



04 October 2022

Dear Councillor

You are invited to attend a meeting of the Planning Committee to be held in The Chamber, Magherafelt and by virtual means Council Offices, Ballyronan Road, Magherafelt, BT45 6EN on Tuesday, 04 October 2022 at 19:00 to transact the business noted below.

A link to join the meeting through the Council's remote meeting platform will follow.

Yours faithfully

Adrian McCreesh
Chief Executive

AGENDA

OPEN BUSINESS

1. Notice of Recording
This meeting will be webcast for live and subsequent broadcast on the Council's You Tube site [Live Broadcast Link](#)
2. Apologies
3. Declarations of Interest
Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.
4. Chair's Business

Matters for Decision

Development Management Decisions

5. Receive Planning Applications 5 - 194

	Planning Reference	Proposal	Recommendation
5.1.	LA09/2020/0903/F	Detached garage to rear of existing dwelling at approximately 11m NE	APPROVE

		Of No 21A Culbane Road, Portglenone for Ger McPeake	
5.2.	LA09/2021/1366/F	5 No. glamping pods and associated external works at 170M SE of 52 Derrycourtney Road, Caledon for Mr Jim Moore	REFUSE
5.3.	LA09/2021/1449/O	Dwelling and garage within a cluster site at 15m E of 6 Tamnadeese Road, Castledawson for Derek Fulton	REFUSE
5.4.	LA09/2021/1773/F	Retention of coach yard and ramp as an extension to established business at lands immediately to rear and NW of 30B Killyneill Road, Dungannon for Mr Stephen Davison	REFUSE
5.5.	LA09/2021/1799/O	Single dwelling (2 storey) & garage at NE of 128 Old Ballygawley Road, Dungannon for Mr B Conlon	APPROVE
5.6.	LA09/2022/0066/F	Replacement dwelling at 24 Derrychrin Road, Coagh, Cookstown for Paul Mallon	REFUSE
5.7.	LA09/2022/0089/O	Replacement dwelling and retention of existing building to be used as an outbuilding at 375M SE of 103 Moneymore Road, Cookstown for Mr Harold Kane	APPROVE
5.8.	LA09/2022/0208/F	Temporary erection (for 3 years) of modified shipping containers & lightweight structures at Site SW of & Immediately adjacent to 27 Market Square, Dungannon for Dungannon Enterprise Centre	APPROVE
5.9.	LA09/2022/0388/F	Access road to existing retail park at 125M E of UNIT5K Shivers Business Park, 21 Hillhead Road, Toomebridge for Shivers Business Park	REFUSE
5.10.	LA09/2022/0414/F	Dwelling and domestic garage on infill/gap site at 65m NE of 37 Liskittle Road, Tullagh Beg, Stewartstown for Mr Stephen Rodgers	REFUSE
5.11.	LA09/2022/0442/RM	Single storey dwelling with garage, between 255 & 259 Orritor Road, Orritor, Cookstown (Entering Of Church Road) for Mr Serghei & Mrs Tanya Hamchecici	APPROVE
5.12.	LA09/2022/0518/O	Farm dwelling & garage at approx 130m W of 59 Glengomna Road, Draperstown for Mr Dermot Bradley	REFUSE
5.13.	LA09/2022/0573/O	Site for dwelling and garage adjacent and S of 35B Kilrea Road, Upperlands, Maghera for Mr And Mrs P Caskey	APPROVE

5.14.	LA09/2022/0602/O	Dwelling and garage at 83m NW of 30 Eden Road, Portglenone for David Patton	REFUSE
5.15.	LA09/2022/0618/O	Dwelling & Garage at lands opposite 33 Lough Road, Ballymaguigan for Martin Doyle	REFUSE
5.16.	LA09/2022/0619/O	Dwelling & Garage at 75m W of 20 Lough Road, Ballymaguigan for Oliver O'Neill	REFUSE
5.17.	LA09/2022/0645/O	Dwelling and domestic garage at 70m N of 135A Five Mile Straight, Maghera for Patrick McKenna	REFUSE
5.18.	LA09/2022/0685/O	2 storey dwelling and garage to Rear of 68 Drumconvis Road, Coagh for Frances Harkness	REFUSE
5.19.	LA09/2022/0719/RM	Single storey dwelling and garage at site at 80M NE of 130 Creagh Road, Castledawson for Paddy Henry	APPROVE
5.20.	LA09/2022/1085/F	Single storey rear extension at 46 Davison Villas, Castledawson for Mr Noel McMullan	APPROVE

6. Receive Deferred Applications

195 - 304

	Planning Reference	Proposal	Recommendation
6.1.	LA09/2019/0179/F	To continue use of the land and factory without complying with condition 12 of M/2011/0126/F seeking variation of opening hours condition Monday - Friday from 6am - 8pm (amended noise report) at lands 70M S of 177 Annagher Road, Coalisland for Dmac Engineering	REFUSE
6.2.	LA09/2020/1140/O	Dwelling on a farm with a detached garage between 104 Ballygawley Road and an agricultural building 100m NE of 104 Ballygawley Road, Glenadush for Mr Bernard McAleer.	REFUSE
6.3.	LA09/2020/1615/F	Dwelling with integrated annex and garages at site adjacent to 18 Lowertown Road, Dungannon for Brian Wilson	APPROVE
6.4.	LA09/2021/0860/O	Dwelling and garage at site adjacent to 27 Waterfoot Road, Ballymaguigan, Magherafelt for Jim O'Neill	APPROVE
6.5.	LA09/2021/0952/F	Extension to existing curtilage & domestic storage shed. at 45m S of 211A Washingbay Road, Coalisland for Mr Tony McCuskey.	APPROVE
6.6.	LA09/2021/1497/F	Retention of existing access, walls and pillars (amended plans) at 22	APPROVE

		Ballynagowan Road, Stewartstown, Dungannon for Enda & Nuala Devlin	
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Matters for Information

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| 7 | Planning Committee Minutes of Meeting held on 6 September 2022 | 305 - 324 |
| 8 | Receive Report on Invitation from Caledon Regeneration Partnership | 325 - 354 |

Items restricted in accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014. The public will be asked to withdraw from the meeting at this point.

Matters for Decision

Matters for Information

9. Planning Committee Confidential Minutes of Meeting held on 6 September 2022
10. Enforcement Cases Opened
11. Enforcement Cases Closed



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 October 2022	Item Number: 5.1
Application ID: LA09/2020/0903/F	Target Date: 21 September 2020
Proposal: Proposed detached garage to rear of existing dwelling	Location: Approximately 11M N.E. Of No 21A Culbane Road Portglenone
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Ger McPeake 21A Culbane Road Portglenone BT44 8NZ	Agent Name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
Executive Summary:	

Case Officer Report**Site Location Plan**

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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	DAERA - Coleraine	Substantive: TBCResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBC
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR

Representations:

Letters of Support	0
Letters of Objection	1
Letters Non Committal	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 it has attracted four letters of objection. All four objections have been received from the same party.

The issues raised in the objections relate to the following:-

o Validity;

The application was originally described as 'new agricultural storage shed'. However this has been amended to 'proposed detached garage to rear of existing dwelling'. I am content that the application was valid when originally received and continues to be so.

o Unacceptable in principle;

As the proposal has been amended to a domestic garage, it is acceptable in principle as it is located within the established curtilage of an existing dwelling.

o Amenity;

The objector states that the proposed building, at 8m from their front living room window, is closer to their dwelling than the applicants own dwelling. A second objection states that the proposed building will be less than 7m from the objectors dwelling.

This is incorrect, as the proposed building is less than 7.5m from the applicants dwelling whilst it is 13m at its closest to the objectors dwelling.

The objector also raised the issue of the boundary wall impinging on their privacy. The boundary wall at 1.8m high is considered to be permitted development in that it is not adjacent to a public road. Furthermore, it does not impinge on the privacy of the objector as it provides more privacy by reducing the potential for overlooking from the applicants property.

o Impact on rural character;

The original proposed agricultural building has been reduced from 14.93m x 9.65m with a ridge height of 5.0m to a domestic garage measuring 11.5m x 8.2m with a ridge height of 4.6m above finished floor level. The impact on integration and rural character have been considered in the main report below.

o The issue of failing to demonstrate the need for the agricultural building;

As the proposal has been amended to a domestic garage, there is no need to provide any justification.

o The applicants severe breach of planning regulations in relation to his existing residential dwelling;

A breach of planning regulations cannot be considered in the context of this planning application and should be raised with the Enforcement Section. In a second objection, it is stated the applicant did not develop the dwelling in accordance with the 2016 permission and that the footprint is not in accordance with the plans thus reducing that separation distance. Again this is not a matter to be considered under this planning application.

o The objector requested to be kept informed of any meeting at which the application might be discussed so as to avail of speakers rights and if approve would consider seeking a judicial review;

Council do not inform anyone of times/dates of meetings. It is for objectors to make themselves aware of the committee agenda. It is the objectors prerogative to seek a judicial review of they so wish.

o The proposed building sits 1m above level of the objectors property and will be a prominent feature in the landscape;

The issue of prominence is considered below in the main report.

o The footprint of the garage is too large for a domestic garage;

The footprint of the garage measures 11.5m x 8.2m which equals 94.3m². This is not uncommon for a domestic garage and given that the applicant could erect a domestic garage under permitted development rights with a much larger footprint, the proposed garage is not considered unacceptable in that respect. It is noted that there is a much larger shed with a footprint of approximately 18.5m x 8.0m located 17m to the side of the objectors property and which would appear to be within their control.

o Boundaries, hedgerows/march hedges;

The issue of boundaries is a civil matter between the interested parties and is not a planning consideration.

o Deficiencies/inaccuracies;

The site plan is inaccurate in that it does not reflect the physical position on the ground. This issue was raised with the applicant's agent and it was requested that a topographical survey be submitted. A topographical survey was duly submitted and when compared and overlaid on the orthographical maps available to Council, the site plan does appear to be wholly accurate. I therefore have no reason to question the validity of the survey.

o The applicant has failed to describe the height of the proposed development;

It is not a requirement for the applicant to describe the height of the proposed building as it is clear to anyone viewing the proposed plans, which are drawn to a recognised scale, that the proposed garage has a ridge height of 4.6m above finished floor level.

o The applicant intends to build a shed almost identical to the originally proposed 'agricultural shed' with no regard to due process. There is inadequate space for the proposed shed and the objector insists that a planning officer examines the site;

The proposed shed has now been reduced to 65% of the size of the original proposed shed, the ridge height has also been reduced by 0.2m and the orientation has altered by rotating the building by 90 degrees to have the gable wall face the objectors property, thereby lessening the visual impact as opposed to the longer side elevation. The applicant has followed due process by seeking the necessary planning approval before commencing development of the shed. I inspected the site on 5th November 2020 and do not feel the need, even taking into account the issues raised by the objector, to revisit the site.

o The issue regarding the south eastern external wall is irrelevant and has not been considered in my assessment. The relationship between the size of the existing dwelling and the proposed garage is, as already discussed above, considered acceptable and is less than what the applicant could construct under permitted development rights.

o The objector also asserts that the applicant is being afforded infinite opportunities to amend the application.

The applicant is entitled to amend the application as and when they choose prior to a decision being made by Council and also as and when requested by Council. The applicant is not being afforded any more opportunities than other applicant's and the application is being dealt with as expediently as possible.

o The issue relating to a court order and potential trespass onto the objectors property is

a civil matter and is not for consideration in this planning application. Any approval issued by Council should advise that 'this permission does not confer title. It is the responsibility of the developer to ensure that they control all the lands necessary to carry out the proposed development.

o The applicant has only amended the previous proposed plans by rotating the proposed garage by 90 degrees which does not address the objectors concerns relating to the ancillary relationship of the buildings and the associated massing. The objector also requested that planning officials visit the site to inspect the measurements and site makeup to confirm the position set out in the objection.

The scale and massing of the building and its association with the applicants dwelling has been assessed below in the main report. The case officer did inspect the site and following receipt of the objectors concerns regarding the accuracy of the submitted plans, requested a revised site plan. A site plan was duly submitted which included topographical details. I have no reason to doubt the accuracy of this site plan.

Characteristics of the Site and Area

The site is set within the rural area known as Ballynease and is characterised by a proliferation of single dwellings both set back from the road and also on road frontage sites. The application site is set back off the public road in excess of 140m and is accessed by a single track private laneway which serves four dwellings, which includes the applicant's dwelling.

Description of Proposal

The proposed garage measures 11.5m x 8.2m with a ridge height of 4.6m above finished floor level and an eaves height of 3.5m above finished floor level. The finishes are block wall render finish with a profile roof cladding and a single roller shutter door, a single pedestrian door and a single window exist in the north western elevation, with a single roller shutter door proposed in the south western gable. The north eastern gable facing the objectors property and the south eastern elevation are blank walls. The garage is to be positioned in the eastern corner of the applicants curtilage approximately 0.75m from the boundary hedgerow along the north eastern and south eastern boundaries.

The proposed site plan also indicates the erection of a 1.8m high block wall along the common boundary to the north east, extending approximately 15m along the north western boundary and along laneway leading to the objectors property. The wall then drops down to a height of 1.2m with 1.35m high pillars and a 4.8m wide gate leading onto the laneway a the side of the applicants dwelling. Although this wall, pillars and gate are shown on the site plan, they are not mentioned in the description on the application form. However, the wall, pillars and gate would be deemed to be permitted development and do not need planning approval.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

The main policy considerations in the assessment of this proposal are:

Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030 - Draft Strategy

Strategic Planning Policy Statement (SPPS)

Addendum to PPS 7 - Residential extensions and alterations

PPS 21 - Sustainable development in the countryside

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

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

The 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 EXT 1 details that planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

(a) The scale, massing, design and external material of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;

The proposed garage measures 11.5m x 8.2m with a ridge height of 4.6m and an eaves height of 3.5m, both from finished floor level, with external finishes as described above.

The scale, massing, design and external appearance are in keeping with the rural area and are typical of a domestic garage. It should be noted that a previous domestic garage was approved on 7th November 2016, on the same site and measuring 7.5m x 6.5m with a ridge height of 4.6m.

(b) The proposal does not unduly affect the privacy or amenity of neighbouring residents; The revised proposal has been rotated 90 degrees and now has a blank gable wall facing the objectors property. The proposal is set in the north eastern corner of the site to the rear of the applicant's dwelling and close to the boundary hedgerow. The garage

is to be set 8.5m to the rear of the applicant's dwelling, with the gable wall being between 13m and 17m from the objectors dwelling (No.23A). The site sits approximately 1.0m above the level of No.23A with a hedgerow of approximately 5m wide between the properties. When standing on the application site, the top of the aforementioned boundary hedgerow would appear to be approximately level with the wall plate of the objector's property.

The external walls facing the objectors dwelling at No.23A are blank walls with an associated 1.8m high block wall indicated along the remainder of the north eastern boundary. Whilst an additional roller shutter door has been added to the north western elevation, this has no effect on the objectors amenity. Although the site of the garage sits around 1m above No.23A, the garage in conjunction with the wall, will reduce the potential for any overlooking of the amenity space of No.23A. Given the height of the proposed garage on the site is 4.6m and the garage is located between 13m and 17m, at an acute angle, from the front of and to the south west of the objectors property, it is not accepted that it will cause sufficient degree of loss of light or overshadowing as to justify a refusal.

(c) The proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality;
The proposed garage will not cause unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality.

(d) Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.
The proposal is for a domestic garage sited with the corner of the rear yard of the existing dwelling. This leaves sufficient space within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

Policy CTY 13 Integration and Design of Buildings in the Countryside

States that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and is appropriate design, but that it will be unacceptable where:-

- o It is a prominent feature in the landscape

The proposed garage is not considered to be prominent

- o The site lacks long established natural boundaries or is unable to provide a suitable degree of enclosure for the building to integrate into the landscape

The proposal has natural boundaries and proposes to retain some of those in addition to providing a boundary wall which will provide a suitable degree of enclosure to the rear of the applicants dwelling.

- o It relies primarily on the use of new landscaping for integration

Given the proposed garage is sited to the rear of the applicants dwelling, it does not rely on proposed landscaping for integrational purposes.

- o Ancillary works do not integrate with their surroundings

The ancillary works will achieve an acceptable degree of integration as they are visually linked to the dwelling and are only visible from the private laneway or from the objectors property to the immediate rear of the site.

o The design of the building is inappropriate for the site and its locality

The design is appropriate in this location.

o It fails to blend with the landform, existing trees, buildings, slopes and other natural features which provide a backdrop

The proposal will blend with the associated dwelling and boundary hedgerow and is acceptable in that respect.

o Or in the case of a proposed dwelling on a farm it is not visually linked or sited to cluster with an established group of buildings on the farm.

The application is not for a dwelling.

Policy CTY 14 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.

However a new building will be unacceptable where:

o It is unduly prominent in the landscape;

The proposed garage is not considered to be prominent as it is set to the rear of and close to the existing dwelling.

o It results in a suburban style build-up of development when viewed with existing and approved buildings;

The proposal does not result in a suburban style build up of development.

o It does not respect the traditional pattern of settlement exhibited in that area;

The proposal respects the traditional pattern of settlement exhibited in that area

o It creates or adds to a ribbon of development (see policy CTY 8);

The proposal does not create or add to a ribbon of development

o The impact of ancillary works (with the exception of necessary visibility splays) would damage rural character.

The impact of the proposed ancillary works do not damage rural character.

Recommendation

It is noted, whilst the proposed garage requires planning approval, due to the ridge height exceeding the permitted development limit of 4.0m and the eaves height exceeding the permitted development limit of 2.5m, it is noted that the applicant could reduce the proposed height of both of these and erect a building with a substantially larger footprint, covering 50% of the undeveloped curtilage of the subject site, without the need for any planning approval.

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

Summary of Recommendation:

Approve is recommended

Approve subject to the conditions listed below:

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 garage hereby approved shall be used only for domestic purposes in association with the existing dwelling and for no other purpose in Use Class C1 of the Schedule to the Planning (Use Classes) Order (NI) 2015.

Reason: In the interest of residential amenity and to prohibit a change to an unacceptable use within this Use Class.

Case Officer: Malachy McCrystal

Date: 21 September 2022

ANNEX	
Date Valid	27 July 2020
Date First Advertised	1 February 2022
Date Last Advertised	11 August 2020
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 21 Culbane Road, Portglenone, BT44 8NZ</p> <p>The Owner / Occupier 23 Culbane Road, Portglenone, BT44 8NZ</p> <p>The Owner / Occupier 23A Culbane Road, Portglenone, BT44 8NZ</p> <p>The Owner / Occupier 25 Culbane Road, Portglenone, BT44 8NZ</p> <p>The Owner / Occupier 25A Culbane Road, Portglenone, BT44 8NZ</p> <p>The Owner / Occupier 21A Culbane Road, Portglenone, BT44 8NZ</p> <p>The Owner / Occupier 33A Culbane Road, Portglenone, BT44 8NZ</p> <p>The Owner / Occupier 23A Culbane Road, Portglenone, BT44 8NZ</p>	
Date of Last Neighbour Notification	2 August 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses	
<p>DFI Roads - Enniskillen Office-Substantive: YResponseType: FR</p> <p>Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR</p> <p>DAERA - Coleraine-Substantive: TBCResponseType: FR</p> <p>Environmental Health Mid Ulster Council-Substantive: TBC</p>	

Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR

Drawing Numbers and Title

Proposed Plans Plan Ref: 03/2
Proposed Plans Plan Ref: 03/1
Block/Site Survey Plans Plan Ref: 02/4
Block/Site Survey Plans Plan Ref: 02/3
Block/Site Survey Plans Plan Ref: 02/2
Block/Site Survey Plans Plan Ref: 02/1
Site Location Plan Plan Ref: 01/1
Proposed Plans Plan Ref: 03
Block/Site Survey Plans Plan Ref: 02
Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 October 2022	Item Number: 5.2
Application ID: LA09/2021/1366/F	Target Date: 12 November 2021
Proposal: Proposed 5 No. glamping pods and associated external works	Location: 170M South East Of 52 Derrycourtney Road Caledon
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Jim Moore 52 Derrycourtney Road Caledon Dungannon BT68 4UQ	Agent Name and Address: Holmes And Doran Ltd 1ST Floor The Old Savings Bank 1 Victoria Street Armagh BT61 9DS
Executive Summary:	

Case Officer Report

Site Location Plan

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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: TBC
	DFI Roads - Enniskillen Office	Substantive: TBC
Statutory Consultee	DFI Roads - Enniskillen Office	05-08-2021 Refusal.docx
Non Statutory Consultee	DAERA - Omagh	LA09-2021-1366-F.DOCXSee uploaded document

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

There were no representations recieved in relation to the proposal.

Characteristics of the Site and Area

The site is located at lands approx. 170m SE of 52 Derrycourtney Road, Caledon. The site sits quite a considerable distance back from the public road and is located on lands which are raised in comparison to the roadside. The site at present is an open field and is bounded by a mixture of trees, hedgerows and post and wire fencing. The application originally proposed a new access off the Derrycourtney Road (which is a protected route) however amended plans were recieved which accessed the site using the existing access point. The area surrounding the site is generally rural in nature, scattered with single dwellings and their associated outbuildings. Caledon is located approx. 1.5km east where the crow flies from the site.

Description of Proposal

Full planning permission is sought for proposed 5 no. glamping pods and associated external works.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

- Regional Development Strategy 2030
- Strategic Planning Policy Statement for Northern Ireland
- Dungannon and South Tyrone Area Plan 2010
- Planning Policy Statement 2: Natural Heritage
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 21: Sustainable Development in the Countryside
- Planning Policy Statement 16: Tourism

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

Representations

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

Planning History

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

The Dungannon and South Tyrone Area Plan 2010 identify the site as being located outside any settlement limits, with Caledon approx. 1.5km to the East of the site. The site has no other zonings within the Plan.

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

PPS21 is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These are listed in Policy CTY1 of PPS21 including tourism development in accordance with the TOU policies contained within PSRNI. These TOU policies have since been superseded by PPS16 - Tourism therefore this proposal will be considered under the relevant policy within PPS16. SPPS does not make any changes to these policy considerations.

Tourism makes a vital contribution to the Northern Ireland economy, it can play an important role in helping to support the viability of many local suppliers, services and facilities. However, tourism accommodation located in the countryside needs to be located at appropriate locations and managed in a sustainable manner in order to protect the rural landscape and environment in line with the area plan and other material considerations.

This proposal is for self-catering accommodation in the countryside and the agent/applicant has provided a supporting statement which refers to both a farm diversification scheme under CTY 11 of PPS 21 and the policy provisions of PPS 16 for Tourism. Therefore both policies will be assessed within this report, however it is important to note that DfI Roads comments are also at the crux of the recommendation for refusal as they note they would not be content with an intensification of the access onto a protected route.

TSM5 deals with self catering accommodation in the countryside and it states that permission will be granted for self-catering units of tourist accommodation should the proposal meet any one of three circumstances. In my view the proposal does not meet any of the circumstances set out in policy as;

- a) it is not located within the grounds of an existing or approved hotel, self-catering complex, guest house or holiday park;
- b) although the proposal is a cluster of 5 units, it has not been demonstrated that the proposal is located at or close to an existing or approved tourist amenity with a significant visitor attraction requiring these units.
- c) it is not for the restoration of an existing clachan or close.

Paragraph 7.25 of Policy TSM5 states “Where units are proposed in association with a tourist amenity, Policy requires that the tourist amenity must be a significant visitor attraction in its own right”. The agent/applicant has failed to specify the tourism facility in which the proposal will cater or provide evidence of visitor numbers or the provision of existing facilities linked to and enabling usage of the attraction. It is acknowledged that each of the places referred to in the supporting statement are located within a reasonable distance to travel to from the application site, however there is insufficient information to demonstrate the numbers of tourists that these pods would attract or the existing facilities in place that would attract or accommodate them. There are also no such signature project which exist close to this site and the area does not benefit from established tourism amenities and accommodation. I am content that the design and layout would deter for permanent residential accommodation. There is a single bed, a sink and wash room included in each pod. They have communal parking, each having its own curtilage and bbq area, however it doesn’t appear overly defined.

Policy TSM7 of PPS 16 applies to all types of tourism development there is a number of criterion which need to be met. Some of the criterion do not apply to this proposal, however the main concern about this proposal in relation to the criterion within TSM 7 centres around the access to and from the site to a protected route. Criterion (l) and (n) refer to the access and the impact this would have on road safety, particularly onto a protected route. As noted before, DfI Roads have been consulted on the proposal and have stated the proposal is contrary to AMP 3 of PPS 3 in that, it would if permitted result in the intensification of use of an existing substandard access onto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.

Policy CTY 11 which deals with farm diversification is the other policy which the agent has

referred to within their supporting statement. This policy notes that the proposal must be run in conjunction with the agricultural operations on the farm. From the information provided within their supporting statement, the agent/applicant they have not indicated that they carry out any other agricultural activities and as such I do not consider the applicant has demonstrated the proposal will be run in conjunction with agricultural activities on the farm, thus contrary to Policy CTY 11. They have noted that due to the nature of the proposal it would not be feasible to re-use existing buildings and that any existing buildings are in active use. The proposal is also sited approx. 300m South of the existing dwelling and therefore wouldn't be sited beside existing buildings on the farm.

DAERA have confirmed that the farm business was established in 2013 and claims were made over the last number of years, excluding 2021 and 2022. The 5 pods would be sited within a site which has existing landscaping along the boundaries and would be set back from the main public views and thus would, in my opinion blend in sympathetically with the surroundings. Additional landscaping on the boundaries will also assist the development to be further integrated into the surroundings over time. I consider this criteria is met. I have no concerns relating to the impact the proposal would have on any known natural or built heritage. I am content that the proposal is sited far enough way from any 3rd party neighbours to avoid any impact on their amenity.

In terms of policy CTY13 of PPS21, it is my view that the proposal will integrate into the landscape as it is set back from the public road with limited public views and is of a size, scale and location that will not significantly impact the visual character or landscape quality of the area. I consider the proposal will not have a detrimental impact on the rural character of the area and therefore complies with Policy CTY14 also.

Overall, I do not feel the proposal is in line with the policy requirements of AMP 3, TSM 5, TSM 7 and CTY 11 and thus is recommended for refusal.

Summary of Recommendation:

Refuse is recommended

Refusal is recommended.

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policy CTY11 of Planning Policy Statement 21, Sustainable Development in the Countryside in that it has not been demonstrated the proposed development will be run in conjunction with agricultural operations on the farm, there has been no justification for these new building and they are not sited to be satisfactorily

integrated with an existing group of buildings.

Reason 3

The proposal is contrary to the Strategic Planning Policy Statement and Policy TSM5 of Planning Policy Statement 16 Tourism in that it has not been demonstrated that the proposal is located at or close to an existing or approved tourist amenity that is a significant visitor attraction in its own right.

Reason 4

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

Signature(s): Sarah Duggan

Date: 21 September 2022

ANNEX	
Date Valid	17 September 2021
Date First Advertised	30 September 2021
Date Last Advertised	28 September 2021
Details of Neighbour Notification (all addresses) The Owner / Occupier 52 Derrycourtney Road, Caledon, Tyrone, BT68 4UQ	
Date of Last Neighbour Notification	7 October 2021
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: TBC DFI Roads - Enniskillen Office-Substantive: TBC DFI Roads - Enniskillen Office-05-08-2021 Refusal.docx DAERA - Omagh-LA09-2021-1366-F.DOCXSee uploaded document	
Drawing Numbers and Title Site Location Plan Plan Ref: 01 Site Location Plan Plan Ref: 01a	

Notification to Department (if relevant)

Not Applicable

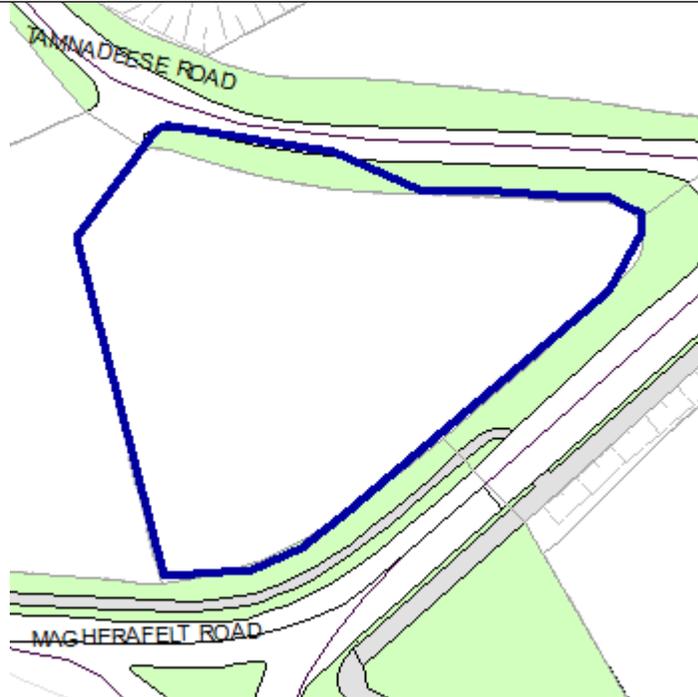


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 October 2022	Item Number: 5.3
Application ID: LA09/2021/1449/O	Target Date: 30 November 2021
Proposal: Proposed dwelling and garage within a cluster site	Location: 15M East Of 6 Tamnadeese Road Castledawson
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Derek Fulton 91 Moneymore Road Magherafelt	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	Rivers Agency	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

None

Characteristics of the Site and Area

The site in question is located approx 15M East of 6 Tamnadeese Road, Castledawson and is located outside any designated settlement limits as identified in the Magherafelt Area Plan, 2015. The proposed site is an irregular triangular shaped parcel of land with boundaries of hedgerow and scattered vegetation. The roadside boundary is relatively exposed. The wider surrounding area can be characterised as open countryside and mixed use of residential and commercial.

The site plot size measuring approximately 0.44 of a hectare and the topography elevates in a west to north west direction.

Description of Proposal

The applicant is seeking outline planning approval for a dwelling and garage under policy CTY2a.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Planning Assessment of Policy and Other Material Considerations

The Strategic Planning Policy Statement (SPPS) for Northern Ireland-Planning for Sustainable Development, is a material consideration. The SPPS sets out that planning authorities should be retained under transitional arrangements. The SPPS sets out that planning authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Until a Plan Strategy for the whole of the Council area has been adopted planning applications will be assessed against existing policy.

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.

Section 45 (1) of The Planning Act (Northern Ireland) 2011, states that, where an application is made for planning permission, the Council or, as the case may be, the Department, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations.

Planning Assessment of Policy and Other Material Considerations:

The application is considered against the following:

SPSS

The Magherafelt Area Plan 2015,
PPS 21 Sustainable Development in the Countryside
PPS 3 Access, Movement and Parking.

Representations

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

Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. It goes on to state that planning permission will be granted for an individual dwelling house in the countryside in six cases. One of these is a dwelling sited within an existing cluster of buildings in accordance with Policy CTY2a.

The principle of the application is considered under PPS 21, CTY 2a, New Dwellings in Existing Clusters under CTY 2a all criteria must be met.

- a) 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;
- b) The cluster appears as a visual entity in the local landscape;
- c) The cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,
- d) The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;
- e) 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
- f) Development would not adversely impact on residential amenity.

The proposal fails a number of the above criteria under PPS 21, CTY2a, namely b, c, d, and e. The proposed cluster does not appear as a visual entity in the local landscape and the proposed focal point for the application is the existing Castledawson roundabout. The site is not bounded on at least two sides with other development in the cluster and which there is some degree of vegetation along the boundaries of the site, I do not feel that it is sufficient to provide an acceptable degree of enclosure. The proposal if permitted, would fail integrate successfully into the surrounding landscape and would not be adequately absorbed into the existing landscape and rural area. The site is elevated quite steeply and a dwelling here would be unduly prominent, visually intrusive and open to critical views.

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. The proposal is for outline planning permission and details of design have not been submitted at this stage. However, the proposed site is a roadside location and given the topography of the site and the steep elevations of the land, I believe that the proposal has the potential to be prominent and visually intrusive on the site. The site lacks sufficient natural boundaries to aid integration and provide a suitable degree of enclosure for the proposal dwelling to integrate into the local landscape.

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 the area. Rural character is somewhat lacking in this area due to the mixed use around Castledawson roundabout, I believe that a dwelling here would not significantly impact on the rural character of the area.

PPS 3 Access, Movement and Parking

DFI Roads were consulted on this proposal and responded to say they had no objections subject to conditions being added.

Conclusion

In conclusion I consider the proposal to be unacceptable as it is contrary to PPS 21, Policy CTY2A and CTY 13 and recommend permission is refused.

Summary of Recommendation:

The proposal to be unacceptable as it is contrary to PPS 21, Policy CTY2A and CTY 13 and recommend permission is refused.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster does not appear as a visual entity in the local landscape.

Reason 2

The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New

Dwellings in Existing Clusters in that the proposed site is not bounded on at least two sides with other development in the cluster.

Reason 3

The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, - Integration and Design of Buildings in the Countryside in that a dwelling located on this site would be visually intrusive and a prominent feature in the landscape due to the steep elevations and topography of the site. The application site lacks sufficient natural boundaries and would be unable to provide a suitable degree of enclosure for the proposed dwelling to integrate sufficiently into the landscape.

Signature(s): Siobhan Farrell

Date: 22 September 2022

ANNEX	
Date Valid	5 October 2021
Date First Advertised	19 October 2021
Date Last Advertised	19 October 2021
Details of Neighbour Notification (all addresses) The Owner / Occupier 6 Tamnadeese Road Castledawson Londonderry BT45 8DW The Owner / Occupier 7 Tamnadeese Road Castledawson Londonderry BT45 8DW The Owner / Occupier 36 Magherafelt Road Castledawson Londonderry BT45 8DN	
Date of Last Neighbour Notification	18 October 2021
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Substantive: YResponseType: FR Rivers Agency-Substantive: TBCResponseType: FR	
Drawing Numbers and Title Site Layout or Block Plan Plan Ref: 02 Site Location Plan Plan Ref: 01	

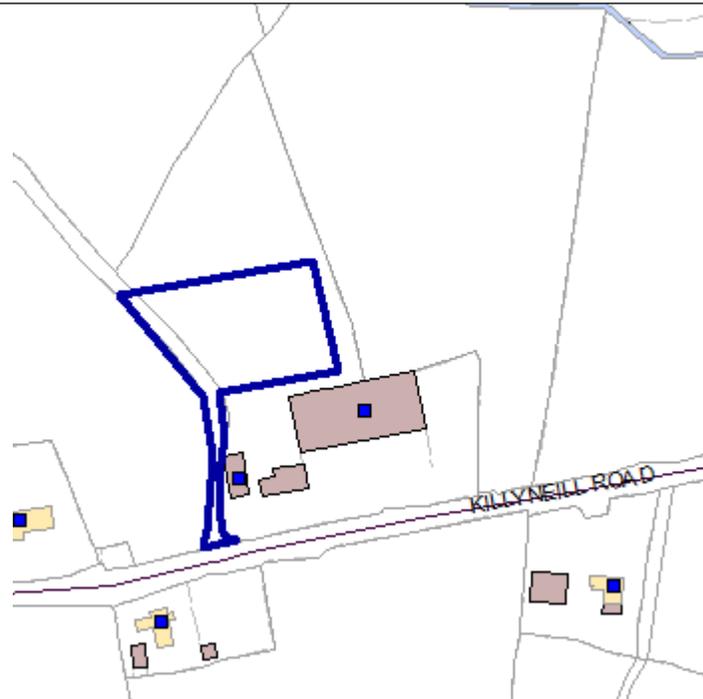
Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 October 2022	Item Number: 5.4
Application ID: LA09/2021/1773/F	Target Date: 2 February 2022
Proposal: Retention of coach yard and ramp for washing own coaches as an extension to established business.	Location: Lands Immediately To The Rear And North West Of 30B Killyneill Road Dungannon
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Stephen Davison 26 Wellington Road Dungannon	Agent Name and Address: Oonagh Given 10 Carnan Park Omagh BT79 7XA
Executive Summary:	

Case Officer Report**Site Location Plan**

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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBC

Representations:

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

Summary of Issues

The site lies in the rural countryside and outside any settlements limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in

character and is mainly single rural dwellings with a roadside frontage, dispersed groupings of farm buildings and agricultural fields.

The site as a whole is accessed off Killyneill Road which is a country road and the nearest dwelling is No.25 which is 40m south west. The road slopes downwards steeply from the west to the east.

The red line of the site comprises a narrow lane which leads to a large concrete yard to the rear of the wider site within the blue line which comprises three buildings, all of which have the appearance of agricultural buildings and are finished in concrete walls and tin sheeting on the roof and upper walls. Surrounding the buildings is a concrete yard. To the north and behind these buildings is the main body significant for this application and is now a concrete yard for the storage of coaches and buses.

The buildings all have a long rectangular form and are currently being used as an office, car repair workshop and stores. Within the concrete yard facing Killyneill Road are a number of parked cars, vans and coaches associated with the sheds.

The red line of the site includes the access to the west which slopes down away from the road edge, it runs parallel to the existing buildings and opens into the large concrete yard to the rear, due to its position behind the existing buildings there are minimal views of this area from the roadside.

Characteristics of the Site and Area

The site lies in the rural countryside and outside any settlements limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character and is mainly single rural dwellings with a roadside frontage, dispersed groupings of farm buildings and agricultural fields.

The site as a whole is accessed off Killyneill Road which is a country road and the nearest dwelling is No.25 which is 40m south west. The road slopes downwards steeply from the west to the east.

The red line of the site comprises a narrow lane which leads to a large concrete yard to the rear of the wider site within the blue line which comprises three buildings, all of which have the appearance of agricultural buildings and are finished in concrete walls and tin sheeting on the roof and upper walls. Surrounding the buildings is a concrete yard. To the north and behind these buildings is the main body significant for this application and is now a concrete yard for the storage of coaches and buses.

The buildings all have a long rectangular form and are currently being used as an office, car repair workshop and stores. Within the concrete yard facing Killyneill Road are a number of parked cars, vans and coaches associated with the sheds.

The red line of the site includes the access to the west which slopes down away from the road edge, it runs parallel to the existing buildings and opens into the large concrete yard to the rear, due to its position behind the existing buildings there are minimal views of this area from the roadside.

Description of Proposal

The proposal seeks full planning permission for the retention of coach yard and ramp for washing own coaches as an extension to established business.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

There have been no official representations received, however there have a large amount of information received via email from a concerned member of the public.

The main concerns raised included;

- inability to obtain visibility splays
- increased vehicular use of the road causing road safety issues and road damage
- detrimental impact on ambience
- environmental issues
- land valuation
- disregard for planning regulations
- not suitable use for location

History on Site

M/2003/0816/F - Proposed change of use from existing quarry commercial building to coach, bus and taxi repair-storage area. Garage 1, 2 & 3 on accompanied drawings - 40 Metres North East of 25 Killyneil Road, Dungannon ? Permission Granted 14.10.2003

M/2005/1800/F - Retention of & change of use from Agricultural Store to vehicle repair garage - 240m N/W of 25 Killyneil Rd Dungannon ? Permission Granted 23.02.2007

LA09/2021/0329/LDE - Use of existing land & buildings by a Coach Hire Business comprising a coach yard, the use of a building for ancillary maintenance of coaches and use of a building as an ancillary office. - Clarkes Yard, Killyneill Road, Dungannon. –

Granted 22.06.2021

Background

The site is part of an established business for coach hire. This business acquired full planning permission in 2003 and a further CLUD in 2021 as the above history shows. This permission is made off the back of enforcement notice (LA09/2019/0161/CA) which was upheld and varied appeal (ref; 2020/E0051) with a small area of the site being declared as lawful.

In this case the applicant seeks to retain permission for a reduced area than that covered by the enforcement notice and otherwise intends to comply with the rest of the requirements of the enforcement notice.

The PAC upheld the councils refusal reasons relating to; size of extension, impact on visual amenity viewed from the east, lack of evidence on promotion of sustainability and road safety.

This new proposal seeks to alleviate the first two concerns by significantly reducing the size of the site area and by the provision of a planting bund along the east boundary. These two measures should reduce the visual impact when travelling along the Killyneill road from the east. The provision of the planting indigenous species also seeks to alleviate concerns surrounding sustainability and biodiversity.

With regards to the last issue of road safety the applicant is arguing that the general history of the use of the access has been significantly greater than it is currently. The lane also serves as access to a gravel pit to the rear of the site, this site to the rear houses a number of large sheds which were previously used in connection with quarrying at the gravel pit. Over the years the activities in these sheds has transitioned to other economic uses including Davidsons coaches, it first received permission in 2003 at which point Road service pointed out the access was substandard, however no conditions to improve were requested.

The sheds to the rear were granted permission for sandblasting in 2004 with the same note about substandard access added to the permission, but again no conditions to improve access were requested.

In 2007 a change of use was approved to allow a vehicle repair garage in one of the sheds to the rear, again there was no condition requiring access improvements. It can be assumed that this business would have had a relatively high number of vehicle movements.

In addition the agent submitted findings to show that vehicle movements to and from the site had not increased prior to the extension, in fact the test shower higher figures before the extension was carried out.

The agent is providing a case to suggest that vehicle movements associated with the

proposal do not amount to intensification on the laneway when compared to the usage when at its lawful busiest. In 2007 the lane was in use by the coach hire yard, the vehicle repair garage, and the sandblasting.

As a result of the demise of these businesses to the rear, it would follow that there are less vehicles in total using the lane, however, the agent would argue that it is unlikely that due to the yard extension that the volume of vehicles will match the previously permitted levels.

The condition of the access was known when the previous permission for the coach yard was approved and additional businesses were approved with no condition requiring improvements. The agent suggests that in this case they have shown that no additional vehicular movements are implied and it is unfair to expect access improvements when it hasn't been previously.

Assessment of Planning Issues/Material Considerations

The applicant seeks full planning permission for the retention of coach yard and ramp for washing own coaches as an extension to established business.

It is important to note that the use of this business has operated from the site since 1998 to present day.

The use benefits from planning permission since 14 October 2003, Planning approval M/2003/0816/F and the most recent permission being for 'Use of existing land & buildings by a Coach Hire Business comprising a coach yard, the use of a building for ancillary maintenance of coaches and use of a building as an ancillary office.' Which was granted permission 22.06.21, reference LA09/2021/0329/LDE.

The below images show the change in the site from 2016 to 2019.

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

Mid Ulster Development Plan 2030 – Draft Plan Strategy

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. 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.

Consultees

DfI Roads were formally consulted by the council and sought a scaled drawing showing the access to be constricted in accordance with the RS1 form. The agent however, has argued that it is not necessary to improve the access.

Environmental Health were also consulted and have no objection to the proposal subject to the site being restricted to storage only and a limit put on hours of operation. I find both conditions reasonable that meet the tests of a planning condition. While no hours of operation were placed on the 2007 permission, as this extension is now closer to surrounding residential development I find it important to restrict operations on this portion of the site.

Key Policy Considerations/Assessment

In the current Dungannon and South Tyrone Area Plan 2010, this application site is in un-zoned land located in the countryside therefore, the policy provisions of SPPS, PPS21 and PPS4 apply.

Policy CTY1 of PPS21 lists certain types of development that are considered acceptable in the countryside, including development for economic use in accordance with the policy provisions of PPS4 Planning and Economic Development. The SPPS introduced in September 2015 is a consolidation of some 20 Planning Policy Statements, and PPS4 is a retained policy until such time as a Plan Strategy for Mid Ulster is adopted. The SPPS does not introduce any new policy considerations which would impact on the assessment of this proposal.

Policy PED 2 in PPS 4 Planning and Economic Development allows economic development in the countryside in accordance with certain policies. The relevant policy consideration for this development proposal is PED 3 - Expansion of an Existing Economic Development Use in the Countryside. It states that the expansion of an established economic development use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise.

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

The application does still propose to retain a certain portion of the extended yard area, however, a significantly reduced area. I am of the view this increase in the site area is necessary to allow parking of coaches and an area for washing the said coaches. It is clear from the site visit that the yard parking area was needed as it was almost fully in use.

In my opinion this reduced yard area does not represent a major expansion of an

established business use in the countryside. No new buildings are proposed. The proposed planting bund and landscaping along the eastern boundary is crucial as it will soften the visual impact of this extension in the landscape.

The scale and nature of the proposed extension is subordinate to the existing buildings and yard, with the established business providing a backdrop when viewed from the west, with the proposed bund along the east and therefore the impact upon the rural character or appearance of the rural area is limited. The size and scale of the proposed works respect the context set by the existing buildings on the site as well as the size of the overall site area. As the yard will be used for storage only this will reduce impacts of noise, nuisance or general disturbance to nearby residential properties, and in my view will not cause detriment to their amenity, a view shared by Environmental Health.

PED 9 sets out a list of General Criteria for Economic Development in PPS 4 which development proposals must satisfy.

a) I am satisfied this proposal is compatible with the surrounding land use. The proposal represents an expansion to an established business in the countryside. This business has been established for over 10 years and the proposal is for parking/storage yard for coaches and a retention of a ramped coach washing area associated with this business.

b) Due to the proposed reduction in yard area and the planting bund I have no concerns regarding any harm to the amenity of nearby residential properties by way of overshadowing, dominance or privacy concerns, or noise, nuisance or general disturbance. Environmental Health have no concerns in this regard.

c) The site is not located in close proximity to any areas of built or natural heritage significance, therefore it would not have any impact upon built or natural heritage interests.

d) Due to the topographical characteristics of this site, I have no concerns the proposal is within an area of flood risk or that it exacerbate flooding.

e) This development proposal may not create any significant noise nuisance as it is for parking only. there will be minimal noise from the washing of the coaches. Environmental Health have no objections to the proposal subject to a condition limiting this area of the site to storage only and a limit put on hours of operation .

f) This application does not involve the intensification of any emission or effluent from the site.

g) The existing access presents a road safety issue, DFI roads have stated that the access is substandard and the access would need improvements, and the developer has not presented any suitable improvements to overcome the road problems identified.

h) Dfl Roads have ask for a scaled drawing showing the access to be constricted in accordance with the RS1 form which would require an improvement to the existing access, however, the applicant feels this is an unnecessary request. This issue has been discussed at length at group and the opinion is that the proposed access is unsafe and without improvements is unfit for approval. The council do not feel the argument provided by the agent is sufficient to side step DFI recommendation.

i) Due to the nature of the business this application applies to, it would not require an extensive movement pattern.

j) There are no buildings to be constructed in this proposal. With the additional boundary treatment, I am content this proposal and the landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity.

K, l & m) The agent was requested to provide additional boundary treatment along the eastern boundary. The purpose of this was to reduce any views of the proposal, particularly when travelling from the East. This amendment of additional boundary treatment increased the enclosure of the proposal and thus will provide more screening of the proposal.

It is my opinion this proposal is satisfactorily integrated into the existing landscape. Given the existing topography I feel the creation of a bund also assists with integration into the landscape.

PPS 3 - Access, movement and parking.

Policy AMP2 of PPS3 states that '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;'

In this case the proposal would involve the usage of an already accepted substandard access. Visibility to the west is extremely poor with approx. 18 metres vision, DFI Roads have requested the access is improved and the applicant has failed to achieve this. It is my opinion that these requested visibility splays are necessary given the size of slow moving vehicles entering and leaving the site on the crest of a hill which will cause a road safety issue.

Recommendation Refusal

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposed development would, if permitted, prejudice the safety and convenience of road users since visibility from the proposed access cannot be provided to an adequate standard.

Reason 2

The proposal is contrary to Planning Policy Statement 4, Industrial Development, Policy PED 9, in that the development would, if permitted prejudice the safety and convenience of road users.

Case Officer: Peter Hughes

Date: 11 September 2022

ANNEX	
Date Valid	8 December 2021
Date First Advertised	6 January 2022
Date Last Advertised	4 January 2022
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier Unit 3, 30B Clarkes Yard, Killyneill Road, Dungannon, Tyrone, BT71 6LL The Owner / Occupier Unit 4, 30B Clarkes Yard, Killyneill Road, Dungannon, Tyrone, BT71 6LL The Owner / Occupier Unit 2, 30B Clarkes Yard, Killyneill Road, Dungannon, Tyrone, BT71 6LL The Owner / Occupier Unit 1, 30B Clarkes Yard, Killyneill Road, Dungannon, Tyrone, BT71 6LL The Owner / Occupier Unit 5, 30B Clarkes Yard, Killyneill Road, Dungannon, Tyrone, BT71 6LL The Owner / Occupier Unit 6 30A Clarkes Yard Killyneill Road Dungannon Tyrone BT71 6LL</p>	
Date of Last Neighbour Notification	13 January 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses	
<p>DFI Roads - Enniskillen Office-Substantive: YResponseType: FR Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR Environmental Health Mid Ulster Council-Substantive: TBC</p>	

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not ApplicableNot ApplicableNot Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 October 2022	Item Number: 5.5
Application ID: LA09/2021/1799/O	Target Date: 9 February 2022
Proposal: Single dwelling (2 storey) & garage	Location: Ne Of 128 Old Ballygawley Road Dungannon
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr B Conlon 36B Garvagh Road Donaghmore Dungannon BT70 3LS	Agent Name and Address: Mr C Mullan 3 Torrent View Donaghmore Dungannon BT70 3GZ
Executive Summary: Application is being presented to Council for decision as an exception to policy as a dwelling was sold off from the farm holding within 10 years of the date of the application, however 10 years has subsequently passed on 20 July 2022.	

Case Officer Report**Site Location Plan**

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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	DAERA - Omagh	Substantive: TBCResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBC
	NIEA	Substantive: YResponseType: FR
Statutory Consultee	DFI Roads - Enniskillen Office	LA09-2021-1799-O - 128 Old Ballygawley Road Dungannon - Response.docx LA09-2021-1799-O - 128 Old Ballygawley Road, Dungannon - RS1 Form.doc

Representations:

Letters of Support

0

Letters of Objection	0
Letters Non Committal	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	
Summary of Issues	
Characteristics of the Site and Area	
<p>The site is located within the rural area approximately 0.7km northwest of Granville along the Old Ballygawley Road and is outwith any settlement limits as set down in the Dungannon and South Tyrone Area Plan 2010. The site is a 0.82ha parcel of land, located to the front of an existing farm grouping. The northern (roadside) boundary is defined by hawthorn hedging with one mature tree. The south-eastern boundary runs along the existing access laneway and is defined by a hedgerow with intermittent trees. The southern boundary is a hedgerow that runs along the front of No.128. The western boundary is undefined as it is cut out of the larger agricultural field and the north-eastern boundary is defined by a mature, well established treeline. The site rises from north to south and from east to west. The existing farm grouping is located on the other side of the laneway to the south of the site, and includes 2 no. farm dwellings and a number of associated sheds. There is little recent development pressure in the area with development taking the form of mostly single storey dwellings with associated outhouses.</p>	
Description of Proposal	
Proposed new dwelling, garage and associated site works.	
Planning Assessment of Policy and Other Material Considerations	
<u>Policy Consideration</u>	
<p>Section 45(1) of the Planning Act (NI) 2011 requires the Council, in dealing with an application, to have regard to the local development plan (LDP), so far as material to the application, and to any other material considerations. Section 6(4) requires that the determination of proposals must be in accordance with the LDP unless material considerations indicate otherwise.</p> <p>Relevant history M/2001/0410/O - Proposed Dwelling for Retired Farm Worker - Site Adjacent to 128 Ballygawley Road, Dungannon APPLICATION WITHDRAWN 27.09.2001 M/2004/0366/F - proposed dog exercise gallop, car parking area, temporary sectional building & boundary landscaping - lands adjacent to no. 128 Ballygawley Road,</p>	

Glassmullagh, Dungannon - PERMISSION GRANTED 11.10.2005

M/2011/0385/F - New dwelling house, garage and waste water treatment system - 80m

NE of 128 Ballygawley Road, Dungannon PERMISSION GRANTED 10.02.2012

LA09/2021/0158/PAD - Proposed development of 1 no dwelling house - 128 Old Ballygawley Road, Dungannon PAD DECLINED

Representations

Two (2) neighbouring properties were identified to be notified and press advertisement has been carried out in line with the Council's statutory duty. To date no letters of representation have been received.

Dungannon and South Tyrone Area Plan 2010

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

Mid Ulster District Council Draft Plan Strategy 2030

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

SPPS – Strategic Planning Policy Statement for Northern Ireland

The SPPS introduced in September 2015 is a material consideration in determining this application. The SPPS states that a transitional period will operate until such times as a Plan Strategy for the whole of the council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents together with the SPPS. Paragraph 1.12 of the SPPS states that any conflict between the SPPS and any retained policy must be resolved in the favour of the provisions of the SPPS. It does not present any change in policy direction 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 laneway running parallel with the existing laneway. DFI Roads have been consulted and have no objections subject to a plan at 1:500 scale to be submitted as part of the reserved matters application, showing sightlines of 2.4m x 120m as per the RS1 form.

Planning Policy Statement 21 - Sustainable Development in the Countryside

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

- a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a;
- a replacement dwelling in accordance with Policy CTY 3;
- a dwelling based on special personal or domestic circumstances in accordance with Policy CTY 6;
- a dwelling to meet the essential needs of a non-agricultural business enterprise in

accordance with Policy CTY 7;

- the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8; or

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

CTY 10 of PPS21 states that planning permission will be granted for a dwelling house on a farm where all of the following criteria can be met:

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

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

I have carried out a planning history search of the applicants holding and this has shown there was a farm dwelling approved under M/2011/0385/F. This was transferred off the farm holding on 20th July 2012. This current application under consideration was received by the Council on 20th December 2021. This means that the development opportunity was sold off within 10 years from the date of application, and is therefore contrary to policy. What should be considered by Members is that if this application were to be received today it would be approved as the development opportunity was sold off more than 10 years ago (critical date of 20th July 2022). I feel it would be unreasonable to refuse the application and ask them to resubmit an application given the fact the development opportunity has now been sold off more than 10 years ago. For this reason the application is being presented to Council for a decision, as it is contrary to policy however would be considered fully compliant with policy if submitted today.

(c) The new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane.

The proposed site is located in a field directly adjacent to the existing farm holding and therefore is sited to cluster with an established group of buildings on the farm. Access is not obtained from the existing laneway however it runs adjacent to it.

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

CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. As this is an outline application the design elements of CTY 13 cannot be dealt with under this application but will be considered under any RM or Full application. When viewed from the public road the site occupies a mid-slope location and it is sited in between the existing two storey farm dwelling No. 126 and the single storey farm dwelling No. 128, and to the front of the existing farm sheds. A new dwelling here will not be a prominent feature in this landscape and will be in keeping with the existing character of the area. When travelling east along the Old Ballygawley Road a new

building here will read with an established group of buildings on the farm. When travelling west along the Old Ballygawley Road there are no critical views given the strong north-eastern boundary to the site. In addition, the views from the public road are not long term nor are they overly critical given the setback from the public road. A dwelling here will read with the existing farm grouping. For this reason I am satisfied the proposal meets policy CTY 13. Existing and proposed levels will have to be provided with any approval, along with a comprehensive landscaping plan, including details of planting along the proposed laneway.

CTY 14 of PPS21 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A proposed dwelling on this site will not be unduly prominent in the landscape as it will read with an established group of buildings. A dwelling here will not contribute to a localised sense of build-up and respects the tradition pattern of settlement. I have no concerns with the creation of ribboning and am content that the proposed dwelling in this location will not erode the rural character of this area. The proposal complies with CTY 14.

Provided Council are happy to approve without full compliance with policy CTY 10 I recommend approval.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

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

Condition 2

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

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

Condition 3

Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4m x 120.0m in both directions shall be provided in accordance with a 1/500 scale site plan as submitted and approved at Reserved Matters stage. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter.

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

Condition 4

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

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

Condition 5

During the first available planting season following the occupation of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development; details of a native species hedge to be planted to the rear of the visibility splays and along all new boundaries of the site, including along the access laneway. 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

Condition 6

In the event that previously unknown contamination is discovered onsite development on the site shall cease pending submission of a written report which appropriately investigates the nature and extent of that contamination and reports the findings and conclusions of the same and provides details of what measures will be taken as a result of the contamination for the prior written approval of Planning department (in consultation with the Environmental Health Department of Mid Ulster District Council.

Reason: In the interests of residential amenity.

Informative 1

1. A Consent to Discharge Sewage Effluent being obtained from Water Management unit, The Northern Ireland Environment Agency, as required by the Water (Northern Ireland) Order 1999.
2. Any new or existing septic tank unit being a minimum of 7 metres from the proposed development or any other habitable dwelling/building such as an office or such dwelling/building in the course of construction or the subject of a planning approval.
3. A legal agreement being obtained in relation to lands used in connection with any septic tank/drainage arrangement where such lands are outside the ownership of the applicant or outside the area marked in red which is the subject of this application. This agreement must ensure that the lands in question will always be available for the intended purpose and also that any occupier/owner of the proposed development will have access to these lands for maintenance/improvement works as required. Such legal agreement should be included in any planning approval as a planning condition.
4. The applicant ensuring that the proposal does not compromise any existing drainage arrangements serving existing neighbouring premises or developments not completed/commenced which are the subject of a planning approval.
5. Planning department receiving confirmation from Northern Ireland Water that a mains water supply is available and that it is feasible for the proposed development to be connected to same. Where mains water supply is not available, the applicant/agent is strongly advised to contact this department before any detailed plans are prepared.
6. In the event that previously unknown contamination is discovered onsite development on the Site shall cease pending submission of a written report which appropriately investigates the nature and extent of that contamination and reports the findings and conclusions of the same and provides details of what measures will be taken as a result of the contamination for the prior written approval of Planning department (in consultation with the Environmental Health Department of Mid Ulster District Council)

Case Officer: Deirdre Lavery

Date: 20 September 2022

ANNEX	
Date Valid	15 December 2021
Date First Advertised	13 January 2022
Date Last Advertised	11 January 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 128 Ballygawley Road, Dungannon, BT70 1RW The Owner / Occupier 126 Ballygawley Road, Dungannon, BT70 1RW	
Date of Last Neighbour Notification	10 February 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Substantive: YResponseType: FR DAERA - Omagh-Substantive: TBCResponseType: FR Environmental Health Mid Ulster Council-Substantive: TBC NIEA-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-LA09-2021-1799-O - 128 Old Ballygawley Road Dungannon - Response.docxLA09-2021-1799-O - 128 Old Ballygawley Road, Dungannon - RS1 Form.doc	
Drawing Numbers and Title Site Layout or Block Plan Plan Ref: 03 Site Location Plan Plan Ref: 02 Site Location Plan Plan Ref: 01	

Notification to Department (if relevant)

Not Applicable

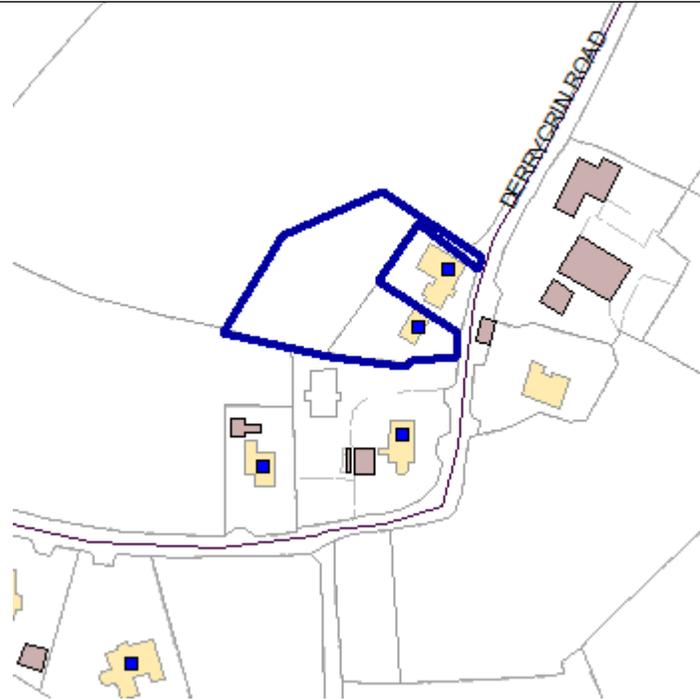


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 October 2022	Item Number: 5.6
Application ID: LA09/2022/0066/F	Target Date: 4 May 2022
Proposal: Replacement Dwelling	Location: 24 Derrychrin Road Coagh Cookstown
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Paul Mallon 26 Derrychrin Road Coagh Cookstown BT80 0HJ	Agent Name and Address: No Agent
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site is located in the rural countryside, as depicted within the Cookstown Area Plan, approx. 2.3km east of Coagh and approx. 1.4km southwest of Ballinderry, respectively.

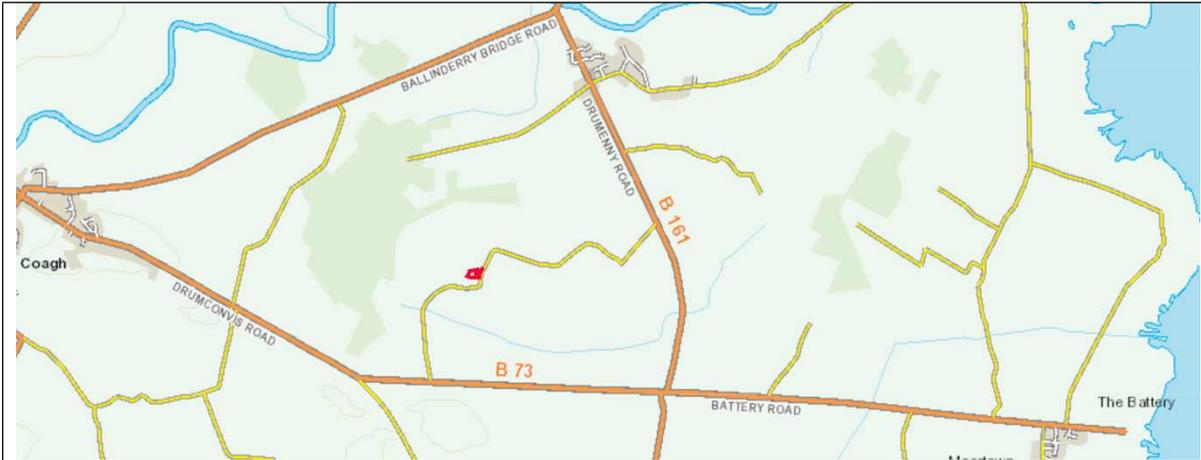


Fig 1: Site outlined red



Fig 2: Site outlined red



Fig 3: Dwelling to be replaced, no. 24 Derrychrin Rd outlined red; no. 26 Derychrin Rd, the applicant's home outlined blue

The site comprises the southern half of the curtilage of the applicant's home no. 26 Derrychrin Rd a single storey roadside dwelling situated parallel to and fronting onto the Derrychrin Rd; and the southeast corner of a much larger agricultural field located to the immediately to the west / rear of no. 26.

The site / southern half of the curtilage of the applicant's home contains a modest building, no. 24 Derrychrin Rd, the subject of this application. On the date of site inspection this building, which has a linear floor plan and a pitched roof construction with a dash finish and dark roof tiles to match the applicant's home was in use as an ancillary outbuilding / garage. The applicant's home and ancillary outbuilding / garage currently share a vehicular access of the Derrychrin Rd with in-curtilage parking provided on a tarmac driveway to the front of the outbuilding / garage. The applicant's home has a garden to the front and yard to the rear. A larger garden runs to the rear of the properties yard and the outbuilding / garage on site.

The curtilage of the property is bound to the front by a low stone wall and by hedging and mature trees further to the sides and rear. A number of mature trees exist within the rear garden to the rear of the outbuilding / garage on site. The site itself is bound to the front and to the south by the aforementioned stone wall and mature hedging and trees, which continue along the southern boundary of the host field from which part of the site is cut, respectively. The northern and western boundaries of the site are undefined onto the host field.

Critical views of the site will be over a short distance on the northeast approach along the Derrychrin Rd and passing along the roadside frontage. Views on the south / southwest approach along the Derrychrin Rd will be screened primarily by existing vegetation bounding the southern boundary of the site but also by existing roadside development in the form of two dwellings located to the south of the site, nos. 18 and 20 Derrychrin Rd.

Whilst the immediate area surrounding the site is predominantly rural in nature comprising agricultural lands some development pressure exists in the wider vicinity largely in the form of ribbon development to the northeast of the site.

Description of Proposal

This is a full planning application for a replacement dwelling. The dwelling to be replaced is no. 24 Derrychrin Road Coagh Cookstown.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

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

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

Representations

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

Consultations

1. Dfi Roads were consulted as the proposal sought a new access. Dfi Roads requested an amended site plan at 1/500 to show 2.4m x 45m sight visibility lines in both directions and a forward sight distance of 45m. The stone wall located at

no. 26 Derrychrin Rd to be shown set back to accommodate sight visibility line to the south and a hedge set back to accommodate sight visibility line to the northeast.

Planning History

- I/1991/0096 - Extension and improvements to dwelling - 26 Derrychrin Rd Coagh Cookstown - Granted 15th May 1991

The above application relates to the applicant's house, which is hugged by the current site.

- I/2003/0597/O - Replacement Dwelling and Domestic Garage - No 22 Derrychrin Rd Coagh - Granted 4th November 2003
- I/2006/1124/RM - Replacement dwelling - 25m to the rear of 22 Derrychrin Rd Coagh - Granted 14th March 2007

The above applications relate to lands, containing foundations, located between the site and no. 20 Derrychrin Rd, a roadside dwelling to the south.

Key Policy Considerations

Cookstown Area Plan – The site is located in the rural countryside.

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

Planning Policy Statement 21: Sustainable Development in the Countryside is the overarching policy for development in the countryside. It provides certain instances where the development of a dwelling is considered acceptable in the countryside subject to criteria. These instances are listed in CTY1 of PPS21. The current proposal has applied under one of these instances - a replacement dwelling in accordance with Policy CTY3.

Policy CTY3 – Replacement Dwellings states planning permission will be granted for a replacement dwelling where the building to be replaced exhibits all 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.

It appears that over time the curtilage of no. 26 Derrychrin Rd the applicant's home has enlarged and the building proposed to be replaced under this proposal no. 24 Derrychrin Rd located within its curtilage is used as an ancillary accommodation. On the date of site inspection the building was being used as an ancillary outbuilding / garage incorporating a home office to no. 26 Derrychrin Rd, the applicant's home.

As the building on site has the appearance of, and on the date of site inspection was being used as, an outbuilding / garage ancillary to the applicant's home the applicant was contacted to submit additional information to demonstrate the building to be replaced was previously used as a dwelling.

The applicant subsequently submitted a photo of the building to be replaced, no. 24 Derrychrin Rd, taken in June 1995 (see Fig 4, below). The photo shows what would appear to be a house but I could not be sure that this is the same building with significant alteration on site. Orthophotography (see Fig: 2, further above) shows the building currently on site (see Fig: 3 & Fig 5 further below) appears to be pulled further apart from the applicant's home than the house in the photo and its frontage does not run as flush with the applicant's home as the house in the photo. Accordingly, I also carried out checks with Mid Ulster District Council's Building Control Team to see if they had any records for alterations to the house, no. 24 Derrychrin Rd, shown in the photo below or for the building currently on site. Building Control advised with regard to No. 26 Derrychrin Rd they had received applications for extension and improvements in 1991 and again in 1998. Then in January 2003 received another application for a Regularisation Certificate for the erection of a detached garage / office. A Regularisation Certificate is issued for works carried out prior to an application being submitted.

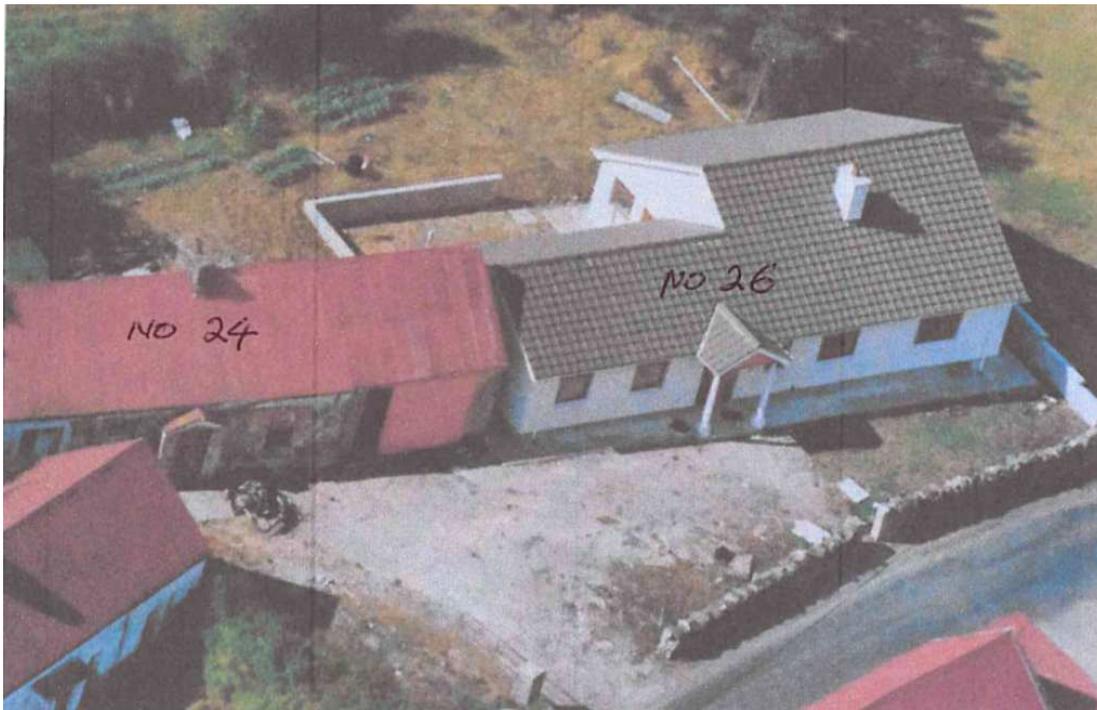


Fig 4: Photo taken June 1995

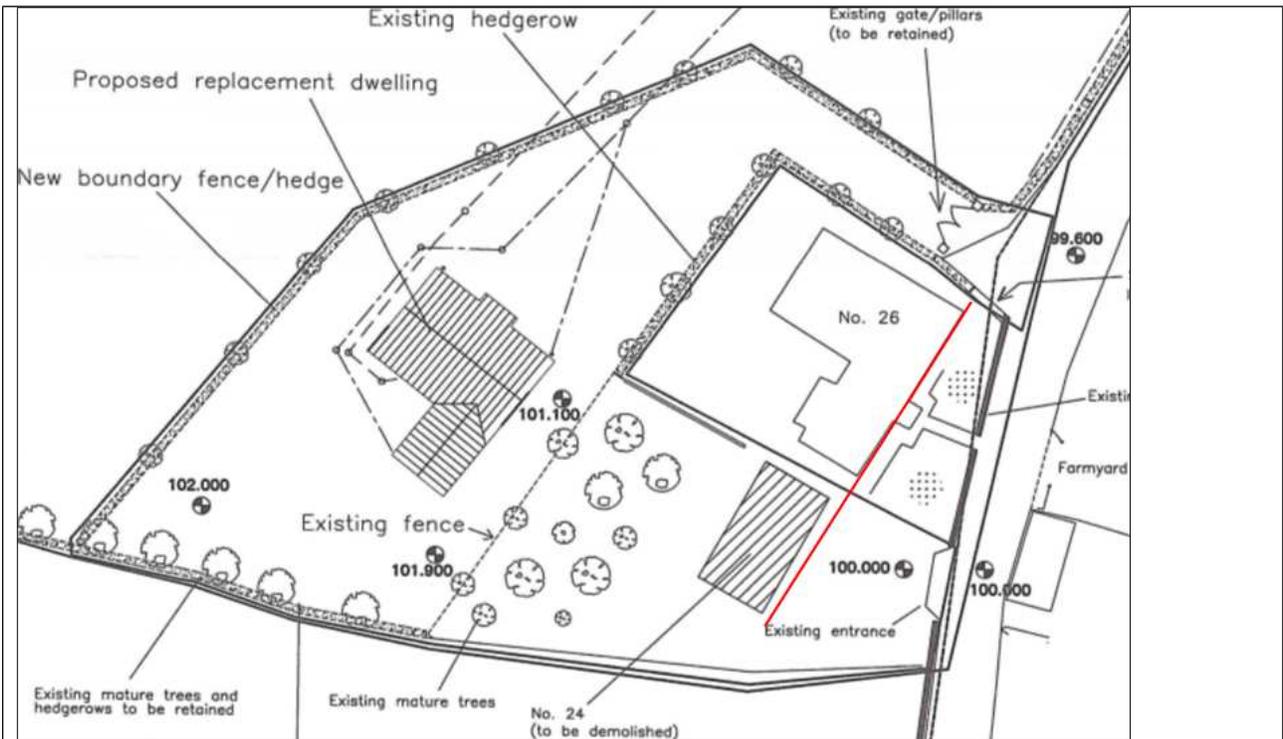


Fig 5: Block plan showing no. 26 applicant’s home and no. 24 building to be replaced.

As the building to be replaced on site does not exhibit the essential characteristics of a dwelling and evidence on site, orthophotography and Building Control indicates it is a new build and in use as a detached garage / office the replacement of this building cannot be accepted under policy CTY3 of PPS21.

Other Policy and Material Considerations

The proposed development sought a new access and DfI Roads required additional information in order to assess the proposal further (see ‘Consultation’ further above). As the principle of the proposal has not been accepted this information was not requested.

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

Flood Maps NI indicate the site is not subject to Flooding.

Recommendation

Refuse

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 the building on site does not exhibit the essential characteristics of a dwelling.

Reason 2

The proposed development is contrary to Policy to PPS 3 - Access, Movement and Parking and would, if permitted, prejudice the safety and convenience of road users since access arrangements have not been provided to standard.

Signature(s): Emma Richardson

Date: 21 September 2022

ANNEX	
Date Valid	19 January 2022
Date First Advertised	1 February 2022
Date Last Advertised	1 February 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 22 Derrycrin Road Cookstown Tyrone BT80 0HJ The Owner / Occupier 25 Derrycrin Road, Cookstown, Tyrone, BT80 0HJ The Owner / Occupier 26 Derrycrin Road Cookstown Tyrone BT80 0HJ The Owner / Occupier 20 Derrycrin Road, Cookstown, Tyrone, BT80 0HJ	
Date of Last Neighbour Notification	5 May 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-	
Drawing Numbers and Title Proposed Elevations Plan Ref: 04 Proposed Floor 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	
Committee Meeting Date: 4 October 2022	Item Number: 5.7
Application ID: LA09/2022/0089/O	Target Date: 21 March 2022
Proposal: Proposed replacement dwelling and retention of existing building to be used as an outbuilding	Location: 375M S.E. Of 103 Moneymore Road Cookstown
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Harold Kane 103 Moneymore Road Cookstown	Agent Name and Address: Les Ross Planning 14 King Street Magherafelt BT45 6AR
Executive Summary:	

Case Officer Report**Site Location Plan**

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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: TBC
Statutory Consultee	DFI Roads - Enniskillen Office	Response Template.docx
Statutory Consultee	DFI Roads - Enniskillen Office	

Representations:

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

Summary of Issues**Characteristics of the Site and Area**

The site is located in the rural countryside, as depicted within the Cookstown Area Plan, approx. 1km northeast of Cookstown.

The site is a relatively square shaped plot set back approx. 0.5km from and accessed off the A29 Cookstown - Moneymore road via an existing lane. The site which is cut from the southeast corner of a much larger agricultural field comprises an existing unoccupied single storey derelict dwelling.

The dwelling, which sits tight in the corner of the host field is substantially complete in form with roof, external and internal walls largely intact. It has a simple rectangular floor plan and pitched roof construction with 2 chimneys expressed along its ridgeline. It has stone walls, brick chimneys and dark roof tiles. A hole has opened in the roof and one of the gables of the property. Window and door openings are open to the rear and closed up to the front with corrugated metal sheeting. Internally a brick chimney breast, dividing walls and ceiling boards can be seen.

The dwelling has no established curtilage albeit the boundaries of the host field, defined by a mature hedging and trees, enclose it to the east and south / rear. The access serving the dwelling on site also serves the applicant's home and farm group located at 103 Moneymore Rd approx. 375m northwest to the northwest.

Due to its substantial set back from the A29 and topography of the area public views of the dwelling will be limited to a glimpse of the roof.

The immediate area surrounding the site is primarily rural in nature comprising agricultural lands. The wider area is characterised by the busy A29 and a mix of development including commercial and industrial units largely within the settlement limits of Dunman located just to the north/northeast of the site. A large solar farm also exists across a number of fields immediately east of the site.

Description of Proposal

This is an outline application for a replacement dwelling with the retention of the existing building to be used as an outbuilding. The dwelling to be replaced is located on lands 375m S.E. of 103 Moneymore Rd Cookstown.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

application:

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

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

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

Representations

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

Consultations

DFI Roads were consulted stated the A29 Moneymore Rd (Dual Carriageway) is a "protected Route" that Planning should consider this application in accordance with PPS 3 Access, Movement and Parking, Policy AMP3 Access onto Protected Routes (Annex 1 & Consequential Amendment.) If Planning do not consider this application to meet the criteria for a replacement then DFI Roads recommend it is refused as contrary to PPS 3, Access, Movement and Parking, Policies:

1. AMP 3, in that it would, if permitted, result in the (creation of a new vehicular access/intensification of use of an existing access/intensification of use of an existing substandard access) onto a (Main Traffic Route/Protected Route), thereby prejudicing the free flow of traffic and conditions of general safety; and
2. AMP 2, in that it would, if permitted, prejudice the safety and convenience of road users since the intensification of use of this existing access in close proximity to a road junction would add to existing traffic hazards created by the slowing down and turning movements of vehicles entering and leaving the access.

In addition to the above DFI Roads stated the proposal is within close proximity to and is likely to be impacted by DFI Roads proposals detailed below. DFI Roads recommend it be refused as it may prejudice the development of planned road schemes at this time.

1. Cookstown By-Pass Scheme: DFI Roads SRI Team are aware of this application and have had various site meetings with the applicant Mr Harold Keane (an affected landowner) regarding the Cookstown Bypass scheme details and access arrangements. Currently, the access is leading onto the A29 dualling with crossover point in the central reservation adjacent to the Tamlaghtmore Road junction. This is currently being considered for a design revision in which the new relocated access will come out onto a

single carriageway layout (southbound dualling to be shortened) and merge with another new access for his brother's house due to the siting of the new Moneymore roundabout.

2. Active Travel Footway/Cycle track: The Blue Green Active Travel Team propose to construct a new Shared Footway / Cycleway along the A29 Moneymore Road from the junction of East Circular Road towards Dunman at the junction of Tullyboy Road. Such a Footway / Cycleway will be constructed along the Cookstown-bound side of the A29 Moneymore Road / Moneymore Dual Carriageway. It is proposed to utilise a portion of the existing hard shoulder width and existing verge to provide a 3.0m shared Footway / Cycleway with appropriate horizontal separation from the live carriageway. A preliminary Design has been developed by Amey and works are due to commence on producing the Detailed Design for such.

With regards to Dfl response above firstly I am content this proposal will not result in the creation of a new vehicular access or intensification of use of an existing access as the dwelling on site meets the requirements of Policy CTY3 Replacement Dwellings and it proposes to use an existing unaltered access on to the public road. See 'Key Policy Considerations', further below. Secondly with regards the proposal prejudicing the development of planned road schemes. Planning is aware of Dfl Roads Stage 2 Scheme Assessment Report in relation to the Cookstown Bypass. The report considered four options; Red Route, Green Route, Purple 'A' Route & Purple 'B' Route and recommended that the Purple 'A' Route Option along with Sandholes Link Road improvements be taken forward as the Preferred Route. The Department approved the Stage 2 Scheme Assessment Report (Preferred Options Report) in November 2021 and granted approval for the commencement of the Statutory Procedures. The applicant's site is located adjacent the preferred route. Planning cannot however protect Dfl Roads interests in this matter as the road schemes under investigation, are not identified in and therefore do not have statutory protection under the Cookstown Area Plan. Policy Amp 4 (Protection for New Transport Schemes) of the Plan states planning permission will not be granted for development that would prejudice the implementation of a transport scheme 'identified in a development plan'. There is a development potential here and if Dfl Roads want to develop the land it will be at development value.

Planning History

No relevant history

Key Policy Considerations

Cookstown Area Plan - The site is located in the rural countryside.

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

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

applied under one of these instances - a replacement dwelling in accordance with Policy CTY3.

Policy CTY3 - Replacement Dwellings states planning permission will be granted for a replacement dwelling where the building to be replaced exhibits all the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact.

I consider there is a replacement opportunity on site therefore this application in principle is acceptable under Policy CTY3. That the building to be replaced exhibits all the essential characteristics of a dwelling and all external structural walls are substantially intact. The dwelling on site is in my opinion vernacular however due to its location well set back from the public road screened largely from view I do not believe it makes an important contribution to the heritage, appearance or character of the locality. That said it is still vernacular and I am content it could be sympathetically incorporated into the layout of the overall development scheme without adverse impact to the character of the area given its screened location. The appearance and use of the existing dwelling can be considered further under any subsequent reserved matters application.

Policy CTY3 outlines that the proposed replacement dwelling should be sited within the established curtilage of the existing building, unless either (a) the curtilage is so restricted that it could not reasonably accommodate a modest sized dwelling, or (b) it can be shown that an alternative position nearby would result in demonstrable landscape, heritage, access or amenity benefits.

The site location plan submitted indicates the applicant seeks to re-site the new dwelling just forward / north of the existing dwelling. The existing dwelling does not have an established curtilage and I am content a new dwelling sited as indicated or elsewhere within the site with the existing building retained would have no significantly greater visual impact than the existing building, given the site's substantial set back from public view (see 'Characteristics of the Site and Area').

As this is an outline application the details, of the siting, size, scale and design of the dwelling, will be reserved for further consideration under any subsequent reserved matters application. I believe a suitably designed scheme should integrate onto the site in accordance with CTY13 and with minimal disruption to the rural character of the area in accordance with CTY14.

Given there is an existing dwelling on site I'm content all necessary services are available or can be provided without significant adverse impact on the environment or character of the locality.

A suitably designed scheme should not have any unreasonable impact on the amenity of neighbouring properties in terms of overlooking or overshadowing given the significant separation distances that will be retained.

Other Policy and Material Considerations

In addition to checks on the planning portal Historic Environment Division (HED) and Natural Environment Division (NED), map viewers available online have been checked. HED's map viewer identified no built heritage assets of interest on site. Whilst NED's identified the site was within an area known to breeding waders, I am content that the site comprises an existing dwelling and improved grasslands.

Flood Maps NI indicate the site is not subject to Flooding.

Recommendation

Approve

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, 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

Upon occupation of the new dwelling hereby permitted the existing building, coloured green on the approved plan, Drawing No. 01 bearing the date stamp received 24 JAN 2022, shall no longer be used or adapted for purposes of human habitation and may only be used for the purposes specified in this permission or any other purpose incidental to the enjoyment of the approved dwelling house.

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

Condition 4

The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.45 metres at any point.

Reason: In the interest of visual amenity.

Condition 5

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

Reason: In the interest of visual amenity.

Condition 6

The existing natural screenings of this site, as identified in yellow on Drawing No. 01 bearing the date stamp received 24 JAN 2022, shall be permanently retained intact unless necessary to provide access and/or visibility splays; or prevent danger to the public in which case a full explanation shall be given to the Council in writing prior to their removal.

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

Condition 7

During the first available planting season following the commencement of the dwelling hereby approved, a landscaping scheme, as agreed with the Council at Reserved Matters stage shall be implemented as agreed. The scheme shall include details of those trees to be retained and measures for their protection during the course of development and details of a native species hedge to be planted along all new boundaries. 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 within 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: To ensure the provision of a high standard of landscape.

Case Officer: Emma Richardson

Date: 21 September 2022

ANNEX	
Date Valid	24 January 2022
Date First Advertised	8 February 2022
Date Last Advertised	8 February 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 103 Moneymore Road Cookstown Tyrone BT80 9UU	
Date of Last Neighbour Notification	24 February 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Substantive: TBC DFI Roads - Enniskillen Office-Response Template.docx DFI Roads - Enniskillen Office-	
Drawing Numbers and Title Site Location Plan Plan Ref: 01	
Notification to Department (if relevant) Not Applicable	

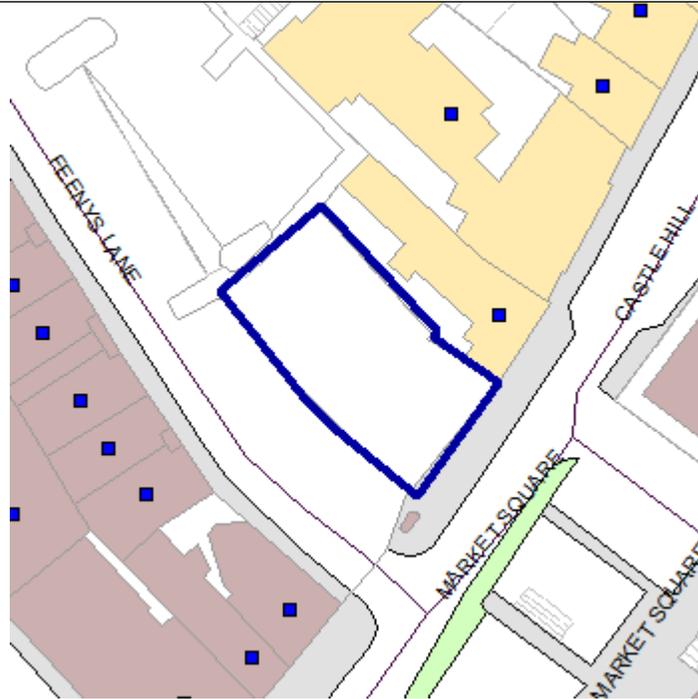


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 October 2022	Item Number: 5.8
Application ID: LA09/2022/0208/F	Target Date: 14 April 2022
Proposal: Temporary erection (for 3 years) of modified shipping containers & lightweight structures	Location: Site South West Of & Immediately Adjacent To No 27 Market Square Dungannon
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Dungannon Enterprise Centre 2 Coalisland Road Dungannon BT71 6JT	Agent Name and Address: Barry Maguire 39 Carland Road Dungannon BT71 4AA
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
	Historic Environment Division (HED)	Substantive: TBC

Representations:

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

Summary of Issues

No issues. No representations received. This application is presented to the Planning Committee as a result of the Council interest in the application. The agent has filled in Certificate C on the P1 form, serving notice on Mid Ulster District Council, noting that they are the landowners.

Characteristics of the Site and Area

The site is located at the site south west of and immediately adjacent to No 27 Market Square, Dungannon. The site was vacant at the time of the site visit, however the agent has noted that the site was previously used as offices dating back to 1970's. The site was bounded by wooden fencing and is relatively flat throughout. There is a mix of uses surrounding the site, including residential, commercial and recreational. There is a car park which is located to the NW and SW of the site.

Description of Proposal

Full planning permission is sought for the temporary erection (for 3 years) of modified shipping containers & lightweight structures.

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: Flats 1-6 27 Market Square, 27 and 33 Market Square and Units 1-3 Feenys Lane. At the time of writing, no third party representations have been received.

Planning History

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

Planning Assessment of Policy and Other Material Considerations

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

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

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

and any retained policy must be resolved in the favour of the provisions of the SPPS.

The Strategic Planning Policy Statement (SPPS) for Northern Ireland – Planning for Sustainable Development, is a material consideration. The SPPS supersedes the policy provision within Planning Policy Statement (PPS) 1 – General Principles, PPS 5 – Retailing and Town Centres and PPS 9. The policy provision within PPS 3 has been retained under transitional arrangements. The SPPS aims to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions. In addition the SPPS outlines that all applications for retail development or main town centre type uses will be assessed in accordance with normal planning criteria including transportation and access arrangements, design, environmental and amenity impacts.

The Dungannon and South Tyrone Area Plan 2010 identify the site as being located within the development limits of Dungannon which gives favourable consideration to proposals subject to criteria outlined within the plan policy. The site is within an Area of Archaeological Potential and within the Area of Townscape Character (ATC). The site is also noted as one of the development opportunity sites within the Plan. There are no other specific designations or zonings within the Plan.

DOS 07 notes that this is a visually important gap site on the Western side of Market Square. It notes that any scheme for the site should take account of a number of key site requirements including that it should consist of retail on the ground floor and be respectful of the historic street pattern and front onto Market Square. It adds that the height, scale and design should complement the existing properties surrounding and should take account of the design guidance for the ATC.

Given the temporary nature of the proposal, I am content that the proposal would be suitable for this site. The agent has stated within the P1 form that the proposal is for a temporary permission for 3 years, adding that the proposal is for light weight structures for multi purpose uses to create a market space. The proposal has accesses from both Market Square and Feenys Lane Carpark and there is some soft landscaping proposed which will also soften the impact which the proposal may have. I feel the proposal will rejuvenate this vacant site and therefore is acceptable in this instance.

HED were consulted on the application given the site is in close proximity to two Listed Buildings. Their response notes that Historic Monuments would ask for more information from the developer to get more detail if any invasive ground works are to take place as a result of the application. I have spoken with agent on this matter and he has stated that the proposed containers will be positioned on top supporting pads no more than 2 ft deep at each corner of the container. All the services will be in ducting buried no more than 2 ft deep along the perimeter fence next to the Market Square.

He adds that the client is proposing to position the containers on a site within the existing footprint of a former building which has obviously been demolished many years ago and it would have had foundations much deeper than the client is proposing to dig. I am content that it would be unreasonable to request further information in this instance and again, given the temporary nature of the proposal, I consider there will little to no impact on neighbouring listed buildings.

The agent has not noted that there will be any vehicles visiting the site on the P1 form, thus DfI Roads were not consulted. However given the nature of the proposal, we recognise that vehicles may need to visit the site on occasion for deliveries etc. We are content there is ample parking which surrounds the site to allow for this.

Summary of Recommendation:

Approve is recommended

Approval is recommended.

Approval Conditions

Condition 1

The permission hereby granted shall be for a limited period of 3 year(s) from the date of this permission.

Reason: To enable The Council to consider the development in the light of circumstances then prevailing.

Signature(s): Sarah Duggan

Date: 21 September 2022

ANNEX	
Date Valid	17 February 2022
Date First Advertised	3 March 2022
Date Last Advertised	1 March 2022
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 33 Market Square Dungannon Tyrone BT70 1JD</p> <p>The Owner / Occupier 27 Market Square Dungannon Tyrone BT70 1JD</p> <p>The Owner / Occupier Unit 3 , Feenys Lane, Dungannon, Tyrone, BT70 1TX</p> <p>The Owner / Occupier Flat 6, 27 Market Square, Dungannon, Tyrone, BT70 1JD</p> <p>The Owner / Occupier Flat 1, 27 Market Square, Dungannon, Tyrone, BT70 1JD</p> <p>The Owner / Occupier Unit 1 , Feenys Lane, Dungannon, Tyrone, BT70 1TX</p> <p>The Owner / Occupier Flat 4, 27 Market Square, Dungannon, Tyrone, BT70 1JD</p> <p>The Owner / Occupier Unit 2 , Feenys Lane, Dungannon, Tyrone, BT70 1TX</p> <p>The Owner / Occupier Flat 3, 27 Market Square, Dungannon, Tyrone, BT70 1JD</p> <p>The Owner / Occupier Flat 5, 27 Market Square, Dungannon, Tyrone, BT70 1JD</p> <p>The Owner / Occupier Flat 2, 27 Market Square, Dungannon, Tyrone, BT70 1JD</p>	
Date of Last Neighbour Notification	4 March 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	

Summary of Consultee Responses

Historic Environment Division (HED)-Substantive: TBC

Drawing Numbers and Title

Proposed Plans Plan Ref: 02
Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 October 2022	Item Number: 5.9
Application ID: LA09/2022/0388/F	Target Date: 18 May 2022
Proposal: Proposed access road to existing retail park	Location: 125M East Of UNIT5K Shivers Business Park 21 Hillhead Road Toomebridge
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Shivers Business Park 21 Hillhead Road Toomebridge	Agent Name and Address: Cmi Planners 38 Airfield Road Toomebridge BT41 3SQ
Executive Summary:	

Case Officer Report**Site Location Plan**

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Consultations:

Consultation Type	Consultee	Response
	NIEA	Substantive: TBC
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR
Statutory Consultee	Rivers Agency	470203 final.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation 2.docx
Non Statutory Consultee	Rivers Agency	

Representations:

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

Summary of Issues

Dfl Roads objecting to the proposal- contrary to PPS 3 AMP 3.

The proposal is also contrary to PPS 2 Policy NH2
The proposal is contrary to PPS 15, Policies FLD 1, FLD 3 and FLD 4.

Characteristics of the Site and Area

The site is located within the open countryside located approximately 1.9km east of the settlement limits of Creagh as per the Magherafelt Area Plan 2015 and approximately .5km from the boundary of Mid Ulster District Council and Antrim and Newtownabbey Council area. The red line of the application is a narrow strip on land which travels north from the Hillhead Road, through Shivers Business Park, continuing through an agricultural field until it meets the A6 to the North. The surrounding area is a mix of business uses and agricultural lands.

Description of Proposal

This is a full planning application for proposed access road to existing retail park.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

Policy CTY 1 within PPS 21 highlights that 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. CTY 1 also highlights that access arrangements must be in accordance with the Departments published guidance.

Policy CTY 13 states that permission would be refused if ancillary works do not integrate

with their surroundings. I am content that the proposed access will not have an adverse visual impact and it is capable of visually integrating into the landscape. In terms of CTY 14, for the above reasons I am content that this will not cause a detrimental change to the rural character of the area, as it respects the traditional pattern of settlement exhibited in the area and will not result in a suburban style build-up of development or create or add to a ribbon of development.

Planning Policy Statement 3 (PPS 3) Access, Movement and Parking contains the relevant policy for assessing this application for a new access. Policy AMP 2 Access to Public Roads states that planning permission will only be granted for a development involving direct access onto a public road where, such access will not prejudice road safety or significantly inconvenience the flow of traffic and does not conflict with Policy AMP 3. DfI Roads were consulted who have responded to state the A6 is a protected route designed to an appropriate standard as a Dual carriageway type road. This standard of road has a greater protection under Policy AMP 3- Access to protected routes than a protected single lane type road.

The planning agent responded to DfI Roads response to state that the proposal was creating an access from the existing A6 and not creating an access onto in such that traffic will be exiting the dual carriageway to access the site rather than vehicles entering the A6 from this route. However, DfI Roads responded to state that the proposal, if approved, would create a new access point to the protected route and there is an reasonable alternative existing access to the Shivers Business Park from a non-protected route. Therefore, there is no justification for the need for this access route given one already exists. The site can be accessed from the A6 dual carriageway by existing at either a roundabout at Creagh Business Park to the West or from a roundabout at Toome to the east. I do not believe this is an exceptional circumstances or where the proposal is of regional significance and as such is contrary to Policy AMP 3 of PPS 3.

Given the potential impact on protected species NIEA Natural Environment Division (HED) were consulted on the proposal. The full response from HED is available on the planning portal but in summary HED concluded that there are no significant ornithological issues associated with the proposal but advise that conditions should be attached such as restricted timings of works shall be put in place to minimize threats to breeding and wintering birds and maintain the availability of nests sites. No concerns were raised regarding any potential impact on Badgers given the site is an unfavourable badger habitat and therefore there is unlikely to be a badger sett on site.

In relation to Newts, HED note that there is a pond to the North East of the site that connects to a field drain running along the Northern boundary of the site where the new slip road is proposed. NED stat the field drain may contain a suitable habitat for Newts and are concerned that the infilling or culverting of the drainage ditch may result in the loss of any breeding new habitat that be present. Therefore, NED request further information is submitted including a Newt survey carried out on site. These surveys can only be carried out between Mid-March and Mid-June and as such has not been

submitted. Given the objection by DfI Roads, it was agreed to proceed with the application on this basis and as such, insufficient information has been provided to ensure the development proposal is not likely to harm a European protected species and is contrary to Policy NH 2 of PPS 2.

DfI Rivers were consulted as the site is affected by a floodplain. Policy FLD1 of PPS 15 states that "Development will not be permitted within the 1 in 100 year fluvial flood plain (AEP7 of 1%) or the 1 in 200 year coastal flood plain (AEP of 0.5%) unless the applicant can demonstrate that the proposal constitutes an exception to the policy." Having reviewed the exceptions heading within PPS 15 I do not believe this development constitutes an exception as per (D) which states "Development for agricultural use, transport and utilities infrastructure, which for operational reasons has to be located within the flood plain." I do not believe this access road is essential or has to be located here given there is an existing access to the business park via the Hillhead Road to the South. From this the proposal is contrary to Policy FLD 1.

DfI Rivers commented further to confirm Policy FLD 2 is applicable as the site is affected by an undesignated watercourse at the northern end and under 6.32 of the policy a 5 to 10m maintenance strip is required unless the watercourse can be maintained from the opposite side of the bank. I am content this could be conditioned on any approval if necessary.

As the application includes the hard surfacing of the land DfI Rivers note that policy FLD3 is applicable, and a Drainage Assessment is required. As this was not submitted with the application the proposal is also contrary to policy FLD 3 of PPS 15.

As the proposal intends to culvert the watercourse at the northern end policy FLD 4 is applicable. It states, "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."

I do not believe the culverting of this part of the watercourse is necessary, as the principle of the development has been deemed unnecessary given there is an existing access to the site in place and no overriding reasons for this access have been provided. Additionally, no engineering reasons for the culverting have been provided. Therefore, the proposal is contrary to Policy FLD 4.

Other Material Consideration

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.

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 3, in that it would, if permitted, result in the creation of a new vehicular access onto a (Main Traffic Route/Protected Route), thereby prejudicing the free flow of traffic and conditions of general safety.

Reason 2

The proposal is contrary to Planning Policy Statement 2, Natural Heritage, Policy NH 2, in that insufficient information has been provided to ensure the proposal is not likely to harm any Newts which may be present on site.

Reason 3

The proposal is contrary to Planning Policy Statement 15, Planning and Flood Risk, Policies FLD 1, FLD 3 and FLD 4 in that the development is affected by a floodplain and is not considered an exception; insufficient information has been provided in terms of a drainage assessment and; the proposed culverting is unnecessary and no engineering reasons have been provided.

Case Officer: Ciaran Devlin

Date: 16 September 2022

ANNEX	
Date Valid	23 March 2022
Date First Advertised	5 April 2022
Date Last Advertised	5 April 2022
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier Unit 3B4 21 Hillhead Road Toomebridge Toome Londonderry BT41 3SF</p> <p>The Owner / Occupier Unit 3B1 21 Hillhead Road Toomebridge Toome Londonderry BT41 3SF</p> <p>The Owner / Occupier Unit 1A Toome Business Park 21 Hillhead Road Toomebridge Toome Londonderry BT41 3SF</p> <p>The Owner / Occupier Unit 4A1 Toome Business Park 21 Hillhead Road Toomebridge Toome Londonderry BT41 3SF</p> <p>The Owner / Occupier Unit 1C Toome Business Park 21 Hillhead Road Toomebridge Toome Londonderry BT41 3SF</p> <p>The Owner / Occupier Unit 1D Toome Business Park 21 Hillhead Road Toomebridge Toome Londonderry BT41 3SF</p> <p>The Owner / Occupier Unit 1e Toome Business Park 21 Hillhead Road Toomebridge Toome Londonderry BT41 3SF</p> <p>The Owner / Occupier Unit F Unit L-M 21 Hillhead Road Toomebridge Toome Londonderry BT41 3SF</p> <p>The Owner / Occupier Unit E Unit L-M 21 Hillhead Road Toomebridge Toome Londonderry BT41 3SF</p> <p>The Owner / Occupier Unit 4AB Toome Business Park 21 Hillhead Road Toomebridge Toome Londonderry BT41 3SF</p> <p>The Owner / Occupier Unit 2A Toome Business Park 21 Hillhead Road Toomebridge Toome Londonderry BT41 3SF</p> <p>The Owner / Occupier Unit 5B Toome Business Park 21 Hillhead Road Toomebridge Toome Londonderry BT41 3SF</p>	

Date of Last Neighbour Notification	23 June 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: H/2003/0413/F Proposals: Extension to existing showroom unit. Decision: PG Decision Date: 05-JAN-04</p> <p>Ref: H/2012/0162/F Proposals: Proposed change of use on the ground floor into a proposed creche Decision: PG Decision Date: 17-SEP-12</p> <p>Ref: LA09/2022/0389/O Proposals: Proposed Motel development Decision: Decision Date:</p> <p>Ref: H/1995/0072 Proposals: CHANGE OF USE TO COMMERCIAL PREMISES Decision: HISAPP Decision Date: 10-OCT-95</p> <p>Ref: LA09/2015/0161/F Proposals: Extension to existing day nursery to provide after school club Decision: PG Decision Date: 18-AUG-15</p> <p>Ref: H/2002/0296/Q Proposals: Proposed Showroom / Store Decision: ELR Decision Date: 24-JUN-02</p> <p>Ref: H/1991/6148 Proposals: DIATOMITE DEPOSITS AROUND LOUGH NEAGH AND LOWER BANN AROUND LOUGH NEAGH & LOWER BANN (MAGHERAFELT, BALLYMENA & ANTRIM DISTRICTS) Decision: Decision Date:</p> <p>Ref: H/2009/0179/F</p>	

Proposals: Proposed site managers office building.
Decision: PG
Decision Date: 12-JUN-09

Ref: H/2007/1123/F
Proposals: Demolition of and erection of 2No. industrial units
Decision: PG
Decision Date: 29-MAY-09

Ref: H/2005/0818/A
Proposals: Free standing sign
Decision: CG
Decision Date: 10-MAR-06

Ref: LA09/2022/0388/F
Proposals: Proposed access road to existing retail park
Decision:
Decision Date:

Ref: LA09/2022/0126/O
Proposals: Proposed Industrial Unit
Decision:
Decision Date:

Ref: H/1974/0314
Proposals: MINING AND DIATOMITE DEVELOPMENT
Decision: PG
Decision Date:

Ref: H/2004/1288/F
Proposals: Demolition of existing workshop & erection of 2 No. Industrial Units with associated car parking and siteworks.
Decision: PG
Decision Date: 12-JAN-06

Ref: H/2005/0949/F
Proposals: Proposed Unit for Industrial and/or Storage and Distribution Use
Decision: PG
Decision Date: 15-SEP-06

Summary of Consultee Responses

NIEA-Substantive: TBC
DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR
Rivers Agency-470203 final.pdf
DFI Roads - Enniskillen Office-Roads Consultation 2.docx

Rivers Agency-

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Proposed Plans Plan Ref: 02

Notification to Department (if relevant)

Not Applicable

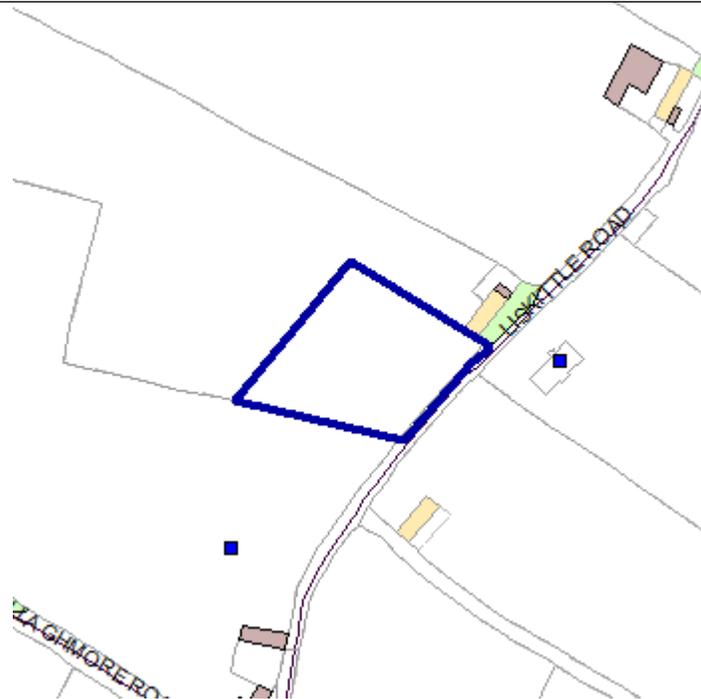


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 October 2022	Item Number: 5.10
Application ID: LA09/2022/0414/F	Target Date: 24 May 2022
Proposal: Proposed dwelling and domestic garage based on policy CTY8 infill/gap site	Location: 65M North East Of 37 Liskittle Road Tullagh Beg Stewartstown
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Stephen Rodgers 33 Tullaghmore Road Tullagh Beg Stewartstown	Agent Name and Address: Cmi Planners 38A Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

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

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

There does not appear to be any significant changes on site or in the immediate vicinity from the outline applications on site as such the characteristics of the site and area remain largely as per LA09/2021/1142/O.

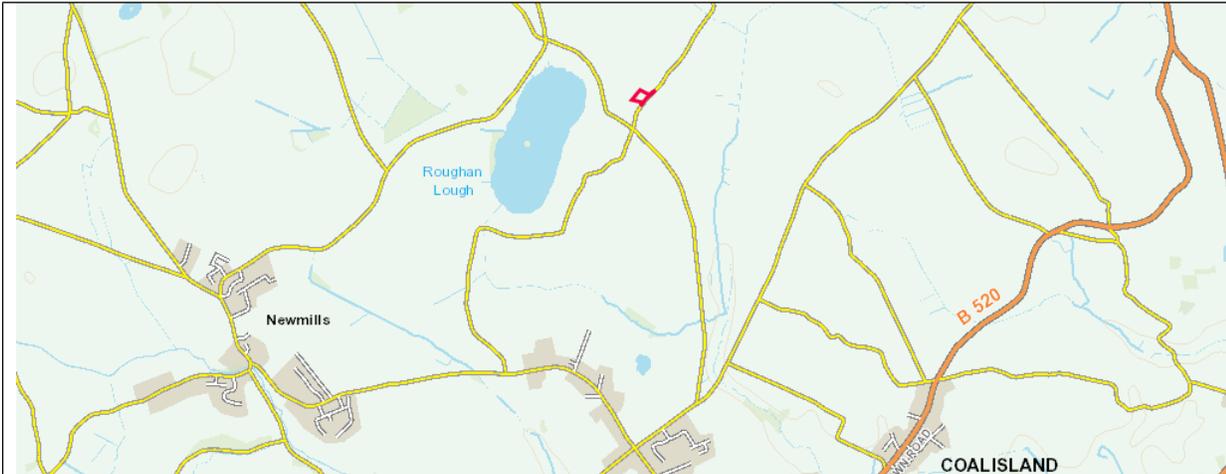


Fig 1: Site outlined red

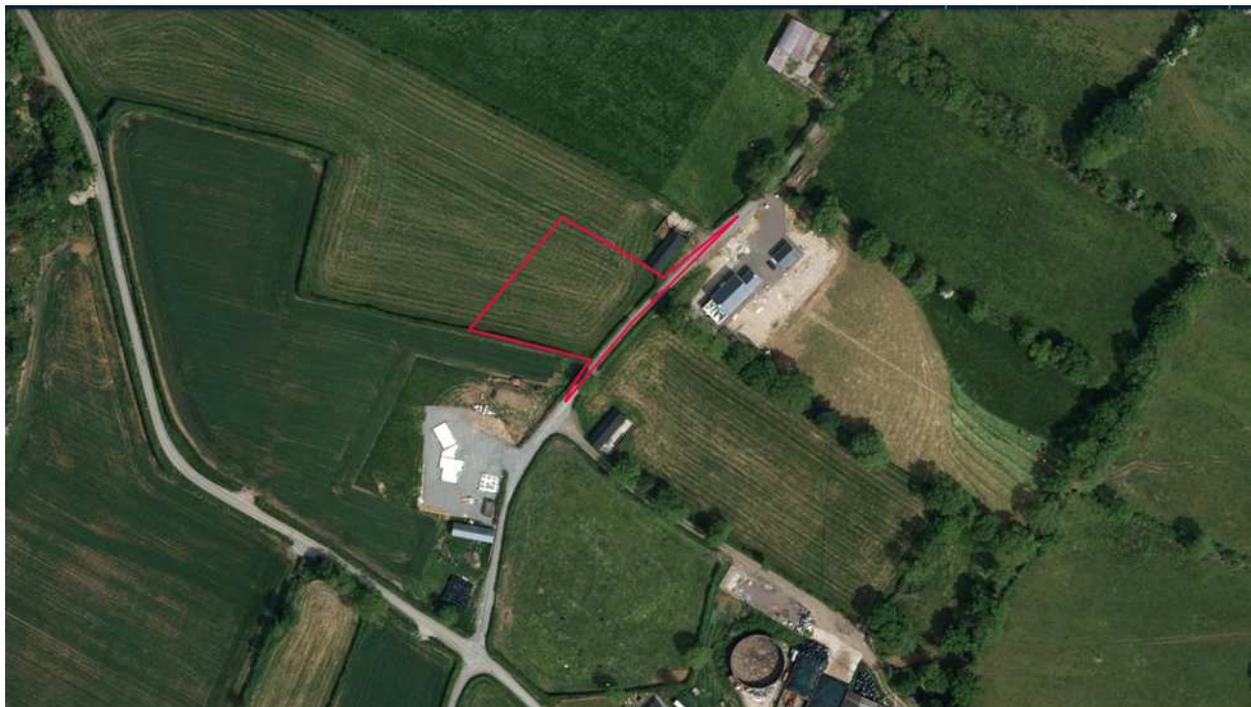


Fig 2: Site outlined red

The site is located in the rural countryside, as depicted within the Cookstown Area Plan, approx. 1.5km north west of Coalisland and approx. 230m east of Roughan Lough. It is situated north of the crossroads at Liskittle, Tullaghbeg and Tullaghmore Roads Brackaville, Stewartstown.

The site is a rectangular shaped plot cut from the roadside frontage of a much larger field. It sits within an existing line of development extending along the west side of Liskittle Rd, a minor country road. Development within this line running south to north along the Liskittle Rd includes an agricultural building situated gable end onto the road; a new dwelling, no. 37 Liskittle Rd, including ancillary garage; and another agricultural building situated parallel to and immediately adjacent the roadside. The site is located within this line of development between the new dwelling located immediately to its south

and the latter agricultural building located immediately to its north within the site's host field.

The site occupies a relatively elevated position in the surrounding landscape with the land within it and along the Liskittle Rd falling downwards from north to south. The east (roadside) and south boundaries of the site are defined by a mature hedgerow, ranging from approx. 1 ½ m in height, bounding the host field. The remaining boundaries of the site are open onto the host field and agricultural shed within and the landform in the immediate area falls in a north to south direction along Liskittle.

Views of the site are limited from the Liskittle Rd until just before and passing along its' roadside frontage due to the topography of the area, existing roadside development, and vegetation both on site and within the wider vicinity screening it on both approaches. Owing to the elevated nature of the site there will be some long distant views of it from the wider road network.

The area surrounding the site is predominantly rural in nature comprising undulating agricultural land interspersed with single dwellings, ancillary buildings and farm groups including no. 34 Liskittle Rd, a relatively new two storey dwelling with ancillary detached garage located on lands immediately north east of the site to the opposite side of the road.

Description of Proposal

This is a full planning application for a proposed dwelling and domestic garage to be located on lands located approx. 65m North East of 37 Liskittle Road Tullagh Beg Stewartstown.

There is a live outline planning application for a dwelling and domestic garage/store based on Policy CTY8 of PPS21 on this site; LA09/2021/1142/O granted on the 14th of October 2021.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

Planning Policy Statement 21: Sustainable Development in the Countryside in particular:
Building on Tradition - A Sustainable Design Guide for Northern Ireland Countryside

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

Representations

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

Planning History

On site

- LA09/2021/1142/O - dwelling and domestic garage/store based on Policy CTY8 of PPS21 - 65m NE of No37 Liskittle Rd Tullagh Beg Stewartstown - Granted 14th October 2021.

Adjacent site

- I/2005/1485/O - Site for dwelling and garage - 300m SW of no. 26 Liskittle Rd Newmills Coalisland - Granted 9th May 2006
- I/2007/0255/RM - New dwelling (5.5m Ridge Height) and garage - 300m SW of no. 26 Liskittle Rd Newmills Coalisland - Granted August 2007
- LA09/2017/0469/F - Change of house type from previously approved I/2007/0255/RM - 300m SW of no. 26 Liskittle Rd Newmills Coalisland - Granted 29th June 2017

The above applications relate to lands opposite / NE of the site containing a relatively new 2 storey dwelling, no. 34 Liskittle Rd.

- LA09/2017/0958/O - Replacement dwelling - At and NW of the crossroads at Liskittle Rd Tullaghbeg Rd and Tullaghmore Rd Brackaville Stewartstown - Granted 3rd October 2017
- LA09/2018/1699/F - Proposed dwelling and detached garage - At and NW of crossroads at Liskittle Tullaghbeg and Tullaghmore Rds Brackaville Stewartstown - Granted

The above applications relate to lands immediately S of the site containing a new 1 ½ storey dwelling, no. 37 Liskittle Rd.

- LA09/2021/1744/O - Dwelling on a farm - 70m North East of 34 Liskittle Rd Stewartstown - Granted 22 July 2022

The above application relate to lands further NE of the site to the opposite side of the road just north of no. 34 Liskittle Rd.

Consultees

1. DfI Roads were consulted in relation to access arrangements and raised no objection subject to standard conditions and informatives. Accordingly, I am content the proposal will comply with the provisions of Planning Policy Statement 3 Access, Movement and Parking.

Consideration

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

The Strategic Planning Policy Statement for Northern Ireland – advises that the policy provisions of Planning Policy Statement 21: Sustainable Development in the Countryside and all other policies relevant to this proposal have been retained.

Planning Policy Statement 21 (PPS21): Sustainable Development in the Countryside is the overarching policy for development in the countryside. It outlines that there are certain instances where the development of a dwelling is considered acceptable in the countryside subject to certain criteria. These instances are listed in Policy CTY1 of PPS21. One of these instances, which the applicant has applied under, is the development of a small gap site in accordance with Policy CTY8 - Ribbon Development.

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

I am content the principle of this development, a dwelling and domestic garage/store, has already been established on site under outline planning application LA09/2021/1142/O. This approval granted permission for a dwelling and garage/store under the provisions of CTY 8 of PPS 21 - a small gap site within an otherwise substantial and continuously built up frontage.

Whilst I am content the principle of this development ‘a dwelling and garage/store’ has already been accepted under planning application LA09/2021/1142/O this was subject to the dwelling and ancillary garage / store being of an appropriate size, scale and design with a ridge height no greater than 6.5m above FFL. The ridge height was conditioned at outline stage and design reserved for further consideration under any subsequent reserved matters application to ensure the dwelling and including garage/store respected the existing development pattern along the frontage in terms of size, scale. This ridge height took account of the heights of the building to either side and the sloping topography of the area.

This proposal has been submitted as a full rather than reserved matters application as it does not meet the ridge height condition set at outline and to help control the size and scale of the dwellings design for further consideration. I believe the increase to the

dwelling's ridge and subsequent size and scale would result in a dwelling on this site with a significantly greater visual impact, than that approved at outlined. Whilst the site has approval for a dwelling with a 6.5m ridge height above FFL I do not believe the site has the capacity to absorb the proposed dwelling with a 8m ridge height in accordance with Policy CTY13 and 14. The size, scale, and design of the dwelling including ridge height is inappropriate for the site and locality in that it would not respect the existing development pattern along the frontage it is to sit within when viewed from the Liskittle Rd. When passing along the frontage of the line of development the dwelling is to sit within it would occupy a position and have a ridge height significantly above no. 37 Liskittle Road the 1 ½ storey dwelling located on lower lands to its south; and the modest single storey outbuilding immediately to its north (see Fig 3, below).



Fig 3: Indicates position of site between the single storey outbuilding bounding it to the north (in foreground of photo) and 1 ½ storey dwelling no. 37 to the south (in background of photo)



Fig 4: Elevations of proposed dwelling

Accordingly, the agent was contacted via email (24th May 2022 and 8th July 2022) and advised Planning had initial concerns that the design of the dwelling is contrary to Policy CTY8 of PPS21 due to its size and scale. Accordingly, Planning would like to offer you the opportunity to submit:

- Additional information / drawings providing the context for the proposed dwelling as per the design guide, ‘Building on Tradition: A Sustainable Guide for the Northern Ireland Country, for infill sites; or
- a reduced scheme.

The agent subsequently submitted a supporting statement via email (26 August 2022). Noting Planning is content with the principle of a dwelling and garage on this site in terms of its ridge height, size and scale the agent outlined this is a typical design of dwelling approved many times by the Department all throughout Mid Ulster and beyond. It is a decent house/home that in no way could be described as being large or out of kilter with its surrounds. The agent included A number of photos to show two storey dwellings in the vicinity including nos. 26 and 34 Liskittle Rd located further northeast and opposite the site respectively to demonstrate the proposal is of similar size and scale. He has advised the ridge line and size and scale of the dwelling will be lower and lesser than of no.34. He advised he could offer to lower the ridge line by lowering the roof pitch to 30/32 degrees but that would be detrimental to the overall design and external appearance in that a dwelling with a low roof pitch simply does not look right, hence the reason I have not done that.

Whilst the supporting statement and accompanying photos were taken into consideration Planning’s opinion did not change, the proposal remains contrary to CTY8 in that the proposed dwelling does not respect the existing development pattern along the frontage in terms of size, scale. Whilst the agent has noted dwelling within the vicinity including one in close proximity opposite the site, no. 34 Liskittle Rd these dwelling are not located

with the line of development the proposed dwelling is to locate within. Policy CTY 8 clearly states that the proposed dwelling should respect the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental criteria. This frontage is the substantial line of development it sits within not development located in the wider vicinity. The ridge height, size and scale of the proposed building will does not respect the existing development pattern as detailed further above with the 1 ½ storey dwelling located on lower lands to its south; and the modest single storey outbuilding immediately to its north (Fig 3).

According, on the agent was contacted via email (8th September 2022) and offered one last opportunity to submit:

- Additional information / drawings providing the context for the proposed dwelling as per the design guide, 'Building on Tradition: A Sustainable Guide for the Northern Ireland Country, for 'Infilling Gaps and Frontage Development' i.e. a drawing showing the proposed dwelling located within the existing line of development, or
- a reduced scheme.

To date no further information has been received therefor this proposal is recommended for refusal.

Additional considerations

I believe a suitably designed scheme should not have any unreasonable impact on the neighbouring properties in terms of overlooking or overshadowing given separation distances that will be retained.

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

Flood Maps NI show no flooding on site.

Recommendation: Refuse

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policy CTY1 and CTY 8 of Planning Policy Statement 21,

Sustainable Development in the Countryside, in that the design of the dwelling is inappropriate for the site and its locality, and if permitted would not respect the existing development pattern along the Liskittle Road frontage it is to be located within in terms of its ridge height, size and scale.

Signature(s): Emma Richardson

Date: 21 September 2022

ANNEX	
Date Valid	29 March 2022
Date First Advertised	12 April 2022
Date Last Advertised	12 April 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 37 Liskittle Road, Stewartstown, Tyrone, BT71 5PT The Owner / Occupier 34 Liskittle Road, Stewartstown, Tyrone, BT71 5PT	
Date of Last Neighbour Notification	27 April 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR	
Drawing Numbers and Title Garage Plans Plan Ref: 04 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	

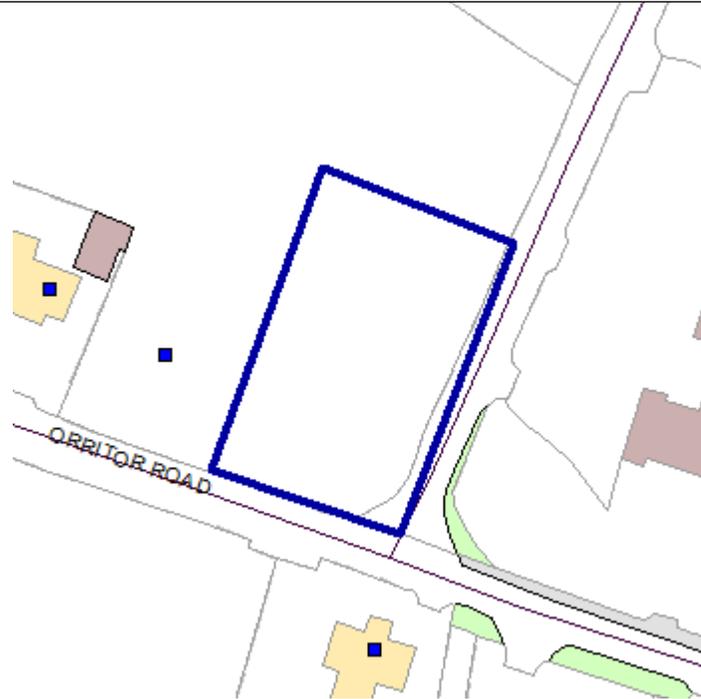


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 October 2022	Item Number: 5.11
Application ID: LA09/2022/0442/RM	Target Date: 18 July 2022
Proposal: Single storey dwelling with garage, of a total gross internal area of 274sqm / 2958sqft.	Location: Between 255 & 259 Orritor Road Orritor Cookstown (Entering Of Church Road)
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Serghei & Mrs Tanya Hamchecici 89 Orritor Road Cookstown BT80 8BN	Agent Name and Address: Nest Architects 3A Killycolp Road Cookstown BT80 9AD
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation outline approval.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation full approval.docx

Representations:

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

Summary of Issues

One objection has been received in respect of this application and relates to the objectors sewer extending through the site and an electricity cable for seven properties claimed to run under the site. The sewer issue was raised at outline stage and was advised to be a civil matter which can be resolved between the parties concerned. Similarly, the issue of the electric cable is also a civil matter. They do not therefore

warrant justification for withholding planning approval for the proposed development.

Characteristics of the Site and Area

The application site is comprised of a small roadside field at the junction of Orritor Road and Church Road and lies immediately adjacent to and just beyond the development limit of Orritor to the east of the site.

The field is bounded along the 25m frontage by a 1.0m high hedge and embankment set to the rear of a 0.5m wide footpath. There is a similar hedge along the Church Road boundary with no footpath. Remaining boundaries are undefined. Surrounding development includes a single storey dwelling to the west, the redundant former Orritor Primary School consisting of a small single storey building with front and rear returns and bounded to the road by a 1.0m high wall to the south. Orritor Presbyterian Church lies to the east of the application site.

Consultations

Dfl Roads have been consulted and advised that they have no objection to the proposed development subject to conditions.

Site History

LA09/2020/0584/O – Proposed gap site for dwelling and garage (Permission Granted 03/09/2020)

LA09/2019/0511/O – Proposed gap site for dwelling and infill (Permission Granted 08/01/2020)

Description of Proposal

This is a reserved matters application for the proposed single storey dwelling and garage located between 255 and 259 Orritor Road, Cookstown.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

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 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 SPPS provides a regional framework of planning policy that will be considered 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 PS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

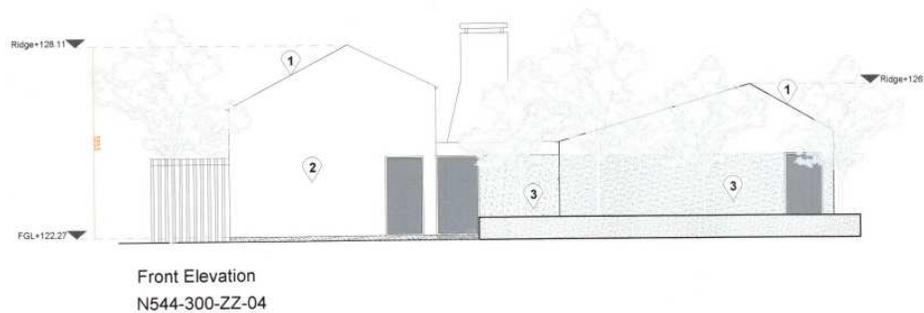
The site is located within the open countryside, outside any defined settlement limits as defined by the Cookstown Area Plan 2010 and in an area where Planning Policy Statement 21 (PPS 21): Sustainable Development in the Countryside applies. No other constraints have been identified.

I note that the principle of development has already been established on the site through the approval reference LA09/2019/0511/O, in which I am content that the application complies under CTY 1. Upon review of the submitted plans I am content that all conditions attached to the outline approval have been met. As 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 noted, I am content that all relevant conditions have been complied with including the 6m ridge height, choice of roofing materials and existing / proposed screenings. The application site sits along the main Orritor Road and given its roadside location, there are views of the site in either direction along the public road. There is a single storey dwelling to the west and Orritor Presbyterian Church to the east. Due to the size and dominance of the church building in the backdrop, I am content that the proposed dwelling will be able to successfully integrate into the landscape and will not appear as a prominent feature.

Whilst the proposal incorporates a fairly modern design, it is apparent that efforts have been made to ensure a degree of similarity with surrounding development, for example, the skewed roof pitch which can also be seen at No. 259.

I am content that the application is able to comply with CTY 13.



Proposed front elevation



Surrounding development (No. 259)

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, from this I am content that the development is able to respect the pattern of development in the area. I am content on balance that the proposed development complies with CTY 14.

PPS 3 – Access, Movement and Parking;

A consultation was sent to DfI Roads who in their response confirmed that they had no objections subject to conditions. As such, I am content that a safe access can be provided in accordance with PPS 3.

I have no ecological, flooding or residential amenity concerns.

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 and 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 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 100-ZZ-03 dated 16/08/2022 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Signature(s): Zoe Douglas

Date: 20 September 2022

ANNEX	
Date Valid	4 April 2022
Date First Advertised	26 April 2022
Date Last Advertised	26 April 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 259 Orritor Road Cookstown Tyrone BT80 9NE The Owner / Occupier 256 Orritor Road Cookstown Tyrone BT80 9NE The Owner / Occupier Orritor Presbyterian Church 255 Orritor Road Cookstown Tyrone BT80 9NE	
Date of Last Neighbour Notification	27 June 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: I/1990/0323 Proposals: Improvements to dwelling Decision: PG Decision Date: Ref: I/2001/0014/F Proposals: Extension to existing school to provide a staffroom Decision: PG Decision Date: 21-FEB-01 Ref: I/2002/0619/F Proposals: The Replacement of 2 No. existing mobile classrooms with 3 No. permanent build structure Decision: PG Decision Date: 13-NOV-02 Ref: I/1989/0286 Proposals: 11 KV Rural Spur Decision: PG	

Decision Date:

Ref: I/2000/0570/F

Proposals: New Mobile classroom

Decision: PG

Decision Date: 05-OCT-00

Ref: I/2003/1016/F

Proposals: Proposed dwelling and garage

Decision:

Decision Date:

Ref: I/2002/0717/O

Proposals: Proposed dwelling and garage

Decision:

Decision Date:

Ref: I/2010/0278/F

Proposals: Domestic storage shed

Decision: PG

Decision Date: 02-SEP-10

Ref: I/1995/0160

Proposals: Site for Dwelling and Garage

Decision: PG

Decision Date:

Ref: I/1995/0160B

Proposals: Dwelling and Garage

Decision: PG

Decision Date:

Ref: I/2001/0367/F

Proposals: Erection of double garage and conversion of existing garage to study

Decision: PG

Decision Date: 03-JUL-01

Ref: I/1988/0531

Proposals: Proposed Store

Decision: PG

Decision Date:

Ref: I/1977/0257

Proposals: ALTERATIONS TO CHURCH

Decision: PG

Decision Date:

Ref: I/1987/0296
Proposals: CHURCH HALL COMPLEX
Decision: PG
Decision Date:

Ref: I/2007/0919/F
Proposals: Proposed extension to church hall
Decision: PG
Decision Date: 18-JUN-08

Ref: I/1982/0372
Proposals: ERECTION OF MANSE
Decision: PG
Decision Date:

Ref: I/2002/0716/O
Proposals: Proposed dwelling and garage
Decision:
Decision Date:

Ref: I/2001/0198/Q
Proposals: Development of Land
Decision: ELA
Decision Date:

Ref: I/2002/0814/F
Proposals: Residential development (with a mix of dwelling types within a structured landscape setting)
Decision: PG
Decision Date: 03-SEP-03

Ref: I/2013/0108/PREAPP
Proposals: Proposed pair of semi-detached dwellings
Decision: PREA
Decision Date: 01-APR-14

Ref: I/2004/1376/F
Proposals: Non compliance with Condition 10 (Visibility Splays) of Planning Permission I/2002/0814/F for residential development (with a mix of dwelling types within a structured landscape setting)
Decision: PG
Decision Date: 14-JUN-06

Ref: I/2013/0167/F
Proposals: Proposal for 2 no. detached residential units with in-curtilage parking and

associated amenity space.

Decision: PG

Decision Date: 15-OCT-13

Ref: I/2006/0432/F

Proposals: 2No Semi Detached and 1No detached dwelling and associated carparking and landscaping within existing residential development

Decision:

Decision Date:

Ref: I/2000/0185/O

Proposals: Dwelling and garage

Decision: PG

Decision Date: 17-MAY-00

Ref: I/1997/0155

Proposals: Erection of dwelling and garage

Decision: PG

Decision Date:

Ref: I/2002/0840/O

Proposals: Renewal of Outline Planning Permission for Dwelling and Garage - Approved under I/2000/0185.

Decision: PG

Decision Date: 12-FEB-03

Ref: I/2011/0094/F

Proposals: Two storey replacement dwelling and garage

Decision: PG

Decision Date: 10-NOV-11

Ref: I/1974/0306

Proposals: IMPROVEMENTS TO TOILETS.

Decision: PG

Decision Date:

Ref: I/1991/6067

Proposals: Dwelling on site of Orritor Primary School 256 Orritor Road Cookstown

Decision: PRER

Decision Date: 09-JAN-92

Ref: I/1992/0104

Proposals: Change of use from school to dwelling including extension to rear

Decision: PG

Decision Date:

Ref: I/2011/0093/F

Proposals: Two storey replacement dwelling with garage

Decision:

Decision Date:

Ref: LA09/2022/0442/RM

Proposals: Single storey dwelling with garage, of a total gross internal area of 274sqm / 2958sqft.

Decision:

Decision Date:

Ref: LA09/2019/0511/O

Proposals: Proposed gap site for dwelling and garage.

Decision: PG

Decision Date: 08-JAN-20

Ref: LA09/2020/0584/O

Proposals: Proposed gap site for dwelling and garage

Decision: PG

Decision Date: 03-SEP-20

Ref: I/2006/1222/LDE

Proposals: conversion of integral garage to a study room

Decision: PG

Decision Date: 23-JUL-07

Ref: I/2002/0103/F

Proposals: Extension to Dwelling and Detached New Garage

Decision: PG

Decision Date: 22-APR-02

Ref: I/2003/0702/O

Proposals: Proposed dwelling and garage

Decision: PG

Decision Date: 21-OCT-03

Ref: LA09/2022/0682/F

Proposals: Proposed garage/store with extension to site curtilage

Decision:

Decision Date:

Ref: I/2003/0227/O

Proposals: Proposed dwelling and garage

Decision:

Decision Date:

Ref: I/2006/0974/RM

Proposals: Proposed Dwelling and Garage

Decision: PG

Decision Date: 17-APR-07

Ref: I/2009/0034/F

Proposals: Proposed change of house type to supercede previous approval number I/2006/0974/RM

Decision: PG

Decision Date: 01-APR-09

Ref: LA09/2016/0217/F

Proposals: Proposed agricultural building for the storage of agricultural machinery and hay

Decision: PG

Decision Date: 07-JUL-16

Ref: I/2007/0744/O

Proposals: Proposed replacement dwelling and garage

Decision: PG

Decision Date: 01-OCT-10

Ref: I/2007/0730/O

Proposals: Proposed replacement dwelling and garage

Decision: PG

Decision Date: 01-OCT-10

Ref: LA09/2022/0359/F

Proposals: Proposed 2 storey side extension to existing dwelling to allow dining area on ground floor with bedroom above

Decision:

Decision Date:

Ref: LA09/2016/0216/O

Proposals: Proposed off-site replacement dwelling with garage

Decision: PG

Decision Date: 19-JUL-16

Ref: I/1995/0417

Proposals: Re-Location of Mobile Classroom

Decision: PG

Decision Date:

Summary of Consultee Responses

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

Drawing Numbers and Title

Cross Sections Plan Ref: 04
Proposed Elevations Plan Ref: 03
Proposed Floor Plans Plan Ref: 02
Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 October 2022	Item Number: 5.12
Application ID: LA09/2022/0518/O	Target Date: 16 June 2022
Proposal: Proposed farm dwelling & garage.	Location: Approx 130M West Of 59 Glengomna Road Draperstown.
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Dermot Bradley 15 Castleoak Castledawson BT45 8RX	Agent Name and Address: Cmi Planners 38B Airfield Road Toomebridge BT41 3SG
Executive Summary: Refusal	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: TBC
	DAERA - Coleraine	Substantive: TBC

Representations:

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

Summary of Issues

To Committee – Refusal – Contrary to CTY 1 and CTY 10 of PPS 21.

Characteristics of the Site and Area

The proposed site is located approximately 4.5km south west of the development limits of Draperstown, as such the site is located within the open countryside and within the AONB of the

Sperrins as per defined by the Magherafelt Area Plan 2015. The site is identified as Approx. 130M West of 59 Glengomna Road, Draperstown, as such the red line covers a portion of a much larger agricultural field. I note that the field has an undulating land form but is bounded by mature vegetation on all boundaries. The surrounding and immediate area are dominated by agricultural land uses with a scattering of residential properties.

Representations

Only one neighbour notification was sent out however no representations were received.

Description of Proposal

This is an outline application for a proposed farm dwelling and garage, the site is located Approx. 130M West of 59 Glengomna Road, Draperstown.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy
Strategic Planning Policy Statement (SPPS)
Magherafelt Area Plan 2015
PPS 1 – General Principles
PPS 3 – Access, Movement and Parking
PPS 21 – Sustainable Development in the Countryside
Building on Tradition – A Sustainable Design Guide for Northern Ireland Countryside
CTY 1 – Development in the Countryside
CTY 10 – Dwellings on the Farm

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

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

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

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

the farm and the access should be taken from an existing lane. Consideration may be given to a site located away from the farm complex where there are no other sites available on the holding and where there are either:-

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

With respect to (a), a consultation was sent to DAERA with regards to the Farm Business, in their response stated that the business has been allocated on the 2021 for a category 3 business. In addition, confirmed that the farm business has not made any claims in the previous six years. Went on to confirm that the lands in which the site sits is associated with another farm business. Clarification was sought from the agent who stated but the agent did not provide a response, as such I hold the view that the application has failed to demonstrate that there is an active and established business for 6 years.

I note that a series of receipts were provided to try and demonstrate activity over the last 6 years, however upon review of the evidence I hold the view that this is insufficient in showing that there has been a business operating for six years. Majority of the evidence appears to be expenditure not to dissimilar of a landowner up-keeping their lands. In addition most of the receipts are not applicant or site specific as such I am not content that there is an active and established business operating for the last six years.

With respect to (b), upon review of the farm holding, I note that the holding consists of only one agricultural field and there does not appear to be any approvals within this field.

With respect to (c), I first note that the registered address of the farm business is located within the development limits of Castledawson and there are no buildings on the agricultural field. I note that it has become best practice that in the absence of buildings that the best integrated site would be acceptable. I note that as the holding only has one field therefore by virtue a site within it is acceptable. The policy states that where practicable to use an existing laneway for access, I note that the intention is to create a new access as there is no existing laneway.

I hold the view that the application has failed to demonstrate that there is an active and established business for the required period as such I hold the view it fails under CTY 10. I note that I have considered the other policies under CTY 1 and hold the view that none of these are applicable to this site and must recommend refusal under CTY 1 respectively.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I hold the view that an appropriately designed dwelling will not appear as visually prominent in the landscape given the setback off the road and surrounding landform. I note that as much of the existing landscaping should be retained and supplemented with additional landscaping, with such any dwelling would be able to successfully integrate. Given the landform and surrounding development I feel it necessary to restrict any ridge height to 6m. From which, I am content that the application is able to comply under CTY 13.

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. I am content that a dwelling in this location would respect the pattern of development in the area and is unlikely to cause detrimental change to the character of the area, complying under CTY 14.

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;

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

I have no ecological or residential amenity concerns.

The proposal has failed under CTY 1 and 10, as such a refusal is recommended.

Summary of Recommendation:

Refuse is recommended

Refusal

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active (and has been established for at least six years).

Signature(s): Peter Henry

Date: 20 September 2022

ANNEX	
Date Valid	21 April 2022
Date First Advertised	3 May 2022
Date Last Advertised	3 May 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 59 Glengomna Road Draperstown Londonderry BT45 7JQ	
Date of Last Neighbour Notification	12 May 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Substantive: TBC DAERA - Coleraine-Substantive: TBC	
Drawing Numbers and Title Site Location Plan Plan Ref: 01	
Notification to Department (if relevant) Not Applicable	



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 October 2022	Item Number: 5.13
Application ID: LA09/2022/0573/O	Target Date: 28 June 2022
Proposal: Proposed site for dwelling and garage	Location: Adjacent And South Of 35B Kilrea Road Upperlands Maghera
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr And Mrs P Caskey 35B Kilrea Road Upperlands Maghera	Agent Name and Address: D M Kearney Design 2A Coleraine Road Maghera BT46 5BN
Executive Summary: Approve	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Non Statutory Consultee	NI Water - Single Units West	LA09-2022-0573-O.pdf

Representations:

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

Summary of Issues

To Committee – Approval – Exception to policy.

Characteristics of the Site and Area

The site is located approximately 0.7km south west of the settlement limits of Upperlands

wherein the site is located within the open countryside as per the Magherafelt Area Plan 2015. The site is identified as being adjacent and south of 35b Kilrea Road, Upperlands, wherein the red line covers a portion the garden area of No.35b Kilrea Road. With remaining red line running along the shared laneway. Access is proposed off the minor road rather than the protected route. The surrounding area is a mixture of agricultural lands and residential dwellings with the settlement of Upperlands in close proximity.

Relevant planning history

LA09/2016/1419/F - Proposed dwelling and garage under policy CTY2a - 50M Se Of 29 Kilrea Road, Upperlands – Permission Granted - 26.01.2017

Representations

Four Neighbour notifications were sent out however no representations received in connection with this application.

Description of Proposal

This is an outline application for a proposed site for dwelling and garage, the site is located adjacent and south of 35B Kilrea Road, Upperlands, Maghera.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030 – Draft Strategy

Strategic Planning Policy Statement (SPPS)

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. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. I note that this application has been applied for under CTY 2a. As such 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.

I am content that the cluster lies outside a farm in which I am content that there is four or more buildings within the cluster and at least three of these buildings are dwellings (nos. 31, 33, 35, 35b, 37) with the cluster appearing as a visual entity. I note that the agent has identified a rural petrol station as a focal point, I note that these have been accepted as focal points within Mid Ulster as in LA09/2016/1419/F. Given the location of the site I am content that the cluster is therefore associated with the focal point. In terms of enclosure I note that it bounds with No.35b along the northern boundary and an existing garage along the western and in this position. However after review of the site it is clear that the garage along the western boundary does not appear to have any permissions therefore cannot be used in terms of bounding. Finally, in terms of impact on residential amenity, I note the submitted block plan shows adequate amenity for both the proposed site and No.35b respectively, as such I am content that the proposal is unlikely to impact on residential amenity. Given the issue over the bounding as a result of the unlawful garage I am still of the view that a dwelling would be able to successfully round off the cluster and it is acceptable in the spirit of the policy. This was discussed and agreed this could be an exception to the policy and approval be granted.

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 in the landscape and would be able to successfully integrate into the landscape. Additional landscaping will be required to aid integration therefore a landscaping scheme will be required in any reserved matters application. Taken into consideration the landform, surrounding development and I feel it necessary to restrict the ridge height to be no more than 7.5m from finish floor level. From which, I am content that the application is able to comply under CTY 13.

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. I am content that an appropriately designed dwelling will not have a detrimental impact on the character of the area and would be able to comply under CTY 14.

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;

DFI Roads were consulted and responded to state that there were content subject to conditions, I am content that this has shown compliance under PPS 3.

I have no flooding, ecological or residential amenity concerns.

Summary of Recommendation:

Approve is recommended

To Committee – Approval – Exception to policy.

Approval Conditions**Condition 1**

As required by Section 62 of the Planning Act (Northern Ireland) 2011, 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 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. Time Limit**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. To enable the Council to consider in detail the proposed development of the site.

Condition 3

The proposed dwelling shall have a ridge height of less than 7.5 metres above the finished floor level of the site and a low angle of roof pitch not exceeding 40 degrees.

Reason: To ensure that the development is not prominent and satisfactorily integrated into the landscape.

Condition 4

The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.3 metres at any point.

Reason: In the interest of visual amenity.

Condition 5

No development shall take place until a plan indicating floor levels of the proposed dwelling in relation to existing and proposed ground levels has been submitted to and

approved by the Council.

Reason: To ensure the dwelling integrates into the landform.

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 those trees to be retained and measures for their protection during the course of development and details of a native species hedge to be planted to the rear of the of the visibility splays. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

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

Condition 7

The existing natural screenings of the site shall be retained unless necessary to prevent danger to the public in which case a full explanation along with a scheme for compensatory planting shall be submitted to and agreed in writing with the Council, prior to removal.

Reason: To safeguard the amenities of neighbouring occupiers and in the interests of visual amenity and to ensure that the proposed development does not prejudice the appearance of the locality.

Condition 8

If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of the occupation of the building for its permitted use another tree or trees shall be planted at the same place and that/those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.

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

Condition 9

C01 - 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.

Signature(s): Peter Henry

Date: 15 September 2022

ANNEX	
Date Valid	3 May 2022
Date First Advertised	17 May 2022
Date Last Advertised	17 May 2022
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 33 Kilrea Road Upperlands Londonderry BT46 5SN The Owner / Occupier 31 Kilrea Road Upperlands Londonderry BT46 5SN The Owner / Occupier 35 Kilrea Road Upperlands Londonderry BT46 5SN The Owner / Occupier 37 Kilrea Road Upperlands Londonderry BT46 5SN The Owner / Occupier 37A Kilrea Road Upperlands Londonderry BT46 5SN</p>	
Date of Last Neighbour Notification	27 June 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: H/1984/0131 Type: RM Status: PG</p> <p>Ref: H/2003/0398/F Type: F Status: PG</p> <p>Ref: H/2001/1056/F Type: F Status: PG</p> <p>Ref: LA09/2015/1036/RM Type: RM Status: APPRET</p>	

Ref: H/2014/0164/O

Type: O

Status: PG

Ref: LA09/2016/1419/F

Type: F

Status: PG

Ref: LA09/2019/1348/F

Type: F

Status: PG

Ref: H/2004/1603/O

Type: O

Status: PG

Ref: H/1994/0002

Type: F

Status: PCO

Ref: H/2006/0181/O

Type: O

Status: PG

Ref: H/2006/0182/O

Type: O

Status: PR

Ref: LA09/2022/0573/O

Type: O

Status: PCO

Ref: H/2002/1111/F

Type: F

Status: PG

Ref: H/1999/0513

Type: F

Status: PCO

Ref: H/2006/0944/RM

Type: RM

Status: PG

Ref: H/2008/0310/RM

Type: RM

Status: PG

Ref: H/1988/0529

Type: F

Status: PCO

Ref: H/1978/0380

Type: H13

Status: PG

Ref: H/1997/0001

Type: F

Status: PCO

Ref: H/2002/0759/RM

Type: RM

Status: PG

Ref: H/2002/0007/O

Type: O

Status: PG

Ref: H/2007/0704/F

Type: F

Status: PG

Ref: H/2015/0058/F

Type: F

Status: PG

Ref: H/2000/0258/F

Type: F

Status: PG

Ref: H/1999/0720/O

Type: O

Status: PG

Ref: H/1995/0600

Type: O

Status: PCO

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Outline resp.docx

NI Water - Single Units West-LA09-2022-0573-O.pdf

Drawing Numbers and Title
Site Location Plan Plan Ref: 01
Notification to Department (if relevant)
Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 October 2022	Item Number: 5.14
Application ID: LA09/2022/0602/O	Target Date: 5 July 2022
Proposal: Proposed dwelling and garage	Location: 83M N.W. Of 30 Eden Road Portglenone
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: David Patton 9 Carricknakielt Lane Knockclogrim Magherafelt	Agent Name and Address: OJQ Architecture 89 Main Street Garvagh Coleraine BT51 5AB
Executive Summary: Refusal	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx
Non Statutory Consultee	DAERA - Coleraine	Consultee Response - LA09-2022-0602-O.DOCX
Non Statutory Consultee	NI Water - Single Units West	LA09-2022-0602-O.pdf
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

To Committee – Refusal – Contrary to CTY 1 and 10 of PPS 21.

Characteristics of the Site and Area

The proposed site is located approximately 2km south of the development limits of Tamlaght, as such the site is located within the open countryside as per defined by the Magherafelt Area Plan 2015. The site is identified as 83m NW of 30 Eden Road, Portglenone, as such the red line covers a portion of a much larger agricultural field to the rear of No. 30. However the red line also runs along the existing western boundary of No.30 to provide access for the proposed site. The surrounding and immediate area are dominated by agricultural land uses with a scattering of residential properties.

Representations

Only one neighbour notification was sent out however no representations were received.

Relevant Planning History

H/2008/0502/RM - Single storey dwelling - 250M South Of 76 Dreenan Road, Knockloughrim – Permission Granted - 12.12.2008

Description of Proposal

This is an outline application for a proposed dwelling and garage, the site is located 83M N.W. Of 30 Eden Road, Portglenone.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy
Strategic Planning Policy Statement (SPPS)
Magherafelt Area Plan 2015
PPS 1 – General Principles
PPS 3 – Access, Movement and Parking
PPS 21 – Sustainable Development in the Countryside
Building on Tradition – A Sustainable Design Guide for Northern Ireland Countryside
CTY 1 – Development in the Countryside
CTY 10 – Dwellings on the Farm

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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development area acceptable in the countryside. In this instance the application is for a dwelling

the farm and as a result the development must be considered under CTY 10 of PPS 21.

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

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

With respect to (a), a consultation was sent to DAERA with regards to the Farm Business, in their response stated that the business has been allocated on the 2005. In addition, confirmed that the farm business has not made any claims in the previous six years. Went on to confirm that the lands in which the site sits is associated with another farm business. Clarification was sought from the agent who stated that the land is let out in conacre and has provided a rental agreement to demonstrate an income for the business. Clarification was also sought over the relationship between the applicant and farmer and agent confirmed that the applicant is a son in law to the farmer. On balance I am content that it has been demonstrated to an active and established farm business.

With respect to (b), upon review of the farm business I note that after reasonable checks were done I am content that there was a number of approvals on the farm holding, with the most recent being H/2008/0502/RM. However this was checked and confirmed that this land was registered in 2016 by a third party wherein the lands were not registered before this date. Further clarification was sought to determine as when this land was transferred, the applicant was unable to provide a specific date. From this and given the ambiguity over the site I must take the 2016 date as date of transfer and hold the view that a farm approval could only be attained in 2026 respectively.

With respect to (c), I first note that the registered address of the farm business sits to the south of the site, where at this location is a detached dwelling and two domestic sheds. I note that these are the only buildings on the farm and as such are able to constitute as an existing group of buildings. With this in mind I am content that a dwelling located within the site will be able to visually link and cluster with this established group of buildings as per required by policy. The policy states that where practicable to use an existing laneway for access, I note that the intention is to create a new access by running through a neighbouring field. Given the layout I am content that this acceptable as it would impractical to use the existing access of No.30.

Given the issues over the transfer of the site under H/2008/0502/RM I hold the view it fails under CTY 10. I note that I have considered the other policies under CTY 1 and hold the view that none of these are applicable to this site and must recommend refusal under CTY 1 respectively.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I hold the view than an appropriately designed dwelling will not appear as visually prominent in the landscape given the setback off the road and surrounding landform. I note that as much of the existing landscaping should be retained and supplemented with additional landscaping, with such any dwelling would be able to successfully integrate. Given the landform

and surrounding development I feel it necessary to restrict any ridge height to 6m. From which, I am content that the application is able to comply under CTY 13.

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. I am content that a dwelling in this location would respect the pattern of development in the area and is unlikely to cause detrimental change to the character of the area, complying under CTY 14.

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;

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

A consultation was sent to both NI Water and HED respectively, both responded to confirm that they had no objection to the proposal.

I have no ecological or residential amenity concerns.

The proposal has failed under CTY 1 and 10, as such a refusal is recommended.

Summary of Recommendation:

Refuse is recommended

Refusal

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that other dwelling(s)/development opportunities have not been sold off from the farm holding within 10 years of the date of

the application)

Signature(s): Peter Henry

Date: 20 September 2022

ANNEX	
Date Valid	10 May 2022
Date First Advertised	24 May 2022
Date Last Advertised	24 May 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 30 Eden Road Portglenone Londonderry BT44 8LP	
Date of Last Neighbour Notification	28 June 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: H/1984/0019 Type: F Status: PG</p> <p>Ref: H/1982/0100 Type: H13 Status: PG</p> <p>Ref: LA09/2022/0602/O Type: O Status: PCO</p>	
Summary of Consultee Responses	
<p>DFI Roads - Enniskillen Office-Outline resp.docx DAERA - Coleraine-Consultee Response - LA09-2022-0602-O.DOCX NI Water - Single Units West-LA09-2022-0602-O.pdf Historic Environment Division (HED)-</p>	

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable

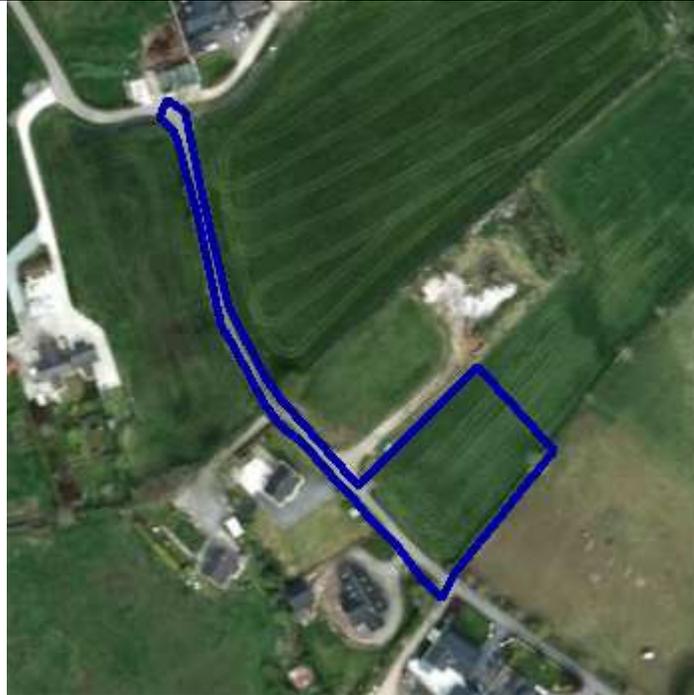


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 October 2022	Item Number: 5.15
Application ID: LA09/2022/0618/O	Target Date: 25 August 2022
Proposal: Dwelling & Garage.	Location: Lands Opposite 33 Lough Road Ballymaguigan BT45 6LN
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Martin Doyle 35A Lough Road Ballymaguigan Magherafelt	Agent Name and Address: Cmi Planners 38 Airfiled Road Toomebridge
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Outline resp.docx Outline resp.docx
Non Statutory Consultee	DAERA - Coleraine	Consultee Response - LA09-2022-0618-O.DOCX
Non Statutory Consultee	NI Water - Single Units West	LA09-2022-0618-O.pdf

Representations:

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

Summary of Issues

The proposal is contrary to policies CTY 1, CYT10 & CTY13 of PPS 21.

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits as per the Magherafelt Area Plan. The red line of the application site includes the front portion of a larger agricultural field which runs in a rectangular shape east from the shared laneway. The site is flat in nature and has a hedgerow bounding the southern boundary with the roadside and northern boundaries defined by post and wire fencing with the eastern boundary currently undefined. The surrounding area is a mix of agricultural land uses and dwellings with a build up of 6 dwellings opposite the site all fronting onto this shared laneway. There is another previous approval located to the north of the site.

Description of Proposal

This is an outline planning application for a dwelling & garage.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015
Strategic Planning Policy Statement for Northern Ireland (SPPS)
PPS 21: Sustainable Development in the Countryside
PPS3: Access, Movement and Parking

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

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

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

Policy CTY 10 states that planning permission will be granted for a dwelling house on a

farm where all of the following criteria can be met:

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

No Farm Business ID was provided on the P1c form and as such DAERA are unable to confirm if there is a active and established farm business. The agent submitted receipts from June 2015 for each year up until 2021 showing activity in the form of bailing of hay and re-seeding lands as well as the maintenance of the land in the form of fencing, cleaning drains and cutting hedges. At the time of the site visit, the grass in the field had been cut and it was clear the land was being farmed and maintained. Although we were unable to confirm with DAERA, on balance the evidence provided shows the farm business is currently active and established for at least 6 years through the form of receipts showing evidence of the farming activity over this period.

As there is no farm business ID provided it is unable to search against such to check for any sell offs. From the evidence provided there are only two fields on the farm holding from a 2011 farm map provided. Having checked the planning history no dwellings or development opportunities have been sold off from the farm holding within 10 years of the date of the application.

Criteria C requires the new building to be visually linked or sited to cluster with an established group of buildings on the farm. The applicants address is given as 35a Lough Road and although not outlined in blue the building is highlighted in blue to show ownership. It appears the dwelling and garage are the only buildings related to the farm holding and can be considered the established group of buildings. The next step is to consider if the proposed site and building can visually link or is sited to cluster with an established group of buildings. From the site visit there was no visual link between the site and the dwelling and garage at 35a Lough Road which is approximately 70m from the centre of the site to No.35a. The proposed application site is not visually linked nor is it sited to cluster with the established group of buildings, therefore it fails to comply with criteria C of CTY 10.

Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. As this is an outline application, no design details have been provided however, the proposed site has a mature tree line of the southern boundary and a dwelling with a ridge height of 6.5m above finished floor level would not appear prominent and would blend with the existing landform. Ancillary works would integrate with the surroundings. However, as this is a farm case and the site is not visually linked or sited to cluster with an established group of buildings on the farm, it fails to fully

comply with CTY 13.

Policy CTY 14 states, 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, no design details were submitted. However, given the screening available at this site and the landform surrounding the site I am content an appropriately designed dwelling would not be unduly prominent in the landscape. I do not believe a dwelling here would result in a suburban style build up or development nor create or add to a ribbon of development.

Other Material Considerations

PPS 3 - Access, Movement and Parking;

DFI Roads were consulted and, in their response, stated that they had no objections subject to conditions.

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.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policy CTY 10 & 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.

Signature(s): Ciaran Devlin

Date: 20 September 2022

ANNEX	
Date Valid	12 May 2022
Date First Advertised	24 May 2022
Date Last Advertised	24 May 2022
Details of Neighbour Notification (all addresses)	
The Owner / Occupier 33 Lough Road Magherafelt Londonderry BT45 6LN	
The Owner / Occupier 31 Lough Road Magherafelt Londonderry BT45 6LN	
The Owner / Occupier 23 Lough Way Magherafelt Londonderry BT45 6LN	
The Owner / Occupier 35 Lough Road Magherafelt Londonderry BT45 6LN	
The Owner / Occupier 37 Lough Road Magherafelt Londonderry BT45 6LN	
The Owner / Occupier 39 Lough Road Magherafelt Londonderry BT45 6LN	
The Owner / Occupier 41 Lough Road Magherafelt Londonderry BT45 6LN	
The Owner / Occupier 46 Lough Road Magherafelt Londonderry BT45 6LN	
The Owner / Occupier 50 Lough Road Magherafelt Londonderry BT45 6LN	
The Owner / Occupier 20 Lough Road Magherafelt Londonderry BT45 6LN	
The Owner / Occupier 22 Lough Road Magherafelt Londonderry BT45 6LN	
The Owner / Occupier 28 Lough Road Magherafelt Londonderry BT45 6LN	
The Owner / Occupier 30 Lough Road Magherafelt Londonderry BT45 6LN	
The Owner / Occupier 32 Lough Road Magherafelt Londonderry BT45 6LN	
The Owner / Occupier 35A Lough Road Magherafelt Londonderry BT45 6LN	
The Owner / Occupier 20C Lough Road Magherafelt Londonderry BT45 6LN	
The Owner / Occupier 14 Lough Road Magherafelt Londonderry BT45 6LN	

Date of Last Neighbour Notification	29 June 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: LA09/2021/0216/F Type: F Status: PG</p> <p>Ref: H/2004/0793/RM Type: RM Status: PG</p> <p>Ref: H/2003/0981/O Type: O Status: PG</p> <p>Ref: H/2012/0118/F Type: F Status: PG</p> <p>Ref: H/2014/0011/F Type: F Status: PG</p> <p>Ref: LA09/2017/1159/LDE Type: LDE Status: PG</p> <p>Ref: LA09/2019/1571/F Type: F Status: PG</p> <p>Ref: LA09/2019/0065/O Type: O Status: PG</p> <p>Ref: LA09/2019/1641/RM Type: RM Status: PG</p> <p>Ref: H/2006/0444/F Type: F</p>	

Status: PG

Ref: H/2001/0193/RM

Type: RM

Status: PG

Ref: H/1999/0772/O

Type: O

Status: PG

Ref: LA09/2020/0038/O

Type: O

Status: PG

Ref: H/2001/0272/Q

Type: PREAPP

Status: 300

Ref: H/2006/0147/F

Type: F

Status: PG

Ref: LA09/2022/0618/O

Type: O

Status: PCO

Ref: H/2004/0116/F

Type: F

Status: PG

Ref: LA09/2019/0064/O

Type: O

Status: APPRET

Ref: H/1999/0319

Type: O

Status: PCO

Ref: H/2000/0223/O

Type: O

Status: PG

Ref: H/2009/0727/F

Type: F

Status: PG

Ref: H/2006/0243/O

Type: O

Status: PR

Ref: LA09/2017/1291/O

Type: O

Status: PG

Ref: LA09/2021/0121/O

Type: O

Status: PDE

Ref: H/1985/0091

Type: H13

Status: PG

Ref: LA09/2019/1164/F

Type: F

Status: PG

Ref: H/2008/0136/F

Type: F

Status: PG

Ref: H/1976/0156

Type: H13

Status: PG

Ref: H/1985/0276

Type: F

Status: PG

Ref: H/2001/0502/O

Type: O

Status: PG

Ref: H/2000/0461/F

Type: F

Status: PG

Ref: H/2000/0211/F

Type: F

Status: PG

Ref: H/1998/0638

Type: F

Status: PCO

Ref: LA09/2022/0619/O

Type: O

Status: PCO

Ref: H/1979/0610

Type: H13

Status: PG

Ref: H/1989/0363

Type: O

Status: PCO

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Outline resp.docxOutline resp.docx
DAERA - Coleraine-Consultee Response - LA09-2022-0618-O.DOCX
NI Water - Single Units West-LA09-2022-0618-O.pdf

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 October 2022	Item Number: 5.16
Application ID: LA09/2022/0619/O	Target Date: 7 July 2022
Proposal: Dwelling & Garage	Location: 75M West Of 20 Lough Road Ballymaguigan BT45 6LN
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Oliver O'Neill 17 Lough Road Ballymaguigan Magherafelt	Agent Name and Address: Cmi Planners 38 Airfield Road Toomebridge
Executive Summary: Refuse	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation outline approval.docx Roads Consultation outline approval.docx Outline resp.docx
Statutory Consultee	DAERA - Coleraine	Consultee Response LA09-2022-0619-O.DOCX

Representations:

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

Summary of Issues

To Committee – Refusal – Contrary to CTY 1, 8 10 and CTY 14 of PPS 21.

Characteristics of the Site and Area

The proposed site is located outside the settlement limits of Ballymaguigan and the Area of High Scenic Value, as such the site is located within the open countryside as per the Magherafelt Area Plan 2015. The site is identified as 75M West Of 20 Lough Road, Ballymaguigan, wherein the red line covers a portion of a much larger agricultural field that lies along the roadside. The agricultural field is bounded by mature trees on all boundaries except the roadside which is only post and wire fencing. The surrounding and immediate area are dominated by agricultural land uses with a scattering of residential properties.

Representations

Four neighbour notifications were sent out however no representations were received.

Description of Proposal

This is an outline application for a proposed dwelling and garage, the site is located 75M West Of 20 Lough Road, Ballymaguigan.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy
Strategic Planning Policy Statement (SPPS)
Magherafelt Area Plan 2015
PPS 1 – General Principles
PPS 3 – Access, Movement and Parking
PPS 21 – Sustainable Development in the Countryside
Building on Tradition – A Sustainable Design Guide for Northern Ireland Countryside
CTY 1 – Development in the Countryside
CTY 10 – Dwellings on the Farm

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

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

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

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

With respect to (a), a consultation was sent to DAERA with regards to the Farm Business, in their response stated that there was no farm business number submitted, wherein the agent confirmed that the applicant only had an applicant id. I note a series of receipts were provided to demonstrate activity, I first note that the information in relation to the herd book appears to stop around 1996 so does not aid in demonstrating currently active. In addition, there are receipts and these were discussed and whilst we acknowledge these I still hold the view that insufficient information has been provided to demonstrate as an active and established as per required by policy.

With respect to (b), given the lack of business number that there is only a farm map dated back in 2011 and only shows one field on the holding wherein the site lies. I note that upon review of this one field that no farm approvals have been attained on it nor any other development opportunities.

With respect to (c), I first note that the registered address of the farm business sits to the south of the site, where at this location is two dwellings and a number of sheds. I note that these are the only buildings on the farm and as such are able to constitute as an existing group of buildings. With this in mind I am content that a dwelling located within the site will be able to visually link and cluster with this established group of buildings as per required by policy. The policy states that where practicable to use an existing laneway for access, I note that the intention is to create a new access, given the roadside location this is practical.

I hold the view that the application has failed to demonstrate that there is an active and established business for the required period as such I hold the view it fails under CTY 10. Upon review of the remainder of the policies under CTY 1, that in terms of CTY 8 I hold the view that as Nos. 15 and 17 Lough Road front onto the shared laneway and not the Lough Road that they would not add to the continuous and built up frontage along a common frontage. As such a dwelling within the site would have the capacity to create a ribbon of development along the Lough Road, as such would fail under CTY 8 respectively. Upon review of the remainder of the policies of CTY 1 I hold the view that none of these are applicable to this site and must recommend refusal under CTY 1 respectively.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I hold the view than an appropriately designed dwelling will not appear as visually prominent in the landscape with a good backdrop provided by the mature trees. I note that as much of the existing landscaping should be retained and supplemented with additional landscaping, with such any dwelling would be able to successfully integrate. Given the landform and surrounding development I feel it necessary to restrict any ridge height to 6m. From which, I am content that the application is able to comply under CTY 13.

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 such I am content that an appropriately designed dwelling would not appear unduly prominent in the landscape. However as mentioned already that a dwelling within this site would have the capacity to create a ribbon of development along the Lough Road, as such would result in urban sprawl that would be detrimental to the rural character of the area.

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;

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

I have no ecological or residential amenity concerns.

The proposal has failed under CTY 1, 8 10 and 14, as such a refusal is recommended.

Summary of Recommendation:

Refuse is recommended

Refusal

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policies CTY1 and CTY10 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that the farm business is currently active (and has been established for at least six years).

Reason 3

The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would, if permitted, result in the creation of a ribbon development along Lough Road.

Reason 4

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the (building) would, if permitted create a ribbon of development and would therefore result in a detrimental change to the rural character of the countryside.

Signature(s): Peter Henry

Date: 21 September 2022

ANNEX	
Date Valid	12 May 2022
Date First Advertised	24 May 2022
Date Last Advertised	24 May 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 18 Lough Road Magherafelt Londonderry BT45 6LN The Owner / Occupier 15 Lough Road Magherafelt Londonderry BT45 6LN The Owner / Occupier 11 Lough Road Magherafelt Londonderry BT45 6LN The Owner / Occupier 17 Lough Road Magherafelt Londonderry BT45 6LN	
Date of Last Neighbour Notification	28 June 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: H/2000/0461/F Type: F Status: PG Ref: H/1983/0008 Type: H13 Status: PG Ref: H/1990/0077 Type: O Status: PCO Ref: H/1998/0638 Type: F Status: PCO Ref: LA09/2022/0619/O Type: O	

Status: PCO

Ref: H/2004/0793/RM

Type: RM

Status: PG

Ref: H/2003/0981/O

Type: O

Status: PG

Ref: H/2012/0118/F

Type: F

Status: PG

Ref: H/2014/0011/F

Type: F

Status: PG

Ref: LA09/2017/1159/LDE

Type: LDE

Status: PG

Ref: LA09/2019/1571/F

Type: F

Status: PG

Ref: LA09/2019/0065/O

Type: O

Status: PG

Ref: LA09/2019/1641/RM

Type: RM

Status: PG

Ref: H/2006/0444/F

Type: F

Status: PG

Ref: H/2001/0193/RM

Type: RM

Status: PG

Ref: H/1999/0772/O

Type: O

Status: PG

Ref: LA09/2017/1291/O

Type: O

Status: PG

Ref: LA09/2020/0038/O

Type: O

Status: PG

Ref: LA09/2022/0618/O

Type: O

Status: PCO

Ref: LA09/2019/0064/O

Type: O

Status: APPRET

Ref: H/2009/0727/F

Type: F

Status: PG

Ref: H/1984/0257

Type: H13

Status: PR

Ref: H/1986/0216

Type: H13

Status: PG

Ref: H/2006/0243/O

Type: O

Status: PR

Ref: H/1998/0702

Type: F

Status: PCO

Ref: H/1998/0380

Type: O

Status: PCO

Ref: H/1979/0610

Type: H13

Status: PG

Ref: H/2003/0705/O

Type: O

Status: PR

Ref: H/2001/0871/O

Type: O

Status: PR

Ref: LA09/2021/0216/F

Type: F

Status: PG

Ref: H/1989/0363

Type: O

Status: PCO

Ref: H/2002/0638/O

Type: O

Status: APPRET

Ref: H/1993/0100

Type: F

Status: PCO

Ref: H/1990/0013

Type: O

Status: PCO

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Roads Consultation outline approval.docx
Roads Consultation outline approval.docx
Outline resp.docx
DAERA - Coleraine-Consultee Response LA09-2022-0619-O.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	
Committee Meeting Date: 4 October 2022	Item Number: 5.17
Application ID: LA09/2022/0645/O	Target Date: 1 September 2022
Proposal: Dwelling and domestic garage(CTY 2A)	Location: 70M North Of 135A Five Mile Straight Maghera
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Patrick McKenna 137 Fivemile Straight Fallagloon Maghera BT46 5JP	Agent Name and Address: Architectural Services 5 Drumderg Road Draperstown BT45 7EU
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

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

Representations:

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

Summary of Issues

No third party objections

The proposal is contrary to CTY 1 & CTY2A of PPS 21

Characteristics of the Site and Area

The red line of the site is located down an existing shared access laneway with the site

being located within part of a larger agricultural field. The field itself is bounded on the north east and south by mature existing trees and hedges with the western boundary is defined by a post and wire fence along the laneway with relatively young trees also planted here. The surrounding area is a mix of agricultural lands and dwellings located throughout the immediate area. Views of the site from the public road are limited given how far it is set back from the road and the existing mature trees and hedges around the site.

Description of Proposal

This is an outline planning application for a site of dwelling house and garage CTY2a.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside.

Policy CTY 1 of PPS 21 requires all proposals for development in the countryside to be sited and designed to integrate sympathetically with their surroundings and to meet other environmental considerations including those for drainage, access and road safety. A number of examples are provided in CTY 1 detailing the different cases, which would allow for planning permission in the countryside, one of these being a dwelling sited within an existing cluster of buildings in accordance with Policy CTY 2a.

Policy CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- *The cluster of development lies outside of a farm and consists of four or more*

buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings.

I am content there is a cluster of development containing dwellings to the east and south of the site including six dwellings identified as 141b, 141a, 143, 135a, 133b, 133a as identified on the site location plan.

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

Although the site and surrounding dwellings are well screened by existing mature trees and hedges, the cluster is considered a visual entity in the local landscape when viewed at the site.

- *The cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads.*

The agent has identified a fireplace business which is located approximately 400m to the north east of the site. Having viewed this on site I do not believe the cluster is associated with this business, as the cluster is too far removed from this business. The agent also referenced the junction of Fivemile Straight to the Glenshane Road and Glen Road which they claim is reference locally as 'Glen Cross Roads.' I do not consider this junction a cross roads and is located too far away from the site to be associated with the cluster. The agent also referenced a primary school and Church located at this junction, which I also consider too far removed to be considered focal points. Therefore, the proposal fails to comply with this policy.

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

The redline of the application is bounded on two sides with the dwellings 135a, 141a, & 143 Fivemile Straight which bound the site and provides a suitable degree of enclosure.

- *Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside.*

As mentioned, the site is bounded on at least two sides so the site can be absorbed into the cluster and will not significantly alter its existing character or visually intrude into the open countryside especially given the mature bounding to the site and beyond.

- *Development would not adversely impact on residential amenity.*

As this is an outline application, no detailed design details have been provided for a dwelling, but given the size of the application site and the surrounding area, I am content a dwelling at this location would not adversely affect residential amenity.

On the basis of the above assessment, the application fails to meet the policy criteria outlined in Policy CTY2a.

Policy CTY 13 of PPS 21 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. As this is an outline application, no design details have been submitted. I am content a dwelling with a ridge height of 7m above finished floor level would be appropriate given the context of the surrounding dwellings and that it would blend with the existing landscape.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I do not believe a dwelling at this location would erode the rural character of the area as there is a cluster of residential dwellings located within close proximity and a dwelling with a ridge height of 7m would not be a prominent feature in the landscape.

PPS 3- Access, Movement and Parking:

DfI Roads were consulted on the planning application and provided conditions to be applied to any approval and that as part of any reserved matters application should show access constructed in accordance with the form RS1.

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

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, Sustainable Development in the Countryside in that the existing cluster of development is not associated with a focal point such as a social / community building/facility, or is located

at a cross-roads.

Signature(s): Ciaran Devlin

Date: 20 September 2022

ANNEX	
Date Valid	19 May 2022
Date First Advertised	28 June 2022
Date Last Advertised	28 June 2022
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 133A Five Mile Straight Maghera Londonderry BT46 5JP The Owner / Occupier 135A Five Mile Straight Maghera Londonderry BT46 5JP The Owner / Occupier 141A Five Mile Straight Maghera Londonderry BT46 5JP The Owner / Occupier 141B Five Mile Straight Maghera Londonderry BT46 5JP The Owner / Occupier 135 Five Mile Straight Maghera Londonderry BT46 5JP The Owner / Occupier 137 Five Mile Straight Maghera Londonderry BT46 5JP</p>	
Date of Last Neighbour Notification	28 June 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: H/2002/0011/O Proposals: Site Of Dwelling Decision: PG Decision Date: 09-DEC-02</p> <p>Ref: H/1993/0401 Proposals: RETIREMENT BUNGALOW Decision: PG Decision Date:</p> <p>Ref: H/1993/6063 Proposals: SITE OF RETIREMENT DWELLING ADJ TO 133 FIVE MILE STRAIGHT MAGHERA Decision: QL</p>	

Decision Date:

Ref: H/2002/0381/F

Proposals: Replacement Dwelling.

Decision: PG

Decision Date: 15-JUN-02

Ref: H/2001/1024/O

Proposals: Replacement Dwelling

Decision: PG

Decision Date: 13-APR-02

Ref: H/2001/0131/O

Proposals: Site of Dwelling

Decision: PG

Decision Date: 16-MAR-01

Ref: H/2003/1442/F

Proposals: Proposed replacement dwelling for private residential use.

Decision: PG

Decision Date: 17-AUG-04

Ref: H/1996/0656

Proposals: SITE OF REPLACEMENT DWELLING

Decision: PG

Decision Date:

Ref: H/1988/0359

Proposals: ALTERATIONS AND ADDITIONS TO BUNGALOW AND ATTACHED GARAGE

Decision: PG

Decision Date:

Ref: H/2002/0369/F

Proposals: Site for Dwelling.

Decision: PG

Decision Date: 26-JUL-02

Ref: H/2005/0419/O

Proposals: Site Of One & Half Storey Dwelling & Detached Gagage

Decision: PR

Decision Date: 22-AUG-06

Ref: H/2002/0445/F

Proposals: Dwelling & Garage.

Decision: PG

Decision Date: 19-AUG-02

Ref: H/2003/1324/F

Proposals: Relocation and change of garage type with covered area to dwelling.

Decision: PG

Decision Date: 08-MAR-04

Ref: H/2004/0410/O

Proposals: Site of Dwelling and Garage.

Decision:

Decision Date:

Ref: H/2005/1050/RM

Proposals: Single Storey Dwelling

Decision: PG

Decision Date: 10-MAY-06

Ref: H/2002/0023/O

Proposals: Site of Dwelling & Garage

Decision:

Decision Date:

Ref: H/2005/0333/F

Proposals: Bungalow and Garage

Decision: PG

Decision Date: 13-FEB-06

Ref: H/1992/6105

Proposals: SITE OF DWELLING 131-137 FIVEMILE STRAIGHT ROAD MAGHERA

Decision: QL

Decision Date:

Ref: LA09/2022/0645/O

Proposals: Dwelling and domestic garage(CTY 2A)

Decision:

Decision Date:

Ref: H/2013/0475/F

Proposals: Proposed farmhouse dwelling and garage

Decision: PG

Decision Date: 30-APR-14

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	
Committee Meeting Date: 4 October 2022	Item Number: 5.18
Application ID: LA09/2022/0685/O	Target Date: 9 September 2022
Proposal: Proposed 2 storey dwelling and garage at an existing cluster an focal point under CTY 2a of PPS 21	Location: To Rear Of No 68 Drumconvis Road Coagh BT80 0HF
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Frances Harkness 43 Battery Road, Coagh, Cookstown, BT80 0HH	Agent Name and Address: PDC Chartered Surveyors 52 Tullyreavy Road Cookstown BT70 3JJ
Executive Summary: Refusal	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	

Representations:

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

Summary of Issues

To Committee – Refusal – Contrary to CTY 1 and 2a.

Characteristics of the Site and Area

The site is located approximately 1.8m south east of the developments of Coagh, as such the site is located within the open countryside as per the Cookstown Area Plan 2010. The site is identified as to the rear of No. 68 Drumconvis Road, Coagh wherein the red line covers a portion

of a much larger agricultural field with the proposed access running along the eastern boundary of the field. I note that along the western boundary sits a backdrop of mature trees. The surrounding area is a mixture of agricultural lands and residential dwellings with the a rural petrol station nearby.

Relevant planning history

LA09/2021/0080/O - Detached house under policy CTY2A new dwellings in existing clusters - 20M North Of 66 Drumconvis Road Cookstown – Permission Granted – 11/06/21

Representations

Only one Neighbour notification was sent out however no representations received in connection with this application.

Description of Proposal

This is an outline application for a proposed 2 storey dwelling and garage at an existing cluster a focal point under CTY 2a of PPS 21, the site is located To Rear of No 68 Drumconvis Road, Coagh.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Cookstown Area Plan 2010

Mid Ulster Local Development Plan 2030 – Draft Strategy

Strategic Planning Policy Statement (SPPS)

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. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes infill opportunities. Section 6.77 states that ‘proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety’.

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. I note that this application has been applied for under CTY 2a. As such 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.

I am content that the cluster lies outside and consists of four or more buildings, in which three of these are dwellings (Nos. 66, 66a and 68 Drumconvis Road). In which there is an existing filling station and community hub-shop to the west of application site to act as a focal point and the cluster appears as a visual entity as per accepted in LA09/2021/0080/O.

In terms of enclosure I note that the site only bounds with No.68 along the southern boundary of the site but does not bound with any other development on any other boundaries, contrary to policy. However given the backdrop provided by the mature trees to the rear and side of the site I am content that a dwelling in this position would not significantly alter the existing character of the area nor visually intrude into the site. Finally, in this position I am content that an appropriately designed dwelling will not have an adverse impact on neighbouring amenity. Given the issue over the bounding I hold the view that the application has not fully complied under CTY 2a.

I hold the view that the application has failed to demonstrate compliance under CTY2a. I note that I have considered the other policies under CTY 1 and hold the view that none of these are applicable to this site and must recommend refusal under CTY 1 respectively.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I am content that an appropriately designed dwelling would not appear prominent in the landscape and would be able to successfully integrate into the landscape. Additional landscaping will be required to aid integration as shown in the concept plan therefore a landscaping scheme will be required in any reserved matters application. Taken into consideration the landform, surrounding development and I feel it necessary to restrict the ridge height to be no more than 7.5m from finish floor level. From which, I am content that the application is able to comply under CTY 13.

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. I am content that an appropriately designed dwelling will not have a detrimental impact on the character of the area and would be able to comply under CTY 14.

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;

DFI Roads were consulted and responded to state that there were content subject to conditions, I am content that this has shown compliance under PPS 3.

I have no flooding, ecological or residential amenity concerns.

I hold the view that the application has not fully complied under CTY 1 and 2a respectively, as such I must recommend refusal.

Summary of Recommendation:

Refuse is recommended

Refusal

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure.

Signature(s): Peter Henry

Date: 20 September 2022

ANNEX	
Date Valid	27 May 2022
Date First Advertised	28 June 2022
Date Last Advertised	28 June 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 68 Drumconvis Road Coagh Tyrone BT80 0HF	
Date of Last Neighbour Notification	27 June 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses 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	
Committee Meeting Date: 4 October 2022	Item Number: 5.19
Application ID: LA09/2022/0719/RM	Target Date: 19 September 2022
Proposal: Proposed single storey dwelling and garage.	Location: Site At 80M NE Of 130 Creagh Road Castledawson BT45 8EY
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Paddy Henry 48 Brough Village Castledawson BT45 8FD	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary:	

Case Officer Report

Site Location Plan

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Consultations:

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

Representations:

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

Summary of Issues

None

Characteristics of the Site and Area

This application site is identified as lands approximately 80m NE of 130 Creagh Road, which is outside any designated zone or settlement limits as defined by the Magherafelt Area Plan 2015. The settlement limits of Castledawson is just a short distance to the NW of the site. The site sits within a grass field wherein the topography is relatively flat and is bordered by mature vegetation and intermittent trees with post and wire fencing. The proposed access point is onto Creagh Road. The wider area is rural in character, however, this particular area has come under significant development pressure and is substantially built up with detached dwellings, farms buildings and two factories. The landform is generally flat. The main A6 runs just north of the site.

Description of Proposal

The proposal seeks reserved matters permission for a dwelling and detached 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

LA09/2020/1266/O - Proposed off site replacement dwelling and garage - GRANTED
04.08.2021

LA09/2021/1245/F - Amendment to Condition 10 of Planning Approval
LA09/2020/1266/O to enable the dwelling to be retained for agricultural storage. –
GRANTED 25.01.2022

Dungannon and South Tyrone Area Plan 2010

The site lies outside any settlement limit defined in the Magherafelt Area Plan 2015. As such, existing planning policies should be applied in this assessment.

Mid Ulster District Council Draft Plan Strategy 2030

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

SPPS – Strategic Planning Policy Statement for Northern Ireland

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

Planning Policy Statement 3 – Access, Movement and Parking

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal involves a new access onto the Creagh Road. DFI Roads have been consulted and have no concerns providing sightlines of 2.4m x 60m are provided as per the site plan submitted.

Planning Policy Statement 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.

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 proposed dwelling a traditional bungalow rural style with a ridge height of 6m in height and a detached garage to the rear of the site. The dwelling is to be finished in a cream render with some natural stone cladding features. The dwelling is sited facing the Creagh Road. The

windows have a vertical emphasis, with a strong relationship of solid to void and the chimneys are expressed from the ridge. There is a small lean to extension at the front door and a flat roof link between the main body of living space (west) and the main sleeping area (East). There are no overlooking concerns given the orientation of the dwelling on site. I am satisfied this dwelling can be visually integrated into the surrounding countryside and the design is acceptable.

A landscaping plan has been provided which shows a hedgerow planted along all new boundaries. Views of the site are not long term and are limited to upon approach of the site due to the existing natural screening surrounding the site. The proposal therefore meets policy criteria contained within policy CTY13 of PPS21.

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. A dwelling on this site will not be unduly prominent in the landscape as it is sited broadly in line with the existing development in the surrounding area. The proposal respects the settlement pattern of the area and has been accepted at outline planning permission stage. The ancillary works will not damage rural character and there is no issue with build-up, therefore the proposal complies with CTY 14.

Other Considerations

Recommend approval as the application meets all conditions set down at OPP stage and the design is considered acceptable.

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

Prior to commencement of the development hereby permitted, visibility splays of 2.4m x 60m and a 60 metre forward sight distance shall be provided in accordance with the approved Drawing No.2 bearing the date stamp 01 JUN 2022, or as may otherwise be agreed in writing with the Council. The area within the visibility splays shall be cleared of all obstructions to a height of 250mm above the adjacent carriage and be permanently retained clear thereafter.

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

Condition 3

All proposed landscaping as detailed on Drawing No. 02, bearing the date stamp received 1 JUN 2022, shall be carried out during the first available planting season following the occupation of the development hereby approved. Any trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

Signature(s): Peter Hughes

Date: 20 September 2022

ANNEX	
Date Valid	6 June 2022
Date First Advertised	28 June 2022
Date Last Advertised	28 June 2022
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 130B Creagh Road Castledawson Londonderry BT45 8EY</p> <p>The Owner / Occupier 128 Creagh Road Castledawson Londonderry BT45 8EY</p> <p>The Owner / Occupier 126 Creagh Road Castledawson Londonderry BT45 8EY</p> <p>The Owner / Occupier 130A Creagh Road Castledawson Londonderry BT45 8EY</p> <p>The Owner / Occupier 130 Creagh Road Castledawson Londonderry BT45 8EY</p>	
Date of Last Neighbour Notification	28 June 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Ref: H/1989/0004 Type: F Status: PCO</p> <p>Ref: H/1983/0013 Type: H13 Status: PR</p> <p>Ref: H/2013/0131/F Type: F Status: PG</p> <p>Ref: LA09/2021/1245/F Type: F Status: PG</p>	

Ref: LA09/2020/1266/O

Type: O

Status: PG

Ref: LA09/2018/0331/O

Type: O

Status: PG

Ref: LA09/2017/1287/O

Type: O

Status: PG

Ref: LA09/2022/0719/RM

Type: RM

Status: PCO

Ref: H/1982/0008

Type: H13

Status: WITHDR

Ref: H/2004/1525/O

Type: O

Status: PR

Ref: H/2003/1305/F

Type: F

Status: PG

Ref: H/2000/0404/O

Type: O

Status: PG

Ref: H/1994/0549

Type: O

Status: PCO

Ref: H/1983/0380

Type: H13

Status: PG

Ref: H/1993/0550

Type: F

Status: PCO

Ref: H/1997/0367

Type: F

Status: PCO

Ref: H/2004/1482/O

Type: O

Status: PR

Ref: H/1990/0478

Type: RM

Status: PCO

Ref: H/1990/0129

Type: O

Status: PCO

Ref: H/2009/0576/O

Type: O

Status: PG

Ref: H/2013/0133/RM

Type: RM

Status: PG

Ref: H/2013/0132/RM

Type: RM

Status: PG

Ref: H/2005/0373/F

Type: F

Status: PG

Ref: H/1983/0195

Type: H13

Status: PR

Ref: H/1987/0321

Type: F

Status: PCO

Ref: H/1980/0353

Type: H13

Status: PG

Ref: H/1978/0522

Type: H13

Status: PR

Ref: H/1998/0062

Type: F

Status: PCO

Ref: H/1988/0320

Type: F

Status: PCO

Ref: H/1994/0120

Type: O

Status: PCO

Ref: LA09/2021/1405/O

Type: O

Status: PCO

Ref: H/2006/0288/O

Type: O

Status: PR

Ref: H/1993/6111

Type: PREAPP

Status: PCO

Ref: H/2002/0347/O

Type: O

Status: PR

Ref: LA09/2021/1284/F

Type: F

Status: PCO

Ref: H/2000/0491/F

Type: F

Status: PG

Ref: H/1999/0201

Type: O

Status: PCO

Ref: LA09/2019/0916/F

Type: F

Status: PG

Ref: H/1992/0139

Type: F

Status: PCO

Ref: H/1990/0507

Type: F

Status: PCO

Ref: H/2010/0041/F

Type: F

Status: PG

Ref: H/1995/6046

Type: PREAPP

Status: PCO

Ref: H/1995/0418

Type: F

Status: PCO

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Full & RM Resp.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Proposed Plans Plan Ref: 02

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 October 2022	Item Number: 5.20
Application ID: LA09/2022/1085/F	Target Date: 12 October 2022
Proposal: Proposed single storey rear extension to existing dwelling	Location: 46 Davison Villas Castledawson BT45 8AH
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Noel McMullan 33 Wood Road Tobermore BT45 5QJ	Agent Name and Address: Mr K McMullan 55 Annaghmore Road Castledawson BT45 8DU
Executive Summary: Approve	

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

To Committee – Approval – Applicant related to a member of staff within MUDC.

Characteristics of the Site and Area

The site is located within the existing settlement limits of Castledawson, within undesignated white land as per defined in the Magherafelt Area Plan 2015. On the site sits a semi-detached single storey with a small garden/yard area to the front and yard area to the side with a long

narrow garden to the rear. I note that parking is available at the side of the property with on-street parking available. The immediate area is currently characterised by residential properties and the wider area is characterised by a mix of development inclusive of residential, recreational, a church, agricultural land uses and commercial land uses.

Neighbour Notification

Five neighbour notifications were sent out however no representations were received in connection with this application.

Description of Proposal

This is a full application for the proposed single storey rear extension to existing dwelling, the site is located at 46 Davison Villas, Castledawson.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Strategic Planning Policy Statement (SPPS)
Mid Ulster Local Development Plan 2030 – Draft Plan Strategy
Magherafelt Area Plan 2015

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

Policy EXT1 of Addendum to PPS7: Residential Extensions and Alterations states that planning permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

(a) Deals with scale, massing, design and external materials. Upon review of the plans I first note that the proposed rear extension is to replace an existing lean to, with this in mind I am content that it is acceptable in terms of scale, massing and design. I note that the external materials are to match that of the existing which I am content that the proposed extension will not detract from the host building. I note that there are a number of window changes to the front with the removal of the front porch, all are acceptable. I hold the view that this adds to the existing property but will not detract from the existing property or the area.

(b) In terms of any impact on neighbouring amenity, I am content that the proposed works are unlikely to result in any overshadowing. I am content that the proposal is unlikely to result in any overlooking. With this in mind I am content that the proposed works are unlikely to have an adverse impact on residential amenity. I note that no objections have been received in connection with this application.

(c) The proposal will not cause the 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) I note that the proposed works will not have an impact on the parking arrangements nor result in any significant loss of the existing amenity areas as such I am content that there will be sufficient space within the curtilage for recreational and domestic purposes inclusive of parking.

I am content that this proposal complies with Policy EXT1 of Addendum to PPS7: Residential Extensions and Alterations.

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.

Summary of Recommendation:

Approve is recommended

To Committee – Approval – Applicant related to a member of staff within MUDC.

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): Peter Henry

Date: 15 September 2022

ANNEX	
Date Valid	29 June 2022
Date First Advertised	12 July 2022
Date Last Advertised	12 July 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 22 McMaster Crescent Castledawson Londonderry BT45 8AQ The Owner / Occupier 45 Davison Villas Castledawson Londonderry BT45 8AH The Owner / Occupier 19 Davison Villas Castledawson Londonderry BT45 8AH The Owner / Occupier 18 Davison Villas Castledawson Londonderry BT45 8AH The Owner / Occupier 47 Davison Villas Castledawson Londonderry BT45 8AH	
Date of Last Neighbour Notification	3 August 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses -	
Drawing Numbers and Title Existing and Proposed Elevations Plan Ref: 01	

Notification to Department (if relevant)

Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2019/0179/F	Target Date: <add date>
Proposal: To continue use of the land and factory without complying with condition 12 of planning approval (M/2011/0126/F) - seeking variation of opening hours condition Monday - Friday from 6am - 8pm (Amended Noise Impact Assessment)	Location: Lands 70m South of 177 Annagher Road Coalisland.
Applicant Name and Address: DMAC Engineering 177 Annagher Road Coalisland	Agent name and Address: CMI Planners Ltd 38 Airfiled Road Toomebridge
Summary of Issues: The proposed hours of operation extend into that is common night-time hours and result in nuisance to neighbouring residential properties.	
Summary of Consultee Responses: EHO – met with the applicants noise consultants on site and undertook visits to the site. Note that ambient noise levels can be affected by various factors at different times of the year, the proposal could affect residential amenity during quiet sleep hours (23:0 – 07:00)	
Characteristics of the Site and Area: This site is that which relates to the permission M/2011/0126/F, and incorporates the DMAC Factory building, associated circulation, parking and hardstand areas, finished product storage areas and an area to the south of the site (beyond the large earth bund) which is used to control and regulate site drainage. The sizable earth bund, approx 5-7m high, to the south of the site acts as a sound buffer to protect residential amenity further to the south. Beyond the earth bund to the south is the area of drainage	

which is relatively flat and defined by bare earth/soil.

There is also earth banking and mature landscaping along the NE boundary of the site.

Topography within the factory site is relatively flat, however Annagher Road to the north is elevated well above the site, leaving little views of the large factory from the public road.

In the locality there are detached single dwellings to the south, east and north of the site. Land to the east and NE is agricultural in nature. Annagher Road is located to the north, with Coalisland Town located further to the west.

Description of Proposal

This is an application for variation of condition 12 of planning approval M/2011/0126/F - seeking variation of opening hours condition Monday - Friday from 6am - 8pm.

Condition 12 of M/2011/0126/F reads;

The development hereby permitted shall not remain open for business prior to 07:00 hrs nor after 20:00hrs Monday to Friday, 08:00 hrs to 14:00hrs on Saturdays nor at any time on a Sunday.

Reason: In the interests of residential amenity.

Deferred Consideration:

This application was recommend as a refusal to the Planning Committee in September 2021 and was deferred to allow a meeting with the Planning Manager and Environmental Health Officers.

At the meeting a number of proposals were put forward by the applicants for ways to reduce the noise between 6 – 7 am and to provide constant monitoring equipment in the site. Following the meeting the applicant advise they have appointed a Compliance Manager whose role is to ensure doors are closed, forklifts do not operate outside and that noise generating activities are not carried out or impact on neighbours. A revised noise assessment was also submitted by Grainger Associates on 12 December 2021 and this indicated significantly lower levels of noise at the nearest properties than shown in the previous report in March 2021. Neighbours were notified of the revised report and there were 2 additional comments received objecting to the proposals as it will impact on sleeping times in the morning and peaceful times in the evening and that no regard has been had to the other application for the revised car park which will reduce the effect of the buffer mound.

Due to the significant differences Environmental Health Officers carried out their own survey between 06:45 – 07:30 on 18 January 2022 and noise measurements obtained by EH show noise levels similar to those outlined within the March 2021 report and noise from DMAC was clearly audible and noted to consist of constant fan noise, FLT movements, reverse alarms and banging & clanging of metal/steel.

A further report was submitted (24 March 2022) which outlined a number of Pre and post 07:00hrs activities along with a number of other noise management proposals and included a summary of joint monitoring visit which took place on 22 March 2022. EHO have noted the noise that was witnessed at the neighbouring property on 22 March 2022 would be unlikely to impact residential amenity.

EH carried out a further visit at 6:30am on 5th May 2022 and noted the environment was dominated by birdsong though occasional impulsive noises (bangs/clangs) were heard above the ambient noise.

In response to EHO comments the applicants have advised the was agreement at a site meeting on 22 March that noise heard could not impact residents, DMAC have a stringent monitoring plan and procedures to limit activity and ensure all doors are kept closed until 7:00am with no outdoor activity taking place. They note there may be noise from sources not associated with DMAC eg thunder, passing lorries which are occasional. They also set out there may be very occasional sounds from DMAC.

Mr Daniel McShane indicates that without the earlier opening hours DMAC may have problems retaining staff who may move to other organisations that can provide this 4 day week work pattern. This may have an impact on the continued operations of the business at this site.

Following the receipt of the additional noise reports, neighbours were notified and 2 additional letters of objection were received which raise the following points:

- Health Implications
 - World Health Organisation guidelines recommend night time (11pm to 7:00am) exposure to noise is limited to 40dB
 - research indicates that nighttime exposure above 55dB can raised blood pressure and lead to heart attacks, some residents have these conditions
- Noise coming from DMAC every day before they should, as early as 5:30am

In light of the Environmental Health Officers findings and following DMACs changes to the operations and employment of a Compliance Officer, there is the potential for the earlier opening hours to effect the amenity of nearby residents. In the opinion of the Environmental Health Officers, the operations could, at certain times of the year adversely impact on the amenity of the nearby residents. The applicants have indicated they have put in place stringent measures to control noise and activities, they also note there may be very occasional sounds from DMAC site. EH Department has noted noises from the site following these mitigation measures being put in place ss such I recommend the proposed extension to the hours of operation is refused.

Refusal Reasons:

1. The proposal is contrary to policy CTY1 of PPS21 Sustainable Development in the Countryside and Policy PED9 of Planning Policy Statement 4: Planning and Economic Development in that it has not been demonstrated that the proposal;
-will not harm the amenities of nearby residents;
-will not create a noise nuisance.

2. The proposal is contrary to paragraph 3.8 of SPPS in that it has not been demonstrated that proposal will not cause harm to interests of acknowledged importance, namely rural character and residential amenity. The proposal could, if granted permission, result in a detrimental impact to residential amenity through impacts from noise, nuisance and general disturbance.



**Development Management Officer Report
 Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2019/0179/F	Target Date:
Proposal: To continue use of the land and factory without complying with condition 12 of planning approval (M/2011/0126/F) - seeking variation of opening hours condition Monday - Friday from 6am - 8pm	Location: Lands 70m South of 177 Annagher Road Coalisland.
Referral Route: Recommendation to refuse, objections.	
Recommendation:	Refuse
Applicant Name and Address: DMAC Engineering 177 Annagher Road Coalisland	Agent Name and Address: CMI Planners Ltd 38 Airfiled Road Toomebridge
Executive Summary: It has not been demonstrated by the applicant/agent that this proposal will not result in detrimental impacts to residential amenity, especially in the morning time between the hours of 6am and 7am Monday to Friday.	
Signature(s):	

Case Officer Report

Site Location Plan: 01



Representations:

Letters of Support	None Received
Letters of Objection	2
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

A number of objections have been received and issues raised include;

- the extension of opening hours would have an adverse affect on health and well being;
- noise that is currently experienced all day long would be extended in the morning time and would have a detrimental impact on peace and private amenity;
- currently already in breach of opening hours (enforcement are aware);
- extended opening hours would result in more noise and fumes from the factory;
- the reason for the condition being added was to protect private amenity, however as applicant has not stuck to this condition and as a result private amenity is currently being adversely impacted.

Description of proposal

This is an application for non-compliance of condition 12 of planning approval M/2011/0126/F - seeking variation of opening hours condition Monday - Friday from 6am - 8pm.

Condition 12 of M/2011/0126/F reads;

The development hereby permitted shall not remain open for business prior to 07:00 hrs nor after 20:00hrs Monday to Friday, 08:00 hrs to 14:00hrs on Saturdays nor at any time on a Sunday.

Reason: In the interests of residential amenity.

Characteristics of site and area

This site is that which relates to the permission M/2011/0126/F, and incorporates the DMAC Factory building, associated circulation, parking and hardstand areas, finished product storage areas and an area to the south of the site (beyond the large earth bund) which is used to control and regulate site drainage.

The sizable earth bund, approx 5-7m high, to the south of the site acts as a sound buffer to protect residential amenity further to the south. Beyond the earth bund to the south is the area of drainage which is relatively flat and defined by bare earth/soil.

There is also earth banking and mature landscaping along the NE boundary of the site.

Topography within the factory site is relatively flat, however Annagher Road to the north is elevated well above the site, leaving little views of the large factory from the public road.

In the locality there are detached single dwellings to the south, east and north of the site. Land to the east and NE is agricultural in nature. Annagher Road is located to the north, with Coalisland Town located further to the west.

Planning Assessment of Policy and Other Material Considerations

Planning Act 2011

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

Area Plan

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

Dungannon South Tyrone Area Plan 2010- The site is located just outside the development limits of Coalisland, in the countryside. The policy provisions of SPPS and PPS21 apply.

Relevant Planning Policy

SPPS- Strategic Planning Policy Statement
PPS21- Sustainable Development in the Countryside
PPS4- Planning and Economic Development

Relevant Planning History

M/2011/0126/F- permission granted for a small rural industrial enterprise on land situated adjacent to existing settlement limit of Coalisland, for DMAC on 13.04.2015.

Condition 12 of this permission reads;

The development hereby permitted shall not remain open for business prior to 07:00 hrs nor after 20:00hrs Monday to Friday, 08:00 hrs to 14:00hrs on Saturdays nor at any time on a Sunday.

Reason: In the interests of residential amenity.

M/2006/2126/F- Retention of Replacement shed for the purpose of paint spraying machine components, permission was refused on 22.06.2017.

An enforcement notice was served on this site for unauthorised breached in planning control and the offender fined 15,000. These buildings have now been removed and this part of land now lies bare with exposed soil. This site also contains drainage for the adjacent DMAC Factory site, and is the subject to two current application where decisions are pending (see below);

-LA09/2019/0838/F- Hobby/Storage shed, porta cabin to be used as a canteen and recreation room, raised flower beds, poly tunnels and car parking associated with Coalisland mens shed club, permission granted 09.03.2021.

-LA09/2018/0943/F- Extension to existing factory premises to provide staff car parking (under consideration- deferred for further consideration).

There is also some current enforcement action on the DMAC site relating to hours of operation and unauthorised chimney flues with associated odour.

3rd Party Objections

A number of objections have been received and issues raised include;

- the extension of opening hours would have an adverse affect on health and well being;
- noise that is currently experienced all day long would be extended in the morning time and would have a detrimental impact on peace and private amenity;
- currently already in breach of opening hours (enforcement are aware);
- extended opening hours would result in more noise and fumes from the factory;
- the reason for the condition being added was to protect private amenity, however as applicant has not stuck to this condition and as a result private amenity is currently being adversely impacted.

Consideration

The applicant wants to amend condition 12 of planning ref M/2011/0126/F, to extend hours of operation from 7am-8pm Mon-Fri to 6am-8pm Mon-Fri. It has been raised by objectors that DMAC may already be in breach of this condition, and this is being investigated by the Planning Enforcement Team.

The reason for the condition is to protect existing residential amenity. Objectors currently complain about noise levels, especially early in the morning. To consider the impacts of noise, nuisance and general disturbance I consulted Environmental Health. On 21st June 19 Environmental Health provided comment stating that commencement of operations would impinge on what is generally regarded as quiet sleeping hours (11pm-7am) where a higher level of protection is afforded to residential amenity to facilitate sleep between these hours. Environmental Health go on to say that two objectors have stated that current noise levels are impacting their amenity and extension of operating hours to 6am would further impact them and for this reason the applicant is required to provide a noise impact assessment and/or mitigation measures to control noise emissions from the premises.

Following on from this the agent then provided a Noise Impact Assessment and on 10.08.2021 Environmental Health provided a response. Environmental Health conclude that the Noise Impact Assessment shows that the impact of amending opening hours to 6am would have an excess of rating noise level over background noise level of +7 dB. BS 4142 states that a difference of +5 dB is likely to be an indication of adverse impact, depending on context, whilst a difference of +10 dB or more is likely to be an indication of significant adverse impact.

Environmental Health conclude that this difference of + 7 dB indicates that variation of the opening hours is likely to impact neighbouring residential amenity.

In response to Environmental Health comments the agent has provided an e-mail to put forward his interpretation of how he envisages this change in opening hours will impact on nearby residents. This e-mail is only his view, and an my opinion should not override the concerns of Council's Environmental Health Department.

In my view, I would have significant concern about allowing the factory to open at 6am. This would mean machines, extractor fans, vehicles, welding, metal work, spraying etc. starting before 7am. Plus employees would be arriving to the site by car before 6am, and would involve the starting and stopping of engines, and the opening and slamming of doors. It is difficult to see how noise, nuisance or general disturbance could be mitigated against so as not to cause detriment to residential amenity, given that current noise levels are found by objectors to be having detriment to their existing residential amenity.

The agent states that only 5 people would be arriving at 6am to turn on machines etc. I am not sure that Council could appropriately control this. A variance of condition can only consider the condition itself, and I am not sure if it would be lawful to control numbers of people attending the site or noise levels, as it is only hours of operation that are being considered.

I find it important to note that there is a pending application for the extension of a staff carpark to the south of the existing DMAC factory. This proposal will involve the cutting through of an existing earth bund that currently acts as a noise buffer to properties to the

south. Should both proposal be granted then this will mean factory noise escaping through a hole in an earth bund, and cars parking closer to where current objectors live. In my view both proposals need to be looked at carefully to consider both scenarios, given the sensitivities currently experienced at the site.

The applicant/agent has been provided with ample opportunity to demonstrate that earlier opening hours would not have a detrimental impact on existing residential amenity and this has not been demonstrated.

I recommend to Members that this application is refused as it will result in detrimental impacts to nearby residential amenity.

Under paragraph 3.8 of SPPS the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. I contend that, on current information before me, that it has not been clearly demonstrated that harm to interests of acknowledged importance (i.e. residential amenity) will not occur. The applicant/agent has been given a fair chance to demonstrate otherwise, and has failed to do so. I advise Members to refuse this proposal. At this time and in absence of any additional information I find the objectors concerns to be determining.

PPS21 Sustainable Development in the Countryside states that there are a range of types of development which in principle considered to be acceptable in the countryside, one is industry and business uses in accordance with PPS4.

Policy PED 9- General Criteria for Economic Development of PPS4 has a number of criteria that have to be met including criteria;

- (b) does not harm the amenities of nearby residents;
- (e) does not create a noise nuisance.

In my view the applicant/agent has failed to demonstrate these points, and that the condition as stands meets the lawful tests of a condition and is necessary to control the impacts of current operations on this site on nearby residential amenity.

The proposal is contrary to SPPS paragraph 3.8, PPS21 policy CTY1 and PPS4 policy PED9 in that it has not been demonstrated that the proposed hours of operation will not have a detrimental impact to existing residential amenity.

Neighbour Notification Checked

Yes

Summary of Recommendation:

That planning permission is refused for the following reasons;

Reasons for Refusal:

- 1.The proposal is contrary to policy CTY1 of PPS21 Sustainable Development in the Countryside and Policy PED9 of Planning Policy Statement 4: Planning and Economic Development in that it has not been demonstrate that the proposal;

-will not harm the amenities of nearby residents;
-will not create a noise nuisance.

2. The proposal is contrary to paragraph 3.8 of SPPS in that it has not been demonstrated that proposal will not cause harm to interests of acknowledged importance, namely rural character and residential amenity. The proposal will, if granted permission, result in a detrimental impact to existing residential amenity through impacts noise, nuisance and general disturbance.

ANNEX

Date Valid	8th February 2019
Date First Advertised	21st February 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses)	
<p>The Owner/Occupier, 161 Annagher Road, Coalisland, Tyrone, BT71 4NF</p> <p>The Owner/Occupier, 172 Annagher Road, Coalisland, Tyrone, BT71 4NF</p> <p>The Owner/Occupier, 174 Annagher Road, Coalisland, Tyrone, BT71 5DA</p> <p>The Owner/Occupier, 175 Annagher Road, Coalisland, Tyrone, BT71 5DA</p> <p>The Owner/Occupier, 175a ,Annagher Road, Coalisland, Tyrone, BT71 5DA</p> <p>The Owner/Occupier, 177 Annagher Road, Coalisland, Tyrone, BT71 5DA</p> <p>Martin Dooey 181 Annagher Road, Coalisland, BT71 5DA</p> <p>The Owner/Occupier, 181 Annagher Road, Coalisland, Tyrone, BT71 5DA</p> <p>The Owner/Occupier, 32 Washingbay Road, Coalisland, Tyrone, BT71 4PU</p> <p>The Owner/Occupier, 36 Washingbay Road Coalisland Tyrone James Hughes</p>	
Date of Last Neighbour Notification	
Date of EIA Determination	N/A
ES Requested	No

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/1140/O	Target Date: <add date>
Proposal: Outline planning permission for a dwelling on a farm with a detached garage	Location: Between 104 Ballygawley Road and an agricultural building 100m North East of 104 Ballygawley Road, Glenadush
Applicant Name and Address: Bernard Mc Aleer 101 Ballygawley Road Dungannon BT71 6DA	Agent name and Address: Blackbird Architecture Ltd 4 Glenree Avenue Dungannon BT71 6XG
Summary of Issues: Is this for an active and established farmer Does the proposal meet with planning policy	
Summary of Consultee Responses: DFI Roads – Access in accordance with the RS1 form which require visibility splays of 2.4m by 90.0 m in both directions and a forward sight distance of 90.0m. DEARA – Farm has been established for over 6 years, no recent claims and claims associated with another business, business ID issued in 2019 but member has been The business number associated with planning application LA09/2020/1140/O was created on 12/06/2019 and was given a category 3 status. The member named in the business had an old Client reference number registered with DAERA that was created on 6/07/2011.	
Characteristics of the Site and Area: This site is located in the SE corner of a larger agricultural field, and is access via an existing gravel access which runs along the SW boundary of the field. The NE and NW boundaries of the site are not clearly defined, the boundary to the west to the access lane is defined by a mature tree lined hedgerow approx. 4-5m high while the SE boundary is defined by a 2m high maintained hawthorn hedge.	

The application site is located between number 102 Ballygawley Road to the west and a newly constructed shed which was granted permission under LA09/2018/1349/F to the west. Access to the shed runs along the western and southern boundaries of the site, this right of way is not shown on the site location map.

The red line of the site includes a narrow access along the Western boundary of the field, wraps around the rear and opens into a small rectangle in the East corner of the field. The field is bound on each of its sides by vegetation and hedgerows, however, the small red line of the rectangle is only bounded by vegetation on the NE side. The shed and the remained of the agricultural field are within the applicants ownership/control and are highlighted in blue. In terms of elevation the site is elevated in the landscape when viewed from the public road as land rises steadily from roadside up the lane towards the site to the top of a local drumlin. No land rises beyond the site and there is little or no backdrop.

Nos 102, 104, 106 Ballygawley Road are residential dwellings located to the west of the site. These dwellings are located along an existing laneway from Ballygawley Road and are accompanied by associated outhouses, garages and sheds. On the opposite side of the road there are 2 detached single dwellings separated by agricultural land.

The site is some 1.25km west of Dungannon and approx. 130m east of the nearby Eskragh Lough. This area is categorised as open countryside within the Dungannon & South Tyrone Area Plan 2010.

Description of Proposal

This is an outline planning application for a dwelling on a farm with a detached garage

Deferred Consideration:

This application was removed from the schedule for discussion at the Planning Committee in November 2021 as the proposed development was assessed against a dwelling on a farm, however the proposal at that time referred to an infill dwelling. The Service Director was concerned there would be confusion caused by this and wished to have the description amended. The applicant submitted an amended description and the proposal under consideration is as currently described above. Following the receipt of the amended description the application was advertised and contributors and neighbours notified about the proposal. An additional 11 letters of objection were received.

Committee members will be well aware of the requirement of Policy CTY10 when considering dwellings on a farm. There are 3 criteria the policy says must be met and also there is an exception within the policy where there is no site beside existing buildings on the farm.

a) The farm business must be currently active and established for at least 6 years.

In support of this the applicant submitted a P1C – Dwelling on a Farm application form and advised the farm business was allocated on 13 June 2019. Additional information was also provided to set out what the applicant has been doing with the land and how long they have had the land.

DEARA have advised the business number associated with this planning application was created on 12/06/2019 and was given a category 3 status. The member named in the business had an old Client reference number registered with DAERA that was created on 6/07/2011, this client reference number was created for the purposes of land identification when DARD required proof of ownership of land before they would allocate a field number on their system. DAERA have also provided information about activities on the business:

- 13/08/2019 – 3 animals moved into the flock
- 05/10/2020 – 3 animals moved out of the flock
- 13/05/2021 – 8 animals moved into the flock (tags nos provided for 3 of them)
- 07/10/2021 – 5 animals moved out of the flock

I undertook a site inspection on 2 September 2021 and noted there were 8 sheep in the field as can be seen in fig 1 and 2 below, I consider this indicates the land was being used for agricultural purposes at that time.



Fig 1 view of application site from in front on Old Ballygawley Road



Fig 2 view of application site from in front and west on Old Ballygawley Road

Further information submitted indicates the applicant gained control of the land in 2007. In 2010, 2011 and 2012 Mr Cush rented the land and sowed potatoes. Mr Cush has passed away so this information cannot be verified by Mr Cush, however there are aerial photographs which OSNI have flown on 31 August 2010 (fig 3) and google streetview photographs from April 2011 (fig 4) that support the applicants version of events that crops

were being grown at those times.



Fig 3 - OSNI aerial photograph of the land flown 31/08/20



Fig 4 – Google streetview image captured April 2011

The applicant advises they employed Mr Cush to sow out the land in grass seed in 2012 and from then until 2019 it was taken by Mrs Davidson who advises she only had to put her animals on the land and cut the silage as Mr McAleer carried out all other works to maintain the hedges, fences and drains in the field. An aerial photograph from OSNI flown on 7 June 2013 shows there has been some work done to the land as it is bare earth with clearly visible marks of machinery having been on the land (fig 5). Had this been sown in 2012 as advised then it should have been in grass, however it is evident that at this time work had been done to the land.



Fig 5 – OSNI aerial photograph of the land on 7 June 2013

Additional information provided in support of the application states:

- 1) the applicant engaged 3 different contractors between 2014 and 2020 to carry out works for the maintenance of the hedgerows. Invoices have been submitted which the applicant advises were written up recently from the contractors records and these are from:
 - S O'Neill for hedge cutting in July and October 2014,
 - K Quinn for hedge cutting in July and October 2015 and
 - D Dobson for hedge cutting in July and October 2016, 2017, 2018, 2019 and 2020

- 2) the applicant engaged Sean Rafferty to carry out works to the drains and fences in 2007-2008

- 3) Mr Ciaran O'Donnell carried out major works to the drains in 2017 where directional drilling was carried out and photographs are provided to show this. I consider the photographs are from the north west corner of this field as it is clear in the photographs there are trees and electricity poles in the south east corner that are still on site today. This can be seen below in the photograph provided by the applicant and in the google streetview image from June 2015 (Fig 7).



Fig 7 photograph of drainage work being undertaken and google streetview map, not trees and electric pole in middle of the pictures.

4) Mrs Davidson has advised that she took the land between 2012 and 2019 and claimed single farm payment on it. She also advised that Mr McAleer maintained the ground and she put her animals on it and took silage off it.

Members will be aware that while it would be helpful if the applicant has been registered with DAERA. In those cases that Department can confirm the farm is currently active and established and this is helpful to the consideration of applications for dwellings on farms. This is not the case here, DAERA have advised the business was registered with them on 12/06/2019, which is short of the 6 years required to demonstrate an established farm. That said the policy refers to the farm business having to be currently active and established and the policy advises 'farming activity' can take many different forms. The SPPS refers to Regulation (EU) No 1307/2013 for the definition of agricultural activity (see appendix 2) while amplification to Policy CTY10 para 5.39 indicates keeping the land in good agricultural and environmental condition is 'farming activity'. In this case, from the information submitted, it is clear Mr McAleer has been investing in the land and obtaining a return for that investment for a period in excess of 6 years. This is the common understanding of what a business is. There is no dispute that the land has been used for agricultural activities as it has been shown that it was used for growing potatoes and keeping animals on it, which, in my view, falls under the definition of agricultural activities and as it has been ongoing since before 2014 (6 years before the application was submitted), then I consider this is an established and currently active agricultural business.

In light of the above information, I am content that this is a currently active and established farm business and criteria a of CTY10 has been met.

b) no dwellings or development opportunities have been sold off ... within 10 years of the date of the application....

I have checked the land identified as being in Mr McAleers ownership here and there have not been any sites or dwellings sold off the farm in the 10 years before the application was submitted. Mr McAleer has moved to a dwelling on the opposite side of the road from the site which he has advised is rented accommodation..

c) new buildings should be sited to visually link or cluster with an established group of buildings on the farm and where practicable access should be from existing lanes.

It is quite clear there is no established group of buildings on this farm, Mr McAleer received planning permission for the farm building located in the south east corner of the field on 3rd October 2019.. The policy provides an exception that states an alternative site away from a group of buildings will be acceptable where it meets the requirement of Policies CTY13(a-f), CTY14 and CTY16, however this exception can only be considered where there are either demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group(s). The exception within the policy is clear that it only requires consideration of sites beside other groups of buildings on the farm and not other sites on the farm. Members could refuse the application on the basis that it does not cluster or visually link with a group of buildings on the farm and it cannot be considered as an exception within the policy as, with no group of building on the farm, the remainder of criteria c, including the exception cannot be relied upon to grant

permission.

This interpretation will prevent all farmers who only have one building or no buildings at all on their holding, from ever obtaining permission to build a dwelling on their farm. Members may feel this is unduly harsh and as such may wish to exercise an exception to the policy here.

Even though the proposal is contrary to CTY10 criteria c, as there are no building on the farm, I will consider the other aspects of the CTY13 and CTY14. The previous case officer report has considered the potential for a dwelling and garage to integrate on this site and has raised concerns about the potential visual impact of this. I agree that a dwelling would be visible on the site, but only when viewed from the public road immediately in front of the site and for approximately 200 metres on approach from Dungannon, as the vegetation to the west completely screens the site from view until the end of the laneway, identified in fig



6 with the red arrow.

Fig 6 – view from the west, access to the site identified by red arrow

The photograph below (fig 7) shows the view from the west, a dwelling as proposed (siting shown with the blue arrow) could break the skyline here, as it does not benefit from screening or clustering with the existing farm building (red arrow) or the other development to the west (black arrow). A dwelling here could be prominent in the landscape, when seen from this critical view.



Fig 6, siting proposed in blue, existing agricultural building in red and other buildings in black

This application is for outline planning permission and as such the members can consider if there are any conditions that would make this development acceptable. If there are no conditions that could make it acceptable then the development should be refused.

Conditions can be attached that deal with the size, scale, design and location of a dwelling on the site as well as landscaping conditions that can require new planting to be provided and allow existing planting to be retained at a certain height.

It is clear there are long established boundaries on the south and west of the identified site as well as within the applicants control to the north and east boundaries of the field. These can be conditioned to grow on to a height of 3 metres to assist the integration of any dwelling. Additional landscaping can be conditioned along the side of the lane and the curtilage of the proposed dwelling which will, in my opinion, also assist in the integration of a dwelling on the site, but is not solely relied upon to provide the screening.

Coupled with the above conditions I consider it would be appropriate to control the ridge height of any dwelling and reduce the ground levels to ensure the rising ground and hedges to the rear (south) can provide a suitable backdrop. In my assessment of the site, I consider siting the dwelling as proposed in the indicative site plan with the finished floor levels the same as the existing ground level at the NE curtilage of the proposed site and a ridge height of 5.5m above the finished floor levels would ensure that a dwelling here is not prominent in the landscape. I consider it would also be appropriate to limit the ridge height of any garage to 4m above finished floor levels and these should be the same as the dwelling.

Rural character is a visual assessment that takes into account the existing development and character of the surrounding area. This site is located beside a number of other dwellings and buildings. These are well screened from public view and set back from the public road. The workers cottage opposite the site has little in the way of vegetation around it and is the most obvious development in view. As can be seen in Fig 6 a dwelling in this site would not be critically viewed with other development as to give the impression that the area has reached a critical stage in terms of its character. As one moves along the Old Ballygawley Road from the east to the west the existing development is well screened and set back from the road, in my opinion, a dwelling of a suitably scale and design would also, in a short space of time be well screened and would not detract from the rural character. On approach from the west to the east, any one travelling along the road will not be aware on the dwelling until they are passed it. I do not consider a dwelling here would adversely impact on the rural character of the area.

The application form has indicated that any development here will be served by a septic tank. These can be a number of different types that could be acceptable here and the consent to discharge is a matter that is dealt with by the Environment Agency.

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.

Objections

There have been a number of objections to the proposed development, when it was proposed as infill dwelling and when the details of the farming case were presented, these are summarised in Appendix 1 and a number of the issues raised have been addressed in the above considerations.

Urban sprawl relates to the spreading of settlements into the surrounding countryside in an unplanned fashion. In this case the site is well away from any settlements and would not result in urban sprawl.

The proposed development is for a dwelling, noise from cattle trucks coming and going to the site would be in relation to the agricultural activity and not this dwelling.

The objector has raised issues in relation to Human Rights, these may only be considered in respect to the proposal for a dwelling that is being considered. Article 1 of Protocol 1 of the European Convention on Human Rights which covers the protection of property and the peaceful enjoyment of possessions. The Human Rights Act 1998 and the Convention refer to both Article 1 of the First Protocol, which provides for the protection of property and peaceful enjoyment of possessions and Article 8 of the Convention. These are qualified rights and the legislation clearly envisages that a balance be struck between the interests of individuals and those of society as a whole. The proposed dwelling can be located a suitable distance away from any other existing dwellings to ensure their right to enjoy their property is not adversely impacted. The final location of the dwelling will be subject to further consideration and as such anyone who has an interest may make further representations at that time. The European Convention, Article 6 also enshrines the right to a fair hearing. This application will be decided by the planning committee and any interested party may address the planning committee, provided they follow the published protocol. Therefore, it is my view there are no Human Rights grounds for refusal of this application.

The objector has raised Lamont Judicial Review case where planning permission was quashed due to the wrong interpretation of policy. In the Lamont Case the decision makers concluded the proposal met with CTY10 as it was sited beside a building on the farm. The Judge considered this was not a correct interpretation of the Policy and set out that the decision maker had reduced the policy requirement from a group of buildings to one single building. In this case, it is clearly set out there is one building and this proposal does not meet this part of the policy test. There is an exclusion within the policy that allows the siting away from buildings where there are health and safety concerns or verifiable plans to extent the farm. Again this is not be utilised as there have not been any details provided to justify the position away from a group of buildings on the farm.

In view of the above, it is my recommendation to the members that as there is no group of buildings on the farm, this application cannot meet with Policy CTY10 or the exception within policy CTY10 and as such should be refused.

APPENDIX 1

Objections/representations received raise the following points:

dated 29/10/2020 - objection

planners should apply guidance for development in the countryside

dated 10/11/2020 – objection

application form completion:

- not proposed for dwelling on farm,
 - there were previous applications refused on this site for Mrs Gillen
- a laneway has been created was supposed to be grass path

Photos:

- sight lines to right not in place
- not infill as it is a small gap site, buildings are not on the road frontage, does not have appearance of built up area, building 4 not a building, just cow shelter

dated 10/11/2021 - representation

no objections provided no impact on 102 or 104

dated 18/11/2020 - objection

photos provided, map provided and neighbour notification letter provided

- vegetation removed
- not a gap site as accompanying development to the rear
- not a farmer
- M/2010/0554/O – application for 2 dwellings

dated 21/12/2020 – objection

Photos of cattle building provided

-same site previously refused for Mrs Gillen

- same site refused for 2 dwellings for applicant – (contrary to CTY1; CTY2a no focal point, no dev on 2 sides and no suitable degree of enclosure; CTY6 no special circumstances; CTY7 as no essential need for business; CTY13 as not suitable degree of enclosure; CTY14 – build up and does not respect character of the area)

dated 28/12/2020 - representation

no planning issues raised in this representation

dated 3/5/2021 - objection

- only farming since 12/6/2019, no reason to deviate from regulations
- agree with planning officer, any dwelling would be unsatisfactory as not able to integrate and would not be in character as required by CTY13 and CTY14

dated 3/5/2021 - objection

- not supported by PPS21 paras 3.1, 3.2 CTY12 section 5.00, CTY13 section 5.57, CTY15 and CTY16

dated 3rd May 2021 - objection

- not for a farmer

dated 4/5/2021 - objection

includes extracts from previous report to planning committee recommending refusal

- only farming since 12/6/2019, no reason to deviate from regulations
- agree with planning officer, any dwelling would be unsatisfactory as not able to integrate and would not be in character as required by CTY13 and CTY14

date received by Planning Office 4 May 2021 - objection

- has not been farming for 6 years in sense of true farmer
- lacks integration and erodes rural character and would create urban sprawl

date received by Planning Office 5 May 2021 - objection

- not infill
- noise from cattle trucks entering and leaving the site
- loss of privacy

dated 12 May 2021 - representation

- support for the application, refers to previous support letter as not being uploaded,
- owns the lane and others only have a right of way
- the applicant assists with maintenance of the lane and hedges
- previous letter advises:
 - Mr McAleer has been farming the land since he purchased it, repairing fencing and drains on his land and on the writers land
 - the development will not impact the rural area and will not transform it into a suburban development

date received by Planning Office 19 May 2021- rebuttal of information submitted in support of farming case

Sean Rafferty letter Appendix I Drainage Works

- Mr McAleer did not own the land in 2007, land registry documents attached,
- query flooding issue as not declared on P1 form

Ciaran O'Donnell letter Appendix Major Drainage Works

- Mr McAleer did not own the land in 2017, land registry documents attached,
- query flooding issue as not declared on P1 form,
- photos not of the site as no buildings shown
- billheads not acceptable proof, no departmental proof

Blackbird Letter dated 1 December 2017

- applicant has stated he is not active and established as a farmer, does not claim single farm payment

Ann McNulty letter Appendix L – Letter of Support

- objector claims they own the lane as it was to his parents small farm
- query flooding issue as not declared on P1 form
- land farmed by Mrs Davidson until 2019

Shirley Davidson/David Davidson letter Appendix M Conacre letter

- Mr McAleer did not own the land in some of the years, passed to another owner on 12 June 2015, land registry documents enclosed
- Mrs Davidson was the sole farmer of the land

Received 25 May 2021 – objection

- the area has been the subject of a number of planning applications over the years
- development impacting on human rights
- the proposal is not an infill site, no frontage to road and accompanying development to the rear
- not an active farmer, previous application for shed states this and did not show that it farming was active for 6 years
- shed approved as an exception to planning policy as was not an active farmer
- only one building on the farm cannot cluster with buildings on the farm
- new laneway provided to the site, did not use existing as preferred by planning
- do not consider having 3 sheep constitutes being a farmer
- DEARA Legislation states active farmer is one who can claim for Basic Payment Scheme (BPS) Cat 3 farmers cannot
- to allow this would allow others to do the same thing

received 17/6/2021 - objection

- application form, enclosed, clearly indicates this is not for a dwelling on a farm

received 28/6/2021 – objection

- need to consider the viability of the farm
- brief history of the land: site has been refused planning for dwelling, was sold at the height of the market, around 2008, site put up for sale approx. 4 years ago and only attracted lower bids, owner applied for other development since
- proposal is contrary to CTY1, CTY2a, CTY6, CTY&, CTY13, CTY14, CTY12
- farmer never bought cattle

received 19/11/2021 – objection

- not an active farmer, only active when you get ID Number

received 19/11/2021 – objection

- DAERA response 29 March not correct, not established 6 years, should only be counted from when business id issued from 12/6/19
- Who instigated response from DAERA, why delays in querying information
- Site was refused 1999 and 2010
- Suburban sprawl

received 19/11/2021 – objection

- Applicant not a farmer and states so in original application form
- Client business number is not business number, can be a client without having a business
- Lands claimed under another business, that was the active farmer
- DAERA rules do not allow animals from another farm to be grazed on lands claimed by another business
- Previous application for farm building (LA09/2017/0899/F) did not demonstrate that was active farmer
- No evidence why cannot be sited on another part of the farm
- Contrary to CTY13 and CTY14

Dated 22/11/21 – objection

- Objections as previously stated

received 10/12/2021 – objection

- does not meet criteria in CTY10
- not a farmer by DAERA Minister Poots definition

received 18/01/2022 – objection

- DAERA response contradicts itself
- applicant is not a farmer, land used by other farmer

received 04/02/2022 – objection

- the assessment of the information presented does not go into detail compared to other cases for dwellings on farms in other Council areas
- no address for the contractors who carried out the work for contacting them
- bills/receipts not specific to this applicant

received 25/03/2022 – objection

- 8 sheep in the field during site inspection in September 2021, whose sheep, planners should ask DAERA to provide information about flock numbers/herd book
- other Councils carry out more detailed considerations of the information for farming activity

received 21/04/2022 – objection

- flock list provided on website not considered to be from DAERA

received 31/03/2022 – response from DAERA

- details of flock movements for this business, address changed, bought and sold 3 cattle

received 5/05/2022 – objection

- response to email correspondence with DAERA about flock/herd
- query numbers and locations
- do not consider Mr McAleer farms this field
- does not visually link or cluster with group of buildings on the farm, no information submitted about health and safety reasons or plans to extend the farm

received 22/08/2022 – objection

- PAC refused case in different Council area because they could not prove farming case, similar to here
- need to look into the farming evidence provided, no addresses on receipts to check who carried out the work
- similar case in Lamont Judicial Review, does not visually link or cluster with a group of buildings on the farm
- not for a long suffering small farmer
- this has been refused on CTY13 and CTY14

received 30/08/2022 – objection

- queried the 8 sheep in the filed
- who farms the land

APPENDIX 2

Extract from Regulation (EU) No 1307/2013

c)

"agricultural activity" means:

- (i) production, rearing or growing of agricultural products, including harvesting, milking, breeding animals, and keeping animals for farming purposes,
- (ii) maintaining an agricultural area in a state which makes it suitable for grazing or cultivation without preparatory action going beyond usual agricultural methods and machineries, based on criteria established by Member States on the basis of a framework established by the Commission, or
- (iii) carrying out a minimum activity, defined by Member States, on agricultural areas naturally kept in a state suitable for grazing or cultivation;

Reasons for Refusal:

1. The proposed development is contrary to Policy CTY1 of Planning Policy Statement 21 as it has not been demonstrated the proposed dwelling is necessary in the countryside and meets with one of the policies for a dwelling in the countryside.
2. The proposed development is contrary to Policy CTY10 of Planning Policy Statement 21 as there is no established group of buildings on the farm therefore the development cannot visually link or cluster with a group of buildings and as there are no buildings on the farm the exception within the policy to allow a site elsewhere on the farm cannot be considered.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/1140/O	Target Date: <add date>
Proposal: An infill dwelling and detached garage (farm case submitted)	Location: Between 104 Ballygawley Road and an agricultural building 100m North East of 104 Ballygawley Road, Glenadush
Applicant Name and Address: Bernard Mc Aleer 7 Glenree Avenue Dungannon	Agent name and Address: Blackbird Architecture Ltd 4 Glenree Avenue Dungannon BT71 6XG
Summary of Issues: Dwelling on a farm, number of buildings and length of time.	
Summary of Consultee Responses: DFI Roads – Access in accordance with the RS1 form which require visibility splays of 2.4m by 90.0 m in both directions and a forward sight distance of 90.0m. DEARA – Farm has been established for over 6 years, no recent claims and claims associated with another business, business ID issued in 2019 but member has been The business number associated with planning application LA09/2020/1140/O was created on 12/06/2019 and was given a category 3 status. The member named in the business had an old Client reference number registered with DAERA that was created on 6/07/2011.	
Characteristics of the Site and Area: This site is located in the SE corner of a larger agricultural field, and is access via an existing gravel access which runs along the SW boundary of the field. The NE and NW boundaries of the site are not clearly defined, the boundary to the west to the access lane is defined by a mature tree lined hedgerow approx. 4-5m high while the SE boundary is defined by a 2m high maintained hawthorn hedge.	

The application site is located between number 102 Ballygawley Road to the west and a newly constructed shed which was granted permission under LA09/2018/1349/F to the west. Access to the shed runs along the western and southern boundaries of the site, this right of way is not shown on the site location map.

The red line of the site includes a narrow access along the Western boundary of the field, wraps around the rear and opens into a small rectangle in the East corner of the field. The field is bound on each of its sides by vegetation and hedgerows, however, the small red line of the rectangle is only bounded by vegetation on the NE side. The shed and the remained of the agricultural field are within the applicants ownership/control and are highlighted in blue. In terms of elevation the site is elevated in the landscape when viewed from the public road as land rises steadily from roadside up the lane towards the site to the top of a local drumlin. No land rises beyond the site and there is little or no backdrop.

Nos 102, 104, 106 Ballygawley Road are residential dwellings located to the west of the site. These dwellings are located along an existing laneway from Ballygawley Road and are accompanied by associated outhouses, garages and sheds. On the opposite side of the road there are 2 detached single dwellings separated by agricultural land.

The site is some 1.25km west of Dungannon and approx. 130m east of the nearby Eskragh Lough. This area is categorised as open countryside within the Dungannon & South Tyrone Area Plan 2010.

Description of Proposal

This is an outline planning application for an infill dwelling and detached garage (farm case submitted)

Deferred Consideration:

Members are advised this application was deferred at the planning committee on 11th January 2021 for a meeting with the Planning Manager to discuss the application and explore the case. At the meeting on 20 January 2021 it was made clear this does not meet the criteria for an infill opportunity under Policy CYTY8, it was noted that planning permission had been granted for an agricultural building on this land and information was requested on the farming case for consideration against Policy CTY10.

Committee members will be well aware of the requirement of Policy CTY10 when considering dwellings on a farm. There are 3 criteria the policy says must be met and also there is an exception within the policy where there is no site beside existing buildings on the farm.

a) The farm business must be currently active and established for at least 6 years.

In support of this the applicant submitted a P1C – Dwelling on a Farm application form and advised the farm business was allocated on 13 June 2019. Additional information was also provided to set out what the applicant has been doing with the land and how long they have had the land.

DEARA have advised the business number associated with this planning application was created on 12/06/2019 and was given a category 3 status. The member named in the business had an old Client reference number registered with DAERA that was created on 6/07/2011, this client reference number was created for the purposes of land identification when DARD required proof of ownership of land before they would allocate a field number on their system.

I undertook a site inspection on 2 September 2021 and noted there were 8 sheep in the field as can be seen in fig 1 and 2 below, I consider this illustrates that Mr McAleer is a farmer and the farm is currently active.



Fig 1 view of application site from in front on Old Ballygawley Road



Fig 2 view of application site from in front and west on Old Ballygawley Road

Further information submitted indicates the applicant gained control of the land in 2007. In 2010, 2011 and 2012 Mr Cush rented the land and sowed potatoes. Mr Cush has passed away so this information cannot be verified by Mr Cush, however there are aerial photographs which OSNI have flown on 31 August 2010 (fig 3) and google streetview photographs from April 2011 (fig 4) that support the applicants version of events that crops

were being grown at those times.



Fig 3 - OSNI aerial photograph of the land flown 31/08/20



Fig 4 – Google streetview image captured April 2011

The applicant advises they employed Mr Cush to sow out the land in grass seed in 2012 and from then until 2019 it was taken by Mrs Davidson who advises she only had to put her animals on the land and cut the silage as Mr McAleer carried out all other works to maintain the hedges, fences and drains in the field. An aerial photograph from OSNI flown on 7 June 2013 shows there has been some work done to the land as it is bare earth with clearly visible marks of machinery having been on the land (fig 5). Had this been sown in 2012 as advised then it should have been in grass, however it is evident that at this time work had been done to the land.



Fig 5 – OSNI aerial photograph of the land on 7 June 2013

Additional information provided in support of the application states:

- 1) the applicant engaged 3 different contractors between 2014 and 2020 to carry out works for the maintenance of the hedgerows. Invoices have been submitted which the applicant advises were written up recently from the contractors records and these are from:
 - S O'Neill for hedge cutting in July and October 2014,
 - K Quinn for hedge cutting in July and October 2015 and
 - D Dobson for hedge cutting in July and October 2016, 2017, 2018, 2019 and 2020

- 2) the applicant engaged Sean Rafferty to carry out works to the drains and fences in 2007-2008

- 3) Mr Ciaran O'Donnell carried out major works to the drains in 2017 where directional drilling was carried out and photographs are provided to show this. I consider the photographs are from the north west corner of this field as it is clear in the photographs there are trees and electricity poles in the south east corner that are still on site today. This can be seen below in the photograph provided by the applicant and in the google streetview image from June 2015 (Fig 7).



Fig 7 photograph of drainage work being undertaken and google streetview map, not trees and electric pole in middle of the pictures.

4) Mrs Davidson has advised that she took the land between 2012 and 2019 and claimed single farm payment on it. She also advised that Mr McAleer maintained the ground and she put her animals on it and took silage off it.

Members will be aware the policy refers to the farm business having to be active and established. Farming activity can take many different forms, the SPPS refers to Regulation (EU) No 1307/2013 for the definition of agricultural activity (see appendix 2). In this case it is clear Mr McAleer has been investing in the land and obtaining a return for that investment, and this is the common understanding of what a business is. There is no dispute that the land has been used for agricultural activities as it has been shown that it was used for growing potatoes and keeping animals on it, which, in my view, falls under the definition of agricultural activities and as it has been ongoing since before 2015 (6 years ago) then I consider this is an established agricultural business.

In light of the above information, I am content that this is an active and established farm business and criteria a of CTY10 has been met.

b) no dwellings or development opportunities have been sold off ... within 10 years of the date of the application....

I have checked the land identified as being in Mr McAleer's ownership here and there have not been any sites or dwellings sold off the farm in the 10 years before the application was submitted. I am content that criteria b of CTY10 has been met.

c) new buildings should be sited to visually link or cluster with an established group of buildings on the farm and where practicable access should be from existing lanes.

It is quite clear there is no established group of buildings on this farm, Mr McAleer received planning permission for the farm building located in the south east corner of the field on 3rd October 2019. Members could refuse the application on the basis that it does not cluster or visually link with a group of buildings on the farm. That said, the policy provides an exception that states an alternative site away from a group of buildings will be acceptable where it meets the requirement of Policies CTY13(a-f), CTY14 and CTY16. As there is no group of buildings associated with this farm I consider it appropriate to assess the proposal under this exception in the policy.

The previous case officer report has considered the potential for a dwelling and garage to integrate on this site and has raised concerns about the potential visual impact of this. I agree that a dwelling would be visible on the site, but only when viewed from the public road immediately in front of the site and for approximately 200 metres on approach from Dungannon, as the vegetation to the west completely screens the site from view until the end of the laneway, identified in fig 6 with the red arrow.



Fig 6 – view from the west, access to the site identified by red arrow

The photograph below (fig 7) shows the view from the west, a dwelling as proposed (siting shown with the blue arrow) could break the skyline here, as it does not benefit from screening or clustering with the existing farm building (red arrow) or the other development to the west (black arrow). A dwelling here could be prominent in the landscape, when seen from this critical view.



Fig 6, siting proposed in blue, existing agricultural building in red and other buildings in black

This application is for outline planning permission and as such the members can consider if there are any conditions that would make this development acceptable. If there are no conditions that could make it acceptable then the development should be refused.

Conditions can be attached that deal with the size, scale, design and location of a dwelling on the site as well as landscaping conditions that can require new planting to be provided and allow existing planting to be retained at a certain height.

It is clear there are long established boundaries on the south and west of the identified site as well as within the applicants control to the north and east boundaries of the field. These can be conditioned to grow on to a height of 3 metres to assist the integration of any dwelling. Additional landscaping can be conditioned along the side of the lane and the curtilage of the proposed dwelling which will, in my opinion, also assist in the integration of

a dwelling on the site, but is not solely relied upon to provide the screening.

Coupled with the above conditions I consider it would be appropriate to control the ridge height of any dwelling and reduce the ground levels to ensure the rising ground and hedges to the rear (south) can provide a suitable backdrop. In my assessment of the site, I consider siting the dwelling as proposed in the indicative site plan with the finished floor levels the same as the existing ground level at the NE curtilage of the proposed site and a ridge height of 5.5m above the finished floor levels would ensure that a dwelling here is not prominent in the landscape. I consider it would also be appropriate to limit the ridge height of any garage to 4m above finished floor levels and these should be the same as the dwelling.

Rural character is a visual assessment that takes into account the existing development and character of the surrounding area. This site is located beside a number of other dwellings and buildings. These are well screened from public view and set back from the public road. The workers cottage opposite the site has little in the way of vegetation around it and is the most obvious development in view. As can be seen in Fig 6 a dwelling in this site would not be critically viewed with other development as to give the impression that the area has reached a critical stage in terms of its character. As one moves along the Old Ballygawley Road from the east to the west the existing development is well screened and set back from the road, in my opinion, a dwelling of a suitably scale and design would also, in a short space of time be well screened and would not detract from the rural character. On approach from the west to the east, any one travelling along the road will not be aware on the dwelling until they are passed it. I do not consider a dwelling here would adversely impact on the rural character of the area.

The application form has indicated that any development here will be served by a septic tank. These can be a number of different types that could be acceptable here and the consent to discharge is a matter that is dealt with by the Environment Agency.

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.

Objections

There have been a number of objections to the proposed development, when it was proposed as infill dwelling and when the details of the farming case were presented, these are summarised in Appendix 1 and a number of the issues raised have been addressed in the above considerations.

Urban sprawl relates to the spreading of settlements into the surrounding countryside in an unplanned fashion. In this case the site is well away from any settlements and would not result in urban sprawl.

The proposed development is for a dwelling, noise from cattle trucks coming and going to the site would be in relation to the agricultural activity and not this dwelling.

The objector has raised issues in relation to Human Rights, these may only be considered in respect to the proposal for a dwelling that is being considered. Article 1 of Protocol 1 of the European Convention on Human Rights which covers the protection of property and the peaceful enjoyment of possessions. The Human Rights Act 1998 and the Convention refer to both Article 1 of the First Protocol, which provides for the protection of property and peaceful enjoyment of possessions and Article 8 of the Convention. These are qualified rights and the legislation clearly envisages that a balance be struck between the interests of individuals and those of society as a whole. The proposed dwelling can be located a suitable distance away from any other existing dwellings to ensure their right to enjoy their property is not adversely impacted. The final location of the dwelling will be subject to further consideration and as such anyone who has an interest may make further representations at that time. The European Convention, Article 6 also enshrines the right to a fair hearing. This application will be decided by the planning committee and any interested party may address the planning committee, provided they follow the published protocol. Therefore, it is my view there are no Human Rights grounds for refusal of this application.

In view of the above, it is my recommendation to the members that this proposal meets with the exception in CTY10 and that planning permission is granted with the conditions specified.

APPENDIX 1

Objections/representations received raise the following points:

dated 29/10/2020 - objection

planners should apply guidance for development in the countryside

dated 10/11/2020 – objection

application form completion:

- not proposed for dwelling on farm,
- there were previous applications refused on this site for Mrs Gillen

a laneway has been created was supposed to be grass path

Photos:

- sight lines to right not in place
- not infill as it is a small gap site, buildings are not on the road frontage, does not have appearance of built up area, building 4 not a building, just cow shelter

dated 10/11/2021 - representation

no objections provided no impact on 102 or 104

dated 18/11/2020 - objection

photos provided, map provided and neighbour notification letter provided

- vegetation removed
- not a gap site as accompanying development to the rear
- not a farmer
- M/2010/0554/O – application for 2 dwellings

dated 21/12/2020 – objection

Photos of cattle building provided

-same site previously refused for Mrs Gillen

- same site refused for 2 dwellings for applicant – (contrary to CTY1; CTY2a no focal point, no dev on 2 sides and no suitable degree of enclosure; CTY6 no special circumstances; CTY7 as no essential need for business; CTY13 as not suitable degree of enclosure; CTY14 – build up and does not respect character of the area)

dated 28/12/2020 - representation

no planning issues raised in this representation

dated 3/5/2021 - objection

- only farming since 12/6/2019, no reason to deviate from regulations
- agree with planning officer, any dwelling would be unsatisfactory as not able to integrate and would not be in character as required by CTY13 and CTY14

dated 3/5/2021 - objection

- not supported by PPS21 paras 3.1, 3.2 CTY12 section 5.00, CTY13 section 5.57, CTY15 and CTY16

dated 3rd May 2021 - objection

- not for a farmer

dated 4/5/2021 - objection

includes extracts from previous report to planning committee recommending refusal

- only farming since 12/6/2019, no reason to deviate from regulations
- agree with planning officer, any dwelling would be unsatisfactory as not able to integrate and would not be in character as required by CTY13 and CTY14

date received by Planning Office 4 May 2021 - objection

- has not been farming for 6 years in sense of true farmer
- lacks integration and erodes rural character and would create urban sprawl

date received by Planning Office 5 May 2021 - objection

- not infill
- noise from cattle trucks entering and leaving the site
- loss of privacy

dated 12 May 2021 - representation

-support for the application, refers to previous support letter as not being uploaded,

- owns the lane and others only have a right of way

- the applicant assists with maintenance of the lane and hedges

- previous letter advises:

- Mr McAleer has been farming the land since he purchased it, repairing fencing and drains on his land and on the writers land

- the development will not impact the rural area and will not transform it into a suburban development

date received by Planning Office 19 May 2021- rebuttal of information submitted in support of farming case

Sean Rafferty letter Appendix I Drainage Works

- Mr McAleer did not own the land in 2007, land registry documents attached,
- query flooding issue as not declared on P1 form

Ciaran O'Donnell letter Appendix Major Drainage Works

- Mr McAleer did not own the land in 2017, land registry documents attached,
- query flooding issue as not declared on P1 form,
- photos not of the site as no buildings shown
- billheads not acceptable proof, no departmental proof

Blackbird Letter dated 1 December 2017

- applicant has stated he is not active and established as a farmer, does not claim single farm payment

Ann McNulty letter Appendix L – Letter of Support

- objector claims they own the lane as it was to his parents small farm
- query flooding issue as not declared on P1 form
- land farmed by Mrs Davidson until 2019

Shirley Davidson/David Davidson letter Appendix M Conacre letter

- Mr McAleer did not own the land in some of the years, passed to another owner on 12 June 215, land registry documents enclosed
- Mrs Davidson was the sole farmer of the land

dated 24th May 2021 – objection

- the area has been the subject of a number of planning applications over the years
- development impacting on human rights
- the proposal is not an infill site, no frontage to road and accompanying development to the rear
- not an active farmer, previous application for shed states this and did not show that it farming was active for 6 years
- shed approved as an exception to planning policy as was not an active farmer
- only one building on the farm cannot cluster with buildings on the farm
- new laneway provided to the site, did not use existing as preferred by planning
- do not consider having 3 sheep constitutes being a farmer
- DEARA Legislation states active farmer is one who can claim for Basic Payment Scheme (BPS) Cat 3 farmers cannot
- to allow this would allow others to do the same thing

dated 15/6/2021 - objection

- application form, enclosed, clearly indicates this is not for a dwelling on a farm

dated 24/6/2021 – objection

- need to consider the viability of the farm
- brief history of the land: site has been refused planning for dwelling, was sold at the height of the market, around 2008, site put up for sale approx. 4 years ago and only attracted lower bids, owner applied for other development since
- proposal is contrary to CTY1, CTY2a, CTY6, CTY&, CTY13, CTY14, CTY12
- farmer never bought cattle

APPENDIX 2

Extract from Regulation (EU) No 1307/2013

c)

"agricultural activity" means:

- (i) production, rearing or growing of agricultural products, including harvesting, milking, breeding animals, and keeping animals for farming purposes,
- (ii) maintaining an agricultural area in a state which makes it suitable for grazing or cultivation without preparatory action going beyond usual agricultural methods and machineries, based on criteria established by Member States on the basis of a framework established by the Commission, or
- (iii) carrying out a minimum activity, defined by Member States, on agricultural areas naturally kept in a state suitable for grazing or cultivation;

Conditions/Reasons for Refusal:

Conditions

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

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

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

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

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

3. The curtilage of the proposed dwelling, except for the access, shall be limited to the area identified 'proposed new boundary hedge' on the approved plan No. 02 which was date stamp received 21st September 2021.

Reason: To ensure that the development integrates into the landscape.

4. The dwelling hereby permitted shall have a ridge height not more than 5.0m above the finished floor level and the garage hereby approved shall not have a ridge height exceeding 4.0m above the finished floor level.

Reason: In the interests of visual amenity and to protect rural character.

5. The finished floor levels of the dwelling and garage hereby permitted shall not exceed the level of the existing ground level at point A as annotated on drawing number 01 bearing the stamp dated 21 SEP 2020.

Reason: So that the building integrates into the surrounding countryside.

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

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

7. A detailed landscaping plan shall be submitted and approved as part of the Reserved Matters application and shall identify the location, species and numbers of trees and hedges to be retained and planted. All existing boundaries shall be retained and augmented with trees and native species hedging. The north west, northeast and south east boundaries of the area identified in red and blue on drawing No 01 bearing the stamp dated 21 SEP 2020 shall be allowed to grow up to a height of at least 3 meters and shall be retained at that height. All new curtilage boundaries including both sides of any proposed access laneway shall also be identified by new planting, and shall include a mix of hedge and tree planting. The retained and proposed landscaping shall be indicated on a landscape plan, with details to be agreed at reserved matters stage.

During the first available planting season after the commencement of development on site, all proposed trees and hedges indicated in the approved landscaping plan at Reserved Matters stage, shall be planted as shown and permanently retained thereafter, unless otherwise agreed by Mid Ulster Council in writing.

Reason: In the interest of visual amenity and to assist with integration.

8. If within a period of 5 years from the date of the planting of any tree, shrub or hedge, that tree, shrub or hedge is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, 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 Local Planning Authority gives its written consent to any variation.

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

9. A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1 including sight lines of 2.4m by 90.0m in both directions and a forward sight distance of 90.0m. The access as approved at Reserved Matters stage shall be constructed in accordance with the approved plans, prior to the commencement of any other development hereby approved.

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

Informatives

1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.

2. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

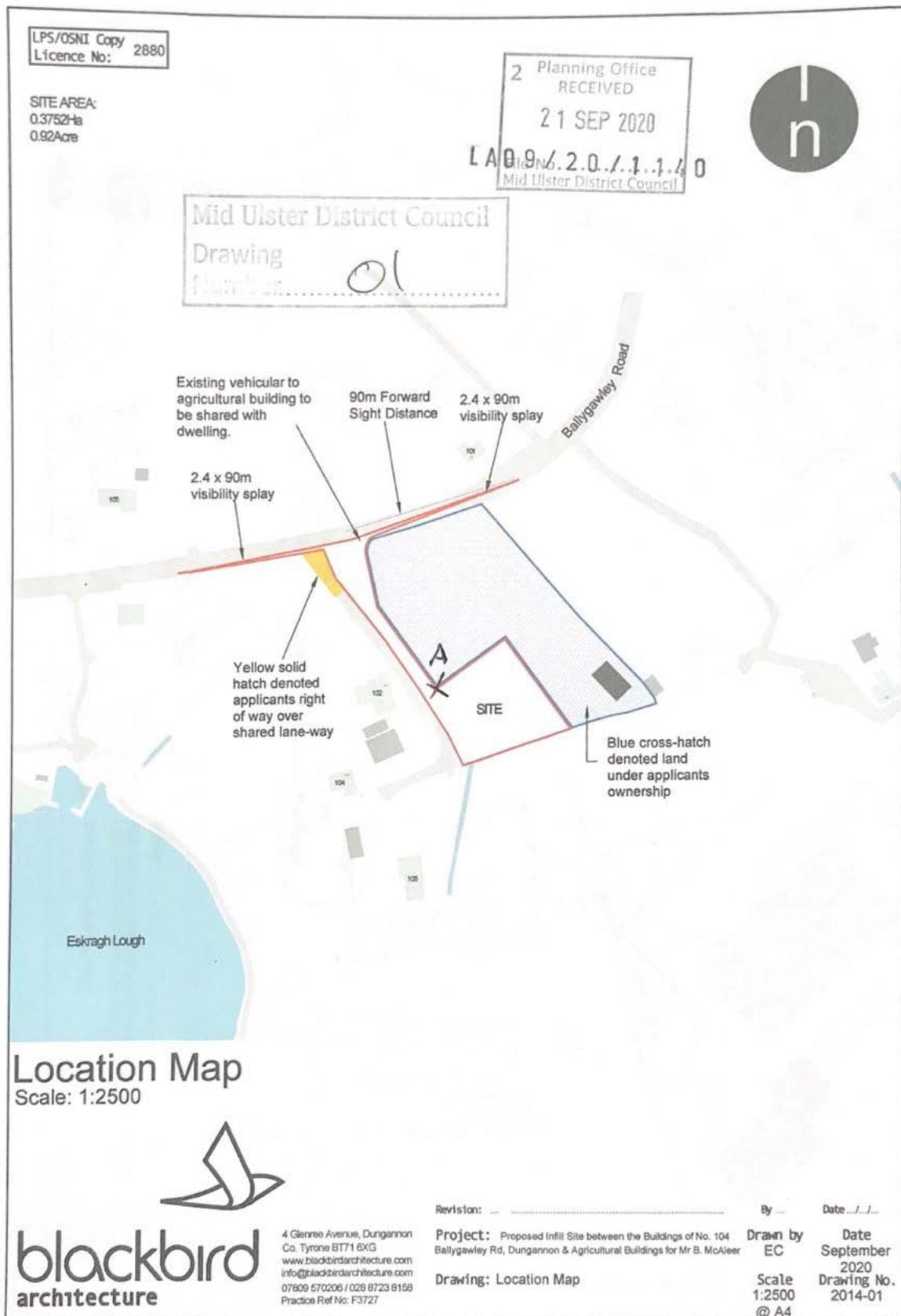
3. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

4. The design of the proposal will be assessed at RM stage to ensure there will be no detrimental impacts on neighbouring residential amenity through over looking, over shadowing or over dominance.

Signature(s)

Date:

Location map with point A identified





Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

**Development Management Officer Report
 Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1140/O	Target Date: 01/01/2020
Proposal: An infill dwelling and detached garage	Location: Between 104 Ballygawley Road and an agricultural building 100m North East of 104 Ballygawley Road Glenadush
Referral Route: Objections, recommendation to refuse	
Recommendation:	Refuse
Applicant Name and Address: Mr Bernard Mc Aleer 7 Glenree Avenue Dungannon	Agent Name and Address: Blackbird Architecture Ltd 4 Glenree Avenue Dungannon BT71 6XG
Executive Summary: Contrary to CTY1, 8, 13 and 14 of PPS21. The site does not meet the criteria for a gap site, is prominent, lacks integration and will further erode rural character.	
Signature(s):	

Case Officer Report

Site Location Plan



Representations:

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

Summary of Issues

A number of 3rd party representations have been received on this proposal. Issues raised are summarised below;

- One representation states that they have no objection to the proposal as long as it does not impinge on the properties of No. 102 and 104 and that all the existing planning regulations and laws are adhered to;

I am not treating this proposal as an objection as, with every case, I aim to process objectively in line with planning regulations and laws.

Another objection received from Joe McNulty is summarised as follows;

- The main body of the objection concentrates on how this proposal does not meet the planning criteria of an infill dwelling (policy CTY8 of PPS21) and is accompanied by a number of photographs to demonstrate this interpretation of policy;

I will consider these objections later in my report.

- some of the objection relates to a previously approved application LA09/2018/1349/F for an agricultural shed to the east of the site. These objections relate to how this application was granted permission. As a decision has been reached and no further challenge is outstanding on this decision it is my view that these points are not relevant

or material to my assessment as the decision has been made and the agricultural building in place.

The agent has provided an e-mail rebutting some of these objections. In his e-mail the agent states that Mr. McNulty's objection does not state any grounds for objection. Since this e-mail Mr McNulty has provided a further objection which does expand on his concerns and will be considered later. The agent also makes it clear that his Statement of Case clearly demonstrates how his site meets the criteria of CTY8 of PPS21.

Description of proposal

This is an outline planning application for an infill dwelling and detached garage in the countryside.

Characteristics of Site and Area

This site is located in the SE corner of a larger agricultural field, and is accessed via an existing gravel access which runs along the SW boundary of the field. The NE and NW boundaries of the site are not clearly defined, the boundary to the west to the access lane is defined by a mature tree lined hedgerow approx. 4-5m high while the SE boundary is defined by a 2m high maintained hawthorn hedge.

The application site is located between number 102 Ballygawley Road to the west and a newly constructed shed which was granted permission under LA09/2018/1349/F to the west. Access to the shed runs along the western and southern boundaries of the site, this right of way is not shown on the site location map.

The red line of the site includes a narrow access along the Western boundary of the field, wraps around the rear and opens into a small rectangle in the East corner of the field. The field is bound on each of its sides by vegetation and hedgerows, however, the small red line of the rectangle is only bounded by vegetation on the NE side. The shed and the remainder of the agricultural field are within the applicant's ownership/control and are highlighted in blue. In terms of elevation the site is elevated in the landscape when viewed from the public road as land rises steadily from roadside up the lane towards the site to the top of a local drumlin. No land rises beyond the site and there is little or no backdrop.

Nos 102, 104, 106 Ballygawley Road are residential dwellings located to the west of the site. These dwellings are located along an existing laneway from Ballygawley Road and are accompanied by associated outhouses, garages and sheds. On the opposite side of the road there are 2 detached single dwellings separated by agricultural land.

The site is some 1.25km west of Dungannon and approx. 130m east of the nearby Eskragh Lough. This area is categorised as open countryside within the Dungannon & South Tyrone Area Plan 2010.

Planning Assessment of Policy and Other Material Considerations

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

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

The 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.

Dungannon and South Tyrone Area Plan 2010:

The plan offers no specific policy relevant to this application as the site lies outside any settlement limit defined in the Dungannon and South Tyrone Area Plan 2010.

Key Planning Policy

SPPS

PPS21 Sustainable Development in the Countryside

PPS3 Access, Movement and Parking

Design Guidance: Building on Tradition

Relevant Planning History

LA09/2018/1349/F- full planning permission was granted for proposed cattle handling facilities and cattle isolation facilities to take the form of a cattle shed, force pen, cattle crush, collecting pen and hard-standing area for a new hobby farm holding for raising rare cattle and sheep breeds. Granted 03.10.2019. At the time of my site visit this building and access was in place.

LA09/2017/0899/F- permission was refused for cattle handling facilities and cattle isolation facilities to take the form of a cattle shed, force pen, cattle crush, collecting pen and hard-standing areas for a new hobby farm holding for raising rare cattle and sheep breeds on 11.09.2018 for the following reason;

1. The proposal is contrary to Policy CTY 12 of Planning Policy Statement 21, sustainable development in the countryside in that it has not been demonstrated that the farm business has been established for a period of at least 6 years and that the development, if permitted, would result in a detrimental impact on the amenity of nearby residential dwellings by reason of noise, odour and flies due to its close proximity. The decision was never appealed.

M/2010/0554/O- Proposed 2 dwellings (detached), Adjacent to 102 Ballygawley Road, Eskragh, Dungannon, Co Tyrone, for Bernard McAleer. This permission was refused on 09.11.2010 for the following reasons;

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

2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point and / or is not located at a cross-roads; the proposed site is not bounded on at least two sides

with other development in the cluster and does not provide a suitable degree of enclosure; the dwellings would if permitted significantly alter the existing character of the cluster and visually intrude into the open countryside.

3.The proposal is contrary to Policy CTY6 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the applicant has not provided satisfactory long term evidence that new dwellings are a necessary response to the particular circumstances of the case and that genuine hardship would be caused if planning permission were refused and/ or it has not been demonstrated that there are no alternative solutions to meet the particular circumstances of this case.

4.The proposal is contrary to Policies CTY1 and CTY7 of Planning Policy Statement 21, Sustainable Development in the Countryside and does not merit being considered as an exceptional case in that it has not been demonstrated that there is a site specific need for the proposed dwelling that makes it essential for an employee to live at the site of their work.

5.The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed buildings would be a prominent feature in the landscape which lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape.

6.The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted result in a suburban style build-up of development when viewed with existing buildings would, if permitted not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to further erode the rural character of the countryside.

This site incorporated both LA09/2018/1349/F and this subject application site LA09/2020/1140/O. The decision was never appealed.

Representations

A number of 3rd party representations have been received on this proposal. Issues raised are summarised below;

-One representation states that they have no objection to the proposal as long as it does not impinge on the properties of No. 102 and 104 and that all the existing planning regulations and laws are adhered to;

I am not treating this proposal as an objection as, with every case, I aim to process objectively in line with planning regulations and laws.

Another objection received from Joe McNulty is summarised as follows;

-The main body of the objection concentrates on how this proposal does not meet the planning criteria of an infill dwelling (policy CTY8 of PPS21) and is accompanied by a number of photographs to demonstrate this interpretation of policy;

I will consider these objections later in my report.

-some of the objection relates to a previously approved application LA09/2018/1349/F for an agricultural shed to the east of the site. These objections relate to how this application was granted permission. As a decision has been reached and no further challenge is outstanding on this decision it is my view that these points are not relevant

or material to my assessment as the decision has been made and the agricultural building in place.

The agent has provided an e-mail rebutting some of these objections. In his e-mail the agent states that Mr. McNulty's objection does not state any grounds for objection. Since this e-mail Mr McNulty has provided a further objection which does expand on his concerns and will be considered later. The agent also makes it clear that his Statement of Case clearly demonstrates how his site meets the criteria of CTY8 of PPS21.

Consideration

SPPS Strategic Planning Policy Statement for Northern Ireland sets out a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulsters 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 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 range of examples of development which are considered to be acceptable in the countryside are set out in policy CTY 1, one of these being the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with Policy CTY 8.

Policy CTY 8 Ribbon Development allows for the development of a small gap site sufficient only to accommodate up to a maximum of 2 houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental criteria. For the purposes of this policy the definition of a substantial and built up frontage includes a line of 3 or more buildings along a road frontage without accompanying development to the rear.

This site is located adjacent and west of an existing agricultural building. This building is set back approx. 120m from the public road, with the land between the building and the roadside being defined as an existing undeveloped agricultural field. The proposed site is also set back approx. 120m from the public road, and proposes to share the existing access to the agricultural shed. In my view neither the agricultural shed or proposed site represents road frontage development.

This proposed gap site also relies on buildings to the west for consideration as a gap site. No. 102 does not have a frontage to the road, as there is a small agricultural field

between its curtilage and the public road. Plus, No. 102 has accompanying development to the rear, including No 104 and 106 and accompanying sheds, outhouses and garages. The policy is clear that the frontage, which in my view this is not, cannot have accompanying development to the rear which this clearly does.

Given the setback from the public road, and the nature and context of other development in this area, it is my view that this site does not represent a gap within an otherwise continuous and built up frontage.

M/2010/0554/O was refused for 2 dwellings on this site, however, CTY8 did not seem to form part of the assessment and was not included as a reason for refusal in the decision notice. Policy CTY2a and other personal circumstances seemed to form the basis of the assessment. It is my view that this proposal does not meet that criteria of CTY2a in that the site is not associated with a focal point, does not provide a suitable degree of enclosure and the dwelling would if permitted significantly alter the existing character of this area of countryside.

No personal circumstances have been provided in this instance and no other case has been forwarded by the agent for consideration.

In the agents assessment of the gap, he relies on buildings that clearly do not have a road frontage or shared frontage, and are set behind existing development which the policy resists (see building 01 and 02 indicated on drawing No. 03). Plus, building No. 4 indicated on drawing No. 03 is not visible in the landscape and is not read as a visual entity in the landscape when assessing the built up frontage, as it cannot be clearly viewed from public vantage points and in my view is not road frontage.

In terms of policy CTY13 and 14, it is my view that a dwelling of any size or scale cannot satisfactorily integrate onto this site. The site is elevated from the public road, any dwelling will break the skyline and there is no backdrop when viewed from the public road. There is insufficient vegetation to assist with integration. Plus a dwelling will read with other dwellings and development in the area which will lead to a further erosion of rural character.

Previously on the site under M/2010/0554/O for 2 dwellings, it was considered by the then Department under the same policy PPS21, that development on this site would be contrary to;

-Policy CTY13 of Planning Policy Statement 21 in that the proposed buildings would be a prominent feature in the landscape which lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for the buildings to integrate into the landscape.

- Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted result in a suburban style build-up of development when viewed with existing buildings would, if permitted not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to further erode the rural character of the countryside.

This decision or reasons for refusal were never appealed by the applicant and I am of the same view that the proposal would be contrary to CTY13 and 14.

PPS3 Access, Movement and Parking

<p>DfI Roads were consulted on the proposed vehicular access to this site and they raise no objections to the proposal subject to sight splays of 2.4m by 90m in both directions and a forward sight distance of 90m with no blind spots where the access is on the inside of a bend.</p> <p>Other considerations The site is not subject to flooding. No land contamination issues have been identified. The site is not located within a protected area, nor is it close to built heritage or archaeological interests.</p>	
<p>Neighbour Notification Checked</p>	<p>Yes</p>
<p>Summary of Recommendation: That permission is refused for the following reasons;</p>	
<p>Refusal Reasons</p> <ol style="list-style-type: none"> 1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement. 2. The proposal is contrary to Policy CTY8 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal does not represent a small gap sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage. The proposal would not respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and as a result would have a detrimental impact on the character of this area of countryside. 3. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling would be a prominent feature in the landscape which lacks long established natural boundaries and is unable to provide a suitable degree of enclosure for it to integrate into the landscape. 4. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the buildings would, if permitted result in a suburban style build-up of development when viewed with existing buildings and would, if permitted not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to, and further erode, the rural character of this area of countryside. 	
<p>Signature(s)</p> <p>Date:</p>	

ANNEX	
Date Valid	21st September 2020
Date First Advertised	6th October 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses)	
<p>The Owner/Occupier, 101 Ballygawley Road,Dungannon,Tyrone,BT70 1TA</p> <p>The Owner/Occupier, 102 Ballygawley Road Dungannon Tyrone Brian Quinn 102 Ballygawley Road, Dungannon, Tyrone, Northern Ireland, BT70 1TA Joe McNulty</p> <p>104 Ballygawley Road, Dungannon, Tyrone, BT70 1TA Joe McNulty</p> <p>104 Ballygawley Road, Dungannon, Tyrone, Northern Ireland, BT70 1TA The Owner/Occupier, 104 Ballygawley Road,Dungannon,Tyrone,BT70 1TA</p> <p>The Owner/Occupier, 105 Ballygawley Road,Dungannon,Tyrone,BT70 1TA</p> <p>The Owner/Occupier, 106 Ballygawley Road,Dungannon,Tyrone,BT70 1TA Brian Donoghue Carraig Na Moil, Glendadush, 105 Ballygawley Road, Dungannon, Tyrone, Northern Ireland, BT70 1TA Eamonn Cushnahan Email Address</p>	
Date of Last Neighbour Notification	10th December 2020
Date of EIA Determination	No need to screen as not schedule 1 or 2 development, nor is the site located within a sensitive area
ES Requested	No



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2020/1615/F	Target Date: <add date>
Proposal: Proposed dwelling with integrated annex and garages	Location: Site Adjacent To 18 Lowertown Road Dungannon
Applicant Name and Address: Brian Wilson 17 Bush Road Dungannon	Agent Name and Address: CQ Architects 23 Dunamore Road Cookstown BT80 9NR
Summary of Issues: This application is for a dwelling in the countryside, it is on a gap site and the design of the previous application was not considered in keeping with the area or the policy direction.	
Summary of Consultee Responses: DFI Roads - access acceptable with conditions	
Characteristics of the Site and Area: The site is located adjacent to 18 Lowertown Road, Dungannon between two existing properties. The site sits outside any defined settlement limits as identified within the Dungannon and South Tyrone Area Plan 2010. The site incorporates a roadside plot of land which sits on a slightly elevated setting when travelling along Lowertown Road in an easterly direction, especially in comparison to no 16 Lowertown Road. The site has existing post and wire fencing along the roadside boundary and there is existing hedging providing the boundary between the application site and the two adjoining neighbouring properties. The surrounding area is rural in nature, largely made up with agricultural fields scattered with single dwellings and their associated outbuildings.	

Description of Proposal

Full planning permission is sought for a proposed dwelling with integrated annex and garages on an infill site.

Deferred Consideration:

This application was before the Planning Committee in May 2021 as the design proposed was not considered acceptable in the rural area or on this site. The principle of a dwelling on the site as a gap site, as provided for in CTY8, has already been accepted.

The revised proposal is for a large dwelling which has the appearance, from the front, of 3 pitched roof blocks, 2 appear to be single storey with 5.5m and 5.0m ridge heights and a taller 2 storey building with 8.5m ridge height. The 3 buildings are connected by single storey flat roofed elements, part of this is a roof terrace for the 2 storey building and all enclosed by zinc roofed mono pitched roofs between the buildings.

The buildings to the north, beside the existing single storey dwelling, are set back to reduce overlooking or overshadowing (fig 1). The closest part of the building to the neighbour is the garage with living accommodation behind it, this part of the building is single storey with a flat roof, it has a painted timber cladding to the front and part of the side. The 2 storey building is proposed in buff coloured brick and the remainder of the walls are either glazed or white render. The pitched roofs are slate finish. (Fig 2 & 3)

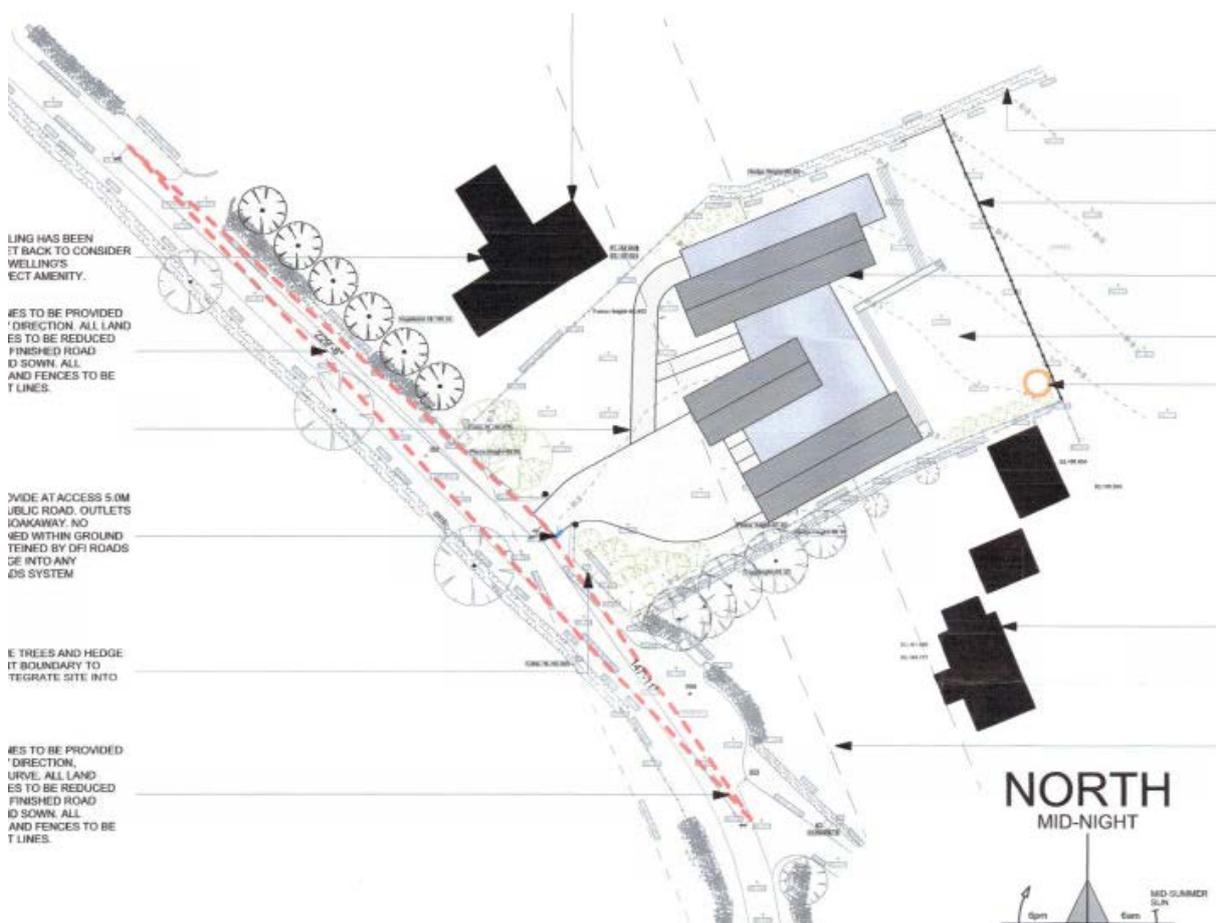


Fig 1 – site layout

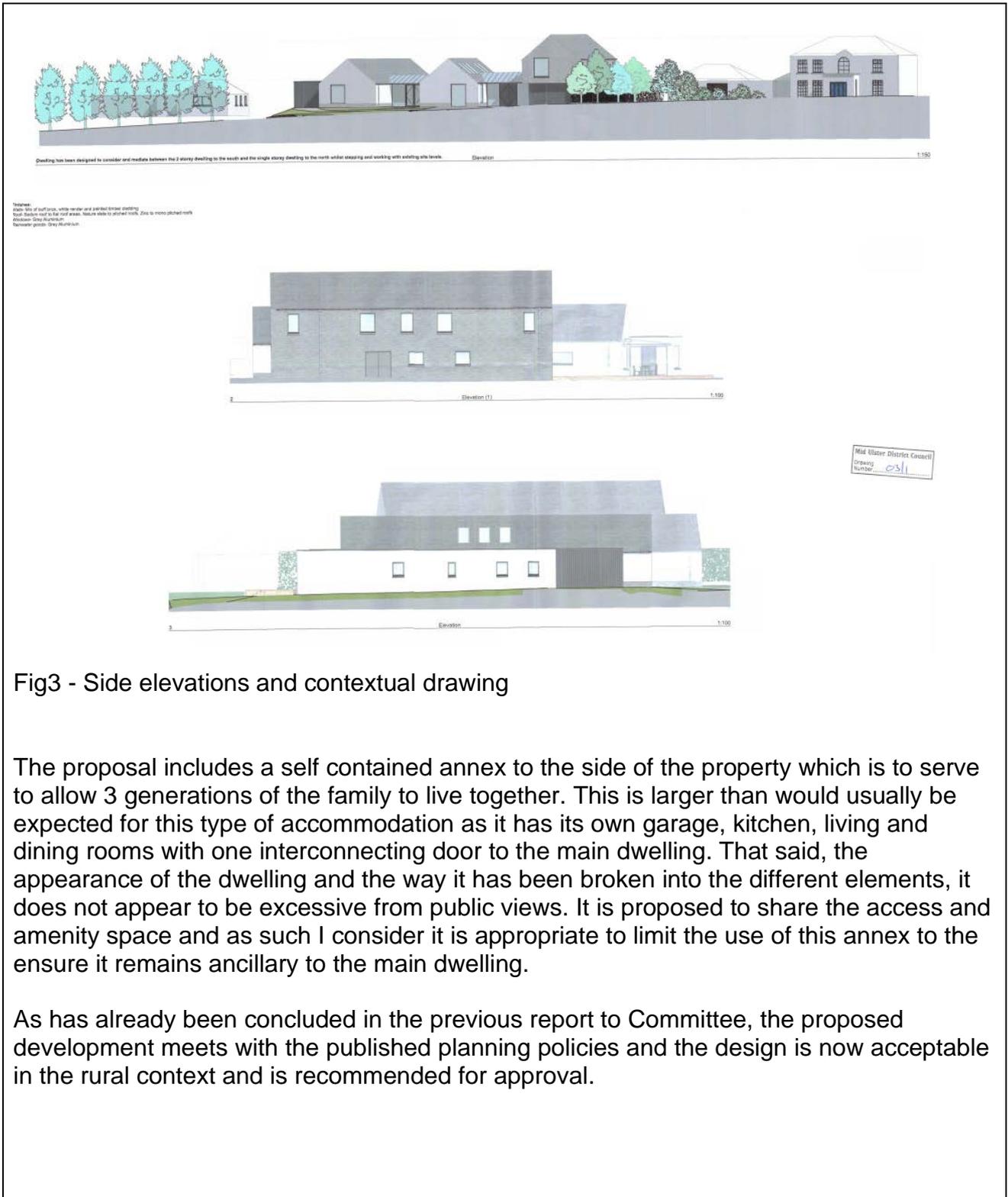


Fig3 - Side elevations and contextual drawing

The proposal includes a self contained annex to the side of the property which is to serve to allow 3 generations of the family to live together. This is larger than would usually be expected for this type of accommodation as it has its own garage, kitchen, living and dining rooms with one interconnecting door to the main dwelling. That said, the appearance of the dwelling and the way it has been broken into the different elements, it does not appear to be excessive from public views. It is proposed to share the access and amenity space and as such I consider it is appropriate to limit the use of this annex to the ensure it remains ancillary to the main dwelling.

As has already been concluded in the previous report to Committee, the proposed development meets with the published planning policies and the design is now acceptable in the rural context and is recommended for approval.

Conditions:

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

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

2. Prior to commencement of any development hereby approved, the vehicular access

including visibility splays of 2.4m x 70.0m to the north easterly direction and 2.4m x 45.0m to the south easterly direction shall be provided in accordance with the approved details as shown on drawing number 02/1 bearing the stamp dated 9 JUN 2022. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter.

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

3. All hard and soft landscape works as detailed on drawing no 02/1 bearing the stamp dated 9 JUN 2022 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out within the first planting season following commencement of the development hereby approved. Any tree, shrub or other plant identified in the landscaping scheme dying with 5 years of planting shall be replaced in the same position with a plant of a similar size and species.

Reason: To ensure the provision of a high standard of landscape.

4. The dwelling hereby approved shall be used as a single family residence and shall not be subdivided or used as separate dwelling units without the written consent of the Council.

Reason: To protect the amenity of the proposed residents and adjoining properties.

Signature(s)

Date:



**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1615/F	Target Date:
Proposal: Proposed dwelling with integrated annex and garages	Location: Site adjacent to 18 Lowertown Road Dungannon
Referral Route: Refusal – fails to comply with CTY 13 and CTY 14 of PPS 21. Objections received also.	
Recommendation:	REFUSAL
Applicant Name and Address: Brian Wilson 17 Bush Road Dungannon	Agent Name and Address: CQ Architects 23 Dunamore Road Cookstown BT80 9NR
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

Letters of Support	None Received
Letters of Objection	2
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

There were two objections received – the content of these objections will be discussed in detail later in the report but some of the main issues raised were:

- the design of the dwelling
- the impact on the character of the area
- loss of privacy
- noise disturbance

Group discussion – we also felt that the proposal was contrary to CTY 13 and CTY 14 of PPS 21.

Characteristics of the Site and Area

The site is located adjacent to 18 Lowertown Road, Dungannon between two existing properties. The site sits outside any defined settlement limits as identified within the Dungannon and South Tyrone Area Plan 2010. The site incorporates a roadside plot of land which sits of a slightly elevated setting when travelling along Lowertown Road in an easterly direction, especially in comparison to no 16 Lowertown Road. The site as existing post and wire fencing along the roadside boundary and there is existing hedging providing the boundary between the application site and the two adjoining neighbouring properties. The surrounding area is rural in nature, largely made up with agricultural fields scattered with single dwellings and their associated outbuildings.

Description of Proposal

Full planning permission is sought for a proposed dwelling with integrated annex and garages on an infill site.

Planning Assessment of Policy and Other Material Considerations

Planning History

LA09/2018/1583/O - Site adjacent to 18 Lowertown Road, Gortshalgan, Dungannon - Infill dwelling with detached double garage – PERMISSION GRANTED

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. There were two neighbours notified under this application, 16 and 18 Lowertown Road. At the time of writing, there were two objections received.

Assessment of Policy/Other material considerations

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

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 have been subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan.

The proposal is located outside any defined Settlement Limits as identified in the Dungannon and South Tyrone Area Plan, located south of The Bush. The site has no other designations or zonings.

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

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 range of examples are set out in CTY 1 detailing different cases which would allow for planning permission in the countryside, one of these being the development of a small gap site within an otherwise substantial and continuously built up frontage in accordance with CTY 8.

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

It is considered that the proposed site meets the policy test in that there is a continuous built up frontage along this road frontage. This is reinforced by the planning history associated with the site that has already approved the principle of an infill site at this location. At present, there is a detached dwelling to the north and the south of the site. Both of these have buildings to the side that also have an obvious frontage with Lowertown Road. Therefore, taking into consideration what is on the ground at present, I am satisfied that there is a line of three or more buildings along this road frontage and therefore the proposal meets this policy requirement. I consider that the gap between existing dwellings and buildings would be sufficient to accommodate no more than two dwellings when taking into account the existing plot sizes and their frontages of the building this site is proposing to infill.

Policies CTY 13 and CTY 14 are also applicable in relation to the proposal. Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

The proposal is for a dwelling that has a design, which we feel, is inappropriate for this rural setting. The design has a modern appearance to it and is not something we would typically accept in the countryside. The footprint of the dwelling is significantly large on the proposed site and has an irregular shape, almost two "L" Shaped floor plans linked. Figure 1 below shows how the proposed floor plan and the overall size and scale of it is inappropriate for this setting, especially in relation to the scaling of the two dwellings at either side.

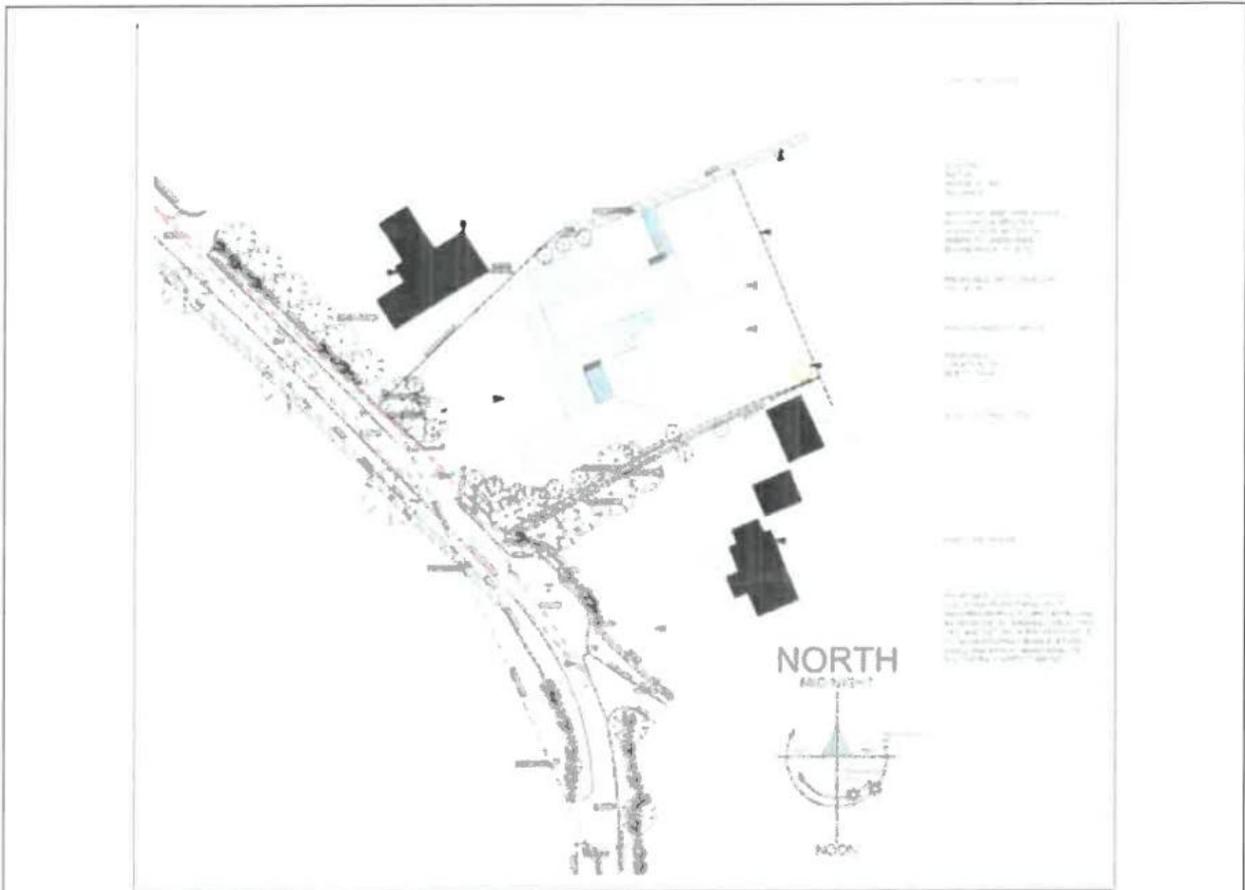


Figure 1

The views of the proposed front elevation are shown below in figure 2. This is the elevation that would have most impact from public viewpoints travelling along Lowertown Road. The front elevation included a significant amount of glazing and a single pitched roof along with two integral garages included in the design. It is considered that the front elevation is excessive and inappropriate for the siting with a design which may be much more suited to an urban setting. The rear elevation includes a balcony area to the first floor of the property and also has significant amounts of glazing across both the ground and first floor of the proposal.



Figure 2

The agent was asked to submit a complete redesign following group discussion about the design of the proposal, however instead they provided a supporting statement for the current design. I am not content that the supporting statement justifies the house type proposed and would still be of the opinion that it would appear unduly prominent and out of keeping with the surrounding area. There are concerns in relation to the design of the proposed dwelling and its overall prominence at this site. Overall, it is considered that the design, scale, size and massing of the dwelling proposed is unacceptable and inappropriate for the site and its locality and it does not respect the traditional pattern of settlement exhibited in this area, and as a result is contrary to the criterion held within CTY 13 and CTY 14 of PPS 21.

Representations

There were two objections received in relation to the proposal. One of these objections was received from the occupier of No 16 Lowertown Road and the other 44 Lowertown Road. The main issues raised include the design of the dwelling, the impact on the character of the area, loss of privacy and noise disturbance. In terms of the design and appearance of the dwelling, it has been outlined above how we feel the design proposed is not appropriate for the site or the surrounding area. I consider the proposal to be overly prominent for this site and agree that it would be dominant, especially in comparison to No.16 Lowertown Road, as their objection states. The overall ridge height of the proposal is not the concern, rather the overall massing and scale of the dwelling proposed. I also agree that the proposal would be out of keeping for the area and that the design would potentially be more suited to an urban setting. In terms of privacy concerns, given the siting of the dwelling and noting that most of the dwelling would actually be set behind No.16, we don't have major concern with overlooking or privacy issues. There also is much less glazing on the side elevations of the proposed dwelling. In terms of noise disturbance, we have no reason to believe that the noise which would be made as a result of this dwelling would be any greater than the normal day to day level of noise from any dwelling. The objector noted the link between the main body of the dwelling and the granny annex, however if a dwelling and granny annex were designed in a way at this site which was appropriate in terms of planning, noise disturbance shouldn't be a concern.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal is recommended.

Conditions/Reasons for Refusal:

1. The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed dwelling would be a prominent feature in the landscape and the design of the proposed dwelling is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape.

2. The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the dwelling would, if permitted, be unduly prominent in the landscape and the dwelling would, if permitted not respect the traditional pattern of settlement exhibited in that area and would therefore result in a detrimental change to the rural character of the countryside.

Signature(s)

Date:

ANNEX	
Date Valid	16th December 2020
Date First Advertised	29th December 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses)	
Lavinia Mclvor 16 Lowertown Road, Dungannon, BT71 6QJ The Owner/Occupier, 16 Lowertown Road,Dungannon,Tyrone,BT71 6QJ The Owner/Occupier, 18 Lowertown Road,Dungannon,Tyrone,BT71 6QJ Harold Mclvor 44 Lowertown Road, Dungannon, BT71 6QJ	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	Yes /No
Planning History	
Ref ID: LA09/2018/1583/O Proposal: Infill dwelling with detached double garage Address: Site adjacent to 18 Lowertown Road, Gortshalgan, Dungannon, Decision: PG Decision Date: 19.02.2019	
Ref ID: LA09/2020/1615/F Proposal: Proposed dwelling with integrated annex and garages Address: Site adjacent to 18 Lowertown Road, Dungannon, Decision: Decision Date:	
Ref ID: M/1986/0164 Proposal: PRIVATE DWELLING Address: LOWERTOWN ROAD, DUNGANNON Decision: Decision Date:	
Ref ID: M/1990/0240	

Proposal: Chalet Bungalow
Address: ADJACENT TO NO 16 LOWERTOWN ROAD DUNGANNON
Decision:
Decision Date:

Ref ID: M/2007/1511/O
Proposal: New dwelling and detached garage.
Address: Site adjacent to 18 Lowertown Road, Gortshalgan, Dungannon
Decision:
Decision Date: 10.04.2009

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No. 04
Type: Proposed Elevations
Status: Submitted

Drawing No. 05
Type: Proposed Floor Plans
Status: Submitted

Drawing No. 03
Type: Proposed Elevations
Status: Submitted

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

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

Drawing No. 06
Type: Proposed Floor Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2021/0860/O	Target Date: 2 August 2021
Proposal: Proposed dwelling and garage	Location: Site Adjacent To 27 Waterfoot Road Ballymaguigan Magherafelt
Applicant Name and Address: Jim O Neill 242 Shore Road Ballymaguigan Magherafelt	Agent name and Address: MC Cartan Muldoon Architects Studio One Marina Centre 135A Shore Road Ballyronan Magherafelt BT45 6JA
Summary of Issues: The application was considered to be contrary to policy CTY 2A of PPS 21 in that the site was not associated with a focal point and was not bounded on at least 2 sides with other development.	
Summary of Consultee Responses:	
Characteristics of the Site and Area The application site is located adjacent to 27 Waterfoot Road, Magherafelt and is outside any designated settlement defined in the Magherafelt Area Plan 2015. The site is a vacant plot of agricultural land located to the rear of no. 27 Waterfoot Road. The proposed access utilises an existing farm laneway. The surrounding area is predominantly rural in character.	
Description of Proposal The applicant seeks outline planning permission for a dwelling and garage under Policy CTY 2A (Dwelling in a Cluster)	

Deferred Consideration:

This application was before Planning Committee in July 2022 where it was deferred for an office meeting so that the applicant could provide additional information in respect of a focal point and boundary development.

In respect of the focal point which was identified as being the small roadside building to the front of number 27 Waterfoot Road the applicant provided a statement from Mrs May Devlin (TABBDA) who confirmed that this building served the local community years ago as a shop and post office. She also included an extract from a local historical book which referenced this shop. On the basis of this supporting information i am now satisfied that the said building can be considered as focal point for the purposes of Policy CTY 2A.

It was agreed at the office meeting that i carry out a site inspection to determine the curtilage/garden area of number 29 Waterfoot Road and to assess any potential impact on the residential amenity of numbers 28 and 29 Waterfoot Road. Having carried out a site inspection it was evident that the rear garden of number 29 extends to the Southern boundary of the site. As such, i am satisfied that the site is bounded by development on 2 sides - the Northern and the North East.

In terms of the impact of a dwelling on the residential amenity of adjacent dwellings, i am satisfied that a dwelling conditioned to have a 5.5m ridge height along with a condition for the erection of a closed board wooden fence and native species planting along the North East boundary would prevent any privacy and/or over looking issues.

DFI Roads are the only consultee and have no objections to the proposal subject to a 1:500 block plan being submitted with any Reserved Matters Application. Splays of 2.4m x 70m and a Forward Site Distance of 70m are required. No third party objections have been received.

In conclusion and having considered all new supporting information i recommend that this application be approved.

Conditions/Reasons for Refusal:**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

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 RS1 Form, including visibility splays of 2.4m x 70m in each direction and a forward sight distance of 70m prior to commencement of development.

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

Condition 4

The proposed dwelling shall have a ridge height of less than 5.5 metres above finished floor level

Reason: To protect adjacent residential amenity

Condition 5

The depth of underbuilding between finished floor level and existing ground level shall not exceed 0.45 metres at any point.

Reason: In the interest of visual amenity

Condition 6

The proposed dwelling shall be sited in the area shaded green on the approved plan date stamped 7th June 2021

Reason: To protect adjacent residential amenity

Condition 7

During the first available planting season after the occupation of the dwelling, a natural species hedge shall be planted in a double staggered row 200mm apart, at 450 mm spacing, 500 mm along the North East Boundary of the site along with a closed board wooden fence 1.8m in height

Reason: To protect adjacent residential amenity

Condition 8

No development shall take place until full details of all proposed tree and shrub planting, have been approved by the Council and all tree and shrub planting shall be carried out in accordance with those details and at those times. -

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

Signature(s):Karla McKinless

Date: 20 September 2022



Mid-Ulster

Local Planning Office

Mid-Ulster Council Offices

50 Ballyronan Road

Magherafelt

BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: July 2022	Item Number:
Application ID: LA09/2021/0860/O	Target Date:
Proposal: Proposed dwelling and garage	Location: Site adjacent to 27 Waterfoot Road Ballymaguigan Magherafelt
Referral Route: Committee- REFUSAL	
Recommendation:	Refusal
Applicant Name and Address: Jim O Neill 242 Shore Road Ballymaguigan Magherafelt	Agent Name and Address: Mc Cartan Muldoon Architects Studio One Marina Centre 135a Shore Road Ballyronan Magherafelt BT45 6JA
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The application site is located adjacent to 27 Waterfoot Road, Magherafelt and is located outside the designated settlement limits as defined in the Magherafelt Area Plan, 2015. The site is currently a vacant plot of rectangular agricultural land located to the rear of No 27 Waterfoot Road, Magherafelt. The proposed access utilises an existing farm laneway on to the Waterfoot Road.

The surrounding area is predominantly rural in nature.

Description of Proposal

The applicant seeks outline permission for a dwelling and garage under Policy CTY 2A.

Planning Assessment of Policy and Other Material Considerations

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

- 1.Strategic Planning Policy Statement (SPPS)
- 2.Magherafelt Area Plan 2015
3. PPS 21- Sustainable Development in the Countryside
- 4.Planning Policy Statement 3 - Access, Movement and Parking

Planning History

Reference	Location	Proposal/Complaint	Status	Date
LA09/2021/0860/O	Site adjacent to 27 Waterfoot Road, B.	Proposed dwelling and garage	VALID APPLICATION RECEIVED	
H/2004/1169/O	40m South West of 29 Waterfoot Road	Site of Dwelling and Garage.	PERMISSION REFUSED	12.05.2006
H/2004/0029/F	Adjacent to 29 Waterfoot Road, Castle	Dwelling and garage.	PERMISSION GRANTED	25.08.2004
H/2000/0454/O	50m (Approx) South West of 29 Waterf	Site of dwelling and garage	APPLICATION WITHDRAWN	15.12.2000
H/2000/0900/O	Adjacent To 29 Waterfoot Road, Castl	Site Of Dwelling And Garage	PERMISSION GRANTED	21.02.2001
H/2000/0194/Q	Adjacent to 29 Waterfoot Road, Castle	Housing Development	PRE APPLICATION ENQUIRY - RE	
H/2001/0436/O	Adjacent to 29 Waterfoot Road, Castle	Site of dwelling and garage	PERMISSION REFUSED	18.01.2002

Representations

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

Assessment

The Strategic Planning Policy Statement (SPPS) for Northern Ireland-Planning for Sustainable Development, is a material consideration. The SPPS sets out that planning authorities should be retained under transitional arrangements. The SPPS sets out that planning authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance. Until a Plan Strategy for the whole of the Council area has been adopted planning applications will be assessed against existing policy.

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.

Section 45 (1) of The Planning Act (Northern Ireland) 2011, states that, where an application is made for planning permission, the Council or, as the case may be, the Department, in dealing with the application, must have regard to the local development plan, so far as material to the application, and to any other material considerations.

Planning Assessment of Policy and Other Material Considerations:

The application is considered against the following:

SPSS

The Magherafelt Area Plan 2015,

PPS 21 Sustainable Development in the Countryside

PPS 3 Access, Movement and Parking.

Policy CTY1 of PPS21 states that there are a range of types of development which are considered to be acceptable in principle in the countryside and that will contribute to the aims of sustainable development. It goes on to state that planning permission will be granted for an individual dwelling house in the countryside in six cases. One of these is a dwelling sited within an existing cluster of buildings in accordance with Policy CTY2a.

The principle of the application is considered under PPS 21, CTY 2a, New Dwellings in Existing Clusters and all criteria must be met.

- a) 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;
- b) The cluster appears as a visual entity in the local landscape;
- c) The cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads,
- d) The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;
- e) 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
- f) Development would not adversely impact on residential amenity.

Whilst the proposed dwelling could be absorbed into the existing landscape, the proposal fails a number of the above criteria under PPS 21, CTY2a, namely b, c and d. The application site is too far removed from the crossroads to be used as a focal point. The crossroads junction of Waterfoot road with Ballyronan road is located approx. 300 m east of the site and the site is located behind an existing dwelling, No. 27. The site is not bounded on at least two sides with other development in the cluster. The agent has suggested that an existing stone vernacular roadside building was used as a shop/post office in the past (see photo 1 & 2 below). However, the building is vacant and appears to have been for many years as it is derelict. There is no evidence provided to confirm that this building was ever used as a shop or post office. The building has no significant features to suggest that it was once a shop/Post office and could potentially have been a dwelling house.

Photo 1 old stone building, which agent suggest as a focal point



Photo 2 Old stone building which Agent suggests as a focal point



PPS 3 Access, Movement and Parking

DFI Roads were consulted on this proposal and responded to say they had no objections subject to conditions being added.

Conclusion

In conclusion I consider the proposal to be unacceptable as it is contrary to PPS 21, Policy CTY2A and recommend permission is refused.

Neighbour Notification Checked	Yes
Summary of Recommendation: Refuse	
Refusal Reasons: 1. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the cluster is not associated with a focal point. 2. The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the proposed site is not bounded on at least two sides with other development in the cluster.	
Signature(s) Date:	

ANNEX	
Date Valid	7th June 2021
Date First Advertised	22nd June 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 27 Waterfoot Road Magherafelt Londonderry The Owner/Occupier, 29 Waterfoot Road Magherafelt Londonderry The Owner/Occupier, 4 St. Treas Villas Magherafelt Londonderry The Owner/Occupier, 5 St. Treas Villas Magherafelt Londonderry The Owner/Occupier, 6 St. Treas Villas Magherafelt Londonderry	
Date of Last Neighbour Notification	29th June 2021
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: LA09/2021/0860/O Proposal: Proposed dwelling and garage Address: Site adjacent to 27 Waterfoot Road, Ballymaguigan, Magherafelt, Decision: Decision Date: Ref ID: H/2004/1169/O Proposal: Site of Dwelling and Garage. Address: 40m South West of 29 Waterfoot Road, Ballymaguigan. Decision: Decision Date: 12.05.2006 Ref ID: H/2004/0029/F Proposal: Dwelling and garage. Address: Adjacent to 29 Waterfoot Road, Castledawson. Decision: Decision Date: 25.08.2004	

Ref ID: H/2000/0454/O
Proposal: Site of dwelling and garage
Address: 50m (Approx) South West of 29 Waterfoot Road, Castledawson
Decision:
Decision Date: 15.12.2000

Ref ID: H/2000/0900/O
Proposal: Site Of Dwelling And Garage
Address: Adjacent To 29 Waterfoot Road, Castledawson
Decision:
Decision Date: 21.02.2001

Ref ID: H/2000/0194/Q
Proposal: Housing Development
Address: Adjacent to 29 Waterfoot Road, Castledawson
Decision:
Decision Date:

Ref ID: H/2001/0436/O
Proposal: Site of dwelling and garage
Address: Adjacent to 29 Waterfoot Road, Castledawson
Decision:
Decision Date: 18.01.2002

Summary of Consultee Responses

Drawing Numbers and Title

Drawing No.
Type:
Status: Submitted

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

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/0952/F	Target Date: <add date>
Proposal: Extension to existing curtilage & domestic storage shed.	Location: 45m South of 211a Washingbay Road Coalisland BT71 5EG.
Applicant Name and Address: Mr Tony McCuskey 211a Washingbay Road Coalisland BT71 5EG	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
Summary of Issues: This application is for an extension to the curtilage of the dwelling and new domestic storage building for the applicants personal belongings.	
Summary of Consultee Responses: GSNI - a search of the Geological Survey of Northern Ireland "Shafts and Adits Database" indicates that the proposed site is greater than 400m from the closest known abandoned mine working	
Characteristics of the Site and Area: The site is located in the rural countryside outside as depicted under the Dungannon and South Tyrone Area Plan 2010, approx. 4km east of Coalisland and 1.5km west of Lough Neagh. The site is located in the rural countryside outside as depicted under the Dungannon and South Tyrone Area Plan 2010, approx. 4km east of Coalisland and 1.5km west of Lough Neagh. and agricultural lands to the south of the aforementioned property's curtilage.	

The site is a long narrow plot containing no. 211a Washingbay Rd a chalet dormer dwelling and its curtilage including a detached sunroom to the rear / west of the dwelling; and agricultural lands to the south of the aforementioned property's curtilage. The dwelling has a simple rectangular shaped floor plan and pitch roof construction with a 1½ storey front porch and dormers on its front elevation and a dropped pitch rear return offset to its east gable. It has brick walls and dark roof tiles/slates. A garden runs right round but primarily to the front of the dwelling. A tarmac drive runs along the west side of the property's front garden providing access to tarmac area of parking immediately to the front of the property and a concrete amenity area immediately to the rear. A mature hedge and stone access pillars and walls define the roadside boundary of the site. A mature hedge also defines the eastern boundary of the site and the remaining boundaries are undefined.

Views of the site are just before and passing along the roadside frontage of no. 211a; and from an elevated point on the western approach to the site from the Washingbay Rd / Coole Rd junction, looking down towards the site.

The immediate area surrounding the site, comprising relatively flat open topography typical of the Loughshore Area, has come under considerable development pressure in recent years with a no. of dwellings and ancillary buildings lining stretches of the surrounding road network. The site is bound by a relatively newly constructed dwelling to its west and lands immediately to the southeast of the site contain a large shed and concrete yard, the shed is agricultural / commercial in appearance and occupies much of the site as identified

Description of Proposal

This is a full planning application to extend the curtilage of an existing single storey detached dwelling located at 211a Washingbay Rd Coalisland; and to erection a domestic storage shed within the extended curtilage.

Deferred Consideration:

This application was before the Planning Committee in January 2022 and it was agreed to defer to allow a meeting with the Service Director, a meeting was held on 20 January where it was agreed further assessment would be carried it of the proposal.

I visited the site and it was agreed amendments to show a smaller building and plans that reflect the existing buildings on the site would be submitted for consideration. Amended plans were submitted on 30 May 2022, these show the proposed storage shed located 11m closer to the existing dwelling, 10m closer to the existing hedge and a ridge height of 5.0m, a reduction of 1.3m from the previous scheme. The plans also show the proposed building is now located close to other existing domestic buildings on the site.

Members will be aware from the previous report that Policy EXT1 of PPS7 Addendum is the relevant policy for consideration of this type of development, with CTY1 of PPS21 advising that proposal which meet the Addendum to PPS7 will be acceptable. The proposal was recommended for refusal as it was not considered to be of a domestic scale, did not reflect a domestic building in its appearance and was removed from the existing property.

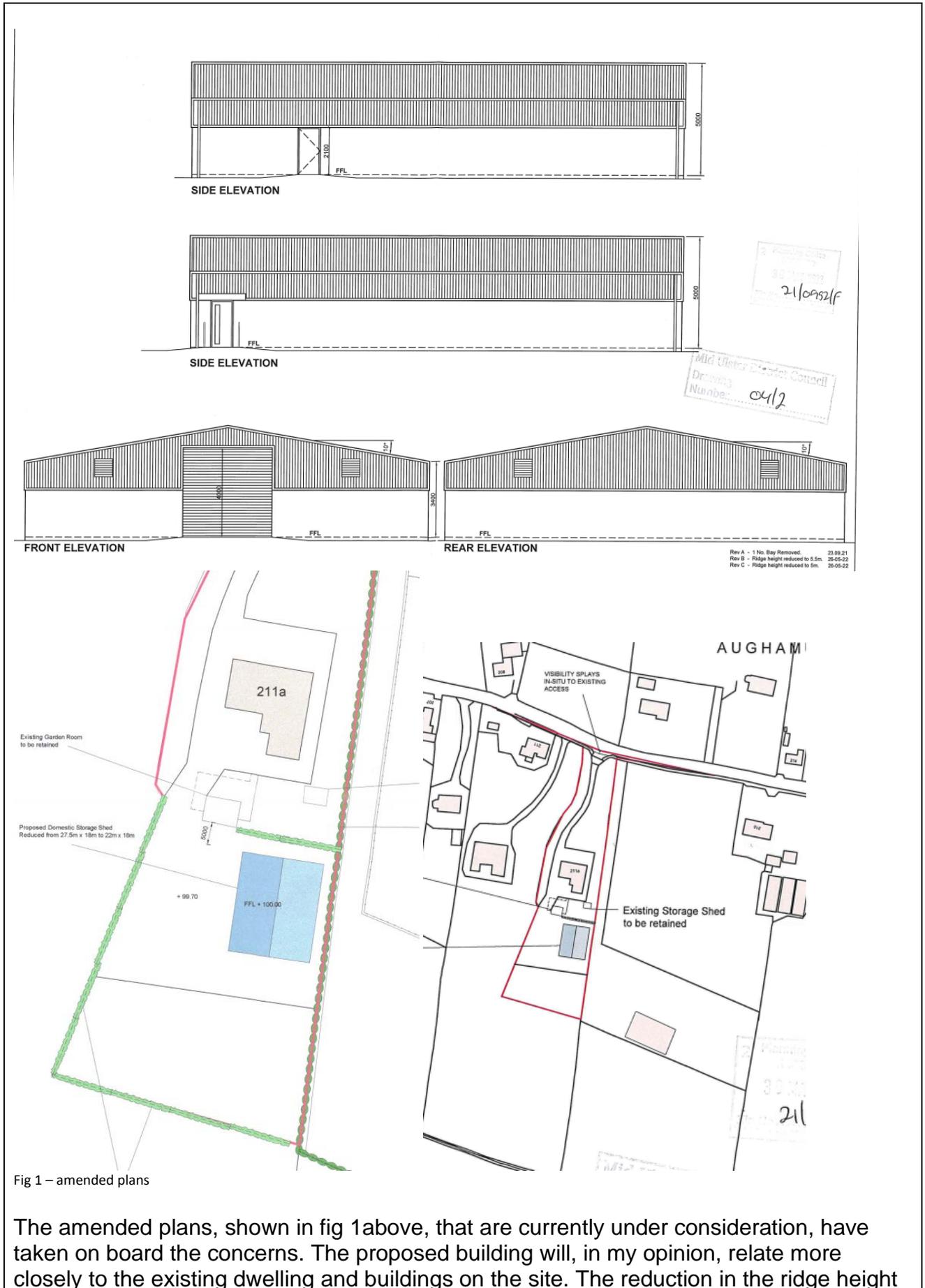


Fig 1 – amended plans

The amended plans, shown in fig 1 above, that are currently under consideration, have taken on board the concerns. The proposed building will, in my opinion, relate more closely to the existing dwelling and buildings on the site. The reduction in the ridge height

will also reduce the prominence of the propose building. Critical views of the site are from Aughamullan direction (photo 1) and in my opinion, given the existing hedge to the east boundary and the backdrop to the rear, I consider the amended scheme will not result in a prominent or dominant development. I consider it appropriate to condition the retention of the existing hedge and to allow it to grow to at least 3m to ensure the continued screening provided by it. When seen with the other approved development in the locality, the appearance is, in my opinion reflective of these and does not appear out of character.



Photo 1 – view from east

The proposed building has a large footprint and the applicant has indicated this is to house a no. of valuable items and vehicles including a bay liner boat, motorhome and no. of vehicle's. As the building has been reduced in height and is reflective of the appearance of the other building around it, I am satisfied that it will integrate and am not overly concerned about the appearance. I do however feel it is necessary to attach a condition to reflect the domestic use of the building and the extended curtilage. I consider it necessary to tie this as ancillary accommodation to the dwelling at 211A Washingbay Road. Members will also be aware of permitted development rights for domestic properties, as bestowed under the Planning (General Permitted Development) Order (NI) 2015. This allows existing properties to extend without requiring the submission of a planning application, in certain circumstances. As this proposal extends the curtilage of the property, I consider it is appropriate to remove these rights for the extended curtilage and that any further development would require planning permission to allow assessment of its impacts on the rural character here.

Taking account of the above considerations and the recommended conditions it is my opinion this application is approved.

Conditions:

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

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

2. The storage shed hereby approved shall be used only for domestic purposes ancillary to the use of the dwelling known as 211A Washingbay Road.

Reason: To prohibit a change to an unacceptable use and in the interest of neighbouring amenity.

3. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order, no buildings, other than that hereby approved shall be erected within the extended curtilage hereby permitted without the grant of a separate planning permission from the Council.

Reason: In the interests of the visual amenity of the surrounding area.

4. All hard and soft landscape works as detailed on drawing no 02/3 bearing the stamp dated 30-MAY-2022 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out within the first planting season following commencement of the development hereby approved. 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 the visual amenity of the surrounding area.

5. Following the commencement of the development hereby approved, the existing hedgerow between points A and B on drawing no 02/3 bearing the stamp dated 30-MAY-2022 shall be allowed to grow to at least 3m in height and be permanently retained at that height or higher.

Reason: In the interests of the visual amenity of the surrounding area.

Signature(s)

Date:



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Mid Ulster
District Council

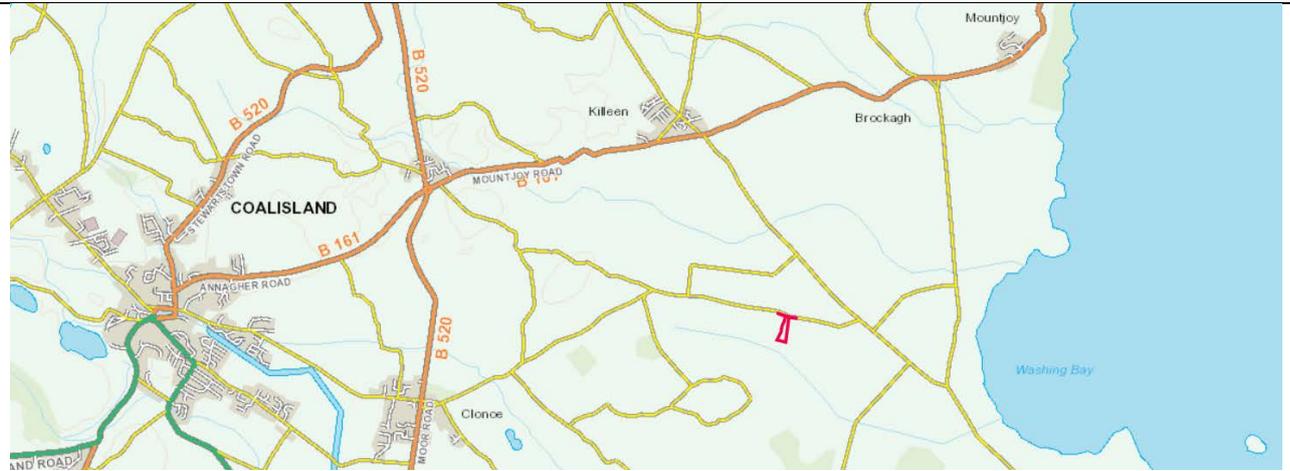
Mid-Ulster
Local Planning Office
Mid-Ulster Council Offices
50 Ballyronan Road
Magherafelt
BT45 6EN

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0952/F	Target Date:
Proposal: Extension to existing curtilage & domestic storage shed.	Location: 45m South of 211a Washingbay Road Coalisland BT71 5EG.
Referral Route: Contrary to Policies CTY1 of PPS 21 & EXT1 of the addendum to PPS7	
Recommendation: Refuse	
Applicant Name and Address: Mr Tony McCuskey 211a Washingbay Road Coalisland BT71 5EG	Agent Name and Address: CMI Planners Ltd 38b Airfield Road Toomebridge BT41 3SG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:		
Consultation Type	Consultee	Response
Non Statutory	DETI - Geological Survey (NI)	No Objection
Representations:		
Letters of Support	None Received	
Letters of Objection	None Received	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	

Description of Proposal

This is a full planning application to extend the curtilage of an existing single storey detached dwelling located at 211a Washingbay Rd Coalisland; and to erection a domestic storage shed within the extended curtilage.

The curtilage is proposed to be extended to the rear / south of the property and would almost double the existing curtilage. The proposed shed has a rectangular floor plan and pitched roof construction and measures approx. 18m in gable depth x 22m in length x 6.3m in height. Finishes include green cladding to the roof and upper half of the walls, grey fair facing block to the lower half of the walls and green cladding panel sliding doors.



Fig 1: Site Plan

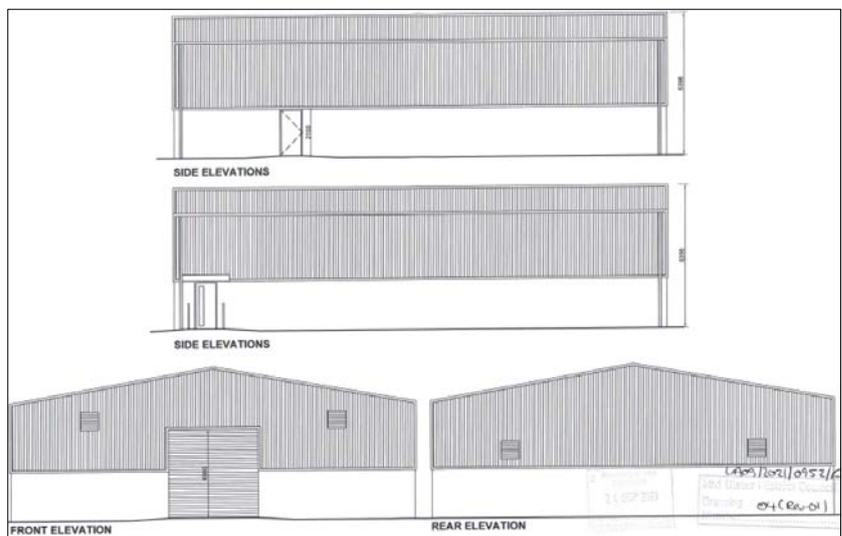


Fig 2: Elevations

Characteristics of the Site and Area

The site is located in the rural countryside outside as depicted under the Dungannon and South Tyrone Area Plan 2010, approx. 4km east of Coalisland and 1.5km west of Lough Neagh.

The site is a long narrow plot containing no. 211a Washingbay Rd a chalet dormer dwelling and its curtilage including a detached sunroom to the rear / west of the dwelling; and agricultural lands to the south of the aforementioned property's curtilage.

The site is a long narrow plot containing no. 211a Washingbay Rd a chalet dormer dwelling and its curtilage including a detached sunroom to the rear / west of the dwelling; and agricultural lands to the south of the aforementioned property's curtilage. The dwelling has a simple rectangular shaped floor plan and pitch roof construction with a 1½ storey front porch and dormers on its front elevation and a dropped pitch rear return offset to its east gable. It has brick walls and dark roof tiles/slates. A garden runs right round but primarily to the front of the dwelling. A tarmac drive runs along the west side of the property's front garden providing access to tarmac area of parking immediately to the front of the property and a concrete amenity area immediately to the rear. A mature hedge and stone access pillars and walls define the roadside boundary of the site. A mature hedge also defines the eastern boundary of the site and the remaining boundaries are undefined.

Views of the site are just before and passing along the roadside frontage of no. 211a; and from an elevated point on the western approach to the site from the Washingbay Rd / Coole Rd junction, looking down towards the site.

The immediate area surrounding the site, comprising relatively flat open topography typical of the Loughshore Area, has come under considerable development pressure in recent years with a no. of dwellings and ancillary buildings lining stretches of the surrounding road network. The site is bound by a relatively newly constructed dwelling to its west and lands immediately to the southeast of the site contain a large shed and concrete yard, the shed is agricultural / commercial in appearance and occupies much of the site as identified.

Planning Assessment of Policy and Other Material Considerations

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

Key Policy Context

Regional Development Strategy

Dungannon and South Tyrone Area Plan 2010

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21: Sustainable Development in the Countryside

Addendum to Planning Policy Statement 7: Residential Extensions and Alterations

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

Representations

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

Relevant Planning History

On Site

- M/1997/0496 - Proposed dwelling - Granted 7th January 1998
- M/2005/2006/F - General purpose shed for 4 No vehicles (commercial), caravan, lawn mower two cars and other domestic items including bicycles, quads, ladders - Withdrawn 14th September 2006
- M/2011/0453/F - New double garage - Granted 16th August 2011

Adjacent Site

- M/2014/0471/F - Site for 2 no dwellings (Infilling gap site) - Granted 11th September 2015

The above application relates to lands located at the roadside between the property on site 211a Washingbay Rd and no. 215 Washingbay Rd.

- M/2012/0590/F - Proposed farm building - Coalisland - Granted 19th June 2013
- LA09/2016/1428/F - Relocation of laneway to service a farm shed approved under M/2012/0590/F with the shed relocated within the approved curtilage 35 m west of the approved location due to ground levels and amended site design - Granted 9th February 2017
- LA09/2017/0897/F - Part use of existing farm shed to provide internal dry storage of plastic bags and plastic wrapping covers in association with the applicants established horticultural business (Evergreen Peat) - Refused 6th February 2020 (Appeal in progress)
- LA09/2019/0489/F - Retention of the existing curtilage for the purposes of parking trailers associated with Evergreen Peat - Refused 7th February 2020

The above applications relate to lands immediately southeast of the current site comprising a large shed of agricultural / commercial appearance and yard.

Consultees

1. DETI - Geological Survey (NI) were consulted as the site is located within an area of constraint on abandoned mines. DETI responded, having assessed the planning proposal in view of stability issues relating to abandoned mine workings, that a search of the Geological Survey of Northern Ireland "Shafts and Adits Database" indicates that the proposed site is greater than 400m from the closest known abandoned mine working.

Dungannon and South Tyrone Area Plan 2010 – The site is located in the rural countryside outside any settlement limit identified within the Plan.

Strategic Planning Policy Statement for Northern Ireland - sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

Planning Policy Statement 21 Sustainable Development in the Countryside – Policy CTY1 of Planning Policy Statement 21 allows for extensions in the countryside where they meet with Policy EXT1 of the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations.

Addendum to Planning Policy Statement 7 Residential Extensions and Alterations – Is the relevant policy for extensions and alterations to residential properties. Policy EXT 1 outlines permission will be granted for a proposal to extend or alter a residential property where all of the following criteria are met:

- (a) the scale, massing, design and external materials of the proposal are sympathetic with the built form and appearance of the existing property and will not detract from the appearance and character of the surrounding area;

Para A11 of the Addendum to PPS7, Justification and Amplification relating to 'Garages and other associated outbuildings', outlines buildings within the residential curtilage, such as, garages, sheds and greenhouses can often require as much care in siting and design as works to the existing residential property. They should be subordinate in scale and similar in style to the existing property, taking account of materials, the local character and the level of visibility of the building from surrounding views. Para. A13 of the Addendum adds that in the countryside, ancillary buildings should be designed as part of the overall layout to result in an integrated rural group of buildings.'

I am not content the proposed shed is domestic in scale, massing, design and external finish as such it is not sympathetic with the built form and appearance of the existing property and would detract from the appearance and character of the surrounding area. The proposed shed is not subordinate to the dwelling on site nor is it similar in style including materials. It has a larger footprint than the property on site and an agricultural / commercial rather than domestic appearance. Furthermore, owing to the location of the shed set back on extended lands to the rear of the property, it does not form an integrated rural group of buildings from critical views detailed above in the Characteristics of the site and Area. In particular on the western approach to the site from the Washingbay Rd / Coole Rd junction, looking down towards the site.

- (b) the proposal does not unduly affect the privacy or amenity of neighbouring residents;

Owing to the location of this proposal to the rear of an existing dwelling and separation distances that that would be retained between the proposed domestic shed and neighbouring properties I am content the privacy or amenity of neighbouring residents should not be unduly affected.

- (c) the proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality;
and

As the proposal is to be located on improved grassland and existing vegetation bounding the site is to be retained it should not cause any loss of, or damage to, trees or other landscape features contributing significantly to local environmental quality.

- (d) sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

As the proposal seeks to extend the curtilage of the property on site to accommodate the proposed shed existing space within the curtilage of the dwelling for recreational and domestic purposes, will be retained.

As detailed above whilst the proposal adheres to criteria (b), (c) and (d), it fails to comply with criteria (a) as such is contrary to Policy EXT of the Addendum to Planning Policy Statement 7 Residential Extensions and Alterations and subsequently Policy CTY 1 of Planning Policy Statement 21 Sustainable Development in the Countryside.

It is noted the agent advised during the processing of this application that the applicant did not have a garage and the size and scale of the shed is required to house a no. of valuable items and vehicles including a bay liner boat, motorhome and no. of vehicle's. The boat, currently in the water shortly to be stored up for winter, had previously been stored in a nephews shed but this is no longer available. The motor home is currently in Donegal and is also coming home for the winter months. These two items alone are large. The motor home is nearly 7 metres long and the boat and trailer similar in size. That to store such items externally would leave them vulnerable to theft. The agent also submitted revised drawing reducing the size and scale of the shed from the outset.

It is the aforementioned revised scheme that has been assessed further above under policy and on that assessment the agent was advised planning concerns remained, that the proposal was contrary to policy. According, on the 11th November 2021 the was offered the opportunity to submit registration documents for vehicles listed; reduce the size of the shed; and site the shed closer to house, for further consideration or the proposal would proceed to the next available Planning Committee on the basis of the information on file. To date no further information has been received.

Additional Considerations

In addition to checks on the planning portal Environment Map (NED) map viewers available online have been checked and identified no built heritage assets of interest on site or immediate vicinity.

Flood Maps NI indicate no flooding on site.

The proposal is under the 10.7m and 15.2m height thresholds in the area requiring consultation to Defence Estates relating to Met Office – Radar. Additionally, whilst the site is located within an area of constraint on wind turbines, this proposal is for the extension to the curtilage of a dwelling a domestic shed.

Case Officer recommendation: Approve

Neighbour Notification Checked	Yes
Summary of Recommendation:	Refuse

Reasons for Refusal:

1. The proposal is contrary to Policies CTY1 of Planning Policy Statement 21 & EXT 1 of the addendum to Planning Policy Statement 7, in that the scale, massing,

design and external materials of the proposal are not sympathetic with the built form and appearance of the existing property and would detract from the appearance and character of the surrounding area.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Deferred Consideration Report

Summary	
Case Officer: Phelim Marrion	
Application ID: LA09/2021/1497/F	Target Date: <add date>
Proposal: Retention of existing access, walls and pillars (amended plans)	Location: 22 Ballynagowan Road Stewartstown Dungannon
Applicant Name and Address: Devlin Enda & Nuala 22 Ballynagowan Road Stewartstown Dungannon	Agent Name and Address: Seamus Donnelly 80A Mountjoy Road Aughrimderg Coalisland BT71 5EF
Summary of Issues: This application is for retention of a new access, gates, piers and walls. Amended plans have been provided to show railings and the walls reduced in size to reflect other entrances in the immediate area.	
Summary of Consultee Responses: DFI Roads - advise conditions to be attached it the Council decide to approve	
Characteristics of the Site and Area: The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character and predominantly characterised by agricultural fields, groups of farm buildings and single rural dwellings. The application site comprises a new access onto Ballynagowan Road and a gate constructed in timber close boards. There is also blockwork pillars with spacing between	

them for wrought iron railing. The gates and pillars are set back from the roadside boundary.

Alongside the new access is an existing lane to the dwelling and outbuildings at No. 22 which is the applicant's home address. At the site is a building which has the appearance of an agricultural shed which was approved under LA09/2019/0037/F.

Description of Proposal

This is a full application for the retention of existing access, walls and pillars at 22 Ballynagowan Road, Stewartstown, Dungannon.

Deferred Consideration:

This application was before the Planning Committee in January 2022 where it was agreed to defer it for a meeting with the Service Director. At the meeting the applicants advised they had been granted planning permission for the arts studio for their own use, the applicants are artists, and this is where they work. It is not open to the public as the art works are commissioned pieces. During the construction of the approved building there was a land dispute that has resulted in them not being able to use the front part of the existing lane to access their property. They have had to create a new access to serve their own dwelling as well as the arts studio. The entrance walls and piers are modelled on those to Stewart Hall, a locally important building in the area. The applicants advised they were willing to soften the impact of the development by planting trees and have already planted hedging to the rear of the

Following the meeting I visited the site where the applicants were able to show me the gates and railings that will be erected on the site. They also showed me the Carland Stone that will be used to face the walls and piers and accepted the piers were high but undertook to revise the plans to show these reduced in height. It was explained the wooden fences and gates are temporary and these are not what will be kept.

Amended plans were received on 8 July 2022 and these were advertised and neighbours and contributors were advised of the amendments. The proposal has reduced the piers at the roadside from 2.4m to 2.175m and indicates these will be dressed with Carland Stone. The walls will be broken up with wrought iron railings in them and the gates will also be wrought iron.



Fig 1 – impression of how gates and railing will appear.

Views of the gate and walls are limited to immediately in front of them and for a short distance to the west. (Fig 2 and 3).



Figs 2 & 3 – site from east and west

A new Portuguese laurel hedge has been planted to the rear of the wall here and this will screen the view off them from this direction. (Fig 4)



Fig 4 – Portuguese laurel hedge to rear of piers (piers to be reduced)



Fig 5 – trees planted behind the new wall

This type of development is assessed under CTY13 which notes that ornate walls and gates may be obtrusive. In this area there is a tendency to provide large access ways and walls at the entrances (Appendix A). Given that the proposal is only visible for a short stretch of the adjacent road and this type of access is abundant in the local area, I do not consider it is so out of character as to warrant refusal. I consider it is necessary to attach conditions to ensure the landscaping is carried out and maintained, the sight lines are kept clear and the piers at the roadside are reduced.

In light of the above I recommend this application is approved.

APPENDIX 1 – Other entrances in the locality



To the west along the same road



To the west along the same road



Roadway to the west



Road to the west



Farm access



Access to dwelling



Access to dwelling

Conditions:

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

Reason: This is a retrospective application.

2. Within 6 weeks of the date of this decision the pillars shall be reduced to 2.175m in accordance with the details shown on drawing No 02 Rev 1 bearing the stamp dated 08 JUL 2022.

Reason: In the interests of visual amenity

3. All hard and soft landscape works as detailed on drawing no 02 Rev 1 bearing the stamp dated 08 JUL 2022 shall be carried out in accordance with the approved details and the appropriate British Standard or other recognised Codes of Practise. The works shall be carried out within the first planting season following the date of this decision. 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

4. Within 6 weeks of the date of this decision, visibility splays of 2.4mx 60.0m in both directions shall be provided in accordance with the details as shown on drawing No 02 Rev 1 bearing the stamp dated 8 JUL 2022. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter.

Reason: In the interests of road safety and the convenience of road users.

Signature(s)

Date:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 01/02/2022	Item Number:
Application ID: LA09/2021/1497/F	Target Date:
Proposal: Retention of existing access, walls and pillars	Location: 22 Ballynagowan Road Stewartstown Dungannon
Referral Route: 1. Contrary to CTY 1 – Development in the Countryside in PPS 21 Sustainable Development in the Countryside in that no justification has been provided for a new access to the building and the building is unauthorised. 2. Contrary to CTY 13 – Integration and Design of Buildings in the Countryside in PPS 21 Sustainable Development in the Countryside in that ancillary works do not integrate with their surroundings. 3. Contrary to CTY 14 – Rural Character in PPS 21 Sustainable Development in the Countryside in that the impact of ancillary works would damage rural character. 4. Contrary to AMP 2 – Access to Public Roads in PSP 3 – Access, Movement and Parking in that in that no justification has been provided for a new access to the building and the building is unauthorised.	
Recommendation:	Refusal
Applicant Name and Address: Enda & Nuala Devlin 22 Ballygowan Road Stewartstown	Agent Name and Address: Seamus Donnelly 80A Mountjoy Road Aughrimderg Coalisland BT71 5EF
Executive Summary: The proposal is for the retention of an access, walls and pillars onto the Ballynagowan Road. LA09/2019/0037/F granted planning permission for a building to serve as a garage and private art studio associated with the dwelling at No. 22 Ballynagowan Road. The new	

access serves this building. The building has been moved further forward on the site and the building is being used for commercial purposes. This is contrary to condition 4 of LA09/2019/0037/F which states the building shall not become a separate planning unit used as a commercial premises.

Signature(s):

Case Officer Report

Site Location Plan



Consultations:

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

Representations:

Letters of Support	None Received
Letters of Objection	3
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Characteristics of the Site and Area

The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character and predominantly characterised by agricultural fields, groups of farm buildings and single rural dwellings.

The application site comprises a new access onto Ballynagowan Road and a gate constructed in timber close boards. There is also blockwork pillars with spacing between them for wrought iron railing. The gates and pillars are set back from the roadside boundary. Alongside the new access is an existing lane to the dwelling and outbuildings at No. 22 which is the applicant's home address. At the site is a building which has the appearance of an agricultural shed which was approved under LA09/2019/0037/F.

Description of Proposal

This is a full application for the retention of existing access, walls and pillars at 22 Ballynagowan Road, Stewartstown, Dungannon.

Planning Assessment of Policy and Other Material Considerations

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

Representations

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

The first objection was received on the 19th October 2021 and no address has been given, just the name James F. The second objection was received on the 17th November 2021 and the signature was unreadable. The third objection was received on the 20th December 2021 and again was anonymous, just signed concerned environmentalist. But all three letters raise similar issues which are summarised and rebutted below.

Road Safety Issues

The Ballynagowan Road is a minor road and there are now two lanes coming from this property and where is the need for another access at the site. The objector states there is the potential for two separate vehicles to be accessed off both lanes at the same time which will create a road safety issue. In addition, the road is not suitable for industrial use as there are already a number of farms along the road. In terms of road safety DFI Roads were consulted as were content subject to achieving visibility splays of 2.4m x 60m in both directions. I would agree with the objector and would have concerns about the need for another access from this site. The nature of the use of the building is discussed in the assessment.

The Prominence of the Walls and Pillars

The objectors states the walls and pillars are a prominent feature in the landscape. The objector states they do not meet the criteria in CTY1, CTY13 and CTY14 in PPS 21. It is stated the new access does not integrate well into the landscape and this is an agricultural area, and the height and style of the pillars is inappropriate for the landscape.

As discussed below I consider the walls and pillars are prominent and will have an unacceptable impact on rural character.

Use of the building for non-domestic uses

The objector states that it is clear the building at the application site is not a domestic property. In rebuttal this issue is discussed in the assessment below.

Administrative Issues with the P1 form

The applicant has ticked Q12 which is for the existing unaltered access to a public road and this is something which can be rectified by the applicant.

The objectors state Q25 has not been filled and it is claimed the use is operating as a commercial enterprise from the building. The objector also states a Transport Assessment is needed. The assessment whether the use at the building is commercial is considered below. DFI Roads were consulted and were content with the road safety of the new access subject to visibility splays.

Planning History

LA09/2019/0037/F - Proposed domestic garage and private art studio - 22 Ballynagowan Road, Stewartstown, Dungannon – Permission Granted 10.05.2019

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Cookstown Area Plan 2010

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

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

PPS 3 Access, Movement and Parking

Policy AMP 2 (Access to Public Roads) is the relevant policy test in this instance. AMP 2 states that planning permission will only be granted for a development involving direct access, or in the intensification of the use of an existing access, onto a public road where:

- It will not prejudice road safety or significantly inconvenience the flow of traffic
- The proposal does not conflict with Protected Routes policy

Ballynagowan Road is not a protected route so there is no conflict with this part of the policy.

DFI Roads have been consulted with this application and have advised that a new access is acceptable subject to visibility splays of 2.4m x 60m in both directions.

Overall, I am content the proposal will not prejudice road safety or conflict with the Protected Routes policy but as discussed below consideration is also given to the number of access points along a road and the nature and scale of the development at the site. In this case the planning history for the building at the site is particularly relevant in the discussion.

LA09/2019/0037/F granted approval for a building which would serve as a garage and private art studio. As this was a domestic building it was proposed the garage would be accessed via the existing laneway off Ballynagowan Road. This proposal is for retention of a new separate access to the studio. As shown in figure 1 below this building was to be located in the southwest corner of the site close to the dwelling and shed at No. 22.

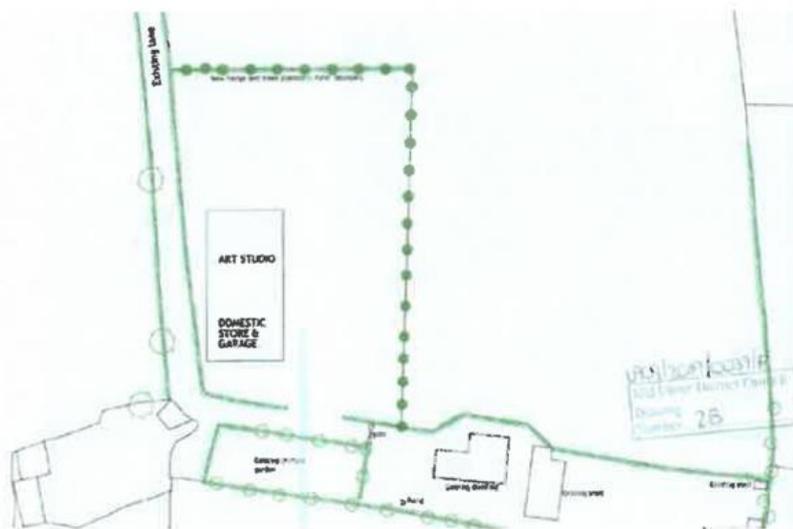


Figure 1 – Snapshot of approved block plan in LA09/2019/0037/F

In this application currently being assessed the applicant has shown the garage/studio further forward on site than what was approved. In an email dated 4th January 2022 the applicant acknowledges that the location of the building is not in the exact siting but still within the original red line. They state the ground level in the field from the dwelling at No. 22 falls away towards the roadside and it was more cost effective to build towards the roadside. In the assessment for LA09/2019/0037/F it was agreed the design similar to an agricultural shed and the proposed location in the corner of the shed would assist in integration in critical views of the building. So it was approved the building would be as close as possible to the existing group of buildings at No. 22 and use the existing laneway.

Condition 4 of LA09/2019/0037/F states the building shall not become a separate planning unit used as a commercial premises. In an email dated 4th January 2022 the applicants state the art studio and domestic garage is not used for commercial purposes. I have concerns that the studio is being used for a commercial business. The studio is registered as 22A Ballynagowan Road on Spatial NI as a separate address and as shown in figure 2 has a post box. There is a website Devlin in Design associated with this address as on the website the studio has this address as a contact point. The applicants argue the studio and

garage are not used for commercial purposes and only store art materials, work on large pieces and have delivery of materials to this building. The applicants also state they work irregular hours on a number of pieces and argue they are artists and not a commercial business with pieces of art on display and a shop that customers can come in and browse to buy. The website states they have been in business for over 15 years and work on private or commercial projects and list all the businesses they have done work for. The businesses include hotels, cruise ships, universities and restaurants. In a supporting statement for planning approval LA09/2019/0037/F the applicants stated they currently worked out of a unit at Castlebay Business Centre and they did not work regular 9 to 5 hours. They needed the flexibility of having a studio near to their dwelling to take on more contracts.



Figure 2 – Image from the site visit showing a separate address for the studio

I consider the retention of the new access is not acceptable as there is no need for an additional access to the site and no justification has been provided why an additional access is needed to the building if the use is only for domestic purposes. I am of the opinion an access that may serve a commercial enterprise would be detrimental to the rural character of the area. The main uses within the surrounding area are agricultural farm holdings and residential in single dwellings.

Overall I consider the proposal does not meet the criteria in AMP 2 in PPS 3.

PPS21: Sustainable Development in the Countryside: sets out planning policies for development in the countryside. Policy CTY 13 deals with integration with particular reference to criterion (d) which states that a new building will be unacceptable where the ancillary works do not integrate with their surroundings. Para 5.72 of the justification and amplification text states that a new access drive should, as far as practicable, be run unobtrusively alongside existing hedgerows or wall lines and be accompanied by landscaping measures.

CTY 13 – Integration and CTY 14 – Rural Character

As shown in figure 3 below the new access runs along the boundary of the existing lane which I consider is acceptable.



Figure 3 – Image from Google Maps July 2021

Figure 4 shows an image of the walls and pillars on the site. The gate has external materials of close board wooden boards and the pillars are proposed sandstone walls/pillars with wrought iron railing between the walls and pillars.



Figure 4 – Image from the site visit of wooden gates and pillars

The concrete pillars are 2.4m in height and at the time of my site visit on the 12th November 2021 they were under construction and had blockwork finishes. The applicant has shown in submitted the pillars will be finished in sandstone and will have wrought iron railing in between the pillars. I am of the opinion the scale, massing and design of the pillars and walls is excessive for an entrance in the countryside. The walls and pillars sweep round in a large semi-circle and are set back from the road which is unacceptable for an access in a rural area. As stated in paragraph 5.71 in PPS 21 on occasion new accesses can be more obtrusive than the building itself, particularly if they include ornate walls, gates and fencing. Consequently the walls and pillars are detrimental to rural character and do not meet criteria e in CTY 14.

I consider the proposal does not meet CTY 13 and CTY 14 in PPS 21.

Neighbour Notification Checked Yes

Summary of Recommendation:

The proposal is recommended for refusal as the access, walls and pillars are detrimental to rural character and no justification has been provided why a separate access is needed to the building if it is for domestic use. The building approved under LA09/2019/0037/F has not been constructed in the approved location and is being used for commercial use.

Reasons for Refusal:

1. Contrary to CTY 1 – Development in the Countryside in PPS 21 Sustainable Development in the Countryside in that no justification has been provided for a new access to the building and the building is unauthorised.
2. Contrary to CTY 13 – Integration and Design of Buildings in the Countryside in PPS 21 Sustainable Development in the Countryside in that ancillary works do not integrate with their surroundings.
3. Contrary to CTY 14 – Rural Character in PPS 21 Sustainable Development in the Countryside in that the impact of ancillary works would damage rural character.
4. Contrary to AMP 2 – Access to Public Roads in PSP 3 – Access, Movement and Parking in that in that no justification has been provided for a new access to the building and the building is unauthorised.

Signature(s)

Date:

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 6 September 2022 in Council Offices, Ballyronan Road, Magherafelt and by virtual means

Members Present	Councillor Mallaghan, Chair
	Councillors Bell, Black, Brown*, Clarke, Colvin, Corry, Cuthbertson, Glasgow, Martin*, McFlynn, McKinney, D McPeake, S McPeake, Quinn*
Officers in Attendance	Dr Boomer, Service Director of Planning (SD: PI) Mr Bowman, Head of Strategic Planning (HSP) Ms Doyle, Head of Local Planning (HLP) Mr Marrion, Senior Planning Officer (SPO) Mr McClean, Senior Planning Officer (SPO) Ms McKinless, Senior Planning Officer (SPO) Ms Scott, Council Solicitor Mr Stewart, Senior Planning Officer (SPO) Miss Thompson, Democratic Services Officer
Others in Attendance	Councillor Gildernew*** Councillor S McGuigan*** Councillor Molloy***
	LA09/2021/1656/O Mr Caddoo

* Denotes members and members of the public present in remote attendance

** Denotes Officers present by remote means

*** Denotes others present by remote means

The meeting commenced at 7.00 pm

P110/22 Notice of Recording

Members noted that the meeting would be webcast for live and subsequent broadcast on the Council's You Tube site.

P111/22 Apologies

Councillor Robinson.

P112/22 Declarations of Interest

The Chair reminded members of their responsibility with regard to declarations of interest.

Councillor S McPeake declared an interest in agenda item 5.13 - LA09/2021/1404/F and agenda item 6.1 - LA09/2017/1349/F.

P113/22 Chair's Business

The Chair, Councillor Mallaghan congratulated Councillor Black on his recent marriage.

The Service Director of Planning referred to the below applications which were on the agenda for determination and sought approval to have the following applications deferred from tonight's meeting schedule for an office meeting / submission of further information –

Agenda Item 5.1 - LA09/2019/0941/F - New roof to improve acoustic performance at 23 Molesworth Street, Cookstown for 1 Oak Leisure. (Submission of Information)

Agenda Item 5.2 - LA09/2019/0978/LBC - Upgrade the existing roof of Lanyon Hall night club at 21-23 Molesworth Street Cookstown for 1 Oak Leisure. (Submission of Information)

Agenda Item 5.6 - LA09/2020/0757/F - Change of use from yard to smoking area with associated internal alterations to provide access at 86 Chapel Street, Cookstown for Raymond Forbes. (Submission of Information)

Agenda Item 5.8 - LA09/2021/0676/O - Relocation of approved site LA09/2018/1646/O to opposite side of road at 70m SW of 11 Motalee Road, Magherafelt for Mrs Gillian Montgomery. (Office Meeting)

Agenda Item 5.13 - LA09/2021/1404/F - Refurbishment alteration & extension of existing public house into neighbouring property & the associated change of use of ground floor hot food carry-out to public house & 1st floor apartment to office, removal of 1st floor public house space at rear to create enclosed ground floor beer garden area at 26- 30 Queen's Street, Magherafelt for H J Downey Ltd. (Office Meeting)

Agenda Item 5.14 - LA09/2021/1425/F - Dwelling and domestic garage at approx. 140m SW of 93A Ballynagarve Road, Magherafelt for Mr Darren McIvor. (Office Meeting)

Agenda Item 5.15 - LA09/2021/1568/F - Retention of shed (farm diversification development) at 95m SE of 133 Bush Road, Coalisland for Adrian McCann. (Office Meeting)

Agenda Item 5.17 – LA09/2021/1651/O - Dwelling (Revised Land Ownership Certificate) at lands W of 69 Derrylaughan Road, Coalisland, for Pamela Quinn. (Office Meeting)

Agenda Item 5.22 - LA09/2022/0137/F - New vehicular access to be paired with the existing vehicular access to at 47 Killyneill Road, Dungannon for David Moore. (Office Meeting)

Agenda Item 5.23 - Site for dwelling and garage at lands approx. 100m SW of 111 Dunnamore Road, Cookstown for Mr Noel Corey. (Office Meeting)

Agenda Item 5.24 - PPE manufacturing, production, distribution and controlled storage facility with research and development, innovation and sustainability centre with associated site works, landscaping and new vehicular access at lands opposite 80 Aughrim Road, Magherafelt for Bloc Ppe Ltd. (Office Meeting)

Agenda Item 5.28 - Retrospective application for the retention of farm dwelling at 59 Derryvaren Road, Coalisland for Mr James Campbell. (Office Meeting)

Councillor McFlynn asked for more detail in relation to agenda item 5.13 as information had not been received that this application would be a deferral.

The Chair, Councillor Mallaghan referred to the request from the objector for a deferral however it was confirmed by the officer that all objections have been considered within the report.

Councillor S McPeake stated that he had declared an interest in this application and was going to speak on it if required and sought clarification on whether the application was to be deferred.

The Chair, Councillor Mallaghan clarified that as all objections have been considered in the officer report there was no need to defer agenda item 5.13 and the application could be considered tonight.

Proposed by Councillor Bell
Seconded by Councillor Corry and

Resolved That the planning applications listed above (with the exception of agenda item 5.13) be deferred for an office meeting / submission of information as outlined.

Matters for Decision

P114/22 Planning Applications for Determination

The Chair drew Members attention to the undernoted planning applications for determination.

LA09/2019/0941/F New roof to improve acoustic performance at 23 Molesworth Street, Cookstown for 1 Oak Leisure

Agreed that application be deferred for further information to be submitted earlier in meeting.

LA09/2019/0978/LBC Upgrade the existing roof of Lanyon Hall night club at 21-23 Molesworth Street Cookstown for 1 Oak Leisure

Agreed that application be deferred for further information to be submitted earlier in meeting.

LA09/2019/1271/O Dwelling in a cluster at 20m W of 6 Derry Row, Coalisland, for Patrick McGrath

Members considered previously circulated report on planning application LA09/2019/1271/O which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor Corry and

Resolved That planning application LA09/2019/1271/O be approved subject to conditions as per the officer's report.

LA09/2020/0150/F 5 no. glamping pods, amenity space and associated external works at lands 140m SW of 11 Crancussy Road, Cookstown for Paul and Damien McHugh

Application withdrawn.

LA09/2020/0667/F Housing development of 7 no. dwelling units adjacent to and immediately W of 10 Oldmill Court, Moneymore for Colm Bell

Members considered previously circulated report on planning application LA09/2020/0667/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Corry and

Resolved That planning application LA09/2020/0667/F be approved subject to conditions as per the officer's report.

LA09/2020/0757/F Change of use from yard to smoking area with associated internal alterations to provide access at 86 Chapel Street, Cookstown for Raymond Forbes

Agreed that application be deferred for submission of further information earlier in meeting.

LA09/2020/1019/F Change of use and extensions to dwelling to provide a multi purpose health and well being centre at 30 Coleraine Road, Maghera for Michael Kelly

Members considered previously circulated report on planning application LA09/2020/1019/F which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor Corry and

Resolved That planning application LA09/2020/1019/F be approved subject to conditions as per the officer's report.

LA09/2021/0676/O Relocation of approved site LA09/2018/1646/O to opposite side of road at 70m SW of 11 Motalee Road, Magherafelt for Mrs Gillian Montgomery

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/0698/F Retention of and additional concrete walls and yard area at land at 9 Crubinagh Road, Dungannon, for Adrian Daly

Members considered previously circulated report and addendum on planning application LA09/2021/0698/F which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2021/0698/F be approved subject to conditions as per the officer's report.

LA09/2021/1018/O Dwelling and garage at 70m SE of 5A Drumlamph Lane, Castledawson for Cathal Shivers

Members considered previously circulated report on planning application LA09/2021/1018/O which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2021/1018/O be approved subject to conditions as per the officer's report.

LA09/2021/1217/F Change of house type at 61 Clauneo Meadows, Clonoe, Dungannon for Roxborough Plant and Construction Ltd

Members considered previously circulated report on planning application LA09/2021/1217/F which had a recommendation for approval.

Proposed by Councillor Corry
Seconded by Councillor Clarke and

Resolved That planning application LA09/2021/1217/F be approved subject to conditions as per the officer's report.

LA09/2021/1290/O Dwelling & garage on a farm at lands 200m SW Of 39 Draperstown Road, Desertmartin for Anthony Bradley

Members considered previously circulated report on planning application LA09/2021/1290/O which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor McKinney and

Resolved That planning application LA09/2021/1290/O be approved subject to conditions as per the officer's report.

LA09/2021/1404/F Refurbishment alteration & extension of existing public house into neighbouring property & the associated change of use of ground floor hot food carry-out to public house & 1st floor apartment to office, removal of 1st floor public house space at rear to create enclosed ground floor beer garden area at 26- 30 Queen's Street, Magherafelt for H J Downey Ltd

Members considered previously circulated report on planning application LA09/2021/1404/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Clarke and

Resolved That planning application LA09/2021/1404/F be approved subject to conditions as per the officer's report.

LA09/2021/1425/F Dwelling and domestic garage at approx. 140m SW of 93A Ballynagarve Road, Magherafelt for Mr Darren McIlvor

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/1568/F Retention of shed (farm diversification development) at 95m SE of 133 Bush Road, Coalisland for Adrian McCann

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/1604/O Site for a two storey dwelling at 70m SE of 43 Fallylea Lane, Fallylea, Maghera for Margaret McCrystal

Members considered previously circulated report and addendum on planning application LA09/2021/1604/O which had a recommendation for approval.

Proposed by Councillor Corry
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2021/1604/O be approved subject to conditions as per the officer's report.

LA09/2021/1651/O Dwelling (Revised Land Ownership Certificate) at lands W of 69 Derrylaughan Road, Coalisland, for Pamela Quinn

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/1656/O Dwelling & detached garage at approx. 50m SE of 12 Tulnavern Road, Ballygawley, for Luke Hanna & Amy Gilmour

Mr Marrion (SPO) presented a report on planning application LA09/2021/1656/O advising that it was recommended for refusal.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Caddoo to address the committee.

Mr Caddoo stated he was the agent for the application and stated that although there was a separation he highlighted policy documents and in particular page 84 of 'Building on Tradition' which shows a number of examples where there can be separation from the farm buildings but that the farm lane can still be utilised. Mr Caddoo stated to the best of his knowledge there had been no request to provide supporting evidence for the alternative site but that in his opinion this was a valid option. Mr Caddoo stated that other sites offered little to no potential to build upon due to water courses. At this point Mr Caddoo's presentation became interrupted due to connection issues.

The Service Director of Planning stated that looking at the site map there was an obvious problem with infill. The SD: PI asked what the building was closer to the junction.

Mr Caddoo stated this was a Presbyterian Church.

The SD: PI suggested that an office meeting be held in order to discuss this application further.

Councillor Cuthbertson stated he was familiar with the road and that there is the Presbyterian Church and an old mill which sells antiques also close by. Councillor Cuthbertson stated he felt there may be a case for a cluster with a focal point or that an alternative site on the farm could be identified. Councillor Cuthbertson proposed that the application be deferred for an office meeting.

Councillor Black seconded Councillor Cuthbertson's proposal.

Resolved That planning application LA09/2021/1656/O be deferred for an office meeting.

LA09/2021/1677/F Dwelling and garage at 20m N of 9 Coolshinney Road, Magherafelt for Kyle McElhatton

Members considered previously circulated report on planning application LA09/2021/1677/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Black and

Resolved That planning application LA09/2021/1677/F be approved subject to conditions as per the officer's report.

LA09/2021/1772/O Dwelling, domestic garage and associated works at lands approx. 30m S of 29 Tullyglush Road, Ballygawley for Mr Liam Farrell

The Service Director of Planning highlighted that there had been a request by the agent to speak to the Committee on the application and that there was then a later request for deferral. The SD: PI stated he was content to accommodate an office meeting for the application.

Proposed by Councillor McKinney
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2021/1772/O be deferred for an office meeting.

LA09/2022/0042/F Replacement dwelling and garage at land approx. 100m NW of 12 Lisnagleer Road, Dungannon for Derek Montgomery

Members considered previously circulated report on planning application LA09/2022/0042/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Glasgow and

Resolved That planning application LA09/2022/0042/F be approved subject to conditions as per the officer's report.

LA09/2022/0137/F New vehicular access to be paired with the existing vehicular access to at 47 Killyneill Road, Dungannon for David Moore

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2022/0234/O Site for dwelling and garage at lands approx. 100m SW of 111 Dunnamore Road, Cookstown for Mr Noel Corey

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2022/0269/O PPE manufacturing, production, distribution and controlled storage facility with research and development, innovation and sustainability centre with associated site works, landscaping and new vehicular access at lands opposite 80 Aughtim Road, Magherafelt for Bloc Ppe Ltd

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2022/0278/F Alterations, refurbishment & extension of existing vacant stone structure to the rear, to provide new residential flats & office accommodation at the rear of 31 Union Street, Cookstown for Bell Contracts

Members considered previously circulated report on planning application LA09/2022/0278/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Clarke and

Resolved That planning application LA09/2022/0278/F be approved subject to conditions as per the officer's report.

LA09/2022/0283/F Replacement dwelling & new dwelling (LA09/2020/0899/O) at 71 Anneeter Road, Coagh, Cookstown for Mr Charles Mallon

The Chair, Councillor Mallaghan highlighted that there was a request to speak and a further request for the application to be deferred.

Proposed by Councillor Bell
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2022/0283/F be deferred for an office meeting.

LA09/2022/0396/F Replacement dwelling and garage at 12 McKenna's Lane, Bellaghy, for William McCorry

Members considered previously circulated report on planning application LA09/2022/0396/F which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor Bell and

Resolved That planning application LA09/2022/0396/F be approved subject to conditions as per the officer's report.

LA09/2022/0437/F Retrospective application for the retention of farm dwelling at 59 Derryvaren Road, Coalisland for Mr James Campbell

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2022/0547/RM Dwelling and garage on a farm at 100m S of 1 Eglis Road, Dungannon for Darren Simpson

Members considered previously circulated report on planning application LA09/2022/0547/RM which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Glasgow and

Resolved That planning application LA09/2022/0547/RM be approved subject to conditions as per the officer's report.

LA09/2022/1110/F Vary conditions 3, 37,38 and 39 of LA09/2016/1307/F (Construction of proposed motorsport racetrack to include: ancillary buildings (pit garages/hospitality/media centre/press area; medical centre; shower block; creche; mission hall; and restaurant area & spectator gallery); associated car parking; landscaping; acoustic banking; sound barriers; associated site works; relocated recycling area; internal loop road; and public link road between Dungannon Road and Derry Road with access points on Derry Road (2No.) and Dungannon Road (1No.) at Clay Pits, Dungannon Road, Coalisland) at Clay Pits, Dungannon Road, Coalisland, for Barrack Hill Quarries

The Service Director of Planning referred to the officer report and highlighted that as an objection had been received on the application it therefore had to come before Committee. The SD: PI referred to the previous date of permission and the date of tonight's meeting and the potential for the previous permission to have lapsed and it was advised that legal opinion had been sought on whether the Committee could take a decision on the application. The SD: PI advised of legislation regarding interpretation of dates and stated that the date on the permission is not counted. As a result, the Committee does have the ability to determine the application tonight and highlighted that all required consultations have already taken place. The SD: PI highlighted the officer report which recommended partial approval and partial approval of the application.

Councillor Cuthbertson asked if the date on a permission certificate is not counted what date is taken into consideration.

The SD: PI advised it is the date the decision is made.

Councillor Cuthbertson asked would the date the decision is made not be before the date of a permission certificate.

The SD: PI stated that, in this case, when the original application was brought to Committee and agreed to be approved, the detail and wording of the conditions of approval were left to himself to determine. When the process of finalising the conditions of approval was complete the date of approval was the date the decision notice was issued. The SD: PI stated that if the Committee makes a decision on this application tonight then this can be the date of the decision however this has to be held for five days before issuing due to call in procedures.

Councillor Glasgow stated he understood the comments of the SD: PI and that the application had been approved subject to conditions being finalised and that the date of approval is being taken as the date those conditions were finalised and issued.

The SD: PI stated there are a lot of grey areas in planning and that the Committee can only take a decision based on the information before them and the law to date. The SD: PI stated that legal opinion was requested in respect of the application and that the advice received was clear. Due to an Interpretation Act five years can be taken from the date of the previous decision and that he was content a decision could be taken on the application tonight.

Proposed by Councillor Clarke
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2022/1110/F be partially refused and partially approved. Variation of condition 3 should be refused. Conditions 37, 38 and 39 should be allowed to be varied to wording as per appendix 1 of officer report.

LA09/2017/1349/F Animal isolation and farm machinery storage shed (amended plans) at Approx. 120m SE of 37 Rocktown Lane, Knockloughrim for Mr Stephen Scullion

Members considered previously circulated report on planning application LA09/2017/1349/F which had a recommendation for approval.

Councillor McKinney highlighted that this application has been in the system a long time and that Councillor Gildernew had also been in attendance at the site meeting.

Proposed by Councillor D McPeake
Seconded by Councillor McKinney and

Resolved That planning application LA09/2017/1349/F be approved subject to conditions as per the officer's report.

LA09/2021/0455/F Change of house type on sites 24 to 66 at 40m NE of Currans Brae and 120m NW of 92 Gorestown Road, Moy for MDK Construction

Members considered previously circulated report on planning application LA09/2021/0455/F which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2021/0455/F be approved subject to conditions as per the officer's report.

LA09/2021/0734/RM 2 dwellings and garages at lands between 61 and 65 Kilnacart Road, Dungannon, for Mr Thomas Cassidy

Members considered previously circulated report on planning application LA09/2021/0734/RM which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2021/0734/RM be approved subject to conditions as per the officer's report.

LA09/2021/1038/F Change of use from domestic garage & store to living accommodation at the rear of 155 Moore Street, Aughnacloy for Bernie Corley

Application withdrawn.

LA09/2021/1182/F Retention of farm and factory shop and associated works at approx. 70m NE of 70 Drumgrannon Road, Dungannon for George Troughton

Mr Marrion (SPO) presented a report on planning application LA09/2021/1182/F advising that it was recommended for refusal.

Councillor McKinney referred to the reference that if the committee were minded to approve the application then restrictions could be added as to the items which are sold in the shop and asked what view the applicant had on this.

The SD: PI advised that the applicant had already used their opportunity to speak to the Committee previously and that there had also been an office meeting to discuss the application. The SD: PI stated that if a farm shop operates and only sells goods from the farm then planning permission is not required however what exists in this instance is a shop that sells a few goods from the farm but also a number of other products brought in from other places. The SD: PI highlighted the objection from Roads Service in relation to vehicles coming off/going on to a protected route and also objections from neighbours in relation to road safety. He stated that the Committee is determining if expansion on to a protected route should be permitted. The SD: PI stated that if the application is refused then the applicant has right of appeal and urged Members to be cautious in justifying why the application has been allowed on to a protected route.

Councillor McKinney stated that it appeared from the comments of the SD: PI that the choice of selling a reduced range of produce is not on the applicant's agenda. The Councillor highlighted that accidents happening were out of the control of Members.

Councillor Cuthbertson stated that he had been to the site visit and that the footprint of the shop is not large or overbearing. The Councillor stated there was probably no farm shop in the country that was not selling produce from locations other than that farm. Councillor Cuthbertson referred to the report and the objector's reference to counting 189 vehicles and that there was no other information to refute this. The Councillor felt that if the applicant was asked to produce a road traffic survey this would have to have been done by an accredited company and that it was unfair just to accept the 189 vehicle count. Councillor Cuthbertson highlighted a previous decision to allow an entrance onto the A4 out of a field which there was no established development on. In this case there is established development on the

lane of a farm unit and house and that refusing the application will not do away with traffic coming out onto the road. Councillor Cuthbertson stated that the last fatalities on the road were on a Sunday morning further along this stretch of road and that he was not aware of any accidents occurring from vehicles entering or exiting the site. The Councillor referred to Roads Services objection which he felt is a standard response but highlighted that they have never set out what they are going to do to improve this section of the road. Councillor Cuthbertson felt that in the current economic climate, any business and employment should be encouraged and proposed that the application be approved.

The Chair, Councillor Mallaghan felt that the Committee should err on the side of caution in relation to road safety, particularly when advice has been received from a professional organisation. The Chair asked the agent that if an office meeting was granted could there be some negotiation in relation to the items being sold in the shop.

The SD: PI stated that discussion on the range of goods being sold in the shop had already taken place and that he had explained that the building did not cause issue and if they sold goods from the farm and anything else was de minimus then he was content that no planning permission would be required. The SD: PI stated that the applicant was given the opportunity to reduce the range of goods but that they decided they did not want to do this. He highlighted again that if the application is refused then there is the option of appeal for the applicant.

The Chair, Councillor Mallaghan stated he got the sense of the Committee that road safety is taken seriously particularly when advice is provided. The Chair stated there may be opportunity to find some sort of compromise if another office meeting was accommodated and the applicant and agent had time to consider the matter further in the interim.

Councillor McKinney proposed that a further office meeting be held and asked what view the agent had.

The SD: PI stated that if the application is approved with conditions you automatically prove that there is intensification. If there is a farm shop selling goods from the farm then there is no need for planning permission but if the applicant wants to sell a wider range of goods then the application should be refused and the applicant can go to the Planning Appeals Commission. The SD: PI asked if the applicant would be willing to withdraw the application and just run a farm shop.

Ms Curtin (agent) asked what the definition of a farm shop is and sought clarity on the items that could be sold therein.

The SD: PI stated that a farm shop sells items that are produced on the farm and that if the applicant wants to adhere to this then there is no issue. The SD: PI stated that at the site visit what was witnessed for sale were not all items that had been produced on the farm.

Ms Curtin agreed that the goods currently for sale in the shop are goods which are produced from all over and that the site meeting had been appreciated. Ms Curtin stated that from the site meeting it was not her or the applicant's understanding that

there was the option to reduce the items being sold but rather that additional information was to be submitted and that they were to await the outcome of that response. Ms Curtin stated that the applicant was not being stubborn in that they did not want to comply with what is being suggested and that another meeting would be beneficial to clarify what items could be acceptable.

The SD: PI stated that the definition of a farm shop is what he had outlined earlier and that the building could be approved as ancillary to the farm but once a shop which sells other goods not produced on the farm has been approved there are issues with intensification and road safety.

Councillor Black stated he appreciated that extensive conversations had already occurred but that based on tonight's conversation a further meeting may not do any harm and seconded Councillor McKinney's proposal to defer the application.

Councillor Glasgow stated that the applicant has had the opportunity to hear the discussion tonight and that time should be allowed to consider this and decide on how they wanted to move forward.

Councillor Colvin asked was the application submitted or did officers find out about it.

The SD: PI stated he was aware there was an enforcement case.

Councillor Colvin stated it appeared that the people involved in the project did not take into account planning at the time the farm shop was set up.

The Chair, Councillor Mallaghan stated there were a number of ways to look at the application and that as it stands tonight the SD: PI has given his firm stance but that it is the will of Members to look at the application again and that a proposal has been made and seconded to hold an office meeting.

Councillor Cuthbertson referred to his earlier proposal to approve the application.

The SD: PI stated that officers cannot be imposed by the Committee what they recommend and that the Committee can make its own decisions. He stated that officers are obliged to advise the Committee to the best of their ability. The SD: PI stated he had set his position which is, as stands, if the application is refused the building would have to come down. The SD: PI stated he did not have issue with the building nor did he have issue with goods being sold which are produced on the farm. The SD: PI asked if the applicant wanted to revise the application to retention of the building for sale of goods from the farm. In that instance he did not foresee a big issue.

Councillor Cuthbertson stated his proposal to approve the application is the most straightforward. The Councillor stated that if it is permissible to have a shop to sell goods from the farm he did not see how other products would cause a major influx of traffic onto the site. Councillor Cuthbertson stated he would withdraw his proposal if another office meeting was being accommodated. The Councillor asked if the application was to be refused tonight would an enforcement case then be opened again and that this would then have to come back to Committee.

The SD: PI stated that if the application was refused there would be an enforcement case as an enforcement case already exists. The SD: PI reminded Members that enforcement matters are discussed in confidential business.

The Chair, Councillor Mallaghan referred to earlier proposal which was seconded to defer the application for an office meeting and asked if there were any other proposals.

No other proposals were made.

Resolved That planning application LA09/2021/1182/F be deferred for an office meeting.

Councillor Cuthbertson left the meeting at 8.05 pm.

LA09/2021/1272/F Single storey dwelling with single detached garage adjacent to main house and surrounding landscaping at S of 101A Cavankeeran Road Pomeroy for Mrs Arlene Phelan

Ms Doyle (HLP) presented a report and highlighted addendum on planning application LA09/2021/1272/F advising that it was recommended for refusal.

Councillor McKinney stated he had been unable to attend the site meeting but that he had looked at the site himself and felt that a dwelling could be accommodated at the location.

The Chair, Councillor Mallaghan stated he had attended the site meeting along with Councillor Wilson and he felt that given the plot sizes of the houses in that area this application would be ok and once built and landscaping is done there would not be an opportunity for two further sites. The Chair stated that given the circumstances and location of the site he did not feel there would be any impact on the rural character of the area. Councillor Mallaghan proposed that the application be approved.

Councillor Clarke stated he had not been at the site meeting but was familiar with the area and would second Councillor Mallaghan's proposal.

The Service Director of Planning stated his understanding is that there are the requisite number of buildings but that the officer's concern is that the gap is too far and that more than two houses could be accommodated. The SD: PI stated that an officer can give a view along with what policy says and the tests that should be met. In this case, the tests state that it should be a small gap site with 3 buildings either side, however it does not say what the size of the gap should be or how it should be measured or what the distances should be. The SD: PI stated that the key test is does it fit between the buildings in such a way so as not to change rural character. The SD: PI stated that Members view of this application is that the required number of buildings are there and the site is located up a laneway and that no one will see the development. In this instance, there can be disagreement between officers and Members and it would be reasonable for Members to take their view.

Resolved That planning application LA09/2021/1272/F be approved subject to conditions.

LA09/2021/1729/F Dwelling & garage (Farm Dwelling) at approx. 40M S of 44A Sherrigrim Road, Stewartstown for Mr A Kelso

Members considered previously circulated report on planning application LA09/2021/1729/F which had a recommendation for approval.

Proposed by Councillor Black
Seconded by Councillor McKinney and

Resolved That planning application LA09/2021/1729/F be approved subject to conditions as per the officer's report.

Matters for Information

P115/22 Minutes of Planning Committee held on 2 August 2022

Members noted minutes of Planning Committee held on 2 August 2022.

Councillor Glasgow left the meeting at 8.08 pm

Live broadcast ended at 8.08 pm

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor McFlynn
Seconded by Councillor D McPeake and

Resolved In accordance with Section 42, Part 1 of Schedule 6 of the Local Government Act (NI) 2014 that Members of the public be asked to withdraw from the meeting whilst Members consider items P116/22 to P119/22.

Matters for Decision

P116/22 Receive Enforcement Report

Matters for Information

P117/22 Confidential Minutes of Planning Committee held on 2 August 2022

P118/22 Enforcement Cases Opened

P119/22 Enforcement Cases Closed

P120/22 Duration of Meeting

The meeting was called for 7 pm and concluded at 8.27 pm.

Chair _____

Date _____

Annex A – Introductory Remarks from the Chairperson

Good evening and welcome to the meeting of Mid Ulster District Council's Planning Committee in the Chamber, Magherafelt and virtually.

I specifically welcome the public watching us through the Live Broadcast feed. The Live Broadcast will run for the period of our Open Business but will end just before we move into Confidential Business. I will let you know before this happens.

Just some housekeeping before we commence. Can I remind you:-

- If you have joined the meeting remotely please keep your audio on mute unless invited to speak and then turn it off when finished speaking
- Keep your video on at all times, unless you have bandwidth or internet connection issues, where you are advised to try turning your video off
- If you wish to speak please raise your hand in the meeting or on screen and keep raised until observed by an Officer or myself
- Should we need to take a vote this evening, I will ask each member to confirm whether you are for or against the proposal or abstaining from voting
- For members attending remotely, note that by voting on any application, you are confirming that you were in attendance for the duration of, and that you heard and saw all relevant information in connection with the application you vote on
- When invited to speak please introduce yourself by name to the meeting. When finished please put your audio to mute
- For any member attending remotely, if you declare an interest in an item, please turn off your video and keep your audio on mute for the duration of the item
- An Addendum was emailed to all Committee Members at 5pm today. There is also a hard copy on each desk in the Chamber. Can all members attending remotely please confirm that they received the Addendum and that have had sufficient time to review it?
- If referring to a specific report please reference the report, page or slide being referred to so everyone has a clear understanding
- For members of the public that are exercising a right to speak by remote means, please ensure that you are able to hear and be heard by councillors, officers and any others requesting speaking rights on the particular application. If this isn't the case you must advise the Chair immediately. Please note that once your application has been decided, you will be removed from the meeting. If you wish to view the rest of the meeting, please join the live link.
- Can I remind the public and press that taking photographs of proceedings or the use of any other means to enable persons not present to see or hear any

proceedings (whether now or later), or making a contemporaneous oral report of any of the proceedings are all prohibited acts.

Thank you and we will now move to the first item on the agenda - apologies and then roll call of all other Members in attendance.



ADDENDUM TO PLANNING COMMITTEE AGENDA

FOR PLANNING COMMITTEE MEETING ON: 6 September 2022

Additional information has been received on the following items since the agenda was issued.

Chairs Business –

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
5.4	Application has been withdrawn	Members to note
5.8	Email received from objector's planning consultant	Members to note
5.9	Email received from objector	Members to note
5.13	Email from applicant in support of application	Members to note
5.16	Map showing siting proposed by case officer	Members to note
5.24	Deferral requested by Agent	Members to agree deferral request
6.4	Application has been withdrawn	Members to note
6.6	Letter of support from Councillor Wilson	Members to note

Closed Business –

Report on	Caledon Regeneration Partnership Invite to co-design new Village Community Plan and Conservation Area Design Guidance
Date of Meeting	04.10.2022
Reporting Officer	Sarah McNamee, Planning Conservation Officer LDP
Contact Officer	Chris Boomer, Planning Manager

Is this report restricted for confidential business?	Yes	
If 'Yes', confirm below the exempt information category relied upon	No	X

1.0	Purpose of Report
1.1	The Purpose of this Paper is to set out the background to Caledon Regeneration Partnerships letter received on 24.08.2022 by Mid Ulster District Councils Chief Executive. (Annex A)
1.2	CRP have invited the Planning Department and Community Planning to become key partners in the preparation, production and publishing of a new 'Caledon Village Plan'. CRP envisage that the new plan will replace the following existing documents <ul style="list-style-type: none"> • Caledon Village Plan March 2017 • Caledon Conservation Area Design Guide
2.0	Background
2.1	Caledon Regeneration Partnership (CRP) connected the Planning Conservation Officer inviting the Officer to attend an initial meeting with the Partnership and representatives of The Princes Foundation. The initial discussion meeting occurred over two days 29-30 th March 2022 incorporating a walking tour of Caledon Village. A tour of the recently opened CRP Wool Store Project that successfully brought an unlisted historic built structure back into active use while retaining its locally significant heritage values and fulfilling a local community need in terms of its business use as a pre-school and after school service.
2.2	Following the success of the Wool Store Project that is an exemplar of collaborative partnership working for local community benefit, the CRP are keen to continue that collaborative approach to other local issues and needs for the benefit of the local people.
2.3	CRP hosted the 2-day event with Mr Kim Hitch from The Prince's Foundation facilitating the proceedings. As well as the Planning Conservation Officer attendance, the Community Development Officer represented the wider remit of

2.4	<p>the Council in terms of Community Planning. An agreed action point was to arrange a formal discussion with the Director of Services for Planning and other senior Council Officers.</p> <p>The Planning Department and Community Planning representative subsequently invited CRP and The Princes Foundation to a meeting on 16th August 2022 at Council Offices, Magherafelt (Annex B). Mr Kim Hitch, The Princes Foundation presented an 'Engagement Model Caledon' presentation (Annex C).</p>
Main Report	
3.1	<p>At the meeting it was acknowledged that this was a very worthwhile project that had the potential to enable an established structured collaborative approach to local community engagement and an opportunity to combine through the regulatory process (planning system) a new 'Caledon Village Plan' with community by-in from the start.</p>
3.2	<p>The Director of Services for Planning advised that CRP write to the Chief Executive and Deputy Chief Executive regarding the proposed collaborative project.</p>
3.3	<p>CRP will be supported by The Princes Foundation who will facilitate the three work-shops in line with their 'Beauty in my Back Yard (BIMBY) Toolkit Workshop' approach to community engagement (Annex D). In addition, this approach reflects the recent publication of the Department for Infrastructures paper on Planning Your Place Getting Involved Report of the Planning Engagement Partnership March 2022.</p>
3.4	<p>The project will provide an opportunity for practical application of community engagement principles, collection and analysis of empirical evidence on an area based approach to community planning and a spatial analysis of the geographical area that is the settlement of Caledon.</p>
3.6	<p>This is an excellent training and CPD opportunity for Planning Officers and Community Development Officers.</p>
3.7	<p>It will establish a good working relationship between the local community, the Council and other key statutory stakeholders based on an '<i>on the ground experience</i>' of Caledon Village.</p>
3.8	<p>The Planning Department anticipate that the project has potential to result in a high quality, co-designed and local community led document that, subject to legislative requirements of the Planning Act (NI) 2011 in terms of public consultation procedures and adoption processes could become a material planning consideration, known as Caledon community Plan and Local Design Code.</p>
4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications

	Financial: Unknown
	Human: Planning Staff Resources as required. Single Point of Contact: Mrs Sarah McNamee Planning Conservation Officer with input from Ms Celene O'Neill Community Development Manager as required.
	Risk Management: Unknown
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications:
	Rural Needs Implications:
5.0	Recommendation(s)
5.1	Members asked to note the contents of this report and agree that the Planning Department and Community Development Officers will attend and provide advice and guidance to support the BIMBY Workshops as and when scheduled.
5.2	That the Planning Conservation Officer will be the single point of contact for the Planning Department and will provide input, advice and guidance when requested and help identify other key statutory stakeholders to attend the BIMBY Workshops.
6.0	Documents Attached & References
	Annex A: CRP Invitation Letter Annex B: Agenda 16.08.2022 Annex C: BIMBY Toolkit Overview



CALEDON REGENERATION PARTNERSHIP

Company Secretary: John Casey

Vat Reg: 722 3309 67

Chair and Deputy Chair
Mid Ulster Council
50 Ballyronan Road
Magherafelt
BT45 6EN
22nd August 2022

Dear Chair/Deputy Chair

The Caledon Regeneration Partnership is looking to champion a Village Plan to consider a wide range of issues, challenges and opportunities for the village in terms of long term sustainability and future resilience of the local community.

Such a plan is looking to consider and set out both spatial and development considerations in terms of acceptable character and scale, and also a number of action plans to respond to community issues and concerns and especially services and facilities that support 'community life, health and well being'.

It is also looking to recognize the special character of Caledon and its conservation area and consider how a pattern book / design guidance could support appropriate and acceptable development proposals.

As part of this process, we are proposing to work with the Princes Foundation as both advisor and facilitator. The Princes Foundation have visited Caledon on a number of occasions and they have so far provided some extremely useful suggestions in terms of the process and documents.

The Partnership recognises that any Village Plan process it is intending to undertake must sit within the Mid Ulster Local Plan, and the planning and regulatory process. We and the Princes Foundation therefore recently met with the Planning Department and Community Planning representatives to discuss our approach and the relationship. Both departments have indicated their support for our process and agreed to partner the Caledon Regeneration Partnership in this endeavour.

Caledon Courthouse, 42 Main Street, CALEDON, Co Tyrone, BT68 4TZ
E-mail:- caledonregenerationpartnership@outlook.com

Tel: 028 37569899



CALEDON REGENERATION PARTNERSHIP

Company Secretary: John Casey

Vat Reg: 722 3309 67

The Caledon Regeneration Partnership constitution currently includes four positions on its committee for Council members. As part of this process, we would be grateful if these persons would be nominated as we intend to hold meetings in the near future to progress this project.

We are also looking to form a Project Steering Group 'championed' by the partnership but including wider community stakeholders and we also invite the Council and its members to consider joining this Steering Group as a key stakeholder and partner. We are currently considering that this steering group would be about 8 strong and would include one or two representatives from the local council.

Having sounded out local opinion regarding the village plan and the Caledon Regeneration Partnership acting as 'Champions' to take this forward with the council together with the assistance of The Princes Foundation; we are looking to have a community launch event in the Community Hall in Caledon to create further interest in the project possibly on 1st October.

We look forward to working closely with the council on taking this project forward and the next stages.

Yours sincerely

Jim Brady

Chairman

**Caledon Regeneration Partnership - Potential Caledon Village Plan
Meeting with Officers of Mid Ulster District Council.**

Tuesday 16th August at 10.30am
MUDC Council Offices Magherafelt

Agenda

1. Introductions
2. Background
 - a. CRP wish to consider a wide range of village issues in terms of long term sustainability and resilience of the community; as well as some spatial and development issues.
 - b. PF introduction and overview of meeting earlier in the year.
 - c. Challenges facing the village : issues and needs
3. To discuss principles of a 'village / community plan'
 - a. Role: Potential purpose & Format contents
 - b. Both spatial/ built environment and needs / actions and activities.
 - c. Relationship to conservation area and appropriate development guidance.
 - d. Pattern books / design codes to guide appropriate development and enhance conservation area documentation and wider village.
4. Planning context – local plan process and existing policies, conservation area
Relationship to local plan process, adoption and regulation.
5. Engagement and participation (who needs to be involved);
 - a. Who should be involved, and how: a steering group
 - b. Key stakeholders
 - c. Role of the local authority
6. PF role in facilitating a community visioning workshop including discussion of the PF BIMBY process
7. Possible Process and timescale.
8. Next steps



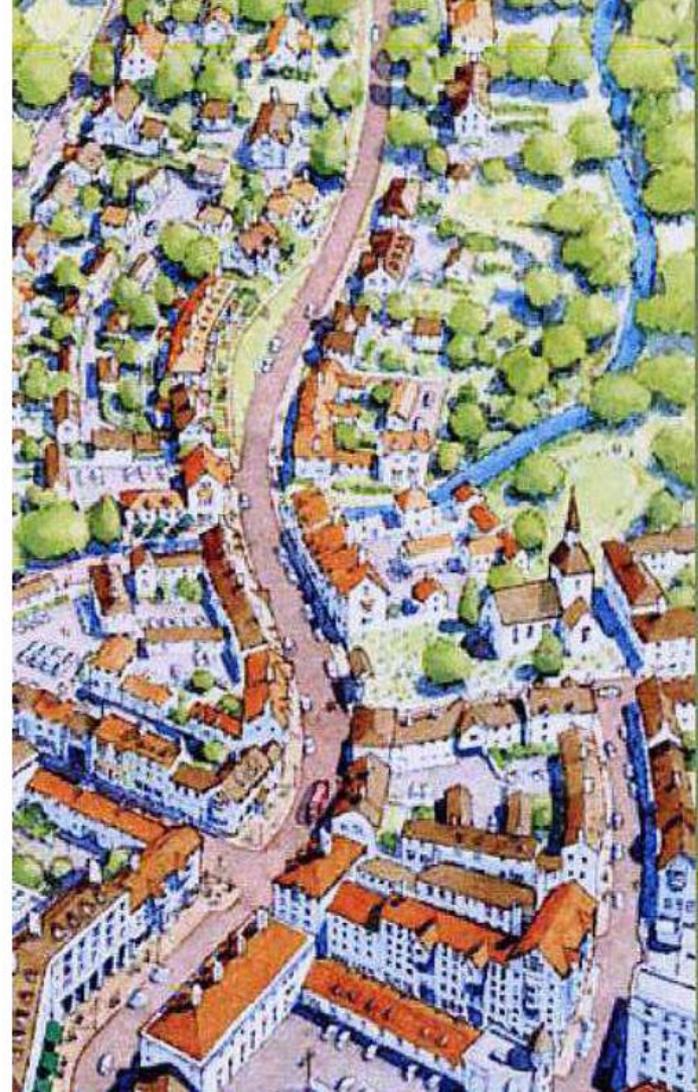
THE PRINCE'S
FOUNDATION

**ENQUIRY BY DESIGN
THE MODEL & THE PROCESS USED TO ENGAGE
WITH COMMUNITIES IN PLACEMAKING AND
PLANNING**

The Princes Foundation Architecture and Heritage Department is the Building projects and Championing / research Working within the built environment .

A key focus of our work is to ***'transforms lives by making great places'***

We aim to help create attractive sustainable places through community and stakeholder engagement in the process



The art of Place-making

According to Bernard Hunt, an architect practicing in London:

We have theories, specialisms, regulations, exhortations, demonstration projects. We have planners. We have highway engineers. We have mixed use, mixed tenure, architecture, community architecture, urban design, neighbourhood strategy. But what seems to have happened is that we have simply lost the art of placemaking; or, put another way, we have lost the simple art of placemaking. We are good at putting up buildings but we are bad at making places.[2]



What We do

- Promote attractive sustainable places through;
 - live projects,
 - education,
 - research,
 - a network practitioners
- Help make places that people want to live in by;
 - Working with communities, stakeholder and partners to improve/ repair existing places, find reuses for historic buildings & help plan, design and build new Places.



What We're About

Prudent:

Acting with or showing care and thought for the future

Local :

People, and context/ history / culture

Adaptable :

Able to adjust to new conditions

Coherent :

Forming a unified whole; logical and consistent.

Equitable:

*Fair and impartial, treating everyone fairly and in the same
way*



BUILDING PROJECTS

We run a projects team to help clients at the highest level **create the right vision, frameworks, processes and professional teams** to get good quality projects built.

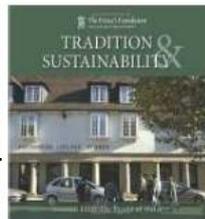
Over the last 20 years we have created frameworks and action plans for over 120 projects from regenerating existing places to designing new mix use communities and buildings such as universities, churches and hospitals.





Our Principles:

- ◆ *We believe that sustainably planned, built and maintained communities improve the quality of life of everyone who is apart of them.*
- ◆ *They help us to both live better at a local level and start dealing with the broader global challenges of urbanisation and climate change.*
- ◆ *Our goal is a future where all of us can take part in making our own communities more sustainable.*
- ◆ *We are working with everyone from local residents' groups to governments to make it happen.*



Principles for Good Placemaking:

PLACE

Encourages: Individual character and sense of belonging.

Discourages: Soulless, anonymous development

PUBLIC SPACE

Encourages: Harmonious and legible public areas.

Discourages: Visual intrusion and clutter.

PERMEABILITY

Encourages: Ease of access and greater spread of traffic movement.

Discourages: inefficient movement.

HIERARCHY

Encourages: An understanding of the relative significance of parts of a building or town.

Discourages: Confusion and over-reliance on signage.

LONGEVITY

Encourages: Design solutions that adapt well to change.

Discourages: Complex buildings specific to current needs.

VALUE

Encourages: Long term investment in buildings, towns and cities.

Discourages: Built environments likely to drain resources of future generations.

SCALE

Encourages: A relationship between people and their environment.

Discourages: A feeling of being overwhelmed or alienated.

HARMONY

Encourages: Buildings and settlements whose various parts work together.

Discourages: A disparate built environment.

ENCLOSURE

Encourages: Safe environments and the full use of available space.

Discourages: Wasteland and degraded no-go areas.

MATERIALS

Encourages: Buildings that have a natural resonance with the environment.

Discourages: Long distance transportation of materials and buildings with short life spans.

DECORATION

Encourages: Local visual identity and interest.

Discourages: Functional anonymity.

CRAFTSMANSHIP

Encourages: Longevity and building craft as an art form.

Discourages: Quick-fix solutions and low-grade buildings.

COMMUNITY

Encourages: A proactive, approach to planning.

Discourages: A reactive, piecemeal planning approach.



Designing places must be combined with an understanding of the needs and aspirations of the people that live and work in them.

The wisdom of local people should not only be heard, but listened to and incorporated into the planning and design process.

To put this belief into action we use a community engagement framework called **'Enquiry by Design'** (EbD).

The EbD process can work at different scales, including buildings, the city and the region

Wherever we are working in the world we create projects that reflect local people's aspirations, issues and concerns. The EbD process needs to be calibrated to local conditions, practices and cultural outlooks.

ENQUIRY BY DESIGN

A tool bringing the right people together to create real solutions through intensive workshop sessions designed to accommodate continuous feedback.

It brings together key stakeholders and technical experts. The process is collaborative and helps define comprehensive plans that can create beautiful and sustainable places

These stakeholders are actively engaged in the planning and design of their community, ensuring practical, achievable solutions for the vision to be taken forward beyond the workshop.



CORE TEAM

Eg. ARCHITECTS,
LANDOWNERS
LOCAL AUTHORITY



STAKEHOLDER AND
ADVISORY AGENCIES

Eg. EDUCATION
AUTHORITIES
HERITAGE BODIES,
LOCAL BUSINESS
GROUPS



WIDER STAKEHOLDER
GROUP

Eg. LOCAL RESIDENTS
GENERAL PUBLIC

EbD: the Broad Principles

A typical EbD is bookended by an introductory session and a final feedback session.

These are 'open' sessions giving opportunity to disseminate information to as wider group of those potentially impacted by development considerations.

The intervening workshop sessions, spanning three to five days, are for invited representatives

The challenge is to ensure participants from a wider range of different groups, in order to achieve representation from all concerned stakeholders.



EbD: the Broad Principles

- Introduce the application of best practice principles, and sustainable urban design
- Test and evolves proposals in accordance with agreed principles
- Bring together professionals, stakeholders and communities to debate and agree on the best way to achieve outcomes that reflect the agreed principles
- To be a collaborative process on a vision for a new or revived community.
- An intensive method for stakeholder engagement and consensus building :
- Its interdisciplinary, integrated, and interactive.

Remember the EbD workshop is only a part of a much wider engagement strategy

The Engagement and Workshop Process

Stakeholders collaborate through facilitation to establish principles and a vision for a community or site. This is developed through a workshop process, to assess a complex range of design requirements for the development site.

Interactive rather than sequentially reactive as the conventional design planning process.

Encourages **innovative** and **dynamic solutions** to **key issues**

Is place-based and an **intensive design enquiry**; every issue is tested by being drawn.



There are typically four core workshop elements:

1. A presentation on the principles of best practice in sustainable development that will be used to frame the EbD proceedings and outcomes
2. A briefing session and site tour
3. Design and review sessions
4. Concluding presentation and comments



IMAGE: ENQUIRY BY DESIGN, GALAPAGOS ISLANDS

How we work;

There are key stages

Listening -

Your comments and concerns

Examine-

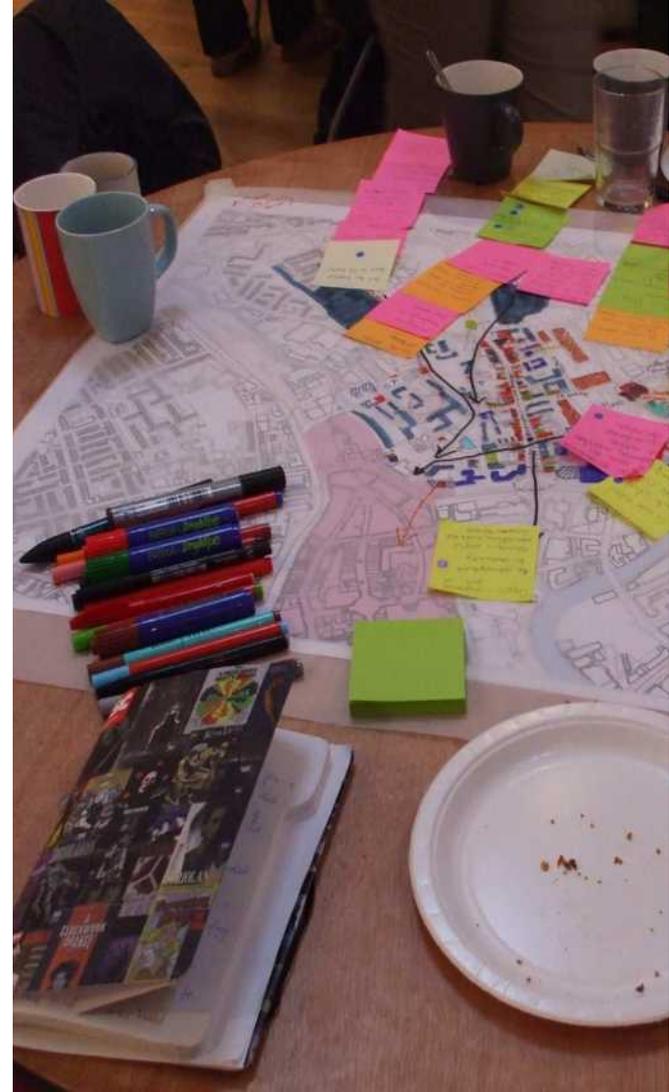
We, together explore and test the issues

Diagnose-

Looking at scenarios and necessary criteria

Remedy-

Final options and responses



Initial community meeting



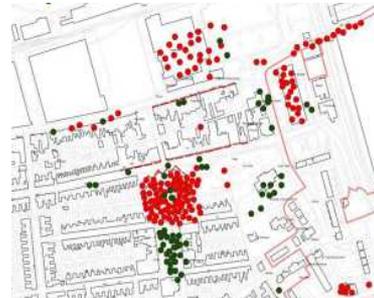
Stakeholder event and meetings / briefings



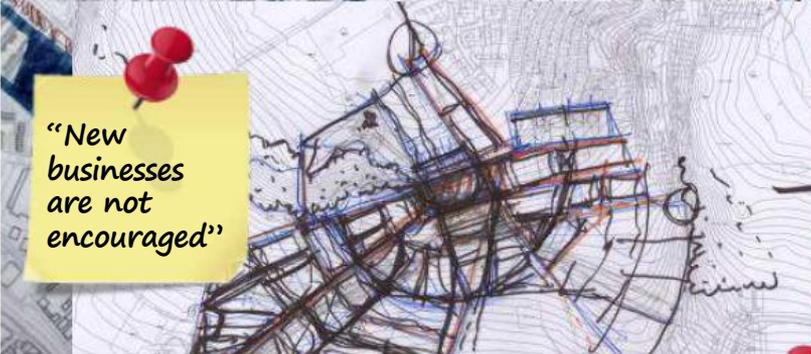
½ day Stakeholder event & Internal working session



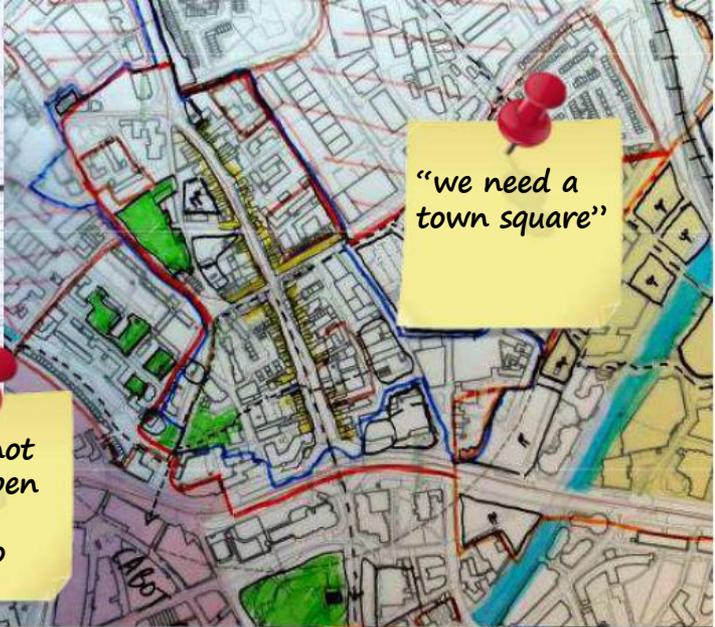
Internal working session & second community meeting



What's happening - The Workshop programme



“New businesses are not encouraged”



“we need a town square”



“There’s not enough open space for families to use”



“A30 is a dividing line between communities”



Community Engagement/ Neighborhood Planning

The BIMBY Housing Toolkit draws on over 20 years of The Prince's Foundation's experience and knowledge in creating harmonious, enduring communities.

Our experience is drawn from working across the globe with people on the ground.



Page 349 of 354

 **bimby**

Beauty-In-My-Back-Yard

By:  PRINCE'S FOUNDATION

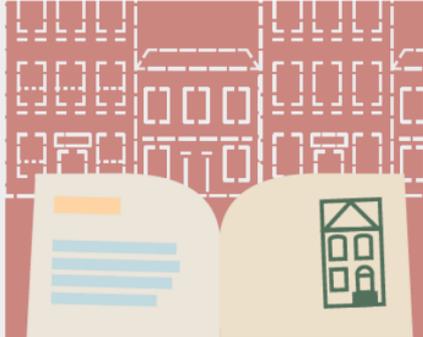
bimby
Housing Toolkit



3 Community Workshops
to work out what you want
as a community



bimby
Housing Manual



The outcome of the Housing
Toolkit is a professional, succinct
local housing document



Get your manual
put into practice



We guide you through the many
ways in which your BIMBY
Housing Manual can be put to use



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BIMBY Toolkit Workshop overview.

WORKSHOP ONE:

The first Workshop is, **'Getting to Know Your Community'**

All workshops consist of 3 Activities. In other words, when you hold a workshop, you'll have 3 tasks to complete.

Getting to Know Your Community consists of:

1a Identifying Community Skillsets

In this Activity, you are thinking of members of the community who would be willing to get involved in completing the BIMBY Toolkit, and writing down their details. This way, if a developer/local authority wants to get in touch with local people who can give helpful, relevant feedback, they have a database of people to contact.

1b Rating Your Area

In this activity you'll use the same 4 categories listed above – Natural, Social, Financial, and Built. This time, you're thinking about what assets and weak points your community has, under these 4 categories.

So for Natural, for example, you will be prompted to answer questions like - **Do the gardens/landscaping/parks in your area reflect the local environment?**

1c Mapping the Quality of Place

In this activity you get a large map of your area, and use sticky dots to mark what areas you do and don't like. Red dots are used for areas you don't like, green for areas you do, blue for areas that you think offer potential for improvement.

WORKSHOP TWO:

The second Workshop is, **'Identifying Sensible Areas for New Homes'**

It consists of:

2a Walkable Catchment Analysis

In this Activity, you get a large map of your area, and use a colour-coded system to mark facilities in your community e.g. local shops are coloured in red, schools in purple. Once you've marked all of the facilities stipulated in the activity, you then plot circles around these facilities. E.g. plot a 500m around local shops. This way you calculate the catchment area of those services. The idea is that you'll know where to locate homes so that they are best connected to existing facilities.

2b Rating Your Area

In this activity you'll use the map from the previous activity, and this time, you'll shade in areas that you think would be well situated for development. You will have contacted your local authority to receive guidance on where there may be flood zones, areas of natural significance etc. (i.e. land that should not be developed).

2c Principles for Good Placemaking

This is sort of like a BIMBY manifesto. We give the BIMBY user our full set of PFBC/HRH design principles – according to which, communities should be walkable, sustainable, etc. In the Activity, the group looks at our Principles and decides if they'd like to add more. So for example if they wanted all new development to be built taking disability access as high priority, they could create their own principle that spells this out.

WORKSHOP THREE:

The second Workshop is, **'Choosing Popular Local Building Types'**

It consists of:

3a Defining the 5 Essential Qualities of Place

In this Activity, you again are creating a sort of design manifesto for your area. You identify 5 key traits you think your community has that you're proud of, and want to preserve. You then add pictures to illustrate your 5 traits.

One of Newquay's Qualities is 'Vibrant Colour' – houses are often painted in bold colours, and they'd like to see this tradition continued.

3b Finding and Rating Local Housing/Building Types

Before the activity, people from your community group will have gone and photographed pictures of local houses/buildings that they like. In the workshop, the community will review the photos taken, and vote on the ones they like the best. They then add these photos to the Manual.

3c Identifying Local Building Elements and Materials

Before the activity, people from your community group will have gone and photographed pictures of building elements and materials that they like – e.g. chimneys, doorframes etc. In the workshop, the community will review the photos taken, and vote on the ones they like the best. They then add these photos to the Manual.

