

### Summary of Issues

### Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits or

designations as per the Cookstown Area Plan. The red line of the application site is a rectangular piece of land located at the south eastern boundary of an existing larger agricultural field which extends north west towards the public road. The levels of the site rise while travelling along the existing access lane to the site, which has been levelled and at the time of the site visit a small portion of the site was used to store bales. There are existing boundaries to the south and west of the site with the remainder of the boundaries currently undefined. The surrounding area is mainly agricultural land uses with single dwellings located throughout the countryside.

### **Representations**

No third party representations have been received

### **Description of Proposal**

This is a full planning application for a proposed farm machinery/feed store with handling facilities (no animal housing)

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

#### **Policy Consideration**

Cookstown Area Plan 2010  
Strategic Planning Policy Statement (SPPS)  
PPS 21: Sustainable Development in the Countryside

Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise. Policy CTY 1 of PPS 21 sets out the range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

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

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

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

*pollution.*

Firstly, DAERA were consulted and confirmed the farm business is active and established. With regards to criteria A, the agent provided a statement of case to demonstrate that the new building was necessary for the efficient use of the holding. In essence the argument put forward for the need for the building is that the lands around this site are used to graze cattle on the holding with the main holding located approximately 1.5 mile away, transporting cattle to and from the holding every time they needed vaccines or check-ups etc. The agent also states the building will be used to store machinery so that it can be used at this location and the surrounding fields. Following internal group discussions with the senior planner it was agreed that the case has been made by the agent and compliance with criteria A has been demonstrated.

With regards to criteria B, some initial concern was raised to the agent regarding this size and scale of the building specifically the height. However, the agent reduced the ridge height to 6.48m above finished floor level and given the existing backdrop of mature trees, I am content the building is appropriate for the rural location and will visually integrate into the landscape. Additional planting is shown on the plans and this will be conditioned to any approval in that it should be provided and retained.

I have no concern the proposal will have any adverse impact on the natural or built heritage and it is located a sufficient distance away from any third party residential buildings.

Policy CTY 12 states further that in cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:

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

*It was agreed that given the case put forward justifying the need for the building at this location to run an efficient farm business, it is considered that the existing buildings on the farm cannot be used for this purpose.*

I am content with the design and materials used for the locality of the site.

The building is not sited beside existing farm buildings. The policy does however allow for a further exception where consideration may be given to an alternative site away from existing farm, provided there are no other sites available at another group of buildings on the holding, **and where:**

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

The issue here is there are other sites available surrounding the existing farm holdings but the need for the new farm building has been concerned acceptable at a location away from the existing farm holding to allow for the efficient functioning of the farm holding. As such, the proposal fails to meet this policy exception and cannot fully comply

with CTY 12 hence why it is being presented as an exception to policy. I am content that the proposal is essential for the efficient functioning of the business as it allows for the expansion of the farm holding.

Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design. I am content the proposal will integrate with existing boundaries being retained, allowing the building to blend with the landform and existing trees.

Policy CTY 14 states that Planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As previously mentioned, I am content the proposal will not be a prominent feature in the landscape. The proposal is using an existing laneway so this will have no impact on the surrounding area.

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

DfI Roads were consulted to ensure the access arrangements are acceptable and responded to confirm they had no objection to the proposal.

#### **Other Material Considerations**

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

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

Approve is recommended

#### Approval Conditions

##### Condition 1

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

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

##### Condition 2

The building hereby approved shall only be used for the storage of agricultural machinery and feed and not for the housing of any livestock.



Reason: To prohibit a change to an unacceptable use and in the interest of neighbouring amenity.

**Condition 3**

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

Reason: To ensure the development integrates into the countryside.

**Condition 4**

If any retained tree is removed, uprooted or destroyed or dies within 3 years from the date of occupation of the building for its permitted use another tree or trees shall be planted at the same place and that/those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.

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

**Signature(s):** Ciaran Devlin

**Date:** 24 October 2023

<b>ANNEX</b>	
<b>Date Valid</b>	23 June 2023
<b>Date First Advertised</b>	4 July 2023
<b>Date Last Advertised</b>	4 July 2023
<b>Details of Neighbour Notification</b> (all addresses) The Owner / Occupier No Neighbours	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>  Ref: LA09/2023/0694/F Proposals: Proposed farm machinery/feed store with handling facilities (no animal housing) Decision: Decision Date:	
<b>Summary of Consultee Responses</b>  DFI Roads - Enniskillen Office-Roads Consultation full approval.docx Environmental Health Mid Ulster Council-Planning response.pdf DAERA - Omagh-LA09-2023-0694-F.docx	
<b>Drawing Numbers and Title</b>  Site Location Plan Plan Ref: 01 Site Layout or Block Plan Plan Ref: 02 Proposed Plans Plan Ref: 03	

**Notification to Department (if relevant)**

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 November 2023	<b>Item Number:</b> 5.20
<b>Application ID:</b> LA09/2023/0703/O	<b>Target Date:</b> 10 October 2023
<b>Proposal:</b> Proposed replacement dwelling and garage	<b>Location:</b> 65M NW of 115 Aughrim Road Magherafelt
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Seamus O'Kane 17 Deerpark Road Bellaghy Magherafelt BT45 8LB	<b>Agent Name and Address:</b> Newline Architects 48 Main Street Castledawson BT45 8AB
<b>Executive Summary:</b> <p>This application is brought to the Planning Committee with a recommendation for refusal. 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.</p> <p>The proposal complies with Policies CTY 13 and CTY 14 of PPS 21 at this outline stage.</p>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	Historic Environment Division (HED)	

### Representations:

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

### Summary of Issues

### Characteristics of the Site and Area

The site of the proposed is located in the rural countryside approximately 2 miles east and outside of the Magherafelt settlement limit as defined in the Magherafelt Area Plan 2015. The site comprises a 0.5 hectare area agricultural field which sits north of a farm holding. The site slopes upwards from the bottom eastern boundary to the top western

boundary next to the private laneway. This 170m long laneway provides the access to the site from the main Aughrim Rd. Given the distance from the public road, the site cannot be seen from the Aughrim Road. Site boundaries consist of mature trees and hedgerow which line the northern and eastern field boundaries. A 2.5m line of hedging runs along the western boundary of the site. The southern boundary of the site consists of the perimeter curtilage of no. 115 Aughrim Rd which is the farm holding. With the exception of this southern boundary, the site is surrounded by agricultural fields. The wider surrounding environment consists mostly of agricultural fields and farm holdings with a low and spread out density.

### **Description of Proposal**

The proposed is an outline application for a replacement dwelling and garage.

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

#### **Policy Consideration**

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

#### **Relevant Histories**

None

#### **Representations**

To date no third party representations have been received.

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

The site of the proposed is located in the rural countryside approximately 2 miles east and outside of the Magherafelt settlement limit as defined in the Magherafelt Area Plan 2015.

#### **Other Constraints**

This site is not located within or adjacent to any protected areas, including SACs, SPAs and Ramsar sites.

The site is located adjacent to an enclosure located west of the site in another field. A consultation was made to HED and the proposal is assessed against PPS 6 in the main body of this report.

There are no issues pertaining to flooding at the site.

## Mid Ulster District Council Draft Plan Strategy 2030

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

## SPPS – Strategic Planning Policy Statement for Northern Ireland

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

## PPS 21 – Sustainable Development in the Countryside

PPS21 is the overarching document for assessing development proposals in the countryside. Policy CTY1 of PPS 21 lists development proposals that are considered to be acceptable forms of development in the countryside, including replacement dwellings, subject to policy criteria within CTY3 - Replacement Dwellings being met.

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. The existing building on site has all four walls intact, though I am not convinced that it exhibits the essential characteristics of a dwelling. This appears to be an old farm outbuilding / stable building. The principle front elevation (southern elevation) has four entrances consisting of two stable doors and two large corrugated iron, hinge doors with large bolt locks. On the same elevation, there are two barred windows with glass panelling on the exterior. There was no chimney nor fireplace upon internal inspection. The agent has provided Griffith Valuation page extracts to demonstrate that the building in question was a dwelling at a time. However, upon review of this with the senior planner against the evidence on site, I am not content that a valid replacement opportunity exists because the building does not exhibit the essential characteristics of a dwelling. It is my view that the proposal fails to satisfy this criteria of Policy CTY 3.

The policy also asks that the proposed replacement dwelling 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 application, though the red-lined site area indicates that the dwelling will be sited in the field to the north west of the existing farm yard area and therefore outside the curtilage of the existing building. This is acceptable in this case as the curtilage is quite restricted and it is deemed that the space left in the yard area is needed to manoeuvre farm vehicles. Given the application has failed to present a valid replacement opportunity I hold the view it fails under Policy CTY 3.

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. The application complies with Policy CTY 13 at this outline stage.

Policy 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 and nor will it cause detrimental harm to the rural character of the area. The application complies with Policy CTY 14 at this outline stage.

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

This is a replacement dwelling application and the proposed access arrangements involve the use of an existing unaltered access to the public road and thus a consultation with DfI Roads was not deemed necessary. The proposed complies with Policy AMP 2 of PPS 3.

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

The site is located adjacent to an enclosure located west of the site in another field. A consultation was made to Historical Environment Division who upon reviewing the application and site area provided no objection to the proposal. It is taken that the proposal would not adversely affect this archaeological site and thus the proposed complies with Policy BH 2 of PPS 6.

#### Recommendation

Having assessed the application against the relevant policy and all other material considerations, I recommend that this application be refused on the grounds that it is contrary to Policy CTY 3 of PPS 21 in that it does not demonstrate a valid replacement dwelling case.

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



Refuse is recommended

Refusal Reasons

Reason 1

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

Reason 2

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

**Signature(s):** Benjamin Porter

**Date:** 10 October 2023

<b>ANNEX</b>	
<b>Date Valid</b>	27 June 2023
<b>Date First Advertised</b>	11 July 2023
<b>Date Last Advertised</b>	11 July 2023
<b>Details of Neighbour Notification (all addresses)</b> The Owner / Occupier 116 Aughrim Road Castledawson Londonderry BT45 8HB The Owner / Occupier 111 Aughrim Road Magherafelt Londonderry BT45 6JZ The Owner / Occupier 117 Aughrim Road Castledawson Londonderry BT45 8HB The Owner / Occupier 115 Aughrim Road Castledawson Londonderry BT45 8HB	
<b>Date of Last Neighbour Notification</b>	30 June 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
Ref: H/1993/6068 Proposals: SITE OF DWELLING AUGHRIM ROAD MAGHERAFELT Decision: QL Decision Date:	
Ref: LA09/2023/0703/O Proposals: Proposed replacement dwelling and garage Decision: Decision Date:	
Ref: H/1990/0216 Proposals: SITE OF FARM BUNGALOW Decision: WITHDR Decision Date:	
Ref: H/1999/0168 Proposals: DWELLING(2 STOREY) & GARAGE Decision: PG	

Decision Date:

Ref: H/2000/0136/F

Proposals: Two storey dwelling and garage

Decision: PG

Decision Date: 22-SEP-00

Ref: H/1991/0468

Proposals: BUNGALOW

Decision: WITHDR

Decision Date:

Ref: H/1992/6089

Proposals: SUB-STATION MAIN STREET MAGHERA

Decision: QL

Decision Date:

Ref: H/2007/0793/O

Proposals: Proposed dwelling and garage.

Decision: PR

Decision Date: 22-SEP-10

Ref: H/2005/0589/O

Proposals: Site of Dwelling and Garage

Decision: PG

Decision Date: 01-APR-08

Ref: H/2011/0169/RM

Proposals: New single storey dwelling

Decision: PG

Decision Date: 16-MAY-11

Ref: H/2001/0117/F

Proposals: Extension to dwelling

Decision: PG

Decision Date: 21-MAR-01

Ref: H/1978/0229

Proposals: SITE OF RETIREMENT FARM DWELLING

Decision: PG

Decision Date:

Ref: H/1992/6110

Proposals: SITE OF DWELLING CUDDENS HILL DERRYGARVE RD  
CASTLEDAWSON MAGHERAFELT

Decision: QL

Decision Date:

Ref: H/1992/6019

Proposals: SITE OF BUNGALOW DERRYGARVE ROAD CASTLEDAWSON

Decision: PRENC

Decision Date: 19-FEB-92

Ref: H/2004/0340/F

Proposals: Proposed replacement dwelling house and garage. (To supercede outline permission H/2003/0044/O).

Decision: PG

Decision Date: 04-MAY-05

Ref: H/2003/0044/O

Proposals: Site of Replacement Dwelling and Garage

Decision: PG

Decision Date: 20-MAR-03

Ref: H/2001/0778/F

Proposals: 11 K.V. Overhead Line.

Decision: PG

Decision Date: 11-OCT-01

Ref: H/1989/0149

Proposals: SITE OF DWELLING

Decision: WITHDR

Decision Date:

Ref: H/1995/4014

Proposals: ALTS AND ADDS TO DWELLING

Decision: PDNOAP

Decision Date:

Ref: H/1991/6041

Proposals: SITE OF BUNGALOW AUGHRIM ROAD TOOMEBRIDGE

Decision: QL

Decision Date:

### **Summary of Consultee Responses**

Historic Environment Division (HED)-

**Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

**Notification to Department (if relevant)**

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 November 2023	<b>Item Number:</b> 5.21
<b>Application ID:</b> LA09/2023/0704/O	<b>Target Date:</b> 11 October 2023
<b>Proposal:</b> Proposed dwelling & garage	<b>Location:</b> 40M NE of 74 Moneyhaw Road Drummullan Moneymore
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mr Keith Bell 24 Oaklea Road Ballyronan BT45 6NH	<b>Agent Name and Address:</b> Mrs Carol Gourley Unit 7 Cookstown Enterprise Centre Sandholes Road COOKSTOWN BT80 9LU
<b>Executive Summary:</b> <p>The application is being presented to the committee with the recommendation to approve as an exception to policy CTY 2a. The proposal meets all policy criteria except the cluster of development is not associated with a focal point. It is being presented as an exception to policy as although it does not fully meet the policy criteria, the site allows for a rounding off as there is development on two sides of the site, and the site benefits from strong existing screening which ensures a dwelling here will not impact on the rural character of the area. The site is located within the existing residential curtilage of No.74 Moneyhaw Road and although it is within the countryside, it appears when traveling along the public road that the development limits of the settlement limits have already expanded. As the site is within an already urban area, that being the existing residential curtilage of No.74, it is clearly part of rounding off, hence why the application is being recommended as an approval as an exception to policy. 3 neighboring properties were notified, no objections have been received. DfI Roads were consulted and offered no objection.</p>	

## Case Officer Report

### Site Location Plan



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### Consultations:

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

### Representations:

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

### Summary of Issues

### Characteristics of the Site and Area

The site is located within the open countryside, located approximately 30m north of the settlement limits of Drummullan. The site is also located on a piece of land identified as

containing an important view of the open countryside as stated within the Cookstown Area Plan 2010. The red line of the application site is a corner site, with the Moneyhaw Road bounding the site to the west and the Drummullan Road bounding the site to the north. The site appears to be used as a private amenity space for the dwelling located immediately south and adjacent of the site identified as No. 74 Moneyhaw Road. The site is bounded on all sides by mature trees with views into the site currently very limited given the amount of screening. To the east of the site is a row of dwellings located within the countryside. The surrounding area is a mix with mainly agricultural land uses to the north and west of the site.

### **Representations**

No third party representations have been received.

### **Description of Proposal**

This is an outline planning application for a proposed dwelling & garage.

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

#### **Policy Consideration**

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

The Cookstown Area Plan identifies the site as north of the settlement limits of Drummullan within the open countryside. The site is identified as being located to the North of the village, where an important view of open countryside is identified from an elevated vantage point within the settlement limit. Development that would impact significantly on this view will not normally be permitted. I am content that an appropriately designed dwelling would be acceptable here the maintenance of the existing boundaries would ensure that the development here would not impact significantly on this view.

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 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 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 within the area with 5 dwellings located, 4 to the east and 1 to the south all of which are located outside the settlement limits of Drummullan.

- *the cluster appears as a visual entity in the local landscape*

Whilst travelling south of the Moneyhaw Road and west of the Drummullan Road I am content that the cluster, especially to the east of the site appears as a visual entity. It is noted from some viewpoints given the strong mature trees along the site boundary the visual entity of the cluster can appear weak however, on balance it is acceptable.

- *the cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads*

The cluster is not associated with any established focal point and given this the proposal fails to comply with this policy criteria.

- *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 east and south by dwellings located within the open countryside and within the cluster.

- *Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside;*

I am content that the proposed dwelling can be absorbed into the existing cluster and it will not alter the existing character of the area.

- *Development would not adversely impact on residential amenity.*

I am satisfied that a dwelling at this location would not adversely impact on residential amenity. The agent provided a block plan to indicate how a dwelling would sit on the site to ensure adequate private amenity space is provided for the new dwelling and the existing dwelling located at No. 74 Moneyhaw Road.

Although the proposal does not fully meet the policy criteria listed above in that the cluster is not associated with a focal point, the site allows for a rounding off as there is development on two sides of the site which are within the existing cluster, and the site benefits from strong existing screening which ensures a dwelling here will not impact on the rural character of the area. For this reason, it is recommended that the application is considered as an exception to policy CTY 2a.

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that this is only an outline application therefore, no design details have been submitted however, I am of the opinion that an appropriately designed dwelling with a ridge height of 6m above finished floor level and with the existing boundaries retained it will provide a suitable degree of integration and ensure it is not a prominent feature in the landscape. I am content ancillary works will integrate with their surroundings and an appropriately designed dwelling would blend with the landform and other natural features.

Policy CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I am content that an appropriately designed building will not appear prominent in the landscape. I am content that this development can be viewed as part of an existing cluster and given the row of dwellings adjacent, a dwelling at this site would not change the character of the area given it is located within the existing residential curtilage of No.74 with dwellings to either side, it can be considered rounding off.

Policy CTY 15 states that planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl. Although the site is located approximately 30m north of the settlement limits of Drummullan, there is a dwelling (No.74 Moneyhaw Road) located between the settlement limits and the application site. It appears whilst travelling along the Moneyhaw Road that No.74 is part of the Drummullan settlement. As this application is located on lands within the existing curtilage of No.74 it can already be considered urban land and can be considered rounding off. As well as the dwellings which already exist to the east of the site, I am content it will not mar the distinction between the settlement limits or result in urban sprawl.

### **Other Material Considerations**

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council submitted the draft Plan Strategy to DFI for them to cause an Independent Examination.

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

**Summary of Recommendation:**

Approve is recommended

**Approval Conditions**

**Condition 1**

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

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

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

**Condition 2**

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

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

**Condition 3**

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

Reason: To ensure the dwelling integrates into the landform.

**Condition 4**

The dwelling hereby permitted shall have a ridge height not exceeding 6 metres above existing ground level.

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

**Condition 5**

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

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

and the convenience of road users.

**Condition 6**

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

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

**Condition 7**

The existing natural screenings of this site shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be submitted to Mid Ulster District Council in writing, and agreed, prior to the commencement of any works.

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

**Signature(s):** Ciaran Devlin

**Date:** 25 October 2023

<b>ANNEX</b>	
<b>Date Valid</b>	28 June 2023
<b>Date First Advertised</b>	11 July 2023
<b>Date Last Advertised</b>	11 July 2023
<b>Details of Neighbour Notification (all addresses)</b> The Owner / Occupier 1 Drummullan Road Moneymore Londonderry BT45 7XS The Owner / Occupier 1A Drummullan Road Moneymore Londonderry BT45 7XS The Owner / Occupier 74 Moneyhaw Road Moneymore Londonderry BT45 7XR	
<b>Date of Last Neighbour Notification</b>	3 July 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: I/1991/0401  Proposals: Replacement Dwelling  Decision: PG  Decision Date:</p> <p>Ref: I/2008/0313/O  Proposals: Proposed domestic dwelling &amp; garage with a restricted ridge height of 6 metres  Decision: PR  Decision Date: 20-JUL-10</p> <p>Ref: I/2012/0330/F  Proposals: Proposed change of house type from previously approved application I/2011/0021/F to provide single farm dwelling with attic conversion and a storey and a half detached garage  Decision: PG  Decision Date: 07-JAN-13</p> <p>Ref: I/2002/0327/F  Proposals: Replacement Dwelling</p>	

Decision:

Decision Date:

Ref: I/2003/0495/F

Proposals: Replacement dwelling

Decision: PG

Decision Date: 18-AUG-03

Ref: I/2002/0706/F

Proposals: Alterations and extension to existing dwelling

Decision: PG

Decision Date: 18-DEC-02

Ref: I/1990/6042

Proposals: Site for dwelling At junction of Drumullan Road/Moneyhaw Road Cookstown

Decision: QL

Decision Date:

Ref: I/1978/0261

Proposals: IMPROVEMENTS TO DWELLING

Decision: PG

Decision Date:

Ref: I/2002/0832/O

Proposals: Proposed site for new bungalow

Decision: PR

Decision Date: 21-MAY-03

Ref: I/1991/0067

Proposals: Two storey Dwelling

Decision: PR

Decision Date:

Ref: I/1991/6025

Proposals: Proposed site for Dwelling Moneyhaw Road Drumullan

Decision: QL

Decision Date:

Ref: LA09/2023/0704/O

Proposals: Proposed dwelling & garage

Decision:

Decision Date:

Ref: I/2002/0316/O

Proposals: Site for bungalow and garage

Decision: PR

Decision Date: 14-OCT-02

Ref: I/2012/0144/PREAPP

Proposals: Gap site

Decision: ELR

Decision Date: 01-APR-14

Ref: LA09/2015/0053/F

Proposals: Proposed rural style dwelling on infill site South West of 1 Drummullan Road, Moneymore

Decision: PG

Decision Date: 30-JUN-15

### **Summary of Consultee Responses**

DFI Roads - Enniskillen Office-DC Checklist 1.doc  
FORM RS1 STANDARD.doc  
Roads outline.docx

### **Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

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

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 November 2023	<b>Item Number:</b> 5.22
<b>Application ID:</b> LA09/2023/0735/RM	<b>Target Date:</b> 17 October 2023
<b>Proposal:</b> Site for dwelling on a farm	<b>Location:</b> 250M NE of 19 Derrylattinee Road Dungannon
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mr Caolan Gildernew 10 Moolan Hill Cookstown BT80 8WP	<b>Agent Name and Address:</b> Colm Donaghy Chartered Architect 43 Dungannon Street Moy BT71 7SH
<b>Executive Summary:</b>  This application is being presented to Committee as the applicant is related to staff in the Council and an elected member. Approval is recommended.	



## Case Officer Report

### Site Location Plan



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### Consultations:

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

### Representations:

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

### Summary of Issues

This application is being presented to Committee as the applicant is related to staff in the Council and an elected member. Approval is recommended.

### Characteristics of the Site and Area

The site is located approximately 250m North East of No. 19 Derrylattinee Road, Dungannon and is located outside the designated settlement limits as defined in the Dungannon and South Tyrone Area Plan, 2010. The site is a roadside portion of an agricultural field. The elevations of the site rises gently from the Derrylattinee Road. There is a third party dwelling house located directly behind the site (No. 29). The boundaries of the site are comprised of mature hedgerows and vegetation with some mature trees along the southern and western boundary. The surrounding area is predominantly rural with scattered dwellings and farm holdings.

### **Description of Proposal**

This is a Reserved Matters application for a site for dwelling on a farm, the site is identified as approximately 250m North East of No. 19 Derrylattinee Road, Dungannon.

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

#### **Policy Consideration**

##### Consultations

DfI Roads were consulted and had no objection to the application, subject to the condition that it is constructed and maintained to that detailed on Drawing No. 02 dated 27/06/23, and also subject to other conditions and informatives.

##### Representations

Four Neighbour Notification letters were issued, however no representations were received in connection with this application.

##### Relevant Planning History

LA09/2022/1183/O - Site for dwelling on a farm, 250M North East Of 19 Derrylattinee Road Dungannon. Permission granted – 22.06.2023.

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

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

##### Strategic Planning Policy Statement (SPPS)

Dungannon and South Tyrone Area Plan 2010

Mid Ulster Local Development Plan 2030 - Draft Strategy

PPS 21 – Sustainable Development in the Countryside

PPS 3 – Access, Movement and Parking

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

PPS 21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These instances are listed in Policy CTY1 of PPS21. The principle of development has already been established on the site through the recent approval LA09/2022/1183/O. Upon review of the submitted plans I am content that all conditions have been met of the outline approval. From such the application must still comply under CTY 13 and 14 of PPS 21.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape, and it is of an appropriate design. As the application has met the outline conditions, I am content that the dwelling will not appear as a prominent feature in the landscape. I am content that the dwelling will integrate into the landscape given the limited views of the site along with the existing landscaping and the proposed landscaping. Finally, in terms of the proposed design, I am content that this is acceptable within this rural context. From this I am content that the application complies 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. As stated, I am content that the dwelling will not appear as a prominent feature in the landscape, and the proposed dwelling is unlikely to result in an adverse impact to the rural character of the area. On a whole I am content that the proposed development complies with CTY 14.

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

## Summary of Recommendation:

Approve is recommended

### Approval Conditions

#### Condition 1

The development to which this approval relates must be begun by whichever is the later of the following dates:-

- i. The expiration of a period of 5 years from the grant of outline planning permission;
- or
- ii. The expiration of a period of 2 years from the date hereof.

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

#### Condition 2

The vehicular access(es) including visibility splays of 2.4m x 60m in both directions and any forward sight distance shall be provided in accordance with Drawing No. 02 dated 27/06/23 prior to the commencement/occupation/operation of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

#### Condition 3

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

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

#### Condition 4

Gates or security barriers at the access shall be located at a distance from the edge of the public road that will allow the largest expected vehicle to stop clear of the public road when the gates or barriers are closed.

REASON: To ensure waiting vehicles do not encroach onto the carriageway.

#### Condition 5

All existing hedgerow and vegetation within the site shall be permanently retained, and no looping, felling or removal shall be carried out without the prior written approval of the

Council unless necessary to prevent danger to the public in which case a full explanation shall be given to Council in writing within one week of work being carried out.

REASON: To ensure the development integrates into the countryside.

**Condition 6**

All proposed landscape works shall be carried out in accordance with the approved details on Drawing No. 02 dated 27/06/23, and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the occupation of any part of the dwelling.

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

**Condition 7**

If within a period of 5 years from the date of occupation of the dwelling any 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.

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

**Date:** 9 October 2023

<b>ANNEX</b>	
<b>Date Valid</b>	4 July 2023
<b>Date First Advertised</b>	17 July 2023
<b>Date Last Advertised</b>	17 July 2023
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner / Occupier  26 Derrylattinee Road Dungannon Tyrone BT70 1PR</p> <p>The Owner / Occupier  29 Derrylattinee Road Dungannon Tyrone BT70 1PR</p> <p>The Owner / Occupier  RNN - 29B Derrylattinee Road Dungannon Tyrone BT70 1PR</p> <p>The Owner / Occupier  RNN - 29A Derrylattinee Road Dungannon Tyrone BT70 1PR</p>	
<b>Date of Last Neighbour Notification</b>	29 August 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: M/1999/0590/O  Proposals: Proposed Dwelling  Decision: PG  Decision Date: 04-OCT-99</p> <p>Ref: M/1998/0029  Proposals: Erection of Dwelling  Decision: PG  Decision Date:</p> <p>Ref: M/1990/0530  Proposals: Extension and improvements to dwelling  Decision: PG  Decision Date:</p> <p>Ref: LA09/2023/0735/RM  Proposals: Site for dwelling on a farm  Decision:</p>	

Decision Date:

Ref: M/2001/0422/RM

Proposals: 1 and 3/4 Storey dwelling

Decision: PG

Decision Date: 03-JUL-01

Ref: M/1983/0154

Proposals: REPLACEMENT DWELLING

Decision: PG

Decision Date:

Ref: M/2006/0596/F

Proposals: Proposed Dwelling House & Domestic Garage

Decision: PG

Decision Date: 19-OCT-06

Ref: LA09/2022/1183/O

Proposals: Site for dwelling on a farm

Decision: PG

Decision Date: 22-JUN-23

Ref: M/1983/0210

Proposals: BUNGALOW

Decision: PG

Decision Date:

Ref: M/2000/0661/O

Proposals: Site for 1 & 3/4 storey dwelling

Decision: PG

Decision Date: 26-JUL-00

### **Summary of Consultee Responses**

DFI Roads - Enniskillen Office-DC Checklist 1.docRoads Consultation - response.docx

### **Drawing Numbers and Title**

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Proposed Floor Plans Plan Ref: 03

Proposed Elevations Plan Ref: 04

Garage Plans Plan Ref: 05

**Notification to Department (if relevant)**

Not Applicable





## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 November 2023	<b>Item Number:</b> 5.23
<b>Application ID:</b> LA09/2023/0752/F	<b>Target Date:</b> 20 October 2023
<b>Proposal:</b> LA09/2020/0318/RM Proposed domestic bungalow with domestic garage. Condition No. 2. Proposed to be changed to: 'The vehicular access shall be improved and maintained in accordance with drawing 2318/A01. 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'. Background and justification set out by transport consultants letter attached with application.	<b>Location:</b> 63B Anneeter Road Coagh Cookstown
<b>Referral Route:</b> Refuse is recommended	
<b>Recommendation:</b> Refuse	
<b>Applicant Name and Address:</b> Mr Oliver Conlon 63b Anneeter Road Coagh Cookstown BT80 0HZ	<b>Agent Name and Address:</b> Les Ross Planning 14 King Street Magherafelt BT45 6AR
<b>Executive Summary:</b>	

## Case Officer Report

### Site Location Plan

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### Consultations:

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

### Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	3
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

### Summary of Issues

### Characteristics of the Site and Area

The site, which lies outside any settlement defined under the Cookstown Area Plan 2010, is located in the rural countryside approx. 1 mile northeast of Moortown and just a short distance west of Lough Neagh and a Commercial Fishing Quay.



Fig 1: Site outlined red

The site is a relatively flat square shaped plot containing a detached dwelling and its

curtilage set back approx. 150 metres from and accessed off the Anneeter Road via an existing concrete lane serving 2 existing dwellings and the Fishing Quay to its east.

Whilst the site was approved for a dwelling and garage under previous planning applications LA09/2019/0344/O and LA09/2020/0318/RM, respectively, the pre commencement access arrangements of 2.4m x 45m, off the Anneeter Road, were not put in place as conditioned and are now the subject of this application.



Fig 2: Existing access off Anneeter Road viewed from north and south, respectively



Fig 3: Google image of access captured June 2023 from west.

Views of the existing access, which as can be seen above is paired with another access serving a no. of dwellings, are limited on both the northern and southern approach (see Fig 2, further above) until passing it due to its recessed nature, the mature trees/vegetation bounding it to the north and the mature roadside vegetation and development running to its north and south in the wider vicinity screen it.

The immediate area surrounding the site is rural in character, located on the shores of the Lough. However, it has come under considerable development pressure in recent times with a number of single dwellings with ancillary buildings and sheds clustered around the Fishing Quay to the east. This development extends southwest to a bend in the Anneeter Road and includes a Fish Processing Plant just 100m to the south west.

## **Description of Proposal**

This is a full planning application to change condition 2 of previous planning application LA09/2020/0318/RM which granted permission for a bungalow and garage on lands south of 63 Anneeter Road Coagh Cookstown on the 10<sup>th</sup> November 2020.

The approved dwelling has been constructed and occupied on site however the pre-commencement access arrangements (condition 2) have not been put in place as conditioned and the applicant is seeking their reduction.

## **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:**

Cookstown Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement 21: Sustainable Development in the Countryside

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

### **Relevant Planning History**

- LA09/2019/0344/O - Proposed domestic bungalow with separate domestic garage to allow access for commercial fisherman to his places of work - Site adjacently south of 63 Anneeter Road Cookstown - Granted 5<sup>th</sup> June 2019
- LA09/2020/0318/RM - Proposed domestic bungalow with domestic garage - Site South Of 63 Anneeter Road Coagh Cookstown - Granted 10<sup>th</sup> November 2020
- LA09/2021/0205/CA - Alleged Breach of Condition 2 of planning permission LA09/2020/0318/RM (visibility splays not in place) - Enforcement Investigation Ongoing.

### **Representations**

Press advertisement and Neighbour Notification have been carried out in line with the Council's statutory duty. At the time of writing, 3 objections were received:

- 1 from Mr & Mrs J McLernon the owners / occupiers of no. 65 Anneeter Road, the dwelling located immediately adjacent and north of the proposed access to the site off Anneeter Road.
- 1 from Mr & Mrs B Quinn the owners / occupiers of no. 59 Anneeter Road, the two-storey

dwelling located on lands immediately adjacent and south of the access.

- 1 from Mr J Quinn the owner / occupier of no. 59A Anneeter Road, a bungalow also located on lands immediately adjacent and south of the access. This bungalow sits just between the access and no. 59.

Mr & Mrs McLernon objected, as they had previously on the outline and reserved matters application on site, to the sight lines of the dwelling approved on site encroaching on their property; and that again the applicant had completed Certificate A of the application form stating that he is in actual possession of all lands connected with the application, which he is not. Mr & Mrs B Quinn and Mr J Quinn raised the same concerns that the sight lines encroached on their properties, that they did not give the applicant such permission, and that he should have completed Certificate C serving notice on relevant parties.

### Consultees

1. DFI Roads were consulted in relation to the access arrangements proposed and made the following comments for Planning to consider prior to decision, taking account of MRA Partnership consultant's report submitted in support of the proposal:
  - a. The site is accessed from an existing established laneway. MRA Partnership consultant's report demonstrated previous vehicular usage of this laneway once used as a fishing boat docking area has been significantly reduced.
  - b. Priority road speed is 20-25mph and vehicular movements are at a minimal rate per day as such DCAN 15's bracketed figure of 2m x 33m can be used, reduced from the 2.4m x 45m conditioned.
  - c. MRA Partnership consultant's report demonstrated that a site visit on the 18<sup>th</sup> May 2023 a sight visibility line of 2.4m x 24m was achievable.
  - d. DFI Roads site visit on the 10<sup>th</sup> October 2023 established a visibility line to the north approx. 20m. DCAN 15's minimal requirements are 2m x 33m the sight visibility line to the north is sub-standard.
  - e. Objections from adjacent landowner to north said the sight visibility line crosses, and would require a hedge and or fence to be set back to obtain the minimal sight visibility line to the north.

In conclusion DFI Roads advise whilst improvements have been made to the lane; it has been demonstrated vehicular movements have been significantly reduced, a reduction in the requirements of DCAN 15 to the minimum of 2m x 33m is reasonable from the 2.4m x 45m previously conditioned however achieving a 33m Y distance to the North may require 3<sup>rd</sup> party consent for any hedge or fence removal and or setback of same.

**Cookstown Area Plan 2010** - The site is located in the open countryside as defined by the Plan. Development in the countryside is controlled under the provisions of the Strategic Planning Policy Statement for Northern Ireland and Planning Policy Statement 21 Sustainable Development in the countryside.

**The 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. 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 (PPS) 21 Sustainable Development in the Countryside**

PPS 21 is the overarching policy for development in the countryside. Policy CTY1 of PPS 21 outlines a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aim of sustainable development. It highlights all proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. That access arrangements must be in accordance with the Departments published guidance.

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

Policy AMP 2 Access to Public Roads outlines planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where: a) such access will not prejudice road safety or significantly inconvenience the flow of traffic; and b) the proposal does not conflict with Policy AMP 3 Access to Protected Routes. The acceptability of access arrangements, including the number of access points onto the public road, will be assessed against the Departments published guidance. Consideration will also be given to the following factors: the nature and scale of the development; the character of existing development; the contribution of the proposal to the creation of a quality environment, including the potential for urban / village regeneration and environmental improvement; the location and number of existing accesses; and the standard of the existing road network together with the speed and volume of traffic using the adjacent public road and any expected increase.

As outlined previously this full planning application seeks to change condition 2 of previous planning application LA09/2020/0318/RM which granted permission for a bungalow and garage on lands south of 63 Anneeter Road Coagh Cookstown on the 10<sup>th</sup> November 2020.

The approved dwelling has been constructed and occupied on site however the pre-commencement access arrangements (condition 2) have not been put in place as conditioned and the applicant is seeking their reduction.

Condition 2 of LA09/2020/0318/RM was that:

- Prior to the commencement of any works or other development hereby permitted, the vehicular access, including visibility splays of 2.4m x 45m and a 45m forward sight line, shall be provided in accordance with the details as set out on Drawing No.01a dated 20<sup>th</sup> August 2020. 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.

This application seeks to change condition 2, above, to:

- The vehicular access shall be improved and maintained in accordance with drawing 2318/A01. 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.

Drawing 2318/A01 seeks to reduce the previously conditioned visibility splays to their current state, which as detailed in the main body of this report (see 'Planning Assessment of Policy and Other Material Considerations') is less than the 2m x 33m minimal requirements set out in DCAN 15.

MRA Partnership Consultant's submitted a report alongside and in support of this application to reduce the access arrangements conditioned under previous outline and reserved matters applications to serve the dwelling on site and highlighted the following key points:

- There is no intensification of the access to serve the dwelling approved on site. The access serving the dwelling accesses a quay on Lough Neagh that used to accommodate 10 boats per day but with a declining fishing industry now only 3. Now considerably less vehicles per day use the access.
- Intensive use of the access took place with poor visibility splays. A high, overgrown hedge with fence within limited the north splay to approx. 2.4m x 15.5m when the previous applications on site were assessed.
- No known collision history here despite theoretically low splays. Traffic speeds on road are low. Whilst it has a 60mph speed limit, approach speeds are estimated to be 25mph and 20mph from the south and north, respectively.
- DfI Roads under previous applications on site sought 2.4m x 45m site splays in both directions. These seemed high for an existing access on a slow road but were not challenged at the time for good reason. DfI Roads DC checklist detailed they were content the south splay was in place and the north splay would need the fence removed. There were no concerns the splays were undeliverable at this point. Subsequently a neighbour (Mr McLernon to the north) noted the required splay encroached on his garden and an amended P2 certificate of ownership was submitted to address this.
- The applicant implemented the access DfI Roads sought by removing the fence and hedge to the north delivering splay improvement but not full 2.4m x 45m sought. The north splay on the 18 May 2023 was 2.4 x 24m. PPS 3 AMP2 notes substandard existing accesses need to be improved. The fence removal substantially improved the splay from 2.4m x 15.5m. A splay of 2 x 26m was achieved also commensurate with the splay at the next access to the south satisfactorily serving a commercial fishing business.
- The improved north splay has since been diminished by a metal panel erected and protruding 600mm over the public verge and an adjacent hedge not being maintained.
- PPS3 recognises not always practicable to comply fully with appropriate visibility splays. The 2.4 x 45m splays sought are appropriate for a new access to 1000 vehicles per day onto a busy road (greater than 300 vehicles per day). This is not a new access but a long established, historically busier access. It will be exceptionally quiet and Anneeter Rd is not a busy, well below 3000 vehicles per day threshold in DCAN 15 allowing lesser splays.
- When measured against DCAN15 requirements the existing access of 2.4m x 24m to north is substandard, because the minimum is 2m x 33m. However, the access has been the access to a potentially busy quay, and the 2.4 x 15.5 m splays served this adequately. Planning policy seeks improvement, which has been delivered. Visibility from lane has been improved considerably by the applicant for all lane users. Improvement is the key requirement for existing accesses within in AMP2.
- There is an absence of harm – there is no known collision history, nor would any be expected because the splays have been improved and use of quay lane reduced despite construction of the additional dwelling on site. The applicant was already using the lane to access the quay. Now that he lives on the lane, he no longer needs to use the access to get to work. Indeed, were he to vacate the dwelling he would still be using the lane to travel to and from work.

Having taken account of MRA Partnership Consultant's report above in support of this application to reduce the access arrangements conditioned under the previous outline and

reserved matters applications on site to serve the dwelling already constructed and occupied on site; having taken account of the objection letters received (see 'Representations' further above); and having consulted with DfI Roads (see 'Consultees' further above) I consider this proposal contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the minimum access requirements of 2m x 33m sight splays in both directions onto the public road, as per DfI Roads advice, has not been provided in accordance with the standards contained in the Department's Development Control Advice Note 15. It cannot be demonstrated that there is no intensification of use of the access. Whilst the access may not be busy at present there is nothing to stop it being used in the future to access the Quay. The access splay to the north has not been achieved and cannot be achieved without encroachment onto neighbouring lands. The owner of the lands Mr & Mrs J McLernon advised they have not given permission for this. The applicant was made aware of the need to provide the conditioned visibility splays under the previous applications and the need for third party land before commencing the house. It is the applicant's responsibility to ensure that he controls all the lands necessary to carry out the proposed development. Whilst I note that there is no collision history and DfI Roads accept that the splays conditioned could be reduced from 2.4m x 45m to the minimum specified in DCAN 15 of 2m x 33m in this instance these are not available and cannot be provided.

**Recommendation:** Refuse

**Summary of Recommendation:**

Refuse is recommended

**Refusal Reasons**

**Reason 1**

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the minimum access requirements of 2m x 33m sight splays in both directions onto the public road has not been provided in accordance with the standards contained in the Department's Development Control Advice Note 15.

**Signature(s):** Emma Richardson

**Date:** 26 October 2023



<b>ANNEX</b>	
<b>Date Valid</b>	7 July 2023
<b>Date First Advertised</b>	25 July 2023
<b>Date Last Advertised</b>	25 July 2023
<b>Details of Neighbour Notification (all addresses)</b>	
<p>The Owner / Occupier 63 Anneeter Road Cookstown Tyrone BT80 0HZ</p> <p>The Owner / Occupier Fish Processing Plant Anneeter Road Cookstown Tyrone BT80 0HZ</p> <p>The Owner / Occupier 65 Anneeter Road Cookstown Tyrone BT80 0HZ</p> <p>The Owner / Occupier 59 Anneeter Road Cookstown Tyrone BT80 0HZ</p> <p>The Owner / Occupier 63A Anneeter Road Cookstown Tyrone BT80 0HZ</p> <p>The Owner / Occupier 59A Anneeter Road Cookstown Tyrone BT80 0HZ</p>	
<b>Date of Last Neighbour Notification</b>	14 July 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: I/2006/0970/F Proposals: Private Access Lane Lighting Decision: Decision Date:</p> <p>Ref: I/1985/0461 Proposals: ERECTION OF DOMESTIC GARAGE AND STORE Decision: PG Decision Date:</p> <p>Ref: LA09/2015/0318/F Proposals: Alterations and Extension to rear of existing dwelling Decision: PG</p>	

Decision Date: 16-SEP-15

Ref: I/2002/0299/F

Proposals: Proposed dwelling and domestic garage

Decision: PG

Decision Date: 29-AUG-02

Ref: I/1985/0265

Proposals: DWELLING

Decision: PG

Decision Date:

Ref: I/2004/0083/O

Proposals: Site for Dwelling

Decision: PG

Decision Date: 16-APR-04

Ref: I/2006/1231/RM

Proposals: Domestic dwelling

Decision: PG

Decision Date: 10-MAY-07

Ref: LA09/2020/0318/RM

Proposals: Proposed domestic bungalow with domestic garage.

Decision: PG

Decision Date: 10-NOV-20

Ref: LA09/2023/0752/F

Proposals: LA09/2020/0318/RM Proposed domestic bungalow with domestic garage. Condition No. 2. Proposed to be changed to: 'The vehicular access shall be improved and maintained in accordance with drawing 2318/A01. 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'. Background and justification set out by transport consultants letter attached with application.

Decision:

Decision Date:

Ref: LA09/2019/0344/O

Proposals: Proposed domestic bungalow with separate domestic garage to allow access for commercial fisherman to his places of work.

Decision: PG

Decision Date: 05-JUN-19

Ref: I/1990/0158B

Proposals: Dwelling

Decision: PG  
Decision Date:

Ref: I/1980/0318  
Proposals: EXTENSION TO DWELLING  
Decision: PG  
Decision Date:

Ref: I/1990/0158  
Proposals: Dwelling  
Decision: PG  
Decision Date:

Ref: I/2002/0768/F  
Proposals: Domestic Double Garage  
Decision: PG  
Decision Date: 15-JAN-03

### **Summary of Consultee Responses**

DFI Roads - Enniskillen Office-Roads Consultation - RESPONSE.docx  
DFI Roads - Enniskillen Office-DC Checklist 1.doc  
DFI Roads - Enniskillen Office-

### **Drawing Numbers and Title**

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

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

Not Applicable

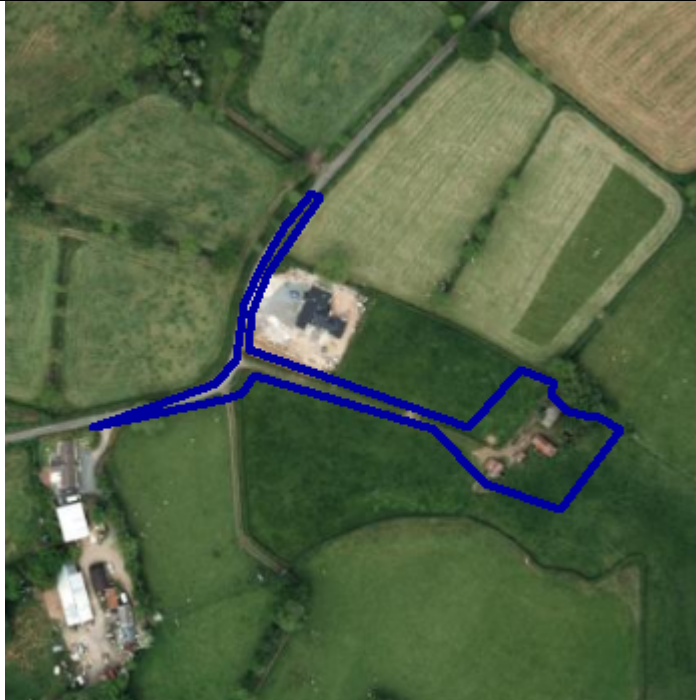


## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 November 2023	<b>Item Number:</b> 5.24
<b>Application ID:</b> LA09/2023/0857/RM	<b>Target Date:</b> 28 November 2023
<b>Proposal:</b> Replacement dwelling & garage	<b>Location:</b> Approx 80M SE of 19 Shivey Road Cookstown
<b>Referral Route:</b> Approve is recommended	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mr John Causey 15 Lough Fea Road Cookstown BT80 9XJ	<b>Agent Name and Address:</b> Mr Henry Murray 37C Claggan Road Cookstown BT80 9XJ
<b>Executive Summary:</b> <p>This RM application for a dwelling and detached garage is being presented to committee as two (2) objections has been received.</p> <p>This proposal has been assessed under all relevant policy and guidance, that is the SPPS, the Cookstown Area Plan 2010, PPS3, PPS 21 (CTY 1, 13 AND 14) and Building on Tradition- a Sustainable Design Guide for the Northern Ireland Countryside 2012. The proposal is not at conflict with any of the relevant policies. DFI Roads have been consulted and have raised no concerns.</p> <p>2 no. objections have been received to date. Issues raised include the housing/postal address that the dwelling would be allocated by building control, and the impact of the traffic and movement of agricultural tractors and other associated farm vehicles to and from the nearby farm access. Members are advised that all material planning issues raised in these objections have been fully considered. The objections do not merit the refusal of this application. Approval is recommended with appropriate conditions and informatives attached to any decision.</p>	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation - Recon response.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation full.docx

### Representations:

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

### Summary of Issues

#### Representations

Two (2) neighbouring properties were notified, and press advertisement was carried out in line with the Council's statutory duty. To date, two third party representation has been received from the occupants of number 18 Megargy Road.

Objection 1 was received on the 22/08/2023 and it raised the following concerns:

Issues raised include the housing address that the dwelling would be allocated by building control, no.19 Shivey Road have raised concerns over the postal address being linked to no.19 such as 19a, 19b and so forth. The issues raised have been fully considered however the issue does not reflect a material planning consideration therefore the representation does not merit the refusal of this application.

Objection 2 was received on the 05/10/2023 which raised the following concerns:

Issues raised primarily around access as shown on drawing 02 rev 01 there is an agricultural access adjacent to the proposed laneway access, objection received by No.17 Shivey Road stated 3 main points which include conflict between agricultural traffic, public traffic, and pedestrian movement. No.17 stated that the proposed development would impact negatively on existing turning movements and moreover that the proposed development and associated traffic would be hazardous to their farming business and existing safe working practices. The issues raised have been fully considered and as DFI Roads have considered the objection made however DFI Roads have no objection to the proposed access the issues raised do not merit the refusal of this application.

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

The site is in the rural countryside approximately 3.6 miles outside and south west of the Cookstown settlement limit as defined in the Cookstown Area Plan 2010. The site is accessed via the Shivey Road and the site itself is located 80m south east of no. 19 Shivey Road. The site consists of a 0.3 hectare area of land comprising of a small cluster of 3 outbuildings and an old and vacant dwelling. The site sits back 100m from the edge of the Shivey Road. The existing cluster of buildings dip down and are not largely visible from the Shivey Road. The surrounding landform is one of undulating countryside. The surrounding environment consists mostly of agricultural fields with a low and dispersed pattern of dwellings. The nearest neighbour to the site is no. 19 Shivey Road with no. 17 Shivey Road located 160m west of the application site. Site boundaries for the application site are marked by picket fencing, with a field hedge running the length of the 100m access to the cluster of outbuildings.

### **Description of Proposal**

This is a Reserved Matters application for a replacement dwelling and garage.

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

#### **Policy Consideration**

## **Relevant Planning History**

Reference: LA09/2022/1578/O

Proposal: Replacement Dwelling and Garage

Location: Approx 80M SE Of 19 Shivey Road, Cookstown

Decision and Date: Permission Granted 13.01.2023

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

- Cookstown Area Plan 2010
- SPPS - Strategic Planning Policy Statement for Northern Ireland
- Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy
- Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside
- Planning Policy Statement 3 – Access, Movement and Parking
- Planning Policy Statement 21: Sustainable Development in the Countryside
  - CTY 1: Development in the Countryside
  - CTY 13: Integration and Design of Buildings in the Countryside; and
  - CTY 14: Rural Character

## **Consideration of Evidence**

The principle of development has been established through the recent approval of LA09/2022/1578/O and I am content that this Reserved Matters proposal complies with all the conditions set down at outline stage, including the siting condition, demolition of the existing dwelling (note condition 3 of OPP states this is to be actioned prior to occupation of new dwelling), a plan indicating floor levels of the proposed dwelling and a detailed scheme of structured landscaping for the site including all site boundaries.

## **Cookstown Area Plan 2010**

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

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

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities.

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

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

### **Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside**

The guide has been prepared to raise awareness of the importance of looking after the Northern Ireland countryside and how to achieve higher quality of sustainable development that will provide a basis to protect and enhance our rural assets. The guide will be used in accordance with all sustainable development in Northern Ireland countryside to understand the requirements of Planning Policy Statement 21. The document is used as a development management tool and will be used as a material consideration in the determination of planning applications for development proposals outside of settlement limits.

I am content that the proposed plans reflect the Building on Tradition guidelines for sustainable design in the countryside.

### **Planning Policy Statement 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.

DFI Roads were consulted and responded on this application and have confirmed that they have no objection to the proposal put forward subject to conditions. I consider the proposed access arrangements to be acceptable and in accordance with the provisions of PPS3 – Access, Movement and Parking.

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

As the principle of development has already been established, the matters reserved



under the OPP must now be considered. Policy CTY 1 provides clarification on which types of development area acceptable in the countryside. The principle of development for this site has been established in the LA09/2022/1578/O approval.

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

CTY 13 of PPS21 – Integration and Design of Buildings 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.

The dwelling as shown on drawing no.2 is to be replaced in line with condition 6 of the OPP. The proposed replacement dwelling is a considerable larger two storey dwelling with a 9.6 metre ridge height from finished floor levels however, given the undulating landform between the midpoint and Shivey Road and considering there is a strong existing screening and vegetation around the proposed site I am content that the dwelling will not be a prominent feature and can integrate into the surrounding landscape unobtrusively and will not be unjustifiably prominent.

The windows to the front elevation mostly have a vertical emphasis, same for on the side projection with a strong relationship of solid to void, I note that the rear projection has a mixture of vertical and horizontal windows. I consider the finishes of smooth plaster or dashed render to the walls with smooth plaster quoins and natural stone cladding to the front return are acceptable. Levels have been provided which shows the dwelling at a finished floor level of 94.80 with the finished ground level to 94.50. Overall, I am content the design of the building is a high quality design and is appropriate for the rural location which can be visually integrated into the surrounding countryside.

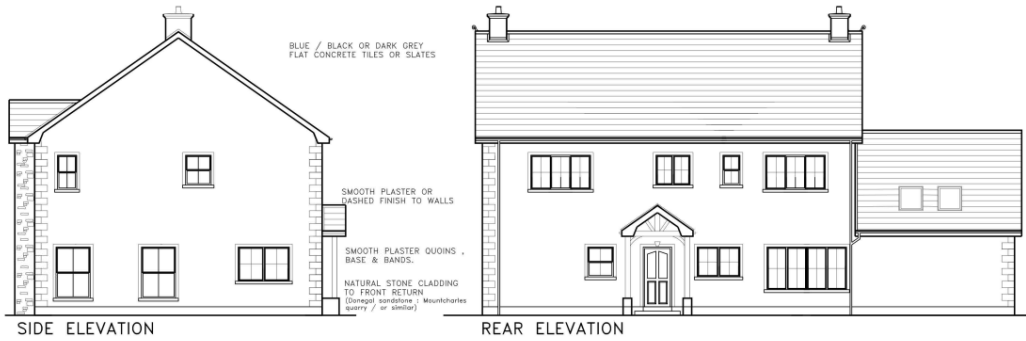
A landscaping plan has been provided which shows the existing mature boundaries retained and additional planting of a beech, ash, sycamore and spruce hedging to the north, north west and east of the sit. This will protect the privacy of proposed dwelling on all boundaries. There will be limited critical views of the site when travelling in both directions along the public road given the existing boundaries in place. The proposal therefore meets policy criteria contained within policy CTY13 of PPS21 and corresponds with condition 5 of LA09/2022/1578/O.

### **CTY 14- Rural Character**

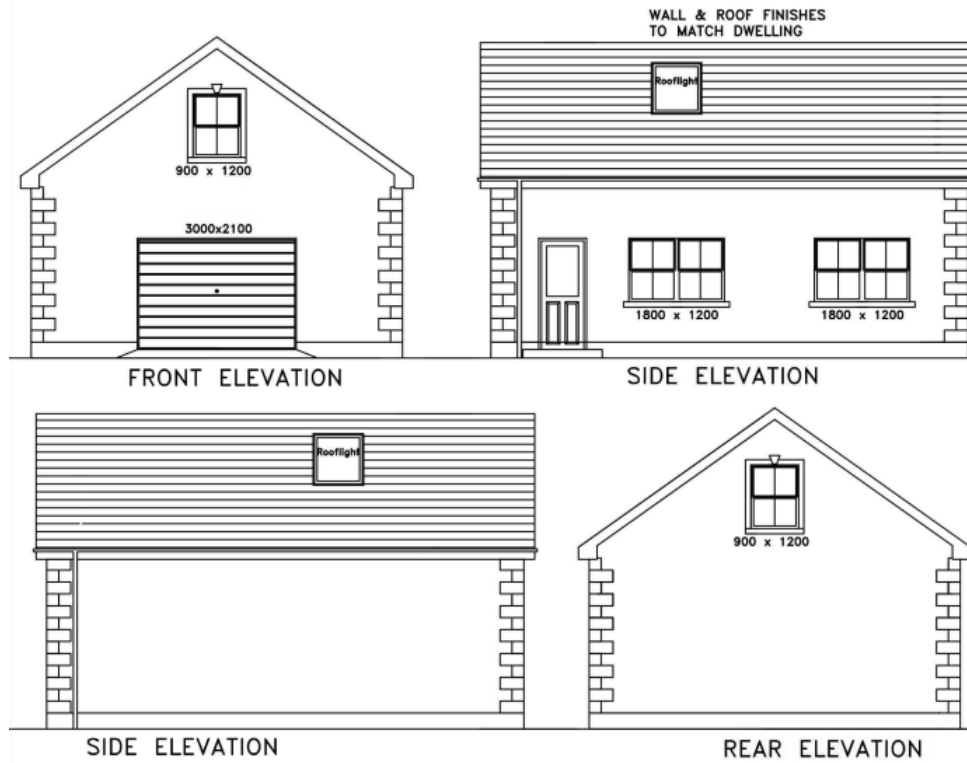
Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I am already content that the building will not be a prominent feature in the landscape. It will not result in a suburban style build-up of development, and it respects the traditional pattern of settlement in the area. It will not create or add to a ribbon of development. The impact of ancillary works will not damage the rural character of the area. It was assessed at outline stage that a dwelling on this site is in accordance with this policy and the proposal therefore complies with CTY 14.

Having carried out an assessment of the planning policy and other material considerations pertaining to this proposal, I recommend that this application be granted planning permission.

Proposed Elevations:



**Proposed Garage:**



**Habitats Regulations Assessment**

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

**Summary of Recommendation:**

Approve is recommended

**Approval Conditions**

**Condition 1**

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

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

**Condition 2**

The vehicular access(es) including visibility splays of 2.4m x 45m in both directions and a forward sight distance of 45m shall be provided in accordance with drawing no. 02 REV 01 uploaded on public access on 03/10/2023 prior to the commencement/occupation/operation of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

**Condition 3**

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

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

**Condition 4**

Gates or security barriers at the access shall be located at a distance from the edge of the public road that will allow the largest expected vehicle to stop clear of the public road when the gates or barriers are closed.

**REASON:** To ensure waiting vehicles do not encroach onto the carriageway.

**Condition 5**

All landscaping comprised in the approved details of landscaping on stamped drawing No. 02 REV 01 uploaded to Public Access on 03/10/2023 shall be carried out in the first planting season following the occupation of the dwelling hereby approved.

**Reason:** To ensure the development integrates into the countryside.

**Condition 6**

The existing mature trees and vegetation along the site boundaries as shown on drawing no. 02 rev 01 shall be retained except where it is required to provide sight lines. No trees or vegetation shall be lopped, topped or removed without prior consent in writing to the Council, unless necessary to prevent danger to the public in which case a full explanation shall be given in writing at the earliest possible moment.

**Reason:** To ensure the maintenance of screening to the site.

**Signature(s):** Ciara Carson

**Date:** 17 October 2023

<b>ANNEX</b>	
<b>Date Valid</b>	15 August 2023
<b>Date First Advertised</b>	29 August 2023
<b>Date Last Advertised</b>	29 August 2023
<b>Details of Neighbour Notification (all addresses)</b> The Owner / Occupier 19 Shivey Road Cookstown Tyrone BT70 3JQ The Owner / Occupier 17 Shivey Road Cookstown BT70 3JQ	
<b>Date of Last Neighbour Notification</b>	10 October 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<p>Ref: I/1976/0337 Proposals: 11KV O/H LINE Decision: PG Decision Date:</p> <p>Ref: I/2007/0793/RM Proposals: Proposed Dwelling and domestic Garage Decision: PG Decision Date: 18-FEB-08</p> <p>Ref: I/2004/1441/O Proposals: Construct a dwelling Decision: PG Decision Date: 08-JUN-05</p> <p>Ref: I/2008/0078/F Proposals: Overhead single phase line (11kv) on wooden poles Decision: PG Decision Date: 07-JUL-08</p> <p>Ref: LA09/2023/0857/RM Proposals: Replacement dwelling &amp; garage</p>	

Decision:  
Decision Date:

Ref: LA09/2022/1578/O  
Proposals: REPLACEMENT DWELLING & GARAGE  
Decision: PG  
Decision Date: 13-JAN-23

**Summary of Consultee Responses**

DFI Roads - Enniskillen Office-Roads Consultation - Recon response.docx  
DFI Roads - Enniskillen Office-Roads Consultation full.docx

**Drawing Numbers and Title**

Site Layout or Block Plan Plan Ref: 02 REV 1  
Proposed Plans Plan Ref: 03 REV 1  
Site Location Plan Plan Ref: 01  
Site Layout or Block Plan Plan Ref: 02  
Proposed Plans Plan Ref: 03  
Garage Plans Plan Ref: 04

**Notification to Department (if relevant)**

Not Applicable



## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 7 November 2023	<b>Item Number:</b> 5.25
<b>Application ID:</b> LA09/2023/0878/F	<b>Target Date:</b> 4 December 2023
<b>Proposal:</b> Proposed alterations and extension to existing dwelling and new shed for hobby room and garden store purposes at 5 Page's Lane, Draperstown. Co. Derry. BT45 7DP	<b>Location:</b> 5 Page's Lane Draperstown
<b>Referral Route:</b> Approve <b>is recommended</b>	
<b>Recommendation:</b> Approve	
<b>Applicant Name and Address:</b> Mr Bosco Tohill 5 Pages Lane Draperstown Magherafelt BT45 7DP	<b>Agent Name and Address:</b> OJQ Architects 89 Main Street Garvagh Coleraine BT51 5AB
<b>Executive Summary:</b>  This proposal has been assessed under all relevant policy, namely the SPPS, the Magherafelt Area Plan 2015 and Addendum to Planning Policy Statement 7: Residential Extensions and Alterations. It is my opinion that the proposal is not at conflict with any of the relevant policy tests. No objections have been received to date regarding this application but is presented to the committee as the applicant is a relative of a council employee. An approval is recommended along with appropriate conditions.	

## Case Officer Report

### Site Location Plan



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### Consultations:

Consultation Type	Consultee	Response

### Representations:

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

### Summary of Issues

### Characteristics of the Site and Area

The site is located within the development limits of of Draperstown in accordance with Magherafelt Area Plan 2015. The proposed site forms part of a small housing scheme where a detached two storey dwelling with a garage is situated. Holistically the boundaries are made up of a combination of mixed fencing and mature vegetation. The site is located on the edge of the settlement limit, the predominant land use in the



surrounding area is mainly residential build up, although agricultural land uses is located North and West of the site.

### **Description of Proposal**

This is a full application for a proposed alterations and extension to existing dwelling and new shed for hobby room and garden store purposes at 5 Page's Lane, Draperstown.

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

#### **Policy Consideration**

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

In line with Statutory Neighbour Notification Procedures, five neighbouring properties were notified of this application. To date, there have been no letters of objections received in respect of the proposal.

The following policies will be considered in this assessment:

- SPPS - Strategic Planning Policy Statement for Northern Ireland
- Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy
- Addendum to Planning Policy Statement 7: Residential Extensions and Alterations

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

The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities.

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

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

## Addendum to Planning Policy Statement 7: Residential Extensions and Alterations

Policy EXT1 of Addendum to PPS7: Residential Extensions and Alterations states that planning permission will be granted for the proposal to extend or alter a residential property where all the following criteria are met:

- (a) Deals with scale, massing, design, and external materials, upon evaluation of the submitted plans shown below, the proposed alterations and extension to existing dwelling and new shed. The proposed will stand subordinate to the existing dwelling in scale and massing. Additionally, the drawing supports that the overall finishes will complement that of the existing dwelling and the surrounding environment. I am content that the proposed conversion is satisfactory as it will not detract from the existing dwelling and the surrounding area.



- (b) With regards to the proposed, I note, there will be extra glazing added which on looks the face of the site and side elevation but will not affect privacy or amenity of adjacent residents. Additionally, I am satisfied that there will be no issue pertaining to overshadowing due to the separation distance (approximately 30m) to the nearest dwelling. Holistically, I am content that the proposed will not affect the privacy or amenity of neighbouring residents.
- (c) Considering, unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality. This proposal will not cause loss of trees or landscape features.
- (d) With the proposed alterations and extension to existing dwelling and new shed, I note that part of the side and rear amenity space will be removed to facilitate this proposal. Overall, I am content that there will be sufficient space within the curtilage for recreational and domestic purposes where parking arrangements remain unaffected.

Having assessed the proposed alterations and extension to existing dwelling and new shed, I am content that this proposal complies with Policy EXT1 of Addendum to PPS7: Residential extension and Alterations.

### **Other Considerations**

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

### **Summary of Recommendation:**

Approve is recommended

### **Approval Conditions**

#### **Condition 1**

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

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

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

**Date:** 20 October 2023

<b>ANNEX</b>	
<b>Date Valid</b>	21 August 2023
<b>Date First Advertised</b>	5 September 2023
<b>Date Last Advertised</b>	5 September 2023
<b>Details of Neighbour Notification (all addresses)</b> The Owner / Occupier 11 Page'S Lane Draperstown Londonderry BT45 7DP The Owner / Occupier 7 Page'S Lane Draperstown Londonderry BT45 7DP The Owner / Occupier 9 Page'S Lane Draperstown Londonderry BT45 7DP The Owner / Occupier 1 Page'S Lane Draperstown Londonderry BT45 7DP The Owner / Occupier 3 Page'S Lane Draperstown Londonderry BT45 7DP	
<b>Date of Last Neighbour Notification</b>	20 September 2023
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	<events screen>
<b><u>Planning History</u></b>	
<b>Summary of Consultee Responses</b>  -	

**Drawing Numbers and Title**

Site Location Plan Plan Ref: 01  
Site Layout or Block Plan Plan Ref: 02  
Existing Plans Plan Ref: 03  
Proposed Plans Plan Ref: 04  
Proposed Plans Plan Ref: 05  
Proposed Plans Plan Ref: 06  
Proposed Plans Plan Ref: 07  
Proposed Elevations Plan Ref: 08

**Notification to Department (if relevant)**

Not Applicable