



06 December 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, 06 December 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 9 - 358

	Planning Reference	Proposal	Recommendation
5.1.	LA09/2020/1156/F	Carpark at approx 5m S of 30 Coleraine Road, Maghera for Walsh's Hotel	APPROVE

5.2.	LA09/2020/1211/O	Residential development comprising 38 units (comprising 24 semi detached and 14 detached) open space, private amenity space, landscaping, access onto Moneymore Road and ancillary site works at lands at 93 Moneymore Road, Magherafelt for Mrs Julie Gray and Mrs Susan Roulston	APPROVE
5.3.	LA09/2021/0800/F	Conversion of 2 existing terrace houses to 4 apartments with existing Boyne Row streetscape being unaltered 2 existing on street parking spaces to be reused with an additional 3 private parking spaces to the rear along with shared private amenity space at site at 8-9 Boyne Row, Castledawson for John Donnelly	REFUSE
5.4.	LA09/2021/0913/F	Turbine with hub height 50m, blade diameter 52m at lands approx. 575m SE of 71 Rockdale Road, Sandholes, Dungannon for Mr Thomas Kelso	APPROVE
5.5.	LA09/2021/1010/RM	Dwelling and detached domestic garage between 12A Drumconor Road and 15 Lisnagleer Road Lisnagleer Dungannon for David Craig	APPROVE
5.6.	LA09/2021/1423/O	Demolition of former dwelling and outbuildings and replacement with single dwelling and garage at 150m N of 17 Corvanaghan Road, Cookstown for Oliver MC Kenna	APPROVE
5.7.	LA09/2021/1686/O	Residential development of five dwellings, a private roadway and ancillary development at lands Approx. 30m NE of 22 Littlebridge Road, Drummullan for Mr D Howard	APPROVE
5.8.	LA09/2022/0027/F	Residential development of 7 dwellings (5 detached and 2 semi-detached) with associated garden amenities and garages. (H/2009/0275/F amended Description and plans) at land opposite 55-57 Sixtowns Road,	APPROVE

		Straw, Draperstown for O'Kane Developments NI Ltd	
5.9.	LA09/2022/0040/F	Change of house type on 8 sites (approved LA09/2018/1551/F) at land E of 44 Moy Road, Mullaghmagh, Dungannon for Mr Neil Badger F P Mc Cann	APPROVE
5.10.	LA09/2022/0041/F	Farm shed for storage of farm machinery adjacent to existing farm building 139 Gulladuff Road, Bellaghy for Mr Paul MC Corry	REFUSE
5.11.	LA09/2022/0121/F	Retention of farm machinery and animal feed store at 55m N of 199 Glen Road, Maghera for Mr John O'Kane	REFUSE
5.12.	LA09/2022/0235/F	Farm dwelling and garage to supersede LA09/2017/0867/O at approx 65m S of 130 Coolreaghs Road, Cookstown for Mr K Black	REFUSE
5.13.	LA09/2022/0287/LBC	Conversion of existing barn outbuildings to provide living accommodation over 2 storeys at 23-23A Main Street, Caledon for John Hassard	APPROVE
5.14.	LA09/2022/0288/F	Conversion of existing barn outbuildings to provide living accommodation over 2 storeys at 23-23A Main Street, Caledon for John Hassard	APPROVE
5.15.	LA09/2022/0349/RM	Dwelling and garage at 90m SE of 2 Scribe Road, Bellaghy for Mr Paul Scullion	APPROVE
5.16.	LA09/2022/0355/RM	Dwelling and garage at 20m SE of 2 Scribe Road, Bellaghy for Mr Paul Scullion	APPROVE
5.17.	LA09/2022/0380/F	Dwelling and garage between 70B and 72 Gortlenaghan Road, Dungannon for Joe Doherty and Dervla Mc Gonnell- Doherty	REFUSE
5.18.	LA09/2022/0443/F	1 storage unit at 83 Sixtowns Road, Straw, Draperstown for Pat McNamee	APPROVE
5.19.	LA09/2022/0444/F	Change of use from offices to child care facilities at Sperrin House, 43 Queens Avenue, Magherafelt for Galgorm Developments Ltd	APPROVE

5.20.	LA09/2022/0603/F	Dwelling at 53m SE of 10 Lisgorgan Lane, Upperlands, Maghera for William Drennan	APPROVE
5.21.	LA09/2022/0605/F	Remove Condition No.5 of LA09/2019/0944/F to retain infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin and new access laneway 130m west from the junction of Iniscarn Road/ Gortahurk Road, existing access onto Iniscarn Road to be permanently closed at 90A Iniscarn Road, Desertmartin for Paul Bradley	REFUSE
5.22.	LA09/2022/0675/F	Glamping Pods (6 units), parking, landscaping and access at lands Approx. 100m W of 85 Deerpark Road, Bellaghy, for Genmark Developments Ltd	APPROVE
5.23.	LA09/2022/0662/O	Dwelling and domestic garage at 95m SW of 6 Moss Road, Coagh, Cookstown for Ryan McGuckin	REFUSE
5.24.	LA09/2022/0674/F	2 storey dwelling and double garage at site approx. 30m SW of 9A Ballymoghane Lane, Magherafelt for John Donaghy	APPROVE
5.25.	LA09/2022/0676/F	2 storey dwelling and double garage at approx 40m SE of 9 Ballymoghane Lane, Magherafelt for John Donaghy	APPROVE
5.26.	LA09/2022/1012/F	Alterations and extensions to existing offices at Sperrin House, 43 Queens Avenue, Magherafelt, for Galgorm Developments Ltd.	APPROVE
5.27.	LA09/2022/1112/F	Replacement dwelling with attached garage and carport at 39 Drumaspil Road, Drumaspil, Dungannon, for Mr Lee McFarland	REFUSE
5.28.	LA09/2022/1183/O	Site for dwelling on a farm at 250m NE of 19 Derrylattinee Road, Dungannon for Caolan Gildernew	APPROVE
5.29.	LA09/2022/1307/F	Development of Derrynoyd Forest including upgrade of existing trail network (approx 5km) to multi-use trails and drainage as required. Layout and increase, as necessary, car and bicycle	APPROVE

		parking, road passing points etc. Creation of a carpark for horse riding access within the main forest block Develop an orienteering trail to include survey and map Way-marking, signage, interpretation, visitor monitoring and associated furniture. Site storage at Derrynoyd Forest, Draperstown, for Mr Johnny McNeill	
5.30.	LA09/2022/1308/F	Development of Drumcairne Forest (total site 70 ha) will be completed in Phases. Phase 1 in the development of the site will include the restoration of two-looped way-marked trails as multi-use trails, approx. 1.5km & 3.25km, formal layout of car and bicycle parking, road passing points etc. Vegetation clearance to reveal the former features of the terrace gardens, outline of the ponds and associated surveys. Way-marking, signage, interpretation, visitor monitoring and associated furniture. at Drumcairne Forest, Stewartstown, Dungannon for Mr Johnny McNeill	APPROVE
5.31.	LA09/2022/1440/F	Amended access arrangements to serve dwelling approved under LA09/2021/0640/F (access point onto Aughrim Road remains unchanged) at lands W of 60 Aughrim Road, Magherafelt for Mr And Mrs J McKenna	APPROVE
5.32.	LA09/2022/1487/F	Extension and alteration to dwelling at 33 Desertmartin Road, Moneymore for Mr Gregory and Miranda Stewart	APPROVE
5.33.	LA09/2022/1500/F	Application under Section 54 of the Planning Act (NI) 2011 to remove condition No.3 of LA09/2019/0597/O on lands to rear of 110Planning Applications Bush Road, Dungannon, for Silverford Property Ltd	APPROVE

6. Receive Deferred Applications

359 - 450

	Planning Reference	Proposal	Recommendation
6.1.	LA09/2020/0850/F	Agri food processing unit housed within a portal framed building with weighbridge, car parking, HGV turning and parking, treatment plant and concrete yard with gates entrance at 140m NE of 21 Sandholes Road, Cookstown for Wesley Hamilton	APPROVE
6.2.	LA09/2020/1630/O	Farm Dwelling and Garage at 200m NE of 51 Gulladuff Road, Magherafelt for Mr Eoin Patrick Bennett	REFUSE
6.3.	LA09/2021/0507/O	Site for dwelling and garage at Approx 50m NE of 73 Reenaderry Road, Derrytresk, Coalisland for Mr Thomas Hagan	APPROVE
6.4.	LA09/2021/0885/O	Site for dwelling and domestic garage at 30m W of 102 Craigadick Road, Maghera for Mrs Sharon Crooks	APPROVE
6.5.	LA09/2021/1425/F	Dwelling and domestic garage at Approx 140m SW of 93A Ballynagarve Road, Magherafelt for Mr Darren Mc Ivor	APPROVE
6.6.	LA09/2021/1751/O	Dwelling as part of a cluster. at Lands SW of 46&46A and NW of 44 Annaghmore Road, Castledawson. for Frances Taylor	REFUSE
6.7.	LA09/2022/0685/O	2 storey dwelling and garage at an existing cluster to rear of 68 Drumconvis Road, Coagh, for Frances Harkness	REFUSE

7. Receive Validation Checklist Report

451 - 496

Matters for Information

8 Minutes of Planning Committee held on 1st November 2022

497 - 520

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

9. Receive Enforcement Report

Matters for Information

10. Confidential Minutes of Planning Committee held on 1st November 2022
11. Enforcement Live Case List
12. Enforcement Cases Opened
13. Enforcement Cases Closed



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 December 2022	Item Number: 5.1
Application ID: LA09/2020/1156/F	Target Date: 16 November 2020
Proposal: Proposed carpark	Location: Approx 5M South Of 30 Coleraine Road Maghera
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Walsh's Hotel 53 Main Street Maghera	Agent Name and Address: D M Kearney Design 2A Coleraine Road Maghera BT46 5BN
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: YResponseType: FR
Statutory Consultee	DFI Roads - Enniskillen Office	1156 maghera carpark consultation 3.docx

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

One objections was received in respect of the proposed development and related to the following:-

- o The proposed change of use moves the town centre out the Coleraine Road;
- The proposal does not move the commercial core of the town as this application is for a

car park and is not a commercial use.

o Intensification of the use of the proposed access, requires a traffic study; DfI Roads considered the proposal and have not requested a traffic study. The proposal including the access has been deemed acceptable.

o Social issues arising from late night use of the car park;

The provision of a security barrier which can be closed at the end of business should prevent the use of the site by anti-social uses as stated by the objector.

o An adjacent application LA09/2020/1019/F also has proposed car parking;

The adjacent use, which has already been approved, was also considered by DfI Roads and has been considered to be acceptable.

o The objectors dwelling will be surrounded by car parking on all sides.

The objectors premises are not surrounded by car parking on all sides as it will have a private car park to the south, a public car park to the north, with private dwellings to the west and private dwellings to the east.

Characteristics of the Site and Area

The site is located within the settlement development limits of Maghera on an area of whiteland zoned and just outside the town centre as defined within the Magherafelt Area Plan 2015.

Description of Proposal

The proposal is for the retrospective provision of a new car park which is to remain private for the exclusive use of patrons of Walsh's Hotel. The proposed use involves the reoval of the side amenity space originally belonging to the adjacent dwelling and the creation of a hard surfaced area. Perimeter fencing and security barrier are also proposed which will match the existing fencing around the car park. The security barrier can be closed after normal hours for security reasons.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

The main policy considerations in the assessment of this application are:-

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

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

The 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.

PPS 3 - Access, Movement and Parking

Policy AMP 9 Design of Car Parking

The Department will expect a high standard of design, layout and landscaping to accompany all proposals for car parking. Planning permission will only be granted for a proposal where all the following criteria are met:

- (a) it respects the character of the local townscape / landscape;
- (b) it will not adversely affect visual amenity; and
- (c) provision has been made for security, and the direct and safe access and movement of pedestrians and cyclists within the site.

The proposal meets the above policy requirements as it respects the character of the area without affecting visual amenity. It is wedged between an existing public car park, a private car park and with on-street parking on the opposite side of the Coleraine Road. Security fencing is provided around the car park with a security barrier at the entrance onto the Coleraine Road.

Policy AMP 10 Provision of Public and Private Car Parks

Planning permission will only be granted for the development or extension of public or private car parks, including park and ride and park and share where it is demonstrated that:

- o they do not significantly contribute to an increase in congestion;
- o are not detrimental to local environmental quality;
- o they meet a need identified by the Department for Regional Development in Transport Plans or accepted by DRD following robust analysis provided by a developer ;
- o within defined areas of parking restraint they are only used for short-stay parking and are appropriately managed to deter long stay commuter parking; and
- o they are compatible with adjoining land uses.

The proposal does not contribute to congestion as it will draw traffic away from the adjacent public car park. It is not considered to be detrimental to local environmental quality. The proposal has been accepted by DfI Roads. The car park will be private and used only by patrons of the applicants hotel business. The proposal is compatible to the adjacent land uses.

Recommendation - Approve subject to the conditions listed below:-

Summary of Recommendation:

Approve is recommended

Approve subject to the conditions listed below:-

Approval Conditions

Condition 1

This approval is effective from the date of this decision notice and is issued under Article 55 of the Planning Act (Northern Ireland) 2011.

Reason: This is a retrospective application.

Condition 2

The vehicular access including visibility splays shall be provided in accordance with stamped approved drawing No. 01/2 bearing the date stamp 9th September 2022 within three months of the date of this decision.

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

Condition 3

The hard surfaced areas shall be constructed and permanently marked in accordance with the stamped approved drawing No. 01/2 bearing the date stamp 9th September 2022 within 3 months of the date of this decision. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

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

Case Officer: Malachy McCrystal

Date: 15 November 2022

ANNEX	
Date Valid	21 September 2020
Date First Advertised	6 October 2020
Date Last Advertised	6 October 2020
Details of Neighbour Notification (all addresses) The Owner / Occupier 31 Coleraine Road Maghera Londonderry BT46 5BN The Owner / Occupier 1 Tirkane Court Maghera Londonderry BT46 5JD The Owner / Occupier Maghera Day Centre, 28 Coleraine Road, Maghera, Londonderry, BT46 5BN The Owner / Occupier St Patrick's Co-Ed Comprehensive College, 25 Coleraine Road, Maghera, Londonderry, BT46 5BN The Owner / Occupier 27 Coleraine Road, Maghera, Londonderry, BT46 5BN The Owner / Occupier 13 Tirkane Court Maghera Londonderry BT46 5JD The Owner / Occupier 33 Coleraine Road Maghera Londonderry BT46 5BN The Owner / Occupier 29 Coleraine Road Maghera Londonderry BT46 5BN	
Date of Last Neighbour Notification	13 November 2020
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: YResponseType: FR DFI Roads - Enniskillen Office-1156 maghera carpark consultation 3.docx	

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Location Plan Plan Ref: 01/1
Site Location Plan Plan Ref: 01/2

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 December 2022	Item Number: 5.2
Application ID: LA09/2020/1211/O	Target Date: 25 November 2020
Proposal: Proposed residential development comprising 38 units (comprising 24 semi detached and 14 detached) open space, private amenity space, landscaping, access onto Moneymore Road and ancillary site works.	Location: Lands At 93 Moneymore Road Magherafelt
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mrs Julie Gray And Mrs Susan Roulston 25 Crosspaths Harpenden Herts	Agent Name and Address: Clyde Shanks 2ND Floor 7 Exchange Place Belfast BT1 2NA
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
	NI Water - Multiple Units West	Substantive: TBCResponseType: FR
	Rivers Agency	Substantive: YResponseType: FR
	NIEA	Substantive: YResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	NIEA	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR

	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation approval.docx
Representations:		
Letters of Support	0	
Letters of Objection	6	
Letters Non Committal	0	
Number of Support Petitions and signatures		
Number of Petitions of Objection and signatures		
Summary of Issues		
<p>Ten representations have been received in relation to this planning application and relate to the following:-</p> <ul style="list-style-type: none"> o The existing character of the area is large detached and semi-detached dwellings as opposed to the proposed scheme of small detached and semi-detached dwellings; The surrounding area not only includes large detached and semi-detached dwellings but also smaller dwellings on less generous plots. o The proposed density is out of character, does not respect the local context or street pattern; The density of surrounding developments ranges from around 13 dwellings per hectare to around 24 dwellings per hectare at the recently developed Foxfield development on the Moneymore Road. The proposed density of 22 dwellings per hectare is similar to Foxfield and is therefore in keeping with the existing character. o Proposed dwellings too close to existing boundaries and impacting on privacy; Whilst it is acknowledged that some of the proposed dwellings as indicated on the concept plan are close to the site boundaries, those dwellings are all gable end towards the site boundaries. Such dwellings should be required to have adequate separation distance from existing boundary hedgerows so as not to endanger the long term retention of the hedgerows. The design of the proposed dwellings should also be such that they do not cause an issue of overlooking or intervisibility with the existing dwellings. This may require the provision of screen fencing along the site boundary particularly to the rear of No. 54 Coolshinney Road. o Road safety, lack of proposed garages and in-curtilage parking; DfI Roads were consulted and following the submission of amendments and further information, advised that the proposed layout was acceptable in terms of the issues raised. o Impact on wildlife habitat/natural heritage and the need to fell or prune boundary trees; NIEA: Natural Environment Division were consulted in respect of any impact on wildlife, their habitats and natural heritage. Following the submission of additional information, NED advised that they considered the proposed development to be acceptable. o Boundary trees restricting natural light into the proposed dwellings and causing unacceptable shading; The current application is an outline application and therefore, whilst there is a concept plan, this does not demonstrate the final position of all proposed dwellings. Therefore, 		

the proposed dwellings can be positioned to take account of the existing hedgerows and enable the proposed dwellings to have an acceptable degree of natural light.

- o Requirement to fell mature trees to provide the necessary visibility splays;
Although it may be desirable to retain all existing trees, it is a requirement of any such planning approval that an access be provided to the required DfL Roads standards. If this requires trees to be removed, unless those trees are protected by a tree preservation order, then it is taken as being acceptable. Compensatory planting may be required to compensate for those trees lost to provide the proposed access.
- o Lack of space for landscaping resulting in overdevelopment and result in loss of open space;
Adequate space is being proposed for open space within the proposed layout. This amounts to approximately 9% of the site area. Additional landscaping can also be provided within individual sites.
- o The existing laneway is within third party ownership;
The proposed layout does not include the existing laneway which is to remain outside the site.
- o Design of the proposed dwellings are out of character with the existing surrounding dwellings;
As this is an outline application, the design of the dwellings has not been provided nor considered beyond the fact that they are of an indicated footprint and are either detached or semi-detached dwellings.
- o Impact on human rights in terms of the right to peaceful enjoyment of their property;
The proposed layout does not cause a detrimental impact on human rights nor the enjoyment of third party property. Adequate boundary treatment can be provided in any reserved matters application to ensure and avoid issues of overlooking.
- o Consideration should be given to controlling the hours of operation;
As this is an application for a housing development, although there may be some disruption during the construction phase, this should be kept to a minimum and it is not foreseen that the construction will continue beyond normal working hours.
- o As the site has no road frontage how do construction vehicles and staff gain access without causing a road safety hazard;
The site does have direct access onto the Moneymore Road and access can be achieved via the proposed access into the site.
- o Noise disturbance;
Environmental Health did not object to the proposal and provided advice on minimising the potential for disturbance during construction and demolition phases.
- o Visual impact;
The proposed development is located within an urban area of predominantly residential dwellings. Although the site includes a crest of a hill within the overall site, this is not prominent and will not result in the proposed development being out of character with the surrounding area. The full impact of the proposed dwellings will be fully considered at reserved matters stage, following submission of the house types and proposed ground and floor levels. The visual impact of the proposed dwellings is not considered to be so unacceptable, at this stage, to warrant a refusal.
- o Design;
As discussed above, this is an outline application and therefore the actual design of the dwellings has not been submitted. These details will be considered at reserved matters stage.

- o Loss of views from the existing dwellings;
The loss of views from existing dwellings is not a planning consideration.
- o Potential conflict with proposed access into zoned housing lands MT14;
The potential for a conflict with the proposed access into the zoned housing lands at MT14 has been fully considered by DfL Roads. Following discussions between the applicants, agents and DfL Roads, an amended position for access into both sites has been agreed and is considered acceptable by DfL Roads.
- o Occupants of 11 Coolshinney Close not neighbour notified;
MUDC's planning portal identifies No.11 Coolshinney Road as having been neighbour notified on 13th November 2020, six weeks after the application was received. The neighbour notification letter is available for viewing on MUDC's planning portal. Therefore it is not accepted that the objectors property was not notified.

Characteristics of the Site and Area

The site contains a vacant detached single storey dwelling with an attic conversion measures set within a large site of approximately 1.75ha. The site is made up of three smaller fields surrounding the dwelling with access via an existing laneway off the Moneymore Road. The Moneymore Road frontage is defined by a mixture of mature trees and hedgerow and this extends along the south western boundary to the rear of No.60. A number of mature trees between the rear of No.60 and the existing dwelling on the site have been felled. The south western half of the site sits on a higher platform than the remainder of the site which falls towards the north east. The site boundaries are defined by a mixture of mature hedgerows and dense trees along the northern and southern boundaries, whilst the south western boundary, to the rear of a large detached dwelling at No.56, is defined by a 4m high conifer hedgerow. This boundary continues along the rear of No.54 which is defined by a post and wire fence. The site overlooks the rear of No. 54 at this point. The boundary between the site and No.11 Coolshinney Close is defined by a 2.5m-3.0m high thorn hedgerow with the rear corner of No.11 being 23m from the boundary. A short section of a single hedgerow still exists within the site and extends from the rear of the existing dwelling and outhouses towards no's 11-13 Coolshinney Close in a north-westerly direction. This section of hedgerow is to be retained within the proposed development.

Description of Proposal

The proposal is an outline application for a residential development comprising 38 units (comprising 24 semi-detached and 14 detached) open space, private amenity space, landscaping, access onto Moneymore Road and ancillary site works.
As the existing access laneway into the site is within third party ownership, the applicant proposes to create a new entrance onto the Moneymore Road approximately 70m northwards of the existing access. The position of the proposed access point has been discussed with the applicant of the current application for a housing development on the site of MT14 as there was the potential for a conflict between these.

The proposed concept plan was designed with the surrounding developments in mind. The current density within Coolshinney Close is 18 dwellings per hectare (dph), Thornhill development has a density of 16 dph whilst the more recent development at Foxfield,

which also accesses on the Moneymore Road in addition to the Colshinney Road, has a density of 24 dph. The subject proposal has a density of 22 dwellings per hectare.

The concept plan indicates the development to be a mixture of detached and semi-detached with a large area of open space centrally located with a second smaller area close to the access point. Whilst the concept plan is only an indicative layout, it shows all dwellings to have between 81m² and 397m² of private amenity space. The concept plan also indicates a hedgerow around the entire site.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

The 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 - Draft Plan Strategy has been published for consultation, 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 main policy considerations in the assessment of this application are:-

Magherafelt Area Plan 2015

Strategic Planning Policy Statement

Planning Policy Statement 3 - Access, Movement and Parking.

Planning Policy Statement 7 - Quality Residential Environments.

Planning Policy Statement 12 - Housing in Settlements

Planning Policy Statement 13 - Transportation and Land Use

Creating Places

The SPPS has superseded PPS 1 (General Principles.). The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle 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 any interests of acknowledged importance. The proposed development is not within an area of archaeological importance.

The SPPS gives specific provision for Housing in settlements subject to a number of policy provisions. It does not present any change in policy direction with regards to residential developments in settlements. As such, existing policy will be applied, primarily PPS 7, Quality Residential Environments.

As the site is located predominantly on white land within the Magherafelt Area Plan 2015, the critical planning policy is therefore PPS 7.

PPS 7 Quality Residential Environments - Policy QD 1 Quality in new Residential Environments requires new residential developments to create a quality residential environment which should be based on a concept plan which drawn on the positive aspects of the surrounding area. Proposals must conform to nine criteria listed in the policy in order to protect residential amenity, residential character, environmental quality and movement. Any proposals which fails to satisfy the criteria, even if the site is designated for residential use, will not be acceptable.

As this is an outline application the proposed development is being assessed against these criteria as follows:-

(a) The proposal meets the first of these criteria in that it respects the surrounding context insofar as the proposal is for a housing development within a predominantly residential area. In terms of layout, the density at 22 dwellings per hectare is similar to the surrounding areas and in particular the most recent housing development at Foxfield on the Moneymore Road which has a density of 24 dwelling per hectare.

(b) There are no features of archaeological or built heritage on this site. The only landscape features identified are the boundary hedgerows and the single hedge extending from within the site towards the north west. These hedgerows should be protected and incorporated into the overall design and layout. There are no TPO's near the site.

(c) This proposal is for 38 dwellings and therefore there is a requirement for the provision of public open space. Two areas of public open space measuring approximately 0.16ha (9% of the site) have been identified within the site and are centrally located and are well place to be overlooked by the proposed dwellings. All dwellings have adequate private amenity space and range from a minimum of 81m² to 397m².

(d) The site is close to and within walking distance of the centre of Magherafelt and existing neighbourhood facilities at Highfield. Therefore the provision of neighbourhood facilities are not deemed necessary within the site;

(e) The site has vehicular access directly onto the Moneymore Road which will provide an acceptable movement pattern, including walking and cycling. This will enable occupants to access public transport routes and the public network system. A bus stop is located a short distance to the northeast on the Moneymore Road.

(f) As this is an outline application, full details of the layout have not been provided. However, any proposed layout, either at reserved matters stage or a full application, should allow for adequate provision of in-curtilage parking of vehicles.

(g) The design of the development draws on the best of local traditions in terms of the form/layout. However, as this is an outline application, details of the materials and

detailing have not been provided nor considered. This is a matter which can be dealt with at Reserved Matters stage.

(h) Any design of the proposed dwellings at Reserved Matters stage should be such that they do not cause a loss of residential amenity to the existing dwellings surrounding the site by way of overshadowing or overlooking. This may necessitate the provision of acceptable boundary treatment such as fencing and/or a substantial screen hedge.

(i) The proposal will not create a conflict with adjacent land uses as these are predominantly existing dwellings. Any layout submitted at Reserved Matters stage should ensure that the design and layout will not cause an issue of overlooking, overshadowing, noise or other disturbance.

(j) Generally the layout is designed to deter crime as there are no areas which are unsupervised or overlooked.

PPS 3 - Access, Movement and Parking

The amended position of the access has been agreed between the applicants of both this application and the applicant on the MT14 lands and DfL Roads. This is the only position at which both access points can exist without causing a road safety issue. DfL Roads have advised that they are agreeable in principle with the proposed location and the subsequent stagger between the various accesses. There is no flexibility for relocation of any of the indicated accesses as this would prejudice other accesses.

Consultee responses

DfL Roads advised that the access and parking arrangements are acceptable subject to conditions.

Environmental Health advise that they have no issues of concern subject to the suggested advice on noise and vibrations during construction/demolition activities.

NIEA's Water Management Unit advised that they had concerns that the proposal had the potential to affect the water environment. This was in relation to the capacity of the receiving Waste Water Treatment Works. However, if NI Water advised that the WWTW's have the required capacity, then WMU would have no issue. NI Water duly advised that there is available capacity at the receiving WWTW's.

Natural Environment Division requested additional information in relation to the potential impact of the proposal on the local bat population. Following consideration of the required information, NED advised that the proposal was acceptable subject to the suggested condition.

DfL Rivers advised that either a revised drainage assessment be submitted to demonstrate how out-of-sewer flooding will be managed if the proposed drainage network is designed and constructed in accordance with Sewers for Adoption or the suggested condition be attached to any approval.

NI Water advised that they have no issues of concern and that there is available capacity at the receiving Waste Water Treatment Works.

Recommendation

On consideration of the above, it is my opinion that planning permission should be

approved subject to the conditions listed below:-

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

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

Condition 2

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

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

Condition 3

The layout shall be in general conformity with the stamped approved concept plan drawing no. 04 date stamped 30th September 2020 and shall be designed in accordance with Policy QD1 of Planning Policy Statement 7 "Quality Residential Environments" and the associated supplementary guidance "Creating Places".

Reason: To ensure the provision of a quality residential development.

Condition 4

A landscape management plan shall be submitted at reserved matters stage to include details of all existing vegetation within the site indicating those trees to be retained or removed and methods for their protection during construction works, all proposed hard and soft landscape works, planting plans; written planting specifications; schedules of plants and trees indicating site preparation, planting methods, the species, the size at time of planting, location, spacing and numbers and an implementation and maintenance programme. The landscape management plan should include adequate compensatory planting for the loss of the trees along the Moneymore Road frontage.

Reason: To ensure successful establishment and maintenance in perpetuity of the open

space and amenity areas in the interests of visual and residential amenity.

Condition 5

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

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

Condition 6

The existing hedgerows along all site boundaries, excluding the Moneymore Road frontage, of the site shall be retained at a mature height and let grow.

Reason: To ensure residents privacy is not adversely affected.

Condition 7

If any retained hedge/tree is removed, uprooted or destroyed or dies within 5 years from the date of the development hereby approved, becoming operational another hedge/tree or trees shall be planted at the same place and that hedge/tree(s) shall be of such size and species and shall be planted at such time as may be specified by Mid Ulster District Council.

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

Condition 8

The reserved matters submission shall include a plan of the site indicating the existing and proposed contours, the finished floor level(s) of the proposed building(s) and the position, height and materials of any retaining walls.

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

Condition 9

No other development hereby permitted shall be commenced until the vehicular access as indicated generally on Drawing Nos. 09/3, 10, & 11 bearing the date stamps 23rd May 2022 have been completed in accordance with details to be submitted to and approved by the Council at Reserved Matters stage.

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

Condition 10

The visibility splays of 4.5 metres by 120 metres at the junction of the proposed access road with the public road, shall be provided in accordance with Drawing No. 09/3 bearing

the date stamp 23rd May 2022 prior to the commencement of any other works or other development. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Condition11

No other development hereby permitted shall be occupied until a 3 metre wide pedestrian / cycle path is provided along and from the site frontage to the existing pedestrian / cycle path network fronting the Foxfield development.

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

Condition12

If, during the proposed development, any ground contamination is encountered then all works on the site should cease. Mid Ulster District Council Environmental Health Department should be informed and sufficient information to assess potential risks arising from the former use of the land should be submitted. Any necessary mitigation / remediation measures should be clearly specified. The above work should be undertaken by a suitably competent person/s and in accordance with current government guidance.

Reason: For the protection of health and environmental receptors and to ensure the site is safe for the proposed use.

Condition13

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

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

Condition14

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

The development shall be in accordance with the requirements of the Council's Creating Places Design Guide and, for the purpose of adopting private streets as public roads, DfI Roads shall determine the width, position and arrangement of the streets associated with the development and the land to be regarded as comprised in those streets.

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

Condition15

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

No other development hereby permitted, shall be commenced, until the road improvements indicated generally on Drawing No. 09/3 bearing the date stamp 23rd May 2022 have been completed in accordance with details to be submitted to and approved by the Council at Reserved Matters stage. DfI Roads may attach to any determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under article 3 (4C).

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

Case Officer: Malachy McCrystal

Date: 17 November 2022

ANNEX	
Date Valid	30 September 2020
Date First Advertised	20 October 2020
Date Last Advertised	20 October 2020
Details of Neighbour Notification (all addresses) The Owner / Occupier 98 Moneymore Road, Magherafelt, Londonderry, BT45 6HH The Owner / Occupier 93 Moneymore Road, Magherafelt, Londonderry, BT45 6HH The Owner / Occupier 19 Coolshinnery Close Magherafelt Londonderry BT45 5DR The Owner / Occupier 17 Coolshinnery Close Magherafelt Londonderry BT45 5DR The Owner / Occupier 91 Moneymore Road Magherafelt Londonderry BT45 6HH The Owner / Occupier 21 Coolshinnery Close Magherafelt Londonderry BT45 5DR The Owner / Occupier 15 Coolshinnery Close Magherafelt Londonderry BT45 5DR The Owner / Occupier 13 Coolshinnery Close Magherafelt Londonderry BT45 5DR The Owner / Occupier 11 Coolshinnery Close Magherafelt Londonderry BT45 5DR The Owner / Occupier 60 Coolshinnery Road Magherafelt Londonderry BT45 5JF The Owner / Occupier 56 Coolshinnery Road Magherafelt Londonderry BT45 5JF The Owner / Occupier 52 Coolshinnery Road Magherafelt Londonderry BT45 5JF The Owner / Occupier 90 Moneymore Road Magherafelt Londonderry BT45 6HH The Owner / Occupier 54 Coolshinnery Road Magherafelt Londonderry BT45 5JF	
Date of Last Neighbour Notification	6 July 2022

Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Substantive: YResponseType: FR Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR NI Water - Multiple Units West-Substantive: TBCResponseType: FR Rivers Agency-Substantive: YResponseType: FR NIEA-Substantive: YResponseType: FR Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR NIEA-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Roads Consultation approval.docx	
Drawing Numbers and Title Road Access Plan Plan Ref: 09/1 Road Access Plan Plan Ref: 09 Road Access Plan Plan Ref: 08 Road Access Plan Plan Ref: 07 Landscaping Plan Plan Ref: 06 Existing Floor Plans Plan Ref: 05 Site Layout or Block Plan Plan Ref: 04 Site Layout or Block Plan Plan Ref: 03 Site Layout or Block Plan Plan Ref: 02 Site Location Plan Plan Ref: 01 Road Access Plan Plan Ref: 09/3 Levels and Cross Sections Plan Ref: 10 Levels and Cross Sections Plan Ref: 11	
Notification to Department (if relevant) Not Applicable	

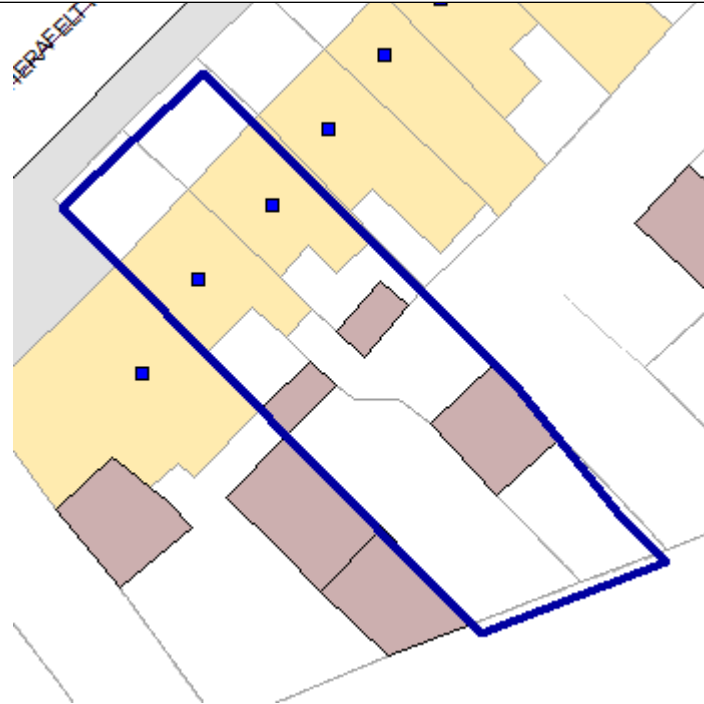


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 December 2022	Item Number: 5.3
Application ID: LA09/2021/0800/F	Target Date: 20 July 2021
Proposal: Proposed conversion of 2 existing terrace houses to 4 apartments with existing Boyne Row streetscape being unaltered 2 existing on street parking spaces to be reused with an additional 3 private parking spaces to the rear along with shared private amenity space	Location: Site At 8-9 Boyne Row Castledawson
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: John Donnelly Ronan Valley Business PK Unit E2 58/60 Ballyronan 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
	Historic Environment Division (HED)	Substantive: YResponseType: FR
	NI Water - Multiple Units West	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

Neighbour notification No letters of representation have been received, although a non committal letter was received regarding neighbour notification, however these properties where not required to be neighbour notified.

Characteristics of the Site and Area

The site is located at 8-9 Boyne Row, Castledawson. On site are two no, two storey houses which are part of an existing row of terraced houses. The site is located within the settlement limits of Castledawson as identified in the Magherafelt Area Plan, 2015. The surrounding area is primarily residential.



Description of Proposal

The proposal is a full application for proposed conversion of 2 no existing terrace houses to 4no apartments within existing Boyne Row Streetscape being unaltered, 2 No existing on street parking spaces to be reused with an additional 3No private parking spaces to the rear along with shared private amenity space.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Relevant Site History:

None

Representations:

Neighbour notification No letters of representation have been received, although a non committal letter was received regarding neighbour notification, however these properties were not required to be neighbour notified.

Development Plan and Key Policy Consideration:

SPPS - Strategic Planning Policy Statement for Northern Ireland

Magherafelt Area Plan, 2015

Planning Policy Statement 3: Access, Movement and Parking (PPS 3)

Planning Policy Statement 7: Quality Residential Environments (PPS7)

PPS7 (Addendum) - Safe Guarding the Character of Established Residential Areas

Creating Places: Achieving Quality in Residential Developments

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.

The application site is defined as housing land is situated within the settlement limits of Castledawson by the Magherafelt Area Plan 2015 and therefore the principle of development is acceptable subject to the relevant policy tests.

The SPPS gives provision for Housing in Settlements subject to a number policy provisions. It does not present any change in policy direction with regards to residential development in settlements. As such, existing policies will be applied.

PPS 7 is a material planning policy for this type of development in an urban setting. All proposals for residential development will be expected to conform to a number of criteria laid out in the

policy.

Criterion (a) requires development to respect the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas. While the streetscape remains unaltered, with amendments to the rear which are considered an improvement to the current condition of the rear of both properties. There is an extension proposed to the rear of both properties which are two storey, however there are no windows on the sides of the extensions. Windows are only located on the rear elevations. Also, given the existing development to the rear of the adjoin properties, this was deemed to be acceptable. However, I do consider that the proposal is over development of the site. The layout in terms of access is in my opinion, unacceptable, as some of the proposed apartments can only be accessed from the rear of the property. Also, people accessing the rear of the property at first floor level, could potentially represent an invasion of privacy for neighbouring properties and impact adversely on the amenity of these residents.

Criterion (b) features of the archaeological and built heritage, and landscape features identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development. HED were consulted on the application and responded to say that the listed asset, The Manse, 63 Main Street, Castledawson (Grade B1) is sufficiently removed in location as not to be affected by the scale and nature of the proposal. HED (Historic Monuments) were also content that the proposal is satisfactory to SPPS and PPS6 archaeological Policy requirements. This is due to the nature and scale of the proposed development.

Criterion (c) requires adequate provision of public and private open space and landscaped areas as an integral part of the development. The plans provided show an area of private amenity space can be provided at the rear of the site which is considered to be of adequate size. The proposal complies with criterion (c).

Criterion (d) adequate provision is made for necessary local neighbourhood facilities, to be provided by the developer as an integral part of the development. Not considered relevant.

Criterion (e) a movement pattern is provided that supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way, provides adequate and convenient access to public transport and incorporates traffic calming measures. The proposal is convenient to the local bus network. The proposal complies with criterion (e)

Criterion (f) requires adequate and appropriate provision to be made for car parking. DFI Roads were consulted on the application and were content The proposal complies with criterion (f)

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

I have no concerns that the proposal will conflict with adjacent land uses. Nor do I have any concerns regarding loss of neighbouring residential amenity, All-in all the proposal complies with Criterion (h).

Criterion (i) the development is designed to deter crime and promote personal safety. Not considered relevant.

I am of the opinion that conversion of two dwelling houses to 4No apartments on this site would constitute overdevelopment of the site.

Other Material Consideration

This proposal fails to comply with criteria (e) of Policy LC 2, The Conversion or change of use of existing buildings to flats or apartments, Environmental Quality and Residential Amenity of Addendum to PPS 7 Safeguarding the Character of Established Residential Areas, in that the development contains flats/apartments which are wholly in the rear of the property and without access to the public street. The agent was contact to enquire if they could amend the proposal to allow for access from the public street. However, they responded to state that having looked at this possibility they felt it was not feasible as the applicant to restore the character of the historic frontage of the dwellings, and any alterations to the frontage will deny this possibility. Therefore, I believe that this proposal contrary to part (e)of the policy LC2 and therefore I recommend refusal.

i Water Multi Units were consulted on the application and responded to say refusal was recommended as there is a public foul sewer within 20m of the proposed development boundary which cannot adequately service these proposals. The said that the receiving foul sewerage network has reached capacity.

hey have said that NIW will approve connection to the network for 2 units (apartments) only 'due to it being like for like' The remaining 2 units (apartments) will be deemed as new and therefore, connection to the network will be refused by NIW. A Waste water assessment (WWIA) will be required by the applicant to best serve these 2 additional units.

fi Roads were consulted on the application and did not offer an objection

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal fails to comply with criteria (e) of Policy LC 2, The Conversion or change of use of existing buildings to flats or apartments, Environmental Quality and Residential Amenity of Addendum to PPS 7 Safeguarding the Character of Established Residential Areas, in that the development contains flats/apartments which are wholly in the rear of the property and without access to the public street.

Reason 2

Conversion of two dwelling houses to 4No apartments on this site would constitute

overdevelopment of the site.

Reason 3

Ni Water Multi Units recommend refusal as there is a public foul sewer within 20m of the proposed development boundary which cannot adequately service these proposals. The said that the receiving foul sewerage network has reached capacity.

Signature(s): Siobhan Farrell

Date: 22 November 2022

ANNEX	
Date Valid	25 May 2021
Date First Advertised	8 June 2021
Date Last Advertised	8 June 2021
Details of Neighbour Notification (all addresses) The Owner / Occupier 4 Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 72 , Main Street, Castledawson, Londonderry, BT45 8AB The Owner / Occupier 14 Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 19 Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 17 Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 16 Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 15 Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 18 Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 4 Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 2 Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 1 Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 3 Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 5 Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 13 Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 6 Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 7 Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 8 Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 9 Boyne Row Castledawson Londonderry BT45 8AE	

The Owner / Occupier 10-11 Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 10A Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 12 Boyne Row Castledawson Londonderry BT45 8AE The Owner / Occupier 12A Boyne Row Castledawson Londonderry BT45 8AE	
Date of Last Neighbour Notification	17 November 2021
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Substantive: YResponseType: FR Historic Environment Division (HED)-Substantive: YResponseType: FR NI Water - Multiple Units West-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: 6 December 2022	Item Number: 5.4
Application ID: LA09/2021/0913/F	Target Date: 28 September 2021
Proposal: Erection of turbine - hub height 50m, blade diameter 52m	Location: Lands Approx. 575M Se Of 71 Rockdale Road Sandholes Dungannon
Referral Route: Approve is recommended Objections received	
Recommendation: Approve	
Applicant Name and Address: Mr Thomas Kelso 37 Rockdale Road Sandholes Cookstown BT80 9BA	Agent Name and Address: Design & Detail 5 Ballylame Road Garvagh BT51 5PH
Executive Summary:	

Case Officer Report**Site Location Plan**

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Consultations:

Consultation Type	Consultee	Response
	Environmental Health Mid Ulster Council	Substantive: YResponseType: FR
	NIEA	Substantive: YResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBC
	Belfast City Airport	Substantive: TBCResponseType: FR
	Belfast International Airport	Substantive: TBCResponseType: FR
	RSPB	Substantive: TBCResponseType: FR
	National Air Traffic Services	Substantive: TBCResponseType: FR
	N.I Water - Windfarms	Substantive: TBCResponseType: FR
	P.S.N.I. Information And Communications Services	Substantive: TBCResponseType: FR
	Shared Environmental Services	Substantive: TBCResponseType: FR

	Defence Instructure Org	Substantive: TBCResponseType: FR
	NIEA	Substantive: TBCResponseType: PR
	National Air Traffic Services	Substantive: TBC
Non Statutory Consultee	NIEA	PRT LA09-2021-0913-F CON.PDF
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09-21-0913 F.doc
Representations:		
Letters of Support	0	
Letters of Objection	2	
Letters Non Committal	0	
Number of Support Petitions and signatures		
Number of Petitions of Objection and signatures		
Summary of Issues		
<p>Two written objections have been received which have been fully considered within the body of this report. The points raised relate to:</p> <ul style="list-style-type: none"> - Impact on residential amenity - Impact of the turbine on the landscape - Potential shadow flicker 		
Characteristics of the Site and Area		
<p>The site is located within the open countryside, outside any defined settlement limits or any other designations as per the Cookstown Area Plan 2010. The site is small portion of an agricultural field which is accessed via an existing laneway from the Rockdale Road. The turbine is proposed to be located at the bottom of a hill, which rises steeply to the north east. The ground level to the north west and south is relatively flat in the immediate area. The surrounding area is mainly agricultural in nature, with farm buildings located approximately 140m to the north east which are within the applicants ownership and located at the top of the hill.</p>		
Description of Proposal		
<p>This is a full planning application for erection of turbine - hub height 50m, blade diameter 52m.</p> <p>Relevant Planning History LA09/2020/0232/F- Erection of 850KW turbine hub height 50m blade diameter 52m. Lands Approximately 625M South East Of 71 Rockdale Road. Sandholes. Application withdrawn. This application was submitted by the same applicant, with the application withdrawn and the proposal relocated further south west on lower ground.</p>		

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

The proposal falls within Schedule 2 development in terms of the Planning (EIA) Regulations (NI) 2015. Mid Ulster District Council determined that the proposal is unlikely to have a significant environmental impact.

Cookstown Area Plan 2010

The site is located in the open countryside, therefore the policy provisions of PPS 21 apply.

The Strategic Planning Policy Statement for Northern Ireland (SPPS)

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

Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) is a retained policy document under SPPS and provides the appropriate policy context. Policy CTY1 of PPS21 sets out the types of development that are considered to be acceptable in the countryside. One of these is renewable energy projects in accordance with PPS18.

PPS18 is also a retained policy document under SPPS, however the SPPS introduces subtle differences to this policy including;

- a cautious approach for renewable energy development proposals will apply within designated landscapes which are of significant value, such as AONB's, and the Giant's Causeway and Causeway Coast World Heritage Site, and their wider settings.
- The wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given appropriate weight in determining whether planning permission should be granted (as opposed to significant weight contained within RE1 of PPS18).

The remaining criteria contained within PPS18 is consistent with policy contained within SPPS.

Consideration

This proposal is for a single turbine with a hub height of 50m and a blade diameter 52m with a maximum height from base to tip of 76m. Policy RE1 of PPS 18 states that the wider environmental, economic and social benefits of all proposals for renewable energy projects are material considerations that will be given significant weight in determining whether planning permission should be granted. At the same time it is acknowledged that refusal of an application for one turbine will not significantly affect Northern Ireland achieving its renewable energy targets as set out in the Strategic Energy Framework i.e. 40% of energy from renewable resources by 2020, given we have already reached

30%.

Policy RE 1 sets out 5 policy criteria:

a) Public Safety, Human Health and Residential Amenity

The proposed wind turbine is to be located approximately 273metres south of the Rockdale Road accessed via an existing agricultural laneway. It is considered that public safety would not be unduly affected by the proposal given the proposed location of the turbine. It is advised for single turbines that the separation distance should be at least its base to tip height plus 10% from the nearest occupied property. That distance for this would be 76m + 7.6m which would be 83.6m from the location. The nearest building to the proposed site is approximately 133m north west, uphill and this is a farm shed within the applicants ownership. There are no occupied properties within 83.6m of the proposed site. The nearest 3rd party dwelling is located approximately 580m east of the development, with another located approximately 580m North West, therefore there is little risk to human health through collapse or ice throw.

Noise

An environmental noise impact assessment was submitted by Lester Acoustics, and Environmental Health were consulted on this. Following an examination by Environmental Health and assessed against 'The Assessment and Rating of Noise from Wind Farms' and predicts that noise from the proposed scheme will not be an issue at the nearest sensitive dwelling. Conditions have been recommended to be attached to any planning permission issued. I am content that any potential noise will not cause any issues to residential amenity.

Shadow Flick and Reflective Light

A number of factors have to be aligned for reflective light to occur, such as sun angle, the finish of materials of the turbine, cloud cover, the angle of properties to the turbine, distance of the property from the turbine, intervening landscape/vegetation/buildings, and, elevation of property in comparison to the proposed turbine. In my opinion any potential impacts of reflective light experienced at residential properties is low given the distance from nearby properties and intervening vegetation and buildings.

Wind Turbines also have the potential to create shadow flicker, but this is rare and has only been recorded occasionally at one site in the UK (source: Best Practice Guide to PPS18 Paragraph 1.3.73). Best practice guidance to PPS18 suggests that only dwellings within 130 degrees either side of north and within 10 times the rotor blade diameter will be affected by shadow flicker. The objector raised concerns with the potential of shadow flicker occurring at their property (18 Ballynakilly Road). It is acknowledged that this dwelling is located within 130 degrees either side of north however it is located approximately 580m, east. 10 times the rotor blade diameter for this application would be 520m and I am satisfied there are no dwellings located within this diameter of the wind turbine so shadow flicker is unlikely to be an issue. The objector provided pictures from their property which show the sun setting at different points in this direction which caused concern that the proposed turbine would result in a shadow flicker. However, having viewed the photomontage submitted by the agent, it was agreed at a group meeting that the likelihood of shadow flicker is low as the turbine will be located left of the sunset at a lower point, given it is located at the bottom of the hill.

Therefore, 3rd party objections relating to shadow flicker are not sufficient to warrant the refusal of a turbine in this location.

In terms of residential amenity, I am content that the turbine is far enough removed from any third party dwellings to cause any detrimental impacts to residential amenity. The objector raised concerns regarding the proposal as mentioned above but it is the planning authorities job to assess if the proposed turbine will have an ever present and overbearing presence detrimental to residential amenity and the attractiveness of the dwellings living environment overall. Having visited the objectors dwelling and assessed the proposal from this vantage point, it is noted the dwelling (18 Ballynakilly Road) sits at a level lower than the Ballynakilly road, travelling west down a hill to the dwelling. When viewing the proposed siting of the turbine from the dwelling, with benefit of the photomontage provided by the agent, it is clear the turbine will be visible from the dwelling however it is not directly behind the house, it is some 580m west of the property, with the rear of the property facing in a north western direction, therefore not directly facing the proposed turbine. I am content that the turbine is mainly screened by the existing hillside which acts as a buffer for the visual impact on this residential property. I do not believe the turbine will be visually dominant when viewed from the objectors property.

(b) Visual amenity and Landscape character:

The site is located within Landscape Character Area 42 (LCA 42) as defined in the NIEA Wind Energy Development in Northern Ireland's Landscapes publication. This publication rates the overall sensitivity of the area to be high to medium. The proposed turbine is to be located within a field at the bottom of a drumlin and views of the site are short in distance. The drumlin screens the site to the north and east and the remaining views are relatively short. Given the placement of the turbine at the bottom of the hill, it will ensure long views of the turbine are reduced. I am content that the turbine will integrate into and reflect the scale of the existing pattern of drumlin hills and mature vegetation. Given the separation between this proposed and existing approved turbines in the area and the intervening landscape I am content there will be no detrimental cumulative impacts with other turbines on this landscape area.

(C) Biodiversity, nature conservation or built heritage interests:

NIEA and Shared Environmental Services (SES) were both consulted on this proposal. SES responded to state that having considered the nature, scale, timing, duration of the project it is concluded that it is eliminated from further assessment because it could not have any conceivable effect on a European Site.

Within NIEA's response Regulation Unit (Land and Groundwater Team) considered the impacts of the proposal on the environment and refers to standing advice and offers no objection. The agent also confirmed the turbines foundation will not have any impact on surface water, private (or public) water supplies, designated wetland nor any springs. Natural Environment Division (NED) initially required further information as it was identified the proposal is likely to harm bats protected by law and therefore requested a bat survey. Following the submission of this, NED had concerns and requested a Bat Monitoring and Mitigation Plan (BMMP). This was then provided and on the 25th July

2022, NED responded to the latest consultation response confirming they were content with the proposal subject to conditions. Therefore, I am content that the proposal complies with this criteria and the policy contained within Planning Policy Statement 2- Planning and Nature Conservation.

There are no nearby historic monuments or buildings that could be impacted by this proposal, and no evidence has been provided to state otherwise. Subsequently this criteria or the policy criteria contained within PPS 6- Planning, Archaeology and Built Heritage are not offended.

(d) Local natural resources, such as air quality and water quality

The turbine is constructed off site from metal and is erected on site. There are no impacts on local natural resources from its construction. The proposal is a clean energy and there will no impacts on air or water quality.

(e) Public access to the countryside

The proposal will not impact on public access to the countryside. The proposal is utilizing and existing laneway and will be located within a small portion of an existing agricultural field.

Within Policy RE1 there are also further criteria that wind energy development will also be required to demonstrate compliance with the criteria listed. I am content that the first two criteria listed have been met as discussed above. The proposed turbine is on relatively flat land within an agricultural field, although the site does rise steeply to the east. The site is not located on peatlands.

Consultations were issued to Belfast City and Belfast International airport, National Air Traffic Services, NI Water windfarms and the PSNI. None of these consultees offered any objection to the proposal confirming it will not give rise to unacceptable electromagnetic interference to communications installations; radar or air traffic control systems; emergency services communications; or other telecommunication systems. There were no other fixed links that may be impacted by this proposal.

Should the application be approved, site restoration on cessation of electricity production can be controlled by a planning condition.

Other Material Considerations

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

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Condition 2

The level of noise emissions from the wind turbine hereby permitted (including the application of any tonal penalty when calculated in accordance with the procedures described on pages 104 - 109 of ETSU-R-97) shall not exceed values set out in Table 1 contained within Environmental Health's consultation response dated 8th November 2021. Noise limits for any dwellings which lawfully exist or have planning permission for construction at the date of this consent but are not listed in Table 1 shall be represented by the physically closest location listed in the tables unless otherwise agreed by the Planning Department.

Reason: To control the noise levels from the development at noise sensitive locations.

Condition 3

The wind turbine operator shall provide to the Planning Authority the results, assessment and conclusions regarding the noise monitoring required by Condition 2, including all calculations, audio recordings and the raw data upon which that assessment and conclusions are based. Such information shall be provided within 3 months of the date of the written request of the Planning Authority under condition 2 unless, in either case, otherwise extended in writing by the Planning Authority.

Reason: To control the noise levels from the development at noise sensitive locations.

Condition 4

Within 4 weeks from receipt of a written request from the Planning Authority, following an amplitude modulation (AM) complaint to it from the occupant of a dwelling which lawfully exists or has planning permission at the date of this consent, the wind turbine operator shall submit a scheme for the assessment and regulation of AM to the Planning Authority for its written approval. The scheme shall be in general accordance with:

- Any guidance endorsed in National or Northern Ireland Planning Policy or Guidance at that time, or in the absence of endorsed guidance,
- Suitable published methodology endorsed as good practice by the Institute of Acoustics; or in the absence of such published methodology,
- The methodology published by Renewable UK on the 16th December 2013;

and implemented within 3 months of the written request of the Planning Authority unless otherwise extended in writing by the Planning Authority.

Reason: To control the levels of AM from the development at noise sensitive locations.

Condition 5

The approved Bat Monitoring and Mitigation Plan (BMMP) by Erne Environmental date stamped by Council on 09 June 2022 shall be implemented in accordance with the approved details within BMMP, unless otherwise agreed in writing by the Planning Authority.

Reason: To monitor and mitigate the impact of the proposal on bats

Condition 6

Any vegetation clearance within the site footprint shall occur outside the bird breeding season which lasts from 1st March to 31st August.

Reason: Avoid disturbance to nesting birds in order to uphold the Wildlife (NI) Order 1985 (as amended).

Condition 7

The permission shall be for a limited period expiry 25 years from the date on which electricity from the wind turbine is connected to the grid. Within 12 months of the cessation of electricity generation at the site, or upon the expiration of this permission whichever is sooner, all structures and access tracks shall be removed, and the land restored in accordance with a scheme to be submitted and approved by Council prior to the commencement of any decommissioning works, unless otherwise agreed by Council in writing.

Reason: To restore the site and maintain the landscape quality of the area.

Case Officer: Ciaran Devlin

Date: 18 November 2022


ANNEX	
Date Valid	15 June 2021
Date First Advertised	
Date Last Advertised	29 June 2021
Details of Neighbour Notification (all addresses)	
Date of Last Neighbour Notification	28 July 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: LA09/2021/0913/F Proposals: Erection of turbine - hub height 50m, blade diameter 52m Decision: Decision Date:	
Summary of Consultee Responses Environmental Health Mid Ulster Council-Substantive: YResponseType: FR NIEA-Substantive: YResponseType: FR Environmental Health Mid Ulster Council-Substantive: TBC Belfast City Airport-Substantive: TBCResponseType: FR Belfast International Airport-Substantive: TBCResponseType: FR RSPB-Substantive: TBCResponseType: FR National Air Traffic Services-Substantive: TBCResponseType: FR N.I Water - Windfarms-Substantive: TBCResponseType: FR P.S.N.I. Information And Communications Services-Substantive: TBCResponseType: FR Shared Environmental Services-Substantive: TBCResponseType: FR Defence Instructure Org-Substantive: TBCResponseType: FR NIEA-Substantive: TBCResponseType: PR National Air Traffic Services-Substantive: TBC NIEA-PRT LA09-2021-0913-F CON.PDF Environmental Health Mid Ulster Council-LA09-21-0913 F.doc	

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: 6 December 2022	Item Number: 5.5
Application ID: LA09/2021/1010/RM	Target Date: 30 August 2021
Proposal: Proposed dwelling and detached domestic garage	Location: Between 12A Drumconor Road And 15 Lisnagleer Road Lisnagleer Dungannon
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: David Craig 123 Sherrigrim Road Lisnane Cookstown	Agent Name and Address: Neil Irvine Design Limited Unit 5 The Buttermarket 132 Main Street Fivemiletown BT75 0PW
Executive Summary:	

Case Officer Report		
Site Location Plan		
		
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Consultations:		
Consultation Type	Consultee	Response
	Rivers Agency	Substantive: TBCResponseType: FR
	Rivers Agency	
Non Statutory Consultee	Rivers Agency	680326 - Final Response.pdf
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		
Characteristics of the Site and Area		
<p>The site comprises a small rectangular field located between number 15 and 11 Lisnagleer Road, Dungannon. The site is bounded by mature hedgerow along the road to the West, with a row of trees along the northern boundary, undefined eastern boundary and a row of trees and a lane dividing the site from the dwelling at number 11 to the South. The land is relatively flat and at the time of site visit it had been cleared leaving the bare soil exposed.</p> <p>The site lies in the open countryside outside all other areas of control. It is located a short distance to the west of the settlement limit of Newmills. The area is characterised by undulating agricultural land with a scattering of single dwellings and farm holdings along the roadsides.</p>		
Description of Proposal		
<p>The proposal is for a dwelling and domestic garage. The planning application seeks</p>		

approval of matters reserved from previous outline planning consent re. LA09/2018/0361/O. Outline planning permission was granted for the "Proposed infill dwelling and garage" on 17th June 2018 therefore the principle of development has already been established on this site with a number of conditions set out on the approval. This current application seeks consent for a number of matters which were reserved at the outline stage.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 11 and 15 Lisnagleer Road. There were two letters returned with Royal Mail noting "no such address" for the reason. The addresses were checked on site and a further neighbour notification letter was hand delivered to 12a Drumconor Road. At the time of writing, one representation was received by way of objection. The issues raised within the objection include:

- o Flooding concerns
- o Overflow of water
- o Intensification of traffic

DFI Roads and DFI Rivers were both consulted on the application as they are the professional bodies which deal with the issues raised within the objections. The details of their responses are discussed later in the report but no objections to the proposal were raised by either consultee.

Planning History

LA09/2018/0361/O - Proposed infill dwelling and garage - PERMISSION GRANTED - 17th June 2018

Planning Assessment of Policy and Other Material Considerations

- o Dungannon and South Tyrone Area Plan 2010
- o Strategic Planning Policy Statement (SPPS)
- o PPS 21: Sustainable Development in the Countryside
- o PPS 3: Access, Movement and Parking
- o PPS 15: Planning and Flood Risk
- o Local Development Plan 2030 - Draft Plan Strategy

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

When outline planning permission was granted re. LA09/2018/0361/O a number of conditions were imposed. I am content that the conditions set out have been complied with.

The Dungannon and South Tyrone Area Plan identifies the site as being outside any defined settlement limits. The site has no other zonings or designations within the plan.

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

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

The surrounding area has a mix of dwellings with a range of sizes, designs and materials however they are mainly bungalow or 1.5 storey dwellings. The dwelling proposed is a 1.5 storey and has a simple design with a modest outshot to the rear which consists of an orangery style projection which has glazing which will also be evident from the front of the house, given that it extends to the side of the dwelling slightly. Materials proposed include natural slates on the roof, render on the walls and concrete quoins and bands. I don't consider that the dwelling proposed would be prominent at this site given that a number of the neighbouring properties are similar in terms of size and scale. The dwelling to the South has a similar design to what is proposed. The design is considered acceptable for this rural setting and there is existing and proposed landscaping around the site and along the site boundaries which will aid with integration at this site. There is a single storey garage proposed also which is to be located to the rear of the dwelling.

The proposal intends to create a new access onto Lisnagleer Road. DfI Roads weren't consulted as the applicant/agent has provided sight lines of 2.4m x 33m as required in the outline permission.

Rivers were consulted and have assessed the proposal against the policies held within PPS 15. Their response notes that an undesignated watercourse flows along the western boundary of the site and therefore a 5m Maintenance strip is required unless the watercourse can be maintained from the opposite bank by agreement with the landowner. Following an email trail between the agent and a DfI Roads engineer, Roads confirmed that the watercourse appears to be behind the existing hedgeline and therefore not within the road boundary. The agent has marked this on the plans noting that the open drain is to be piped to the satisfaction of Rivers Agency.

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 of 2.4m x 33m, shall be in place, in accordance with Drawing No.02a bearing the date stamp 5th September 2022, prior to the commencement of any other works or other development hereby permitted. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Condition 3

Prior to commencement of any development hereby approved, the vehicular access including visibility splays of 2.4mx 33.0m shall be provided in accordance with a 1/500 scale site plan as submitted and approved at Reserved Matters stage. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above adjoining road and kept clear thereafter.

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 scheme of planting hereby approved shall be carried out in accordance with drawing No.02a bearing the date stamp 5th September 2022 during the first available planting season after the commencement of development. Trees or shrubs dying, removed or becoming seriously damaged within five years of being planted shall be replaced in the next planting season with others of a similar size and species unless the Mid Ulster District Council gives written consent to any variation.

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

Case Officer: Sarah Duggan
Date: 21 November 2022

ANNEX	
Date Valid	5 July 2021
Date First Advertised	10 May 2022
Date Last Advertised	20 July 2021
Details of Neighbour Notification (all addresses) The Owner / Occupier 12A Lisnagleer Road, Dungannon, Tyrone, BT70 3LN The Owner / Occupier 15 Lisnagleer Road Dungannon Tyrone BT70 3LN The Owner / Occupier 11 Lisnagleer Road Dungannon Tyrone BT70 3LN	
Date of Last Neighbour Notification	6 October 2021
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses Rivers Agency-Substantive: TBCResponseType: FR Rivers Agency- Rivers Agency-680326 - Final Response.pdf	
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 Site Layout or Block Plan Plan Ref: 02A	

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 December 2022	Item Number: 5.6
Application ID: LA09/2021/1423/O	Target Date: 23 November 2021
Proposal: Demolition of former dwelling and outbuildings and replacement with single dwelling and garage	Location: 150M North Of 17 Corvanaghan Road Cookstown
Referral Route: Approval is recommended Objections received against this application.	
Recommendation: Approval	
Applicant Name and Address: Oliver MC Kenna 15 Corvanaghan Road Cookstown	Agent Name and Address: Oonagh Given 10 Carnan Park Omagh BT79 7XA
Executive Summary: This application is for a replacement dwelling in the countryside beside an active quarry that is planning to expand. The proposal meets the test in CTY3 for a replacement dwelling and there are no policies to protect the quarry on the Area Plan or A Planning Strategy for Rural Northern Ireland. The proposal will not prevent quarrying but will mean that different quarrying methods are used close to the property. Objection received from quarry operator raising issues about potential effects on the development from the quarry, on the quarry due to the development, land ownership query, neighbour notification query and assessment of impact on bats.	

Case Officer Report**Site Location Plan**

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Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	Health And Safety Executive For NI	
Non Statutory Consultee	Environmental Health Mid Ulster Council	Planning response.pdf

Representations:

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

Summary of Issues

Replacement dwelling close to an active quarry, objection received from quarry operator raising issues about potential effects on the development from the quarry, on the quarry due to the development, land ownership query, neighbour notification query and assessment of impact on bats.

Characteristics of the Site and Area

The site is located in the Sperrins AONB to the west of the small settlement of Orritor. It is comprised off a group of farm buildings at the end of a long private lane. The buildings are grouped around a courtyard and the building identified as the dwelling to be replaced has the appearance of a vernacular building with a corrugate iron roof, stone walls with window openings and a storm porch. Inside the building there are no internal walls, however it is apparent there are old chimney breasts. To the rear of the building to be replaced is a stand of trees on higher ground and the old building is dug into the ground. In front of the group is another hedge that screens the site and provides enclosure.

The area is rising hills and is dominated by P Keenans Quarry and plant located to the west of the application site.

Description of Proposal

This application seeks permission for demolition of the former dwelling and outbuildings and erection of a new dwelling and garage.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 17 Corvanaghan Road, Cookstown. At the time of writing, 3 letters of objection have been received in relation to the impacts on the adjacent quarry, landownership, ecology and the neighbour notification process. This has been addressed in the report.

Planning History

I/2001/0802/O - Site for dwelling, 100m South East of 17 Corvanaghan Road, Cookstown, OPP Granted 14.01.2002

I/2006/0144/F - Dwelling & detached garage, 100m SE 17 Corvanaghan Road Cookstown, FPP Granted 21.11.2006

I/2002/0173/F - Extension to Quarry Crushing & Mixing Plants, 29 Corvanaghan Road, Cookstown FPP Granted 28.08.2002

Planning Assessment of Policy and Other Material Considerations

- Cookstown Area Plan 2010
- A Planning Strategy for Rural Northern Ireland (PSRNI)
- 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 Cookstown Area Plan 2010 identifies the site as being located outside any defined settlement limits. The site lies inside the Sperrins Area of Outstanding Natural Beauty.

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 proposal is for a replacement dwelling in the countryside, CTY1 allows for replacement dwellings where they meet with the criteria set out in CTY3. In this case the building to be replaced does, from my observations, have some of the characteristics of a dwelling, it has window and door openings that would be typical of an older dwelling, a small storm porch at the front door and the chimney breast are still intact, though not in use. Within the building is a tiled hearth, chimney breasts and wall subdividing the building into 2 rooms which would also suggest this was a dwelling. The building has its roof and all the external walls are upstanding. I consider this building was most likely used as a dwelling and as such is appropriate for replacement. (see photographs 1 – 6 below)

Photo 1 Front elevation of the building for replacement with storm porch and typical fenestration of dwelling of the time

Photo 2 Internal wall subdividing the existing building into 2 rooms, typical of a dwelling of the time

Photos 3 and 4 - Hearth and fireplaces inside the existing building

Photos 5 & 6 - Tiled hearth below chimney breast

The building does, in my opinion, exhibit some of the characteristics of a vernacular building, as it is narrow and long with the opening on the long wall. That said, it is located down a long lane away from any views, it has been modified with the roof

replaced and some walls partially rebuilt and the building used for agricultural purposes. In light of this I do not consider it could be considered to make an important contribution to the character or appearance of the area and is not worthy of being retained.

Photo 7 and 8, shows some rebuilding of the walls and the roof condition

The proposed site is slightly larger than the original curtilage, I consider the existing curtilage is restrictive and would not be capable of accommodating a modern dwelling. It is noted that existing vegetation to the northwest and south east can be retained and this would ensure that a new dwelling here will not be prominent in any views and would not detract from the appearance of the area. The existing vegetation is such that a larger dwelling could be accommodated and as such consider it necessary to condition the retention of the vegetation but not to restrict the size of any dwelling. I consider the design can be Reserved where it will be assessed against the other criteria in CTY3 as well as DES4 of PSRNI. Access to the site is off an existing lane that serves 2 other dwellings as well as the farm. the proposal is for a replacement dwelling on a one for one basis and is therefore not going to create an intensification of the use of the access. It is also noted that where the lane meets Corvanaghan Road the access is wide and has a good concrete surface with good visibility splays and as such unlikely to create any traffic hazards.

I consider the proposal meets with CTY3 of PPS21.

The site is beside an active quarry and there are plans to expand the quarry in the direction of these buildings. The Cookstown Area Plan does not have any policies that would restrict any development here due to the quarry, even though there was provision for this in MIN5 - Mineral Reserves of PSRNI. It must be concluded that the minerals here were not valuable and there was no need to protect the area from development. MIN 6 –Safety and Amenity recognises that residential development and quarries are bad neighbours and that new buildings in close proximity to quarries would not be permitted. In this instance the existing building was once used as a dwelling, the proposal for a new building is in place of the existing building and can be located on the footprint of the existing or further away from the quarry in recognition of this. MIN 6 while protecting quarries also protects residential development and as such the application of the expansion of the quarry will have to take account of the existing development around it and that should include existing dwellings, approved and committed residential development and potential dwellings, which I have considered this meets.

Objections have been received on behalf of the adjoining quarry raising issues with the proposed development for a replacement dwelling and the protection afforded to quarries is set out above. HSENI have set out their considerations and referred to the response to the quarry application, this set out conditions on how the minerals are to be extracted close to this application site. This does not prevent quarrying but limits the extraction method. Environmental Health Officers have also considered the proposal and the impacts of the quarry and this application, they have advised conditions proposed for the quarry that should protect the amenity of any dwelling, ensure the proposed dwelling does not come close to the quarry than the existing building and that any occupants should be made aware of the quarry. I consider a condition to restrict the curtilage and

siting of the proposed dwelling will ensure any new dwelling does not come closer to the quarry than the existing building.

The objectors have advised the proposed building has the opportunity to house bats and insist the Council should request a report about bat activity and request that it is carried out by a recognised ecologist. The quarry application is accompanied by an Environmental Statement (ES), which contains an ecology appraisal by Dara Dunlop of Neo Environmental who is a Qualified Member of the Chartered Institute of Ecology and Environmental Management. In the ecology section of the ES, Mr Dunlop has advised there was an extended phase 1 habitat survey undertaken on 20 May 2020 which included the quarry application site and a 50m buffer. The replacement dwelling site is located within the 50m buffer. Mr Dunlop has indicated in Section 8.3.4 of the ES that no records of bat species were recorded within 2kms of the quarry site. In light of this report from an ecologist, I do not consider it is necessary to request any further information in respect of bat activity in the buildings on the application site.

Fig 8.2 in the ES accompanying P Keenan Quarry Application.

A query in respect of the land ownership of the application site was also put forward and the agent acting for the applicant has advised the proper notification has been carried out to the land owners. Members will be aware that it is an offence to make a misleading statement on the land ownership declaration. If there are other lands needed then it is the developers responsibility to ensure they have all the lands necessary to carry out the development as planning permission does not confer title.

The objector was concerned that the quarry was not notified by letter about the application. Members are advised the neighbour notification process set out in Article 8 (1)(b) of the Planning (General Development Procedure) Order (NI) 2015 relates to occupied buildings on neighbouring lands. As the quarry does not share a common boundary with this application site, it is not a notifiable neighbour.

Taking account of the MIN Policies, I do not see any policy that would prevent this proposal from being allowed as it meets with Policy CTY3 of PPS21 and as such I recommend this is approved.

Summary of Recommendation:

Approval is recommended

The proposed development meets with the policies for a replacement dwelling and is not considered to contravene MIN Policies in A Planning Strategy for Rural Northern Ireland.

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

Condition 3

Prior to the commencement of the development hereby permitted the existing building coloured green on drawing No. 01 date stamped 28 SEP 2021, shall be demolished and the site restored in accordance with a scheme as agreed with the Council.

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

Condition 4

The dwelling hereby approved shall be sited in the area identified in yellow on drawing No 01 bearing the stamp dated 28 SEP 2021.

Reason: In the interests of amenity as the development is in close proximity to an active quarry.

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 and details of a native species hedge to be planted along all new boundaries of the site. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. Any tree, shrub or other plant identified in the landscaping scheme dying within 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.

Informative 1

This development is located close to an active quarry and any future residents may experience nuisance from time to time due to the activities in the quarry.

Case Officer: Phelim Marrion

Date: 23 November 2022

ANNEX	
Date Valid	28 September 2021
Date First Advertised	12 October 2021
Date Last Advertised	12 October 2021
Details of Neighbour Notification (all addresses) The Owner / Occupier 17 Corvanaghan Road, Cookstown, BT80 9TN	
Date of Last Neighbour Notification	14 January 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses Health And Safety Executive For NI- Environmental Health Mid Ulster Council-Planning response.pdf	
Drawing Numbers and Title Site Location Plan Plan Ref: 01	
Notification to Department (if relevant) Not ApplicableNot ApplicableNot ApplicableNot Applicable	



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 December 2022	Item Number: 5.7
Application ID: LA09/2021/1686/O	Target Date: 20 January 2022
Proposal: Proposed residential development of five dwellings, a private roadway and ancillary development.	Location: Lands Approx. 30M Ne Of 22 Littlebridge Road Drummullan.
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr D Howard 54 Littlebridge Road Moneymore BT45 7NT	Agent Name and Address: Les Ross Planning 14 King Street Magherafelt BT45 6AR
Executive Summary: Proposal considered against relevant prevailing planning policy below. 7No. objection letter received and considered below.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
	NI Water - Multiple Units West	Substantive: TBCResponseType: FR
	NI Water - Strategic Applications	Substantive: TBCResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
Statutory Consultee	DFI Roads - Enniskillen Office	
Statutory Consultee	DFI Roads - Enniskillen Office	
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation outline 25 oct 2022.docx

Representations:

Letters of Support	0
Letters Non Committal	0
Letters of Objection	7
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Characteristics of the Site and Area

The site is located within the settlement limits of Drummullan as defined in the Cookstown Area Plan 2010. The application site is set back approximately 60 metres from the public road located to the rear of roadside dwellings No.24 and No.26 Littlebridge Road. The site comprises the majority of an agricultural field as well as a small portion of a roadside green field which provides the proposed access arrangements. The immediate surrounding context is rural in character defined by agricultural fields and dispersed detached dwellings. When travelling in a northerly direction along this stretch of the public road on approach of the small settlement of

Drummullan, it is noted the character gradually becomes more urbanised with a build-up of development including retail, residential and a public house. To the south, travelling away from Drumullan, the character changes to a more rural context with the land south of the application site sitting within the transition from rural to urban. The north, east and west boundary are defined by hedging, whilst the southern boundary is relatively undefined. The topography of the site is relatively flat.

Description of Proposal

This is an outline application for 5 dwellings with private roadway and ancillary development located 30m NE of 22 Littlebridge Road, Drummullan.

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
- PPS 7 - Quality Residential Environments
- PPS 3 - Access, Movement and Parking
- Addendum to PPS 7 - Safeguarding the Character of Established Residential Areas (APPS 7)
- PPS 11 – Planning and Waste Management

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

Representations

Press advertisement and neighbour notification has been carried out in line with the Council's statutory duty. At the time of writing, 7no. objections letters have been received from the owner/occupiers of No.23, No.24 and No.26 Littlebridge Road and No.37,

No.39, No.41 and No.47 Killybearn Road. The concerns detailed in the objection letters are outlined and considered below.

- Objector has stated a similar planning approval did not commence due to civil findings that the applicant did not have control/ownership of the required sight lines. The objector states the applicant does not have control over the land indicated therefore falsifying information supplied as part of the planning application and the required land for sight lines or the necessary removal of our existing hedges will not be granted. A copy of their deed map has been provided to show their folio extends to the middle of Littlebridge Road indicating ownership of the portion of land to the front of No.24 / lay-by. They advised the lay-by was previously used for garden centre clients however the business ceased trading over 10 years ago and it is their intention to relocate existing walls and pillars to encapsulate the entirety of the land which will render the proposed sight lines unacceptable.

The agent responded to this letter of objection advising the applicant is not aware of the civil findings referred to and argues whilst landowners often have a theoretical land ownership to the centre of the roadside boundary, the road verge is well established and is under the control of DFI Roads. The agents supporting letter ascertains the hedge planted on the layby represents a danger to existing road users and DFI roads have a variety of powers available under the Roads NI Order 1992 to preserve established road verge areas. The agent has provided an additional drawing to demonstrate the proposed access arrangements are possible and a land registry map demonstrating the extent of land under the applicant's control. It is noted, Certificate C has been signed on the P1 form serving notice on DFI Roads. DFI Roads have advised in their latest consultation response that they are of the view that any issues in relation to ownership and control of lands are matters for the individuals and Planning Service to consider. The above information has been considered at internal group and the Planning Department accept the arguments presented by the agent however it is considered appropriate that a negative condition is attached to any forthcoming approval requiring the sightlines to be in place prior to any construction. Ultimately it is considered land ownership is ultimately a civil matter and falls outside the remit of planning and it is understood any impediment to visibility created by existing hedges and vegetation overgrowing the road verge is potentially a matter for DFI to enforce against under their legislative provisions.

- The proposed access is close to the entrance of a haulage company at No.23 Littlebridge Road with 8no. 44ton HGV's coming and going at all times which would be dangerous and not appropriate. The existing road network is busy and dangerous and has been subject to increased speed over years, any increased traffic entering and existing the site will add hazard.

DFI Roads have been consulted and have raised no objections or concerns on road safety. Any forthcoming approval will be subject to conditions to ensure satisfactory means of access. It is noted there is a 30mph speed limit along this stretch of road.

- The proposal will lead to a 100% increase in the density of homes along the private laneway and would urbanise the current semi-rural setting. The density is

overbearing, and the design is not in keeping with the area with surrounding properties being predominantly bungalows. The proposed two-storey dwellings which will change the character of the rural setting.

The plot size, design and scale of individual dwellings in the immediate vicinity varies. Whilst the proposal may represent a greater density than the immediate surrounding area, I do not consider it to be inappropriate to the settlement limits of Drummullan. I do not consider 5no. dwellings on the application site would detrimentally impact the character of the area and the exact siting, layout, design and scale will be a matter should a reserved matters application be forthcoming.

- The proposed dwellings will overlook neighbouring properties, impact on natural light and significantly impact on privacy. If approved, all privacy currently enjoyed by the surrounding properties will be gone. Three proposed dwelling will face directly onto the rear of existing properties overlooking private gardens and living space. Existing hedging will offer no protection to privacy. The development will lead to increased residential noise with the potential to add in excess of 18 residents in this small rural area.

This is an outline application therefore exact details on design, layout, scale and massing are not available for consideration. A concept plan has been submitted which provides an indicative layout, from this I do not consider the addition of 5no. dwellings on the site will detrimentally impact residential amenity in terms of overlooking or loss of privacy however the finalised layout and design including window placement will require further consideration should a reserved matters or full application be forthcoming. The concept plan provided is illustrative and not to scale however it appears from this indicative plan a minimum separation distance of 40metres between the proposed units and existing dwellings and a 10m minimum distance between the rear of the new houses and the common boundary as per Creating Places is achievable. The concept plan identifies additional planting, the retention of existing vegetation and submission of a landscaping plan will be conditioned to be included with any reserved matters application. Environmental Health have been consulted and have raised no concerns with respect noise impacts therefore I do not consider the additional noise from 5 residential units would warrant refusal.

- The proposal will change the character of the neighbourhood and detract from open countryside views enjoyed by many local residents. If approved this will set the precedent for similar intrusive development in the area on other areas of land in proximity to their property.

The loss of countryside views is a not considered a material planning consideration. As stated previously, I do not consider this proposal will detrimentally impact the character of the area and the principle of 5no. units on this site within Drummullan settlement is considered acceptable. Planning applications are considered on a case by case basis against the individual merits and relevant prevailing planning policy and material considerations.

Planning History

I/2007/0037/F - 3 No 4 Bed 2 Storey Detached Dwellings and 2 No 3 Bed 2 Storey Semi - Detached Dwellings With Associated Parking, Amenity Space and Private Roadway – 30m NE of 22 Littlebridge Road, Drumullan - Permission Granted 29/01/09

I/2006/0709/F - Residential development of 29 dwelling units. Comprising 13 detached units, 12 semi-detached units and 4 apartments. Development to include new pedestrian footway along road verge - Lands at 23 Littlebridge Road, Drummullan – Permission Granted 24/03/11

I/2002/0158/F – Extension to Public Bar - Public Bar, 28 Littlebridge Road, Drumullan– Permission Granted 18/07/02

Consultees

DFI Roads - DFI Roads have advised that the application is for 5 dwellings therefore this could be approved with the road remaining private. However, they have advised that there is potential for the development road to serve additional dwellings as part of a comprehensive development of adjacent lands, in such case the development road would need to be constructed to adoptable standards. This has been considered at internal group and it was agreed as the proposal is for 5 units it will be considered on this basis and can be approved with the road remaining private. Should any further proposals be received for greater density development, this will be reconsidered on this basis.

NI Water – NI Water have advised there is available capacity at the WWTW however advised due to the proposed development site falling within the Odour Encroachment Boundary, submission of an application for an Odour Assessment to NI Water (NIW) will be required by the applicant.

Following this response, the agent provided a letter from NI Water which advised PPS11 requires the Planning Department to consider whether sensitive development in proximity to WWTW is acceptable and NIW policy is to object to new development close to an existing wastewater treatment works. However, NIW have prepared a policy on planned development near to WWTW and have considered the location of the property and can confirm that whilst inside the odour consolation zone boundary their assessment concludes that NIW will not on the ground of incompatible development raise any objection to any proposed development on the site. NIW advise in their letter the suitability of a particular development proposal adjacent to a WWTW rests with the Planning Department. The contents of this letter have been considered and it was agreed at internal group, in light of NIW letter dated 6th April 2022 advising they have no objection following their assessment, we are content on this matter.

Environmental Health – EHD advised they are aware of the WWTW within the vicinity of the proposal and advised they should be re-consulted for further comment when the requested Odour Impact Assessment is made available. Having considered the letter from NI Water dated 6th April 2022, it was not considered necessary to insist an odour impact assessment therefore re-consultation with EHD was not required.

Key Policy Considerations/Assessment

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. 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.

Cookstown Area Plan 2010 is the statutory local development plan for the application site. The application site is located within the settlement limits of Cookstown and located on white land with no specific zoning or designation. The extant Area Plan states that if the proposal meets all relevant, prevailing planning policy; it will meet the policy tests of Cookstown Area Plan Policy SETT 1 - Settlement Limits.

This proposal seeks outline planning permission for 5 residential dwellings with a private roadway. As this is an outline application, no details of the design have been included and will be a matter for consideration should a reserved matters or full application be forthcoming. However, Drawing 02 date stamped 10th December 2021 provides an indicative plan which indicates the proposal will be made up of 5 detached dwelling units each with a garage. The proposed layout will be considered below and if considered acceptable an appropriately worded condition could be attached to any forthcoming approval requiring this layout/siting.

Planning Policy Statement 7: Quality Residential Environments (PPS 7) is a retained policy document under the SPPS and provides the appropriate policy context. Policy QD 1 of PPS 7 sets out the policy framework under which applications of this nature should be assessed. The proposal has been considered against all criteria outlined under Policy QD1.

- a) The proposal is for 5 dwelling units which would be in the form of 5 detached properties as per the submitted concept plan (Drawing No. 02). Two dwelling units have a northern orientation facing towards Killybearn Road and three units have a western orientation facing towards an existing private laneway. The indicative plot size and scale of dwelling appears to be acceptable to the setting. However this will be a matter of further consideration, along with the design, should permission be granted and a reserved matters application forthcoming.
- b) No protected archaeological or built heritage features identified have been identified within the site or in close proximity thus it is not considered that the proposal would have a significant impact on any local landscape features of built/archaeological interests.
- c) The submitted concept plan Drawing 02 has indicated a suitable level of private amenity space along with an indication that the existing mature boundaries will be retained and where necessary new additional planting will be provided. More details of this can be conditioned at reserved matters stage should an approval be granted.
- d) The proposal site is situated within the settlement limits of Drummullan thus it is

considered there is easy accessibility to local neighbourhood facilities. It is not considered the proposed development would significantly intensify or place unnecessary demands on the existing neighbourhood provisions and amenities within the area.

- e) The proposal seeks to create a new access onto Littlebridge Road. It was noted on the date of the site inspection there is no existing footpath along this public road. DfI Roads have been consulted and have no objection to the proposal subject to conditions. It is considered given the siting within a small rural settlement the movement pattern provided is acceptable in this context.
- f) I considered that adequate provision has been made for the provision of in-curtilage parking on the site. Drawing 02 provides an indicative site layout which demonstrates in-curtilage parking and a detached garage for each dwelling unit. This again will be considered further at Reserved Matters stage when further detail is provided.
- g) As this is an outline application no form or detailing has been given. The proposal site is surrounded by predominantly residential development of varying design and scale. South and west of the site there are predominantly detached single storey dwellings; there is a mix of single storey, storey and a half and two storey detached dwellings to the north and east. It is considered semi-detached dwellings with a modest 2 storey design could be accommodated on site reflecting the surrounding character and built form.
- h) Drawing No.02 provides an indicative site layout which indicates existing vegetation to be retained and reinforced where necessary with additional planting. Landscaping will be a further consideration at reserved matters stage, however should planning permission be granted it is considered necessary to condition a landscaping scheme is provided to be approved by Council. In terms of overlooking, loss of light and overshadowing, the proposed layout indicated in Drawing 02 Rev 3 provides a minimum separation distance from neighbouring properties of approximately 40 metres. I do not foresee any unacceptable adverse impact on neighbouring amenity as a result of this proposal subject to the submission of suitable design at Reserved Matters stage.
- i) The proposal seeks permission for a small housing development proposal of 4 units, each with private off street parking and amenity space. I have no significant in terms of crime or health and safety with respect the proposed design.

Further to that above Policy LC 1 of APPS 7 Addendum to PPS 7 Safeguarding the Character of Established Residential Areas is a material consideration. Policy LC1 states that in established residential areas planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing, where all the criteria set out in Policy QD1 of PPS7 as well as the below additional criteria:

- a) The proposed density is not significantly higher than that found in the established

residential areas – This proposal is for 5 units, the surrounding development is predominantly single units on individual plots, however there are existing higher density residential development within Drummullan settlement. The extant area plan states comprehensive development will normally be permitted provided the scale, layout and detailed design of the development are compatible with the scale and character of the settlement. Given the site area of the application site, I consider the site could accommodate 5 detached units on individual plots with an appropriate and acceptable density to this setting.

- b) The pattern of development is in keeping with the overall character and environmental quality of the established residential area – In my opinion the proposal will not significantly alter the existing pattern of development or have a negative impact on the character and environmental quality of the established residential area.
- c) All units should be built to a size not less than those set out in Annex A of Addendum to PPS7 - As this proposal is an outline application the precise details of the scale and size of dwellings has not been provided. However, having considered the concept plan provided it is considered the minimum standards could be accommodated and this will be a consideration at the reserved matters stage should an approval be granted.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

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

Condition 2

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

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

Condition 3

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

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

Condition 4

The layout shall be in general conformity with the stamped approved concept plan Drawing 02 bearing the date stamp received 25th November 2021 and shall be designed in accordance with Policy QD1 of Planning Policy Statement 7 "Quality Residential Environments" and the associated supplementary guidance "Creating Places".

Reason: To ensure the provision of a quality residential development.

Condition 5

The layout submitted at reserved matters stage shall indicate that where proposed development abuts the private gardens of existing properties there shall be a minimum separation distance of 10 metres between the rear of new development and the common boundary of existing properties.

Reason: To ensure residents privacy is not adversely affected.

Condition 6

The existing mature trees and vegetation along the north and west boundaries 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: In the interests of visual amenity.

Condition 7

If any retained tree is removed, uprooted or destroyed or dies within 5 years from the date of completion of the development it shall be replaced within the next planting season by another tree or trees in the same location of a species and size as specified by the Council.

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

Condition 8

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

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

Condition 9

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

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

Condition10

The vehicular access, including visibility splays of 2.4 metres by 90 metres and forward sight distance of 90 metres shall be provided prior to the commencement of any works or other development hereby permitted and such splays shall be permanently 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): Grace Heron

Date: 21 November 2022

ANNEX	
Date Valid	25 November 2021
Date First Advertised	7 December 2021
Date Last Advertised	7 December 2021
Details of Neighbour Notification (all addresses)	
<p>The Owner / Occupier 43 Killybearn Road Moneymore Londonderry BT45 7YA The Owner / Occupier 23 Littlebridge Road Coagh Londonderry BT45 7XX The Owner / Occupier 19 Littlebridge Road Coagh Londonderry BT45 7XX The Owner / Occupier 28 Littlebridge Road Coagh Londonderry BT45 7XX The Owner / Occupier 30 Littlebridge Road Coagh Londonderry BT45 7XX The Owner / Occupier 37 Killybearn Road Moneymore Londonderry BT45 7YA The Owner / Occupier 39 Killybearn Road Moneymore Londonderry BT45 7YA The Owner / Occupier 41 Killybearn Road Moneymore Londonderry BT45 7YA The Owner / Occupier 24 Littlebridge Road Coagh Londonderry BT45 7XX The Owner / Occupier 26 Littlebridge Road Coagh Londonderry BT45 7XX The Owner / Occupier 21 Littlebridge Road Coagh Londonderry BT45 7XX The Owner / Occupier 22 Littlebridge Road Coagh Londonderry BT45 7XX</p>	
Date of Last Neighbour Notification	24 January 2022
Date of EIA Determination	

The Owner / Occupier
43 Killybearn Road Moneymore Londonderry BT45 7YA
The Owner / Occupier
23 Littlebridge Road Coagh Londonderry BT45 7XX
The Owner / Occupier
19 Littlebridge Road Coagh Londonderry BT45 7XX
The Owner / Occupier
28 Littlebridge Road Coagh Londonderry BT45 7XX
The Owner / Occupier
30 Littlebridge Road Coagh Londonderry BT45 7XX
The Owner / Occupier
37 Killybearn Road Moneymore Londonderry BT45 7YA
The Owner / Occupier
39 Killybearn Road Moneymore Londonderry BT45 7YA
The Owner / Occupier
41 Killybearn Road Moneymore Londonderry BT45 7YA
The Owner / Occupier
24 Littlebridge Road Coagh Londonderry BT45 7XX
The Owner / Occupier
26 Littlebridge Road Coagh Londonderry BT45 7XX
The Owner / Occupier
21 Littlebridge Road Coagh Londonderry BT45 7XX
The Owner / Occupier
22 Littlebridge Road Coagh Londonderry BT45 7XX

ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses NI Water - Multiple Units West-Substantive: TBCResponseType: FR NI Water - Strategic Applications-Substantive: TBCResponseType: FR DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR DFI Roads - Enniskillen Office- DFI Roads - Enniskillen Office- DFI Roads - Enniskillen Office-Roads Consultation outline 25 oct 2022.docx	
Drawing Numbers and Title Site Location Plan Plan Ref: 01 Site Layout or Block Plan Plan Ref: 02	
Notification to Department (if relevant) Not Applicable	



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 December 2022	Item Number: 5.8
Application ID: LA09/2022/0027/F	Target Date: 7 March 2022
Proposal: Proposed residential development to erect 7 No. dwellings (5 No. detached and 2 No. semi-detached) with associated garden amenities and garages. (Previous planning on lands H/2009/0275/F) (Amended Description and plans)	Location: Land Opposite 55-57 Sixtowns Road Straw Draperstown
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: O'Kane Developments Ni Ltd C/O Irwin Donaghey Stockman 23-25 Queen Street Coleraine BT52 1BG	Agent Name and Address: Studios Rogers Architects Ltd The Eggstore 1 Mountsandel Road Coleraine BT52 1JB
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
Statutory Consultee	Rivers Agency	
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation 3.docx
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation 4.docx
Statutory Consultee	NIEA	PRT LA09-2022-0027-F.PDF
Statutory Consultee	Rivers Agency	636883 - Final Response.pdf
Non Statutory Consultee	Environmental Health Mid Ulster Council	EH response uploaded 23/9/22
Statutory Consultee	Rivers Agency	
Non Statutory Consultee	NI Water - Multiple Units West	LA09-2022-0027-F.pdf
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09 2022 0027 F Sixtowns Rd Dtown.doc
Statutory Consultee	Rivers Agency	495918 - Final Response.pdf
Statutory Consultee	NIEA	PRT LA09-2022-0027-F

		CON.PDF
Statutory Consultee	Rivers Agency	
Statutory Consultee	Rivers Agency	
Representations:		
Letters of Support	0	
Letters of Objection	5	
Letters Non Committal	0	
Number of Support Petitions and signatures		
Number of Petitions of Objection and signatures		
Summary of Issues		
<p>Seven representations have been received in relation to this planning application and relate to the following:-</p> <ul style="list-style-type: none"> o The existence of a public 'Right of Way'; <p>Although there are a number of dwellings which access off the existing laneway extending along the eastern boundary of the site, this is a private Right-of-Way and not public.</p> <ul style="list-style-type: none"> o Access to services for the existing dwellings using the laneway which are under the laneway; <p>The proposed development does not affect the existing laneway nor any services under the laneway.</p> <ul style="list-style-type: none"> o Farm machinery would be diverted through a housing development causing a safety issue for residents; <p>As discussed above, the proposed development does not affect the line of the existing laneway nor access to nor from the lane.</p> <ul style="list-style-type: none"> o Road safety; <p>DfI Roads have considered the proposed development and advised that it is acceptable subject to the suggested conditions.</p> <ul style="list-style-type: none"> o Previous approval H/2009/0275/F has not been lawfully implemented as the pre-commencement conditions 05, 14 and 15 of approval H/2005/0146/F have not been satisfied. Therefore there is no fall-back position. <p>It has been accepted that neither planning approval H/2005/0146/F nor H/2009/0275/F were lawfully commenced. Therefore the description on this planning application has been duly amended from 'Amendment to part implemented residential development...' to 'Proposed residential development...'. </p> <ul style="list-style-type: none"> o The description is therefore flawed as it cannot rely on either of the earlier approvals. The description should be amended or the application returned as invalid. <p>As discussed above, the description has been amended and the application has been assessed in its totality as a new proposal.</p>		
Characteristics of the Site and Area		
<p>The site comprises a small, agricultural field with a road frontage of 75m along the northern boundary which is defined by a mixture of a post and wire fence and a 1.7m high thorn hedgerow. A private concrete laneway extends along the western boundary which is defined by a low cut thorn hedgerow. The eastern and southern boundaries are</p>		

both mainly defined by a mixture of mature and semi-mature trees which are set to the rear of an open watercourse. The site sits slightly below the level of the public road with site levels rising towards the rear south western corner. The fields to the rear of the site continue to rise more steeply towards the south. A recent development of two storey dwellings occupy an adjacent site to the immediate west of the private concrete laneway. A large two storey dwelling occupies the site directly opposite the site to the north, with the eastern and southern boundaries adjoining agricultural fields.

Description of Proposal

Initially the application was submitted as an amendment to a part-implemented approval H/2009/0275/F (site 3) phase 1 to provide 7 dwellings, associated garden amenities and garages. However, following discussion with the agent on the legitimacy of the application, the application was changed to a full application for the erection of seven dwellings, associated garden amenities and garages. This was due to the fact that the previous planning approval had not been lawfully commenced and had therefore expired due to the non-compliance with the pre-commencement conditions of planning approval H/2005/0146/F.

The current proposal is a full application for five detached and two semi-detached two storey dwellings. The site is to have a direct access onto the Sixtowns Road, which will serve only the seven dwellings proposed. The road terminates at a turning head at the rear south western corner, however, the site layout indicates that this may, at some time in the future, be extended across the private concrete laneway to serve phase two of the development which is to be located immediately east of and adjoining St. Colm's GAC playing fields.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

The 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 - Draft Plan Strategy has been published for consultation, 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 main policy considerations in the assessment of this application are:-

Magherafelt Area Plan 2015

Strategic Planning Policy Statement

Planning Policy Statement 3 - Access, Movement and Parking.

Planning Policy Statement 7 - Quality Residential Environments.

Planning Policy Statement 12 - Housing in Settlements

Planning Policy Statement 13 - Transportation and Land Use

Creating Places

The SPPS has superseded PPS 1 (General Principles.). The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle 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 any interests of acknowledged importance. The proposed development is not within an area of archaeological importance.

The SPPS gives specific provision for Housing in settlements subject to a number of policy provisions. It does not present any change in policy direction with regards to residential developments in settlements. As such, existing policy will be applied, primarily PPS 7, Quality Residential Environments.

As the site is located predominantly on white land within the Magherafelt Area Plan 2015, the critical planning policy is therefore PPS 7.

PPS 7 Quality Residential Environments - Policy QD 1 Quality in new Residential Environments requires new residential developments to create a quality residential environment which should be based on a concept plan which drawn on the positive aspects of the surrounding area. Proposals must conform to nine criteria listed in the policy in order to protect residential amenity, residential character, environmental quality and movement. Any proposals which fails to satisfy the criteria, even if the site is designated for residential use, will not be acceptable.

As this is an outline application the proposed development is being assessed against these criteria as follows:-

(a) The proposal meets the first of these criteria in that it respects the surrounding context insofar as the proposal is for a housing development within the settlement development limits of Straw and in a predominantly residential area. In terms of layout, the density at 15 dwellings per hectare is lower than the adjacent development of Shanmullagh Park which has a density of 40 dwelling per hectare.

(b) There are no features of archaeological or built heritage on this site. The only landscape features identified are the boundary hedgerows and the open watercourse along the southern and eastern boundaries. Those hedgerows and the mature trees should be protected and incorporated into the overall design and layout. There are no TPO's near the site.

- (c) This proposal is for 7 dwellings and therefore there is no requirement for the provision of public open space. All dwellings have adequate private amenity space and range from a minimum of 88m² to a maximum of 170m².
- (d) The site is within Straw village and 150m from the neighbourhood shop. There is also a football club with playing fields, a church, a school all within 350m of the proposed site. Therefore the provision of neighbourhood facilities are not deemed necessary within the site;
- (e) The site has vehicular access directly onto the Sixtowns Road which will provide an acceptable movement pattern, including walking and cycling. This will enable occupants to access public transport routes and the public network system.
- (f) Adequate provision has been made for in-curtilage parking of vehicles and DfI Roads advised that this is acceptable.
- (g) The design of the development draws on the best of local traditions in terms of the form/layout with house types not being dissimilar to the existing dwellings in the adjacent developments.
- (h) The design of the proposed dwellings is such that they do not cause a loss of residential amenity to the existing dwellings surrounding the site by way of overshadowing or overlooking. Although there are a number of objections to the proposed development in respect of the impact that it will have on the existing laneway leading to a number of dwellings south east of the site, this proposal in itself, does not propose to alter the line of the existing laneway. Furthermore, as the proposed site plan indicates that half of the existing laneway is in third party ownership, any alteration of that laneway will require consent from the third party owner. This is however, a civil matter between the parties concerned.
- (i) Generally the layout is designed to deter crime as there are no areas which are unsupervised or overlooked.

PPS 3 - Access, Movement and Parking

DfI Roads considered the proposed development and advised that following amendments to the Private Streets Determination drawings that the proposed development is acceptable subject to the suggested conditions.

Consultee responses

DfI Roads advised that the access and parking arrangements are acceptable subject to conditions.

Environmental Health advise that they have no issues of concern.

Natural Environment Division requested the submission of a Bio-Diversity checklist to enable an assessment to be completed on the potential impact of the proposed development on natural heritage features. Following submission of the required information, NED advised that the proposal was acceptable subject to the suggested condition.

DfI Rivers requested that the working strip be kept free from all impediments including tree planting, hedges, permanent fences and sheds. Following consideration of amended plans, Rivers advised that the proposed development is acceptable subject to the suggested condition.

NI Water advised that they have no issues of concern and that there is available capacity at the receiving Waste Water Treatment Works.

Recommendation

On consideration of the above, it is my opinion that planning permission should be approved subject to the conditions listed below:-

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

Condition 2

The existing trees indicated on stamped approved drawing no. 21122 Revision d, date stamped 30th August 2022 shall be permanently retained and allowed to grow on.

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

Condition 3

The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the details contained on the stamped approved Drawing No. 21122 Revision d, date stamped 30th August 2022, before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made or any other works carried out, or fires lit without the written consent of Mid Ulster District Council.

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

Condition 4

No retained tree shall be cut down, uprooted or destroyed or have its roots damaged within the crown spread, nor shall arboricultural work or tree surgery take place, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of Mid Ulster District Council. Any approved arboricultural work or tree surgery shall be carried out in accordance with British Standard 5837: 2012 Recommendations for Tree Work.

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

Condition 5

The existing hedgerow along the eastern and western boundaries of the site as indicated on stamped approved Drawing No. 21122 Revision d, date stamped 30th August 2022, shall be retained at a minimum height of 2 metres.

Reason: To ensure the continuity of amenity afforded by existing screening to the site.

Condition 6

If any retained hedge/tree is removed, uprooted or destroyed or dies within 5 years from the date of the development hereby approved, becoming operational another hedge/tree or trees shall be planted at the same place and that hedge/tree(s) shall be of such size and species and shall be planted at such time as may be specified by Mid Ulster District Council.

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

Condition 7

All proposed planting as indicated on the stamped approved Drawing No. 21122 Revision d, date stamped 30th August 2022, shall be undertaken during the first available planting season following occupation of the first dwelling hereby approved.

Reason: To ensure the continuity of amenity afforded by existing screening to the site.

Condition 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 Mid Ulster District Council, seriously damaged or defective, another tree, shrub or hedge of the same species and size as that originally planted shall be planted at the same place, unless Mid Ulster District Council gives its written consent to any variation.

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

Condition 9

A 5m wide maintenance strip shall be provided along the watercourse on the eastern boundary and shall be protected from impediments (including new tree planting, hedges, permanent fencing and sheds), land raising or future unapproved development and access to and from the maintenance strip should be available at all times.

Reason: To ensure that access is available to the watercourse for maintenance purposes.

Condition 10

No development activity, including vegetation clearance, infilling, disturbance by machinery, dumping or storage of materials, shall take place within 5 metres of the watercourse along the eastern boundary.

Reason: To protect the potential habitat of breeding birds.

Condition11

The visibility splays of 4.5 x 70 metres to the Southwest and 4.5 x 90 metres to the Northeast at the junction of the proposed access road with the public road, shall be provided in accordance with the stamped approved Drawing No. C-01 Revision E date stamped 25th August 2022, prior to the commencement of any other works or other development. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Condition12

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

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

Condition13

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

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

Condition14

Prior to the construction of the drainage network, the applicant shall submit a Drainage Assessment, compliant with FLD 3 & Annex D of PPS 15, to be agreed with the Council which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event.

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

Condition15

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

The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on stamped approved Drawing No C-01 REV E date stamped 25th August 2022.

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

Condition16

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

No other development hereby permitted shall be commenced until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on stamped approved Drawing Number C-01 REV E date stamped 25th August 2022 The Council hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreements under Article 3 (4C) and Article 32.

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

Case Officer: Malachy McCrystal

Date: 21 November 2022

ANNEX	
Date Valid	10 January 2022
Date First Advertised	24 May 2022
Date Last Advertised	27 January 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 55 Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 3 Shanmullagh Park Draperstown Londonderry BT45 7BF The Owner / Occupier 54A Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 2 Shanmullagh Park Draperstown Londonderry BT45 7BF The Owner / Occupier 54 Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 57 Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 1 Shanmullagh Park Draperstown Londonderry BT45 7BF The Owner / Occupier 56 Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 54B Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 9 Shanmullagh Park, Draperstown, Londonderry, BT45 7BF The Owner / Occupier 58A , Sixtowns Road, Draperstown, Londonderry, BT45 7BB The Owner / Occupier 8 Shanmullagh Park, Draperstown, Londonderry, BT45 7BF The Owner / Occupier 60 Sixtowns Road, Draperstown, Londonderry, BT45 7BB The Owner / Occupier 62 Sixtowns Road, Draperstown, Londonderry, BT45 7BB The Owner / Occupier 1 The Orchard, Draperstown, Londonderry, BT45 7GG The Owner / Occupier 10 Shanmullagh Park, Draperstown, Londonderry, BT45 7BF The Owner / Occupier Email Address	

Date of Last Neighbour Notification	2 August 2022
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 Rivers Agency- DFI Roads - Enniskillen Office-Roads Consultation 3.docx DFI Roads - Enniskillen Office-Roads Consultation 4.docx NIEA-PRT LA09-2022-0027-F.PDF Rivers Agency-636883 - Final Response.pdf Environmental Health Mid Ulster Council-EH response uploaded 23/9/22 Rivers Agency- NI Water - Multiple Units West-LA09-2022-0027-F.pdf Environmental Health Mid Ulster Council-LA09 2022 0027 F Sixtowns Rd Dtown.doc Rivers Agency-495918 - Final Response.pdf NIEA-PRT LA09-2022-0027-F CON.PDF Rivers Agency- Rivers Agency-	

Drawing Numbers and Title

Proposed Plans

Road Access Plan Plan Ref: 15/1

Road Access Plan Plan Ref: 15

Site Layout or Block Plan Plan Ref: 02/1

Site Layout or Block Plan Plan Ref: 02/2

Garage Plans Plan Ref: 14

Garage Plans Plan Ref: 13

Proposed Elevations Plan Ref: 12

Proposed Elevations Plan Ref: 11

Proposed Elevations Plan Ref: 10

Proposed Elevations Plan Ref: 09

Proposed Elevations Plan Ref: 08

Proposed Elevations Plan Ref: 07

Proposed Floor Plans Plan Ref: 06

Proposed Plans Plan Ref: 05

Housing Concept Plan Plan Ref: 04

Site Appraisal or Analysis Plan Ref: 03

Site Layout or Block Plan Plan Ref: 02

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 21122 REV D

Road Access Plan Plan Ref: C01 REV E

Notification to Department (if relevant)

Not Applicable

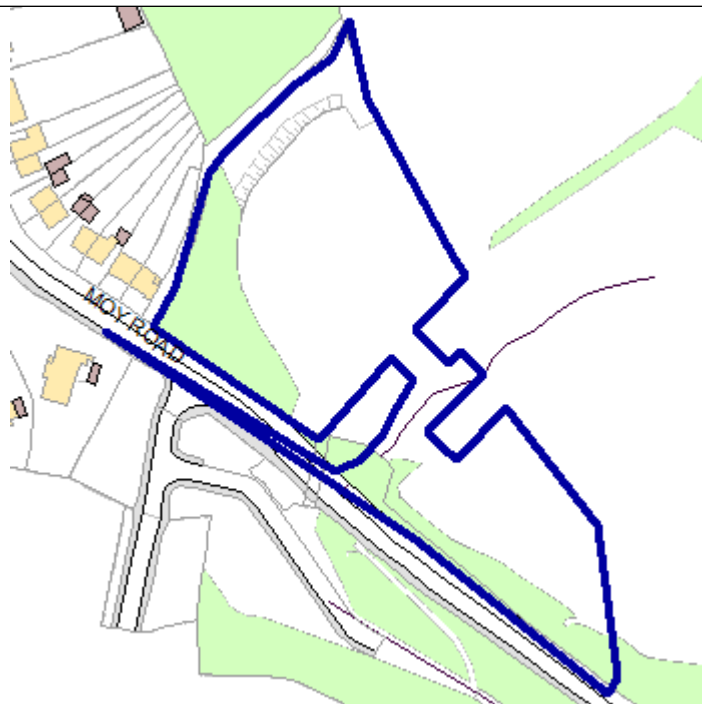


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 December 2022	Item Number: 5.9
Application ID: LA09/2022/0040/F	Target Date: 9 March 2022
Proposal: Change of house type on 8 sites previously approved under LA09/2018/1551/F	Location: Land East Of 44 Moy Road Mullaghmagh Dungannon
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Neil Badger F P MC Cann 3 Drumard Road Knockloughrim	Agent Name and Address: Rachelle Law Architect 12 Longfield Road Desertmartin Magherafelt BT45 5NW
Executive Summary: A letter of objection has been received and the agent is now a staff member of the Council's Building Control Department.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: TBC
	NI Water - Multiple Units West	Substantive: TBCResponseType: PR
Statutory Consultee	NI Water - Multiple Units West	LA09-2022-0040-F.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	29-09-2022.docx
Statutory Consultee	DFI Roads - Enniskillen Office	

Representations:

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

Summary of Issues

Characteristics of the Site and Area

This application site is located in Dungannon sitting along to the Moy Road occupying the front roadside portion of a larger site of what was the grounds of the Inn on the Park Hotel (Oaklin House Hotel). Currently the site is fenced off from the A29 Protected Route with hoarding atop the stone wall entrance and palisade fencing enclosing the site. This brownfield site has been cleared and appears to be recently utilised for the storage of aggregates and concrete piping. There are a number of mature trees along the southern roadside boundary and the western boundary which separates the site from the rear garden of No 44 Ranfurly Road.

The northern eastern boundary of the site runs along the rear boundary of Castle Glen, this part of which is still under construction and zoned as housing land. This application site lies within The Milltown House/Moy Road Local Landscape Policy Area (LLPA 05) where the landscape makes a valuable contribution to the townscape of Dungannon town. Windmill Wood which sits north of this site is a zoned area of Existing Recreation and Open Space with pathways meandering through this wooded area.

The area surrounding this site is mostly residential in character with some community uses nearby in terms of the Royal School and its associated leisure facilities. Whereas on the opposite side of the road to this site there is a rural appearance as the development limit of Dungannon runs close to the main road.

PLANNING HISTORY

M/2002/1405/F- Demolition of existing hotel & out buildings, erection of 17 no. detached, 32 no. semi-detached, 19 no. apartments & 6 no. town houses & associated site works – Approval - 04.06.2004

M/2004/1797/F- 97 no. residential units comprising of both houses and apartments - Approval - 16.03.2007

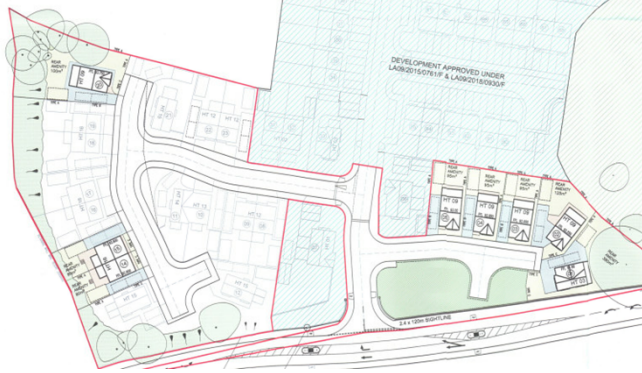
LA09/2015/0761/F- Change of house type for central portion of approved development - Approval - 23.11.2017

LA09/2018/0930/F- Change of house type on plot 33 (detached 2.5 storey 4 bedroom Dwelling) and plots 44-49 (2 storey apartment block comprising 6No. 2 bedroom apartments) within residential development approved under LA09/2015/0761/F – Approval - 29.10.2018

LA09/2018/1551/F - Change of layout, change of house type and reduction in density to the front portion of the housing development approved under M/2004/1797/F – Approval - 25.09.2019

Description of Proposal

This application seeks full planning permission for a Change of House Type on 8 sites previously approved under LA09/2018/1551/F on land east Of No 44 Moy Road, Mullaghmagh, Dungannon.



Five of these plots are located to the right of the entrance, with the remaining three alongside the western boundary of the site, one in the northern corner and two are close to the southern corner.

Plot 20 in the northern corner in the western part of the site proposes a semi-detached dwelling finished in red brick and occupies a footprint of just over 80 sq.metres. This design has a ridge height of 9.7 metres FGL which accommodates the 3 floor levels. It has a frontage of 6.5 metres and is 12. 5 metres deep at its widest, with a single storey flat roofed projection to the rear which runs flush finished in off-white render. The chimney is red brick and positioned mid roof with a single window on the rear of the roof.



Plots 14 and 15 in the south western corner proposes a pair of semis with a ridge height of 9.2 metres FGL. These are mirrored images with the front doors in the centre and the chimneys located mid-roof at each end, where a flat roof dormer is positioned in a location central to the windows at first and ground floor level. These dwellings each measure 6.2 metres across the frontage and are 9 metres deep, with a footprint of 65 sq.metres.



To the right as you enter this application site, Plot no 1 located almost parallel to the road with a large garden area proposes a detached dwelling also over 3 floors and with a narrow frontage. It has a ridge height of 9.2 metres FGL, measures 7.2 metres across the front elevation and is 11.5 metres wide at its deepest, including the single storey rear projection. These have a footprint of 82 sq.metre and are finished in smooth off-white render with red brick features to the plinths and soldier coursing.



The remainder of the dwellings in this application Plots 2 -5 are all the red brick detached dwelling which is proposed on Plot 20 also.

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), as far as material to the application, and to any other material considerations. Section 6(4) requires that the

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

The Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development (SPPS) published in September 2015 is material to all decisions on individual planning applications and appeals. The SPPS outlines the aim to providing sustainable development and with respect to that should have regard to the Development Plan and any other material considerations. It retains policies within existing planning policy documents until such times as a Plan Strategy for the whole of the Council area has been adopted. It sets out transitional arrangements to be followed in the event of a conflict between the SPPS and retained policy. Any conflict between the SPPS and any policy retained under the transitional arrangements must be resolved in the favour of the provisions of the SPPS.

This application site lies within the development limits of Dungannon as defined in DSTAP and therefore policy SETT 1 – Settlement Limits is relevant. I am content if the proposal complies with the policy provisions of PPS 7- Quality Residential Environments, that it will also comply with SETT 1. Policy QD1 - Quality in New Residential Development in PPS7 states all proposals for residential development will be expected to conform to a list of criteria which are addressed below.

Planning application M/2004/1797/F is a material consideration in this application as it the initial residential development which was granted permission for the 97 units of apartments and dwellings on the wider site. It included this application site and the land to the north also and comprised a mixture of 2 and 3 storey dwellings, detached and semi-detached dwellings, townhouse and apartments. As the principle of development has already been established on this application site, this application will assess the changes to the previous permission this application proposes.

This Change of House Type application is in response to the need to adapt the original house designs in order to reflect changes in the economy and housing need and affordability. Policy QD1 - Quality in New Residential Development in PPS7 states that all proposals for residential development will be expected to conform to a list of criteria. I am satisfied this proposed development does respect the landuses surrounding the site and development on this brownfield site will allow the rejuvenation of this plot of land which has lay vacant for some time. There are no features of archaeological heritage on this site which needed to be taken into consideration. Due to the location of this site within The Milltown House/Moy Road Local Landscape Policy Area and the presence of Tree Preservation Orders, it was felt necessary to consult the Council's Planning Conservation Officer which is detailed below.

An area of public open space has been provided on a parcel of land to the right once you enter the development, between the stone wall along public footpath and the internal road serving Plots 1 – 5, which will face onto this green. There is also a large area to the

north of this site which is a zoned area of Existing Recreation and Open Space called Windmill Wood which has pathways meandering through this wooded area for the public to utilise. The private open space provided with each dwelling exceeds what is recommended and contributes to a quality residential environment.

The nature of this proposal as a change of house type application does not necessitate the provision of local neighbourhood facilities for a development of this scale. DfL Roads were consulted on this application proposal, however the internal road network has not been altered from what was granted permission originally on this wider residential site. I am content there is adequate parking provision for each dwelling provided within the curtilage of the properties.

Due to the location of this site within the settlement limits of Dungannon, all movement patterns are already for by the town's existing infrastructure. Walking and cycling as well public transport would all be considered accessible modes of transport which are convenient to this application site.

The design of this development and the materials utilised are satisfactory to the location of this site and are complimentary to the existing surrounding landscape in visual terms. The proposed finishes of red brick and smooth painted render, white uPvc windows, black uPvc rainwater goods, hardwood doors and grey/black roof tiles are considered suitable.

The development is close to a range of neighbourhood amenities and all the services Dungannon has to provide, therefore it is not considered appropriate to require the provision of neighbourhood facilities, considering the location and scale of this proposal.

The house types proposed in this Change of House Type application are largely similar to those they seek to replace, incorporating the same finishes, fenestration patterns, roof pitches and detailed elements. Some of the changes in the design include changing the wall finishes from render to red brick. Front dormers have been introduced on the semi-detached and some detached design has removed the front dormers. The size of the rear single storey return has been increased in all house types allowing a larger footprint and proposes a flat roof instead of a pitched one. This has also resulted in in the introduction of a side door in place of a rear door. The internal road layout is unchanged and the differences in design are not considered to potentially impact on neighbouring properties in terms of overlooking, loss of light or overshadowing or to have a detrimental impact to the surrounding area.

Policy AMP 2 of PPS 3 – Access, Movement and Parking permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal will be served via the existing access which previously served the Inn on the Park Hotel which was agreed as sufficient for the residential development granted under LA09/2018/1551/F. The proposal provides 2 in-curtilage parking spaces for each individual property and I am satisfied this is in line with Parking Standards and thus complies with PPS 3.

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

Consultations and Representations

NI Water (NIW) in their original consultation reply stated that Dungannon Waste Water Treatment Works has insufficient capacity in which to connect this development and thereby recommended it be refused. However, NI Water later rescinded this comment as the proposal is for a change of house type and no additional units are proposed and they requested to be consulted again. Following another consultation request they replied with no objection to this proposal.

DfI Roads have stated no PSD determination is required for this proposal as it was previously determined under permission LA09/2018/1551/F. They have no objections to this proposal subject to a condition relating this proposal to other permissions on this site.

Following discussion with the Council's internal Planning Conservation Officer, it was confirmed there are Tree Preservation Orders (TPO) on the land in and around this application site. In order to assess any potential impact this proposal may have on the existing protected trees, additional information was requested as below;

- Arboricultural Impact Assessment
- Arboricultural Method Statement
- Arboricultural Tree Health and Condition Survey
- Tree Constraints Plan (TCP) clearly indicating the root protection area (RPA)
- Tree Protection Plan (TPP) clearly indicating the specific position of required protective fencing and Construction Exclusion Zone.

The applicant provided a Tree Survey Report which detailed the health and condition of the trees subject to the TPO, however further information was required showing scaled drawings to support the information detailed. Upon receipt of this additional information the Planning Conservation officer is satisfied subject to conditions.

This application has been advertised in Local Press in line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015. Two neighbouring properties have been notified of the application and one letter of objection has been received. The objector has highlighted concerns regarding the subway tunnel which links the site with Dungannon Park. They were concerned this is an important part of Dungannon's heritage which has not been afforded protection and urged the landscape be protected as the site is in an LLPA. This change of House Type application has taken into consideration the existing vegetation and TPOs on and adjacent to the site. Measures to protect these features are already afforded due to the Tree Preservation Orders existing on specific trees. Any permission granted will be subject to conditions which will further enhance the protection of these features, as was requested by the Council's Planning Conservation Officer.

Summary of Recommendation:

Approve is recommended

The house types proposed in this Change of House Type application are largely similar to those they seek to replace, with a few alterations which would not have any additional impact on properties or the landscape.

Having considered the policy requirements of PPS 7, PPS 3 and the Dungannon and South Tyrone Area Plan, I am content this change of house type proposal meets these requirements and therefore I would recommend permission is granted, subject to conditions.

Approval Conditions

Condition 1

As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

Condition 2

The decision notice relating to this planning application shall be read in conjunction with the Conditions/Informatives associated with previous approval Application Reference LA09/2018/1551/F and all other approvals for this site, including Drawing No 02 bearing date stamp 12 January 2022.

Reason: In the interests of road safety and the convenience of road users.

Condition 3

No development shall commence until a Sewer Adoption Agreement has been authorised by NI Water to permit a connection to the public sewer in accordance with the Water and Sewerage Services (Northern Ireland) Order 2006 and Sewerage Services Act (Northern Ireland) 2016. A formal water/sewer connection application must be made for all developments prior to their occupation, including those where it is proposed to re-use existing connections. All services within the development should be laid underground.

Reason: To prevent pollution and to ensure public safety. To ensure compliance with the Water and Sewerage Services (Northern Ireland) Order 2006 and the Sewerage Services Act (Northern Ireland) 2016.

Condition 4

Prior to the commencement of any site works, all required protective fencing and signage will be in situ, as per stamped approved Tree Constraints Plan and Tree Protection Plan Drawing No 07, stamp date received 16th August 2022 and shall be implemented in accordance with BS 5837:2012: Tree in relation to design, development

and construction - Recommendations. The protective fencing must remain in situ during the construction phase.

Reason: To protect and conserve the high-quality visual amenity and landscape values of the protected trees, TPO/2002/0020/LA09, in the interest of the public.

Condition 5

All tree works as detailed in Tree Survey Report for Oaklands, Dungannon by M. Large Tree Services Ltd, stamp date received 10h June 2022 to be carried out no later than 5 years from the date of this decision notice and will accord to BS 3998:2010 Tree Work: Recommendations.

Reason: To protect and conserve the high-quality visual amenity and landscape values of the protected trees, TPO/2002/0020/LA09, in the interest of the public.

Condition 6

No fires, nor construction material to be stored within the identified construction exclusion zone. All signage must reflect this requirement and be implemented in accordance with BS 5837:2012 Trees in relation to design, development and construction - Recommendations.

Reason: To protect and conserve the high-quality visual amenity and landscape values of the protected trees, TPO/2002/0020/LA09, in the interest of the public.

Condition 7

Prior to the occupation of each individual dwelling hereby approved, the boundary treatments defining each curtilage shall be constructed, completed and permanently retained, as detailed on drawing No. 02 date stamp received 12th January 2022, unless otherwise agreed by Council.

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

Signature(s): Cathy Hughes

Date: 22 November 2022

ANNEX	
Date Valid	12 January 2022
Date First Advertised	29 January 2022
Date Last Advertised	27 January 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 2 Ranfurly Park, Dungannon BT71 7 DS The Owner / Occupier 44 Ranfurly Road, Dungannon BT71 7 DS	
Date of Last Neighbour Notification	10 February 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: M/1976/0560 Proposals: HOTEL MANAGER'S RESIDENCE Decision: PG Decision Date: Ref: LA09/2019/0196/NMC Proposals: Amendment of rear/side elevation house types F and G Decision: CR Decision Date: 13-SEP-19 Ref: M/2003/1571/O Proposals: Housing Development Decision: PG Decision Date: 07-JUN-04 Ref: M/2006/1343/F Proposals: Phase 2 of proposed housing development (total 85 no. units) consisting of 3 blocks of 1 & 2 bed apartments for 59 units, 5 no. detached, 10 no. semi-detached, 11 no. terraced dwellings with associated roads, parking, open space, landscaping and pumping station for drainage works. Decision: PG	

Decision Date: 13-MAY-10

Ref: M/2006/1344/F

Proposals: Phase 1 of proposed housing development (total 13 no units) consisting of 3 detached and 10 no terraced dwellings in 2 blocks of 5 with associated roads, parking, open space, landscaping, and pumping station for drainage works

Decision: PG

Decision Date: 12-MAY-10

Ref: M/2013/0071/F

Proposals: Erection of 76 no. residential units comprising 14 no. detached, 40 no. semi-detached, 4 no. apartments and 18 no. townhouses, garages, associated landscaping, site and access works

Decision: PG

Decision Date: 27-MAY-14

Ref: M/1998/0701

Proposals: Proposed Housing Development (Amended Access)

Decision: PG

Decision Date: 15-FEB-00

Ref: M/1973/0146

Proposals: PLAYING FIELDS

Decision: PG

Decision Date:

Ref: LA09/2022/0418/F

Proposals: Proposed 2 pair of semi detached houses (4 houses) to replace detached house granted under M/2013/0071/F

Decision:

Decision Date:

Ref: LA09/2019/1483/F

Proposals: Retention of site levels, proposed dwelling and garage and variation of landscape proposals

Decision: PG

Decision Date: 15-APR-20

Ref: M/2000/0333/F

Proposals: Development of existing hotel providing new Function Room and associated accommodation

Decision:

Decision Date:

Ref: M/2002/1405/F

Proposals: Demolition of existing hotel & out buildings, erection of 17 no. detached, 32

no. semi-detached, 19 no. apartments & 6 no. town houses & associated site works.

Decision: PG

Decision Date: 04-JUN-04

Ref: LA09/2021/0801/PAD

Proposals: Change of layout and house type to eastern portion of development previously approved under M/2004/1797

Decision: DECPAD

Decision Date: 06-JUL-21

Ref: M/1999/0017

Proposals: Proposed Development of existing Hotel including new Bedrooms, Function Rooms and Leisure Suite

Decision: PG

Decision Date:

Ref: M/1993/0717

Proposals: Proposed extension and alterations to hotel to provide lounge, foyer, offices and disabled toilet

Decision: PG

Decision Date:

Ref: M/1988/0116

Proposals: EXTENSION TO HOTEL

Decision: PG

Decision Date:

Ref: M/1973/0001

Proposals: CONVERSION OF LICENCED RESTAURANT TO HOTEL

Decision: PG

Decision Date:

Ref: M/1973/000102

Proposals: CONVERSION OF RESIDENCE INTO HOTEL

Decision: PG

Decision Date:

Ref: M/1996/0164

Proposals: Extension to Hotel to provide Bedroom Accommodation

Decision: PG

Decision Date:

Ref: M/1994/0266

Proposals: Specialist Retail Unit

Decision: PG

Decision Date:

Ref: M/2002/0354/F

Proposals: Phase 1 of housing development comprising of 8 No. semi-detached dwellings to replace existing hotel/grounds

Decision:

Decision Date:

Ref: M/2004/1797/F

Proposals: 97 no. residential units comprising of both houses and apartments

Decision: PG

Decision Date: 16-MAR-07

Ref: M/1987/0155

Proposals: ALTERATIONS TO HOTEL

Decision: PG

Decision Date:

Ref: M/2002/1060/Q

Proposals: Housing development

Decision:

Decision Date:

Ref: LA09/2015/0472/PAN

Proposals: Revised layout for previously approved Housing Development

Decision:

Decision Date:

Ref: M/1988/0805

Proposals: Extension to Hotel

Decision: PG

Decision Date:

Ref: LA09/2015/0473/PAN

Proposals: Revised scheme for previously approved housing development

Decision: PANACC

Decision Date: 12-NOV-15

Ref: LA09/2015/0761/F

Proposals: Change of house type for central portion of approved development

Decision: PG

Decision Date: 23-NOV-17

Ref: LA09/2021/0018/F

Proposals: Part amendment of housing development site layout approved under M/2013/0071/F 15 units in total

Decision: PG

Decision Date: 13-APR-22

Ref: LA09/2018/0930/F

Proposals: Change of house type on plot 33 (detached 2.5 storey 4 bedroom Dwelling) and plots 44-49 (2 storey apartment block comprising 6No. 2 bedroom apartments) with residential development approved under LA09/2015/0761/F

Decision: PG

Decision Date: 29-OCT-18

Ref: M/2003/1064/O

Proposals: Site for 4 Dwelling Houses

Decision: PG

Decision Date: 17-DEC-04

Ref: M/2007/1483/RM

Proposals: Proposed 2 storey dwelling including basement and attic plan, ancillary site works and landscaping.

Decision: PG

Decision Date: 22-APR-08

Ref: M/2007/1484/RM

Proposals: Proposed 2 storey dwelling including basement ancillary site works and landscaping.

Decision: PG

Decision Date: 23-APR-08

Ref: M/2007/1475/RM

Proposals: Proposed 2 storey dwelling including basement, ancillary site works and landscaping

Decision: PG

Decision Date: 22-APR-08

Ref: M/2008/0507/F

Proposals: Proposed gate lodge consisting of 1.5 storey dwelling (7.5m high ridge height) including ancillary site works and landscaping

Decision:

Decision Date:

Ref: M/2008/1278/F

Proposals: Proposed Gate Lodge consisting of 1.5 storey dwelling (7.5m high ridge height) including ancillary site works and landscaping

Decision: PG

Decision Date: 13-FEB-09

Ref: LA09/2016/1254/F

Proposals: 2 Storey Dwelling House, including basement garage

Decision:

Decision Date:

Ref: M/2008/0013/RM

Proposals: Single dwelling and detached garage

Decision: PG

Decision Date: 22-APR-08

Ref: M/2003/1387/Q

Proposals: urban peripheral path

Decision: PREA

Decision Date: 06-SEP-13

Ref: M/1974/0188

Proposals: LICENSED RESTAURANT

Decision: PG

Decision Date:

Ref: M/1975/0562

Proposals: ELECTRICITY SUBSTATION

Decision: PG

Decision Date:

Ref: M/1979/0236

Proposals: PROPOSED REINSTATEMENT OF BOMB DAMAGED PREMISES

Decision: PG

Decision Date:

Ref: LA09/2022/0040/F

Proposals: Change of house type on 8 sites previously approved under
LA09/2018/1551/F

Decision:

Decision Date:

Ref: M/1976/0517

Proposals: ENTRANCE TO PLAYING FIELDS

Decision: PR

Decision Date:

Ref: LA09/2018/1551/F

Proposals: Change of layout, change of house type and reduction in density to the front
portion of the housing development approved under M/2004/1797/F

Decision: PG

Decision Date: 01-OCT-19

Ref: M/2014/0105/PREAPP

Proposals: Linear Pathway around Dungannon town - the development of a pathway to join up the current green spaces and development of some of the spaces including Windmill Wood, Railway Park, Drumcoo Wood.

Decision: EOLI

Decision Date:

Ref: M/2001/0987/F

Proposals: Demolition of existing lecture theatre and construction of a new lecture/drama theatre

Decision: PG

Decision Date: 28-FEB-02

Ref: M/2001/1180/DCA

Proposals: Demolition of single storey brick built 'Science Block and Lecture Theatre.

Decision: CG

Decision Date: 01-MAR-02

Ref: M/2001/0988/LB

Proposals: Demolition of lecture theatre and construction of new lecture/drama theatre

Decision: CG

Decision Date: 01-MAR-02

Ref: M/1997/0320

Proposals: Alterations and extension to Royal School to provide new stores, ground maintenance, teaching accommodation and playing pitches

Decision: PG

Decision Date:

Ref: M/2008/1312/F

Proposals: Phase 3 of proposed housing development (total 6No units) consisting of 3 detached & 3No terraced dwellings in one block with associated roads, parking open space landscaping and pumping station for drainage works

Decision: PG

Decision Date: 17-SEP-10

Ref: M/1973/0164

Proposals: EXTENSION TO DWELLING HOUSE

Decision: PG

Decision Date:

Ref: M/2005/1946/F

Proposals: Proposed first floor bedroom extension

Decision: PG

Decision Date: 26-NOV-05

Ref: LA09/2019/1012/F

Proposals: Retention of development site as constructed including modification of site/house levels and variation to landscape proposals

Decision: PG

Decision Date: 03-SEP-20

Ref: M/1984/0066

Proposals: PROPOSED COLD ROOM EXTENSION TO HOTEL

Decision: PG

Decision Date:

Ref: LA09/2021/0092/F

Proposals: Change of semi detached house type H previously approved under M/2013/0071/F to house type J (Under Construction).

Decision: PG

Decision Date: 15-APR-21

Ref: M/2005/1978/RM

Proposals: Enablement works to proposed Housing Development, including access road, private road, drainage and ancillary works.

Decision: PG

Decision Date: 17-MAY-07

Ref: M/2008/0520/F

Proposals: Proposed dwelling and garage

Decision: PG

Decision Date: 22-OCT-08

Ref: LA09/2021/0856/O

Proposals: Proposed outline permission for a two Storey Dwelling and garage previously approved under M/2008/0520/ with an onsite septic tank (Additional Information on Septic Tank)

Decision: PG

Decision Date: 19-JAN-22

Ref: M/2002/1045/Q

Proposals: Site

Decision:

Decision Date:

Ref: M/1982/0483

Proposals: EXTENSION TO FUNCTION ROOM

Decision: PG

Decision Date:

Ref: M/1988/0074

Proposals: HOUSING DEVELOPMENT

Decision: PG

Decision Date:

Ref: M/1988/0074D

Proposals: Erection of dwelling

Decision: PG

Decision Date:

Ref: M/1988/007401

Proposals: HOUSING DEVELOPMENT

Decision: PG

Decision Date:

Ref: M/1988/0657

Proposals: New Dwelling

Decision: PG

Decision Date:

Ref: M/1988/0074B

Proposals: Dwelling

Decision: PG

Decision Date:

Ref: M/2003/0726/O

Proposals: 5 No. apartments

Decision:

Decision Date:

Ref: M/2004/0424/F

Proposals: Renovations to dwellings

Decision: PG

Decision Date: 27-MAY-04

Ref: M/1993/0231

Proposals: Extensions and alterations to Dwelling

Decision: PG

Decision Date:

Ref: M/1992/0585

Proposals: Extension and alterations to dwelling

Decision: PG

Decision Date:

Ref: M/2004/0978/F

Proposals: Retention of 3 storey rear extension

Decision: PG
Decision Date: 16-NOV-04

Ref: M/2003/0189/F
Proposals: Proposed rear extension and alterations
Decision: PG
Decision Date: 07-MAY-03

Ref: M/2003/1396/F
Proposals: Proposed rear extension & alterations - minor amendment to a previously approved scheme, M/2003/0189/F issued 15/04/03
Decision: PG
Decision Date: 10-DEC-03

Ref: M/2008/0421/F
Proposals: Extension to existing shed
Decision: PG
Decision Date: 16-JUL-08

Ref: M/2011/0368/F
Proposals: Proposed extension to rear of dwelling
Decision: PG
Decision Date: 19-JUL-11

Ref: M/1995/0203
Proposals: Extension to Dwelling
Decision: PG
Decision Date:

Ref: M/2003/0913/F
Proposals: Extension to dwelling
Decision: PG
Decision Date: 10-SEP-03

Ref: M/1999/0003
Proposals: Proposed Replacement of Existing Shed
Decision: PG
Decision Date:

Ref: M/2004/0596/F
Proposals: Rear ground floor extension to kitchen
Decision: PG
Decision Date: 16-JUN-04

Ref: M/1990/0284
Proposals: Rear Kitchen Extension to Dwelling

Decision: PG
Decision Date:

Ref: M/1986/0259
Proposals: FRONT PORCH
Decision: PG
Decision Date:

Ref: M/2003/1036/A41
Proposals: Rear kitchen extension to dwelling
Decision: 205
Decision Date: 09-SEP-03

Ref: M/1975/0603
Proposals: CONVERSION OF EXISTING STORE INTO KITCHEN AREA
Decision: PG
Decision Date:

Ref: M/1977/0031
Proposals: IMPROVEMENT OF EXISTING ACCESS ONTO MOY ROAD.
CONSTRUCTION OF CAR PARK.
Decision: PG
Decision Date:

Ref: LA09/2020/1670/F
Proposals: Retention of housing development layout, site levels and retaining wall as constructed.
Decision: PG
Decision Date: 04-MAR-21

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Substantive: TBC
NI Water - Multiple Units West-Substantive: TBCResponseType: PR
NI Water - Multiple Units West-LA09-2022-0040-F.pdf
DFI Roads - Enniskillen Office-29-09-2022.docx
DFI Roads - Enniskillen Office-

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Proposed Plans Plan Ref: 03
Proposed Plans Plan Ref: 04
Proposed Plans Plan Ref: 05
Proposed Plans Plan Ref: 06
Landscape Proposals Plan Ref: 07

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 December 2022	Item Number: 5.10
Application ID: LA09/2022/0041/F	Target Date: 9 March 2022
Proposal: Proposed farm shed for storage of farm machinery	Location: Adjacent To Existing Farm Building 139 Gulladuff Road Bellaghy
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Paul MC Corry 140 Gulladuff Road Bellaghy	Agent Name and Address: Cmi Planners Ltd 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: TBCResponseType: PR
	DAERA - Coleraine	Substantive: TBCResponseType: FR
	Historic Environment Division (HED)	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

Refusal - To Committee - Contrary to CTY 1, 8 and 12 of PPS 21.

Characteristics of the Site and Area

The site is located approximately 2.2km north west of the development limits of Bellaghy, as such the site is located within open countryside as per defined by the Magherafelt Area Plan 2015. I note that the site is identified as adjacent to 139 Gulladuff Road, Bellaghy in which the red line covers a portion of a much larger agricultural field. I note that the applicant lives across the road from the site but owns farm buildings that lie adjacent to the site. The site sits along the roadside but proposes access through the use of an existing access through no.139. I note that the immediate and surrounding area is characterised by predominately agricultural land uses with a scattering of residential properties.

Representations

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

Relevant Planning History

LA09/2019/0574/O - Proposed dwelling and domestic garage / store based on policy CTY 10 - dwelling on a farm - Approx 45m S.W of No 139 Gulladuff Road, Magherafelt – Permission Granted – 23/07/19

Description of Proposal

This is a full application for a farm shed for storage of farm machinery, the site is located at adjacent to existing farm building at 139 Gulladuff Road, Bellaghy.

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 12 – Agricultural and Forestry Development

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 farm shed for storage of farm machinery and as a result the development must be considered under CTY 12 of PPS 21. In that I am content that the agent has demonstrated the farm shed is necessary for the efficient running of the farm business. With this in mind I am content that the farm shed is acceptable under these terms.

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

(a) it is necessary for the efficient use of the agricultural holding or forestry enterprise;
After discussions the agent stated that as part of the development of a new dwelling within the farm yard that an existing shed and silage pit will be demolished. Wherein the remaining buildings whilst in poor condition remain fully utilised. Where the proposed shed will provide adequate storage of machinery etc. for the applicant and there would be genuine hardship if the shed is not approved.

(b) in terms of character and scale it is appropriate to its location;
Upon review of the submitted plans I am content that the proposed shed is of scale and character of its rural location.

(c) it visually integrates into the local landscape and additional landscaping is provided as necessary;
After group discussions it has been agreed that the farm shed sits detached from the rest of the farm group and will require additional landscaping predominately to ensure integration.

(d) it will not have an adverse impact on the natural or built heritage; and
I am content that the shed in this location will not have an adverse impact on the natural or built heritage.

(e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.
I am content given the existing separation distances between the farm and any other dwelling outside the holding that this will not result in detrimental impact on neighbouring amenity.

In cases where a new building is proposed applicants will also need to provide sufficient information to confirm all of the following:

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

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

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

In terms of this being a new building, I am content that there are no suitable existing buildings on the farm. I am content that the proposed design and materials are sympathetic to the locality. Finally, I note that the proposed shed is located detached from the rest of the farm buildings on the holding and there has been no justification for this. It was requested that the shed be brought closer to the existing group identified but this option was rejected. I must note that the proposed application could not be considered as permitted development given the fact the floor space of the shed and hardcore yard proposed would exceed the 500sqm that is permitted. With this in

mind I hold the view that it still should be sited beside the farm group as such it has failed under CTY 12. In addition to this I hold the view that the shed in this location has the capacity to create a ribbon of development and would be contrary to CTY 8 respectively.

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.

Other policy and material considerations

PPS 3 - Access, Movement and Parking;

A consultation was sent to DFI Roads, confirmed that they had no objections to the application subject to the relevant conditions and informatives being added, however the agent confirmed they could not achieve the splays. From such the application reverted back to using the existing access point for the farm holding, which is acceptable.

A consultation was sent to HED, who confirmed in their response to be content with the proposal.

I have no ecological or residential amenity concerns.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to policy CTY 1 and 12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that the applicant has not provided sufficient information to confirm that the proposal is sited beside existing farm or forestry buildings.

Reason 2

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 ribbon development along Gulladuff Road..

Signature(s): Peter Henry

Date: 7 November 2022

ANNEX	
Date Valid	12 January 2022
Date First Advertised	27 January 2022
Date Last Advertised	27 January 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 70 Killyberry Road Bellaghy Londonderry BT45 8LJ The Owner / Occupier 139 Gulladuff Road Bellaghy Londonderry BT45 8LW The Owner / Occupier 68 Killyberry Road Bellaghy Londonderry BT45 8LJ	
Date of Last Neighbour Notification	3 February 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR DAERA - Coleraine-Substantive: TBCResponseType: FR Historic Environment Division (HED)-Substantive: TBCResponseType: PR	
Drawing Numbers and Title Site Layout or Block Plan Plan Ref: 02 Proposed Plans Plan Ref: 03 Site Location Plan Plan Ref: 01	

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

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

Case Officer Report**Site Location Plan**

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Consultations:

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

Representations:

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

Summary of Issues

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

Characteristics of the Site and Area

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

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

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

Description of Proposal

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

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

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Relevant planning history

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

laneway as the proposed shed.

Development Plan and key policy considerations

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

PPS 21 - Sustainable development in the countryside

Policy CTY 12 Agricultural and forestry development

PPS 15 - Planning and Flood Risk

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

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

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

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

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

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

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

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

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

- o it visually integrates;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

access an alternative site beyond the existing location.

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

PPS 15 - Planning and Flood Risk

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

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

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

A Flood risk assessment has not been submitted.

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

These points are discussed as follows:-

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

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

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

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

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

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

be afforded any determining weight.

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

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

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

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

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

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

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

This point has been addressed at point 7.

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

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

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

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

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

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

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

CTY 13 Integration and design of buildings in the countryside.

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

CTY 14 Rural Character

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

Recommendations

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

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to policy CTY12 of Planning Policy Statement 21 Sustainable Development in the Countryside, in that it has not been demonstrated that there are no alternative sites available at another group of buildings on the holding and that health and safety reasons exist to justify an alternative site away from the existing farm buildings and that the alternative site is essential for the efficient functioning of the business.

Case Officer: Malachy McCrystal
Date: 23 November 2022

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

Drawing Numbers and Title

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

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 December 2022	Item Number: 5.12
Application ID: LA09/2022/0235/F	Target Date: 20 April 2022
Proposal: Proposed Farm dwelling and garage to supersede Previously approved Ref: LA09/2017/0867/O	Location: Approx 65M South Of 130 Coolreaghs Road Cookstown
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr K Black 130 Coolreaghs Road Cookstown	Agent Name and Address: Cmi Planners Ltd 38B Airfield Road Toomebridge BT41 3SG
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
	DAERA - Omagh	Substantive: TBCResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR
	Historic Environment Division (HED)	Substantive: TBCResponseType: PR
Non Statutory Consultee	Environmental Health Mid Ulster Council	

Representations:

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

Summary of Issues

The proposal is contrary to Policy CTY 1, 10, 13 and 14 of PPS 21.

One objection has been received. The points raised in the letter of objection have been fully assessed as part of this report and can be summarized below:

- The applicant does not own the land. This has been checked and although the applicant does not own the land, the correct notice has been served on the land owner who is also named on the farm business as per the P1c form.
- No single farm payment has been claimed and the applicants don't farm the land
- The site is not visually linked or sited to cluster with any established group of buildings.
- The proposal fails to comply with policies CTY2a, CTY8, CTY 13, CTY 14 & CTY16.

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits as per the Cookstown Area Plan 2010. The red line of the application site is part of a larger agricultural field which is located along the roadside and rises from south to North. The boundaries of the site as defined on the roadside and west by low level hedges and post and wire fencing with the northern boundary defined by third party agricultural buildings. The surrounding area is mainly agricultural rural lands and dwellings located throughout the countryside.

Site History

LA09/2017/0867/O- Proposed dwelling and garage- 65M South Of 130 Coolreaghs Road Cookstown. Permission Granted 24.08.2017

LA09/2018/0130/RM- Dwelling and Garage- 65M South Of 130 Coolreaghs Road. Pending consideration.

LA09/2019/0822/F- Erection of a shed over existing storage tank for the storage of farm feeds- Lands 48M Se Of 130 Coolreaghs Road Cookstown. Pending Decision. This application was recommended for refusal at a previous committee meeting but was deferred and no decision has been made.

Description of Proposal

This is a full planning application for a proposed farm dwelling and garage to supersede approval ref: LA09/2017/0867/O

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Cookstown Area Plan 2010
Strategic Planning Policy Statement for Northern Ireland (SPPS)
PPS 21: Sustainable Development in the Countryside
PPS3: Access, Movement and Parking
Mid Ulster Local Development Plan 2030- Draft Plan Strategy

The site is located in the open countryside as defined by the Cookstown Area Plan 2010. 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.

In respect to criteria (a) DAERA were consulted and confirmed the Business ID provided have been in existence since 2005 but that no form of payments are being claimed by the business. They also confirmed that the site located in field 6/100/030/1 is not controlled by the farm business identified on the P1c form. In saying this DAERA are advising that another farm is claiming single farm payment from the applicants land and it has been confirmed that the applicant has a lease agreement to let the land out and that the lands are being farmed by a third party. Although the objector raised this as an

objection, I am content the proposal complies with criteria A as the business ID provided has been in existence for more than 6 years and the business aspect has been met as the land is being leased out.

With regards to criteria B I have conducted a search on the planning portal and found no evidence of any dwellings or development opportunities that have been sold off from the farm holding within 10 years and there has been no claims made otherwise. The lands where the site is located were transferred to Amanda Chambers in January 2022 however, as Amanda Chambers is listed as a member of the active farm business this cannot be considered being sold off or transferred off the farm holding.

Criteria C requires the building to be visually linked or sited to cluster with an established group of buildings on the farm. Firstly, the agent has identified the buildings located to the north as 130 Coolreaghs Road and the associated garage as the existing buildings associated with the farm business. Following discussions at internal group meetings this was deemed acceptable as there is no other buildings on the farm holding which have been identified. The next step is that the new dwelling should visually link with or be sited to cluster with this established group of buildings. It is important to note there is third party farm buildings located directly adjacent to the site to the north. It is these buildings which act as a visual break between the proposed site and the established buildings associated with this business ID. Policy CTY 10 does not permit reliance on groups of buildings on a neighbouring farm holding. Given the size of these neighbouring farm buildings I do not believe there is a visual link from the proposed site and these established buildings identified as 130 Coolreaghs Road. The image below was taken from the southern part of the site facing towards the proposed siting of the dwelling with the third party buildings visible. It is clear that there is no visual linkage between the proposed new dwelling and the established group of buildings on the farm, therefore, failing to comply with criteria C of CTY 10.



The proposal also fails to be considered under CTY2a as per the objectors comments the applicant has not proposed to apply for a site under this policy.

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. Given the topography of the site and the low level hedges which define the site, the dwelling at this location would be a prominent feature. The proposed dwelling would have a finished floor level of 86.00 and although the road rises to 86.71 further north beyond the site, the proposed two storey dwelling with a ridge height of 8m above finished floor level would be a prominent feature in the landscape. Additional planting would be required, and for a dwelling of this size it would rely solely on new landscaping for integration given the scale of the dwelling. As such the dwelling would rely heavily on site works such as landscaping and planting to achieve an acceptable degree of integration and is therefore, contrary to this policy.

Policy CTY 14 states planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As stated, the proposed dwelling would be on an elevated site and would appear unduly prominent in the landscape. As such, the proposal is contrary to this policy. CTY 8 is raised by the objector and in considering that this application cannot rely on neighbouring farm buildings, I feel I can attach more weight to CTY 8 considerations and the chosen location in my view, would extend a ribbon of development along the Coolreaghs Road.

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

PPS 3 - Access, Movement and Parking:

The proposal is to create a new access. Transport NI advised that they have no objection to the proposed development subject to conditions.

Other Material Considerations

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

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policy CTY 10 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.

Reason 3

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

Reason 4

The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape.

Reason 5

The proposal is contrary to Policy CTY 8 and CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, would extend a ribbon of development along the Coolreaghs Road

Signature(s): Ciaran Devlin

Date: 21 November 2022

ANNEX	
Date Valid	23 February 2022
Date First Advertised	8 March 2022
Date Last Advertised	8 March 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 130 Coolreaghs Road Cookstown Tyrone BT80 9QD	
Date of Last Neighbour Notification	28 March 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: I/1995/0089 Proposals: Site for Dwelling Decision: WITHDR Decision Date: Ref: I/1993/6028 Proposals: Site for Single Storey Dwelling Coolreaghs Road Cookstown Decision: PRER Decision Date: 30-MAR-93 Ref: LA09/2019/0822/F Proposals: Erection of a shed over existing storage tank for the storage of farm feeds (amended description) Decision: Decision Date: Ref: I/2007/0358/F Proposals: Proposed replacement dwelling and garage Decision: PG Decision Date: 13-FEB-08 Ref: I/1976/0434	

Proposals: IMPROVEMENTS TO EXISTING DWELLING

Decision: PG

Decision Date:

Ref: I/2008/0339/F

Proposals: Change of garage from original approved under I/2007/0358/RM (to accommodate additional domestic storage

Decision: PG

Decision Date: 21-JUL-08

Ref: LA09/2017/0867/O

Proposals: Proposed dwelling and garage

Decision: PG

Decision Date: 24-AUG-17

Ref: LA09/2022/0235/F

Proposals: Proposed Farm dwelling and garage to supersede Previously approved Ref: LA09/2017/0867/O

Decision:

Decision Date:

Ref: LA09/2018/0130/RM

Proposals: Dwelling and Garage

Decision:

Decision Date:

Summary of Consultee Responses

DAERA - Omagh-Substantive: TBCResponseType: FR

DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR

Historic Environment Division (HED)-Substantive: TBCResponseType: PR

Environmental Health Mid Ulster Council-

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

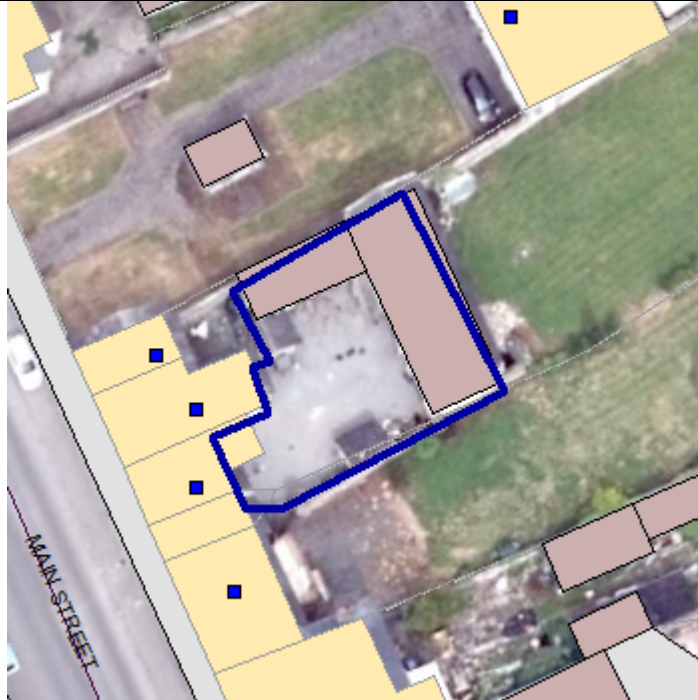


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 December 2022	Item Number: 5.13
Application ID: LA09/2022/0287/LBC	Target Date: 29 April 2022
Proposal: Proposed conversion of existing barn outbuildings to provide living accommodation over 2 storeys	Location: 23-23A Main Street Caledon
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: John Hassard 83 Derrycourtney Road Caledon BT68 4TZ	Agent Name and Address: Concept 44 Architecture 44 Rehaghey Road Aughnacloy BT69 6EU
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
	Historic Environment Division (HED)	Substantive: YResponseType: FR
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	Historic Environment Division (HED)	

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

No issues. Objections were received in relation to this proposal as a full application and as such the application is present to committee.

Characteristics of the Site and Area

The red line of the site includes lands to the rear of 22-24 Main St, Caledon. The site location plan identifies 22-24 Main St within blue lands along with the lands which extend to the east of the application site and it also notes there is a private right of way which is needed to access the application site. The building is classified as being grade B1 listed and this listing takes into account the entirety of the site includes the outbuildings in question. The site is located within a Conservation Area as noted with Dungannon and South Tyrone Area Plan 2010. The lands surrounding the site are primarily residential with a number of adjacent buildings also having listed status. There is a mix of uses found within the village of Caledon.

Description of Proposal

Listed Building Consent is sought for the proposed conversion of existing barn outbuildings to provide living accommodation over 2 storeys

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. At the time of writing, one third party representation was received which referenced the Full application (LA09/2022/0288/F) as well as the Listed Building Consent and as such I have included the details provided in the full report here also for full transparency. The objection states that the application is not clear what is proposed noting they feel the current description is unclear and that the proposed use should be specified more precisely. They add concern relating to the access and parking of the site. The objector provided a right of way map showing they also have a right of way through the archway which will also access the application site.

In response to the objection, I feel the plans along with the description and design and access statement supply adequate information about what is proposed at this site. The proposed plans, as shown on Drawing No.02 date received 4th March 2022 show one ground floor bedroom and one first floor bedroom with an open plan kitchen/living area proposed. There is an ensuite proposed on the ground floor with a WC also proposed on the first floor. The two first floor terraced areas are also evident on the plans. In response to the access and parking concerns, this is addressed later in the report also. The agent recognises that the current access arrangement to the site through the archway may present some difficulties for residents wishing to park here on a regular basis, however they have added that the on street parking within Caledon is plentiful and should be sufficient to address these issues.

Planning History

There is an associated application submitted along with this for Listed Building Consent.

Both applications are being processed simultaneously.

LA09/2022/0288/F - Proposed conversion of existing barn outbuildings to provide living accommodation over 2 storeys - 23-23A Main Street Caledon.

Planning Assessment of Policy and Other Material Considerations

- Dungannon and South Tyrone Area Plan 2010
- Strategic Planning Policy Statement
- PPS 6 – Planning, Archaeology and the Built Heritage
- Local Development Plan 2030 – Draft Plan Strategy

Strategic Planning Policy Statement for Northern Ireland - Planning for Sustainable Development, is a material consideration. The SPPS supersedes the policy provision within Planning Policy Statement (PPS) 1, 5 and 9. The policy provision within Planning Policy Statement 6 - Planning, Archaeology & Built Heritage have been retained under transitional arrangements.

The SPPS seeks to secure the protection, conservation and where possible, enhancement of our built and archaeological heritage; Promote sustainable development and environmental stewardship with regard to our built and archaeological heritage; and Deliver economic and community benefit through conservation that facilitates productive use of built heritage assets and opportunities for investment, whilst safeguarding their historic or architectural integrity.

Planning Policy Statement 6: Planning, Archaeology and the Built Heritage - As the works proposed are to a Listed House this proposal has been assessed against Policy BH 7 (Change of use of a Listed Building), Policy BH8 (Extension or Alteration of a Listed Building) and BH 11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6. I consulted with the Historic Environment Division (HED) of the Department of Communities, as they provide valuable input when assessing the impact of the proposal on the amenity of the Listed House and its setting. HED, Historic Buildings considered the impacts of the proposal on the building and were content with the proposal. I am content that the change of use proposed would secure the buildings upkeep and maintain the character and architectural or historic interest of the building. I am content the proposal includes details of all intended alterations to the building and its curtilage to demonstrate their effect on its appearance, character and setting. The materials proposed match existing materials and any new materials including new window frames and doors are all materials which HED have assessed and agreed within their response, subject to conditions which they have supplied.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Condition 2

Proposals including materials and finishes shall be as per planning drawings 06 (date published 9th May 2022) and 02b, 03b, 07a & 08a (date published 1st August 2022) with the exception that multiplane timber windows shall be single glazing unless a sample double glazed window has been agreed with HED.

Reason: To ensure the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired, that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building and the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

Condition 3

Original or historic fabric, finishes and fittings shall be retained, apart from locations shown on Planning drawings and Internal and external repair/ works of making good required to the retained fabric shall match the existing in each and every respect, unless otherwise approved.

Reason: To ensure the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired, that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building and the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

Condition 4

There shall be no low emissivity glazing and all windows shall be without visible trickle vents.

Reason: To ensure the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired, that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building and the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

Condition 5

New stone walling to conservatory shall be traditionally built with coursing and pattern equating to that of the main house.

Reason: To ensure the essential character of the building and its setting are retained

and its features of special interest remain intact and unimpaired, that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building and the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

Condition 6

Flashings shall be lead, non-machine tool cut installed fully in accordance with Lead Sheet Association's current recommendations and shall protrude no more than 50mm into the fabric of the listed building and new services shall integrate into the existing building without proliferation of voids through historic fabric or new service ducts etc.

Reason: To ensure the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired, that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building and the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

Condition 7

No new mechanical services (including for example pipes, soil-stacks, flues, vents or ductwork or other fixtures) shall be fixed on the external faces of the building other than those shown on the drawings submitted.

Reason: To ensure the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired, that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building and the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

Condition 8

No new or electrical services (including grilles, security alarms, lighting, security or other cameras or other fixtures) shall be fixed on the external faces of the building other than those shown on the drawings hereby submitted.

Reason: To ensure the essential character of the building and its setting are retained and its features of special interest remain intact and unimpaired, that the materials used are of appropriate quality in the interests of maintaining the character and appearance of the listed building and the architectural details (e.g. doors, gutters, windows) match or are in keeping with the building.

Signature(s): Sarah Duggan

Date: 22 November 2022

ANNEX	
Date Valid	4 March 2022
Date First Advertised	17 March 2022
Date Last Advertised	15 March 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 24 Main Street, Caledon, Tyrone, BT68 4TZ	
Date of Last Neighbour Notification	31 March 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses Historic Environment Division (HED)-Substantive: YResponseType: FR Historic Environment Division (HED)- Historic Environment Division (HED)-	

Drawing Numbers and Title

Proposed Floor Plans Plan Ref: 02B
Proposed Elevations Plan Ref: 07A
Proposed Elevations Plan Ref: 03B
Proposed Plans Plan Ref: 08A
Site Location Plan Plan Ref: 01
Existing Elevations Plan Ref: 05
Existing Floor Plans Plan Ref: 04
Proposed Elevations Plan Ref: 03
Proposed Floor Plans Plan Ref: 02
Proposed Floor Plans Plan Ref: 02a
Proposed Elevations Plan Ref: 03a
Existing Floor Plans Plan Ref: 04a
Existing Elevations Plan Ref: 05a
Proposed Plans Plan Ref: 06
Proposed Elevations Plan Ref: 07
Proposed Plans Plan Ref: 08

Notification to Department (if relevant)

Not Applicable

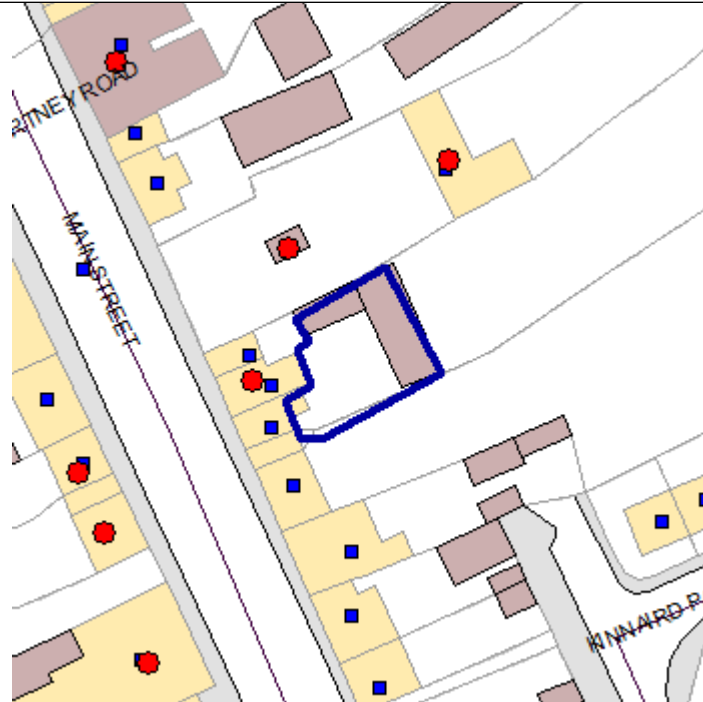


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 December 2022	Item Number: 5.14
Application ID: LA09/2022/0288/F	Target Date: 29 April 2022
Proposal: Proposed conversion of existing barn outbuildings to provide living accommodation over 2 storeys	Location: 23-23A Main Street Caledon
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: John Hassard 83 Derrycourtney Road Caledon BT68 4UH	Agent Name and Address: Concept 44 Architecture 44 Rebaghey Road Aughnacloy BT69 6EU
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
	NI Water - Single Units West	Substantive: TBCResponseType: FR

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

There was on objection received in relation to the proposal. The details of this objection will be discussed later within the report.

Characteristics of the Site and Area

The red line of the site includes lands to the rear of 22-24 Main St, Caledon. The site location plan identifies 22-24 Main St within blue lands along with the lands which extend

to the east of the application site and it also notes there is a private right of way which is needed to access the application site. The building is classified as being grade B1 listed and this listing takes into account the entirety of the site includes the outbuildings in question. The site is located within a Conservation Area as noted with Dungannon and South Tyrone Area Plan 2010. The lands surrounding the site are primarily residential with a number of adjacent buildings also having listed status. There is a mix of uses found within the village of Caledon.

Description of Proposal

Full planning permission is sought for the proposed conversion of existing barn outbuildings to provide living accommodation over 2 storeys.

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. At the time of writing, one third party representation was received. The objection states that the application is not clear what is proposed noting they feel the current description is unclear and that the proposed use should be specified more precisely. They add concern relating to the access and parking of the site. The objector provided a right of way map showing they also have a right of way through the archway which will also access the application site.

In response to the objection, I feel the plans along with the description and design and access statement supply adequate information about what is proposed at this site. The proposed plans, as shown on Drawing No.02 date received 4th March 2022 show one ground floor bedroom and one first floor bedroom with an open plan kitchen/living area proposed. There is an ensuite proposed on the ground floor with a WC also proposed on the first floor. The two first floor terraced areas are also evident on the plans. In response to the access and parking concerns, this is addressed later in the report also. The agent recognises that the current access arrangement to the site through the archway may present some difficulties for residents wishing to park here on a regular basis, however they have added that the on street parking within Caledon is plentiful and should be sufficient to address these issues.

Planning History

There is an associated application submitted along with this for Listed Building Consent. Both applications are being processed simultaneously.

LA09/2022/0287/LBC - Proposed conversion of existing barn outbuildings to provide living accommodation over 2 storeys - 23-23A Main Street Caledon.

Planning Assessment of Policy and Other Material Considerations

- Dungannon and South Tyrone Area Plan 2010
- Strategic Planning Policy Statement
- PPS 3 – Access, Movement and Parking
- PPS 6 – Planning, Archaeology and the Built Heritage
- PPS 7 – Quality Residential Environments
- PPS 7 (Addendum) - Safe Guarding the Character of Established Residential Areas
- DCAN 8 Housing in Existing Urban Areas
- Local Development Plan 2030 – Draft Plan Strategy

The application site is located within Caledon Settlement as identified within Dungannon and South Tyrone Area Plan 2010 and is within a Conservation Area. There are no other zonings or designations within the Plan. SETT1 indicates that development may be acceptable if it meets identified criteria, these are broadly similar those in PPS7 and so I consider if the proposal meets with PPS7, it will also accord with the Plan.

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

The proposal is for a change of use from an existing barn outbuilding to provide living accommodation, thus Planning Policy Statement (PPS) 7 Quality Residential Environments is the relevant material planning policy for this type of development within a settlement. All proposals for residential development will be expected to comply with a number of criterion as laid out in the policy. I am content this development respects the surrounding context and is appropriate to the character and topography of the site. As this is a change of use of an existing building with minimal works to its external appearance, particularly on the front elevation. There are two balcony's proposed to the eastern portion of the development however public views of this will be somewhat limited. I believe the proposed works will enhance the appearance of the existing building and in turn the immediate area.

I am content the design respects the listed building in terms of scale, height, massing and alignment; sympathetic building materials and techniques, which respect of those found on the building; and the nature of the use proposed respects the character of the setting of the building. Public open space is not a requirement for this type of proposal. I am content private amenity space to the east of the dwelling is well in excess of the 70m2 promoted in creating places and has been provided within the yard to the rear of the property. I am dealing solely with an application for a single dwelling in which local neighbourhood facilities in their own right would not be required. The proposal would support walking and cycling, and help meet the needs of people whose mobility is impaired by reason of its village centre location which will provide the occupiers of the dwelling with adequate and convenient access to existing services and facilities within

the village including public transport to wider afield.

The proposed development does not propose to provide any in-curtilage car parking and ordinarily some should be provided in accordance with the Car Parking Standards, however I am content that there is adequate on street parking available within Caledon. The agent has noted on the plans that there is a private right of way which accesses the gravel courtyard to the rear of 23-23a Main Street and parking would be available within this area if desired. The design and finishes of the proposed development are considered acceptable to the site and locality. There are some changes proposed to the fenestration of the building to accommodate the change of use proposed and the balcony area to the rear of the proposal remains the biggest external changes to the proposal. I am content that this proposal should not conflict with adjacent land uses, there is a number of residential properties within close proximity to the application site. I find no reason why this proposal would have any impact on crime or personal safety in this setting.

With respect to PPS 7 (Addendum) - Safe Guarding the Character of Established Residential Areas, I am satisfied that this proposal complies with Policy LC 1 of the Addendum to PPS 7, Protecting Local Character, Environmental Quality and Residential Amenity, in that the proposal will not result in a significantly higher residential density in this area; the pattern of development is in keeping with the overall character and environmental quality of the established residential area; and the site has the capacity subject to a suitably designed accommodated a dwelling built to a size not less than those set out in Annex A of this addendum.

NI Water have been consulted and have recommended refusal on the application on the basis that the application site falls within an odour encroachment boundary. The WWTW of Caledon are location to the NE of the application site, however I am content that there is other development within Caledon within closer proximity to the WWTW and thus I have no concern about the impact it will have on this proposal. NI Water have noted that there is available capacity within the WWTW.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Signature(s): Sarah Duggan

Date: 22 November 2022

ANNEX	
Date Valid	4 March 2022
Date First Advertised	17 March 2022
Date Last Advertised	15 March 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 21 Main Street Caledon Tyrone BT68 4TZ The Owner / Occupier 24 Main Street Caledon Tyrone BT68 4TZ The Owner / Occupier 23 Main Street Caledon Tyrone BT68 4TZ The Owner / Occupier 22 Main Street Caledon Tyrone BT68 4TZ	
Date of Last Neighbour Notification	29 June 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: M/2004/1067/F Type: F Status: PG Ref: M/1988/0812 Type: F Status: PCO Ref: M/2004/1080/LB Type: LBC Status: CG Ref: LA09/2021/1524/CONTP Type: CONTPO Status: WTCAG Ref: LA09/2022/0073/CONTP	

Type: CONTPO
Status: WTCAG

Ref: M/2006/1531/F
Type: F
Status: PG

Ref: M/2004/1504/F
Type: F
Status: PG

Ref: M/1986/0558
Type: H13
Status: PR

Ref: LA09/2022/0287/LBC
Type: LBC
Status: PCO

Ref: LA09/2022/0288/F
Type: F
Status: PCO

Ref: M/2001/1056/LB
Type: LBC
Status: CG

Ref: M/2001/1057/F
Type: F
Status: PG

Ref: M/2000/0944/LB
Type: LBC
Status: CG

Ref: M/1974/0418
Type: H13
Status: PG

Ref: M/2010/0830/F
Type: F
Status: PG

Ref: M/2009/0093/Q
Type: PREAPP
Status: 211

Ref: M/1974/0454

Type: H13

Status: PG

Ref: LA09/2016/0332/F

Type: F

Status: PG

Ref: M/2004/1553/A

Type: A

Status: CG

Ref: M/2004/1328/F

Type: F

Status: PG

Ref: M/1988/0343

Type: F

Status: PG

Ref: M/2010/0026/F

Type: F

Status: PG

Ref: M/2010/0022/LB

Type: LBC

Status: CG

Ref: M/2004/1554/LB

Type: LBC

Status: CG

Ref: M/1988/0459

Type: LBC

Status: PG

Ref: M/1993/0302

Type: F

Status: PCO

Ref: M/1994/0035

Type: LBC

Status: PCO

Ref: M/1993/0402

Type: LBC
Status: PCO

Ref: M/2002/1217/F
Type: F
Status: PG

Ref: M/1979/0250
Type: H13
Status: PG

Ref: M/1996/0264`
Type: F
Status: PCO

Ref: LA09/2018/1135/LDP
Type: LDP
Status: PG

Ref: M/2011/0551/LBC
Type: LBC
Status: CG

Ref: M/2004/0037/F
Type: F
Status: PG

Ref: M/1995/0254
Type: F
Status: PCO

Ref: M/1998/0221
Type: F
Status: PG

Ref: M/2002/1184/LB
Type: LBC
Status: CG

Ref: M/2007/0759/F
Type: F
Status: PG

Ref: M/2002/1183/F
Type: F
Status: PG

Ref: M/1996/4034
Type: P
Status: PCO

Ref: M/2008/0841/A
Type: A
Status: CG

Ref: M/1992/0256
Type: F
Status: PCO

Ref: M/1996/0213
Type: F
Status: PCO

Ref: M/1988/0839
Type: LBC
Status: PCO

Ref: M/2001/0955/A41
Type: A41
Status: 205

Ref: M/1993/4025
Type: P
Status: PCO

Ref: M/1992/0283
Type: F
Status: PCO

Ref: M/1988/0840
Type: LBC
Status: PCO

Ref: M/1993/0262
Type: F
Status: PCO

Ref: M/1993/0317
Type: LBC
Status: PCO

Ref: M/1987/0246

Type: F
Status: PG

Ref: M/1980/0660
Type: H13
Status: PG

Ref: M/1993/0691
Type: O
Status: PCO

Ref: LA09/2016/0448/A
Type: A
Status: CG

Ref: M/2004/0283/F
Type: F
Status: PG

Ref: M/2004/0282/LB
Type: LBC
Status: CG

Ref: M/2002/1386/LB
Type: LBC
Status: CG

Ref: M/2001/1350/DCA
Type: DCA
Status: APPRET

Ref: M/2001/1323/LB
Type: LBC
Status: CG

Ref: M/2002/0389
Type: LBC
Status: 461

Ref: M/2010/0030/LB
Type: LBC
Status: CG

Ref: M/2012/0382/LBC
Type: LBC
Status: CG

Ref: LA09/2016/0133/LDP
Type: LDP
Status: PG

Ref: M/1979/0553
Type: H13
Status: PG

Ref: M/1981/0022
Type: H13
Status: PG

Ref: M/2002/0686/F
Type: F
Status: PG

Ref: M/2002/0685/LB
Type: LBC
Status: CG

Ref: M/1990/0016
Type: LBC
Status: PCO

Ref: M/1990/0015
Type: F
Status: PCO

Ref: M/2006/1589/F
Type: F
Status: PG

Ref: M/2013/0424/F
Type: F
Status: PG

Ref: M/1983/0257
Type: H13
Status: PG

Ref: M/1975/0251
Type: H13
Status: PG

Ref: M/1994/0196

Type: F
Status: PCO

Ref: M/1974/0322
Type: H13
Status: PG

Ref: M/1998/0277
Type: F
Status: PCO

Ref: M/1993/0423
Type: F
Status: PCO

Ref: M/2012/0164/F
Type: F
Status: PG

Ref: M/2013/0269/LBC
Type: LBC
Status: CG

Ref: M/2013/0268/A
Type: A
Status: CG

Ref: M/2012/0163/LBC
Type: LBC
Status: CG

Ref: M/2011/0552/F
Type: F
Status: PG

Ref: M/2007/0883/LDP
Type: LDP
Status: PG

Ref: M/2006/1703/F
Type: F
Status: PG

Ref: M/2004/1628/F
Type: F
Status: PG

Summary of Consultee Responses
NI Water - Single Units West-Substantive: TBCResponseType: FR
Drawing Numbers and Title
Site Location Plan Plan Ref: 01 Existing Elevations Plan Ref: 05 Existing Floor Plans Plan Ref: 04 Proposed Elevations Plan Ref: 03 Proposed Floor Plans Plan Ref: 02
Notification to Department (if relevant)
Not Applicable

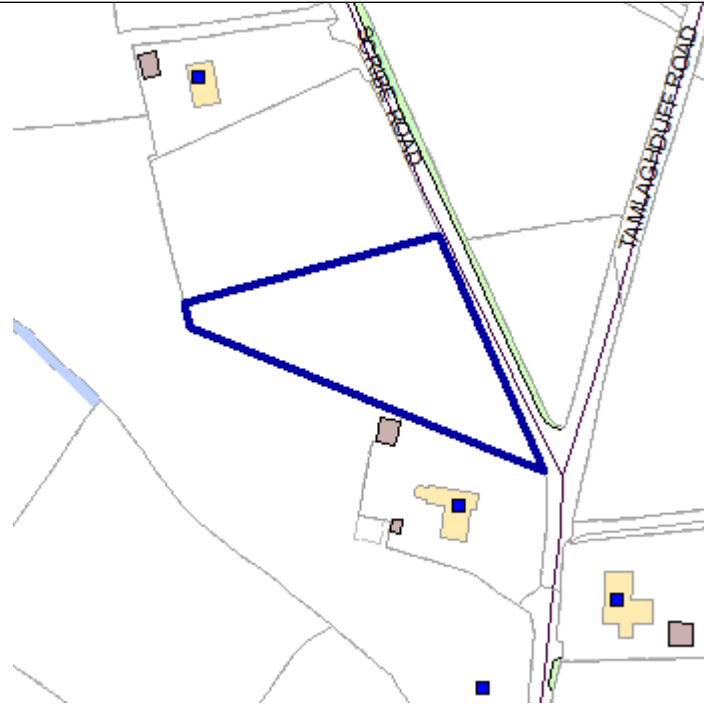


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 December 2022	Item Number: 5.15
Application ID: LA09/2022/0349/RM	Target Date: 11 May 2022
Proposal: New dwelling and garage	Location: 90M S.E. Of 2 Scribe Road Bellaghy
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Paul Scullion 4 Scribe Road Bellaghy	Agent Name and Address: Bannvale Architectural Services 104A Ballynease Road Portglenone BT44 8NX
Executive Summary: The current application is presented as an approval however objections from a neighbour necessitates presentation at Committee. The objector's concerns are addressed below: * No indication of existing or proposed levels on drawings, concerns that a large amount of earthworks will be required and flooding will result - An amended drawing (reference 02 Rev A) was uploaded to Public Access on 23/09/2022 showing existing levels, proposed levels and finished floor levels. The spot levels shown indicate limited earthworks will be required.	

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	3
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Characteristics of the Site and Area

The application site is located 90m southeast of No. 2 Scribe Road, Bellaghy within an area of open countryside as per the Magherafelt Area Plan 2015. The site is currently undefined to the north and western boundaries and along its 87m road frontage to the east. The southern boundary is defined by a combination of a wire and post fence and

fencing panels. Adjacent to the southern boundary there is a detached two storey dwelling which fronts onto Tamlaghduff Road. The site consumes a portion of a larger, flat agricultural field. The surrounding area is characterised by a mixture of dispersed single dwellings and agricultural lands.



Description of Proposal

This is a reserved matters application for a new dwelling and garage located 90m southeast of No. 2 Scribe Road, Bellaghy.

Consultations

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

Site History

LA09/2017/1035/O - 90m South East of 2 Scribe Road, Bellaghy – Proposed infill site of dwelling and domestic garage for residential purposes – Permission Granted 06/12/2017.

LA09/2020/1537/O – 90m SE of No. 2 Scribe Road, Bellaghy, BT45 8JN – Proposed infill site (renewal) for dwelling and garage for residential purposes – Permission granted 07/05/2021.

Representations

Neighbour notification and press advertisement has been carried out in accordance with the Council's statutory duty as set down in Article 8 (2) of the Planning GDPO Regulations (NI) 2015. At the time of writing, one objector has submitted written correspondence on two separate occasions, 6th May 2022 and 25th October 2022.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015

The site falls within the rural countryside area, outside of any designated settlement and has no other specific designations or zonings.

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

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

Strategic Planning Policy Statement for Northern Ireland (SPPS)

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

PPS 21 – Sustainable Development in the Countryside

CTY 8 of PS 21 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements/ I note that the principle of development has already been established within the site through the recent approval of LA09/2020/1537/O, in which the application must still comply under CTY 13 and 14 of PPS 21. I am content that all conditions set out at outline stage have been met in the current proposal.

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. I note that the 6.5m ridge height restriction set out at outline stage has been adhered to and I am content that the proposed dwelling will not appear prominent in the landscape. Due to the existing and proposed landscaping, it is felt that the dwelling and garage will be able to successfully integrate into the landscape.

It is noted that the proposed dwelling is located a distance of 56m from the closest neighbour and there are therefore no concerns regarding overlooking or overshadowing.

Finally, in terms of design, I note that it is of simple design and is considered acceptable in this rural context. From this I am content that the application is able to comply with CTY 13.



CTY 14 of PPS 21 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 the 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 this proposed application will not unduly change the character of the area. On balance, I am content that the proposed development complies with CTY 14.

PPS 3 – Access, Movement and Parking

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

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 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 2.4 x 90 metres and a 90 metre forward sight distance, shall be provided in accordance with Drawing No 02 bearing the date stamp 16 Mar 2022 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Condition 3

All landscaping comprised in the approved details of landscaping on the approved drawing No. 02 Rev A bearing date stamp 23/09/2022 shall be carried out in the first planting season following the occupation of the development hereby approved. Any tree or other plant identified in the landscaping 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 development integrates into the countryside.

Signature(s): Zoe Douglas

Date: 8 November 2022

ANNEX	
Date Valid	16 March 2022
Date First Advertised	29 March 2022
Date Last Advertised	29 March 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 4A Scribe Road Bellaghy Londonderry BT45 8JN The Owner / Occupier 34 Tamlaghtduff Road Bellaghy Londonderry BT45 8JQ The Owner / Occupier 2 Scribe Road Bellaghy Londonderry BT45 8JN The Owner / Occupier 2, Scribe Road, Bellaghy, Londonderry, Northern Ireland, BT45 8JN	
Date of Last Neighbour Notification	25 October 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: LA09/2022/0349/RM Proposals: New dwelling and garage Decision: Decision Date: Ref: H/1999/0202 Proposals: ALTS & ADDS TO DWELLING Decision: PG Decision Date: Ref: LA09/2022/0355/RM Proposals: New Dwelling and garage Decision: Decision Date:	

Ref: H/2003/1059/O

Proposals: Site of dwelling and garage.

Decision:

Decision Date:

Ref: LA09/2017/1035/O

Proposals: Proposed infill site of dwelling and domestic garage for residential purposes

Decision: PG

Decision Date: 06-DEC-17

Ref: LA09/2018/1137/O

Proposals: Proposed infill site of dwelling and domestic garage for residential purposes

Decision: PG

Decision Date: 03-APR-19

Ref: H/1984/0136

Proposals: BUNGALOW AND GARAGE

Decision: PG

Decision Date:

Ref: LA09/2021/0976/O

Proposals: Proposed Infill site of dwelling and domestic garage for residential purposes

Decision: PG

Decision Date: 15-NOV-21

Ref: LA09/2020/1475/O

Proposals: Proposed infill site of dwelling and domestic garage

Decision: PG

Decision Date: 06-MAY-21

Ref: H/2005/1272/O

Proposals: Site of dwelling and garage

Decision: PG

Decision Date: 24-OCT-06

Ref: LA09/2020/1537/O

Proposals: Proposed infill site (renewal) for dwelling & garage for residential purposes.

Decision: PG

Decision Date: 17-MAY-21

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR

Drawing Numbers and Title

Garage Plans Plan Ref: 05
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
Site Layout or Block Plan

Notification to Department (if relevant)

Not Applicable



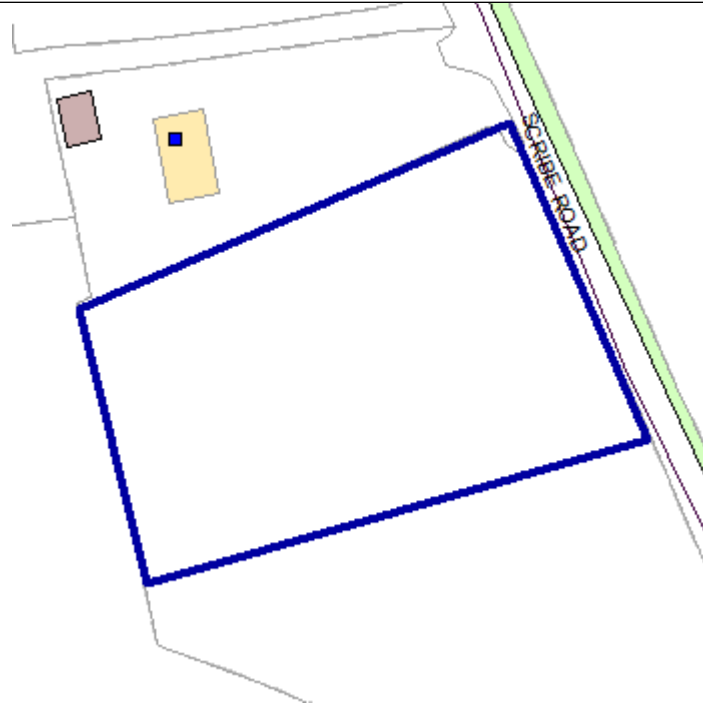
Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 December 2022	Item Number: 5.16
Application ID: LA09/2022/0355/RM	Target Date: 11 May 2022
Proposal: New Dwelling and garage	Location: 20M S.E. Of 2 Scribe Road Bellaghy
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Paul Scullion 4 Scribe Road Bellaghy	Agent Name and Address: Bannvale Architectural Services 104A Ballynease Road Portglenone BT44 8NX
Executive Summary: The current application is presented as an approval, however objections from a neighbour necessitates presentation at Committee. The objector's concerns are addressed below: * Potential overlooking - The proposed dwelling is located approximately 33m from the closest point of the objectors dwelling and having considered the proposed window arrangement, I am content that sufficient separation distance exists between the two dwellings to prevent any significant overlooking opportunities. * Proximity of septic tank to objectors dwelling - The proposed position of the septic tank complies with NIEA guidance which requires any septic tank to be located a minimum of 7m away from any habitable dwelling. The proposed septic tank is located approximately 15m from the objector's site and is therefore acceptable. I have spoken with our internal Environmental Health Officer who has confirmed the required separation distance between septic tanks and third-party dwellings to be 7m. * No storm drainage system / soakaways shown on drawings – These are shown on the amended drawing No. 02 Rev A uploaded on Public Access on 23/09/2022. * No indication of existing or proposed levels on drawings, concerns that a large amount of earthworks will be required - An amended drawing (reference 02 Rev A) was uploaded to Public Access on 23/09/2022 showing existing levels, proposed levels and finished floor levels. The spot levels shown indicate limited earthworks will be required.	

* Laneway outlined in blue on location plan is not owned / controlled by the applicant – This lane does not form part of the current application and is therefore not relevant. This is a civil matter which falls outside the remit of planning.

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	3
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Characteristics of the Site and Area

The application site is located 20m southeast of No. 2 Scribe Road, Bellaghy within an area of open countryside as per the Magherafelt Area Plan 2015. The site is currently undefined to the east, south and west, with a 1m wire and post fence along the northern boundary shared with No. 2. The site consumes a portion of a larger, flat agricultural

field. The surrounding area is characterised by a mixture of dispersed single dwellings and agricultural lands.



Description of Proposal

This is a reserved matters application for a new dwelling and garage located 20m southeast of No. 2 Scribe Road, Bellaghy.

Consultations

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

Site History

LA09/2018/1137/O - 20M South East Of No 2 Scribe Road Bellaghy - Proposed infill site of dwelling and domestic garage for residential purposes - Permission Granted - Wed 03 Apr 2019.

Representations

Neighbour notification and press advertisement has been carried out in accordance with the Council's statutory duty as set down in Article 8 (2) of the Planning GDPO Regulations (NI) 2015. At the time of writing, one objector has submitted written correspondence on two separate occasions, 6th May 2022 and 25th October 2022.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015

The site falls within the rural countryside area, outside of any designated settlement and has no other specific designations or zonings.

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

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

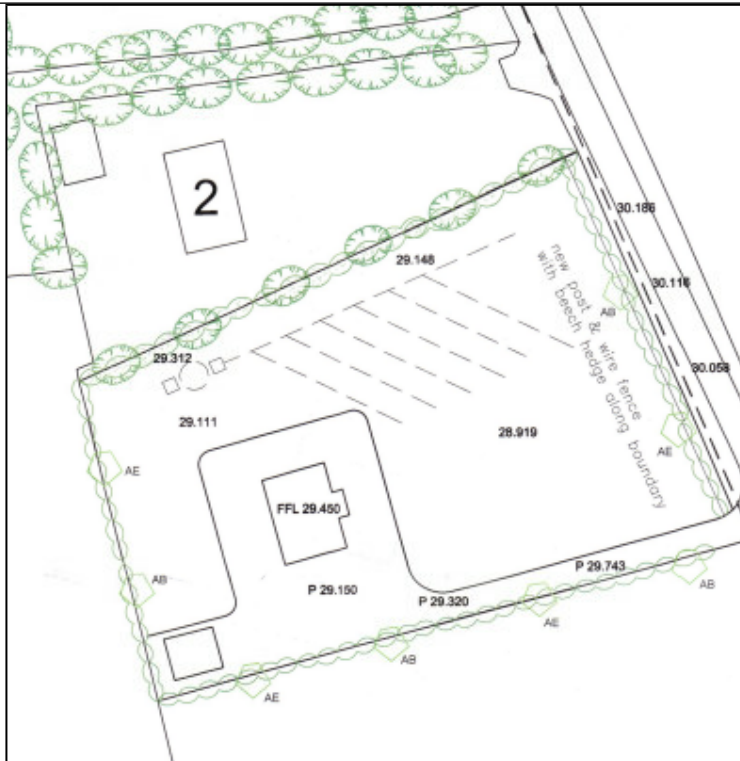
Strategic Planning Policy Statement for Northern Ireland (SPPS)

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

PPS 21 – Sustainable Development in the Countryside

CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements/ I note that the principle of development has already been established within the site through the recent approval of LA09/2018/1137/O, in which the application must still comply under CTY 13 and 14 of PPS 21. I am content that all conditions set out at outline stage have been met in the current 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. I note that the 6.5m ridge height restriction set out at outline stage has been adhered to and I am content that the proposed dwelling will not appear prominent in the landscape. Due to the existing and proposed landscaping, it is felt that the dwelling and garage will be able to successfully integrate into the landscape. I am content that the dwelling and garage is of simple design and is considered acceptable in this rural context. From this I am content that the application complies with CTY 13.



CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. As mentioned previously, I am content that a dwelling in this location will not be unduly prominent in the 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 this proposed application will not unduly change the character of the area. On balance, I am content that the proposed development complies with CTY 14.



PPS 3 – Access, Movement and Parking

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

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 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 2.4 x 90 metres and a 90 metre forward sight distance, shall be provided in accordance with Drawing No 02 bearing the date stamp 16 Mar 2022 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Condition 3

All landscaping comprised in the approved details of landscaping on the approved drawing No. 02 Rev A bearing date stamp 23/09/2022 shall be carried out in the first planting season following the occupation of the development hereby approved. Any tree or other plant identified in the landscaping 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 development integrates into the countryside.

Signature(s): Zoe Douglas

Date: 8 November 2022

ANNEX	
Date Valid	16 March 2022
Date First Advertised	29 March 2022
Date Last Advertised	29 March 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 4A Scribe Road Bellaghy Londonderry BT45 8JN The Owner / Occupier 2 Scribe Road Bellaghy Londonderry BT45 8JN The Owner / Occupier 34 Tamlaghtduff Road Bellaghy Londonderry BT45 8JQ The Owner / Occupier 2, Scribe Road, Bellaghy, Londonderry, Northern Ireland, BT45 8JN	
Date of Last Neighbour Notification	10 October 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: LA09/2022/0349/RM Proposals: New dwelling and garage Decision: Decision Date: Ref: H/2001/0942/F Proposals: Proposed dwelling Decision: PG Decision Date: 18-JAN-02 Ref: H/2001/0520/O Proposals: Site For Dwelling Decision: Decision Date:	

Ref: H/2003/1059/O

Proposals: Site of dwelling and garage.

Decision:

Decision Date:

Ref: LA09/2022/0355/RM

Proposals: New Dwelling and garage

Decision:

Decision Date:

Ref: LA09/2018/1137/O

Proposals: Proposed infill site of dwelling and domestic garage for residential purposes

Decision: PG

Decision Date: 03-APR-19

Ref: H/2001/0698/O

Proposals: Site of Dwelling

Decision: PG

Decision Date: 24-SEP-01

Ref: LA09/2017/1035/O

Proposals: Proposed infill site of dwelling and domestic garage for residential purposes

Decision: PG

Decision Date: 06-DEC-17

Ref: LA09/2020/1537/O

Proposals: Proposed infill site (renewal) for dwelling & garage for residential purposes.

Decision: PG

Decision Date: 17-MAY-21

Ref: H/2005/1272/O

Proposals: Site of dwelling and garage

Decision: PG

Decision Date: 24-OCT-06

Ref: H/2007/0149/RM

Proposals: Proposed dwelling and detached garage for residential use.

Decision: PG

Decision Date: 21-JUN-07

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR

Drawing Numbers and Title

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

Notification to Department (if relevant)

Not Applicable

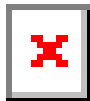


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 December 2022	Item Number: 5.17
Application ID: LA09/2022/0380/F	Target Date: 17 May 2022
Proposal: Proposed dwelling and garage	Location: Between 70B And 72 Gortlenaghan Road Dungannon
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Joe Doherty And Dervla MC Gonnell- Doherty 252 Ballygawley Road Killeeshil Dungannon	Agent Name and Address: J Aidan Kelly Ltd 50 Tullycullion Road Dungannon BT70 3LY
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

Lack of information to determine application.No representations have been received.

Characteristics of the Site and Area

The site is located at lands between 70b and 72 Gortlenaghan Road, Dungannon. The red line of the site includes a roadside agricultural field and the two fields at either side are outlined in blue, indicating ownership. The site benefits from existing hedging along its boundaries and the field is generally quite flat throughout, with a gentle slope from east to west. The surrounding area is largely rural, made up with agricultural fields and scattered with single dwellings and associated outbuildings however this section of Gortlenaghan Road in particular seems to have quite a few roadside dwellings along it.

Description of Proposal

Full planning permission is sought for proposed dwelling and garage.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. There were a number of neighbours notified under this application including: 72, 72a and 70B Gortlenaghan Road. At the time of writing, no third party representations have been received.

Planning History

LA09/2020/1659/O – Proposed Dwelling (Policy CTY8) - Between 70B and 72 Gortlenaghan Road Dungannon – PERMISSION GRANTED

This full application has been submitted as the conditions of the above outline permission have not been complied with.

Planning Assessment of Policy and Other Material Considerations

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

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

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

The Strategic Planning Policy Statement 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. I am content that the proposed site meets the policy tests of CTY 8 and that the principle of development at this site has already been agreed under LA09/2020/1659/O, however this application does not meet with all the conditions attached previously, hence the submission of this full application.

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 proposed design of the dwelling is shown below in Figure 1. There is some concern that the design of the building may be inappropriate for the site and its locality, however it may be deemed acceptable if a streetscape of the site and neighbouring properties is provided. As noted later within this report, we feel there is not enough information to fully determine the application.



Figure 1 – Dwelling Proposed

Following the first group meeting and discussion about the application, an email was sent to the agent requesting an amended design as we didn't feel it exhibits simple rural form, particularly the two storey glazing element and thus we asked that they amend the design to be more suitable for the rural setting. This original email was sent 26/05/2022. The agent responded noting an application which had a similar design. I had went back to the agent noting that the application was in a different council area and each application was assessed on its own merits, depending on views of the site and surrounding properties etc. Following this we discussed the application again at group where I asked the agent via email on 31/08/2022 to provide a streetscape, showing how the proposal would be viewed with the dwellings it is proposing to infill. The agent responded noting that he would get this prepared on same date, 31/08/2022. This information was chased again on 26/09/2022 and again on 10/10/2022. The latest response from the agent was on 11/10/2022 where he stated that they would prepare this information.

At the time of writing, I have had no further correspondence from the agent regarding the application and therefore, this application is being presented to committee on the basis there is a lack of information submitted which would allow the application to be progressed any further. We feel that the information that has been requested is central to determining whether the proposal is acceptable at this site and we feel that sufficient time has been afforded to the agent to allow them to submit this information.

The proposal intends to utilise the existing access onto Gortlenaghan Road. Dfl Roads

were consulted and raised no objections subject to condition. They have shown the splays requested at outline stage.

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policies CTY 1, 8, 13 and 14 of PPS 21 as there is no supporting evidence to demonstrate that the proposal respects the existing development pattern along Gortlenaghen Road or that the design of the proposal is appropriate for this rural location.

Signature(s): Sarah Duggan

Date: 21 November 2022

ANNEX	
Date Valid	22 March 2022
Date First Advertised	7 April 2022
Date Last Advertised	5 April 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 72A Gortlenaghan Road Dungannon Tyrone BT70 3AS The Owner / Occupier 72 Gortlenaghan Road Dungannon Tyrone BT70 3AS The Owner / Occupier 70B Gortlenaghan Road Dungannon Tyrone BT70 3AS	
Date of Last Neighbour Notification	22 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	
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: 6 December 2022	Item Number: 5.18
Application ID: LA09/2022/0443/F	Target Date: 30 May 2022
Proposal: 1 no storage unit	Location: 83 Sixtowns Road Straw Draperstown
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Pat McNamee 83 Cavenreagh Road Draperstown BT45 7BB	Agent Name and Address: Diamond Architecture 77 Main Street Maghera BT46 5AB
Executive Summary: To Committee - Approval - One objection received.	

Case Officer Report

Site Location Plan



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Consultations:

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

Representations:

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

Summary of Issues

To Committee – Approval – One objection received.

Characteristics of the Site and Area

The site is located partly within the development limits Straw but also extends into the open countryside and within LLPA as per defined by the Magherafelt Area Plan 2015. The red line covers a number of buildings located within the development limits but

extends into a portion of an agricultural field in which the unit is to be located. I note that the site lies within a mixed use area inclusive of agricultural, commercial, residential, fast-food takeaways, public house and GAA grounds.

Relevant planning history

LA09/2018/0228/F - Proposed 2 No. commercial units - 83 Sixtowns Road Straw Draperstown – Permission Granted – 26/11/19

LA09/2018/1126/F – Proposed new light industrial unit to facilitate extension to light engineering business – 85 Sixtowns Road, Draperstown – Permission Granted – 24/09/20

Representations

Fourteen neighbour notifications were sent out however one objection has been received.

Summary of objection

- relates to the lack of neighbour notification.
- relates to issue over ownership of sightlines.

Description of Proposal

This is a full application for the proposed 1 no storage unit, the site is located at 83 Sixtowns Road, Straw, Draperstown.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

PPS 3 Access, Movement and Parking

PPS 4 Planning and Economic Development

PPS 21 Sustainable Development in the Countryside

The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle 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.

This site is not located in an area of archaeological importance. St Columbkilles Church which is located to the SE of the site is a Listed Building. Consultation has not been carried out with HED as there are existing industrial buildings located closer to the

Church and as such, the impact of the proposal on the setting of the Church will not add any greater impact. The proposal by its nature - storage building - will not give rise to any unacceptable noise, odours or fumes which will impact on neighbouring residential amenity. Given that this is only to be used for storage no consultation to Environmental Health is deemed necessary.

This site is located partially within and partially outside the settlement limit of the village of Straw as defined in the Magherafelt Area Plan 2015. The Northern parcel of the site is also within a designated Local Landscape Polict Area (SW02). The LLPA has been designated on the basis of 4 features - St Columbkilles Church, several River and Stream Corridors, a series of flax, corn and sawmills, millraces and ponds and an historic rath. Given that similar applications such as LA09/2018/1126/F have already been approved in similar circumstances that I am content due to the location of the site within the designated LLPA that the proposed development will not adversely affect the intrinsic value and character of any of the features of the LLPA. The proposed building is sited in the part of the site that is outside the development limits of Straw. Given the fact that this extension of curtilage outside the development limit is only minor, will not be visible from any public vantage point and is the only direction the site can be naturally be extended, I cannot see any reason why it can not be allowed in this instance.

PPS 3 - Access, Movement and Parking

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal involves the use of an existing unaltered access onto the Sixtowns Road The proposal will result in only a very minimal intensification of use of this existing access. 7 car parking spaces are being provided. DFI Roads have been consulted and do not offer any objection to the proposal and have recommended conditions to be attached to any decision. I go on to note that Roads confirmed that the access arrangements are already in place therefore I feel that as this is an existing access then the condition should not be necessary.

PPS 4 - Planning and Economic Development

This site has been used as a commercial site for some years, with the most recent approval being LA09/2018/0228/F - Proposed 2 No. commercial units. As such it can be regarded as established for the purposes of PPS 4.

Policy PED 2 of PPS 4 states that economic development uses in the countryside will be permitted in accordance with four other policies - PED 3, PED 4, PED 5 and PED 6. I consider Policy PED 3 - Expansion of an Economic Development in the Countryside to be relevant in this assessment as the part of the site being extended is the part that is outside the development limits of Straw. PED 9 - General Criteria for Economic Development is also a policy consideration.

PED 3 Expansion to an Economic Development in the Countryside states 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.

The proposal involves an extension of the site curtilage into an adjacent agricultural field. I do not consider this to be a major extension of the site. Whilst it will be visible from the roadside it will read as part of the existing site and part of the settlement limit as well.

The proposed building will cluster with existing development on the site and other development in the immediate locality. The proposal will cause no detrimental impact on the rural character or appearance of the local area, as the site already reads as part of the settlement. The scale, design and materials of the proposed extension will be in keeping with the existing buildings on the site.

PED 9 General Criteria for Economic Development must also be satisfied for all economic development proposals and provides a lists of 13 criteria (a) to (m) which need to be considered. I have considered the proposal against the list of criteria and I am satisfied the proposal complies with all of them were applicable.

The storage nature of the proposal is compatible with the existing land use and generally storage uses do not give rise to any unacceptable noises, odours or emissions which will negatively impact on residential amenity. The site is not in an area of archaeological importance. It will not negatively impact on the adjacent Listed Church. It is not in an area of priority habitat nor was there any evidence of protected species on the site on the day of my site inspection. The site is not in a flood plain. An existing access is being used and DFI Roads have no road safety concerns with this. Adequate in curtilage parking is being provided. I have no concerns with the design, scale or massing of the extension and existing vegetation along site boundaries will be retained in order to protect biodiversity and provide integration.

PPS 21 - Sustainable Development in the Countryside

Policies CTY 13 (Design and Integration) and CTY 14 (Rural Character) are relevant in this assessment given the semi rural location of the site. I have no concerns regarding the visual impact of this store given its cluster with the existing development. Its design and finishes are also acceptable. It does not create or add to ribbon development or build up. Overall it does not have a negative impact on the rural character of this area.

CTY 15 – The setting of Settlements is a material consideration in this application, in which it states that Planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl. As previously noted that the site lies partly within the development limits and just outside these. I hold the view that the site already appears to be part of the development limits and this natural expansion of the site without detrimental impact on the overall character. I note that the agent has confirmed that he has no other option but to locate the store in this position. Precedent has been set in application LA09/2018/1126/F which has approved similar development just outside the development limits. With this in mind I am content on balance.

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.

On balance, it is my opinion that the proposed development complies under the policy provisions of the SPPS, PPS 4, PPS 3 and PPS 21 and therefore I recommend approval for the development.

In response to the comments made by the objector; to start, in terms of neighbour notification they refer to a car park which would constitute as a notifiable property. As such the relevant neighbours were notified. In terms of the ownership issues, mainly that of the sightlines, I note that this is an existing access which Roads confirmed were in place. Given this the agent amended the plans to remove the red line off any third party of lands as such this should resolve this issue in that I am content that the certificate is correct. However, if not, I note that land ownership and right of ways are a civil matter and not a planning issues.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Condition 2

The proposed storage unit shall be used only for the storage of dry goods only and for no other purpose.

Reason: To prohibit a change to an unacceptable use.

Condition 3

All landscaping comprised in the approved details of landscaping on the stamped approved Drawing No. 02/1 date stamped 15th November 2022 shall be carried out in the first planting season following the commencement of the construction of the development hereby approved.

Reason: In the interests of visual amenity.

Condition 4

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

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

Signature(s): Peter Henry

Date: 17 November 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 76B Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 76C Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 76D Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 77 Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 76A Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 76 Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 81 Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 79 Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 75 Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 2 River Road Draperstown Londonderry BT45 7JF The Owner / Occupier 73 Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 79A Sixtowns Road Draperstown Londonderry BT45 7BB The Owner / Occupier 3 River Court, Draperstown, Londonderry, BT45 7DS The Owner / Occupier 1 River Court, Draperstown, Londonderry, BT45 7DS	
Date of Last Neighbour Notification	15 November 2022
Date of EIA Determination	
ES Requested	<events screen>

Planning History**Summary of Consultee Responses**

DFI Roads - Enniskillen Office-Substantive: TBC

Drawing Numbers and Title

Proposed Elevations 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

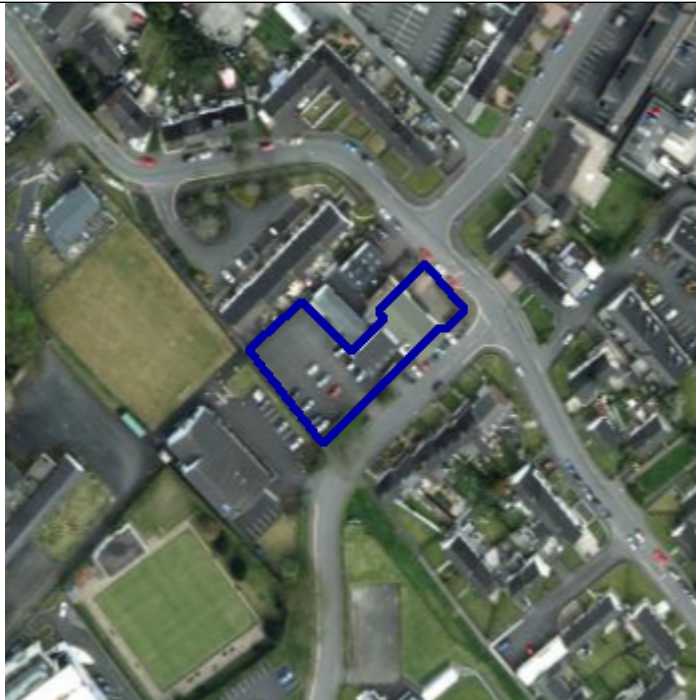


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 December 2022	Item Number: 5.19
Application ID: LA09/2022/0444/F	Target Date: 30 May 2022
Proposal: Change of use from offices to child care facilities	Location: Sperrin House 43 Queens Avenue Magherafelt
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Galgorm Developments Ltd 75 Loughbeg Road Toomebridge	Agent Name and Address: J E McKernan And Son 12 Cennick Road Gracehill Ballymena BT42 2NH
Executive Summary: To Committee - Approval - 2 objections received and applicant is related to a member of staff in Planning MUDC.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	Early Years Team - Northern Health And Social Care Trust	
Statutory Consultee	DFI Roads - Enniskillen Office	DC Checklist.doc Roads Consultation blank.docx
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09 22 0444 F COU offices to Childcare.doc

Representations:

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

Summary of Issues

To Committee – Approval – 2 objections received and applicant is related to a member of staff in Planning MUDC.

Characteristics of the Site and Area

The application site is located within the development limits of Magherafelt, within undesignated lands as per defined by the Magherafelt Area Plan 2015. The application site relates to an office block at Sperrin House, 43 Queens Avenue, Magherafelt. The single storey building exists to the rear of the library and car parking exists to the rear of the existing building. Magherafelt youth centre and an existing child care facility exists adjacent to the existing car park and Magherafelt Primary School exists beyond this. Residential properties exist immediately north of the proposed building.

Relevant planning history

H/2011/0280/F - Change of use from part of office building to child care facilities- Sperrin House, 43 Queens Avenue, Magherafelt – Permission Granted - 08.08.2011

Representations

19 neighbour notifications were sent out however 2 objections have been received in connection with this application. Summary of objections are as below;

- Current noise levels of existing childcare is overbearing and if a larger facility was built, the noise would be intolerable.
- The childcare facility to the rear of their home would devalue their property.

Description of Proposal

This is a full application for the change of use from offices to child care facilities located at Sperrin House, 43 Queens Avenue, Magherafelt.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

PPS 3: Access, Movement and Parking

DCAN 13: Crèches, Day Nurseries and Pre-School Playgroups

DCAN 15: Vehicular Access Standards

The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Under the SPPS, the guiding principle for planning authorities in determining applications is that sustainable development, should be permitted having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

To start I note that consultations were sent to DfI Roads, Early Years and Environmental Health respectively, to start DfI Roads responded to confirm that they do not offer an objection.

In Environmental Health's response, states that MUDC Environmental Health Department have reviewed the submitted documents on the planning portal, including the letters of objection from 2 no. local residents. The letters raise concerns about noise impact at their dwellings due to children playing in the existing outdoor play area. The existing outdoor play area is contained within the blue line and therefore is not the subject of this planning application. The plans submitted show no change to the overall size of the existing outdoor play area. Planning Department may wish to confirm this.

Further to review of the P1D form, the expansion plans include 80 + children (age range 0-5 yrs) attending the facility. MUDCEHD anticipate that the use of the outdoor play area will intensify and further to recent discussions with Planning Department, it is our understanding that the applicant will provide an acoustic barrier to the perimeter of the development, in order to protect neighbours residential amenity from the existing play area. Planning Department may wish to secure the height, location, density and maintenance of such barrier by a suitably worded condition or annotated drawing as recommended below.

Noise from children at childcare facilities, particularly when large numbers are outside in play areas, has the potential to create a significant impact on residential amenity. The use of the outdoor play area would be expected to be at its greatest during fair weather when local residents' may wish to use their gardens also. However due to the size of the play area, it is reasonable to expect that the number of children playing outside at any one time is likely to be limited as is the type of play activities to be undertaken. The hours of operation will remain the same as previous planning permission.

Recommended Conditions

- A close boarded 2m high timber fence (mass > 25kg/m²) shall be erected along the boundary of the play area as depicted on Drawing No 05 and Drawing No. 02/1. There shall be no gaps along its length and the acoustic barrier shall be maintained and retained in perpetuity.
- The hours of operation shall be restricted from 7am to 6pm Monday to Friday.

The EH Department would also request that in the event planning permission is granted for the development, that consideration is given to the following informatives:

CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT (NI) 2011

- Noise associated with the development should be suitably managed and controlled to ensure that nearby residents are not disturbed by noise.
- The applicant is advised to ensure that all activities, plant and equipment used in connection with the development is so situated, operated and maintained as to prevent the transmission of noise and odours to nearby sensitive receptors.

The premises must comply with food safety and health and safety legislation, and the applicant should liaise at an early stage with Mid Ulster District Council's Environmental Health Department in relation to these matters.

The Northern Health and Social Care Team were consulted and responded to state that the Northern Health and Social Care Trust (Early Years) do not have any issues or concerns about the plans as long as the proprietor remains in line with the Minimum Standards for Childcare and Childminding.

The P1D form details the proposed number of children as 80 and 17 proposed members of staff.

The children will be between 0-5 years old. The existing building is mainly within a residential area with adjacent development in use as offices and Magherafelt Primary School exists south west of the site. Development Control Advice Note 13 details that in considering the impact of the proposal on a residential area, the Department will have particular regard to the scale of the operation, potential nuisance and disturbance, and the visual impact of the proposal.

Scale of operation:- I am content that the scale of the proposal is considered to be acceptable at this site.

Potential Nuisance and Disturbance:- whilst I acknowledge the comments from the objectors, I note that the majority of these are in relation to the existing facility. Whilst I note that the proposed application has the capacity to make the issue worse. However through the introduction of the acoustic fence and after the comments made by EH I am content that this should be sufficient in reducing any issues in relation to nuisance and disturbance. In addition I am content that it is not considered that traffic associated with the proposal will cause disturbance. A consultation was sent to DFI Roads who confirmed that they had no objections to the proposal.

I note that at present there is a small fenced yard area to the rear of the building that is currently being used as an outdoor play area, approved under H/2011/0280/F. This area is located adjacent to existing residential dwellings within Sperrin Mews wherein it is expected the additional children are likely to use this area. DCAN 13 details that play space should not be in close proximity to habitable rooms of any adjacent residential properties. The play area is adjacent to the rear of the existing dwellings and therefore not adjacent to the main habitable rooms. In addition to this the agent has proposed a new acoustic fence along the boundary with residential development to aid in eliminating any noise disturbance.

Visual Impact:- The proposal relates to internal alterations only and there will be no change to the external appearance of the building.

In response to the comments made by the objectors, to start in terms of the childcare facility at the rear of their property devaluing the property. Whilst I acknowledge this, property value is not a material consideration. Finally in terms of the noise, I hold the view of the introduction of the acoustic fence will aid in reducing the existing noise nuisance from the existing facility but also limit the potential noise from this proposed application.

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

Summary of Recommendation:

Approve is recommended

To Committee – Approval – 2 objections received and applicant is related to a member of staff in Planning 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.

Condition 2

A close boarded 2m high timber fence (mass>25kg/m²) shall be erected along the boundary of the play area as depicted on Drawing No 05 and Drawing No. 02/1. There shall be no gaps along its length and the acoustic barrier shall be maintained and retained in perpetuity.

Reason: In the interests of residential amenity.

Condition 3

The hours of operation shall be restricted from 7am to 6pm Monday to Friday.

Reasons: In the interests of residential amenity.

Signature(s): Peter Henry

Date: 7 November 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 44 Queens Avenue Magherafelt Londonderry BT45 6BY The Owner / Occupier 42 Queens Avenue Magherafelt Londonderry BT45 6BY The Owner / Occupier 40 Queens Avenue Magherafelt Londonderry BT45 6BY The Owner / Occupier 38 Queens Avenue Magherafelt Londonderry BT45 6BY The Owner / Occupier 1 Princess Terrace Magherafelt Londonderry BT45 6DD The Owner / Occupier 2 Princess Terrace Magherafelt Londonderry BT45 6DD The Owner / Occupier 4 Princess Terrace Magherafelt Londonderry BT45 6DD The Owner / Occupier 6 Princess Terrace Magherafelt Londonderry BT45 6DD The Owner / Occupier 8 Princess Terrace Magherafelt Londonderry BT45 6DD The Owner / Occupier 10 Princess Terrace Magherafelt Londonderry BT45 6DD The Owner / Occupier 12 Princess Terrace Magherafelt Londonderry BT45 6DD The Owner / Occupier 7 Sperrin Mews Magherafelt Londonderry BT45 6DU The Owner / Occupier 6 Sperrin Mews Magherafelt Londonderry BT45 6DU The Owner / Occupier 5 Sperrin Mews Magherafelt Londonderry BT45 6DU The Owner / Occupier 4 Sperrin Mews Magherafelt Londonderry BT45 6DU The Owner / Occupier 3 Sperrin Mews Magherafelt Londonderry BT45 6DU The Owner / Occupier 2 Sperrin Mews Magherafelt Londonderry BT45 6DU The Owner / Occupier 1 Sperrin Mews Magherafelt Londonderry BT45 6DU The Owner / Occupier	

1A Sperrin Mews Magherafelt Londonderry BT45 6DU	
Date of Last Neighbour Notification	28 June 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses Early Years Team - Northern Health And Social Care Trust- DFI Roads - Enniskillen Office-DC Checklist.docRoads Consultation blank.docx Environmental Health Mid Ulster Council-LA09 22 0444 F COU offices to Childcare.doc	
Drawing Numbers and Title Existing Floor Plans 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: 6 December 2022	Item Number: 5.20
Application ID: LA09/2022/0603/F	Target Date: 5 July 2022
Proposal: Proposed new dwelling	Location: 53M S.E. Of 10 Lisgorgan Lane Upperlands Maghera
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: William Drennan 24 Lisgorgan Lane Upperlands	Agent Name and Address: OJQ Architecture 89 Main Street Garvagh Coleraine BT51 5AB
Executive Summary: Approval	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	Historic Environment Division (HED)	
Statutory Consultee	DFI Roads - Enniskillen Office	Full & RM Resp.docx
Non Statutory Consultee	NI Water - Single Units West	LA09-2022-0603-F.pdf
Statutory Consultee	Rivers Agency	471200 - Final Response.pdf
Statutory Consultee	Historic Environment Division (HED)	HED is unable to provide comment at this time as an incorrect location map has been provided via the planning portal workqueue. HED require a red-lined site location map. To enable HED to make an appropriate response under the relevant planning legislation, please resubmit this consultation with associated drawings and documents.

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	
To Committee – Approval – One objection received.	
Characteristics of the Site and Area	
<p>The site is located approximately 2km north east of the development limits of Upperlands, as such the site is located within the open countryside as per the Magherafelt Area Plan 2015. The red line cover the eastern portion of a much larger agricultural field that sits along the Lisgorgan Lane. I note that in the immediate area there are a number of residential dwellings, agricultural lands and a rural business and Drennan Transport in close proximity.</p> <p>Representations 14 neighbour notifications were sent out however one objection was received in connection with this application.</p> <p>Summary of the objections are as below;</p> <ul style="list-style-type: none"> - Made reference to previous application that the case officer recommended refusal but the Council approved. Made comment over the size of the dwelling, loss of fencing in place of a concrete wall. - It would potentially create a suburban style buildup of development. - It fails to respect the 'traditional' pattern of settlement in this area. - The cumulative impact of other works related to the building would damage rural character. - The increase in traffic that would arise from any future developments would pose a heightened danger to the young children of families who often play in this quiet lane. - It constitutes as a prime example of ribbon development. <p>Relevant Site History LA09/2020/0707/F – New Infill dwelling and garage – 20m East of 15 Lisgorgan Lane, Maghera – Permission Granted – 09.09.2021</p>	
Description of Proposal	
This is a full application for the proposed new dwelling, the site located 53M S.E. Of 10 Lisgorgan Lane, Upperlands Maghera	
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

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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the Countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In this instance the application is for a dwelling in a cluster and as a result it must be considered under CTY 2a of PPS 21. I note that a dwelling has been approved beside the site under LA09/2020/0707/F under CTY 2a so I note that there is a cluster identified in the vicinity. With this in mind, I am content that the cluster lies outside of a farm and consists of four or more buildings, wherein at least three of these are dwellings. I am content that cluster appears as a visual entity, wherein as LA09/2020/0707/F the focal point of 'Mol Tools and Abrasives Ltd' has already been accepted. In terms of bounding I am content that it bounds with a dwelling and a shed along the northern boundary, I am content that it also shares a boundary with the dwelling recently under construction and nearing completion but has been agreed is substantially complete to allow for it to constitute as bounding. I hold the view the dwelling will round off the cluster and will read as part of the overall cluster and will not significantly alter the existing character. Finally I am content that a dwelling in this location will not result in an adverse impact on residential amenity.

CTY 13 states that the proposed development is able to visually integrate into the surrounding landscape and be of appropriate design. I note that the design reflects that of previously approved LA09/2020/0707/F, as such I am content that the design has already been accepted. Given the size I am content that the dwelling will not appear as a prominent feature and as it will read as part of the cluster will be able to visually integrate into the landscape. From this I am content that the application is able to comply with CTY 13.

CTY 14 states that planning permission will be granted for a building where it does not cause a detrimental change to, or further erode the rural character of the area. As noted it has been agreed that dwelling would not appear unduly prominent. From this I am content that the local landscape has the capacity to absorb the development and in addition the proposal will not result in the creation of additional development opportunities that already exist. I am therefore content that the proposal is able to comply with the criteria of CTY 14 as it will not erode the rural character of the area.

PPS 3: Access, Movement and Parking

A consultation was sent to DfI Roads who in their response stated that the Council Planning department should be aware that Lisgorgan Lane is not adopted by DfI Roads and that the access point to the public road is onto the Kilrea Road. The developer, future purchasers and their successors in title should note that the access way and parking areas associated with this development are, and will remain, private. The DfI Roads has not considered, nor will it at any time in the future consider, these areas to constitute a "street" as defined in The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

Responsibility for the access way and parking areas rests solely with the developer. They finished by providing a series of conditions, I am content that the application has provided an access in accordance with PPS 3.

I note a consultation was sent Rivers Agency, NI Water and HED respectively. To start Rivers Agency stated that in terms of FLD 1 that the Strategic Flood Map (NI) indicates that the development does not lie within the 1% AEP fluvial flood plain. Hence, DfI Rivers would have no specific reason to object to the proposed

development from a fluvial flood risk perspective. In terms of FLD 2 the site is unaffected by a designated watercourse and information available from OSNI maps did not reveal any obvious undesignated watercourses. DfI Rivers does not keep a record of undesignated watercourses so the site may be affected by one. If a watercourse is discovered during the development of the site, then Policy FLD 2 will apply. With regards to FLD 3 Rivers stated that the development is located partially within a predicted flooded area as indicated on the Surface Water Flood Map. Although a Drainage Assessment is not required by the policy, it is the developer's responsibility to assess the flood risk and drainage impact and to mitigate the risk to the development and any impacts beyond the site. Finally that FLD 4 and 5 do not apply to this site.

NI Water responded to confirm that they had no objections to the proposal.

HED responded to state that Historic Environment Division (Historic Monuments) has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

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.

In response to the comments made by the objector; to start any reference to the previously approved dwelling under LA09/2020/0707/F, I note that this has been approved. In terms of any breaches in terms of the conditions of this approval, this is matter for the enforcement team and I have made the objector aware of this.

With regards to this creating a suburban style of development, as noted in the report above I hold the view that this complies under CTY2a as it rounds of the cluster where it is able to respect the 'traditional pattern of development as a result. Given this I am of the opinion that this building is unlikely to result in any adverse damage to the rural character. In terms of additional traffic would pose a heightened danger to young children who play on the quiet lane, I note that this is only for one dwelling and would not result in any significant traffic movements that would pose a significant danger. Finally, in terms of this being a prime example of ribbon development,

I hold the view that this is a prime example of rounding off a cluster.

The proposal accords with the policy requirements of SPPS and PPS 21, therefore I recommend approval for this development.

Summary of Recommendation:

Approve is recommended

Approval

Approval Conditions

Condition 1

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

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

Condition 2

The existing 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 3

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 4

All landscaping comprised in the approved details of landscaping on the stamped approved Drawing No. 02 date stamped 10th May 2022 shall be carried out in the first planting season following the commencement of the construction of the development hereby approved.

Reason: To ensure the development integrates into the countryside

Condition 5

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

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

Condition 6

The vehicular access including visibility splays 2.4 x 120 metres and a 120 metre forward sight distance, shall be provided in accordance with Drawing No. 01 & 02 bearing the date stamp 10 May 2022 prior to the commencement of any other development hereby permitted.

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

Condition 7

The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Signature(s): Peter Henry

Date: 3 November 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 2 Lisgorgan Lane Upperlands Maghera Londonderry BT46 5TE The Owner / Occupier 10 Lisgorgan Lane Upperlands Maghera Londonderry BT46 5TE The Owner / Occupier 15 Lisgorgan Lane Upperlands Maghera Londonderry BT46 5TE The Owner / Occupier 4 Lisgorgan Lane Upperlands Maghera Londonderry BT46 5TE The Owner / Occupier 6 Lisgorgan Lane Upperlands Maghera Londonderry BT46 5TE The Owner / Occupier 8 Lisgorgan Lane Upperlands Maghera Londonderry BT46 5TE The Owner / Occupier 6A Lisgorgan Lane Upperlands Maghera Londonderry BT46 5TE The Owner / Occupier 24 Lisgorgan Lane Upperlands Maghera Londonderry BT46 5TE The Owner / Occupier Unit B 24A Lisgorgan Lane Upperlands Maghera Londonderry BT46 5TE The Owner / Occupier Unit E 24A Lisgorgan Lane Upperlands Maghera Londonderry BT46 5TE The Owner / Occupier Unit A 24A Lisgorgan Lane Upperlands Maghera Londonderry BT46 5TE The Owner / Occupier Workshop 24A Lisgorgan Lane Upperlands Maghera Londonderry BT46 5TE The Owner / Occupier 141 Kilrea Road Upperlands Londonderry BT46 5TA The Owner / Occupier 145 Kilrea Road Upperlands Londonderry BT46 5TA	
Date of Last Neighbour Notification	28 June 2022

Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> <p>Ref: H/1976/0158 Type: H13 Status: PG</p> <p>Ref: LA09/2017/1773/F Type: F Status: PG</p> <p>Ref: LA09/2019/0525/F Type: F Status: PG</p> <p>Ref: H/1974/0221 Type: H13 Status: PG</p> <p>Ref: LA09/2020/0721/F Type: F Status: PG</p> <p>Ref: H/2008/0154/F Type: F Status: PG</p> <p>Ref: H/2007/0273/RM Type: RM Status: PG</p> <p>Ref: H/2004/1123/O Type: O Status: PG</p> <p>Ref: H/2003/0661/O Type: O Status: PG</p> <p>Ref: H/2010/0183/O Type: O Status: PG</p>	

Ref: H/2013/0360/RM

Type: RM

Status: PG

Ref: H/2008/0053/F

Type: F

Status: PG

Ref: H/1999/0275

Type: F

Status: PCO

Ref: H/1999/0065

Type: O

Status: PCO

Ref: H/1994/0237

Type: O

Status: PCO

Ref: LA09/2020/1673/F

Type: F

Status: PG

Ref: LA09/2020/0332/F

Type: F

Status: PG

Ref: LA09/2017/0837/F

Type: F

Status: PG

Ref: H/2005/1111/F

Type: F

Status: PG

Ref: H/2004/1019/O

Type: O

Status: PG

Ref: H/2008/0155/RM

Type: RM

Status: PG

Ref: LA09/2022/0595/LDE

Type: LDE

Status: PCO

Ref: H/2008/0398/RM

Type: RM

Status: PG

Ref: LA09/2022/0603/F

Type: F

Status: PCO

Ref: LA09/2020/0707/F

Type: F

Status: PG

Ref: LA09/2022/0597/F

Type: F

Status: PCO

Ref: LA09/2018/0751/F

Type: F

Status: PG

Ref: H/2004/0821/F

Type: F

Status: PG

Ref: H/1996/0134

Type: F

Status: PCO

Ref: H/2003/0856/O

Type: O

Status: PG

Ref: H/2003/0859/O

Type: O

Status: PG

Ref: H/1994/0142

Type: O

Status: PCO

Ref: H/2003/0857/O

Type: O

Status: APPRET

Ref: H/2003/0030/F

Type: F

Status: PG

Ref: LA09/2017/1113/F

Type: F

Status: PG

Ref: H/1994/0141

Type: O

Status: PCO

Ref: H/1994/0498

Type: RM

Status: PCO

Ref: H/1997/0262

Type: O

Status: PCO

Ref: H/2000/0385/F

Type: F

Status: PG

Ref: H/2000/0271/O

Type: O

Status: PG

Ref: H/2001/1038/O

Type: O

Status: PG

Summary of Consultee Responses

Historic Environment Division (HED)-

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

NI Water - Single Units West-LA09-2022-0603-F.pdf

Rivers Agency-471200 - Final Response.pdf

Historic Environment Division (HED)-HED is unable to provide comment at this time as an incorrect location map has been provided via the planning portal workqueue. HED require a red-lined site location map. To enable HED to make an appropriate response under the relevant planning legislation, please resubmit this consultation with associated drawings and documents.

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Garage Plans Plan Ref: 06
Proposed Elevations Plan Ref: 05
Proposed Elevations Plan Ref: 04
Proposed Floor Plans Plan Ref: 03
Site Layout or Block Plan Plan Ref: 02

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 December 2022	Item Number: 5.21
Application ID: LA09/2022/0605/F	Target Date: 5 July 2022
Proposal: Remove Condition No.5 of Planning Permission LA09/2019/0944/F to retain infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin and new access laneway 130m west from the junction of Iniscarn Road/ Gortahurk Road, existing access onto Iniscarn Road to be permanently closed. Condition 5 of LA09/2019/0944/F requires removal of culvert and ancillary works.	Location: 90A Iniscarn Road Desertmartin BT48 9RW
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Paul Bradley 90A Iniscarn Road Desertmartin	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
Statutory Consultee	Rivers Agency	471196 - Final Response - 8th July 2022.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	
Statutory Consultee	DFI Roads - Enniskillen Office	Full & RM Resp.docx

Representations:

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

Summary of Issues

Recommended as refusal

One letter of objection has been received. This objection letter countered the arguments made by the planning agent in respect to the reasoning for the removal of this condition contained within the Supporting Planning Statement. All points have been fully

considered as part of this report.

Characteristics of the Site and Area

The site is located at no. 90a Iniscarn Road, Desertmartin and is located within the open countryside and there are no further designations on the site as designated by the Magherafelt Area Plan 2015. The site is located between no. 90 and no. 92 Iniscarn Road and located on the site is a large 2 storey dwelling with a smooth render finish. The southern boundary of the property is currently defined by laurel hedging and wire and post fencing, the northern boundary is defined by mature trees and some laurel hedging, the western boundary is defined by white wooden fencing and the eastern boundary remains undefined with a number of pillars having been constructed along the boundary.

The immediate surrounding area is predominantly characterised by single dwellings and some agricultural uses.

Description of Proposal

This is an application seeking to remove Condition No.5 of Planning Permission LA09/2019/0944/F to retain infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin and new access laneway 130m west from the junction of Iniscarn Road/ Gortahurk Road, existing access onto Iniscarn Road to be permanently closed. Condition 5 of LA09/2019/0944/F requires removal of culvert and ancillary works.

Site History

LA09/2019/0944/F- Infill dwelling and garage between 90 and 92 Iniscarn Road, Desertmartin (retrospective) New access laneway 130m West from the Junction of Iniscarn Road/Gortahurk Road, existing access onto Iniscarn Road to be permanently closed. Between 90 And 92 Iniscarn Road Desertmartin. Permission Granted 12th August 2021

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015
Strategic Planning Policy Statement (SSPS)
Revised Planning Policy Statement 15- Planning and Flood Risk
Mid Ulster Local Development Plan 2030- Draft Plan Strategy

This application seeks to remove condition 5 of planning permission LA09/2019/0944/F which reads as follows:

The existing culvert and all ancillary works should be removed within 3 months of the date of this approval and proposed ground levels restored, and reinstatement of the watercourse to its previous level.

Reason: To remain in compliance with Policy FLD 4 of PPS 15.

This condition was applied following a committee meeting on 3rd August 2021 where the previous application was presented to the members with the recommendation to refuse the application. However, following discussions at this committee meeting the Planning Manager advised on a possible approach to resolve the case that the committee could approve the application and a condition being attached that required the drain to be reinstated within the next three months. It was also advised that if the applicant did not agree with the condition applied, he could appeal to the Planning Appeals Commission and if he justified his position to planning appeals commission he could enjoy it, but if he cannot justify it, then he must put in that ditch otherwise action would be taken against him. It was resolved at this planning committee that application LA09/2021/0944/O be approved subject to conditions being drawn up at the Planning Manager's discretion.

Condition 5 was applied to ensure the development would comply with policy FLD 4 of PPS 15 which 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."

The culvert that is in place was deemed to be contrary to the policy, hence the reasoning as to why the Planning Department are seeking its removal.

The applicant put forward a statement of case listed 4 points in which they feel support the argument for the removal of Condition No.5 of LA09/2019/0944/F.

1. The culvert on the south eastern boundary of the site has been granted planning permission as evidence by stamped approved drawings and stamped approved drainage assessment addendum.

It was clear on the decision notice that condition 5 states, "The existing culvert and all ancillary works should be removed within 3 months of the date of this approval and proposed ground levels restored, and reinstatement of the watercourse to its previous level." This was agreed at the planning committee as the appropriate way to proceed with this application. Although the existing culvert is shown on stamped approved drawings, as the culvert was in place it had to be shown on the plans to allow anyone viewing the plans to see where the culvert was. There is no contradiction between the stamped approved drawings or the decision notice which requires the removal of the culvert.

2. The Culvert is acceptable and could cause harm if removed.

Dfl Rivers were consulted on this application and have provided comment in response to the applicants supporting statement. The agent argues that by complying with Condition 5 and removing the culvert, it could cause fluvial flooding at the site. Dfl Rivers responded to say that while compliance with condition 5 is likely to affect flood risk from

the watercourse, no evidence has been provided to substantiate the claim that the site could flood if condition 5 was complied with. Furthermore, the supporting statement argues that compliance with condition 5 could undermine the integrity of the watercourse bank, resulting in undermining the integrity of the access road and the property. However, Dfl Rivers again stated no evidence has been provided to substantiate this claim. Dfl Rivers directed attention to paragraph 6.53 of the Justification and Amplification of FLD 4 which acknowledges in exception circumstances culverting a section of watercourse may be unavoidable but that other solutions such as bank reinforcement, gabion wall construction and underpinning should be considered first. Similarly, where there are health and safety concerns arising from open access to watercourses, the construction of solid barriers such as fencing, or planting of 'soft' landscape barriers should be considered as alternatives to culverting.

Council Planning agree that no substantial evidence has been provided to show the culvert would cause harm if removed.

3. Removal of the culvert contradicts Condition No.6

Condition 6 of Planning Approval LA09/2019/0944/F states,

"Withstanding the work required as per condition 5, the works as designed and detailed in the submitted 'Addendum A to Drainage Assessment' dated June 2021 and as shown on plan C201' contained within this document should be completed within 3 months of the date of this approval.

Reason- To remain in compliance with Policy FLD 3 of PPS 15."

Condition 6 was applied in order to deal with surface water from the site and it can operate by running into a culvert or an open drain. Hence the reason for the condition is to be compliant with Policy FLD 3 which deals with pluvial risk, in this case surface water and run off from the site. The condition also explicitly states that it is withstanding the work requiring by condition 5 which requires removal of the culvert and reinstatement of the water course. This requires as stated removal of the culvert and reinstatement of the watercourse. The reason is to comply with policy FLD4, which does not permit culverting of watercourses in a case like this.

Condition 5 requires, "removal of the culvert and reinstatement of the watercourse", for the following reason: "to comply with policy FLD4, which does not permit culverting of watercourses in a case like this". It is the view of the planning department that conditions 5 & 6 are separate conditions and removing the culvert does not contradict Condition 6. Furthermore, Dfl Rivers did confirm that discharge from the network could be into an open watercourse and is not dependant on the receiving watercourse being piped.

4. Condition 5 is unreasonable, unnecessary and unenforceable

The planning department do not accept this argument - The case officers report recommended refusal of the application LA09/2019/0944/F, for the retention of the dwelling house because of the culvert. However, Dr Boomer advised the Planning Committee that this was unduly harsh because they would need to proceed on the basis of an enforcement notice which had already been served requiring demolition of the dwelling and reinstatement of the site to its former condition. In his view the appropriate response was to approve the dwelling but require the reinstatement of the ditch by

condition. The applicant who was at the meeting did not contest this. Dr Boomer made it clear at the Planning Committee that if he was not satisfied with this, he could appeal the condition. He did not do this in the allotted time. The agent claims that as condition 5 requires the watercourse to be reinstated to its previous level that it is not known what the previous levels were, so the condition is unenforceable. This is not the case, an application for the same site under planning reference H/2007/0691/RM which was approved shows a site access plans which details ground levels. This can be used to ensure compliance with condition 5.

From the above, the planning department would recommend refusal of the application to remove condition 5 of LA09/2019/0944/F as it has not been demonstrated that sufficient evidence has been provided to justify the removal of this condition. If the condition was to be removed, it would be contrary to the SPPS and Policy FLD 4 - Artificial Modification of Watercourses of PPS15 - Planning and Flood Risk in that it has not been demonstrated that a specific length of the watercourse needs to be culverted for engineering reasons and no specific exceptional circumstances have been demonstrated.

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 application is considered to be contrary to the SPPS and Policy FLD 4 - Artificial Modification of Watercourses of PPS15 - Planning and Flood Risk in that it has not been demonstrated that a specific length of the watercourse needs to be culverted for engineering reasons and no specific exceptional circumstances have been demonstrated.

Signature(s): Ciaran Devlin

Date: 22 November 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 92 Iniscarn Road Desertmartin Londonderry BT45 5NH The Owner / Occupier 90 Iniscarn Road Desertmartin Londonderry BT45 5NH The Owner / Occupier 49 Gortahurk Road Desertmartin Londonderry BT45 5NN	
Date of Last Neighbour Notification	28 June 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: LA09/2019/0386/F Type: F Status: APPRET Ref: H/1978/0433 Type: H13 Status: PG Ref: H/2013/0264/O Type: O Status: PG Ref: LA09/2019/0428/LDE Type: LDE Status: PR Ref: H/2014/0073/F Type: F Status: PG	

Ref: H/1980/0196
Type: H13
Status: PG

Ref: H/1997/0259
Type: F
Status: PCO

Ref: H/2005/0722/O
Type: O
Status: PG

Ref: LA09/2019/1647/F
Type: F
Status: PDE

Ref: H/2000/0721/O
Type: O
Status: PG

Ref: LA09/2019/0868/F
Type: F
Status: APPRET

Ref: H/2002/0012/O
Type: O
Status: PG

Ref: LA09/2019/0944/F
Type: F
Status: PG

Ref: LA09/2022/0605/F
Type: F
Status: PCO

Ref: H/1997/0571
Type: F
Status: PCO

Ref: LA09/2021/0151/F
Type: F
Status: PG

Ref: H/2005/0636/O

Type: O
Status: PG

Ref: H/2007/0691/RM
Type: RM
Status: PG

Ref: H/1973/0025
Type: H13
Status: PG

Ref: H/2002/0243/O
Type: O
Status: APPRET

Ref: LA09/2019/0174/F
Type: F
Status: APPRET

Ref: LA09/2015/1186/F
Type: F
Status: PG

Ref: H/1990/0003
Type: RM
Status: PCO

Ref: H/1985/0533
Type: O
Status: PCO

Ref: LA09/2020/0410/F
Type: F
Status: PG

Ref: H/1985/0538
Type: O
Status: PCO

Ref: H/1990/0006
Type: RM
Status: PCO

Ref: H/2003/0430/O
Type: O
Status: APPRET

Ref: H/2002/0143/F
Type: F
Status: PG

Ref: H/2004/0691/F
Type: F
Status: PG

Ref: H/2003/0920/O
Type: O
Status: PG

Ref: H/1988/0069
Type: O
Status: PCO

Ref: H/2001/0345/O
Type: O
Status: APPRET

Ref: H/2007/0680/RM
Type: RM
Status: PG

Summary of Consultee Responses

Rivers Agency-471196 - Final Response - 8th July 2022.pdf
DFI Roads - Enniskillen Office-
DFI Roads - Enniskillen Office-Full & RM 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: 6 December 2022	Item Number: 5.22
Application ID: LA09/2022/0662/O	Target Date: 6 September 2022
Proposal: Dwelling and domestic garage	Location: 95M SW Of 6 Moss Road Coagh, Cookstown
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Ryan McGuckin 6 Moss Road, Coagh, Cookstown, BT80 0BZ	Agent Name and Address: CMI Planners Ltd 38B Airfield Road The Creagh Toomebridge BT41 3SQ
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	NI Water - Single Units West	LA09-2022-0662-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 – Refusal – Contrary to CTY 1 and 2a.

Characteristics of the Site and Area

The site is located approximately 0.2km south west of the development limits of Ballinderry, as

such the site is located within the open countryside as per defined by the Cookstown Area Plan 2010. The site has been identified as 95m South West of 6 Moss Road, Coagh as such the sits along the roadside just a short distance from the settlement of Ballinderry. I note that the red line covers a portion of a much larger agricultural field that sits along the roadside. The immediate and surrounding area is predominately agricultural land uses with a scattering of dwellings.

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 dwelling and garage, the site is located 95m SW of 6 Moss 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. 8, 8a, 7, 9, 9a Moss Road). In which I am content that the cluster appears as a visual entity.

The agent has stated that the focal point identified in this application is the Evergreen Social Club however upon review of the site I hold the opinion that the social club is too far detached from the cluster to be considered to be associated. With this in mind I hold the view that the application has failed to demonstrate that there is an associated focal point. This point was passed to the agent who stated that was another focal point in the way of 'D Zine'. I have shown the site (in red) and this business (in blue) in the below for comparison.



I hold the view that 'D Zine' does not have any association with the site nor the cluster of development it sits within. More that the site sits in a separate cluster of development from this business as shown below.



With this in mind I hold the view that the cluster is not associated with an identified focal point.

In terms of enclosure I note the site bounds with No. 8a Moss Road along the western boundary, and would bound with No. 7 Moss Road with the intervening road in between which has been already accepted within MUDC. I am content that there is suitable enclosure as a result and is able to round off the cluster effectively. I note that this is quite a rural area with quite a few houses in which 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 focal point 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 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 6.5m 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.

A consultation was sent to NI Water who confirmed they had no objections.

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 associated with a focal point or is it located at a cross-roads.

Signature(s): Peter Henry

Date: 7 November 2022

ANNEX	
Date Valid	24 May 2022
Date First Advertised	28 June 2022
Date Last Advertised	28 June 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 7 Moss Road Ardboe Cookstown Tyrone BT80 0BZ The Owner / Occupier 9 Moss Road Ardboe Cookstown Tyrone BT80 0BZ The Owner / Occupier 8 Moss Road Ardboe Cookstown Tyrone BT80 0BZ The Owner / Occupier 8A Moss Road Cookstown Tyrone BT80 0BZ	
Date of Last Neighbour Notification	28 June 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: I/1997/0108 Type: O Status: PCO Ref: I/2005/0175/O Type: O Status: PR Ref: LA09/2020/0278/F Type: F Status: PG Ref: I/2005/0176/O Type: O Status: APPRET Ref: LA09/2022/0662/O Type: O	

Status: PCO

Ref: I/1994/0293B

Type: RM

Status: PCO

Ref: I/2015/0049/O

Type: O

Status: PG

Ref: I/2001/0148/O

Type: O

Status: APPRET

Ref: I/1975/0264

Type: H13

Status: PG

Ref: I/1976/0205

Type: H13

Status: PG

Ref: I/2014/0095/F

Type: F

Status: PG

Ref: I/2000/0102/RO

Type: RM

Status: PG

Ref: I/1999/0469/O

Type: O

Status: PG

Ref: LA09/2021/0707/O

Type: O

Status: PG

Ref: I/2007/0833/O

Type: O

Status: PR

Ref: I/1994/0293

Type: O

Status: PCO

Ref: I/1980/0190

Type: H13

Status: PG

Ref: I/1996/0256

Type: F

Status: PCO

Ref: I/1983/0066

Type: H13

Status: PG

Ref: I/1983/006601

Type: H13

Status: PG

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Outline resp.docx

NI Water - Single Units West-LA09-2022-0662-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: 6 December 2022	Item Number: 5.23
Application ID: LA09/2022/0674/F	Target Date: 8 September 2022
Proposal: Proposed 2 Storey Dwelling and Double Garage	Location: Site Approx. 30M SW Of 9A Ballymoghane Lane Magherafelt
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: John Donaghy 10 Ronan Manor Ballyronan Magherafelt	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary: Approval	

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

Summary of Issues

To Committee – Approval – One objection received.

Characteristics of the Site and Area

The site is located approximately 2 miles south of Magherafelt as such the site is located within the open countryside as per defined by the Magherafelt Area Plan 2015. The site is located approx. 30m SW of 9a Ballymoghlan Lane and consists of a cut out portion of an agricultural

field. Access to the site is via an existing laneway that serves No. 9a. The southern boundary is defined by a mature hedgerow and the eastern boundary is part defined by a post and wire fence and part defined by a mature hedgerow. The northern and western boundaries remain undefined. The area is characterised predominately by roadside dwellings located in large individual plots.

Representations

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

Summary of the objection are as below;

- With reference of LA09/2022/0676/F – issues with the location of the soakaway; potential for overlooking; concern with the height of the dwelling.
- Concerns raised over the 2 storey nature of the dwellings under LA09/2022/0674/F and LA09/2022/0676/F, that it has a huge detrimental impact on the Ballmoghna Lane taking away the beauty of the countryside.
- Concerns raised over road safety given the condition of the road.
- Rise in noise levels from additional traffic would create a disturbance to all neighbouring residents.

Relevant Planning History

LA09/2017/1274/O - Proposed infill dwelling and garage – Approx. 20m west of 9a Ballymoghna Lane, Magherafelt. – Permission Granted – 11.06/18.

Description of Proposal

This is a full application for a proposed 2 Storey Dwelling and Double Garage - Site Approx. 30M SW Of 9A Ballymoghna Lane, Magherafelt.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 8 – Ribbon Development

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

CTY14 – Rural Character

PPS 3 - Access, Movement and Parking;

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

The SPPS provides a regional framework of planning policy that will be taken into

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

CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. I note that the principle of an infill has already been established through the previous approval, most recent LA09/2017/1274/O. This is a full application on the back of this approval as it has not fully complied with the outline conditions mainly that of the height. With this in mind I am content that the application still complies under CTY 8 respectively.

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that there is an increase in the approved ridge height by 1m and. On review of this and the submitted plans I am content that the proposed design is acceptable and will be able to successfully integrate into the landscape. As such I am content that the application is able to comply under CTY 13.

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

Other policy and material considerations

PPS 3 - Access, Movement and Parking;

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

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

I have no flooding or residential amenity concerns.

In response to the comments made by the objector, to start the objector objected to this application and an accompanying application LA09/2022/0676/F, I note that any comments in relation to application LA09/2022/0676/F are not material and only relevant to that application.

The only relevant points in the objection are the 2 storey nature of the house, road safety and nuisance from additional traffic. In terms of the 2 storey nature of this application I note that this was already approved at outline and there is only a small increase in height in which the site can take plus there are other 2 storey dwellings in close proximity, overall it is acceptable. In terms of road safety, DFI Roads were consulted and stated that the access is acceptable as such any issues with the condition of the road should be taken up with DFI Roads directly. Finally, in terms of disturbance given the rise of noise from additional cars, this only a single dwelling and any additional traffic would not be significant to give rise to an adverse impact on neighbouring amenity.

Summary of Recommendation:

Approve is recommended

Approve

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

All landscaping comprised in the approved details of landscaping on the stamped approved Drawing No. 02 date stamped 26th May 2022 shall be carried out in the first planting season following the commencement of the construction of the development hereby approved.

Reason: To ensure the development integrates into the countryside

Condition 3

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

Council gives its written consent to any variation.

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

Condition 4

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 5

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 6

The vehicular access including visibility splays 2.4 x 45 metres and a 45 metre forward sight distance, shall be provided in accordance with Drawing No. 02 bearing the date stamp 26 May 2022 prior to the commencement of any other development hereby permitted.

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

Condition 7

The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway before the development hereby permitted is commenced and such splays shall be retained and kept clear thereafter.

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

Signature(s): Peter Henry

Date: 8 November 2022

ANNEX	
Date Valid	26 May 2022
Date First Advertised	28 June 2022
Date Last Advertised	28 June 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 9A Ballymoghlan Lane Magherafelt Londonderry BT45 6HW The Owner / Occupier 9B Ballymoghlan Lane Magherafelt Londonderry BT45 6HW The Owner / Occupier 9 Ballymoghlan Lane Magherafelt Londonderry BT45 6HW The Owner / Occupier 12B Ballymoghlan Lane Magherafelt Londonderry BT45 6HW	
Date of Last Neighbour Notification	5 July 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses	
DFI Roads - Enniskillen Office-Full & RM Resp.docx	
Drawing Numbers and Title	
Site Location Plan Plan Ref: 01 Proposed Plans Plan Ref: 02	

Notification to Department (if relevant)

Not Applicable

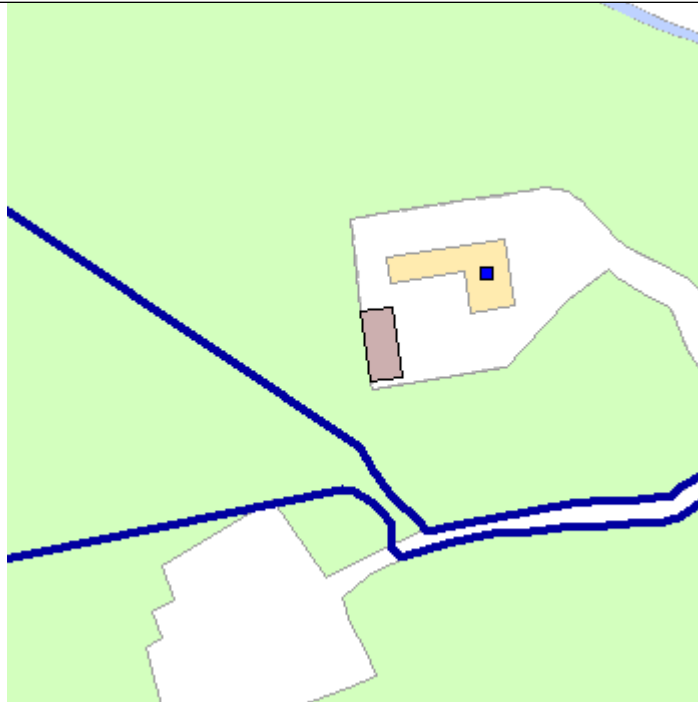


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 December 2022	Item Number: 5.24
Application ID: LA09/2022/0675/F	Target Date: 8 September 2022
Proposal: Glamping Pods (6 no. units), parking, landscaping and access	Location: Lands Approx. 100M West Of 85 Deerpark Road Bellaghy BT45 8BP
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Genmark Developments Ltd 16C Tamlaghtduff Road Bellaghy BT45 8JQ	Agent Name and Address: Clyde Shanks Second Floor 7 Exchange Place Belfast BT1 2NA
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
Non Statutory Consultee	NI Water - Strategic Applications	LA09-2022-0675-F.pdf
Statutory Consultee	Historic Environment Division (HED)	
Non Statutory Consultee	Rivers Agency	488792-07 Final Planning Authority reply.pdf
Statutory Consultee	Environmental Health Mid Ulster Council	LA09 2022 0675 F.doc

Representations:

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

Summary of Issues

committee - Approval

Characteristics of the Site and Area

The site is located approx. 100M West of Deerpark Road, Bellaghy. The site is just North of the A6 Dual Carriageway junction for Bellaghy, and 3km from Bellaghy and 2.5Km from Castledawson. and is located outside any designated settlement limits as identified in the Magherafelt Area Plan, 2015. The proposed site is triangular in shape and is 0.87ha in size. The site is bound with mature hedgerow and tall trees. The topography of the site is relatively flat throughout. The site is accessed via an existing gate and concrete laneway off the Deerpark Road. There is a storage compound facility located to the south of the site and a large dwelling house located to the east of the site (No.85 Deerpark Road).

The surrounding area is predominantly rural with dispersed dwellings and farm holdings.

Description of Proposal

This application is for Full planning permission for Glamping Pods (6no. units), parking, landscaping and access.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Planning Assessment of Policy and Other Material Considerations

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

Magherafelt Area Plan 2015

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Policy Statement 16: Tourism

The Strategic Planning Policy Statement for Northern Ireland (SPPS) states that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During the transitional period planning authorities will

apply existing policy contained within identified policy documents, together with the SPSS. One retained policy document is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21).

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.

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:

LA09/2020/0028/LDE - Plant and materials storage compound and site office., Lands Approx. 40M SW Of 85 Deerpark Road, Bellaghy, Co Derry Consent Granted 19.03.2020.

Key Policy Considerations/Assessment

Until a new Local Area Plan is adopted, the key policy to consider in this instance is PPS16, Tourism. This proposal is for self catering accommodation in the countryside and therefore is assessed under Policy TSM5. TSM5 states that a self catering units for tourist accommodation will be granted where any one of three circumstances are met, including a cluster of 3 or more units are to be provided at or close to an existing or approved tourist amenity that is/will be a significant visitor attraction in its own right.

A supporting statement was submitted with the application stating reference to the rich Seamus Heaney home place which is 3.1KM North of the site, and the rich history associated with this as the main source of tourism. It also referenced , Lough beg Nature reserve and Church Island Scheduled Zone (2.5KM North East of the site, Ballyscullion House and Historic Park and garden (3.7KM North West off the site) and Moyola Golf Course (2.6KM West of the site)as additional sources of Tourism and visitor attractions.

The Councils Tourism Strategy has identified the need for increased accommodation in the district and have a clear drive to improve Tourism opportunities and facilities, it is my opinion that the proposal is broadly in keeping with the criteria set out in Policy TSM5. The Policy TSM 5 states "at or close to" but provides no definitive definition of how 'close to', therefore the Planning Manager requested that the application be presented to committee due to the lack of clarity in the policy wording. The application site is within driving distances from the Tourist attractions referenced above and it is believed that it meets this criteria of the Policy.

In my view the simple modest design of the buildings will blend with the trees and landscape and will not be incongruous within the existing area. The level of screening around the entirety of the site will also aid integration.

DFI Roads were consulted on the application and responded to say that based on the information provided in the TAF/Statement and the P1 form regarding the access requirements, that they were content with the proposal. PPS3 Access, Movement and Parking is met.

DFI Rivers were consulted on the application and responded to say that DfI Rivers has reviewed the Flood Risk Assessment & Drainage Assessment submitted by Flood Risk Consulting and dated May 2022. The FRA has determined that the site is **not** affected by the 1 in 100 year fluvial flood plain. DfI Rivers while not being responsible for the preparation of the report, accepts its logic and has no reason to disagree with its conclusions. Consequently, DfI Rivers cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective.

The proposal is affected by an undesignated watercourse, which flows along the western boundary of the site. Under 6.32 of the policy it is essential that a working strip of minimum width 5m is maintained. DfI Rivers recommends that the working strip is shown on a site layout drawing. It should be protected from impediments (including tree planting, hedges, permanent fencing and sheds), land raising, permitted development rights or future unapproved development by way of a planning condition. Clear access and egress should be provided at all times. The applicant should be aware that the riparian land owner is legally responsible to maintain the watercourse.

Section 9.3 of the FRA indicates that a maintenance strip is available as detailed on drawing C101A.

DfI Rivers has reviewed the Flood Risk Assessment & Drainage Assessment submitted by Flood Risk Consulting and dated May 2022.

DfI Rivers while not being responsible for the preparation of the report, accepts its logic and has no reason to disagree with its conclusions. Consequently, DfI Rivers cannot sustain a reason to object to the proposed development from a drainage or flood risk perspective.

It should be brought to the attention of the applicant that the responsibility for the accuracy, acceptance of the Drainage Assessment and implementation of the proposed flood risk measures rests with the developer and their professional advisors (refer to section 5.1 of PPS 15).

Granting permission to discharge into underground strata as proposed in the drainage assessment is outside DfI Rivers remit.

HED were consulted on the application and responded to say that they had assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

Environmental Health were consulted on the application and had no objections to the proposal. The applicant will need to liaise with NIEA to gain consent to discharge, this is separate legislation and outside the remit of Planning. The applicant should ensure that the proposed pods have adequate provision for the storage and disposal of waste.

Policy TSM7 covers general criteria for all Tourism Development. The proposal is located in the countryside close to a public road network that can sustain walking, cycling and private car use. Villages are nearby which are served by public transport. The proposal will not constrain existing or proposed access to a tourism asset. The proposal site is accessed via a private laneway, set back from the public road and therefore I consider the proposal has been designed to deter crime and promote personal safety. The tourism scheme is compatible with the existing agricultural, residential and community/tourism uses in the local area. It will not impact on residential amenity or impact on built or natural heritage features. All other criteria covered under this policy is either irrelevant due to the size and scale of the proposal or have been considered above.

The potential impact of this proposal on European Sites has been assessed in accordance with the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) (Northern Ireland) 1995 (as amended). The proposal would not have any likely significant effect on the features of any European Site.

Conclusion

On the basis of this assessment I am satisfied that the proposal complies with policy CTY PPS 16, CTY13 of PPS21 and PPS3 and approval is recommended.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Condition 2

The Glamping Pods hereby permitted shall be used only for holiday/leisure accommodation and shall not be used for permanent residence(s)

Reason: This permission is hereby granted solely because of its proposed holiday/leisure use.

Condition 3

The existing natural screenings of this site shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be submitted to Mid Ulster District Council in writing, and agreed, prior to the commencement of any works.

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

Condition 4

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

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

Signature(s): Siobhan Farrell

Date: 17 November 2022

ANNEX	
Date Valid	26 May 2022
Date First Advertised	25 October 2022
Date Last Advertised	28 June 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 85 Deerpark Road, Bellaghy, Magherafelt BT45 8BP	
Date of Last Neighbour Notification	28 June 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: H/2004/1120/O Type: O Status: APPRET Ref: H/2002/0716/O Type: O Status: PR Ref: H/2005/0941 Type: RM Status: APPRET Ref: H/1998/0424 Type: O Status: PCO Ref: H/1994/0036 Type: O Status: PCO Ref: H/2000/0265/O Type: O	

Status: PG

Ref: H/2007/0895/O

Type: O

Status: APPRET

Ref: H/2008/0303/F

Type: F

Status: PG

Ref: H/2000/0782/O

Type: O

Status: APPRET

Ref: H/2000/0773/O

Type: O

Status: APPRET

Ref: LA09/2015/0731/O

Type: O

Status: APPRET

Ref: LA09/2019/1228/F

Type: F

Status: PG

Ref: H/2005/0963

Type: F

Status: 461

Ref: H/1984/0292

Type: H13

Status: PG

Ref: H/2000/0095/F

Type: F

Status: PG

Ref: H/1996/0043

Type: F

Status: PCO

Ref: H/1995/0577

Type: O

Status: PCO

Ref: H/2000/0817/O
Type: O
Status: APPRET

Ref: H/2001/0539/F
Type: F
Status: APPRET

Ref: LA09/2022/0675/F
Type: F
Status: PCO

Ref: H/2007/0636/F
Type: F
Status: PR

Ref: H/2010/0499/F
Type: F
Status: PG

Ref: H/1993/6054
Type: PREAPP
Status: PCO

Ref: H/1979/0606
Type: H13
Status: WITHDR

Ref: H/2001/0577
Type: O
Status: APPRET

Ref: H/2004/0300/F
Type: F
Status: PG

Ref: H/2001/0730/O
Type: O
Status: APPRET

Ref: H/2001/0734/F
Type: F
Status: APPRET

Ref: H/2001/0571/O
Type: O

Status: APPRET

Ref: LA09/2020/0028/LDE

Type: LDE

Status: PG

Ref: LA09/2020/1197/F

Type: F

Status: PG

Summary of Consultee Responses

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

NI Water - Strategic Applications-LA09-2022-0675-F.pdf

Historic Environment Division (HED)-

Rivers Agency-488792-07 Final Planning Authority reply.pdf

Environmental Health Mid Ulster Council-LA09 2022 0675 F.doc

Drawing Numbers and Title

Site Layout or Block Plan Plan Ref: 3451-PL102

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Block/Site Survey Plans Plan Ref: 03

Elevations and Floor Plans Plan Ref: 04

Details of Access to the Public Road Plan Ref: 05

Notification to Department (if relevant)

Not Applicable

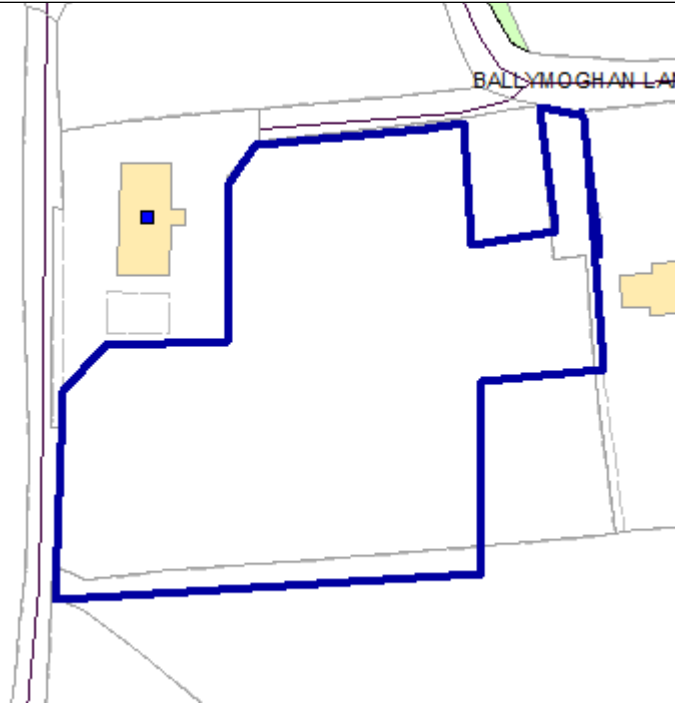


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 December 2022	Item Number: 5.25
Application ID: LA09/2022/0676/F	Target Date: 8 September 2022
Proposal: 2 storey dwelling and double garage	Location: Approx 40M South East Of 9 Ballymoghane Lane Magherafelt BT45 6HW
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: John Donaghy 10 Ronan Manor Ballyronan Magherafelt BT45 6GB	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	1
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Referred to Committee – Approval recommended – One Objection Received.

Characteristics of the Site and Area

The site is located approx 40 m South east of 9 Ballymoghlan Lane, Magherafelt and 2

miles south of Magherafelt. The site is located outside the designated settlement limits as defined in the Magherafelt Area Plan, 2015. The site consists of a large portion of an agricultural field accessed via an existing laneway that serves No.9a. The southern, northern and western boundaries are defined by mature hedgerow and vegetation, while the eastern boundary is undefined. The surrounding area is characterised by roadside single dwellings located on large individual plots.

Description of Proposal

This application seeks full planning permission for a 2 storey dwelling and double garage.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

- Strategic Planning Policy Statement (SPPS)
- Magherafelt Area Plan, 2015
- PPS21 -Sustainable Development in the Countryside
- PPS 3 – Parking, Movement and Access

There is no conflict or change in policy direction between the provisions of the SPPS and those of PPS 21 in respect of the proposal. The policy provisions within PPS21 remain applicable in terms of assessing the acceptability of the proposal.

Planning History

LA09/2022/0674/F – Proposed 2 storey dwelling and double garage, site approx. 30m SW of 9A Ballymoghlan Lane, Magherafelt – under consideration

LA09/2017/1275/O - Proposed infill site for dwelling and garage, Approx 20M E Of 9 Ballymoghlan Lane, Permission Granted 11.06.2018

Magherafelt

Representations

Neighbour notification and press advertisement have been carried out in line with the Council's statutory duty. At the time of writing, one third party objections were received.

Assessment

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

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

The Strategic Planning Policy Statement for Northern Ireland (SPPS) states that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents, together with the SPPS. One retained policy document is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21).

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

This gap is considered against the existing pattern of development to determine if a maximum of two dwellings could be provided without creating ribbon development. Following discussion with the Principle planner she was content that the gap under consideration encompasses an agricultural field within an existing continuously built up frontage, and therefore sufficiently meets the policy criteria for an infill. The site respects the existing development pattern along the frontage in terms of size, scale and siting and plot size and therefore is acceptable in principle.

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. It is considered that the level of vegetation surrounding this site helps to integrate the proposal into the surrounding landscape. Existing hedgerows should be retained around the application site. The proposed design is considered acceptable given the development in the area.

In terms of Policy CTY14 Planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. It is considered that the site and its surrounding environment has the capacity to absorb a dwelling and garage and therefore is compliant with the criteria set out in policy CTY1 & CTY 8 of PPS21.

DFI Roads were consulted on this application and had no objection to the proposal subject to conditions.

Representations

In response to the comments made by the objector, who also objected to an accompanying application LA09/2022/0674/F. The objector refers to the 2 storey nature

of the dwelling house, overlooking, road safety and nuisance from additional traffic. In terms of the 2 storey dwelling I note that this was already approved at outline and there is only a small increase in the height of this proposal which the site can accommodate and there are other 2 storey dwellings in close proximity to the site, over all it is acceptable. Also, given the orientation of the dwelling it is well set back and to the east of the sit away from the dwelling at No9. Given the location and orientation of the proposed dwelling within the site as well as the additional proposed landscaping as shown on drawing No 02, date stamped 26.05.2022, I do not believe that there will be any impact on the residential amenity of the dwelling house at No 9. The proposed garage is located to the west of the site and while closer to the boundary with no 9, its behind the garage associated with No9.

In terms of road safety, DFI roads were consulted on the application and responded to say that they were content and did not offer any objection. An issues in regard to the condition of the road should be taken up with DFI Roads directly.

In terms of disturbance from noise generated from additional cars, this proposal is only for a single dwelling and any additional traffic would not be significant to give rise to an adverse impact on neighbouring residential amenity.

The objector also raised an issue regarding soakaways, this is the responsibility of the owner of the dwelling to liase directly with Ni Water and NIEA.

I am content that the application meets the policy requirements for an infill and is capable of absorbing a dwelling and garage. The site within the red line is considered to be well screened along the roadside with existing vegetation and development already exists around the site which will help screen the proposed dwelling.

Conclusion

On the basis of this assessment I am satisfied that the proposal complies with policy CTY 8, CTY13 & 14 of PPS21 and PPS3.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Condition 2

All landscaping comprised in the approved details of landscaping on the stamped approved Drawing No. 02 date stamped 26th May 2022 shall be carried out in the first planting season following the commencement of the construction of the development hereby approved.

Reason: To ensure the development integrates into the countryside

Condition 3

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

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

Condition 4

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 5

The vehicular access including visibility splays 2.4 x 45 metres and a 45 metre forward sight distance, shall be provided in accordance with Drawing No. 02 bearing the date stamp 26 May 2022 prior to the commencement of any other development hereby permitted.

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

Signature(s): Siobhan Farrell

Date: 17 November 2022

ANNEX	
Date Valid	26 May 2022
Date First Advertised	28 June 2022
Date Last Advertised	28 June 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 12a Ballymoghane Lane Magherafelt Londonderry BT45 6HW The Owner / Occupier 12b Ballymoghane Lane Magherafelt Londonderry BT45 6HW The Owner / Occupier 9a Ballymoghane Lane Magherafelt Londonderry BT45 6HW The Owner / Occupier 9b Ballymoghane Lane Magherafelt Londonderry BT45 6HW The Owner / Occupier 9 Ballymoghane Lane Magherafelt Londonderry BT45 6HW	
Date of Last Neighbour Notification	28 June 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: H/2006/0017/O Proposals: Site of dwelling & garage Decision: PG Decision Date: 22-AUG-06 Ref: H/2008/0599/F Proposals: Restrospective application for retention of existing Race Track for Off Road Buggies on land approximately 250m West of 7a Ballymoughan Lane, Magherafelt Decision: PG Decision Date: 20-JUN-11 Ref: LA09/2018/1464/F Proposals: Retrospective planning application for retention of general office/shelter, stor building and control tower Decision: PG Decision Date: 07-FEB-19	

Ref: LA09/2016/1271/O

Proposals: Proposed site for new dwelling on farm

Decision: PG

Decision Date: 08-FEB-17

Ref: LA09/2019/1365/RM

Proposals: Reserved Matters app for dwelling on a farm, previous outline:LA09/2016/1271/O.

Decision: PG

Decision Date: 20-DEC-19

Ref: H/2003/1245/O

Proposals: Site of dwelling and garage.

Decision:

Decision Date:

Ref: LA09/2022/0676/F

Proposals: 2 storey dwelling and double garage

Decision:

Decision Date:

Ref: LA09/2022/0674/F

Proposals: Proposed 2 Storey Dwelling and Double Garage

Decision:

Decision Date:

Ref: LA09/2017/1274/O

Proposals: Proposed infill site for dwelling and garage

Decision: PG

Decision Date: 11-JUN-18

Ref: H/2007/0510/F

Proposals: Change of use of domestic garage through internal alteration, to have existing garage split to have a hair salon on one side with storage on the other. Hair salon to be open three days a week.

Decision:

Decision Date:

Ref: H/2003/0454/F

Proposals: Dwelling and double garage.

Decision: PG

Decision Date: 30-SEP-03

Ref: H/2001/0184/O

Proposals: Site of dwelling

Decision: PG

Decision Date: 04-JUN-01

Ref: H/2008/0158/F

Proposals: Conversion of single garage and hairdressing salon to a single garage with a attached utility room

Decision: PG

Decision Date: 22-OCT-08

Ref: H/2005/0164/O

Proposals: Site of dwelling and garage

Decision: PG

Decision Date: 05-JUL-05

Ref: H/2010/0206/F

Proposals: Dwelling and Garage

Decision: PG

Decision Date: 17-SEP-10

Ref: H/2009/0446/F

Proposals: Proposed new dwelling and detached garage/domestic store

Decision: PG

Decision Date: 29-DEC-09

Ref: LA09/2022/0331/F

Proposals: Proposed change of house type to dwelling approved under previous application H/2009/0446/F

Decision: PG

Decision Date: 15-NOV-22

Ref: LA09/2019/1528/O

Proposals: Outline application of an Off Grid sustainable house with passive heating and a potential tesla solar roof, with a small garage and garden, with real focus on sustainable build and recycled materials, using sustainable methods.

Decision: PG

Decision Date: 05-FEB-20

Ref: H/1994/0456

Proposals: SITE OF BUNGALOW

Decision: PG

Decision Date:

Ref: H/2003/1246/O

Proposals: Site of dwelling and garage.

Decision:

Decision Date:

Ref: H/1997/0198
Proposals: BUNGALOW & GARAGE
Decision: PG
Decision Date:

Ref: LA09/2017/1275/O
Proposals: Proposed infill site for dwelling and garage
Decision: PG
Decision Date: 11-JUN-18

Ref: LA09/2015/0579/F
Proposals: Dwelling and Garage
Decision: PR
Decision Date: 27-JAN-16

Summary of Consultee Responses

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

Drawing Numbers and Title

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

Notification to Department (if relevant)

Not Applicable

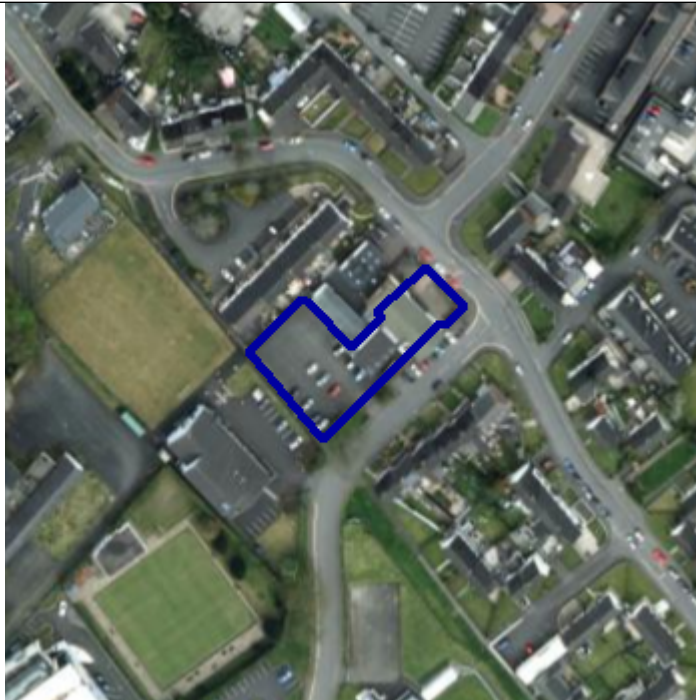


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 December 2022	Item Number: 5.26
Application ID: LA09/2022/1012/F	Target Date: 29 September 2022
Proposal: Alterations and extensions to existing offices	Location: Sperrin House 43 Queens Avenue Magherafelt BT45 6BY
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Galgorm Developments Ltd. 75 Loughbeg Road Toomebridge BT41 3TS	Agent Name and Address: JE McKernan And Son 25 Market Rd Ballymena County Antrim BT43 6EL
Executive Summary: To Committee - Approval - The applicant is related to a member of staff in Planning MUDC.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	DC Checklist.doc Roads Consultation blank.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 – Approval – The applicant is related to a member of staff in Planning MUDC.

Characteristics of the Site and Area

The application site is located within the development limits of Magherafelt, within

undesignated lands as per defined by the Magherafelt Area Plan 2015. The application site relates to an office block at Sperrin House, 43 Queens Avenue, Magherafelt. The single storey building exists to the rear of the library and car parking exists to the rear of the existing building. Magherafelt youth centre and an existing child care facility exists adjacent to the existing car park and Magherafelt Primary School exists beyond this. Residential properties exist immediately north of the proposed building.

Representations

13 neighbour notifications were sent out however no objections were received.

Description of Proposal

This is a full application for the alterations and extensions to existing offices located at Sperrin House, 43 Queens Avenue, Magherafelt.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015

Strategic Planning Policy Statement (SPPS)

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Under the SPPS, the guiding principle for planning authorities in determining applications is that sustainable development, should be permitted having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

The site is located within the limit of development for Magherafelt as defined by the Magherafelt Area Plan 2015 where Planning Policy Statement 4 (PPS 4): Planning and Economic Development applies.

Policy PED 1 Economic Development in Settlements is the main consideration where policy states in relation to extensions that a development proposal to extend an existing economic development use or premises within settlements will be determined on its individual merits having regard to Policy PED9.

Policy PED 9 of PPS 4: provides general criteria for assessing all applications relating to the location in siting and design: impact on residents and the environment, access and movement improvement. This proposal is compatible with the existing use. However since this is in close proximity to residential property attention needs to be given to the neighbours amenities. It is my opinion that as the scale of the extension matches that of

the host building and as such it is unlikely to have a significant adverse impact on neighbouring amenity. The activity in the building remains as existing and therefore shall not result in a rise in noise or nuisance. It is my opinion that this is an acceptable extension, there are no issues relating to traffic movement and there would be sufficient space for car parking and turning at the rear. The site is not in an area of flood risk and there is no need to dispose any additional effluent. The design is satisfactory for the type of use already in existence.

Other Policy and Material Considerations:

In my opinion the proposal could be accommodated on this site without resulting in a loss of neighbouring amenity or deterioration of highway safety, no other issues have been identified. This application being for full permission provides details of materials to be used in its construction, I am content that these are acceptable as they reflect the host building.

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

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Signature(s): Peter Henry

Date: 17 November 2022

ANNEX	
Date Valid	16 June 2022
Date First Advertised	5 July 2022
Date Last Advertised	5 July 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 1 Sperrin Mews Magherafelt Londonderry BT45 6DU The Owner / Occupier 2 Sperrin Mews Magherafelt Londonderry BT45 6DU The Owner / Occupier 3 Sperrin Mews Magherafelt Londonderry BT45 6DU The Owner / Occupier 1A Sperrin Mews Magherafelt Londonderry BT45 6DU The Owner / Occupier 2 Princess Terrace Magherafelt Londonderry BT45 6DD The Owner / Occupier 4 Princess Terrace Magherafelt Londonderry BT45 6DD The Owner / Occupier 6 Princess Terrace Magherafelt Londonderry BT45 6DD The Owner / Occupier 8 Princess Terrace Magherafelt Londonderry BT45 6DD The Owner / Occupier 10 Princess Terrace Magherafelt Londonderry BT45 6DD The Owner / Occupier 12 Princess Terrace Magherafelt Londonderry BT45 6DD The Owner / Occupier 38 Queens Avenue Magherafelt Londonderry BT45 6BY The Owner / Occupier 40 Queens Avenue Magherafelt Londonderry BT45 6BY The Owner / Occupier 42 Queens Avenue Magherafelt Londonderry BT45 6BY	
Date of Last Neighbour Notification	29 June 2022
Date of EIA Determination	
ES Requested	<events screen>

Planning History

Ref: H/1993/6128
Type: PREAPP
Status: PCO

Ref: H/2012/0231/F
Type: F
Status: APPRET

Ref: H/2011/0280/F
Type: F
Status: PG

Ref: H/1994/0271
Type: F
Status: PCO

Ref: H/2003/0308/F
Type: F
Status: PG

Ref: H/1993/0464
Type: O
Status: PCO

Ref: H/2005/0632/F
Type: F
Status: PG

Ref: LA09/2022/0444/F
Type: F
Status: PCO

Ref: H/1999/6020
Type: PREAPP
Status: PCO

Ref: LA09/2022/1012/F
Type: F
Status: PCO

Ref: H/1995/0602
Type: O
Status: PCO

Ref: H/1979/0164

Type: H13

Status: PG

Ref: H/1977/0032

Type: H13

Status: PG

Ref: H/1990/0206

Type: F

Status: PCO

Ref: H/1990/0607

Type: F

Status: PCO

Ref: H/1998/6019

Type: PREAPP

Status: PCO

Ref: H/1999/0740/F

Type: F

Status: PG

Ref: H/1999/0582

Type: F

Status: PCO

Ref: H/2001/0015/F

Type: F

Status: PG

Ref: H/2003/1347

Type: F

Status: 461

Ref: H/2003/1053

Type: F

Status: 461

Ref: H/2001/0806/Q

Type: PREAPP

Status: PDE

Ref: H/2002/0073/F

Type: F

Status: PG

Ref: H/1991/0154

Type: F

Status: PCO

Ref: H/1991/0508

Type: F

Status: PCO

Ref: H/2000/0803/A41

Type: A41

Status: PAPREQ

Ref: H/1995/0504

Type: F

Status: PCO

Ref: H/1988/0120

Type: F

Status: PCO

Ref: H/2001/0608

Type: F

Status: 461

Ref: H/1981/0367

Type: H13

Status: PG

Ref: H/2001/1063

Type: A41

Status: REC

Ref: H/1981/0344

Type: H13

Status: PG

Ref: H/1986/0143

Type: H13

Status: PG

Ref: H/1979/0650

Type: H13

Status: PG

Ref: H/1993/6013
Type: PREAPP
Status: PCO

Ref: H/1995/6069
Type: PREAPP
Status: PCO

Ref: H/1973/0163
Type: H13
Status: PG

Ref: H/1981/0385
Type: H13
Status: PG

Ref: H/2004/0883/F
Type: F
Status: PG

Ref: H/1988/0365
Type: F
Status: PCO

Ref: H/1996/6035
Type: PREAPP
Status: PCO

Ref: H/2011/0090/F
Type: F
Status: PG

Ref: H/2012/0057/A
Type: A
Status: CG

Ref: H/2002/0180/A
Type: A
Status: CG

Ref: H/1978/0348
Type: H13
Status: PG

Ref: H/1978/0217
Type: H13

Status: PG

Ref: H/2006/0979/A

Type: A

Status: CG

Ref: H/1986/0021

Type: H13

Status: PG

Ref: H/2002/0549/F

Type: F

Status: PG

Ref: H/1987/0457

Type: F

Status: PCO

Ref: LA09/2017/0137/A

Type: A

Status: CG

Ref: H/1989/0134

Type: F

Status: PCO

Ref: H/2002/0104/F

Type: F

Status: PG

Ref: H/2001/0895/F

Type: F

Status: APPRET

Ref: H/1991/0130

Type: F

Status: PCO

Ref: LA09/2015/0039/F

Type: F

Status: PG

Ref: H/1980/0364

Type: H13

Status: PG

Ref: H/2002/1029/F

Type: F

Status: PG

Ref: H/2008/0210/F

Type: F

Status: PR

Ref: H/1998/4009

Type: P

Status: PCO

Ref: H/1979/026501

Type: H13

Status: PG

Ref: H/1979/0265

Type: H13

Status: PG

Ref: LA09/2017/1715/F

Type: F

Status: PG

Ref: H/1977/0425

Type: H13

Status: PG

Ref: H/2009/0433/F

Type: F

Status: PG

Ref: H/2000/0022/O

Type: O

Status: PG

Ref: H/2006/0539/F

Type: F

Status: PG

Ref: H/1993/0387

Type: F

Status: PCO

Ref: H/2013/0458/F

Type: F

Status: PG

Ref: H/1982/0165

Type: H13

Status: PG

Ref: H/1977/0031

Type: H13

Status: WITHDR

Ref: H/1980/0025

Type: H13

Status: PG

Ref: H/1991/0281

Type: F

Status: PCO

Ref: LA09/2019/0225/F

Type: F

Status: PG

Ref: LA09/2019/0691/NMC

Type: NMC

Status: CG

Ref: H/1994/0252

Type: F

Status: PCO

Ref: H/1985/0032

Type: H13

Status: PG

Ref: H/1989/0434

Type: F

Status: PCO

Ref: H/2007/1098/F

Type: F

Status: PR

Ref: H/2013/0326/F

Type: F

Status: PG

Ref: H/2013/0247/F

Type: F

Status: PG

Ref: H/2010/0513/F

Type: F

Status: PG

Ref: H/2009/0700/F

Type: F

Status: PG

Ref: H/2004/1371/LDP

Type: LDP

Status: PG

Ref: H/1990/0497

Type: F

Status: PCO

Ref: H/2007/0578/F

Type: F

Status: PG

Ref: H/1974/0154

Type: H13

Status: PG

Ref: H/1999/0665/F

Type: F

Status: PG

Ref: H/2002/0051/F

Type: F

Status: PG

Ref: H/1973/0018

Type: H13

Status: PG

Ref: H/1997/0187

Type: F

Status: PCO

Ref: H/2001/0372/Q

Type: PREAPP

Status: 360

Ref: H/2004/1113

Type: LDP

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Status: PCO

Ref: H/1981/0378

Type: H13

Status: PG

Ref: H/1991/0588

Type: F

Status: PCO

Ref: H/1986/0004

Type: H13

Status: PG

Ref: H/2006/0689/F

Type: F

Status: PG

Ref: H/2009/0351/F

Type: F

Status: PG

Ref: H/2006/0654/F

Type: F

Status: 217

Ref: H/1994/0509

Type: F

Status: PCO

Ref: H/2009/0145/F

Type: F

Status: PG

Ref: H/1994/0364

Type: F

Status: PCO

Ref: H/2005/0261/F

Type: F

Status: PG

Ref: H/1986/0247

Type: H13

Status: PG

Ref: H/1989/0029

Type: F

Status: PCO

Summary of Consultee Responses

DFI Roads - Enniskillen Office-DC Checklist.docRoads Consultation blank.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Proposed Plans Plan Ref: 03

Existing Plans Plan Ref: 04

Existing and Proposed Elevations Plan Ref: 05

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 December 2022	Item Number: 5.27
Application ID: LA09/2022/1112/F	Target Date: 17 October 2022
Proposal: Replacement Dwelling House with attached Garage and Carport	Location: 39 Drumaspil Road Drumaspil Dungannon BT71 6HZ
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Lee McFarland 17 Annaloughan Road Augher BT77 OBW	Agent Name and Address: Mr Philip Caddoo 44 Rehaghey Rd Aughnacloy BT69 6EU
Executive Summary: The proposal is recommended for refusal as it does not meet CTY3, CTY 13 and CTY 14 in PPS 21. The proposal will have a greater visual impact than the existing dwelling and is out of character for the surrounding area which are predominately single storey dwellings.	

Case Officer Report

Site Location Plan



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Consultations:

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

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 in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding land uses are predominantly agricultural fields, single rural dwellings, and groupings of farm buildings. There is minimal development pressure in the immediate area from the construction of

new dwellings. The site has a roadside frontage onto Drumaspil Road which is a lightly trafficked road, and the topography of the road rises steeply from north to south.

The application site comprises several buildings which have a frontage onto Drumspil Road. Along the roadside there is a building to be replaced which is a single storey and has finishes of tin sheeting on the roof, stonework walls and wooden window frames. To the rear of the building are several sheds with tin sheeting.

Description of Proposal

This is a full application for a replacement dwelling with attached Garage and Carport at 39 Drumaspil Road, Drumaspil, Dungannon.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Representations

Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty. At the time of writing, one third-party representation has been received. This was not a formal email in support or objection, but the neighbour has raised queries in relation to the levels at the site.

A non-committal comment was received from the owner/occupier of the neighbouring dwelling to the south at No.37 who was Mr Courtney. It was stated he had no objection to the proposal but had questions about the ground levels and proposed ridge heights. Mr Courtney feels the proposal will have a visual impact on his property and asks will existing and proposed ground levels and proposed and existing ridge levels be to ordinance datum Belfast. Also, it is stated will the proposed ground levels and ridge heights be conditioned to any approval. In rebuttal, on all full and reserved applications the existing and proposed levels at points on the site are shown and the finished floor level of the dwelling.

Planning History

No planning histories at the application site.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010

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

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that

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

Planning Policy Statement 21

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In addition, other types of development will only be permitted where overriding reasons are submitted why the development is essential and could not be located within a settlement. As this proposal is to replace an existing dwelling CTY 3 is the relevant policy in the assessment.

CTY 3 – Replacement Dwellings

As shown in figure 1 below I am content the building has the appearance of a dwelling and exhibits all the essential characteristics of a dwelling. There is a chimney which projects from the ridgeline of the building, a small porch on the front elevation and windows on the front and back elevations of the buildings. I consider all the walls of the dwellings are substantially intact.



Figure 1 – Building to be Replaced

Overall, I am content there is a dwelling to be replaced for the purposes of CTY 3.

I consider the dwelling to be replaced has the appearance of non-listed vernacular dwelling as listed in Annex 2 of PPS 21. The dwelling has a long rectangular form and the depth of the house is less than 6m. The majority of the windows are on the front and back elevations and there is a small porch on the front elevation. I consider the dwelling makes an important contribution to the heritage and appearance of the area. The building is an example of a traditional cottage and as stated in 'Building on Tradition' design guidance there is a tendency to replace these rural dwellings instead of renovating and extending. As the building is along the roadside there are critical views in both directions along Drumapsil Road. In an email dated 12th October 2022 the agent submitted a supporting statement why the dwelling should not be retained. The agent states from their initial survey the dwelling is not reasonably capable of being made structurally sound. It is stated the roof instability would constitute complete removal, the external stonewalls have a large amount of damp and floors have been removed to expose saturation. The agent has stated other health and safety reasons why the building cannot be converted as the dwelling's location beside the road and proximity to nearby electricity poles. I consider as the dwelling to be replaced is a small building it is not sufficient for a modern family dwelling. Policy in CTY 3 states that the vernacular building should only be retained where it can be incorporated into the overall scheme with the new dwelling. I would not recommend retaining the building for use as a store or its current use as a dwelling. Also, I do not think the building could be retained as the dwelling needs to be removed to obtain visibility splays for the access.

Most of the proposed dwelling will be sited within the established curtilage, but a portion of the new dwelling and garden area will be in the existing agricultural field. The existing site is restricted to the rear and the proposed dwelling has a long frontage as it has an attached carport, so the proposal needs to use a portion of the field.

The dwelling to be replaced is a modest single storey dwelling as shown in figure 1 above. As shown in figure 2 the proposed dwelling has a ridge height of 6.95m and has a long frontage which encompasses the dwelling and attached garage. The dwelling will

have a slightly curved form and three dormers on the front elevation that extend from the wall plate. There is also a double height projection on the front elevation. The proposed external materials are white render and stonework walls, blue slate roof tiles, grey aluminium windows and doors. I have no concerns about the external materials. All the dwellings along this section of Drumaspil Road are single storey dwellings and I am of the opinion the proposed dwelling will have a greater visual impact than the existing dwelling. The proposal will involve the removal of all the buildings at the site so there will be no buildings for the proposed dwelling to cluster with. Even-though the site is at a lower ground level than No. 37 the dwelling will be visible in critical views from the south east and a portion of Drumaspil Road to the north.

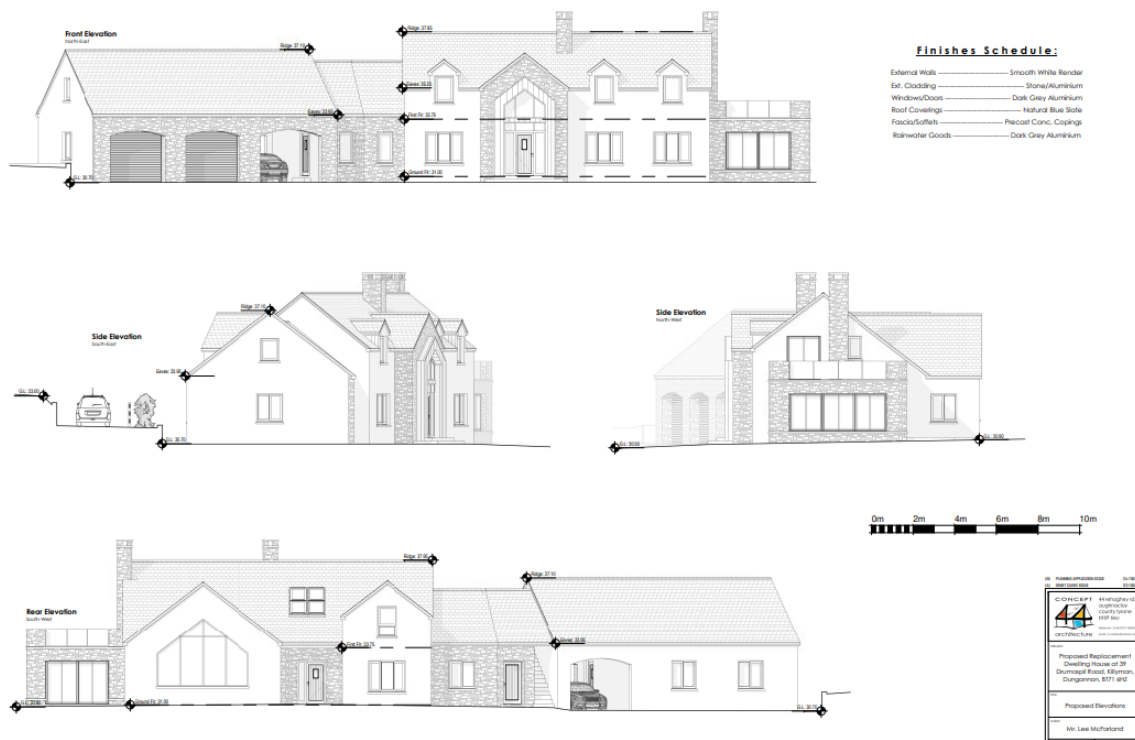


Figure 2 – Snapshot of the proposed dwelling

I would have concerns about the design of the dwelling as I consider it is not simple rural form. The dormers, balcony, double height projections and chimneys on the gable walls of the dwelling are not generally acceptable for a dwelling in the countryside. In a supporting statement dated 12th October 2022 the agent acknowledges that the new dwelling will be larger in size than the existing dwelling. It is stated this will be offset as the proposal is on a lower ground level than similar dwellings and is more set back from the road. The agent also feels the new building will landscape benefits as it will sit on the site where there are currently several dilapidated sheds and improve the character of the area.

Overall, I consider the proposal does not meet all the criteria in CTY 3.

CTY 13 – Integration and Design of Buildings in the Countryside

The proposal is for a one and half storey dwelling on land which is at a lower ground level than surrounding dwellings. I consider the proposal will be a prominent feature in the landscape as the scale, mass and design of the dwelling is out of character for the area and will dominate the landscape.

In terms of landscaping, the agent has shown new trees and hedging on the site boundaries.

CTY 14 – Rural Character

As stated earlier in the assessment, I consider the proposal will be prominent in the landscape as the scale and design is inappropriate for the site. I am of the opinion the proposed dwelling does not respect the traditional pattern of settlement in the area. I consider the proposal will be detrimental to rural character.

PPS 3 Access, Movement and Parking

AMP 2 – Access to Public Roads

I consider the proposal does not access onto a protected route, so I have no concerns.

As the proposal is for a replacement dwelling, there is no statutory requirement to upgrade the access. There is an access to the site, but the applicant is proposing a new access further along. DFI Roads were consulted and were content subject to visibility splays of 2.0m x 70m in both directions.

Other Considerations

I checked the statutory map viewers here are no other NED, HED or flooding issues at the site.

Summary of Recommendation:

Refuse is recommended

The proposal is recommended for refusal as it is contrary to CTY1, CTY13 and CTY14 in PPS 21 – Sustainable Development in the Countryside.

Refusal Reasons

Reason 1

Contrary to Policy CTY 1 in PPS 21 in that there is no overriding reason why the development is essential and cannot be located within a settlement.

Reason 2

Contrary to Policy CTY 3 - Replacement Dwellings in PPS 21 in that the overall size of the new dwelling does not integrate into the surrounding landscape and will have a visual impact significantly greater than the existing dwelling.

Reason 3

Contrary to Policy CTY 13 - Integration and Design of Buildings in the Countryside in PPS 21 in that the design of the building is inappropriate for the site and its locality and will be a prominent feature in the landscape.

Reason 4

Contrary to Policy CTY 14 - Rural Character in PPS 21 in that the proposal does not respect the traditional pattern of settlement in the area and will be detrimental to rural character.

Signature(s): Gillian Beattie

Date: 21 November 2022

ANNEX	
Date Valid	4 July 2022
Date First Advertised	21 July 2022
Date Last Advertised	21 July 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 39A Drumaspil Road Dungannon Tyrone BT71 6HZ The Owner / Occupier 43 Drumaspil Road Drumaspil Dungannon Tyrone BT71 6HZ The Owner / Occupier 37 Drumaspil Road Drumaspil Dungannon Tyrone BT71 6HZ The Owner / Occupier 39 Drumaspil Road Dungannon Tyrone BT71 6HZ	
Date of Last Neighbour Notification	14 September 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: M/2006/1192/F Proposals: Domestic garage / store Decision: PG Decision Date: 10-JUL-06 Ref: M/1991/0281 Proposals: Replacement dwelling Decision: PG Decision Date: Ref: M/1996/0638B Proposals: Proposed dwelling Decision: PG Decision Date: Ref: LA09/2022/1112/F Proposals: Replacement Dwelling House with attached Garage and Carport Decision:	

Decision Date:

Ref: M/2003/0520/F

Proposals: Erection of dwelling and garage

Decision: PG

Decision Date: 12-NOV-03

Ref: M/2007/0051/F

Proposals: Proposed rear extension to dwelling

Decision: PG

Decision Date: 12-APR-07

Ref: LA09/2018/1571/F

Proposals: Single storey rear extension to dwelling, attic conversion and alterations to existing site layout within curtilage

Decision: PG

Decision Date: 05-FEB-19

Ref: LA09/2016/0989/O

Proposals: Proposed site for farm dwelling and double domestic garage

Decision: PG

Decision Date: 02-DEC-16

Ref: LA09/2017/0083/RM

Proposals: Farm dwelling and double domestic garage

Decision: PG

Decision Date: 10-MAR-17

Ref: M/1992/4073

Proposals: Extension to Dwelling

Decision: PDNOAP

Decision Date:

Ref: M/1996/0638

Proposals: Site for dwelling

Decision: PG

Decision Date:

Summary of Consultee Responses

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

Drawing Numbers and Title

Site Location Plan Plan Ref: 001

Site Layout or Block Plan Plan Ref: 002

Site Layout or Block Plan Plan Ref: 003

Proposed Floor Plans Plan Ref: 100

Proposed Elevations Plan Ref: 200

Notification to Department (if relevant)

Not Applicable

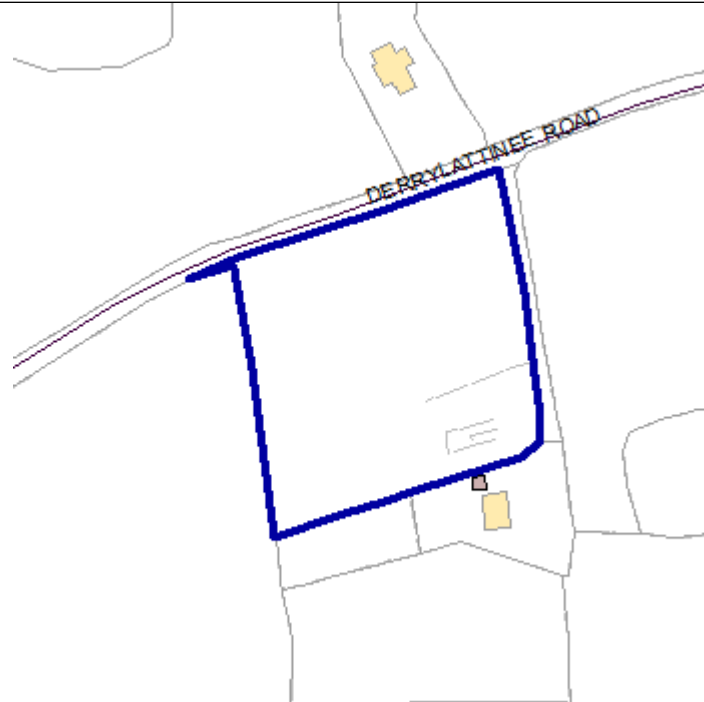


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 December 2022	Item Number: 5.28
Application ID: LA09/2022/1183/O	Target Date: 7 November 2022
Proposal: Site for dwelling on a farm	Location: 250M North East Of 19 Derrylattinee Road Dungannon
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Caolan Gildernew 10 Moolan Hill Cookstown BT80 8WP	Agent Name and Address: Colm Donaghy Chartered Architect 3 Dungannon Street Moy Dungannon BT71 7SH
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Non Statutory Consultee	DAERA - Omagh	LA09-2022-1183-O.docx
Non Statutory Consultee	NI Water - Single Units West	LA09-2022-1183-O.pdf
Statutory Consultee	DFI Roads - Enniskillen Office	Roads outline.docx FORM RS1 STANDARD.doc

Representations:

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

Summary of Issues

This application is being presented to Committee as the applicant is related to staff in the council and elected member - Approval

Characteristics of the Site and Area

The site is located approx. 250m North East of 19 Derrylattinee Road, Dungannon and is located outside the designated settlement limits as defined in the Dungannon and South Tyrone Area Plan, 2010. The site is a roadside portion of an agricultural field. The elevations of the site rises gently from the Derrylattinee Road. There is a third party dwelling house located directly behind the site (No 29). The boundaries of the site are comprised of mature hedgerows and vegetation with some mature trees along the southern and western boundary. The surrounding area is predominantly rural with scattered dwellings and farm holdings.

Description of Proposal

This application seeks outline planning permission for a dwelling and domestic garage on a farm.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Strategic Planning Policy Statement (SPPS)

Dungannon Area Plan, 2010

PPS21 -Sustainable Development in the Countryside

PPS 3 Access, Movement and Parking

There is no conflict or change in policy direction between the provisions of the SPPS and those of PPS 21 in respect of the proposal. The policy provisions within PPS21 remain applicable in terms of assessing the acceptability of the proposal.

Planning History

There is no planning history relevant to the determination of this application.

Representations

Neighbour notification and press advertisement have been carried out in line with the

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

Assessment

The Strategic Planning Policy Statement for Northern Ireland (SPPS) states that a transitional period will operate until such times as a Plan Strategy for the whole of the Council area has been adopted. During the transitional period planning authorities will apply existing policy contained within identified policy documents, together with the SPPS. One retained policy document is Planning Policy Statement 21: Sustainable Development in the Countryside (PPS 21) and provides the appropriate policy context. Policy CTY1 of PPS21 sets out the types of development that are considered to be acceptable in the countryside. One of these is dwellings on a farm under Policy CTY 10.

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

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

PPS 21, Policy CTY1, establishes that planning permission will be granted for a dwelling house on a farm where it is in accordance with Policy CTY 10. This establishes that the principle of development, a dwelling on a farm, is acceptable, subject to meeting the policy criteria outlined in Policy CTY 10. Policy CTY 10 establishes that all of the following criteria must be met:

- (a) The farm business is currently active and has been established for at least 6 years
- (b) No dwellings or development opportunities out-with settlement limits have been sold off from the farm holding within 10 years of the date of the application
- (c) The new building is visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access to the dwelling should be obtained from an existing lane. Exceptionally, consideration may be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:
 - Demonstrable health and safety reasons or
 - Verifiable plans to expand the farm business at the existing building group(s)

With regard to (a) the applicant has provided details surrounding the farm business ID. DAERA were consulted and confirmed were consulted and confirmed that the farm business has been in existence and active for more than 6 years, therefore the application meets this test.

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

With respect to (c), the proposed development is located on a roadside portion agricultural field. The applicant has no existing farm buildings , he rents some farm sheds located adjacent to field 14 of the Farm business maps and he also rents some fields. As Policy PPS 21, CTY 10 states '*Exceptionally, consideration may be given to an alternative site else where on the farm, provided there are no other sites available at another group of buildings on the farm or out- farm*'. The site is positioned sensitively , there is an existing cattle crush located to the rear of the site and I believe that a new dwelling here would visually integrate into the existing landscape, without having an adverse impact on the surrounding rural area, therefore the application meets this policy test.

The P1 form indicates that the proposal includes the construction of a new access to the public road, this appears to be located where the existing farm gate is. DFI Roads were consulted on the application and they responded to say that they were content subject to conditions.

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 site is relatively well screened by the existing vegetation. Given the slight rise in elevation of the site a ridge height restriction of 6.5 m from existing ground level will be applied. A suitably designed dwelling house should integrate sufficiently into the 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. I believe that a modest, suitably designed, dwelling located here would not cause detrimental change or erode the rural character of the area. Therefore, this proposal is compliant with the criteria set out in policy CTY13 &14.

The proposal is also compliant with PPS 8 – Ribbon Development and it would not extend or contribute to ribbon development in this rural location.

Conclusion

This application meets the policy requirements of the SPPS, PPS21 and PPS 3 and therefore approval is recommended.

Summary of Recommendation:

Approve is recommended

Approval Conditions**Condition 1**

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

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

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

Condition 2

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

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

Condition 3

The dwelling hereby permitted shall have a ridge height not exceeding 6.5 metres above existing ground level and be designed in accordance with the design guide 'Building on Tradition - A Sustainable Design Guide for the Northern Ireland Countryside'

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

Condition 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

The existing trees and natural vegetation around 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: 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

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

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

Condition 7

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

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

Signature(s): Siobhan Farrell

Date: 22 November 2022

ANNEX	
Date Valid	25 July 2022
Date First Advertised	
Date Last Advertised	4 August 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 26 Derrylattinee Road Dungannon Tyrone BT70 1PR The Owner / Occupier 29 Derrylattinee Road Dungannon Tyrone BT70 1PR The Owner / Occupier 29A Derrylattinee Road Dungannon Tyrone BT70 1PR The Owner / Occupier 29B Derrylattinee Road Dungannon Tyrone BT70 1PR	
Date of Last Neighbour Notification	22 November 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DAERA - Omagh-LA09-2022-1183-O.docx NI Water - Single Units West-LA09-2022-1183-O.pdf DFI Roads - Enniskillen Office-Roads outline.docxFORM RS1 STANDARD.doc	
Drawing Numbers and Title Site Location Plan Plan Ref: PL02 Site Layout or Block Plan Plan Ref: PL03 Site Location Plan Plan Ref: PL02 REV A	

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 December 2022	Item Number: 5.29
Application ID: LA09/2022/1307/F	Target Date: 9 December 2022
Proposal: The plans for the development of Derrynoyd Forest (total site 100ha) will include: Upgrade of existing trail network (approx 5km) to multi-use trails, include drainage as required. Formal layout and increase, as necessary, car and bicycle parking, road passing points etc. Creation of a carpark for horse riding access within the main forest block Develop an orienteering trail to include survey and map Way-marking, signage, interpretation, visitor monitoring and associated furniture. Site storage	Location: Derrynoyd Forest Situated In Draperstown, Co. Derry
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Johnny McNeill Burn Road Cookstown BT80 8DT	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	Roads Consultation blank.docxDC Checklist.doc
Statutory Consultee	DFI Roads - Enniskillen Office	Roads Consultation 2.docx

Representations:

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

Summary of Issues

No representations have been received in respect of this application.

Characteristics of the Site and Area

The site is made up of three separate parcels of land within the entire Derrynoyd Forest area.

Site 1 is the largest area and is located close to the main Rural College Building. This area contains an extended car parking area, picnic tables and seats and a flat concrete base for future storage container/wc block.

A small area to the immediate north of Site 1 contains a feature seat and has been somewhat overgrown.

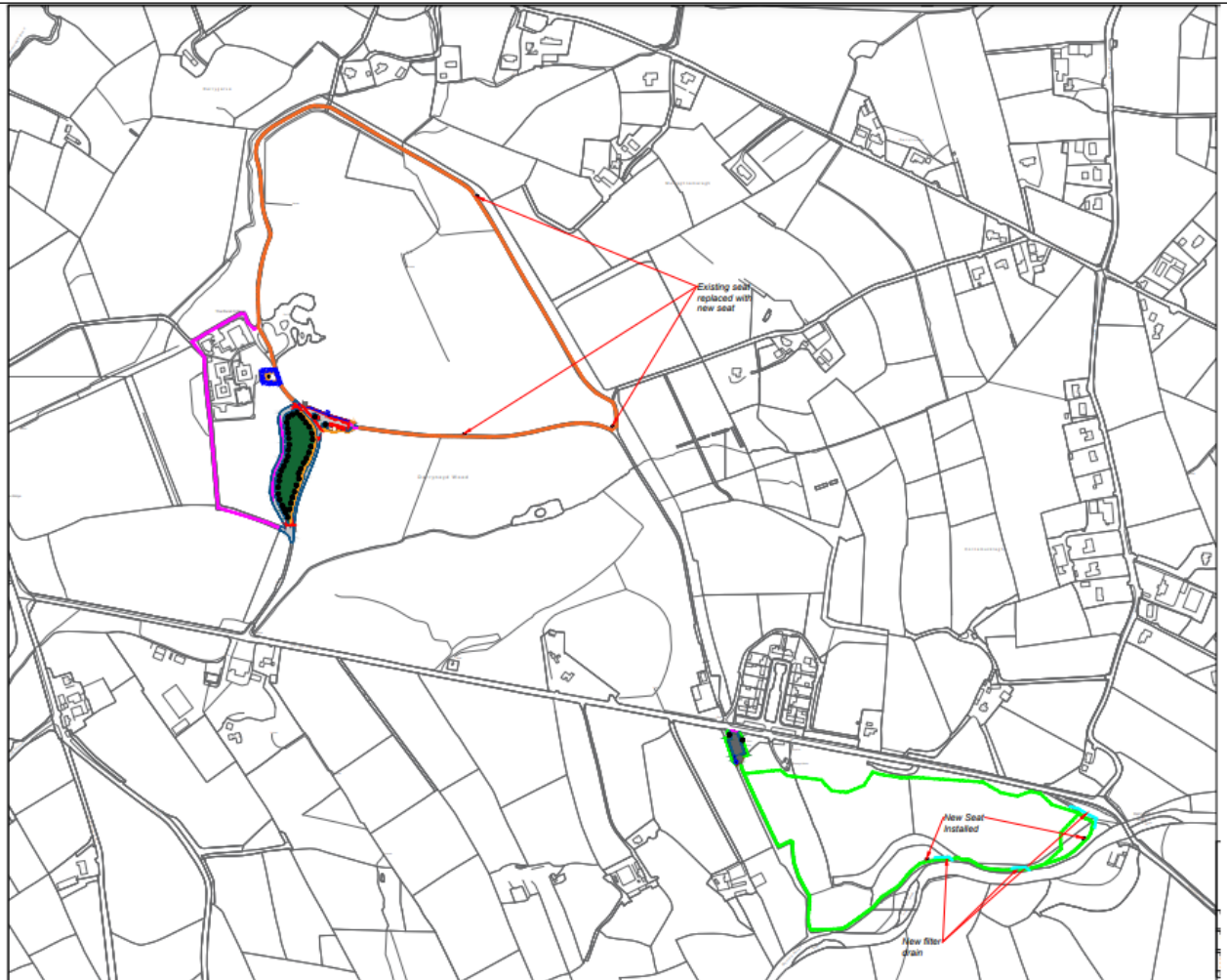
A third area is located over 700m to the south east at which there is an existing parking facility.

Description of Proposal

The plans for the development of Derrynoyd Forest (total site 100ha) will include:

Upgrade of existing trail network (approx 5km) to multi-use trails, include drainage as required. Formal layout and increase, as necessary, car and bicycle parking, road passing points etc. Creation of a carpark for horse riding access within the main forest block. Develop an orienteering trail to include survey and map. Way-marking, signage, interpretation, visitor monitoring and associated furniture. Site storage which amounts to a flat concrete base which will be used to set a storage building/container on in the future. Details of the storage building are not included within this application.

Three trails are to be upgraded and improved with existing seats to be replaced in addition to new seating being provided.



Site layout



Proposed car park layouts and feature seat location

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Assessment of proposal within the planning policy and guidance context:

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

The main policy considerations in the assessment of this proposed development are :- Planning Policy Statement 8 Open Space, Sport and Outdoor Recreation – Policy OS3

Planning Policy Statement 8 - Open Space, Sport and Outdoor Recreation:

PPS 8 acknowledges that open space, sport and outdoor recreation are important components of life. Open space, for the purposes of PPS 8 is defined as all open space of public value. It includes not just land, but also inland bodies of water that offer important opportunities for sport and outdoor recreation. Two of the policy objectives of PPS 8 are to

- facilitate appropriate outdoor recreational activities in the countryside; and
- ensure that the provision of new open space areas and sporting facilities is in keeping with the principles of environmental conservation and helps sustain and enhance biodiversity.

Policy OS 3 - Outdoor Recreation in the Countryside lists the criteria which must be met when applications are being assessed for this type of development.

The proposal satisfies all the criteria of the above policy and is acceptable in that respect.

Environmental Health have not raised any public safety concerns. The site is in an area that is not densely populated and given the proposed use of the site, I would have no concerns in respect of public safety.

As the proposal satisfies all the criteria of PPS 8 - Policy OS 3, it is also acceptable under Policy CTY 1 of PPS 21.

CTY 13 – Integration and design of buildings in the countryside

The integrational potential of the proposed site has been considered above and it is accepted that the proposed use will achieve a satisfactory degree of integration into the surrounding landscape;

CTY 14 – Rural Character

As the proposal involves the upgrade of existing trail network (approx 5km) to multi-use trails, including drainage as required, the formal layout and increase, as necessary, of car and bicycle parking, road passing points etc, the creation of a carpark for horse riding access within the main forest block in addition to developing an orienteering trail to include survey and map Way-marking, signage, interpretation, visitor monitoring and associated furniture with site storage, there should be little impact on rural character.

Recommendation

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

Approval Conditions

Condition 1

As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time Limit.

Condition 2

The vehicular access for Carpark 2 including visibility splays of 2.4 x 120 metres shall be provided in accordance with Drawing No MUDC/TS/C/2022/009/D04 REV B prior to the commencement of any other development associated with Carpark 2 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): Malachy McCrystal

Date: 15 November 2022

ANNEX	
Date Valid	26 August 2022
Date First Advertised	6 September 2022
Date Last Advertised	6 September 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 13 Oak Park Draperstown Londonderry BT45 7HA The Owner / Occupier 14 Oak Park Draperstown Londonderry BT45 7HA The Owner / Occupier 61 Derrynoyd Road Draperstown Londonderry BT45 7DW	
Date of Last Neighbour Notification	28 September 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: LA09/2022/1307/F Proposals: The plans for the development of Derrynoyd Forest (total site 100ha) will include: Upgrade of existing trail network (approx 5km) to multi-use trails, include drainage as required. Formal layout and increase, as necessary, car and bicycle parking road passing points etc. Creation of a carpark for horse riding access within the main forest block Develop an orienteering trail to include survey and map Way-marking, signage, interpretation, visitor monitoring and associated furniture. Site storage Decision: Decision Date: Ref: H/2006/0084/F Proposals: Proposed 10 bedroom chalet block Decision: PG Decision Date: 19-JUN-06 Ref: H/1993/0450 Proposals: RURAL ECONOMIC DEVELOPMENT CENTRE WITH RESIDENTIAL ACCOMMODATION Decision: PG Decision Date:	

Ref: H/2005/1193/Q
Proposals: Low Level Rope Courses.
Decision: 211
Decision Date:

Ref: H/2004/0963/F
Proposals: Proposed garage and storage building facility
Decision: PG
Decision Date: 07-DEC-04

Ref: H/1986/0177
Proposals: HV O/H LINE BM7857
Decision: PG
Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Roads Consultation blank.docxDC Checklist.doc
DFI Roads - Enniskillen Office-Roads Consultation 2.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: MUDC/TS/C/2022/009/D01
Site Layout or Block Plan Plan Ref: MUDC/TS/C/2022/010/D02
Site Layout or Block Plan Plan Ref: MUDC/TS/C/2022/010/D03
Proposed Plans Plan Ref: MUDC/TS/C/2022/010 - D04
Proposed Plans Plan Ref: MUDC/TS/C/2022/010 - D05

Notification to Department (if relevant)

Not Applicable

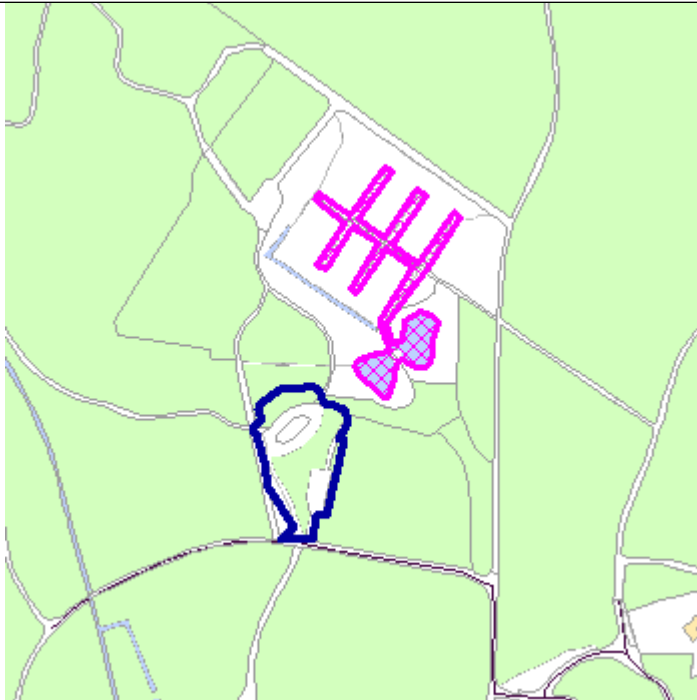


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 December 2022	Item Number: 5.30
Application ID: LA09/2022/1308/F	Target Date: 9 December 2022
Proposal: The plans for the development of Drumcairne Forest (total site 70 ha) will be completed in Phases. This enhancement is seen as Phase 1 in the development of the site and will include: The restoration of two-looped way-marked trails as multi-use trails, approx. 1.5km & 3.25km Formal layout of car and bicycle parking, road passing points etc. Vegetation clearance to reveal the former features of the terrace gardens, outline of the ponds and associated surveys. Way-marking, signage, interpretation, visitor monitoring and associated furniture.	Location: Drumcairne Forest Situated In Stewartstown, Dungannon
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Johnny McNeill Burn Road Cookstown BT80 8DT	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	Historic Environment Division (HED)	
Statutory Consultee	NIEA	PRT LA09-2022-1308-F.PDF
Non Statutory Consultee	Historic Environment Division (HED)	

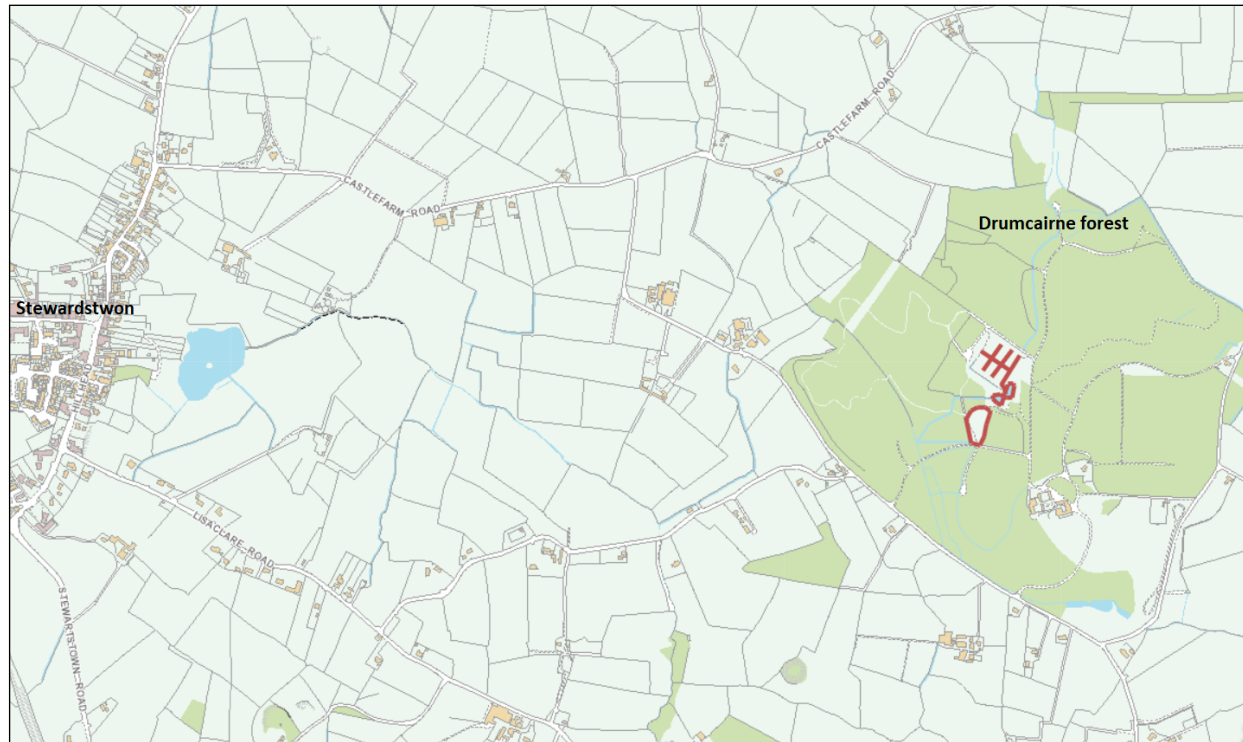
Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site lies in the open countryside just a short distance to the east of the settlement limits of Stewartstown as depicted by the Cookstown Area Plan 2010. It lies within the centre of the locally known Drumcairne Forest Park.

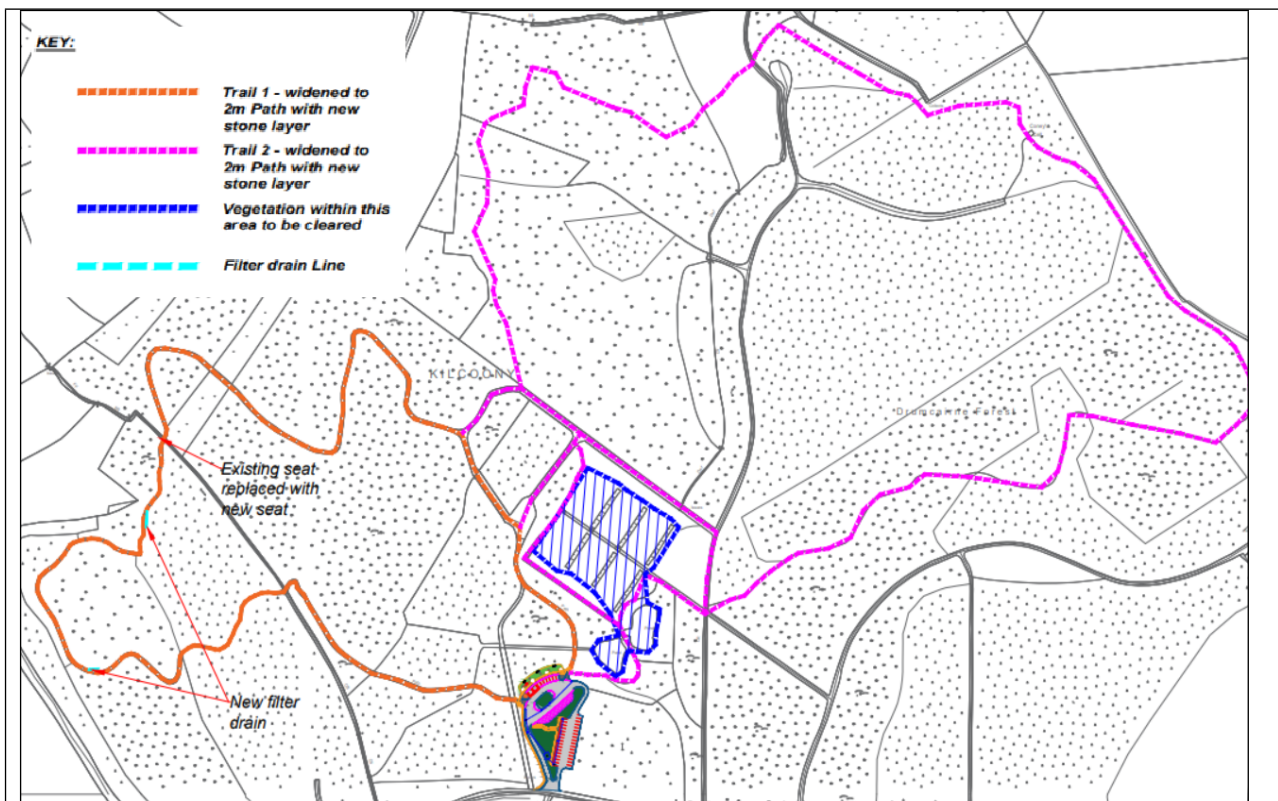


The site is accessed via the main Ballygittle Road which runs along the southern boundary of the forest, this road acted as the boundary between the previous Dungannon and Cookstown Districts, with the south of the Ballygittle Road subject to the Dungannon Area Plan. The access consists of a narrow, tarred laneway which loops round to the main body of the site labelled area 1 on the site location plan submitted. Area 1 is a circular shaped gravel opening including a path and a small car parking area, at the time of site visit, closed off by a barrier. Area 2 is further north of area 1 deeper into the forest and takes the shape of several parallel and intersecting lines.



Description of Proposal

The proposal seeks full planning permission for the development of Drumcairne Forest (total site 70 ha) which is to be completed in Phases. This enhancement is seen as Phase 1 in the development of the site and will include: The restoration of two-looped way-marked trails as multi-use trails, approx. 1.5km & 3.25km. Formal layout of car and bicycle parking, road passing points etc. Vegetation clearance to reveal the former features of the terrace gardens, outline of the ponds and associated surveys. Way-marking, signage, interpretation, visitor monitoring and associated furniture.



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:

Strategic Planning Policy Statement (SPPS)
 Mid Ulster Local Development Plan 2030 - Draft Plan Strategy
 Cookstown Area Plan 2010
 PPS 21 - Sustainable Development in the Countryside
 PPS 2 - Natural Heritage
 PPS 3 - Access, Movement and Parking
 PPS 6 - Planning, Archaeology and the Built Heritage
 PPS 8 - Open Space, Sport and Outdoor Recreation

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.

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.

History on Site

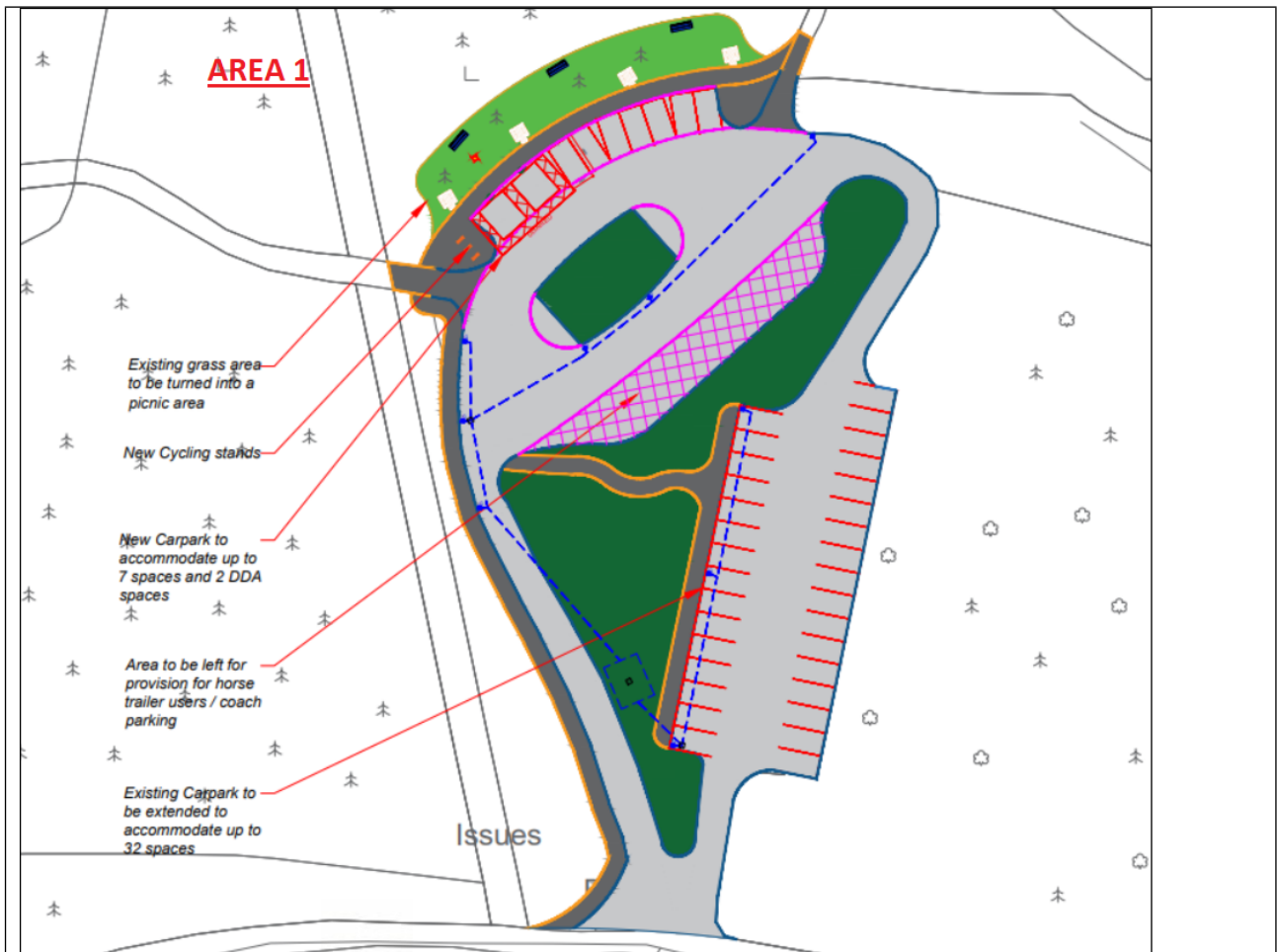
No relevant planning history.

Key Policy Considerations/Assessment

The Strategic Planning Policy Statement for Northern Ireland (SPPS) introduced in September 2015 is a material consideration in determining this application. The SPPS advises that planning authorities should simultaneously pursue social and economic priorities alongside the careful management of our built and natural environments for the overall benefit of our society. Its guiding principle 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. The proposal seeks permission for the development of Drumcaine Forest (total site 70 ha) which is to be completed in Phases. This enhancement is seen as Phase 1 in the development of the site and will include: The restoration of two-looped way-marked trails as multi-use trails, approx. 1.5km & 3.25km. Formal layout of car and bicycle parking, road passing points etc. Vegetation clearance to reveal the former features of the terrace gardens, outline of the ponds and associated surveys. Way-marking, signage, interpretation, visitor monitoring and associated furniture



Area 1. The car parking aspect as with most of the proposed works is already there and just needs upgrading and in some parts extending the size. As shown in the below diagram, the works include more parking areas, to be lined out, new cycle stands, and a layby type area for cars with trailers and finally a picnic area. This will involve minimal visual intrusion on the location as the whole area is surrounded by trees none of which will be required to be felled.



It is considered the provision of a formalised car park will be safer and secure for visitors and it is considered that this will integrate into the siting given the existing landscape and backdrop of woodland.

Area 2. The remaining portion of works to the site take place in the wider forest area and include the clearing and widening of the existing trails, replacement of an existing seat, filter drain and the clearing of the terraced garden area. The proposal has been considered at internal group and it has been considered the proposal represents sustainable development and no potential demonstrable harm has been identified to interests of acknowledged importance.

Cookstown Area Plan 2010.

As referred to earlier in this report, this site is located just to the east of the settlement limits of Stewartstown in the open countryside, however it does lie in an area subject to an Area Plan designation. The plan identifies the within an area designated as a historic park, garden and demesne. Map no.29 of the plan labelled Drumcaine house identifies the site as located within its grounds.

PPS 2 - Natural Heritage

Whilst this proposal will involve the removal of trees / vegetation within the area of a Victorian walled garden and ornamental ponds these trees are not protected by a tree

preservation order and Natural Environment Divisions Map viewer does not identify them as being a priority habitat.

PPS 6 - Planning, Archaeology and the Built Heritage

HED (Historic Monuments) were consulted as this site is located within the historic demesne of Drumcairne House. They advised that it is included within the Register of Historic Parks, Gardens and Demesnes and Policy BH6 of Planning Policy Statement 6 Planning, Archaeology and the Built Heritage and Paragraphs 6.16 and 6.17 of SPPS apply.

That when assessing any development proposal within or beside a registered landscape they must take account of:

- the archaeological and historical interest of the site;
- the site's original design concept, overall quality and setting;
- trees and woodland and the site's contribution to local landscape character;
- planned historic views of or from the site or buildings within it;
- any buildings or features of character within the site including boundary walls, pathways, garden terraces or water features.

Having taken account of the above they considered the proposed path widening and extension to car park as indicated on the plans submitted will not provide an adverse impact to the setting or original design concept of the registered historic demesne. Whilst they had some concern regarding vegetation removal proposed within the area of a Victorian walled garden and ornamental ponds to avoid any adverse impact to the physical remains of these important features they advised the following condition be attached to any subsequent permission:

1. A methodology for the vegetation clearance within the area of the Victorian walled garden and ornamental ponds (area hatched in blue on drawing MUDC/TS/C/2022/010/D03) should be submitted to the Mid Ulster District Council and agreed by Council and HED (Historic Monuments) in advance of works in this area. Reason: To ensure that there is no adverse impact upon the physical remains of these key features of the historic demesne.

I am content subject to the above condition being attached to any subsequent permission as per Historic Environment Division (Historic Monuments) assessment this proposal can be made acceptable under policy.

PPS 8 - Open Space, Sport and Outdoor Recreation

In terms of the proposed development Policy OS 3 - Outdoor recreation in the Countryside. In which the policy states the following that development for outdoor recreational use in the countryside will be permitted if the following criteria is met:

- i. there is no adverse impact on features of importance to nature conservation, archaeology or built heritage;

I note that consultation was carried out with HED; in which they confirmed that they were

content that the proposal satisfies the policy requirements of SPPS and PPS 6. Additionally, as outline above whilst this proposal will involve the removal of trees / vegetation within the area of a Victorian walled garden and ornamental ponds these trees are not protected by a tree preservation order and Natural Environment Divisions Map viewer does not identify them as being a priority habitat.

- ii. there is no permanent loss of the best and most versatile agricultural land and no unacceptable impact on nearby agricultural activities;

Given the location of the site within an existing forest I am content that the proposal is unlikely to result in the permanent loss of the most versatile agricultural land and it is unlikely to have an unacceptable impact on nearby agricultural activities.

- iii. there is no adverse impact on visual amenity or the character of the local landscape and the development can be readily absorbed into the landscape by taking advantage of existing vegetation and/or topography;

I am content that this type of development is typical in the Forest setting and that the proposal is unlikely to have an adverse impact on the visual amenity or the character of the area.

- iv. there is no unacceptable impact on the amenities of people living nearby;

Given the separation distances between the site and any residential properties I am content that it is unlikely to impact on neighbouring amenity.

- v. public safety is not prejudiced, and the development is compatible with other countryside uses in terms of the nature, scale, extent and frequency or timing of the recreational activities proposed;

I am content that public safety is unlikely to be prejudiced given the necessary crossings and sign posts etc. I am content that this development is compatible with the uses within the site and the wider countryside.

- vi. any ancillary buildings or structures are designed to a high standard, are of a scale appropriate to the local area and are sympathetic to the surrounding environment in terms of their siting, layout and landscape treatment;

I am content that all relevant works will be built to a high standard and will be absorbed into the local area.

- vii. the proposed facility takes into account the needs of people with disabilities and is, as far as possible, accessible by means of transport other than the private car;

I note that the existing site at the Drumcairne Forest already has adequate accessibility.

- viii. the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for access, parking,

drainage and waste disposal.

I am content that the local road network will be able to cope with any additional traffic generated from the proposal and the existing arrangements within Drumcainre Forest in terms of access, parking, drainage and waste disposal is adequate.

Conclusion

Given the thorough consideration above it is my opinion that the proposal complies with policy, approval recommended.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Condition 2

Within 8 weeks prior to the commencement of any development hereby granted a methodology report for the vegetation clearance within the area of the Victorian walled garden and ornamental ponds hatched blue on drawing no. MUDC/TS/C/2022/010/D03 should be submitted to the Mid Ulster District Council and agreed by Council and HED (Historic Monuments) in advance of works in this area.

Reason: To ensure that there is no adverse impact upon the physical remains of these key features of the historic demesne.

Signature(s): Emma Richardson

Date: 23 November 2022

ANNEX	
Date Valid	26 August 2022
Date First Advertised	6 September 2022
Date Last Advertised	6 September 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier No Neighbours	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses Historic Environment Division (HED)- NIEA-PRT LA09-2022-1308-F.PDF Historic Environment Division (HED)-	
Drawing Numbers and Title Site Location Plan Plan Ref: MUDC/TS/C/2022/010/D01 Site Layout or Block Plan Plan Ref: MUDC/TS/C/2022/010/D02 Site Layout or Block Plan Plan Ref: MUDC/TS/C/2022/010/D03 Proposed Plans Plan Ref: MUDC/TS/C/2022/010 - D04 Proposed Plans Plan Ref: MUDC/TS/C/2022/010 - D05	

Notification to Department (if relevant)

Not Applicable

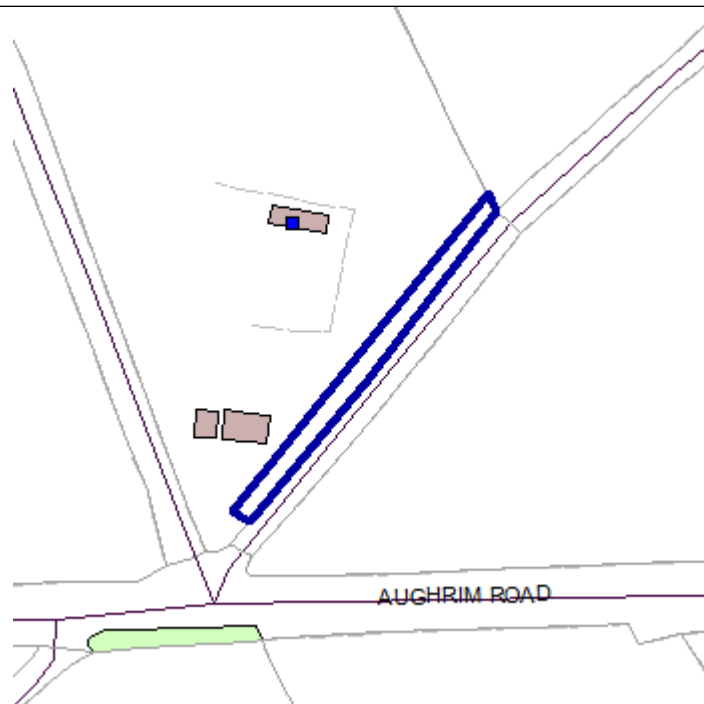


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 December 2022	Item Number: 5.31
Application ID: LA09/2022/1440/F	Target Date: 12 January 2023
Proposal: Amended access arrangements to serve dwelling previously approved under LA09/2021/0640/F (access point onto Aughrim Road remains unchanged)	Location: Lands West Of 60 Aughrim Road Magherafelt
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr And Mrs J McKenna 4 Gallion Heights Moneymore BT45 7WE	Agent Name and Address: Paul Moran Architect 18B Drumsamney Road Desertmartin Magherafelt BT45 5LA
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

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

Representations:

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

Summary of Issues

An anonymous objection to this application was received by the Planning Department on 14/10/22. Concerns arising from this objection letter relate to the P1 form certificate allegedly being filled out incorrectly. The objector maintains that the existing access point is within the ownership of a third party unconnected to the applicant. A second area of concern is raised in the same letter, relating to road safety concerns pertaining to the existing laneway access onto the Aughrim road.

Characteristics of the Site and Area

The site is located in the countryside, approximately 0.4 miles east and outside of the Magherafelt settlement limit, as defined in the Magherafelt Area Plan 2015. The site comprises a portion of an agricultural field and is accessed via an existing laneway on to the Aughrim Road. There is a slight incline from west to east. The northeastern boundary is defined with established vegetation, which provides a backdrop. The southeastern boundaries is well defined with a mix of established hedging and trees, with remaining boundaries relatively undefined. The surrounding character is rural with the main land use being agricultural fields and dispersed dwellings, however there are a number of large sheds associated with a furniture store and factory in close proximity to the north east of the proposal site. The A31 Magherafelt by pass is also located in close proximity to the east.

Description of Proposal

This is a full application for proposed amended access arrangements to serve dwelling previously approved under LA09/2021/0640/F (access point onto Aughrim road remains unchanged).

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Relevant Histories

LA09/2021/0640/F – Proposed off site replacement dwelling and detached garage in substitute of previously approved LA09/2020/0694/O – Permission Granted – 27/08/21

LA09/2020/0694/O - Proposed off-site replacement dwelling in substitute of Previously approved permission - LA09/2018/0962/O – Permission Granted – 03/09/20

LA09/2018/0962/O - Replacement dwelling for dwelling partially destroyed by fire – Permission Granted – 07/01/19

Representations

One objection to the above application was received by the Planning Department on 14/10/22. Concerns arising from this objection letter relate to the P1 form certificate allegedly being filled out incorrectly. The objector maintains that 'the denoted existing access point (outlined blue) is within the ownership of a third party unconnected to this applicant'. A second area of concern is raised in the same letter, relating to road safety concerns pertaining to the existing laneway access onto the Aughrim road.

Mid Ulster District Council Draft Plan Strategy 2030

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

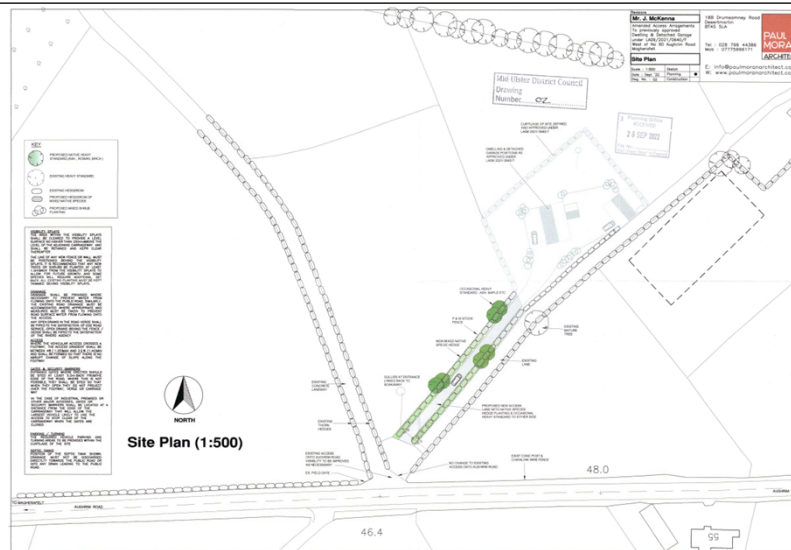
SPPS – Strategic Planning Policy Statement for Northern Ireland

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

PPS 21: Sustainable Development in the Countryside

Policy CTY 13 provides that a new building will be unacceptable where ancillary works do not integrate with their surroundings. The proposed represents amended access arrangements to the replacement dwelling approved under LA09/2021/0640/F. Policy CTY 13 provides advice on 'access and other ancillary works'. Where a new access drive is required, it should as far as is practicable, be run unobtrusively alongside existing hedgerow or wall lines and accompanied by landscaping measures.

Much of the landscaping for the proposed new lane utilises the landscaping for the existing laneway approved under LA09/2021/0640/F. The proposed new lane runs adjacent and parallel to this existing laneway, utilising the approved hedgerow to its right, with proposed new hedging to provide the left-most boundary. Though the landscaping for the previous approval has not yet been implemented, its approval establishes a new field boundary, which the new lane is proposed to run unobtrusively alongside. The proposed new lane is discreet and it is considered that this development could blend in successfully to the surrounding environment. Following discussion with the agent for this application, I am also satisfied that the proposed new lane is required in order to separate the traffic going into the farm from that going into the site.



PPS 3: Access, Movement and Parking

I note that the intention of this proposal is to create a new access lane adjacent and running parallel with the existing access laneway which has been approved with the previous permission for a replacement dwelling under LA09/2021/0640/F. The proposed new lane does not result in the creation of a new access to the main road. The proposed new lane sits back 16 metres from the edge of the road and is accessed via the existing laneway, which also serves as the road access.

I am satisfied that the proposed complies with Policy AMP 2 of PPS 3 in that it results in no new access onto a public road. I am also content that the principal of development for the replacement dwelling and ancillary existing access onto the public road has been established under planning approval LA09/2021/0640/F and it was accepted that there would be no further intensification of the existing access.

DfI Roads consultation comments

Following the receipt of an objection to this application pertaining to road safety and another raised issue, DfI Roads were asked to provide comment on the proposed. DfI Roads have pointed out that the existing shared access onto the Aughrim Road is substandard. Roads have provided no objection to this proposed development.

Letter of Objection

A letter of objection was received by the Planning Department on 14/10/22. The first issue raised in this letter relates to the P1 form certificate allegedly being filled out incorrectly. Following discussion with the agent for this application, I have been informed that the correct certificate has been filled out and that the applicants are in actual possession of every part of the land to which the said application relates. A land registry check provides a different named landowner to that of the applicants. Having raised this with the agent of this application, I have been informed that the named landowner provided by land registry is the uncle of one of the applicants and that an agreement for this proposal has been agreed by both parties.

I am also content that any planning permission granted at this site does not confer title and that it is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

A second issue was raised in the objection letter pertaining to road safety. The proposed amended access arrangement does not result in the creation of a new access onto the Aughrim road. I am content that the principal of development for the replacement dwelling and ancillary existing access onto the public road has been established under planning approval LA09/2021/0640/F and it was accepted that there would be no further intensification of the existing access. The proposed lane sits back 16 metres from the edge of the road and will not change or alter the existing access in place. DfI Roads have provided no objections to the proposed lane.

Having assessed the proposed I am content that it satisfies the policy criteria under PPS 3 and PPS 21. I have considered the issues raised in the letter of objection and consulted both the agent and DfI Roads on these matters. With the findings before me, I am content to recommend that this application be approved.

<p>Summary of Recommendation:</p> <p>Approve is recommended</p>
<p>Approval Conditions</p> <p>Condition 1 The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>Condition 2 All boundary treatments for the amended access comprised on Drawing No 02 bearing the date September 2022, shall be carried out in the first planting season following the commencement of the construction of the development hereby approved.</p> <p>Reason: To ensure the development integrates into the countryside.</p>
<p>Signature(s): Benjamin Porter</p> <p>Date: 22 November 2022</p>

ANNEX	
Date Valid	29 September 2022
Date First Advertised	11 October 2022
Date Last Advertised	11 October 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 62A Aughrim Road Magherafelt Londonderry BT45 6JY	
Date of Last Neighbour Notification	17 October 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: LA09/2022/1440/F Proposals: Amended access arrangements to serve dwelling previously approved under LA09/2021/0640/F (access point onto Aughrim Road remains unchanged) Decision: Decision Date: Ref: LA09/2021/0640/F Proposals: Proposed off site replacement dwelling and detached garage in substitute of previously approved LA09/2020/0694/O Decision: PG Decision Date: 04-OCT-21 Ref: LA09/2020/0694/O Proposals: Proposed off-site replacement dwelling in substitute of Previously approved permission - LA09/2018/0962/O Decision: PG Decision Date: 03-SEP-20 Ref: H/2000/0472/Q Proposals: Site of dwelling Decision: 300 Decision Date: 22-AUG-00	

Ref: LA09/2018/0962/O

Proposals: Replacement dwelling for dwelling partially destroyed by fire

Decision: PG

Decision Date: 07-JAN-19

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Full Resp.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02

Notification to Department (if relevant)

Not Applicable

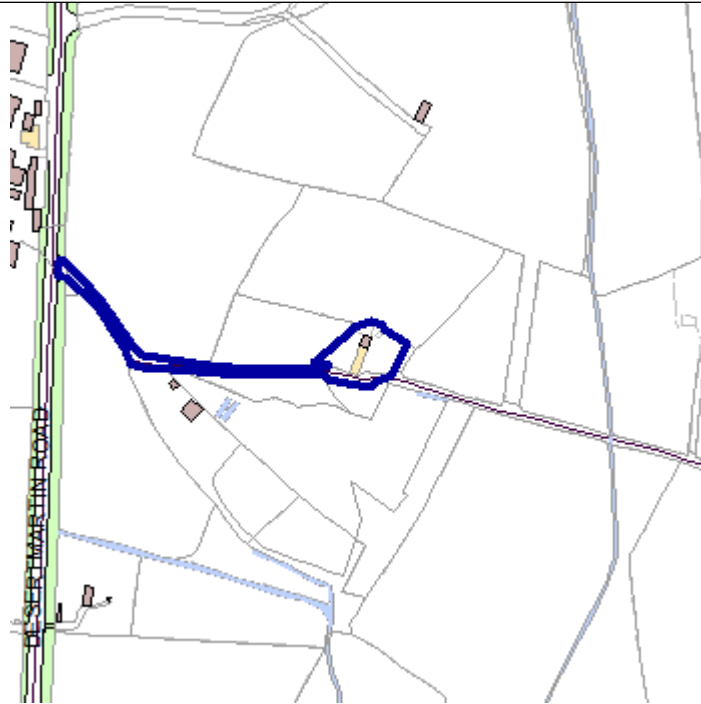


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 December 2022	Item Number: 5.32
Application ID: LA09/2022/1487/F	Target Date: 26 January 2023
Proposal: Proposed extension and alteration to a dwelling	Location: 33 Desertmartin Road Moneymore BT45 7RB
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr GREGORY AND MIRANDA STEWART 33 DESERTMARTIN ROAD MONEYMORE BT45 7RB	Agent Name and Address: PDC Chartered Surveyors 52 Tullyreavy Road Cookstown BT70 3JJ
Executive Summary:	

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

The agent, acting on behalf of the applicant, has declared a council employee / elected member interest. The agent is Patrick Conlon who works in property services.

Characteristics of the Site and Area

The site is located in the countryside approximately 1 mile north of the Moneymore settlement limit, as provided by the Magherafelt Area Plan. The site is identified as 33 Desertmartin road, where on the site sits an existing two storey dwelling. The dwelling is

accessed via a shared laneway located off the Desertmartin road. The dwelling is not visible from the main road and there are no adjacent neighbours. The site is located within a wider countryside setting with predominantly agricultural land uses.

Description of Proposal

This is a full application for a proposed extension and alteration to a dwelling.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Relevant Histories

None

Representations

To date no third party representations have been received.

Mid Ulster District Council Draft Plan Strategy 2030

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

SPPS – Strategic Planning Policy Statement for Northern Ireland

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

Addendum to Planning Policy Statement 7: Residential Extensions and Alterations

Policy EXT1 of Addendum to PPS7: Residential Extensions and Alterations is the relevant policy for assessing this proposal.

The extension is to the northern end of the dwelling (furthest back from the road) along the gable side. In terms of scale, the proposed is largely subordinate to the existing dwelling and the proposed ridge height of the first floor extension is approximately 6.8 meters as compared to the existing ridge height of 7.8 meters. The existing ground floor footprint is to remain unchanged. All finished materials are to match the existing dwelling. Given no neighbours are sited adjacent to the proposed, this proposal cannot affect the privacy or amenity of neighbouring residents. With this, I am content the proposed satisfies the criteria set out in Parts A and B of Policy EXT 1.

The proposed will not result in the loss of, or damage to, trees or other landscape features. Given that the proposed does not change the ground floor footprint of the existing dwelling, existing space surrounding the property for recreational and domestic purposes remains unchanged. It is proposed that the garage on the ground floor will be removed for alternative domestic space. While this does result in a loss of potential parking provision at the site, sufficient space remains around the dwelling for parking and manoeuvring of vehicles.

Having assessed the proposed alteration and extension to the existing dwelling against Policy EXT 1 of the Addendum to PPS7: Residential Extensions and Alterations, I am content that all the criteria from parts A-D are met.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Signature(s): Benjamin Porter

Date: 21 November 2022

ANNEX	
Date Valid	13 October 2022
Date First Advertised	25 October 2022
Date Last Advertised	25 October 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier No Neighbours	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: LA09/2022/1487/F Proposals: Proposed extension and alteration to a dwelling Decision: Decision Date: Ref: H/1977/0069 Proposals: ALTERATIONS AND ADDITIONS TO HOUSE Decision: PG Decision Date: Ref: H/2004/1221/O Proposals: Site of dwelling and garage Decision: Decision Date: Ref: H/1994/0488 Proposals: ALTS TO DWELLING Decision: PG Decision Date:	

Summary of Consultee Responses

-

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Site Layout or Block Plan Plan Ref: 02
Proposed Plans Plan Ref: 03
Existing Plans Plan Ref: 04
Cross Sections Plan Ref: 05
Site Location Plan Plan Ref: 01 Rev A

Notification to Department (if relevant)

Not Applicable

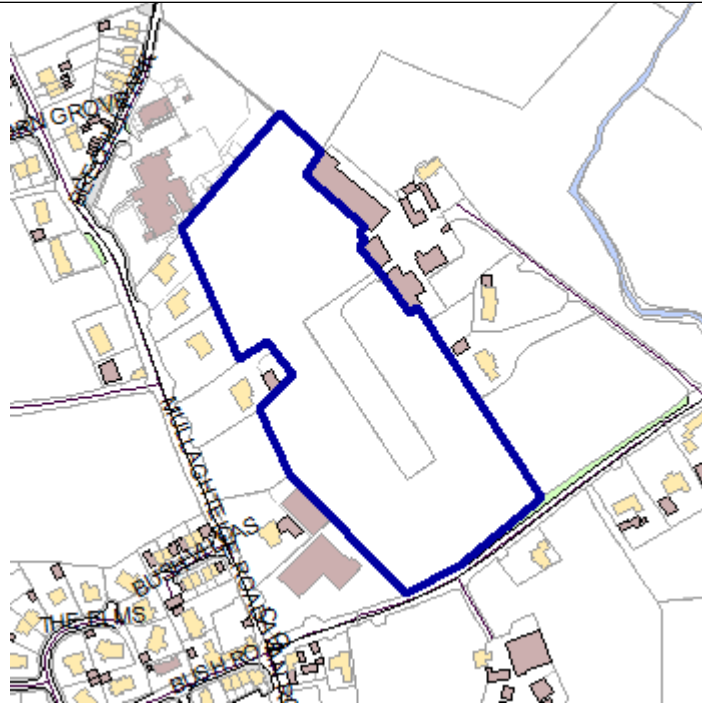


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 December 2022	Item Number: 5.33
Application ID: LA09/2022/1500/F	Target Date: 27 January 2023
Proposal: AN APPLICATION UNDER SECTION 54 OF THE PLANNING ACT[NI]2011 TO REMOVE CONDITION No.3 [ALL RESERVED MATTERS SHALL BE SUBMITTED AT THE SAME TIME] OF APPROVAL LA09/2019/0597/O FOR [Proposed mixed use development on lands to rear of 114 Bush Road. Development to include Community Centre and Multi Use Games Area, Fuel Filling Station and Shop, Small Business Units and Residential Development for bespoke 'one-off' houses]	Location: Lands To The Rear Of 110 Bush Road Dungannon
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Silverford Property LTD Silverford House 114 Bush Road Bush Dungannon BT71 6QG	Agent Name and Address: Mr Trevor Hutton 169 Coagh Road Stewartstown Dungannon BT71 5LW
Executive Summary: The conditions relates to a Major Application, and the Service Director would like to highlight with Members.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site has not changed from the granting of the live permission on site LA09/2019/0597/O, which was granted 04/08/2021.

Description of Proposal

This is a Section 54 application for the removal of condition 3 of LA09/2019/0597/O. Condition 3 is;

3. All reserved matters shall be submitted at the same time.

Reason: to guard against piecemeal development of the site.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

This is a Section 54 application for the removal of condition 3 of LA09/2019/0597/O. Condition 3 is;

3. All reserved matters shall be submitted at the same time.

Reason: to guard against piecemeal development of the site.

LA09/2019/0597/O granted planning permission for a proposed mixed-use development on lands to rear of 114 Bush Road. Development to include Community Centre and Multi Use Games Area, Fuel Filling Station and Shop, Small Business Units and Residential Development for bespoke 'one-off' houses. Permission was granted 04/08/2021.

Section 54 of the Planning Act 2011 applies to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.

Outline permissions are live for a period of 3 years. This application for the removal of the condition is within a 3 year period from the permission and section 54 can be applied. The outline application is live until 04/08/2024, therefore the removal of the condition can be considered.

The reason for the condition is *to guard against piecemeal development of the site (my emphasis)*.

The remainder of the conditions in LA09/2019/0597/O do not relate to phasing of the development, or completion time of the development. With this in mind, condition 3 in itself will not safeguard against the piecemeal development of the site. In the case where all RM details are submitted at the same time, and granted, there is no requirement for the developer to complete the development as approved. In fact, the developer would be

in their rights to complete any or all of the development as they see fit, subject to the lawful commencement of development.

A concept plan has been agreed for the site, and this is referenced in condition 4. *The development hereby approved shall be in general conformity with concept plan, drawing no 02/4 dated received 30/4/21.*

Reason: to ensure a satisfactory form of development.

The wording of the condition allows for flexibility in the overall design and may not be the only acceptable layout for the site, however is seen as being largely acceptable. So if the agent/developer would like to apply to council to consider the retail, industrial, community, housing or open space elements of the proposal on a case by case basis I see no issue with this, as long as there is enough information to show that the remainder of the development will be developed and will fit together in an overall concept plan for the remainder of the site. At RM stage, depending on the particular part of the development being applied for, there will need to sufficient information to show how this will look before being commenced, and how it will generally fit into the overall development, so that it will not compromise the rest of the development from being realised.

I do not feel that one part of the development relies on another for the scheme to work, and the decision was not made on this basis. As no phasing conditions or completion conditions have been included in the remainder of the conditions, I find the condition to be irrelevant.

In my view nobody will be prejudiced by the removal of this condition. Whether the condition remains or not will not safeguard against piecemeal development. I advise Members to grant the removal of this condition for the reasons stated above.

Other considerations

No 3rd party representations have been received, including objections.

The original permission did not identify any land contamination issues.

The removal of the condition will not result in any harm to the natural or built environment, nor will it have a detrimental impact on private or residential amenity.

The removal of the condition will not result in flooding at the site or elsewhere.

Summary of Recommendation: Approve is recommended
Approval Conditions
Signature(s): Paul McClean Date: 15 November 2022

ANNEX	
Date Valid	14 October 2022
Date First Advertised	27 October 2022
Date Last Advertised	27 October 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier Bush Primary School, 31 Mullaghteige Road, Tyrone, BT71 6QU The Owner / Occupier 19 Mullaghteige Road, Tyrone, BT71 6QU The Owner / Occupier 19A Mullaghteige Road, Tyrone, BT71 6QU The Owner / Occupier 17 Mullaghteige Road, Tyrone, BT71 6QU The Owner / Occupier 15 Mullaghteige Road, Tyrone, BT71 6QU The Owner / Occupier 13 Mullaghteige Road, Tyrone, BT71 6QU The Owner / Occupier 11 Mullaghteige Road, Tyrone, BT71 6QU The Owner / Occupier Mercedes-Benz Truck And Van, 104 Bush Road, Dungannon, BT71 6QG The Owner / Occupier 107 Bush Road, Dungannon, BT71 6QG The Owner / Occupier 109 Bush Road, Dungannon, BT71 6QG The Owner / Occupier 110 Bush Road, Dungannon, BT71 6QG The Owner / Occupier 112 Bush Road, Dungannon, BT71 6QG The Owner / Occupier 116 Bush Road, Dungannon, BT71 6QG The Owner / Occupier 114 Bush Road, Dungannon, BT71 6QG The Owner / Occupier 9 Mullaghteige Road, Tyrone, BT71 6QU	
Date of Last Neighbour Notification	17 October 2022
Date of EIA Determination	
ES Requested	<events screen>

Planning History

Ref: M/1993/0038

Proposals: Replacement Dwelling

Decision: PG

Decision Date:

Ref: LA09/2022/1500/F

Proposals: AN APPLICATION UNDER SECTION 54 OF THE PLANNING ACT[NI]2011 TO REMOVE CONDITION No.3 [ALL RESERVED MATTERS SHALL BE SUBMITTED AT THE SAME TIME] OF APPROVAL LA09/2019/0597/O FOR [Proposed mixed use development on lands to rear of 114 Bush Road. Development to include Community Centre and Multi Use Games Area, Fuel Filling Station and Shop, Small Business Units and Residential Development for bespoke 'one-off' houses]

Decision:

Decision Date:

Ref: M/2010/0566/F

Proposals: Proposed retention of metal storage building (Domestic)

Decision: PG

Decision Date: 13-SEP-10

Ref: M/2009/0101/F

Proposals: Retention of Unauthorised Access to Public Road

Decision: PG

Decision Date: 15-MAY-09

Ref: LA09/2018/0569/A

Proposals: Replacement external commercial vehicle dealership and forecourt signs

Decision: CG

Decision Date: 27-JUN-18

Ref: M/2005/0312/F

Proposals: Provision of new reception area, offices and extension of workshop

Decision: PG

Decision Date: 06-APR-05

Ref: M/2007/0695/F

Proposals: First floor extension to parts store, providing an additional 65m2 built over existing ground floor.

Decision: PG

Decision Date: 13-DEC-07

Ref: M/2001/0513/F

Proposals: Parts store for adjacent works plant

Decision: PG

Decision Date: 05-JUL-01

Ref: M/2013/0575/F

Proposals: Proposed erection of 230 photovoltaic panels on ground mounted framework (south facing) supplying farm premises and associated farm dwelling

Decision: PG

Decision Date: 10-FEB-14

Ref: LA09/2022/0261/F

Proposals: Proposed right hand turning lane and access for approval LA09/2019/0597/C

Decision:

Decision Date:

Ref: M/2012/0510/F

Proposals: Installation of photovoltaic solar panels to pitched roof

Decision: PG

Decision Date: 31-OCT-12

Ref: M/2009/0945/F

Proposals: Single storey extension to existing school on side (North Easterly) elevations with alterations to interior layout for the continued purpose of education

Decision: PG

Decision Date: 21-DEC-09

Ref: M/2013/0586/F

Proposals: Extension to provide an additional classroom, toilets, class store and resource area

Decision: PG

Decision Date: 04-APR-14

Ref: M/2010/0548/F

Proposals: Extension to building to provide new school meals facilities, boiler house and external store room

Decision: PG

Decision Date: 27-AUG-10

Ref: M/2014/0373/F

Proposals: Proposed nurse unit.

Decision: PG

Decision Date: 04-DEC-14

Ref: M/2004/0871/F

Proposals: Proposal to replace existing temporary mobile classrooms with permanent extension to existing school

Decision: PG
Decision Date: 22-JUL-04

Ref: M/1976/058701
Proposals: NEW PRIMARY SCHOOL
Decision: PG
Decision Date:

Ref: M/1976/0587
Proposals: NEW PRIMARY SCHOOL AND PLAYING FIELDS
Decision: PG
Decision Date:

Ref: M/2000/1178/F
Proposals: Erection of single storey extension to dining/assembly hall with additional toilets (inc wheelchair) and storage to rear and single storey staff room extension to front.
Decision: PG
Decision Date: 18-DEC-00

Ref: M/1996/0436
Proposals: Mobile Classroom
Decision: PG
Decision Date:

Ref: M/1994/0071
Proposals: Erection of carports and domestic garage
Decision: PG
Decision Date:

Ref: M/1991/0144
Proposals: Erection of dwelling
Decision: PG
Decision Date:

Ref: M/1991/0144B
Proposals: Erection of dwelling
Decision: PG
Decision Date:

Ref: M/1978/0337
Proposals: BOUNDARY FENCE
Decision: PG
Decision Date:

Ref: M/1991/0097

Proposals: Replacement dwelling

Decision: PG

Decision Date:

Ref: M/1986/0219

Proposals: DWELLING

Decision: PG

Decision Date:

Ref: LA09/2020/0144/F

Proposals: Proposed domestic garage ,store and games room

Decision: PG

Decision Date: 17-APR-20

Ref: LA09/2018/0079/F

Proposals: Replacement dwelling and domestic garage (change of house type from previous approval LA09/2017/1097/F)

Decision: PG

Decision Date: 09-MAY-18

Ref: LA09/2017/1097/F

Proposals: Proposed replacement dwelling and detached domestic garage

Decision: PG

Decision Date: 23-NOV-17

Ref: M/1975/0324

Proposals: NEW DINING ROOM AND LOUNGE

Decision: PG

Decision Date:

Ref: M/1994/0656

Proposals: Erection of new mobile classroom

Decision: PG

Decision Date:

Ref: M/2003/1525/Q

Proposals: Proposed housing development

Decision: ELR

Decision Date: 23-FEB-04

Ref: M/1989/0612

Proposals: 11 kV Rural Spur

Decision: PG

Decision Date:

Ref: M/2002/0365/F

Proposals: 73 No Dwellings (Detached/Semi Detached) with Garages

Decision:

Decision Date:

Ref: LA09/2019/0053/PAN

Proposals: Proposed mixed use development on Lands to the rear of 114 Bush Road. Development to include Community Centre and Multi Use Games Area, Fuel Filling Station and shop, Small Business Units and Residential Development for bespoke "one-off" houses

Decision: PANACC

Decision Date: 07-MAR-19

Ref: M/2014/0491/LDP

Proposals: Proposed agricultural penned cattle shed over slatted slurry storage tank not exceeding 1500mm in depth, associated cattle gathering pen, handling/testing cattle crush and internal crop storage area to be located on existing concrete hard standing of poultry house previously removed

Decision: PG

Decision Date: 04-DEC-14

Ref: LA09/2019/0597/O

Proposals: Proposed mixed use development on lands to rear of 114 Bush Road. Development to include Community Centre and Multi Use Games Area, Fuel Filling Station and Shop, Small Business Units and Residential Development for bespoke 'one-off' houses.

Decision: PG

Decision Date: 04-AUG-21

Ref: M/2005/1550/F

Proposals: Proposed housing development consisting of 29 detached houses and 20 semi-detached houses

Decision: PG

Decision Date: 30-MAR-07

Ref: M/2002/0019/Q

Proposals: Proposed Housing Development

Decision:

Decision Date:

Ref: M/2004/0349/F

Proposals: proposed housing development consisting of 13 detached houses, 42 semi-detached, 16 town houses and 9 apartments

Decision:

Decision Date:

Ref: M/2005/1012/Q

Proposals: Proposed Housing Development

Decision:

Decision Date:

Ref: M/1990/4060

Proposals: Chicken House

Decision: PDNOAP

Decision Date:

Ref: M/2009/0441/F

Proposals: Demolition of existing dwelling, outbuildings and sheds to facilitate proposed housing development comprising of 11 detached dwellings with garages, associated landscaping, site and access works

Decision: PG

Decision Date: 15-MAR-10

Ref: M/2008/0293/F

Proposals: Demolition of existing dwelling, outbuildings and sheds. Proposed housing development consisting of 23 dwellings-13 detached two storey and 10 semi-detached three storey.

Decision: PR

Decision Date: 23-OCT-08

Ref: M/2010/0467/F

Proposals: Amendments to previously approved residential scheme (M/2009/0441/F) comprising change of house type on plots 4,6,7,11(House Type A)

Decision: PG

Decision Date: 13-OCT-10

Ref: M/2007/0536/F

Proposals: proposed dwelling

Decision: PG

Decision Date: 15-NOV-07

Ref: M/2003/0802/F

Proposals: Relocation of a 10.5mx6.0m temporary classroom from Orritor Primary School, Dromore to the Bush Primary School, Mullaghteige Road, Dungannon

Decision: PG

Decision Date: 14-AUG-03

Ref: M/1997/0286

Proposals: Erection of new mobile classroom

Decision: PG

Decision Date:

Ref: M/2001/0800/F

Proposals: Relocation of temporary classroom unit from Woods Primary School to The Bush Primary School, Dungannon

Decision: PG

Decision Date: 17-JAN-02

Ref: M/1994/0376

Proposals: Erection of new dwelling

Decision: PG

Decision Date:

Ref: M/2000/0208/F

Proposals: Erection of 2 no dwellings and domestic garages

Decision: PG

Decision Date: 26-JUL-00

Ref: M/1987/0148

Proposals: DWELLING

Decision: PG

Decision Date:

Summary of Consultee Responses

-

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2020/0850/F	Target Date: 10 September 2020
Proposal: Proposed agri food processing unit housed within a portal framed building with weighbridge, car parking, HGV turning and parking, treatment plant and concrete yard with gates entrance	Location: 140M Ne Of 21 Sandholes Road Cookstown
Applicant Name and Address: Wesley Hamilton 47 Shivey Road Sandholes Cookstown BT80 9HB	Agent name and Address: PDC Chartered Surveyors 16 Gortreagh Road Gortreagh Cookstown BT80 9ET
Summary of Issues: No representations have been received in relation to this application.	
Summary of Consultee Responses: All consultees responded positively.	
Characteristics of the Site and Area The site, which is in the rural area, extends to 0.75ha and is located to the southern side of a large road frontage field at the junction of Sandholes Road and Kilcronagh Road immediately outside the settlement development limit of Cookstown. The settlement development limit extends along the Kilcronagh Road, which is approximately 200m to the north of the site, before extending southwards along the eastern side of Sandholes Road but excluding a small brownfield site. The field has a mature tree lined frontage along the Sandholes Road set to the rear of a wide grass verge, with a 2m high hedge defining the southern boundary, along which there is also an open watercourse. An existing farm lane also extends along the southern	

boundary and leads to farmlands beyond the site. The site falls gently away from the Sandholes Road before rising towards a crest mid-way along the field and then flattening out towards the Kilcronagh Business Park.

There are limited critical views of the site from between the junction of the Kilcronagh Road until reaching the access point, due to the mature trees along the Sandholes Road. There are also open views of the site when travelling in either direction along the Kilcronagh Road for approximately 100m from the junction with Sandholes Road.

Description of Proposal

The proposal is for the erection of an off-farm agri-food processing unit housed within a portal framed building with weighbridge, car parking, HGV turning and parking, treatment plant and concrete yard with gates entrance.

The proposed access is taken directly off the Sandholes Road and sweeps around to run alongside the existing farm lane along the southern boundary. The proposed building is sited in the centre of a large concrete yard with a weighbridge at the entrance and adequate circulation and parking for 5 cars and 3 lorries.

The proposed shed, which measures 35.3m x 12.6m with a height of 8.7m to the eaves and a ridge height of 10.3m, is set around 180m from the Sandholes Road. The external finishes are Goose wing grey profiled cladding over wet dash render with one large roller shutter door in each of the southern, eastern and western elevations together with a single pedestrian door in both the southern and eastern elevations.

The raw materials are delivered into the building at the eastern end via a piped intake before being processed through several stages and eventually being dispatched at the western end. The building also includes an office and canteen area at the western end of the building.

Deferred Consideration:

The application is being considered in the following policy context:

- Strategic Planning Policy Statement
- Cookstown Area Plan 2010
- Planning Policy Statement 3 - Access, Movement and Parking
- Planning Policy Statement 21 - Sustainable Development in the Countryside
- Planning Policy Statement 15 - Planning and Flood Risk.

This application was previously presented before Members with a recommendation to refuse in April 2022 where it was deferred by Members for a meeting with the Service Director. An office meeting took place with the Head of Local Planning in April 2022 and a subsequent office meeting with the Service Director in October 2022.

The application was recommended as a refusal based on the following reasons:

1. The proposal is contrary to Policy CTY 11 of Planning Policy Statement 21 - Sustainable Development in the Countryside in that the farm business has already diversified and if approved this development would result in the creation of another business in the open countryside which is not satisfactorily integrated with an existing group of buildings.

2. The proposal is contrary to the Cookstown Area Plan 2010 and Policy CTY 15 of Planning

Policy Statement 21 - Sustainable Development in the Countryside in that the development would, if permitted, have an adverse impact on the landscape by reason of its location in the open countryside outside the development limits of designated settlements or dispersed rural communities and hence would be detrimental to the setting of Cookstown in that it would mar the distinction between the settlement and the open countryside.

Having received additional information from the applicant and his representatives, and having considered the exact detail of the proposal I will address the policy context in terms of Policy CTY 11 of PPS 21.

Policy CTY 11 - Farm Diversification requires demonstration that a farm diversification proposal will be run in conjunction with the agricultural operations on the farm and lists four criteria which will apply:

(a) The farm or forestry business is currently active and established;
The applicant submitted a P1 form and DEARA were then consulted. DAERA have confirmed the Business ID submitted by the applicant has been established for more than 6 years with the ID allocated in 1998. The applicant has a Category 1 business and has claimed payments in each of the last 6 years. The application site is on land for which payments are currently being claimed by the farm business. I am satisfied the applicant has satisfied this criteria.

(b) In terms of character and scale it is appropriate to its location;
The length of the building is 35.3m, the width is 12.5m and the height is 10.3m. The building is of an appropriate size and scale when considering its location. The finishes will reinforce the agricultural appearance of the building being finished in a mix of wet dash render and goose wing grey cladding, with a roller shutter door at each end elevation and a roller shutter door on one side elevation. The proposed building is set within a low-lying area of the application site which will lessen any visual impact and I consider it meets this criteria;

(c) It will not have an adverse impact on the natural or built heritage;
A biodiversity checklist has been completed on behalf of the applicant and NIEA were consulted following its completion. Natural Environment Division have responded stating they have considered the impacts of the proposal on designated sites and other natural heritage interests and on the basis of the information provided has no concerns. Shared Environmental Services have also been consulted. They have confirmed the potential impact of this proposal on Special Protection Areas, Special Areas of Conservation and RAMSAR sites has been assessed in accordance with the requirements of Reg 43(1) of the Conservation (Natural Habitats, etc) Regulations (NI) 1995 (as amended). The proposal would not be likely to have a significant effect on the features on any European site. There are no issues of built heritage at, or in the vicinity of, this site. I am therefore satisfied this criteria has been met.

(d) It will not result in detrimental impact on the amenity of nearby residential dwellings including potential problems arising from noise, smell and pollution;
The proposed development is c.100m from the nearest dwelling. We have consulted Environmental Health on the planning application. Following some concerns raised by EHO the agent submitted further detail on the intended process and they consider they have sufficient information to make a recommendation. An odour impact assessment has also been submitted and considered by EHO and conclude they have no objections to the proposal and have

suggested several conditions.

Policy CTY 11 does not state there will be a limited to the number of farm diversification proposals that are allowed to be run in conjunction with the agricultural operations. The applicant does currently operate a building and civil engineering business.

Policy CTY 11 allows for an exception to policy where a new building is required for the proposed use. The agent has submitted additional information which has demonstrated all the buildings on the applicant's farm holding are currently being used for the applicant's farm business. Policy CTY 11 seeks, where a new building is justified, for it to be satisfactorily integrated with an existing group of buildings. However, in this case the applicant is seeking a new building sited away from the farm grouping. The applicant has provided additional detail by way of explaining the purpose of the application and it's proposed siting away from the farm. The proposed business involves obtaining infertile hatching eggs from local chicken farmers and Moy Park and transportation to the proposed processing plant for boiling into a protein powder to be used as animal feed and additives for the beef, dairy, pig and sheep industries. The applicant states this is the first of its kind in NI and will greatly benefit the NI region by creating opportunities and employment in our local rural community that is heavily reliant on the agricultural sector. Moy Park have confirmed they own two of the largest hatcheries in NI and has a ready and constant supply of infertile hatching eggs. Moy Park have confirmed that if this plant is built it will provide their business with potential to supply a waste egg product locally and assist a local business provide a much needed, sought-after facility to the benefit of NI's agricultural sector. At present farmers in NI can only source this product from elsewhere in Europe.

In support of the need for the proposed location away from the applicant's farm, the Veterinary Service Animal By-Products branch of DARD has responded to a consultation. In their response they stated that hatchery waste falls under the definition of Animal By Products. Since the finished product will be used for animal feed, only Category 3 material (blank eggs) can be received and processed in this facility and steps must be taken to ensure compliance with this requirement. Raw material must be received in the fresh state. Material which has spoiled is classified as Category 2 material and not acceptable for animal feed use. The full requirements for approval of premises are set out in the relevant legislation, that is, EU ABP legislation: Regulation 1069/2009 and the Implementing Regulation 142/2011. Some of the key points are:

- The site must be securely fenced off from surrounding farmland and gated to prevent access from livestock;
- For the location to be considered a separate premises it must, as a minimum, have a defined secure boundary and dedicated entrance from the public road such that it does not form part of a livestock entrance.
- Incoming raw material must be received into a covered space and must be processed without undue delay.
- The drained area must provide sufficient space for the cleansing and disinfection of containers or vehicles used to transport raw material to the site. The operator should confirm acceptance of the drainage by the service provider or, if to land, by the NIEA;
- There must be adequate separation of clean and dirty area and procedures in place to prevent recontamination.

The response goes on to refer to personal hygiene requirements for staff. The requirements under feed legislation must also be met. The response concludes that the project should not have any detrimental effect on animal or public health resulting from the improper handling of animal by-products.

CTY11 also states that where a new building is justified it should be satisfactorily integrated with an existing group of buildings. The policy does not state that it must.

Policy CTY 13 addresses the integration and design of buildings in the countryside. It lists a number of criteria against which to assess a new building in the countryside. I consider a new building, at this location, will not be prominent, will benefit from a strong backdrop to the rear of the site, the design is appropriate for the site and its locality, it will blend with the landform of the backdrop to the site. There are some open boundaries to the application site but I do not consider these sufficient to merit a refusal of the planning application when considering the site and its context in the immediate area.

Policy CTY 14 allows for a new building provided it does not have a detrimental change or further erode the rural character. Although the proposed development will be visible from the public road, it is considered to be acceptable, as it is set away from other buildings and will not be read in conjunction with those and thereby avoiding a build-up of development.

Policy CTY 15 advises that planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl. The proposed site is located outside the settlement limits of Cookstown, as defined in the Cookstown Area Plan. As identified in the consideration of CTY 14 there is no issue with regards to build up of development due to the separation with other development. When driving along this stretch of the Sandholes Road it is hard to determine where the settlement limit of Cookstown begins and ends due to the other commercial uses that are in close proximity to this site. Although the application may mar the distinction of the settlement of Cookstown, the applicant has demonstrated why a building can be exceptionally sited on these lands within his farm holding.

In terms of Planning Policy Statement 15 the site does not lie in a fluvial flood plain and a Schedule 6 consent will be required for discharge to the undesignated watercourse. There is no culvert proposed as part of the application.

Following the submission of amended drawings DfI Roads are content with the application subject to several conditions. EHO have no concerns with regards to the proposal.

Having considered the planning policies and other material considerations I recommend an approval of this application subject to the conditions listed below.

Conditions/Reasons for Refusal:

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 premises shall only operate between the following hours:

Monday-Friday 07:00-19:00

Saturday 07:00-13:00

Reason: To protect nearby residential amenity from odour and noise

Condition 3

All raw products entering the site as annotated on drawing no 01, date stamped 16 July 2020 shall be transported within sealed bulk tankers.

Reason: To protect nearby residential amenity from odour.

Condition 4

No raw product shall be stored in any external areas as annotated on drawing no 02/2, date stamped 10 February 2022.

Reason: To protect nearby residential amenity from odour.

Condition 5

No processed powdered material shall be stored in any external areas as annotated on drawing no 02/2, date stamped 10 February 2022.

Reason: To protect nearby residential amenity from odour.

Condition 6

Fast roller shutter doors must remain closed at all times except for ingress and egress.

Reason: To protect nearby residential amenity from odour.

Condition 7

Odour from either the drying unit or pasteurization unit shall not exceed 1000ouE/m³ when measured during the process in accordance with IS EN 13723 and analysed by a UKAS accredited test method.

Reason: To protect nearby residential amenity from odour.

Condition 8

Within 4 weeks of a written request by the Council following a reasonable odour complaint from the occupant of a residential dwelling which lawfully exists, the operator shall, at his/her expense, employ a suitable qualified and competent person, to assess the level of odour from the development and/or check compliance with the odour limit listed in condition 7. Mid Ulster District Council shall be notified not less than 2 weeks in advance of the date of commencement of the odour monitoring and authorized officers may attend the development at any time during this monitoring. The results of all odour modelling shall be provided in writing to Mid Ulster District Council within 4 weeks from the date of the assessment having been undertaken.

Reason: To protect nearby residential amenity from odour.

Condition 9

Where odour is found to exceed the limits outlined in condition 7, Mid Ulster District Council shall be provided with a suitable report detailing any necessary remedial measures. These remedial measure shall be carried out to the satisfaction of Mid Ulster District Council within 8 weeks from the date of approval of the remedial report, and shall be permanently retained and maintained to an acceptable level thereafter, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect nearby residential amenity from odour.

Condition10

The vehicular access including visibility splays of 4.5 x 120 metres shall be provided in accordance with drawing no 02/2 bearing the date stamp of 10 February 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.

Condition11

When a contractor is appointed, a detailed Construction Method Statement, for works, in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999, must be submitted to NIEA Water Management Unit, at least 8 weeks prior to the commencement of the works or phase of works.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

Condition12

If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance. In the event of unacceptable risks being identified, a Remediation Strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction. This strategy should be completed by competent persons in accordance with Land Contamination: Risk Management (LCRM)

guidance.

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

Condition13

After completing the remediation works under Condition 12 and prior to occupation of the development, a Verification Report needs to be submitted in writing and agreed with Mid Ulster District Council. This report should be completed by competent persons in accordance with the Model Procedures for the Land Contamination: Risk Management (LCRM) guidance. The Verification Report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

Signature(s):Karen Doyle

Date: 17 November 2022



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report
Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/0850/F	Target Date:
Proposal: Proposed agri food processing unit housed within a portal framed building with weighbridge, car parking, HGV turning and parking, treatment plant and concrete yard with gates entrance	Location: 140m NE of 21 Sandholes Road Cookstown
Referral Route: The application is being presented to Committee as it is being recommended for refusal	
Recommendation:	REFUSE
Applicant Name and Address: Wesley Hamilton 47 Shivey Road Sandholes Cookstown BT80 9HB	Agent Name and Address: PDC Chartered Surveyors 16 Gortreagh Road Gortreagh Cookstown BT80 9ET
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	NIEA	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Add Info Requested

Non Statutory	NI Water - Strategic Applications	Substantive Response Received
Statutory	Rivers Agency	Standing Advice
Non Statutory	DAERA - Veterinary Service (Animal By-Products)	Substantive Response Received
Non Statutory	DAERA - Omagh	Substantive Response Received
Statutory	Rivers Agency	Advice
Non Statutory	Shared Environmental Services	Substantive Response Received
Non Statutory	NIEA	Substantive Response Received
Statutory	DFI Roads - Enniskillen Office	No Response
Statutory	DFI Roads - Enniskillen Office	
Non Statutory	Shared Environmental Services	
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	
Non Statutory	NIEA	Substantive Response Received
Non Statutory	Environmental Health Mid Ulster Council	Substantive Response Received
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 including representations		
No representations have been received in relation to this application.		

Characteristics of the Site and Area

The site, which is in the rural area, extends to 0.75ha and is located to the southern side of a large road frontage field at the junction of Sandholes Road and Kilcronagh Road immediately outside the settlement development limit of Cookstown. The settlement development limit extends along the Kilcronagh Road, which is approximately 200m to the north of the site, before extending southwards along the eastern side of Sandholes Road but excluding a small brownfield site. The field has a mature tree lined frontage along the Sandholes Road set to the rear of a wide grass verge, with a 2m high hedge defining the southern boundary, along which there is also an open watercourse. An existing farm lane also extends along the southern boundary and leads to farmlands beyond the site. The site falls gently away from the Sandholes Road before rising towards a crest mid-way along the field and then flattening out towards the Kilcronagh Business Park.

There are limited critical views of the site from between the junction of the Kilcronagh Road until reaching the access point, due to the mature trees along the Sandholes Road. There are also open views of the site when travelling in either direction along the Kilcronagh Road for approximately 100m from the junction with Sandholes Road.

Description of Proposal

The proposal is for the erection of an off-farm agri-food processing unit housed within a portal framed building with weighbridge, car parking, HGV turning and parking, treatment plant and concrete yard with gates entrance.

The proposed access is taken directly off the Sandholes Road and sweeps around to run alongside the existing farm lane along the southern boundary. The proposed building is sited in the centre of a large concrete yard with a weighbridge at the entrance and adequate circulation and parking for 5 cars and 3 lorries.

The proposed shed, which measures 35.3m x 12.6m with a height of 8.7m to the eaves and a ridge height of 10.3m, is set around 180m from the Sandholes Road. The external finishes are Goose wing grey profiled cladding over wet dash render with one large roller shutter door in each of the southern, eastern and western elevations together with a single pedestrian door in both the southern and eastern elevations.

The raw materials are delivered into the building at the eastern end via a piped intake before being processed through several stages and eventually being dispatched at the western end. The building also includes an office and canteen area at the western end of the building.

Planning Assessment of Policy and Other Material Considerations

The main policy considerations in the assessment of this application are :-

- Strategic Planning Policy Statement (SPPS)
- Cookstown Area Plan 2010
- Planning Policy Statement 21 (PPS21) Sustainable Development in the Countryside

Planning History

The only planning history on this site is LA09/2017/0996/PAD - Proposed new farmers market to include new market hall building with sales ring, offices, associated facilities and parking car/ lorries within site - current application.

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

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

Cookstown Area Plan 2010

The site is set within the rural area and in a field immediately adjacent to but outside the settlement development limit of Cookstown. The area to the north of the application field is zoned with the Area Plan as I1 Industry/Mixed Business Use with a similar area to the East I2 and I3. Therefore the proposed development would introduce an industrial use into the rural area and could be viewed as an extension of the industrial area into the surrounding countryside. This is contrary to the Cookstown Area Plan 2010.

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.



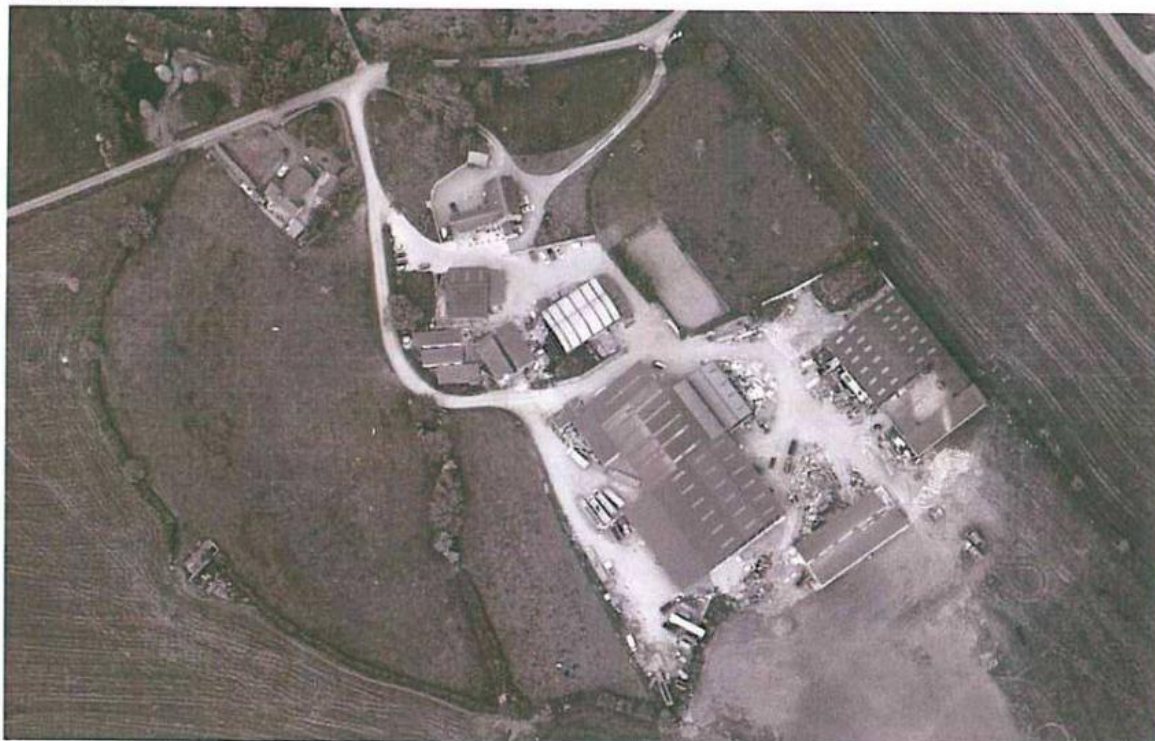
Site set between the settlement development limit and Lafarge Cement Factory

The SPPS recognises that facilitating development in appropriate locations is considered necessary to ensure proposals are integrated appropriately within rural settlements or in the case of countryside locations, within the rural landscape. The SPPS goes on to advise that 'All development in the countryside must integrate into its setting, respect rural character, and be appropriately designed' and in addition to the 'other types of development in the countryside apart from those set out above should be considered as part of the development plan process in line with the other policies set out within the SPPS'. It further reinforces this by stating that 'In all circumstances 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 criteria'. It further advises that the supplementary planning guidance contained within 'Building on Tradition: A sustainable Design Guide for NI Countryside' must be taken into account in assessing all development proposals in the countryside.

PPS 21 advises that approval will be granted for industry and business proposals in the countryside in accordance with PPS 4 and therefore the overarching criteria for considering industrial development in the countryside would normally be PPS 4 Policy PED 2 - Economic Development in the Countryside. Policy PED 2 states that 'Economic development associated with farm diversification schemes and proposals involving the re-use of rural buildings will be assessed under the provisions of Planning Policy Statement 21 - Sustainable Development in the Countryside'. All other proposals for economic development in the countryside will only be permitted in exceptional circumstances. Therefore the relevant policy for assessing this proposed development is PPS 21 Policy CTY 11 Farm Diversification.

PPS 21 CTY 11 - Farm Diversification has a presumption in favour of farm or forestry diversification projects where it has been demonstrated that the proposal will be run in conjunction with the agricultural operations on the farm. In considering the supporting information provided in conjunction with this proposed development, it states that 'this project if permitted would offer the applicant a clear opportunity to diversify and expand the farm business into another sector of agriculture and animal feeds from a local source. The proposal would bolster the current farm business as it would expand it into the agri-food sector and offer additional revenue and employment to the local area. The farm business number was allocated to the business in 1992.

Whilst this indicates that the proposed development will be run in conjunction with the farm business as it is being proposed on the applicants farmland and is being proposed to help boost the farm business in a time of uncertainty in terms of subsidies and feed stock availability, it should be noted that the applicant also runs another business from the main farm yard namely Hamilton Contracts. Hamilton Contracts are a building and civil engineering company specialising in the manufacturing of roofing/cladding, purlin profiles and flashings. The following aerial photograph clearly shows a number of articulated lorry trailers parked at the existing farmyard. Therefore it is not accepted that access to the site is difficult or inaccessible as it clearly provides access for these vehicles.



The purpose of policy CTY 11 is to provide for farm diversification projects which will support the existing farm business and which will be run in conjunction with that farm business. The purpose of the Policy is not to provide for an endless stream of new businesses starting up in the countryside. As the applicant has already diversified by way of Hamilton Contracts, this raises the question, should further diversification projects be permitted under this policy.

The following criteria also needs to be addressed:-

- The farm business is currently active and is established;
DAERA have advised that the farm business is both active and has been established for more than 6 years;
- It is appropriate in terms of character and scale;
Although the proposed site is not adjacent to existing farm buildings, it has an agricultural design, typical of agricultural buildings, it is set within a low lying area of the subject field, so as to lessen the visual impact. In this sense it would be appropriate in terms of character and scale.
- It will not have an adverse impact on the natural or built heritage;
A biodiversity checklist has been completed by an ecologist and this deemed that the proposal will not negatively affect the local eco system. Neither NIEA nor SES raised any issues with the proposed development in this regard.

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

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

As the proposed development is around 100m from the nearest dwelling and is reasonably well screened from those by a copse of mature trees and a mature hedgerow, it is accepted that there will not be any detrimental impact on residential amenity. Environmental Health have no raised any issues of concern in this respect.

- Proposals will only be acceptable where they involve the re-use or adaptation of existing farm buildings.
A new building and site is being requested due to the specialist nature of the plant and its processes. The facilities stakeholders have stipulated that the process and product maintains strict segregation and procedures will be required to ensure no contamination occurs.
The current farm operations and infrastructure is not suitable due to the current livestock being held at these buildings and they are all being utilised fully at present.

Exceptionally, a new building may be permitted where there is no existing building available to accommodate the proposed use, either because they are essential for the maintenance of the existing farm enterprise, are clearly unsuitable for adaptation and re-use or cannot be adapted to meeting the requirements of other statutory agencies. Where a new building is justified it should be satisfactorily integrated with an existing group of buildings.

No suitable buildings currently exist on the current farm and the building need to be a particular size and shape in order to accommodate the proposed bespoke plant. This proposed unit is a specifically designed unit and its location away from the exiting farm ensures that no cross contamination of the applicants other livestock occurs from the processing of the poultry hatchery by product. This is a strict requirement to ensure the product produced is clean and uniform. The design and materials are sympathetic to

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

Due to the nature of the produce to be manufactured at the facility the stake holders had stipulated that an independent and isolated facility is obtained to reduce the risk of bio hazards at the site. No risks to the supply chain can be introduced into the process of this product, hence the need to be located away from the current farmyard.



In my opinion, as the applicant clearly owns additional lands surrounding the farmyard, which have a road frontage, a separate self-contained yard could easily be created with its own access, which would provide a separate and secure location for the proposed building whilst achieving the required levels of bio-security. Therefore I do not accept the argument that there is a need for a site located away from the main farmyard. As the applicant already operates a building and civil engineering company from the existing premises at 47 Shivey Road which involves deliveries to and from the premises by lorry, the road network is clearly capable of taking the type of vehicles involved. This is obvious from the fact that there are several lorry trailers parked around the existing yard.



PPS 21 - Policy CTY 13 Integration and Design of Buildings in the Countryside allows for a building to be approved where it can be visually integrated into the surrounding landscape. Such a building will be unacceptable where it is a prominent feature in the landscape or it relies primarily on the use of new landscaping for integration. As detailed above, the proposal would not be prominent as it is sited in the lowest lying area of the field and well back from the public road while being set against a copse of mature trees. However, it is necessary to provide additional landscaping at the north-eastern corner of the building and as this would take a considerable time to mature to such an extent that it would provide an acceptable degree of screening to the proposed building, the proposed development would fail to achieve an acceptable degree of integration as it lacks long established boundaries to provide a sense of enclosure. In my opinion, the proposed development fails the key test of integration and is therefore unacceptable in terms of its integration potential.

PPS 21 - Policy CTY 14 Rural Character allows for a new building to be approved provided it does not have a detrimental change or further erode the rural character. Although the proposed development will be visible from the public road, it is considered to be acceptable, as it is set away from other buildings and will not be read in conjunction with those and thereby causing an issue of build-up.

PPS 21 - CTY 15 The setting of Settlements advises that planning permission will be refused for development that mars the distinction between a settlement and the surrounding countryside or that otherwise results in urban sprawl. The proposed site is set within a large open agricultural field in the rural area and immediately adjacent to the settlement development limit of Cookstown. The field is bounded to the north by a large commercial office building (CDE Global) set within the industrial zoning I1 with other built development on similar zonings I2 and I3 on opposite side of the Sandholes Road. To the immediate south of the site is a small triangular shaped site, containing a dwelling (No.21), outbuildings and associated yard which appears to be used as a builders compound. The undeveloped frontage along the

Sandholes Road includes the field containing the proposed site. This is considered to be an important visual break between the built development within the settlement and the rural area and extends to 140m. The proposed site would be located within this visual break and would be considered as marring the distinction between the settlement and the rural area.

Recommendation

In taking the above into consideration, it is my opinion that the proposed development involves the provision of an industrial building in the rural area, on a site which mars the distinction between the settlement and the rural area.

It is my opinion that the proposed development be refused for the reason stated below:-

Neighbour Notification Checked	Yes
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Summary of Recommendation:

Refuse for the reason stated below:-

Reasons for Refusal:

1. The proposal is contrary to Policy CTY11 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the farm business has already diversified and if approved this development would result in the creation of another business in the open countryside which is not satisfactorily integrated with an existing group of buildings.
2. The proposal is contrary to the Cookstown Area Plan 2010 and PPS 21 Policy CTY 15 The Setting of Settlements in that the development would, if permitted, have an adverse impact on the landscape by reason of its location in the open countryside outside the development limits of designated settlements or dispersed rural communities and hence would be detrimental to the setting of Cookstown in that it would mar the distinction between the settlement and the open countryside.

Signature(s)

Date:

ANNEX	
Date Valid	16th July 2020
Date First Advertised	28th July 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 18 Sandholes Road Cookstown Tyrone The Owner/Occupier, 20 Sandholes Road, Cookstown, BT80 9AR The Owner/Occupier, 21 Sandholes Road Cookstown Tyrone The Owner/Occupier, CDE Global, Kilcronagh, Sandholes Road, Cookstown BT80 9HJ	
Date of Last Neighbour Notification	13th August 2020
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2017/0996/PAD Proposal: Proposed new farmers market to include new market hall building with sales ring, offices, associated facilities and parking car/ lorries within site Address: Lands at junction of Kilcronagh Road, Sandholes Road, Cookstown, Decision: Decision Date: Ref ID: LA09/2020/0850/F Proposal: Proposed agri food processing unit housed within a portal framed building with weighbridge, car parking, HGV turning and parking, treatment plant and concrete yard with gates entrance Address: 140m NE of 21 Sandholes Road, Cookstown, Decision: Decision Date: Ref ID: LA09/2017/0240/F Proposal: Erection of workshop and offices for the repair and paint spraying of vehicles, car wash facility, staff/visitor car parking, short term storage of vehicles awaiting collection, 2m high security fence and entrance gates and associated site works (Relocation of existing business from Chapel Street, Cookstown) Address: 16 Sandholes Road, Cookstown, Decision: PG	

Decision Date: 11.06.2018

Ref ID: LA09/2018/0227/F

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

Address: Land along Annagh Road from the junction with Dungannon Road to the junction with Sandholes Road and Sandholes Road from the junction with Annagh Road to its junctions with the Strifehill Road Cookstown,

Decision: WITHDR

Decision Date: 03.07.2018

Ref ID: I/2004/1190/F

Proposal: New access (service road) and earthworks and land levelling to facilitate the development of industrial land (amended plans)

Address: Agricultural land bounded by Sandholes Road, Kilcronagh Road, and Fairy Burn river.

Decision:

Decision Date: 29.06.2005

Ref ID: I/2000/0093

Proposal: Site for entrance road to industrial estate.

Address: Adjacent to 18 Sandholes Road, Cookstown

Decision:

Decision Date: 28.02.2000

Ref ID: I/2004/1242/F

Proposal: Modifications to existing road layout to provide right turn access

Address: Adjacent to and 100m South of Copelands Factory, Sandholes, Cookstown

Decision:

Decision Date: 15.12.2004

Summary of Consultee Responses

All consultees responded positively.

Drawing Numbers and Title

Drawing No. 01

Type: Site Location Plan

Status: Submitted

Drawing No. 02/2

Type: Site Layout or Block Plan

Status: Submitted

Drawing No. 03
Type: Proposed Plans
Status: Submitted

Drawing No. 04
Type: Further Particulars
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2020/1630/O	Target Date: 11 February 2021
Proposal: Proposed Farm Dwelling and Garage	Location: 200M North East Of 51 Gulladuff Road Magherafelt
Applicant Name and Address: Mr Eoin Patrick Bennett 1 Clarkes Drive Gulladuff BT45 8RL	Agent name and Address: Cmi Planners Ltd 38 Airfield Road Toomebridge BT41 3SG
Summary of Issues: Summary of Issues including representations No objections have been received in respect of this application.	
Summary of Consultee Responses: DAERA advised that the site is located on land associated with another farm business DfI Roads recommended that the applicaiton be refused as it creates a new vehicular access onto a Protected Route. DfI Rivers advised that the site is not within but lies adjacent to 1 in 100 year fluvial flood plain which bounds the site to the east.	
Characteristics of the Site and Area The site is located approx. 200m NE of 51 Gulladuff Road, Magherafelt within the countryside as identified within the Magherafelt Area Plan 2015. The red line of the site includes an agricultural field set back from the Gulladuff Road to the rear of a second field which is outlined in blue, indicating ownership. The boundaries of the site are defined by existing hedging with a semi-mature thorn hedgerow along the southern boundary. There is a private laneway running	

parallel to the proposed laneway and provides direct from the Gulladuff Road to dwellings at No's. 48, 52 and 54. This laneway is bounded by a semi-mature thorn hedgerow. The site sits approximately 1m below the level of the Gulladuff Road which is bounded by a low cut thorn hedgerow set to the rear of a 1m wide grass verge. The lands are generally quite flat throughout although they fall away gently from the road and views of the site will be somewhat limited from public viewpoints given it is setback slightly from the roadside. The surrounding area is predominantly rural with scattered dwellings and their associated outbuildings.

The Gulladuff Road, A42, is designated as a Protected Route.

There are no other buildings either on the site although there is a small single shed measuring approximately 8.3m x 5.7m on a roadside site immediately adjacent to the wester side of the existing laneway and which is set back around 3m from the road edge.

Gulladuff settlement limit is located approx. 310m east of the site.

Description of Proposal

This is an outline application for farm dwelling and garage. The proposed development is being sought under PPS21 ' CTY10 dwellings on farms.

Deferred Consideration:

The application was presented before the Members with a recommendation to refuse in December 2021 whereby Members agreed to defer the application for an office meeting with the Service Director and this took place on 16 December 2021.

The application was taken as a refusal based on the following reasons:

1. The proposal is contrary to Policy CTY 1 of Planning Policy Statement 21 - Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policies CTY 1 and CTY 10 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 the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm and access to the dwelling is not obtained from an existing lane.
3. 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 Protected Route thereby prejudicing the free flow of traffic and conditions of general safety.

The applicant currently resides in a dwelling within the development limits of Gulladuff. The applicant's wife was gifted the land as a wedding gift and the applicant has a Category 1 Business number which was allocated in 2005. The applicant does not have any farm buildings. The lands are being farmed by James McPeake who claims single farm payments for the application site as part of his farm business. Following the deferred office meeting the agent submitted receipts for monies spent on the land by the applicant in each of the last six years.

Although the applicant has demonstrated the farm business is currently active and has been established for at least 6 years and no development opportunities or dwellings have been sold

off within the last 10 years there is not an established group of buildings on the farm with which to visually link or cluster a new dwelling. The application therefore fails to meet criterion (c) of Policy CTY 10 of PPS 21.

With regards to the new access the applicant was advised through the agent to seek an agreement from the neighbouring dwellings to allow the applicant to use the existing access off the protected route. In a written response the agent has stated it is not possible to use the existing site entrance as a small house located at the roadside obscures the sight lines. The agent states this building is outside the applicant's control and the others who have an interest on the lane's control. Policy AMP 3 of PPS 3 is clear that where access cannot be obtained from an adjacent minor road, the applicant is required to make use of an existing vehicular access onto the Protected Route. DfI Roads have reiterated their position in that the proposal is contrary to Policy AMP 3 as a new access is being proposed onto the protected route.

I therefore recommend a refusal of this application based on the following reasons for refusal.

Conditions/Reasons for Refusal:

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policies CTY1 and 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 the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm and access to the dwelling is not obtained from an existing lane.

Reason 3

The proposal is contrary to Policy AMP 3 of Planning Policy Statement 3, Access, Movement and Parking, in that it would, if permitted, result in the creation of a new vehicular access unto a Protected Route, thereby prejudicing the free flow of traffic and conditions of general safety.

Signature(s):Karen Doyle

Date: 21 September 2021



Comhairle Ceantair
Lár Uladh
Mid Ulster
 District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2020/1630/O	Target Date:
Proposal: Proposed Farm Dwelling and Garage	Location: 200m North East of 51 Gulladuff Road Magherafelt
Referral Route: This application is being presented to Committee as it is being recommended for Refusal.	
Recommendation:	REFUSE
Applicant Name and Address: Mr Eoin Patrick Bennett 1 Clarkes Drive Gulladuff BT45 8RL	Agent Name and Address: CMI Planners Ltd 38 Airfield Road Toomebridge BT41 3SG
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	NI Water - Single Units West - Planning Consultations	No Objection
Non Statutory	DAERA - Coleraine	Substantive Response Received
Statutory	Rivers Agency	Advice

Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Summary of Issues including representations	
No objections have been received in respect of this application.	
<p>Characteristics of the Site and Area</p> <p>The site is located approx. 200m NE of 51 Gulladuff Road, Magherafelt within the countryside as identified within the Magherafelt Area Plan 2015. The red line of the site includes an agricultural field set back from the Gulladuff Road to the rear of a second field which is outlined in blue, indicating ownership. The boundaries of the site are defined by existing hedging with a semi-mature thorn hedgerow along the southern boundary. There is a private laneway running parallel to the proposed laneway and provides direct from the Gulladuff Road to dwellings at No's. 48, 52 and 54. This laneway is bounded by a semi-mature thorn hedgerow. The site sits approximately 1m below the level of the Gulladuff Road which is bounded by a low cut thorn hedgerow set to the rear of a 1m wide grass verge. The lands are generally quite flat throughout although they fall away gently from the road and views of the site will be somewhat limited from public viewpoints given it is setback slightly from the roadside. The surrounding area is predominantly rural with scattered dwellings and their associated outbuildings. The Gulladuff Road, A42, is designated as a Protected Route.</p> <p>There are no other buildings either on the site although there is a small single shed measuring approximately 8.3m x 5.7m on a roadside site immediately adjacent to the western side of the existing laneway and which is set back around 3m from the road edge.</p> <p>Gulladuff settlement limit is located approx. 310m east of the site.</p>	
Description of Proposal	
This is an outline application for farm dwelling and garage. The proposed development is being sought under PPS21 – CTY10 dwellings on farms.	
Planning Assessment of Policy and Other Material Considerations	
<p>Planning History</p> <p>H/2004/0843/O – Site of dwelling house and garage for Thomas Moore – Withdrawn 31.10.2005</p> <p>LA09/2019/0252/O – Farm dwelling and garage for Mr James McPeake – Withdrawn 07.12.2020</p> <p>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.</p> <p>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</p>	

submitted the draft Plan Strategy to DFI for them to cause and Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

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

The proposal accords with the Magherafelt Area Plan 2015 insofar as it is for a site for a dwelling in an undesignated rural area and is linked to a farm business.

The main policy considerations in the assessment of this application are:-

CTY 10 – Dwellings on Farms

Planning permission will be granted for a dwelling house on a farm where all of the stated criteria are met:-

- DAERA's consultation response confirmed that the business has been in existence for more than 6 years however, the farm business has not claimed either single farm payments nor other Agri Environment payments in any of the last six years. DAERA have also advised that the proposed site is located on land which is currently being claimed by another farm business.

In an attempt to show how the applicant's farm business is currently active, the following statement has been provided:-

The previous application on the site, LA09/2019/0252/O was in the name of James McPeake (aka Seamus) ;

James has a Category 1 business number allocated in 2010 and claims single farm payment on the application lands.

James' daughter Attracta was gifted these lands as a wedding present . She is married to the current applicant Eoin Bennett.

Eoin has his own Category 1 farm business number allocated in 2005 and has worked and maintained these application lands for the last 8 years;

Eoin and Attracta have no farm buildings and currently live in a housing development within Gulladuff village.

Notwithstanding the above, the submitted information raises the question, how does the applicant farm the lands subject of the application, or how is his holding active. No evidence has been provided, other than the above statement, to prove that the applicant is involved in any way with these lands, let alone farming them for the past 8 years. The previous application LA09/2019/0252/O clearly stated that the lands were owned by James McPeake who farmed them with his brother Brian.

- A planning history check of the farm shows that no dwellings or development opportunities in the countryside have been sold off from the farm holding since 25th November 2008.
- Policy CTY 10 also requires any such new building to be visually linked or sited to cluster with an established group of buildings on the farm and where practicable, access should be obtained from an existing lane.

There are no buildings located the proposed site or within the two fields identified on the applicant's holding, therefore the site is not visually linked nor is it sited to cluster with buildings on the farm. The policy does however, allow for consideration to be given to an alternative site elsewhere on the farm, provided there are no other sites available at another group of buildings on the farm or out-farm, and where there are either:

- demonstrable health and safety reasons; or

- verifiable plans to expand the farm business at the existing building group(s). However, as these are the only field which appear on the applicants holding, they do not have the potential to locate a dwelling elsewhere.

Policy CTY 10 also states that 'In such circumstances the proposed site must also meet the requirements of CTY 13(a-f), CTY 14 and CTY 16.'

CTY 13 – Integration and Design of Buildings in the Countryside provides for buildings to be approved in the countryside where they can be visually integrated into the surrounding landscape and are of an appropriate design. However, as there are no buildings on the applicant's holding as identified by the farm maps, any dwelling cannot therefore be sited with such farm buildings.

With regards to the proposed site, a dwelling with a ridge height of 5.5m above finished floor levels and an under-build of not more than 0.45m above existing ground level would achieve an acceptable degree of integration, provided the existing north-western and southern boundaries are retained at their current heights as a minimum. This would be required as the existing roadside hedgerow on the eastern side of the proposed access would have to be removed to provide the required visibility splay. In providing such a splay would open up views towards the site from the public road thereby making it essential that the existing boundaries are retained. There is also a public interest from the adjacent laneway which serves three dwellings. However, from this laneway, a dwelling conditioned as detailed above would achieve an acceptable degree of integration provided the existing boundaries are retained.

CTY 14 – Rural Character

This is an application for a site for a dwelling on a farm holding that is sited away from any existing farm buildings. A dwelling on the proposed site would not be contrary to the requirements of this policy as it could achieve an acceptable degree of enclosure and would be viewed in isolation from any existing buildings. A dwelling on this site would respect the traditional pattern of development in the area as existing dwellings are mainly set well back of the public road with little visual impact.

The proposal is therefore acceptable under this policy.

PPS 3 – Access, Movement and Parking

Policy AMP 3 Access to Protected Routes (Consequential Revision) allows for such developments to access onto a protected route in certain circumstances. This includes a dwelling on a farm which meets the requirements of Policy CTY 10. However, in such instances, approval will only be granted in cases where the access cannot reasonably be obtained from an adjacent minor road.

The proposal is to develop a dwelling on a site which accesses directly onto the A42 Protected Route. The applicant only has the two fields identified at this location and therefore does not have the potential to site the dwelling at another location. However, the policy provision clearly states that planning permission will only be granted for a development proposal involving access onto a protected route in the case of a site for a farm dwelling where it would meet the criteria set out in Policy CTY 10 and access cannot be reasonably be obtained from an adjacent minor road. Where this cannot be achieved proposals will be required to make use of an existing vehicular access onto the Protected Route.

However, as in this case, even if it were accepted that the farm business is active and established and that it would meet the policy tests for a dwelling on the farm, access to the proposed site is not being taken from an existing access onto the Protected Route and consequently it fails the policy tests in that regard.

DfI Roads recommend the application be refused as it is contrary to this policy in that it would result in the creation of a new vehicular access onto a Protected Route thereby prejudicing the free flow of traffic and conditions of general safety.

CTY 16 – Development relying on non-mains sewerage advises that planning permission will only be granted for development relying on non-mains sewerage, where the applicant can demonstrate that this will not create or add to a pollution problem. As this is a rural site and P1 application form states that foul sewage will be disposed of via a septic tank, it is not envisaged that there will be an issue with pollution.

PPS 15 – Planning and Flood Risk

DfI Rivers advised that the site is not within but lies adjacent to the 1 in 100 year fluvial flood plain which bounds the site to the east and therefore they recommend that any dwelling be allowed an additional freeboard of 600mm. A 5m maintenance strip is also requested along an undesignated watercourse flowing along the eastern boundary of the site. This maintenance strip should be protected by way of a condition and kept free of any impediments.

Recommendation

On consideration of the above, it is my opinion that the proposal fails to meet the requirements of Policies CTY 1, 10 of PPS 21 and Policy AMP 3 of PPS 3 for the reasons as stated below:-

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refuse for the reasons stated below.

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policies CTY1 and 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;
the proposed new building is visually linked or sited to cluster with an established group of buildings on the farm and access to the dwelling is not obtained from an existing lane.
3. 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 Protected Route thereby prejudicing the free flow of traffic and conditions of general safety.

Signature(s)

Date:

ANNEX	
Date Valid	17th December 2020
Date First Advertised	12th January 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier,	
Date of Last Neighbour Notification	21.09.2021
Date of EIA Determination	N/A
ES Requested	No
<p>Planning History</p> <p>Ref ID: LA09/2020/1630/O Proposal: Proposed Farm Dwelling and Garage Address: 200m North East of 51 Gulladuff Road, Magherafelt, Decision: Decision Date:</p> <p>Ref ID: H/2003/1277/F Proposal: Housing development - semi-detached and detached. Address: Adjacent to Clarkes Court and Oakland Crescent, Gulladuff. Decision: Decision Date: 14.12.2005</p> <p>Ref ID: H/1981/0099 Proposal: SITE OF HOUSING DEVELOPMENT Address: GULLADUFF, MAGHERAFELT Decision: Decision Date:</p> <p>Ref ID: H/1986/0145 Proposal: HOUSING DEVELOPMENT 17 NO DWELLINGS Address: GULLADUFF HILL ROAD, GULLADUFF, MAGHERAFELT Decision: Decision Date:</p> <p>Ref ID: H/1974/0253 Proposal: LAYOUT OF HOUSING DEVELOPMENT</p>	

Address: GULLADUFF, MAGHERAFELT Decision: Decision Date: Ref ID: H/1981/0240 Proposal: MV O/H LINE (BM 4786) Address: GULLADUFF, MAGHERAFELT Decision: Decision Date:
Summary of Consultee Responses DAERA advised that the site is located on land associated with another farm business DfI Roads recommended that the applicaiton be refused as it creates a new vehicular access onto a Protected Route. DfI Rivers advised that the site is not within but lies adjacent to 1 in 100 year fluvial flood plain which bounds the site to the east.
Drawing Numbers and Title
Drawing No. 01 Type: Site Location Plan Status: Submitted
Notification to Department (if relevant) Date of Notification to Department: Response of Department:



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: LA09/2021/0507/O	Target Date: <add date>
Proposal: Site for dwelling and garage (Dwelling on a Farm)	Location: Approx 50m North East of 73 Reenaderry Road Derrytresk Coalisland
Applicant Name and Address: Mr Thomas Hagan 215a Clonmore Road Dungannon	Agent name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Summary of Issues: Is there an established and currently active farm business for the purposes of CTY10..	
Summary of Consultee Responses: DEARA – no farm business DFI Roads – safe access can be achieved	
Characteristics of the Site and Area: The site lies within the open countryside just a short distance to the North of the settlement of Tamnamore and the M1 Motorway and outside all other areas of constraint as depicted by the DSTAP 2010. The red line of the site includes a concrete yard, an outbuilding with aluminium clad walls and roof and is situated just to the north east of number 73 Reenaderry Road. Derrytresk. The site has its own existing access, with the frontage enclosed by a 1.5 metre high closed board timber fence. The remaining part of the roadside boundary is defined by a thick row of mature hedging. The rear north facing boundary is also defined by mature hedging and the south facing boundary between the site and number 73 is defined by a timber fence. At the time of site visit the site had a number of vehicles parked up and it was clearly not being used for domestic purposes. The dwelling to the south has been included in the blue line owned by the applicant which also includes a further large shed. The dwelling is a small bungalow finished in a white dash.	

Description of Proposal

The proposal seeks outline planning permission for a dwelling on a farm,

Deferred Consideration:

This application was before the committee in December 2021 where it was recommended for refusal as the information presented was not considered to demonstrate that the farm was currently active and established for 6 years. The application was deferred for a meeting with the Service Director on 16 December 2021 where the agent advised some of the information presented identified the farming activities for the applicant, however he advised he would provide additional information for consideration in respect of the farming activities carried out.

Additional receipts and invoices were submitted as well as information of a customer ID for DAERA. (APPENDIX 1) Members will be aware the customer ID is not a business ID and as such the DAERA response is correct in that there is no business id for this farmer. This of itself is not fatal to the application, provided the applicant can provide details to demonstrate farming activities or a farm business has been carried out for the required period. For the purposes of this policy 'agricultural activity' refers to the production, rearing or growing of agricultural products including harvesting, milking, breeding animals and keeping animals for farming purposes, or maintaining the land in good agricultural and environmental condition. Aerial photographs of the land show the condition of the land in 2013, 2016 and 2019, from these photos it is clear the land has been kept in good agricultural condition. The invoices show there has been investment by Mr T Hagan in the land and there has been some income received these date back to 2014, well over 6 years ago. This outgoing and incoming of revenue is the common understanding of a business and as it is agricultural related, I conclude the agricultural business has been ongoing for over the required 6 year period and is established. At a recent site visit I noted there were cattle in the field and as such I am content the land is currently being used for agricultural purposes. From the above I have determined there is a farm business that has been established for over 6 years and its currently active which meets criteria a of CTY10.

A check against the applicants name and address identified a site at Clonmore M/2006/0512/RM, however this is inside the settlement limits for Clonmore it as such, even if recently sold off the holding, is not counted as a transfer for the purposes of CTY10. I am content there are no development opportunities outwith settlement limits that have been transferred off the holding and there have not been any approvals under CTY10 in the last 10 years. This meets with criteria b of CTY10.

The proposed site is located immediately beside a group of existing buildings on the farm and as such I consider it meets criteria c of CTY10.

As the proposal meets with the criteria in Policy CTY10 I recommend this application is approved. I further consider it is appropriate to condition the retention of the vegetation around the site and that it is limited in height to ensure any new dwelling is not prominent and respects the character of the area.

APPENDIX 1

Summary of information submitted following the office meeting (* indicates information that was previously submitted and has been resubmitted):

Outgoings

- Invoice from Eoin Campbell dated 7 Feb 2014 for hedge cutting, no name or address for work done*
- Invoice from Brian Donnelly (?) Brocagh dated 18 April 2014 for drains cleaned at Reenaderry Road, not specific to this farm*
- Invoice from JMI Acheson (?) dated 13/09/2014 for lime spreading for T Hagan, not specific to this farm*
- Invoice from Sinclair Hardware dated 16 March 2015 for cattle gate, no name or address*
- Invoice from Sinclair Hardware dated 20 March 2015 for hanging post, closing post and hangers, no name or address*
- Invoice from Kieran Campbell, Coalisland dated 8 July 2015 for grass cutting and baling, no name or address*
- Invoice from Sean McAliskey dated 19 Feb 2016 for hedge cutting for T Hagan – Reenaderry Road*
- Invoice from Kieran Campbell, Coalisland dated 16 July 2016 for grass cutting and baling, no name or address*
- Invoice from S Hayes, Grove Hill Farm, dated 28 July 2016 for slurry spreading, T Hagan no address*
- Invoice from Brian Donnelly (?) Brocagh dated March 2017 for repairs to fencing at Reenaderry Road, not specific to this farm*
- Invoice from Kieran Campbell, Coalisland dated 23 July 2017 for grass cutting and baling, to T Hagan no address*
- Invoice from S Hayes, Grove Hill Farm, dated 22 July 2017 for slurry spreading, to T Hagan, no address*
- Invoice from Mervyn Potts, Dungannon dated 17 March 2018 for fence posts, no name or address*
- Invoice from Barry Devlin dated June 2018 for building cattle crush, to Tam Hagan, no address*
- Invoice from Kieran Campbell, Coalisland dated 26 July 2018 for grass cutting and baling, no name or address*
- Invoice from Stephen Hayes, Grove Hill Farm, dated 25 June 2019 for slurry spreading, to T Hagan, no address*
- Invoice from Kieran Campbell, Coalisland dated 14 July 2019 for grass cutting and baling, no name or address*
- Invoice from SA Trolleys Dungannon dated 11 September 2019 for barb wire, no name or address*

Income

Invoice for Mr S Hayes, Grove Tree Farm Coalisland dated 04.04.2017 for round bales from Thomas Hagan, 73 Reenaderry Road

Invoice for Mr Martin McAliskey, 27 Ballybeg Road Coalisland dated 07.08.2020 for round

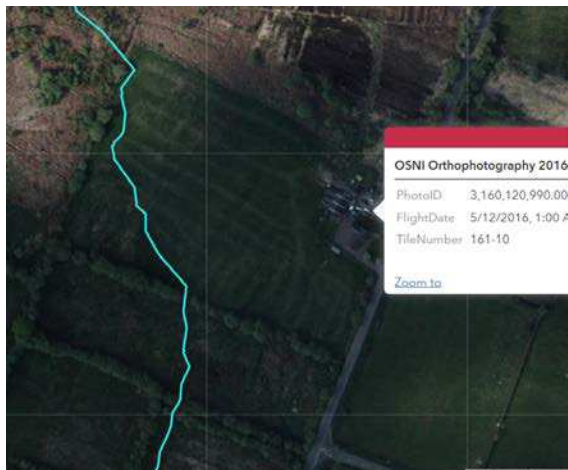
bales from Thomas Hagan, 73 Reenaderry Road

Invoice for Mr S Hayes, Grove Tree Farm Coalisland dated 16.08.2020 for round bales from Thomas Hagan, 73 Reenaderry Road

Invoice for Mr Martin McAliskey, 27 Ballybeg Road Coalisland dated 01.07.2021 for round bales from Thomas Hagan, 73 Reenaderry Road

Invoice for Mr S Hayes, Grove Tree Farm Coalisland dated 11.07.2021 for round bales from Thomas Hagan, 73 Reenaderry Road

Aerial photography showing the land condition





Cattle in field 31 October 2022

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 proposed dwelling shall have a ridge height not exceeding 5.5m in height above finished floor level and the underbuild shall not exceed 0.25m above the existing ground levels.

Reason: In the interests of visual amenity and to ensure the dwelling will not adversely affect the countryside.

4. 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.

5. 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. All new curtilage boundaries 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.

6. 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.

7. 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 dated 11/05/2021 and available to view on the planning portal, including sight lines of 2.4m by 100.0m in both directions and a forward sight distance of 100.0m. 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.

Signature(s):

Date



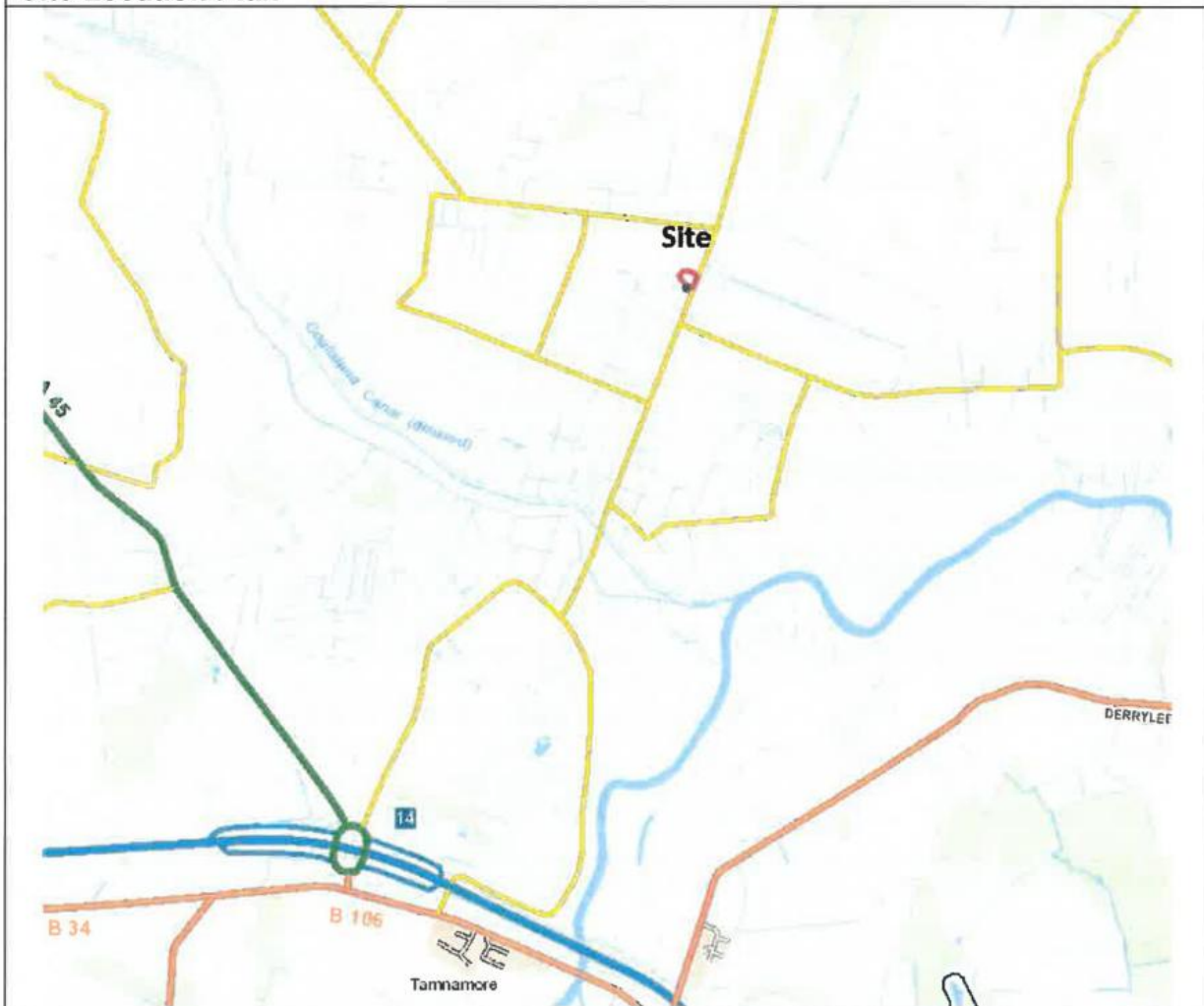
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0507/O	Target Date:
Proposal: Site for dwelling and garage (Dwelling on a Farm)	Location: Approx 50m North East of 73 Reenaderry Road Derrytresk Coalisland
Referral Route: Contrary to policy	
Recommendation:	REFUSAL
Applicant Name and Address: Mr Thomas Hagan 215a Clonmore Road Dungannon	Agent Name and Address: CMI Planners 38b Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	
Signature(s):	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Standing Advice
Non Statutory	DAERA - Omagh	Substantive Response Received

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

None

Characteristics of the Site and Area

The site lies within the open countryside just a short distance to the North of the settlement of Tamnamore and the M1 Motorway and outside all other areas of constraint as depicted by the DSTAP 2010.

The red line of the site includes a concrete yard, an outbuilding with aluminum clad walls and roof and is situated just to the north east of number 73 Reenaderry Road, Derrytresk. The site has its own existing access, with the frontage enclosed by a 1.5 metre high closed board timber fence. The remaining part of the roadside boundary is defined by a thick row of mature hedgeing. The rear north facing boundary is also defined by mature hedgeing and the south facing boundary between the site and number 73 is defined by a timber fence. At the time of site visit the site had a number of vehicles parked up and it was clearly not being used for domestic purposes.



The dwelling to the south has been included in the blue line owned by the applicant which also includes a further large shed. The dwelling is a small bungalow finished in a white dash.

Description of Proposal

The proposal seeks outline planning permission for a dwelling on a farm.

Planning Assessment of Policy and Other Material Considerations

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

Dungannon and South Tyrone Area Plan 2010
 Strategic Planning Policy Statement (SPPS)
 Mid Ulster Local Development Plan 2030 - Draft Plan Strategy
 PPS 21: Sustainable Development in the Countryside
 CTY 1- Development in the Countryside
 CTY 10 - Farm Dwellings
 CTY 13 - Integration and Design of Buildings in the Countryside; and
 CTY14 - Rural Character
 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.

Planning History

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

Given the rural location of application site the nature of the proposal the application shall be assessed under Planning Policy Statement 21- Sustainable Development in the Countryside and in particular with the following;

Policy CTY1 provides clarification on which types of development are acceptable in the countryside, such as a dwelling on a farm, a dwelling to meet the needs of a non agri-business, a dwelling based on personal and domestic circumstances, a replacement dwelling or if the site could be considered a small gap site within a substantial and built up frontage. In this instance the application is for a farm dwelling and therefore must be considered against Policy CTY10 of PPS21.

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

With respect to (a) it is considered that this policy criteria has not been met, the applicant has not provided an Agricultural Business Identification number and is not in receipt of Single Farm Payments, and DAERA have confirmed that the applicant has no Business ID and does not claim single farm payments. To support the application the applicant has submitted numerous invoices dating 2014 - 2019, of all the documents submitted none make reference to the applicants name and address, it is my opinion that this info as submitted is not sufficient and does not prove the farm business has been active and established for 6 years.

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

With respect to (c) it is noted that the application site is located directly adjacent to the applicants existing dwelling and out building and will be visually linked as it only separated by a low fence.

It is considered that the proposal is not in general compliance with the criteria of Policy 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. It is considered that a dwelling could blend in successfully with its immediate and wider surroundings if it were of a size and scale that is comparable to the dwellings in the vicinity. The site does benefit from roadside vegetation cover, and would allow a dwelling to struggle to fit in unobtrusively.

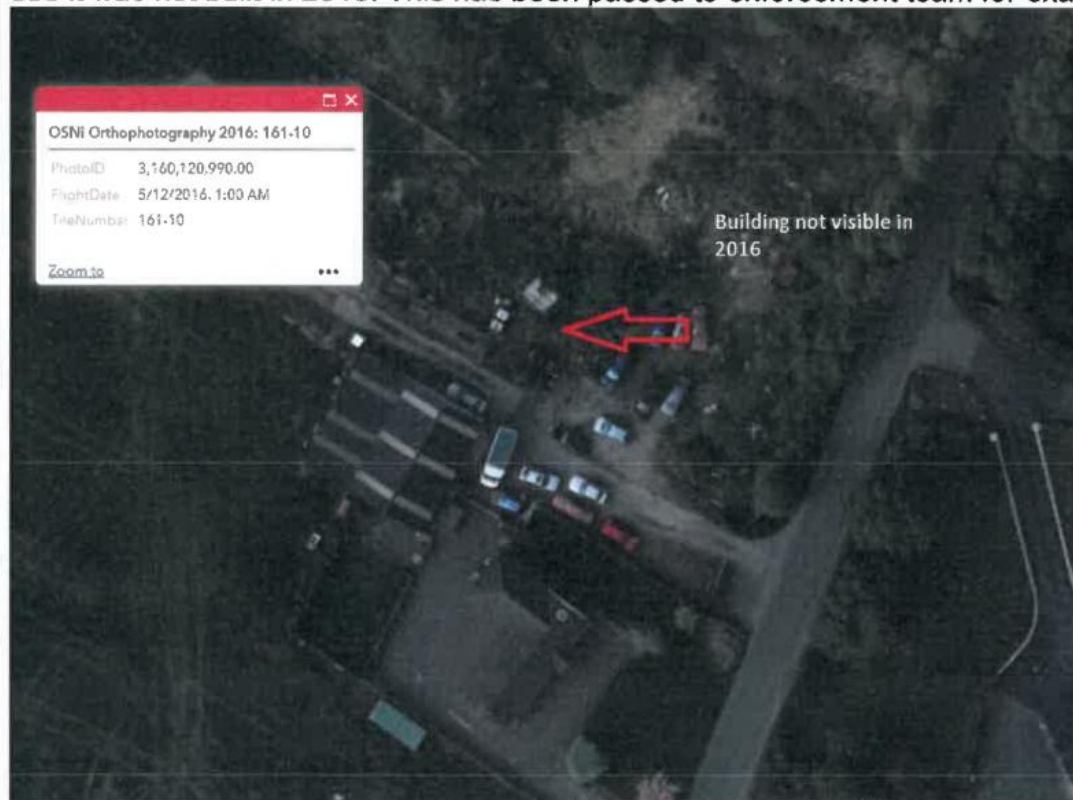
In terms of policy CTY14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. It is considered that the site and its surrounding environs are suitable for absorbing a dwelling of a suitable size and scale.

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.

Recommendation Refusal

It must also be noted that the existing shed on the site does not benefit from any planning permission and does not benefit from immunity as from the ortho below we can see it was not built in 2016. This has been passed to enforcement team for examining.



Neighbour Notification Checked

Yes

Refusal Reasons

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

Signature(s)

Date:

ANNEX	
Date Valid	30th March 2021
Date First Advertised	13th April 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 73 Reenaderry Road Coalisland Tyrone The Owner/Occupier, 74 Reenaderry Road Coalisland Tyrone The Owner/Occupier, 74 Reenaderry Road, Coalisland, Tyrone, BT71 4QN The Owner/Occupier, 76 Reenaderry Road Coalisland Tyrone	
Date of Last Neighbour Notification	22nd April 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2021/0507/O Proposal: Site for dwelling and garage (Dwelling on a Farm) Address: Approx 50m North East of 73 Reenaderry Road, Derrytresk, Coalisland, Decision: Decision Date: Ref ID: M/1978/0824 Proposal: EXTENSION TO DWELLING Address: 73 REENADERRY ROAD, COALISLAND Decision: Decision Date: Ref ID: M/1986/0176 Proposal: 11 KV RURAL SPUR Address: DERRYTREEK, DUNGANNON Decision: Decision Date: Ref ID: M/2014/0122/O Proposal: Replacement dwelling Address: 73, Reenaderry Road, Kingisland, Coalisland,	

Decision: PG
Decision Date: 15.05.2014

Drawing Numbers and Title

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

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2021/0885/O	Target Date: 5 August 2021
Proposal: Proposed site for dwelling and domestic garage:- Based on Policy CTY10 (dwelling on a farm).	Location: 30M West Of 102 Craigadick Road Maghera BT45 5DH.
Applicant Name and Address: Mrs Sharon Crooks 103 Craigadick Road Maghera BT46 5DH	Agent Name and Address: Cmi Planners Ltd 38B Airfield Road The Creagh Toomebridge BT41 3SG
Summary of Issues: Floodplain, not sited to visually link or cluster with a group of buildings on the farm, business has not been established for 6 years	
Summary of Consultee Responses:	
Characteristics of the Site and Area The application site is located approximately 1.2km north east of Tobermore and is in the rural area as per the Magherafelt Area Plan 2015. The red line is contained within a portion of a larger agricultural field which is situated along the roadside on Craigadick Road. The site is relatively flat with a line of mature hedging along the roadside. The land uses in the surrounding area contain mostly agricultural fields with a scattering of dwellings and farm buildings	

Description of Proposal

This is an outline application for farm dwelling and garage.

Deferred Consideration:

This application was presented before the Planning Committee in June 2022 with a recommendation to refuse based on the application being contrary to Policies CTY1, 10 and 13 of PPS 21. The application was deferred by Members for an office meeting with the Service Director.

The vast majority of the applicant's farm land is situated in a fluvial floodplain with this site being outside the floodplain. Policy FLD 1 states that development will not be permitted within the 1 in 100 year fluvial flood plain unless the applicant can demonstrate that the proposal constitutes an exception to the policy. Having considered those exceptions listed in Policy FLD 1 an application for a farm dwelling is not considered to be such an exception and if the principle of a farm dwelling is accepted under PPS 21 I deem this to be a suitable site outside of the fluvial floodplain.

At the office meeting, following which additional evidence was submitted, the agent stated the applicant owns twenty fields, with the application site on the periphery of the farm holding. The applicant's father owned the farm and following his death the applicant was not aware the Business ID was closed by DAERA. The applicant now has her own Category 3 and has held this since 2021. A considerable number of the fields in the farm business are being claimed for by another farm business. DAERA have confirmed that Business ID has claimed the application site for single farm payment from 2015-2022. So although the applicant's farm business has not been established for 6 years it is currently active and the applicant did receive an income from the farm lands since at least 2015. I have not found any evidence of any dwellings or development opportunities have been sold off from the farm holding within 10 years of the date of the application.

The applicant does have a group of buildings on the farm less than half a mile away to the south west from the application site. However, this group of buildings is located in a floodplain. In my opinion this demonstrates there are health and safety reasons as to why an alternative site can be considered at this location.

Having received confirmation for the gap in farm business since 2009 I am content to recommend an approval of this application.

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

The proposed dwelling shall have a ridge height of less than 6 metres above finished floor level.

Reason: To ensure that the development is satisfactorily integrated into the landscape in accordance with the requirements of Planning Policy Statement 21 and with the adjacent residential dwellings.

Condition 4

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

Reason: To ensure the dwelling integrates into the landform.

Condition 5

During the first available planting season after the occupation of the dwelling, a hawthorn/natural species hedge shall be planted in a double staggered row 200mm apart, at 450 mm spacing, 500 mm to the rear of the sight splays along the front boundary of the site.

REASON: To ensure the amenity afforded by existing hedges is maintained.

Condition 6

The dwelling hereby permitted shall not be occupied until all new boundaries have been defined by a timber post and wire fence with a native species hedgerow/trees and shrubs of mixed woodland species planted on the inside.

REASON: To ensure the proposal is in keeping with the character of the rural area.

Condition 7

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): Karen Doyle Date: 7 November 2022



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/0885/O	Target Date:
Proposal: Proposed site for dwelling and domestic garage:- Based on Policy CTY10 (dwelling on a farm).	Location: 30m West of 102 Craigadick Road Maghera BT45 5DH.
Referral Route: To Committee - Refusal - Contrary to CTY 1, 10 and 13 of PPS 21.	
Recommendation:	
Applicant Name and Address: Mrs Sharon Crooks 103 Craigadick Road Maghera BT46 5DH	Agent Name and Address: CMI Planners Ltd 38b Airfield Road The Creagh Toomebridge BT41 3SG
Executive Summary: Refusal	
Signature(s): Peter Henry	

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	DFI Roads - Enniskillen Office	Content
Non Statutory	DAERA - Coleraine	Substantive Response Received

Representations:

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

Summary of Issues

To Committee - Refusal - Contrary to CTY 1, 10 and 13 of PPS 21.

Characteristics of the Site and Area

The application site is located approximately 1.2km north east of Tobermore, as such the site is located within the open countryside as per defined in the Magherafelt Area Plan 2015. The red line covers a portion of a much larger agricultural field which I note lies along the roadside along the Craigadick Road. I note that the is relatively flat in nature with a line of mature hedging along the roadside. The surrounding and immediate area are dominated by agricultural land uses with a scattering of residential properties.

Representations

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

Description of Proposal

This is an outline application for a proposed site for dwelling and domestic garage:- Based on Policy CTY10 (dwelling on a farm), the site is located at 30m West of 102 Craigadick Road Maghera

Planning Assessment of Policy and Other Material Considerations

Mid Ulster Local Development Plan 2030 - Draft Plan Strategy
Strategic Planning Policy Statement (SPPS)
Magherafelt Area Plan 2015
PPS 1 - General Principles
PPS 3 - Access, Movement and Parking
PPS 21 - Sustainable Development in the Countryside
Building on Tradition - A Sustainable Design Guide for Northern Ireland Countryside
CTY 1 - Development in the Countryside
CTY 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 confirmed that farm business identified in the P1C was closed in 2009 due to a death and that the lands were in association with another farm business. I note that this was referred to the agent, who responded to state that the applicant was unaware that the business had been closed but had continued to run the farm since the death of her father and have now applied for a new farm business number. Whilst I acknowledge the new business number being attained in October 2021 there has been insufficient evidence to demonstrate that there has been continued activity since 2009 to demonstrate a continuation of the previous farm business.

Given this I hold the view that the applicant has failed to demonstrate that there is an active and established farm business as per required by policy.

With respect to (b), upon review of the farm business I note that after reasonable checks were done I am content that no other approval for a farm dwelling have been attained in the last ten years nor has there been any development opportunities sold off in this time.

With respect to (c), I note that the registered address of the farm business sits approximately 265m south west of the proposed site, where I note that there are a number of farm sheds and a dwelling at this location. In addition, the applicants own dwelling sits 180m from the farm holding, where the applicant owns a number of lands around the farm holding and the applicants own dwelling. However the agent has confirmed that all these lands inclusive of the sheds/dwellings lies within a flood plain and the proposed site is the nearest parcel of land that lies outside the flood plain. I acknowledge this however there is a concern that given the level of development that already lies within the flood plain that a flood risk assessment could have been done to demonstrate whether or not lands closer to the farm would be able to be developed. However given the issue over the farm business it was not felt prudent to go down the avenue of requesting a flood risk assessment to rule out other lands. Despite this I hold the view that no demonstrable health and safety reasons or verifiable plans to expand have been submitted to justify a site away from the farm at present. As such I hold the view that the application fails under CTY 10 as a result.

I note that no other policy case has been put forward, upon a review of the policies under CTY 1 I hold that the view that the application would not meet any of these.

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 a single storey dwelling with suitable landscaping, would not appear prominent in the landscape and be capable of successfully integrating into the landscape. Finally the application fails under CTY 13 as it is not visually linked or clustered with an established group of buildings on the farm.

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. Again an appropriately designed single dwelling would not result in a detrimental change nor erode 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.

Neighbour Notification Checked

Yes

Summary of Recommendation:

Refusal

Reasons for Refusal:

1. The proposal is contrary to Policy CTY1 of Planning Policy Statement 21, Sustainable Development in the Countryside in that there are no overriding reasons why this development is essential in this rural location and could not be located within a settlement.
2. The proposal is contrary to Policies CTY1 and 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 and the proposed new building is not visually linked (or sited to cluster) with an established group of buildings on the farm.
3. The proposal is contrary to Policy CTY13 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)**Date:**

ANNEX	
Date Valid	10th June 2021
Date First Advertised	22nd June 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 102 Craigadick Road Maghera Londonderry The Owner/Occupier, 98 Craigadick Road Maghera Londonderry	
Date of Last Neighbour Notification	9th July 2021
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA09/2021/0885/O Proposal: Proposed site for dwelling and domestic garage:- Based on Policy CTY10 (dwelling on a farm). Address: 30m West of 102 Craigadick Road, Maghera BT45 5DH., Decision: Decision Date: Ref ID: H/1975/0252 Proposal: 11KV O/H LINE C.7308 Address: BALLYNAHONE BEG, MAGHERAFELT Decision: Decision Date:	
Summary of Consultee Responses	
Drawing Numbers and Title	
Drawing No. 01 Type: Site Location Plan Status: Submitted	

Notification to Department (if relevant)

Date of Notification to Department:

Response of Department:

Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
Application ID: LA09/2021/1425/F	Target Date: 24 November 2021
Proposal: Proposed dwelling and domestic garage	Location: Approx 140M South West Of 93A Ballynagarve Road Magherafelt
Applicant Name and Address: Mr Darren MC Ivor 7 O'Neills Park Ballymaguigan Magherafelt	Agent name and Address: Cmi Planners 38B Airfield Road The Creagh Toomebridge BT41 3SQ
Summary of Issues: <p>This application was presented to Members at September Planning Committee with a recommendation to refuse as it was considered that a dwelling on this site would not visually link or site to cluster with a group of buildings on the farm, it would be overly prominent in the local landscape, it would rely on the use of new landscaping for integration, would create a ribbon of development and would have a negative impact on rural character. It was agreed to defer the application for an office meeting so that the scheme could be given further consideration.</p>	
Summary of Consultee Responses: 	
Characteristics of the Site and Area <p>The site is located within the open countryside, outside any defined settlement limits as per the Magherafelt Area Plan 2015. The red line includes an existing approved site LA09/2020/0512/O which is located adjacent to and south of No.93 and the red line then also extends to the 'proposed site' which is located to the South West of the previously approved site and is a roadside site and is a corner section of a larger agricultural field. The land here rises in a north eastern direction to approximately 3m above the road level. There is an existing separate laneway which runs adjacent to the site to the south and leads to a third party farm which abuts the site to the north east with an existing yard/storage area and then further to existing</p>	

buildings. There is also an historical planning approval for a dwelling within this storage area adjacent to the north east, approved under planning references H/2003/0831/O and H/2007/0174/RM

There are critical views of the site on approach from the north along Ballynagarve Road, especially from the junction from Loves Road from where a dwelling on the site would appear close to the hilltop. These critical views of the site continues up to the proposed access point with the Ballynagarve Road. On approach from the south the critical views are more limited. The boundaries of the site are defined by existing hedgerows on all sides bar the north western boundary which is currently undefined and extends into the larger agricultural field.

Description of Proposal

This is a full planning application for a proposed dwelling and domestic garage.

Deferred Consideration:

This application was first presented as a refusal to Planning Committee in September 2022 at which Members agreed to a deferral for an office meeting. At the office meeting the agent, Mr Chris Cassidy presented photomontages of what the proposed dwelling would look like on this roadside site. Mr Cassidy argued that this site was a much better site than where the dwelling was originally approved (LA09/2020/0512/O) as it was at a lower level.

Having carried out a site inspection I would be of the opinion that a dwelling on this site would have some degree of visual linkage with the applicant's farm buildings, which are located approx. 55m to the North of the site. The site approved under LA09/2020/0512/O would have much stronger visual linkage, however there is still a degree of visual linkage with this revised location which would satisfy policy CTY 10 of PPS 21.

The creation of a ribbon of development along the farm laneway was cited as a reason for refusal. I would contend that as the dwelling applied for has a different frontage, then this is actually not the case.

The proposed dwelling has a ridge height of 6.4m and a frontage of 19.3m. It is my opinion that it will not be overly prominent on this roadside site. The site could not take a two storey dwelling but the proposed design is modest and will have a back drop of third party farm buildings and mature trees further to the North which will help reduce prominence and aid integration. I also acknowledge that there are both 3 phase lines and larger pylons in close proximity which are more dominant than any dwelling.

There is limited boundary vegetation defining this site. The roadside boundary is practically void of hedgerow and the remaining boundaries are defined by low level hedgerow with a few intermittent semi matures trees. I don't disagree that new planting will be required to aid the integration of this dwelling on this site, however, given its modest size and taking into consideration other development in the immediate area such as the Pylons, third party farm buildings and other roadside dwellings, I am off the opinion that with a condition to provide landscaping, the rural character of this area will not be harmed if this application were to be approved.

On re-consideration and subject to landscaping conditions I recommend this application for Approval.

Conditions/Reasons for Refusal:

Approval Conditions

Condition 1

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

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

Condition 2

The vehicular access, including visibility splays of 2.4m x 90m and a 90m forward sight line shall be provided in accordance with drawing No. 02 date stamped 29th Sept 2021, prior to the commencement of any works or other development hereby permitted and permanently retained. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the levels of the adjoining carriageway and such splays shall be permanently retained and kept clear thereafter.

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

Condition 3

During the first available planting season after the occupation of the building for its permitted use, trees shall be planted along the NW, NE and SE boundaries of the site

Reason: To ensure the development integrates into the countryside

Condition 4

During the first available planting season after the occupation of the dwelling, a (hawthorn/natural species) hedge shall be planted in a double staggered row 200mm apart, at 450 mm spacing, 500 mm to the rear of the sight splays along the front boundary of the site

Reason: To ensure the amenity afforded by existing hedges is maintained -

Condition 5

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

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

Signature(s):Karla McKinless

Date: 18 November 2022



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 6 September 2022	Item Number: 5.14
Application ID: LA09/2021/1425/F	Target Date: 24 November 2021
Proposal: Proposed dwelling and domestic garage	Location: Approx 140M South West Of 93A Ballynagarve Road Magherafelt
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Darren MC Ivor 7 O'Neills Park Ballymaguigan Magherafelt	Agent Name and Address: Cmi Planners 38B Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	
Characteristics of the Site and Area <p>The site is located within the open countryside, outside any defined settlement limits as per the Magherafelt Area Plan 2015. The red line includes an existing approved site LA09/2020/0512/O which is located adjacent to and south of No.93 and the red line then also extends to the 'proposed site' which is located to the South West of the previously approved site and is a roadside site and is a corner section of a larger agricultural field. The land here rises in a north eastern direction to approximately 3m above the road level. There is an existing separate laneway which runs adjacent to the site to the south and leads to a third party farm which abuts the site to the north east with an existing yard/storage area and then further to existing buildings. There is also an historical planning approval for a dwelling within this storage area adjacent to the north east, approved under planning references H/2003/0831/O and H/2007/0174/RM</p> <p>There are critical views of the site on approach from the north along Ballynagarve Road, especially from the junction from Loves Road from where a dwelling on the site would appear close to the hilltop. These critical views of the site continues up to the proposed</p>	

access point with the Ballynagarve Road. On approach from the south the critical views are more limited. The boundaries of the site are defined by existing hedgerows on all sides bar the north western boundary which is currently undefined and extends into the larger agricultural field.

Description of Proposal

This is a full planning application for a proposed dwelling and domestic 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

Mid Ulster Local Development Plan 2030- Draft Plan Strategy

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.

It is important to note that outline permission was granted under planning reference LA09/2020/0512/O and this full application is seeking to relocate to a new proposed site. As such, this application will be fully assessed against the relevant policy criteria.

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.

DAERA have been consulted and have confirmed that the business has been in existence for more than 6 years and that the business has claimed single farm payment or agri environment payments within the last 6 years.

A planning history check of the farm shows that no dwellings or development opportunities in the countryside have been sold off from the farm holding. The previous outline approval was granted but no Reserved Matters application has been submitted or approved so this application would supersede and previous approval.

As was the case in the previous application LA09/2019/0471/O, the proposed site is neither visually linked with nor sited to cluster with the applicants or farmers established farm buildings. The farmers business ID which has been used is the same as per the previous outline application which was recommended for refusal and then subsequently withdrawn for a new application to be made on a site which would meet criteria C of CTY 10. The only buildings identified that the site should visually link with or cluster with is the farm shed located west of No.93 which is approximately 110m North East of the site. The farm holding to adjacent to the northeast are 3rd party buildings and cannot be considered.

The agent was asked to provide any reasoning as to the need for this site given permission is already in place for a site as per outline approval LA09/2020/0512/O such as demonstrable health and safety reasons or verifiable plans to expand the farm business at the existing building group. No such information was provided and as such, the proposed site does not meet criteria C of Policy CTY 10.

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. Given the topography of the site and the low level hedges which define the site, the dwelling at this location would be a prominent feature, with the ridge of the dwelling appearing 6.5m above the road level, which would be very visible from approach in both directions. As such the dwelling would rely heavily on site works such as landscaping and planting to achieve an acceptable degree of integration and is therefore, contrary to this policy.

Policy CTY 14 states planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As stated, the proposed dwelling would be on an elevated site and would appear unduly prominent in the landscape. As such, the proposal is contrary to this policy. The proposal also has the potential to create a ribbon of development along

the farm lane to the south east of the application site as it would create a gap between the approved dwelling and the dwelling and farm buildings at No.89. Although there is planning approval for a site at this gap, it is unclear if it is an extant approval given the length of time since this application was passed and that no substantial building is in place. Therefore, the proposal would be contrary to policy CTY 14 in that it will create a ribbon of development.

PPS 3 - Access, Movement and Parking;

The proposal is to create a new access. Transport NI advised that they have no objection to the proposed development subject to conditions.

Other Material Considerations

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

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

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

Reason 2

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

Reason 3

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

Reason 4

The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted, be unduly prominent in the landscape and it would create a ribbon of development which would result in a detrimental change to the rural character of the countryside.

Case Officer: Ciaran Devlin

Date: 17 August 2022

ANNEX	
Date Valid	29 September 2021
Date First Advertised	12 October 2021
Date Last Advertised	12 October 2021
Details of Neighbour Notification (all addresses) The Owner / Occupier 93 Ballynagarve Road Magherafelt Londonderry BT45 6LA The Owner / Occupier 89 Ballynagarve Road Magherafelt Londonderry BT45 6LA The Owner / Occupier 93A Ballynagarve Road Magherafelt Londonderry BT45 6LA	
Date of Last Neighbour Notification	13 October 2021
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: H/2007/0174/RM Proposals: Proposed one and a half storey dwelling and domestic garage Decision: PG Decision Date: 16-OCT-08 Ref: LA09/2015/0416/F Proposals: Single storey front extension for porch and sitting room, single storey side extension for sun lounge, single storey rear extension for boiler, utility room and toilet. Detached domestic garage and relocation of existing access to provide sight lines. Decision: PG Decision Date: 19-NOV-15 Ref: LA09/2020/0512/O Proposals: Proposed dwelling and garage on a farm Decision: PG Decision Date: 15-DEC-20 Ref: H/2000/0200/O Proposals: Site Of Dwelling House And Garage Decision: Decision Date: Ref: H/1997/0189 Proposals: ALTERATIONS TO DWELLING	

Decision: PG
 Decision Date:
 Ref: H/2004/0497/O
 Proposals: Site of dwelling and garage.
 Decision: PR
 Decision Date: 25-NOV-05
 Ref: H/2003/0831/O
 Proposals: Site of one and a half storey dwelling and garage.
 Decision: PG
 Decision Date: 20-APR-04
 Ref: LA09/2019/0471/O
 Proposals: Proposed dwelling and domestic garage/store based on policy CTY10 dwelling on a farm
 Decision:
 Decision Date:
 Ref: LA09/2021/1425/F
 Proposals: Proposed dwelling and domestic garage
 Decision:
 Decision Date:

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Substantive: YResponseType: FR
 DAERA - Coleraine-Substantive: TBCResponseType: FR

Drawing Numbers and Title

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

Notification to Department (if relevant)

Not Applicable



Deferred Consideration Report

Summary	
Case Officer: Karen Doyle	
Application ID: LA09/2021/1751/O	Target Date: 1 February 2022
Proposal: Erection of 1No. dwelling as part of a cluster.	Location: Lands SW Of 46&46A And NW Of 44 Annaghmore Road Castledawson.
Applicant Name and Address: Frances Taylor 21 Annaghmore Road Castledawson Magherafelt BT45 8DU	Agent name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Summary of Issues: <p>A petition with 8 signatures was received objecting to the proposed development. The summary of the objection is contained below and has been considered as part of the planning assessment.</p> <ul style="list-style-type: none">- There is no focal point which any cluster would be associated with in terms of a cross roads or community building. The orange hall is too far removed to be considered.- The site is only bounded on one side with development.- The site cannot be considered rounding off; rather it would extend into the existing countryside altering the character of the area.- The development lacks established natural boundaries and does not provide a suitable degree of enclosure.- Would lead to a ribbon of development along the Annaghmore Road.	
Summary of Consultee Responses:	

Characteristics of the Site and Area

The site is located within the open countryside, located approximately 0.5km south of the settlement limits of the Castledawson as per the Magherafelt Area Plan 2015. The red line of the application site is located on the roadside, and appears to consist of two agricultural fields which are split by a field drain with trees and hedges running through it. The majority of the boundaries of the site are defined by existing low-level hedges with a mix of trees located throughout. An existing post and wire fence, with a relatively large grass verge between the public road and the application site, defines the roadside boundary. The surrounding area is a mix of agricultural land uses and residential dwellings located beyond.

Description of Proposal

This is an outline planning application for the erection of 1No. Dwelling as part of a cluster.

Deferred Consideration:

This application was presented before the Planning Committee in May 2022 with a recommendation to refuse whereby the Members agreed to defer the application for a meeting with the Service Director. The meeting took place on 12 May 2022 and it was agreed another site visit would be carried out by a senior planner.

For a dwelling to be acceptable under Policy CTY 2a there are six criteria which must be met and I am satisfied the cluster meets criteria 1, 2 and 6.

The application feels to meet criteria 3, 4 and 5. Criteria 3 requires the cluster to be associated with a focal point. There is an Orange hall sited some 120m south west of the application site which the agent contends the cluster is associated with. However from a site visit and due to other dwellings further south of the Orange hall it is not apparent it is a focal point associated with the cluster of development.

Criteria 4 requires the site to provide a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster. The red line of the application site has been drawn in a way to demonstrate the application can satisfy this criteria. However the red line of the site will result in a curtilage that will be of a size that is not reflective of the character and pattern of development in the surrounding context. As the red line is drawn it relies on development on one side that is not within the cluster of development. As such the proposal does not meet this criteria.

Criteria 5 requires the development to be able to 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 I have referred to above, the site is not bounded on at least two sides with other development in the cluster and therefore I consider the application would result in new development projecting beyond the cluster of development and therefore, will result in a visual intrusion into the open countryside. Ultimately an approval of this application will try and link the cluster with development outside of the cluster and this is contrary policy.

An application for a new dwelling in the rural area must also comply with Policy CTY 13 and 14 of PPS 21. CTY 13 states that planning permission will be granted where the new dwelling can visually integrate into the surrounding landscape and it of an appropriate design. Due to the lack of natural boundaries to the site and the proposed siting itself, I do not consider a new dwelling will integrate into the local landscape and is reliant on new landscape to aid integration. The site is unable to provide a suitable degree of enclosure for a new dwelling.

With regards to CTY 14 a new building will be approved where it does not cause a detrimental change to, or further erode the rural character of an area. As I have not considered the application to meet the criteria of CTY 2a, it is my opinion the new building will result in an erosion of rural character as it will not respect the traditional pattern of settlement in the context of the local area. I also consider a dwelling at this location will add to a ribbon of development along this part of the Annaghmore Road.

I therefore recommend a refusal of this application for the reasons listed below.

Conditions/Reasons for Refusal:

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 CTY2a of Planning Policy Statement 21, New Dwellings in Existing Clusters in that the existing cluster of development is not associated with a focal point or located at a cross-roads, the proposed site is not bounded on at least two sides with other development in the cluster and does not provide a suitable degree of enclosure and the dwelling would if permitted visually intrude into the open countryside.

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 addition) of ribbon development along the Annaghmore Road.

Reason 4

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the proposed site is unable to provide a suitable degree of enclosure for the building to integrate into the landscape and relies primarily on the use of new landscaping for integration.

Reason 5

The proposal is contrary to Policy CTY14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the building would, if permitted not respect the traditional pattern of settlement exhibited in that area, it will add to a ribbon of development and would therefore result in a detrimental change to further erode the rural character of the countryside.

Signature(s):Karen Doyle

Date: 19 April 2022



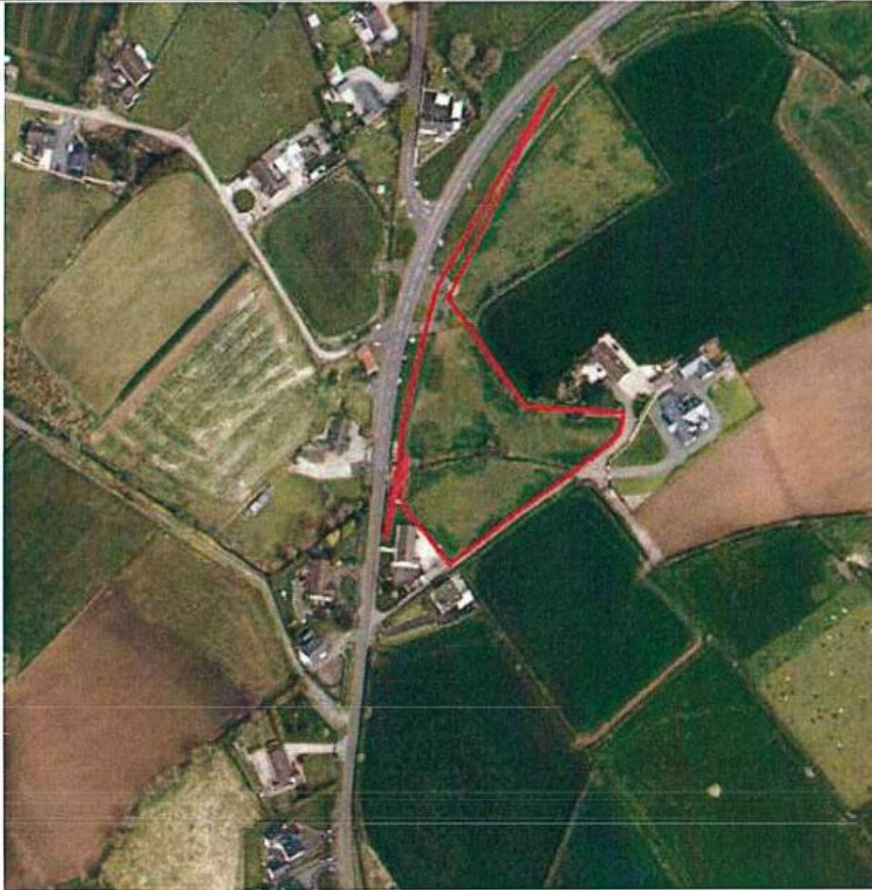
Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date:	Item Number:
Application ID: LA09/2021/1751/O	Target Date:
Proposal: Erection of 1No. dwelling as part of a cluster.	Location: Lands SW of 46&46a and NW of 44 Annaghmore Road Castledawson.
Referral Route: Objections received Contrary to Policy CTY1, CTY2a, CTY13 and CTY14 of PPS 21.	
Recommendation:	Refusal
Applicant Name and Address: Frances Taylor 21 Annaghmore Road Castledawson Magherafelt BT45 8DU	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
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	1 Petition Received

Summary of Issues

A petition with 8 signatures was received objecting to the proposed development. The summary of the objection is contained below and has been considered as part of the planning assessment.

- There is no focal point which any cluster would be associated with in terms of a cross roads or community building. The orange hall is too far removed to be considered.
- The site is only bounded on one side with development.
- The site cannot be considered rounding off; rather it would extend into the existing countryside altering the character of the area.

- The development lacks established natural boundaries and does not provide a suitable degree of enclosure.
- Would lead to a ribbon of development along the Annaghmore Road.

Characteristics of the Site and Area

The site is located within the open countryside, located approximately 0.5km south of the settlement limits of the Castledawson as per the Magherafelt Area Plan 2015. The red line of the application site is located on the roadside, and appears to consist of two agricultural fields which are split by a field drain with trees and hedges running through it. The majority of the boundaries of the site are defined by existing low-level hedges with a mix of trees located throughout. An existing post and wire fence, with a relatively large grass verge between the public road and the application site, defines the roadside boundary. The surrounding area is a mix of agricultural land uses and residential dwellings located beyond.

Description of Proposal

This is an outline planning application for the erection of 1No. Dwelling as part of a cluster.

Planning Assessment of Policy and Other Material Considerations

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 with three dwellings being No.s 44, 45, 48 and 49 Annaghmore road and the vacant dwelling located opposite the site to the west. I do not believe No.s 46 & 46a are part of this cluster as when viewed on the ground appear too far removed to be considered part of the cluster.

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

Whilst travelling along the Annaghmore Road I am content the cluster mentioned above 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 agent has identified an Orange hall located approximately 120m south west of the site which they argue the cluster is associated with. However, when carrying out a site visit the hall is not visibly linked with the application site or the cluster which is visible at this location so the hall is not an obvious focal point. There is no other community building or cross-roads that the cluster is associated with. Therefore, the proposal fails to meet this criteria.

- *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 as mentioned includes two agricultural fields which is separated by a field drain. The agent has identified the north eastern boundary of the red line which runs adjacent to No 46 & 46a is bounded on this side. However, as previously mentioned these two dwellings are not considered as part of the cluster and this cannot be considered as being bounded on this side. Furthermore, the agent has shown on the site location plan an area in green where the proposed dwelling is to be sited in the northern field of the red line. It is noted that the western boundary can be considered to be bounded on this side. But as the site is not bounded on two sides by development within the cluster, its fails to meet this criteria.

- *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 not bounded on at least two sides so the site cannot be absorbed into the cluster and cannot be considered being rounding off; rather it extends outside of the cluster intruding into the open countryside.

- *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. Given the lack of natural boundaries along the roadside and the proposed siting of the dwelling it would not integrate into the local landscape and would rely primarily on new landscaping for integration.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As the proposal cannot meet the policy criteria set out in Policy CTY2a, I believe any dwelling approved here would therefore result in the erosion of the rural character of the area. A dwelling at this location would not respect the traditional pattern of settlement exhibited in the area. The red line of the site is much larger than the neighbouring dwellings, which would impact on the character of the area. A dwelling approved at this location would result in the creation of a ribbon of development along the Annaghmore Road.

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.

Neighbour Notification Checked

Yes/No

Summary of Recommendation:

Refusal

Reasons for Refusal:

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.

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 and is not bounded on at least two sides with other development within the cluster.

The proposal is contrary to Policy CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling would not integrate into the local landscape and would rely primarily on new landscaping for integration.

The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would further erode the rural character of the area.

Signature(s)

Date:

ANNEX	
Date Valid	7th December 2021
Date First Advertised	28th December 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 32 Annaghmore Road Castledawson Londonderry The Owner/Occupier, 44 Annaghmore Road Castledawson Londonderry The Owner/Occupier, 46 Annaghmore Road Castledawson Londonderry Ian McNicholl 46 Annaghmore Road, Castledawson, BT45 8DU The Owner/Occupier, 46a Annaghmore Road Castledawson The Owner/Occupier, 48 Annaghmore Road Castledawson Londonderry The Owner/Occupier, 49 Annaghmore Road Castledawson Londonderry	
Date of Last Neighbour Notification	13th January 2022
Date of EIA Determination	
ES Requested	Yes /No
Planning History Ref ID: H/2004/0560/O Proposal: Site of Dwelling. Address: In Front of 35 Annaghmore Road, Castledawson. Decision: Decision Date: 10.12.2004 Ref ID: H/2003/0227/O Proposal: Site of Replacement dwelling and garage. Address: 20 Metres North of 45 Annaghmore Road, Castledawson. Decision: Decision Date: 29.07.2003 Ref ID: H/1991/0061 Proposal: UNDERGROUND SEWAGE PUMPING STATIONS (SITE A) Address: ADJACENT TO 44 ANNAGHMORE ROAD CASTLEDAWSON Decision: Decision Date: Ref ID: H/2013/0243/F	

Proposal: Construction of compact grade separated junction, located between the existing Bellshill Road and Moyola River, Southeast of Castledawson. Annaghmore Road (south) and Bellshill Road (north) to be connected by a new north/south link road (fly over), with links to Annaghmore Road (North), Bellshill Road (South) and the planned A6 dual carriageway provided from this road

Address: Townlands of Annaghmore Shanemullagh Tamnadeese at Castledawson, Co Londonderry,

Decision: PG

Decision Date: 08.12.2014

Ref ID: H/2013/0459/O

Proposal: Erection of 1 no. dwelling as part of a cluster

Address: 52m South East of 45 Annaghmore Road, Castledawson,

Decision: PR

Decision Date: 18.08.2014

Ref ID: LA09/2018/1662/F

Proposal: 2 Dwellings and detached double garage

Address: 70m North of 45 Annaghmore Road, Castledawson,

Decision: PG

Decision Date: 13.09.2019

Ref ID: H/1992/0544

Proposal: EXTENSION TO DWELLING

Address: 44 ANNAGHMORE RD CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/1988/0610

Proposal: 33KV OH LINE

Address: AGHAGASKIN, KILLYNEESE & ANNAGHMORE CASTLEDAWSON

Decision:

Decision Date:

Ref ID: H/1981/0028

Proposal: HV O/H LINE BM 4170A

Address: ANNAGHMORE, MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2005/0944/F

Proposal: Bungalow and Garage

Address: Opposite 39b Annaghmore Road, Castledawson

Decision:

Decision Date: 13.02.2006

Ref ID: H/1997/0505

Proposal: 11 KV O/H LINE BD/BM/1038/96

Address: ANNAGHMORE MAGHERAFELT

Decision:

Decision Date:

Ref ID: H/2009/0510/F

Proposal: Proposed replacement dwelling and detached garage/domestic store

Address: 46 Annaghmore Road, Castledawson

<p>Decision: Decision Date: 28.07.2010</p> <p>Ref ID: H/2011/0150/F Proposal: Proposed sun room extension to front of existing dwelling Address: 32 Annaghmore Road, Castledawson, Magherafelt, BT45 8DU, Decision: Decision Date: 10.05.2011</p> <p>Ref ID: H/1982/0105 Proposal: BUNGALOW WITH GARAGE Address: ANNAGHMORE ROAD, CASTLEDAWSON Decision: Decision Date:</p> <p>Ref ID: H/2010/0570/F Proposal: Construction of compact grade separated junction (fly over), facilitating access from A6 to Castledawson via new link road to rear of Bells Manor, Bells Court and Castle Oak to both Bellshill Road and Annaghmore Road and connecting to both Bellshill Road and Annaghmore Road, south of the existing bypass Address: Townlands of Annaghmore, Shanemullagh, Tamnadeese, at Castledawson, Co. Londonderry, Decision: WITHDR Decision Date: 24.02.2015</p> <p>Ref ID: LA09/2021/1751/O Proposal: Erection of 1No. dwelling as part of a cluster. Address: Lands SW of 46&46a and NW of 44 Annaghmore Road, Castledawson., Decision: Decision Date:</p>
Summary of Consultee Responses
Drawing Numbers and Title
<p>Drawing No. 01 Type: Site Location Plan Status: Submitted</p>
Notification to Department (if relevant)
<p>Date of Notification to Department: Response of Department:</p>



Deferred Consideration Report

Summary	
Case Officer: Karla McKinless	
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
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
Summary of Issues: This application was presented to Members at October Planning Committee with a recommendation to refuse as it was considered that the proposed dwelling did not meet all the criteria to be considered a dwelling in a cluster, namely that the site is not bounded on at least 2 sides with other development in the cluster and it did not provide a suitable degree of enclosure.	
Summary of Consultee Responses: No consultations have been carried out to inform this deferred consideration. During the processing of the application consultations were carried out with DFI Roads, who have offered no objection to the proposal.	
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.	

Deferred Consideration:

At October Planning Committee Members agreed to a defer this application for an office meeting. At the office meeting the agent, Mr Paddy Conlon made a case that this site would satisfactorily integrate a dwelling and he explained how the applicant had been left the land as part of a settlement. The agent was advised that integration was not the only policy test. The CTY 2A policy test required the site to be bound on at least 2 sides by development and it remained the case that this site was only bound on 1 side, the SW, by development. The agent was asked to explore whether the applicant would be able to provide farm details so that a farm dwelling could be considered. I have subsequently been advised by the agent that a farm case can not be made.

The agent has also referenced a CTY 2A case (LA09/2020/1349/O) which members agreed to approve as an exception to policy and has asked if consideration can be given to the precedence set by this case. Having reviewed LA09/2020/1349/O it is apparent that this site was not bound on 2 sides by development, however, it was clearly more representative of the rounding off of a cluster of development in the Countryside than the application under consideration.

On re-consideration I would recommend this application be refused.

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

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

Reason 2

The proposal is contrary to Policy CTY2a of Planning Policy Statement 21, 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):Karla McKinless

Date: 22 November 2022



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	

Report on	DFIs Public Consultation on the Introduction of a Planning Application Validation Checklist.
Date of Meeting	6 Dec 2022
Reporting Officer	Melvin Bowman
Contact Officer	Dr Chris Boomer.

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 report is to inform members that DFI have initiated a consultation process on its plans to introduce Statutory 'validation checklists' with the aim of improving the quality and completeness of planning applications coming into the system. Suggested responses to key consultation questions are provided for members consideration and agreement.
2.0	Background
2.1	Earlier in 2022 a series of reports highlighted the need to improve planning performance and to deliver a more efficient, effective and equitable planning system.
2.2	In Jan 2022 the Department published its first full Review of the Implementation of the NI Planning Act 2011 which contained 16 recommendations aimed at improving the planning system. Amongst other things, the importance of front-loading the planning application process to ensure applications are accompanied with all necessary supporting documentation needed to reach a decision at the point of submission was recognised. Further reports on the NI planning system by the NIAO and Public Accounts Committee both also referenced the need for, and benefits of, validation checklists. Members will recall that the Council also supported the principle of validation checklists in its response to the PAC in June 2022.
2.3	Council's response must be issued to the Department no later than 6 th Jan 2023.
3.0	Main Report

3.1	The NIAO encountered a strong consensus which consistently spoke about the 'low bar' set for information required to make a legally valid planning applications in NI. The PAC report in Mar 2022 recognised that poor quality applications can clog up the system and allows multiple amendments at every stage of the process. The PAC recommended that the Department and local Government implement immediate changes to improve the quality of applications entering the system.
3.2	Current Legislation set out in section 40 of the Planning Act and Article 3 of the Planning (General Development Procedure) Order NI 2015 sets out the format for an application for planning permission. Whenever an application which satisfies the above becomes valid the timeframe for processing that application commences. It is widely recognised that on many occasions an application, whilst meeting this initial validation test, lacks all the information needed to determine it, for example a Flood Risk Assessment / Traffic Impact assessment. Seeking this additional information inevitably leads to delays in processing times and impacts negatively on resources and efficiency.
3.3	Belfast City Council have already been operating a non-statutory validation checklist of its own and have found it to be positively received and have also found that it has resulted in less delays to the application process.
3.4	The proposal and purpose of this Consultation is to seek views on amending the Planning (General Development Procedure) Order (NI) 2015 to provide Statutory status for validation checklists. Such a checklist will provide guidance about the level and type of information required to be submitted with an application and will be proportionate to the nature and scale of the proposal.
3.5	Amending the Legislation would enable the Council to publish 'checklists' setting out additional (above current minimum statutory requirements) supporting information which would be required to accompany different types of application. It is proposed that there will be some flexibility for individual councils to take an approach which suits their local needs and planning issues. Applications will not be considered valid until they comply with the published checklists and as such the clock will not start ticking in terms of meeting statutory processing times. I see other benefits of such a checklist such as providing applicants with a greater understanding of 'up front' costs associated with a development proposal as well as well as reducing a culture of 'speculative applications'. This will also better inform the initial Consultation engagement with our Consultees and reduce the need to subsequently re-notify thirds parties upon the receipt of later received separate pieces of supporting information / reports.

3.6	<p>The Consultation recognises the need for a dispute mechanism such as that which exists in England and Wales where there is disagreement between and applicant and planning authority as to whether an application is valid.</p>
3.7	<p>In England an applicant can serve a notice on the planning authority stating why additional information requested is unreasonable and seeking the request to be waived. This then begins a potential 'non-determination' appeal process with the person considering the appeal considering both the validity and merits of the application itself. In Wales there is a 'stand-alone' dispute mechanism which deals solely with the consideration of the validation issues. An applicant in this instance can either provide the information or appeal the non-validation.</p>
3.8	<p>The Council are posed the following questions as part of the Consultation:</p> <ol style="list-style-type: none"> 1. Do you agree with the proposal to provide a statutory basis for planning authorities to introduce a validation checklist for planning applications? 2. Do you agree that a 'dispute mechanism' should be available to applicants who disagree with the information / evidence requirements? 3. Would you prefer a dispute mechanism linked to 'non-determination' of the application as in England, or a stand-alone approach such as that in Wales? <p>It is my recommendation, having considered the issues, that the Council should respond positively to the proposal and indicate that it is in agreement with the need to provide a Statutory basis for a validation checklist.</p> <p>I also recognise the need for a dispute mechanism but would encourage a stand-alone mechanism such as that operating in Wales, this being simpler and with focus only on the invalidity matters arising.</p>

4.0	Other Considerations
4.1	Financial, Human Resources & Risk Implications
	Financial: N/A
	Human:N.A
	Risk Management: N/A
4.2	Screening & Impact Assessments
	Equality & Good Relations Implications: N/A
	Rural Needs Implications: N/A
5.0	Recommendation(s)
5.1	That members accept the recommended responses as indicated at Par. 3.8 and as completed in the attached Public Consultation paper and that a reply to this consultation is issued to the Department by the 6 th Jan 2023 confirming this position.
6.0	Documents Attached & References
6.1	Appendix A – Completed Public Consultation report

PUBLIC CONSULTATION

PLANNING APPLICATION VALIDATION CHECKLISTS

Date: November 2022

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ANNEX A – Screening for Equality Impact Assessment

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Responding to this consultation document

How to Respond

You are invited to send your views on this consultation document. Comments should reflect the structure of the document as far as possible with references to question numbers and paragraph numbers where relevant.

All responses should be made in writing and submitted to the Department no later than 6 January 2023 in one of the following ways:

1. **Where possible online via Citizen Space**
2. By e-mail to: **Legislation.Planning@infrastructure-ni.gov.uk**
3. By post to:
**Public Consultation
Planning Applications - Validation Checklists
Regional Planning Directorate
Room 1-08
Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB**

In keeping with government policy on openness, responses to this consultation may be made available on request or published on the Department's website at:

[Planning Legislation | Department for Infrastructure \(infrastructure-ni.gov.uk\)](https://infrastructure-ni.gov.uk/planning-legislation).

We look forward to receiving responses to the proposals and issues raised within this consultation document. Additional copies of the consultation document can be downloaded from the Department's website at:

[Planning Legislation | Department for Infrastructure \(infrastructure-ni.gov.uk\)](https://infrastructure-ni.gov.uk/planning-legislation) or requested via the postal address, e-mail as above, by telephone on (028) 90540563 or by Text phone (028) 90540642.

This document is available in alternative formats. Please contact us using the contact details above to discuss your requirements.

If you have any comments or complaints about the consultation process itself (rather than the content of this document), these should be directed to the postal or e-mail addresses above.

Confidentiality and Data Protection

Information contained in your response may be made public by DfI. If you do not want all or part of your response made public, please state this clearly in the response by marking your response as 'CONFIDENTIAL'. Any confidentiality disclaimer that may be generated by your organisation's IT system or included as a general statement in your correspondence will be taken to apply only to information in your response for which confidentiality has been specifically requested. Information provided in response to this consultation, excluding personal information, may be subject to publication or disclosure in accordance with the access to information regimes (this is primarily the Freedom of Information Act 2000 (FOIA)).

The Department will process your personal data in line with the Department's Privacy Notice ([DfI Privacy | Department for Infrastructure \(infrastructure-ni.gov.uk\)](https://infrastructure-ni.gov.uk/infrastructure-privacy-notice)). Personal data provided in response to this consultation will not be published. If you want other information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

As indicated above, the Department will publish a summary of responses following completion of the consultation process. Your response, and all other responses to the consultation, may be disclosed on request. The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraph below as it will give you guidance on the legal position about any information given by you in response to this consultation.

The Freedom of Information Act 2000 gives the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation or a call for evidence. The Department cannot automatically consider as confidential information supplied to it in response

to a consultation or a call for evidence. However, it does have the responsibility to decide whether any information provided by you in response to this consultation, excluding information about your identity, should be made public or treated as confidential

Impact Assessments

Government bodies are required to screen the impact of new policies and legislation against a wide range of criteria, including equality and human rights.

Equality Impact Assessment Screening and a Preliminary Regulatory Impact Assessment have been undertaken and are set out at Annexes A and B to this consultation paper. The Department believes that there would be no differential impact in rural areas or on rural communities.

The Department also considers that the proposals laid out in this document are fully compliant with the Human Rights Act 1998.

The Department welcomes views and comments on whether the conclusions contained in the above assessments are correct.

1 Introduction

Purpose of the consultation

- 1.1 This consultation forms part of the Department's Planning Improvement Programme aimed at creating an efficient, effective and equitable planning system trusted to deliver high quality, sustainable, inclusive and healthy places.
- 1.2 Earlier this year a series of reports highlighted the need to improve the quality of planning applications entering the planning system and the potential benefits this could bring in terms of improving processing times, the quality of decisions and in turn the delivery of development on the ground.
- 1.3 In addition, in January 2022 the Department published its first Review of the Implementation of the Planning Act (NI) 2011 (the Review) which contained 16 recommendations aimed at improving the planning system. The Review, which was informed by a wide range of stakeholders, recognised the importance of front-loading the planning application process to ensure applications are accompanied with all necessary supporting documentation needed to reach a decision at the point of submission.
- 1.4 The Review considered that validation checklists, which are part of the planning legislation framework in other jurisdictions, could be an important tool in improving the quality and completeness of planning applications coming into the system. The Department stated in the review report:
The Department will bring forward proposals to introduce 'validation checklists' and will seek to advance policy development at the earliest opportunity.
- 1.5 Further reports on the Northern Ireland planning system by the Northern Ireland Audit Office (NIAO)¹ (February 2022), and the Public Accounts Committee (PAC) (March 2022)², both referenced the need for, and benefits of, the introduction of validation checklists.
- 1.6 The NIAO stated during its work, that it encountered a strong consensus which consistently spoke about the "low bar" set for the information required to make a legally valid planning application in Northern Ireland.

¹ <https://www.niauditoffice.gov.uk/publications/planning-northern-ireland>

² <http://www.niassembly.gov.uk/globalassets/documents/committees/2017-2022/pac/reports/planning-in-ni/public-accounts-committee---planning-in-northern-ireland.pdf>

- 1.7 The NIAO further reported there was a view that the criteria set out in the Planning Act was too narrowly prescribed and did not require key supporting documentation – such as flood risk assessments, environmental statements and transport assessments - to be provided with applications at the point of submission. This means that potentially ‘incomplete’ applications must be accepted by a planning authority (having met the minimum statutory requirements) and from which, the time period for statutory processing begins.
- 1.8 The NIAO believe this contributes to inefficiency and poor processing times in a number of ways:
- statutory consultees are often expected to provide a substantive response to planning applications where essential supporting information is missing;
 - consultees are spending time on poor quality or incomplete applications, and often have to be consulted multiple times on the same application; and
 - applications which arrive at the planning committee for a decision often have to be deferred to allow supporting information to be provided.
- 1.9 The NIAO considered if the planning system continues to accept poor quality applications, this creates a culture of speculative applications, whereby the system is being used to effectively “MOT” projects and determine the assessments required.
- 1.10 The PAC report published on 24 March 2022 stated that the Committee had significant concerns around the evidence it heard of widespread issues with the quality of applications entering and progressing through the planning system. It believes that allowing poor quality applications risks poor quality development, can “clog up” the system, and is designed to allow multiple amendments at every stage of the process, including right up to appeal.
- 1.11 The PAC considered that presently the planning system does not sufficiently encourage good quality applications and a robust mechanism is needed to stop poor quality applications entering the system in the first place. It recommended that the Department and local government implement immediate changes to improve the quality of applications entering the system and believe the introduction of validation checklists is one way to do this.

1.12 The PAC and NIAO reports cited the example of Belfast City Council's introduction of an Application Checklist on an administrative basis, and the subsequent improved performance it achieved against statutory targets.

Current validation requirements

1.13 The format of an application for planning permission is provided for by section 40 of the Planning Act, while the detailed form and content of a planning application is specified in Article 3 of the Planning (General Development Procedure) Order (NI) 2015. Similar provision is made for applications for listed building consent via section 86 of the Planning Act, in tandem with Regulations 2 and 3 of the Planning (Listed Buildings) Regulations (NI) 2015.

1.14 These requirements set out what information or evidence must be submitted with applications for planning permission or other consents to make an application 'valid' before it can be considered by a planning authority. An application for planning permission is to contain:

- a written description of the development;
- an address or location of the land;
- the name and address of the applicant;
- a plan sufficient to identify the land;
- such other plans and drawings necessary to describe the development;
- a design/access statement, where required;
- a certificate under Article 9; and
- any fee.

1.15 Whenever a planning application becomes 'valid' the timeframe for processing the application commences. It is against this timeframe that performance is measured, and also for the purposes for appeals against 'non-determination' of an application. However, many applications when submitted do not contain all the information needed to determine them. This can result in further request(s) to the applicant which can subsequently lead to delays in processing with a consequent negative impact on resources and efficiency.

Belfast City Council Approach

- 1.16 Following discussion with the Department in 2017/18, Belfast City Council introduced a pilot 'Application Checklist' on a non-statutory / administrative basis. The Application Checklist was in the form of a comprehensive guide for applicants which set out the information required to be submitted with any given type of planning application, according to its characteristics, scale and spatial constraints. Essentially based on the principle of validation checklists in England and Wales but without the statutory weight. The Council's Application Checklist was implemented in three phases:
- **Phase I** (January 2019) applied to certain large-scale local planning applications;
 - **Phase II** (May 2019) applied to certain major planning applications; and
 - **Phase III** (April 2021) applied to all planning applications excluding certain householder and other minor applications / consents.³
- 1.17 Following monitoring of the performance of the checklist regime, the Council concluded that since its introduction, the Application Checklist has been very positively received by consultees and customers who were less likely to submit an incomplete application. It also concluded that it had a significant positive impact on the Council's delivery of its Development Management service, and in most cases it allowed the Council to secure the additional supporting information upfront, resulting in less delays to the application process and less pressure on statutory and non-statutory consultees.

2. Planning Performance

- 2.1 The Department regularly publishes reports on the volume of planning applications received and decisions issued. They include geographic detail at Local Government District and Assembly Constituency levels.⁴
- 2.2 Whilst there has been an overall improvement in 2021/22 compared to 2020/21, there is no doubt that processing times for applications in the planning system, particularly for major and economically sensitive applications, is causing frustration with stakeholders,

³ <https://www.belfastcity.gov.uk/planning-and-building-control/planning/applying-for-planning-permission/application-checklist>

⁴ <https://www.infrastructure-ni.gov.uk/articles/planning-activity-statistics>

given the impacts that this has on economic development and post-COVID recovery.

- 2.3 The Department acknowledges that it is important that everything possible is done to keep improving the timeframes for processing applications and to do so jointly with councils, statutory consultees and other stakeholders.

3 The proposal

- 3.1. The purpose of this consultation is to seek your views on the Department's proposal to amend The Planning (General Development Procedure) Order (NI) 2015 to provide for the introduction of 'validation checklists' to address 'poor quality' or 'incomplete' applications entering the planning system.
- 3.2. A validation checklist will provide guidance to applicants about the level and type of information required to be submitted with a planning application. The requirements are intended to be proportionate to the nature and scale of the proposal.
- 3.3. The proposed amending Order would enable a planning authority (council or the Department) to prepare and publish 'checklists', above the current minimum statutory requirements which would remain unchanged, setting out the additional supporting information / evidence which would be required to accompany different types of planning application e.g. specific to its siting, the type of development proposed etc. There will be some flexibility for individual councils to take an approach that suits their local area and planning issues.
- 3.4. The legislation will require that an applicant needs to provide the information (on a validation checklist) where it is reasonable, having regard, in particular, to the nature and scale of the proposed development; and about a matter which it is reasonable to think will be a material consideration in the determination of the application.
- 3.5. The overall objective of such an amendment is to enhance the quality of applications entering the system, to front-load the decision making process, which should result in better processing times and more efficient consultee responses. Applications will not be considered valid until they comply with the required information contained in the published checklists and, therefore, the clock will not start ticking in terms of meeting statutory processing time targets. Ultimately, the requirement to ensure applications are

accompanied by all necessary information should result in overall improved planning performance.

3.6. The benefits of validation checklists are generally accepted as follows:

- they set out the scope of information required at the outset to ensure a ‘fit for purpose’ submission;
- they enable the planning authority to have all the necessary information to determine the application and to draft the planning permission and conditions appropriately;
- they minimise the need for further submission of additional information during the life of the application which avoids unnecessary delay in the determination of applications;
- they provide applicants with certainty as to the level of information required and the likely overall investment needed prior to the application submission; and
- they ensure that the appropriate information is provided with an application to assist interested parties, including consultees, in their consideration of development proposals.

4. Validation Disputes

4.1. Legislation in England & Wales also provides applicants with a right to dispute ‘non-validated’ applications – these are applications where there is a dispute between the applicant and the planning authority as to whether the application is ‘valid’.

4.2. The Department is of the opinion that the introduction of validation checklists here would also require a similar ‘validation dispute’ mechanism, otherwise the only recourse available to an applicant would be judicial review proceedings. Including a dispute mechanism within the amending Order would avert the need for such challenges and would uphold an applicant’s European Convention on Human Rights Article 6 right to a fair trial.

4.3. In England, where a local planning authority requires particulars or evidence to be included with an application and the applicant disputes the need for such evidence, the applicant can serve a notice on the planning authority saying why the additional information which has been requested is considered unreasonable and requesting that the requirement be waived. The planning authority can then notify the applicant that it either no longer requires the information, called "*a validation notice*" or one saying the information is still required, "*a non-validation notice*".

- 4.4. After the statutory time period for determining the application has expired from the date of the non-validation notice, the applicant can appeal against non-determination (this is basically the same procedure as if the application has been refused). The person considering such an appeal will consider both the dispute regarding 'validity' and the merits of the application itself (although if it is decided that the local planning authority was correct in determining that the application was invalid, the appeal will be automatically dismissed). The procedure for the determination of validation appeals is set out in The Town and Country Planning (Development Management Procedure) (England) Order 2015.⁵
- 4.5. In contrast, legislation in Wales provides for a 'stand-alone' dispute mechanism which deals solely with consideration of the information requirements. Where the planning authority thinks the application (or anything accompanying it) does not comply with a validation requirement, the authority must give the applicant notice to that effect. The applicant can either provide the information, or appeal the non-validation of the application within two weeks from the date of the notice. The procedure for the determination of validation appeals made to the Welsh Ministers (under section 62ZB of the Town and Country Planning Act 1990) is set out in The Town and Country Planning (Validation Appeals Procedure) (Wales) Regulations 2016.⁶
- 4.6. Evidence from Wales demonstrates that the number of 'non-validation' appeals determined by the Planning Inspectorate there has averaged 6 per year from 2016-2021.⁷

5. SUMMARY

- 5.1. In summary, the Department's overall objective for the proposed amendment is to provide the statutory basis for a planning authority to be able to prepare and publish a validation check list to address 'poor quality' or 'incomplete' applications entering the planning system. Once in place, the Department expects that this will improve the quality of applications coming into the system and overcome avoidable delays in the processing of applications for planning permission by front-loading applications with all the evidence and information deemed necessary for their determination. This approach should also lead to improved statutory consultee response times, reduce the need for re-consultations and improve the time taken to reach planning decisions.

⁵ [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

⁶ <https://www.legislation.gov.uk/wsi/2016/60/made>

⁷ <https://gov.wales/sites/default/files/publications/2021-04/non-validation-appeals-register.pdf>

Consultation Questions

Question 1:

Do you agree with the proposal to provide a statutory basis for planning authorities to introduce a Validation Checklist for planning applications?

Yes ☒ No ☐

(Please provide reasons for your answer.)

Mid-Ulster District Council regard this as an important means by which improvements in the quality and completeness of planning applications can be achieved leading to improved processing times.

Question 2:

Do you agree that a ‘dispute mechanism’ should be available to applicants who disagree with the information/evidence requirements to be submitted with an application?

Yes ☒ No ☐

(Please provides reasons for you answer.)

The Council agree that a dispute mechanism will provide a means by which those applicants not satisfied can exercise a right of appeal and have their case heard by an independent body.

If you answered ‘Yes’ to Question 2, please go to Question 3.

Question 3:

Would you prefer a dispute mechanism linked to ‘non-determination’ of the application as in England (see para 4.3-4.4 above) or a ‘stand-alone’ approach as in Wales (see para 4.5 above)?

‘Non-determination’ dispute ☐ ‘Stand-Alone’ dispute ☒

(Please provides reasons for you answer.)

The Council believe that it is better to have the focus of any dispute mechanism limited only to the invalid matters which are the subject of any dispute. This provides a simpler and perhaps quicker means by which such disputes can be resolved.

Question 4:

From the list below, please select the category of respondent most appropriate to you.

Business and development interests ☐

Resident/community groups/voluntary organisations ☐

Environment and heritage groups ☐

Political party/elected representative ☐

Council ☒

Statutory consultee ☐

Applicant ☐

Architect/Planning consultancy/Agent ☐

Other ☐

ANNEX A

DEPARTMENT FOR INFRASTRUCTURE

SECTION 75 EQUALITY OF OPPORTUNITY SCREENING ANALYSIS FORM

The purpose of this form is to help you to consider whether a new policy (either internal or external) or legislation will require a full equality impact assessment (EQIA). Those policies identified as having significant implications for equality of opportunity must be subject to full EQIA.

The form will provide a record of the factors taken into account if a policy is screened out, or excluded for EQIA. It will provide a basis for quarterly consultation on the outcome of the screening exercise, and will be referenced in the biannual review of progress made to the Minister and in the Annual Report to the Equality Commission.

Further advice on completion of this form and the screening process including relevant contact information can be accessed via the Department for Infrastructure (DfI) Intranet site.

HUMAN RIGHTS ACT

When considering the impact of this policy you should also consider if there would be any Human Rights implications. Guidance is at:

- <https://www.executiveoffice-ni.gov.uk/articles/human-rights-and-public-authorities>

Should this be appropriate you will need to complete a Human Rights Impact Assessment. A template is at:

- <https://www.executiveoffice-ni.gov.uk/publications/human-rights-impact-assessment-proforma>

Don't forget to Rural Proof.

Part 1. Policy scoping

The first stage of the screening process involves scoping the policy under consideration. The purpose of policy scoping is to help prepare the background and context and set out the aims and objectives for the policy, being screened. At this stage, scoping the policy will help identify potential constraints as well as opportunities and will help the policy maker work through the screening process on a step by step basis.

Public authorities should remember that the Section 75 statutory duties apply to internal policies (relating to people who work for the authority), as well as external policies (relating to those who are, or could be, served by the authority).

Information about the policy

Name of the policy

Planning Applications – Validation Checklists

Is this an existing, revised or a new policy?

New Policy

What is it trying to achieve? (intended aims/outcomes)

The aim of the policy is to bring forward an amendment to Article 3 of the Planning (General Development Procedure) Order (NI) 2015 (GDPO) to provide councils and the Department with the authority to prepare and publish “validation checklists”, to address ‘poor quality’ or ‘incomplete’ applications entering the planning system. A Validation Checklist provides guidance about the level and type of information required to be submitted with a planning application, in order to provide a degree of certainty and clarity to assist applicants. The requirements should be proportionate to the nature and scale of the development proposal.

The overall outcome of the proposed amendment is to overcome delays in the processing of applications for planning permission, by front-loading applications with all the evidence and information deemed necessary to determine the applications. This should lead to improved statutory consultee response times, (that is, the time taken by, for example: Roads, Water and Environmental Health to comment on a development proposal), reduce the need to re-consult statutory consultees, and improve the time taken to reach decisions. An associated dispute mechanism may also prove necessary which will also be consulted upon. This will provide an applicant with a means in which to dispute a decision by a planning authority not to validate a planning application where it determines that the information provided is insufficient or incomplete.

Are there any Section 75 categories which might be expected to benefit from the intended policy?

If so, explain how.

No

Who initiated or wrote the policy?

The Department for Infrastructure (the Department)

Who owns and who implements the policy?

The Department for Infrastructure / councils.

Background

The performance of the planning system in processing planning applications has been highlighted through various examinations/findings of the NI planning system: the Northern Ireland Audit Office (NIAO)⁸ Report on 1 February 2022; and the Public Accounts Committee (PAC)⁹ Report on 24 March 2022.

The Department regularly publishes statistics on planning performance¹⁰. Whilst there has been an overall improvement in 2021/22 compared to 2020/21, there is no doubt that processing times for applications in the planning system, particularly for major and economically sensitive applications, is causing frustration among stakeholders, given the impacts that this has on economic development and post COVID recovery.

The Department acknowledges that it is important that everything possible is done to keep improving the timeframes for processing applications and to do so jointly with councils, statutory consultees and other stakeholders.

Alongside the external reports mentioned above, the Department published its first report on the Review of the Implementation of the Planning Act (NI) 2011

⁸ <https://www.niauditoffice.gov.uk/publications/planning-northern-ireland>

⁹ <http://http://www.niassembly.gov.uk/globalassets/documents/committees/2017-2022/pac/reports/planning-in-ni/public-accounts-committee---planning-in-northern-ireland.pdf>

¹⁰ <https://www.infrastructure-ni.gov.uk/articles/planning-activity-statistics>

(the review report) in January 2022 which, contained 16 recommendations aimed at improving the planning system¹¹.

This proposal forms part of the Department's ongoing planning improvement agenda and flows from recommendation PT3-5 set out in the review report dealing with actions to improve the quality and completeness of planning applications:

Recommendation PT3-5 of the Review Report: *The Department will bring forward proposals to introduce 'validation checklists' and will seek to advance policy development at the earliest opportunity.*

Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision?

- Financial
- Legislative

The introduction of validation checklists to planning applications will result in extra **up-front** costs to applicants, in that it will require all necessary evidence and information needed to determine the proposal, to accompany the application at the time of its submission. This would be in contrast to councils seeking the required information at a date after the application has been made, usually, (but not exclusively) prompted by responses from statutory consultees, leading to delays in processing.

Amendment to Article 3 of the Planning (General Development Procedure) Order (NI) 2015.

Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon? (please delete as appropriate)

- staff
- service users

other public sector organisations

¹¹ <https://www.infrastructure-ni.gov.uk/publications/review-planning-act-ni-2011-report>

Other policies with a bearing on this policy

- None
- Not applicable

Available evidence

Evidence to help inform the screening process may take many forms. Public authorities should ensure that their screening decision is informed by relevant data. The Commission has produced this guide to [signpost to S75 data](#).

What evidence/information (both qualitative and quantitative) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

Religious belief: This proposal forms part of the Department's ongoing planning improvement agenda and flows from recommendation PT3-5 set out in the review report dealing with actions to improve the quality and completeness of planning applications. It also responds to the findings set out in both the NIAO and PAC Reports published earlier in 2022.

Recommendation PT3-5 of the Review Report: *“The Department will bring forward proposals to introduce ‘validation checklists’ and will seek to advance policy development at the earliest opportunity.”*

Such legislative provisions have been successfully introduced in other jurisdictions for a number of years (England & Wales), with further advice and guidance on the local information requirements for planning applications also set out in the National Planning Policy Framework¹² (England).

There is no evidence to suggest that the amendment proposed to the GDPO of itself or generally, is more or less likely to adversely impact upon any s.75 group(s). The requirements are to be kept to the minimum needed to make decisions, and are usually reviewed at least every two years. Planning authorities are also only to request supporting information that is relevant, necessary and material to the application in question.

The requirement to front-load the application process with the information/evidence needed to reach a sound decision will apply equally to every applicant, and will be specific to the type of application made, and the nature, scale and location of the proposed development. Each and every planning application is considered on its own individual merits, and the potential equality impacts will form part of that decision-making process.

The Department does not therefore envisage any significant, adverse or unequal impact of this policy upon any s.75 category.

¹² <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

Political Opinion: As above

Racial Group: As above

Age: As above

Marital Status: As above

Sexual Orientation: As above

Men & Women generally: As above

Disability: As above

Dependants: As above

Needs, experiences and priorities

Taking into account the information referred to above, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision?

Specify details of the needs, experiences and priorities for each of the Section 75 categories below:

Religious belief: None – no equality issues identified as the information requirements i.e. in the Validation Checklists, to be published by planning authorities will be applicable to all those making a planning application.

Political Opinion: As above

Racial Group: As above

Age: As above

Marital status: As above

Sexual orientation: As above

Men and Women Generally: As above

Disability: As above

Dependants: As above

Part 2. Screening questions

Introduction

In making a decision as to whether or not there is a need to carry out an equality impact assessment, the public authority should consider its answers to the questions 1-4 which are given on pages 66-68 of this Guide.

If the public authority's conclusion is **none** in respect of all of the Section 75 equality of opportunity and/or good relations categories, then the public authority may decide to screen the policy out. If a policy is 'screened out' as having no relevance to equality of opportunity or good relations, a public authority should give details of the reasons for the decision taken.

If the public authority's conclusion is **major** in respect of one or more of the Section 75 equality of opportunity and/or good relations categories, then consideration should be given to subjecting the policy to the equality impact assessment procedure.

If the public authority's conclusion is **minor** in respect of one or more of the Section 75 equality categories and/or good relations categories, then consideration should still be given to proceeding with an equality impact assessment, or to:

- measures to mitigate the adverse impact; or
- the introduction of an alternative policy to better promote equality of opportunity and/or good relations.

In favour of a 'major' impact

- a) The policy is significant in terms of its strategic importance;
- b) Potential equality impacts are unknown, because, for example, there is insufficient data upon which to make an assessment or because they are complex, and it would be appropriate to conduct an equality impact assessment in order to better assess them;
- c) Potential equality and/or good relations impacts are likely to be adverse or are likely to be experienced disproportionately by groups of people including those who are marginalised or disadvantaged;
- d) Further assessment offers a valuable way to examine the evidence and develop recommendations in respect of a policy about which there are concerns amongst affected individuals and representative groups, for example in respect of multiple identities;
- e) The policy is likely to be challenged by way of judicial review;

- f) The policy is significant in terms of expenditure.

In favour of 'minor' impact

- a) The policy is not unlawfully discriminatory and any residual potential impacts on people are judged to be negligible;
- b) The policy, or certain proposals within it, are potentially unlawfully discriminatory, but this possibility can readily and easily be eliminated by making appropriate changes to the policy or by adopting appropriate mitigating measures;
- c) Any asymmetrical equality impacts caused by the policy are intentional because they are specifically designed to promote equality of opportunity for particular groups of disadvantaged people;
- d) By amending the policy there are better opportunities to better promote equality of opportunity and/or good relations.

In favour of none

- a) The policy has no relevance to equality of opportunity or good relations.
- b) The policy is purely technical in nature and will have no bearing in terms of its likely impact on equality of opportunity or good relations for people within the equality and good relations categories.

Taking into account the evidence presented above, consider and comment on the likely impact on equality of opportunity and good relations for those affected by this policy, in any way, for each of the equality and good relations categories, by applying the screening questions given overleaf and indicate the level of impact on the group i.e. minor, major or none.

Screening questions

1. What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories?

Please provide details of the likely policy impacts and determine the level of impact for each S75 categories below i.e. either minor, major or none.

Details of the likely policy impacts on **Religious belief**: None identified. The policy proposal will apply equally to all planning applications and not impact on equality of opportunity for applicants.

What is the level of impact? None

Details of the likely policy impacts on **Political Opinion**: As above

What is the level of impact? None

Details of the likely policy impacts on **Racial Group**: As above

What is the level of impact? None

Details of the likely policy impacts on **Age**: As above

What is the level of impact? None

Details of the likely policy impacts on **Marital Status**: As above

What is the level of impact? None

Details of the likely policy impacts on **Sexual Orientation**: As above

What is the level of impact? None

Details of the likely policy impacts on **Men and Women**: As above

What is the level of impact? None

Details of the likely policy impacts on **Disability**: As above

What is the level of impact? None

Details of the likely policy impacts on **Dependants**: As above

What is the level of impact? None

2. Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories? Yes/No

Detail opportunities of how this policy could promote equality of opportunity for people within each of the Section 75 Categories below:

Religious Belief - No

The proposed policy will apply equally to all users of the planning system. There is no opportunity to better promote equality of opportunity for applicants.

Political Opinion – No, as above

Racial Group – No, as above

Age – No, as above

Marital Status – No, as above

Sexual Orientation – No, as above

Men and Women generally - No, as above

Disability - No, as above

Dependants No, as above

3. **To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group?**

Please provide details of the likely policy impact and determine the level of impact for each of the categories below i.e. either minor, major or none.

Details of the likely policy impacts on **Religious belief**: None. The Policy is introducing a Validation checklist for planning applications in order to improve the planning process.

What is the level of impact? None

Details of the likely policy impacts on **Political Opinion**: None. The Policy is introducing a Validation checklist for planning applications in order to improve the planning process.

What is the level of impact? None

Details of the likely policy impacts on **Racial Group**: None. The Policy is introducing a Validation checklist for planning applications in order to improve the planning process.

What is the level of impact? None

4. **Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?**

Detail opportunities of how this policy could better promote good relations for people within each of the Section 75 Categories below:

Religious Belief – No - The Policy is introducing a Validation checklist for planning applications in order to improve the planning process. Effects people of all religious beliefs equally.

Political Opinion – No - The Policy is introducing a Validation checklist for planning applications in order to improve the planning process. Effects people of all political opinions equally.

Racial Group - – No - The Policy is introducing a Validation checklist for planning applications in order to improve the planning process. Effects people of all racial groups equally.

Additional considerations

Multiple identity

Generally speaking, people can fall into more than one Section 75 category. Taking this into consideration, are there any potential impacts of the policy/decision on people with multiple identities?

(For example; disabled minority ethnic people; disabled women; young Protestant men; and young lesbians, gay and bisexual people).

N/A

Provide details of data on the impact of the policy on people with multiple identities. Specify relevant Section 75 categories concerned.

There is no evidence that the policy has any impact on people with multiple identities.

Part 3. Screening decision

If the decision is not to conduct an equality impact assessment, please provide details of the reasons.

The Department does not envisage or consider that there are likely to be any specific significant negative, adverse or unequal impacts associated with this policy. The proposed amendment to the Planning (General Development Procedure) Order (NI) 2015 will apply equally to all users of the planning system and there is no evidence that it will have any significant impact in terms of equality of opportunity or good relations.

An associated dispute mechanism would also provide a level of assurance that the information requirements are proportionate and material to the proposed application, and would avert the need for judicial challenges and would also uphold an applicant's European Court of Human Rights Article 6 right to a fair trial.

In line with the Equality Commission NI guidance "regular and ongoing monitoring and screening of each major project will be undertaken to examine any equality impacts".

If the decision is not to conduct an equality impact assessment the public authority should consider if the policy should be mitigated or an alternative policy be introduced - please provide details.

As above

If the decision is to subject the policy to an equality impact assessment, please provide details of the reasons.

Not applicable

All public authorities' equality schemes must state the authority's arrangements for assessing and consulting on the likely impact of policies adopted or proposed to be adopted by the authority on the promotion of equality of opportunity. The Commission recommends screening and equality impact assessment as the tools to be utilised for such assessments. Further advice on equality impact assessment may be found in a separate Commission publication: Practical Guidance on Equality Impact Assessment.

Mitigation

When the public authority concludes that the likely impact is 'minor' and an equality impact assessment is not to be conducted, the public authority may consider mitigation to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

If so, **give the reasons** to support your decision, together with the proposed changes/amendments or alternative policy. Not applicable

Timetabling and prioritising

Factors to be considered in timetabling and prioritising policies for equality impact assessment.

If the policy has been '**screened in**' for equality impact assessment, then please answer the following questions to determine its priority for timetabling the equality impact assessment.

On a scale of 1-3, with 1 being the lowest priority and 3 being the highest, assess the policy in terms of its priority for equality impact assessment.

Priority criterion [Author pick 1 2 or 3 if a full EQIA is to take place]

Effect on equality of opportunity and good relations **Rating 1**

Social need **Rating 1**

Effect on people's daily lives **Rating 1**

Relevance to a public authority's functions **Rating 1**

Note: The Total Rating Score should be used to prioritise the policy in rank order with other policies screened in for equality impact assessment. This list of priorities will assist the public authority in timetabling. Details of the Public Authority's Equality Impact Assessment Timetable should be included in the quarterly Screening Report.

Is the policy affected by timetables established by other relevant public authorities? No

If yes, please provide details.

Part 4. Monitoring

Public authorities should consider the guidance contained in the Commission's Monitoring Guidance for Use by Public Authorities (July 2007).

The Commission recommends that where the policy has been amended or an alternative policy introduced, the public authority should monitor more broadly than for adverse impact (See Benefits, P.9-10, paras 2.13 – 2.20 of the Monitoring Guidance).

Effective monitoring will help the public authority identify any future adverse impact arising from the policy which may lead the public authority to conduct an equality impact assessment, as well as help with future planning and policy development.

Part 5 - Approval and authorisation

Screened by: Tom Mathews
Position/Job Title: SPTO
Date: 27 October 2022

Approved by: Irene Kennedy
Position/Job Title: Grade 7
Date: 27 October 2022

Note: A copy of the Screening Template, for each policy screened should be 'signed off' and approved by a senior manager responsible for the policy, made easily accessible on the public authority's website as soon as possible following completion and made available on request.

For Equality Team Completion:

Date Received:	25 October 2022
Amendments Requested:	Yes
Date Returned to Business Area:	28 October 2022
Date Final Version Received / Confirmed:	2 November 2022
Date Published on DfI's Section 75 webpage:	2 November 2022

Title: Planning Applications – Validation Checklists	Regulatory Impact Assessment (RIA)	
	Date: 2 November 2022	
	Type of measure: Secondary Legislation	
Lead department or agency: Department for Infrastructure	Stage: Development	
	Source of intervention: Domestic NI	
Other departments or agencies: N/A	Contact details: Irene Kennedy	
	Regional Planning Directorate Room 1-01 Clarence Court 10-18 Adelaide Street Belfast BT2 8GB	

Summary Intervention and Options

What is the problem under consideration? Why is government intervention necessary? (7 lines maximum) The performance of the planning system in processing planning applications has been highlighted through various examinations/findings by the Northern Ireland Audit Office (NIAO), and the Public Accounts Committee in 2022. A number of recommendations from the first Report on the Implementation of the Planning Act 2011 (Jan 2022), also committed to developing policy aimed at improving performance. Poor performance has in part, been attributed to poor quality or incomplete applications entering the system. It is proposed to empower planning authorities to prepare and publish planning validation checklists to address the matter. This will ensure that applications entering the system will be required, from the outset, to include all information/evidence needed to reach a sound decision. The requirements will be proportionate to the nature and scale of the development proposal.		
What are the policy objectives and the intended effects? (7 lines maximum) The overall objective and outcome of the proposed policy is to overcome delays in the processing of applications for planning permission and other consents, by front-loading applications with all the evidence and information deemed necessary to determine the applications. This approach should also lead to improved statutory consultee response times, and reduce the need for re-consultations, and improve the time to reach decisions. This will be achieved by way of an amendment to Article 3 of the Planning (General Development Procedure) Order (NI) 2015 (GDPO). An associated dispute mechanism may also prove necessary which, will also be consulted upon.		
What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base) (10 lines maximum) There were 3 options considered for planning application requirements: <ul style="list-style-type: none"> • Option 1 – Do nothing and maintain current (minimum) application requirements (i.e. maintain the status quo); • Option 2 – Encourage introduction of validation checklists on a non-statutory, administrative basis; and • Option 3 – Place validation checklists on a legislative basis by way of amendment to the GDPO 2015. The preferred option. 		
Will the policy be reviewed? It will be reviewed		If applicable, set review date: 2025

Cost of Preferred (or more likely) Option		
Total outlay cost for business £m	Total net cost to business per year £m	Annual cost for implementation by Regulator £m
£0	£0	£0

Does Implementation go beyond minimum EU requirements?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Is this measure likely to impact on trade and investment?	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>

Are any of these organisations in scope?	Micro Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Small Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Medium Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Large Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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The final RIA supporting legislation must be attached to the Explanatory Memorandum and published with it.

Approved by:

Date:

Summary: Analysis and Evidence

Policy Option 1

Description: Do nothing and maintain current (minimum) application requirements.

ECONOMIC ASSESSMENT (Option 1)

Costs (£m)	Total Transitional (Policy) (constant price) Years		Average Annual (recurring) (excl. transitional) (constant price)	Total Cost (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate				
Description and scale of key monetised costs by 'main affected groups' Maximum 5 lines There are no new monetised costs with this option, and a planning application will only need to include the current minimum requirements, set out under Art.3 of the GDPO, together with the appropriate planning fee. Further information/evidence requirements (where necessary), will be sought from the applicant after validation and during processing.				
Other key non-monetised costs by 'main affected groups' Maximum 5 lines To maintain the current position would not advance a recommendation in the Review Report; findings from the NIAO/ PAC reports and likely draw criticism from many stakeholders in the planning system, particularly local councils. Potentially incomplete or poor quality planning applications would continue to be submitted, causing delay in processing times and adversely impacting planning performance.				
Benefits (£m)	Total Transitional (Policy) (constant price) Years		Average Annual (recurring) (excl. transitional) (constant price)	Total Benefit (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate				
Description and scale of key monetised benefits by 'main affected groups' Maximum 5 lines It is difficult to measure / quantify any monetary benefits or effects of maintaining the current provision under the GDPO. Under this option, the existing regime will continue but without the benefit of potential amendments which otherwise may have been introduced.				
Other key non-monetised benefits by 'main affected groups' Maximum 5 lines Maintaining the existing application requirements, while generally beneficial to potential applicants, will overall be disadvantageous to the planning system as a whole, statutory consultee response times and council performance, in comparison to other jurisdictions where validation checklists have already been implemented.				
Key Assumptions, Sensitivities, Risks Maximum 5 lines It is not unreasonable to assume that maintaining the existing application requirements would be disadvantageous overall to local business in that, unnecessary delays in the processing of planning applications would continue affecting overall performance.				

BUSINESS ASSESSMENT (Option 1)

Direct Impact on business (Equivalent Annual) £m			
Costs:	Benefits:	Net:	Cannot be quantified monetarily but is assumed it would be disadvantageous in comparison to other jurisdictions where validation checklists are in place.

Cross Border Issues (Option 1)

How does this option compare to other UK regions and to other EU Member States (particularly Republic of Ireland) Maximum 3 lines

The current minimum application requirements set out in Art.3 of the GDPO 2015, and s.40 of the Planning Act are similar to those in other jurisdictions. However, other jurisdictions have introduced validation checklists for some time now. The option to maintain only current minimum requirements here will mean that locally, NI will not keep pace with nor take account of changes / approaches elsewhere.

Summary: Analysis and Evidence**Policy Option 2**

Description: Encourage an administrative approach to validation check-lists

ECONOMIC ASSESSMENT (Option 2)

Costs (£m)	Total Transitional (Policy) (constant price)	Years	Average Annual (recurring) (excl. transitional) (constant price)	Total Cost (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate				

Description and scale of key monetised costs by 'main affected groups' Maximum 5 lines

The introduction of validation check-lists, on a **non-legislative / administrative** approach would likely improve the quality of applications, and could result in improved processing times, consultee response times, and overall planning performance. Evidence from Belfast City Council's pilot exercise, undertaken between 2020/21 in this regard supports this conclusion. Councils would bear the costs with this option, however, without statutory weight, applicants would not be bound to provide the additional information/evidence sought. In such circumstances, existing minimum information set out under Art.3 of the GDPO, together with the appropriate planning fee would only be necessary. Further information/evidence requirements (where necessary), will be sought from the applicant after validation, and during processing.

Other key non-monetised costs by 'main affected groups' Maximum 5 lines

This option would not advance a recommendation in the Review Report; nor develop findings from the NIAO/ PAC reports and likely draw criticism from many stakeholders in the planning system, particularly local councils. Potentially incomplete or poor quality planning applications would continue to be submitted, causing delay in processing times and adversely impacting planning performance.

Not to undertake to improve the quality and completeness of planning applications does not fulfil a departmental commitment, and will not ensure that the legislation remains appropriate to the local context. Changes (if any) to similar legislation in other jurisdictions will not be factored in to any assessment.

Benefits (£m)	Total Transitional (Policy) (constant price)	Average Annual (recurring) (excl. transitional) (constant price)	Total Benefit (Present Value)
Low	Optional	Optional	Optional
High	Optional	Optional	Optional
Best Estimate			

Description and scale of key monetised benefits by 'main affected groups' Maximum 5 lines

It is difficult to measure / quantify any monetary benefits or effects of this option. Under this option, potential enhanced information/evidence would be sought, but without the benefit of a legislative footing would require the willing participation of applicants to the planning system.

Other key non-monetised benefits by 'main affected groups' Maximum 5 lines

The introduction of validation check-lists on a **non-legislative / administrative** approach would likely improve the quality of applications, and could result in improved processing times, consultee response times, and overall planning performance. This option, while generally beneficial to the planning system, will overall be disadvantageous in comparison to other jurisdictions where statutory validation checklists have already been successfully implemented.

Key Assumptions, Sensitivities, Risks Maximum 5 lines

It is not unreasonable to assume that a voluntary approach to the introduction of validation checklists could benefit the planning system and decision-making, however without a statutory footing it requires the active participation of all applicants which, is not guaranteed.

BUSINESS ASSESSMENT (Option 2)

Direct Impact on business (Equivalent Annual) £m				
Costs:	Benefits:	Net:		Cannot be quantified monetarily but is assumed it would be disadvantageous in comparison to other jurisdictions where statutory validation checklists are in place.

Cross Border Issues (Option 2)**How does this option compare to other UK regions and to other EU Member States (particularly Republic of Ireland)** Maximum 3 lines

The current minimum application requirements set out in Art.3 of the GDPO 2015, and s.40 of the Planning Act are similar to those in other jurisdictions. However, other jurisdictions have introduced statutory validation checklists for some time now. This option would mean that locally, NI will not keep pace with nor take account of changes / approaches elsewhere.

Summary: Analysis and Evidence Policy Option 3

Description: Legislate for validation checklists

ECONOMIC ASSESSMENT (Option 3)

Costs (£m)	Total Transitional (Policy) (constant price) Years		Average Annual (recurring) (excl. transitional) (constant price)	Total Cost (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate				
Description and scale of key monetised costs by ‘main affected groups’ Maximum 5 lines The introduction of validation checklists on a legislative basis would improve the quality of planning applications entering the system, resulting in improved application processing times, consultee response times, and the overall performance within the planning system. Planning authorities would bear the costs with this option, of preparing and publishing validation checklists. With statutory weight however, applicants would be bound to provide the additional information/evidence sought from the outset, without which, applications would be deemed invalid.				
Other key non-monetised costs by ‘main affected groups’ Maximum 5 lines There are no appreciable non-monetised costs associated with this option. Potentially incomplete or poor quality planning applications would be deemed invalid and not entered into the planning system.				
Benefits (£m)	Total Transitional (Policy) (constant price) Years		Average Annual (recurring) (excl. transitional) (constant price)	Total Benefit (Present Value)
Low	Optional		Optional	Optional
High	Optional		Optional	Optional
Best Estimate				
Description and scale of key monetised benefits by ‘main affected groups’ Maximum 5 lines It is difficult to measure / quantify the monetary benefits or effects of this option. A statutory requirement empowering councils to set out the additional supporting information / evidence to accompany different types of planning application, and specific to particular types of development would enhance the quality of applications, front-loads the application process, and should result in better processing times, and consultee response times. This ultimately should also result in improved planning performance giving greater certainty to applicants and other stakeholders.				
Other key non-monetised benefits by ‘main affected groups’ Maximum 5 lines As above.				
Key Assumptions, Sensitivities, Risks Maximum 5 lines There are no appreciable sensibilities or risks associated with this option.				

BUSINESS ASSESSMENT (Option 3)

Direct Impact on business (Equivalent Annual) £m				
Costs:	Benefits:	Net:		Cannot be quantified monetarily but is it would bring the approach in NI in to line with other jurisdictions where statutory validation checklists are in place.

Cross Border Issues (Option 3)**How does this option compare to other UK regions and to other EU Member States (particularly Republic of Ireland) Maximum 3 lines**

The current minimum application requirements set out in Art.3 of the GDPO 2015 are similar to those in other jurisdictions. However, other jurisdictions have introduced statutory validation checklists for some time now. This option would mean that locally, NI will keep pace with approaches elsewhere.

Evidence Base

The performance of the planning system in processing planning applications has been highlighted through various examinations/findings of the NI planning system by the Northern Ireland Audit Office (NIAO), and the Public Accounts Committee in 2022. A number of recommendations from the first Report on the Implementation of the Planning Act 2011 (Jan 2022), also committed to developing policy aimed at improving performance. Poor performance has in part, been attributed to poor quality or incomplete applications entering the system.

It is proposed to empower planning authorities to prepare and publish planning validation checklists to address the matter. This will ensure that applications entering the system will be required, from the outset, to include all information/evidence needed to reach a sound decision. The requirements will be proportionate to the nature and scale of the development proposal. An associated dispute mechanism may also prove necessary which will also be consulted upon.

Legislating for validation check-lists (similar to that in other jurisdictions) advances a recommendation from the Review Report, and takes into account the findings from the NIAO and PAC reports. Evidence from Belfast City Council's pilot exercise further supports legislative change in this regard. A statutory requirement empowering planning authorities to set out the additional supporting information / evidence to accompany different types of planning application, and specific to particular types of development would enhance the quality of applications, front-loads the application process, and should result in better processing times, and consultee response times. This ultimately should also result in improved planning performance across all the planning system. By definition, legislative provisions would also enable a planning authority to reject / invalidate an incomplete planning application, and to request the applicant submit the requisite information. Any failure to meet such requirements could result in the application and fee being returned. This would ensure that such applications do not affect processing times nor overall planning performance.

Options

Three options were considered:

Option 1 – Do nothing and maintain current planning application requirements;

Option 2 – Encourage an administrative approach to validation check-lists across all planning authorities.

Option 3 - Legislate for validation check-lists across all planning authorities

Belfast City Council Pilot Project

Belfast City Council (BCC) review of its implementation of validation checklists on an administrative basis identified that one of the most significant contributing factors in delaying the planning application process was the poor quality of applications on submission. In particular, applications have often been “incomplete” and not supported by the information required by planning policy and best practice. This means that applications cannot be given a positive determination at the first time of asking and there are inevitably delays as the information is sought and finally submitted. This also places unnecessary burdens on already stretched statutory consultees, wasting their time and resources on reviewing incomplete applications.

BCC Planning Service published its *Application Checklist in 2018*, which provided guidance to customers on which information they need to submit with their application, depending on its characteristics, scale and spatial constraints. Information requirements were divided into two categories: “Basic Requirements” – necessary to make the application valid in accordance with planning legislation; and “Other supporting information” – required by planning policy and best practice so that the application can be fully considered. Applications were checked on receipt and if information was missing then the applicant was requested to provide it within 14 days otherwise the application was returned along with the planning fee. Applicants were asked to resubmit the application only when all the information was available.

Feedback from customers was generally very positive. Agents and architects saw significant value in the Council publishing a list of documents required with planning applications. It assisted them when pricing work and justifying to their client which information is needed. Agents said that they are now less likely to submit an incomplete application to BCC because they know the Council will send it back. Constructive feedback includes the need for officers to apply the Application Checklist proportionately and that it must not be used as a simple administrative tick-list – information was only required where it is fundamentally needed.

Feedback from consultees and staff has also been positive. Statutory consultees were very supportive of the Application Checklist as a means to frontload information and improve the quality of applications, thereby making the assessment process much more efficient. They unanimously support legislative change to improve information requirements at the beginning of the process.

BCC concluded that the Application Checklist has been a significant success in improving the quality of planning applications. It has had a marked positive effect on determination times and performance. It has also begun to shift the culture and attitude of customers towards submitting much better quality planning application at the outset of the process.

BCCs review was shared with the Department for Infrastructure in support of its case for a change to planning legislation, aimed at improving information requirements on submission of planning applications

Preferred Option

Overall, Option 3 is considered to be the preferred option as it would meet the policy objectives outlined above.

Benefits for planning authorities: reduced number / processing of planning applications

The benefits of preparing validation checklists are that it:

- scopes the information required at the outset to ensure a 'fit for purpose' submission;
- enables the planning authority to have all the necessary information to determine the application and to draft the planning permission and conditions appropriately;
- minimises the need for further submission of additional information during the life of the application which avoids any unnecessary delays in the determination of applications;
- provides applicants with certainty as to the level of information required and the likely overall cost of the application submission; and
- ensures that the appropriate information is provided with an application to assist interested parties, including consultees, in their consideration of development proposals.

These benefits will result in reduced processing times and improved planning performance, together with improved statutory consultee response times.

Equality Impact Assessment

The Department's initial screening for equality impacts considers that the proposals will not discriminate unlawfully, unfairly or unjustifiably against any sections of the community specified in Section 75 of the Northern Ireland Act 1998.

Impact on businesses

There may be positive impacts for businesses from quicker decision-making on planning applications.

Rural proofing

The Department considers that the proposals would have no differential or adverse impact in rural areas or on rural communities.

Minutes of Meeting of Planning Committee of Mid Ulster District Council held on Tuesday 1 November 2022 in Council Offices, Ballyronan Road, Magherafelt and by virtual means

Members Present	Councillor Mallaghan, Chair	
	Councillors Brown, Clarke, Colvin*, Corry, Cuthbertson, Glasgow, Martin*, McFlynn, McKinney, D McPeake, S McPeake, Quinn*, Robinson*	
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) Ms McKinless, Senior Planning Officer (SPO) Ms Scott, Council Solicitor Miss Thompson, Democratic Services Officer	
Others in Attendance	Councillor Gildernew*** Councillor S McGuigan*** Councillor Molloy***	
	LA09/2022/0280/F	Mr Moran
	LA09/2021/1678/F	Ms Gourley
		Councillor Molloy
	LA09/2022/0186/O	Ms Gourley

* 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

P133/22 Notice of Recording

Members noted that the meeting would be webcast for live and subsequent broadcast on the Council's You Tube site.

P134/22 Apologies

Councillors Bell and Black.

P135/22 Declarations of Interest

The Chair reminded members of their responsibility with regard to declarations of interest.

P136/22 Chair's Business

The Chair, Councillor Mallaghan referred to correspondence within addendum from Cork City Council regarding motion adopted by that Council in relation to prospecting licences and supporting the approach taken by this Council, and other Councils, in relation to same. Councillor Mallaghan asked the Chair of Council to respond to Cork City Council thanking them for their comments.

Councillor Corry stated she was delighted that Cork City Council recognised the work this Council is doing and agreed to send correspondence.

The Service Director of Planning referred to addendum and letter from PAC regarding Public Enquiry into A5 Road Scheme. The SD: PI advised that it was not the intention for officers to attend the enquiry but was bringing the matter to the attention of Councillors.

The Service Director of Planning referred to addendum and appeal decision regarding Dungannon Clay Pigeon Club. The SD: PI stated he was not overly concerned regarding the appeal decision itself but more so regarding the award of costs which was given. The SD: PI stated the award of costs was given because an officer hadn't specified every date which the clay pigeon club had stated in their report and missed a document. The SD: PI stated this was concerning in that if this happened again it could give an award of costs against Council.

Councillor Cuthbertson asked if there was currently a live application for Dungannon Clay Pigeon Club, if there was how long it had been in the system and if it had of been brought forward sooner would the appeal have happened.

The Head of Local Planning advised there was currently a live application for Ulster Clay Pigeon Association for proposed retention of clay pigeon club facility on Tierluran Road, Aughnacloy.

Councillor Cuthbertson asked if that application was submitted when the CLEUD was refused.

The HLP advised that the live application was received in September 2021.

The SD: PI advised that this would have been after the appeal had been lodged.

Councillor Cuthbertson asked if the live application was still needed.

The SD: PI stated he was unsure as officers would have to contrast the application against what the CLEUD states to see if they match. The SD: PI stated that the level of detail which needs to be gone through can slow everything down but if it is not done there is a chance of legal challenge.

The Service Director of Planning drew attention to correspondence included in addendum from DAERA which advised that it had published a revised statement of public participation – October 2022 in relation to its Marine Plan for Northern Ireland.

The Service Director of Planning referred to addendum and report therein in relation to consultation regarding amendments to a wind farm approved in Co. Monaghan. The SD: PI advised that the amendments did not give cause for concern and did not feel there was anything to raise objection to and that Council would respond to the consultation in that way.

Matters for Decision

P137/22 Planning Applications for Determination

The Chair drew Members attention to the undernoted planning applications for determination.

LA09/2019/0643/F Assembly building at Terex, Farlough Road Plant, 32 Farlough Road, Dungannon for Terex

The Chair, Councillor Mallaghan advised that a late objection letter had been received as per addendum. Further to this Councillor Mallaghan advised that he had also received correspondence today from another objector who wished to address the committee but was currently unwell and had asked that the application be deferred. The Chair stated he had asked the officer to go back over the points of objection which the person wanted to speak about to ascertain if these concerns had been considered and it had been advised that all objections had been taken into account. The Chair stated it was not within his gift to defer an application on his own and that this needed to be a committee decision. The Chair asked that officer to provide an update on the application.

Ms Doyle (HLP) presented report on planning application LA09/2019/0643/F advising that it was recommended for approval and provided update in relation objections raised.

The Chair, Councillor Mallaghan stated that a request had been received to speak for the application but that the person was not in attendance tonight.

Councillor Quinn declared an interest in the application as an employee of Terex.

Councillor Colvin referred to report from environmental health which was inconclusive and did not state that there would not be a noise issue. The Councillor stated he would like to see this revisited before proceeding any further and proposed that the application be deferred until a further report is obtained from environmental health regarding noise. Councillor Colvin stated that residents need to be satisfied that there will be no noise nuisance and that he did not think enforcement could be relied on as a means of regulating such an issue.

The Service Director of Planning advised that environmental health are not saying there isn't a noise issue its that the business already exists and already has an impact on amenity and therefore the option of doing nothing keeps the situation as is. The SD: PI advised that environmental health have indicated that if the application was approved the situation would be better than what it is at the moment.

The Head of Local Planning pointed out where the new development will be in conjunction with where objectors live. The HLP advised that the objector living at no.40 has questioned external storage but pointed out that this application does not deal with that issue and there is an ongoing enforcement case into that matter.

Councillor Corry seconded the proposal to defer the application in order to clarify the issues raised in objection.

The Chair, Councillor Mallaghan stated that the application had been submitted in 2019 and asked if deferral would cause any issues.

The Head of Local Planning advised there have been a number of meetings to try to address noise issues and that if the situation were to remain as it is now there would be no improvement. If the application were to be approved it would offer some improvement but still not to the satisfaction of local residents because it has been identified as an adverse impact on residential amenity.

Councillor Cuthbertson proposed the officer recommendation to approve the application.

Councillor McKinney seconded Councillor Cuthbertson's proposal.

Councillor Corry stated she would withdraw her seconding of Councillor Colvin's proposal if approving the application offered the best improvement achievable.

Councillor Colvin stated that given the information provided that the application will better the situation for the residents and that there would be ongoing monitoring he would withdraw his proposal to defer.

Resolved That planning application LA09/2019/0643/F be approved subject to conditions as per the officer's report.

The Chair, Councillor Mallaghan 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 –

Agenda Item 5.3 - LA09/2021/1083/F - Two storey with lower ground floor replacement dwelling and associated courtyard domestic garages and outbuildings at 9 Mackenny Road, Cookstown.

Agenda Item 5.5 – LA09/2021/1615/F - Replacement storage shed at rear of 245 Washingbay Road, Aughamullan, Coalisland.

Agenda Item 5.9 – LA09/2022/0285/O - Dwelling on a farm adjacent and W of 81 Drumflugh Rd, Benburb, Dungannon.

Agenda Item 5.13 – LA09/2022/0541/F - Farm shed at 210m E of 91 Ballynakilly Road, Coalisland.

Agenda Item 5.16 – LA09/2022/0641/F - Boundary wall/fence at 29 Glengomna Road, Draperstown.

Agenda Item 5.17 – LA09/2022/0651/F - Change of house type and garage with all associated landscaping and site works (substitution approved M/2013/0341/F & subsequently LA09/2015/0595/F) at lands approx. 70m SW of 6 Goland Road, Ballygawley.

Agenda Item 5.18 – LA09/2022/0686/O - Dwelling at lands immediately W and adjacent to 115 Clonavaddy Road, Galbally, Dungannon.

Agenda Item 5.20 – LA09/2022/1226/O - Site for dwelling and domestic garage at 100m S of 25a, Cloane Road, Draperstown, at the Junction of Cloane Road and Cloane Lane.

Agenda Item 5.21 – LA09/2022/1230/O - Site for dwelling and domestic garage at 155M S of 25a Cloane Road, Draperstown.

Proposed by Councillor Clarke
Seconded by Councillor S McPeake and

Resolved That the planning applications listed above be deferred for an office meeting.

LA09/2020/1021/O Site for small business park to include light & general industrial use/assembly/storage/business (20,000sq ft total), with parking, turning, loading, new access, boundary treatments & site works including landscaped buffer. Enterprise to be contained within 4 no. buildings approximately 5000 sq ft each. (Revised description) adjacent to Eurosprings, 127 Ballynakilly Road, Coalisland for Eurosprings Ltd

Members considered previously circulated report on planning application LA09/2020/1021/O which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor McKinney and

Resolved That planning application LA09/2020/1021/O be approved subject to conditions as per the officer's report.

LA09/2021/1083/F Two storey with lower ground floor replacement dwelling and associated courtyard domestic garages and outbuildings at 9 Mackenny Road, Cookstown for Mrs Wilma Brownlee

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/1521/F 6 no dwellings (change of house type) from 2 blocks of 3 townhouses to 2 semi-detached & 2 detached house (plot no's 22, 23, 24, 25, 26 & 27) at lands 72m NW of 21 Lurgyroe Glen, Kilmascally Road, Dungannon for Roxborough Plant & Construction Ltd

Members considered previously circulated report on planning application LA09/2021/1521/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor McKinney and

Resolved That planning application LA09/2021/1521/F be approved subject to conditions as per the officer's report.

LA09/2021/1615/F Replacement storage shed at rear of 245 Washingbay Road, Aughamullan, Coalisland for Mr Colin McCluskey

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2021/1694/O Curates two storey dwelling with domestic garage and within curtilage vehicular parking at land adjoining 13 Loy Street, Cookstown for Mr William Stewart

Members considered previously circulated report on planning application LA09/2021/1694/O which had a recommendation for approval.

Proposed by Councillor Brown
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2021/1694/O be approved subject to conditions as per the officer's report.

LA09/2021/1763/F Garage/workshop/stores with portal frame structure at 100m S of 8 Lurganagoose Road, Knockloghrim for McLean Transport

Members considered previously circulated report on planning application LA09/2021/1763/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor S McPeake and

Resolved That planning application LA09/2021/1763/F be approved subject to conditions as per the officer's report.

LA09/2022/0280/F 2 infill dwellings & garages between 53B & 55 Ranaghan Road, Maghera for Mr Paddy Corbett

Ms McKinless (SPO) presented a report on planning application LA09/2022/0280/F advising that it was recommended for approval.

The Chair advised the committee that a request to speak on the application had been received and invited Mr Moran to address the committee.

Mr Moran thanked the Committee for the opportunity to raise concerns regarding the proposed development and stated he was confident that the western section required 2.4m by 70m visibility splay does encroach onto his property as identified on land registry title deeds. Mr Moran advised that he had discussed the matter with Land Registry who confirm same and that although the agent for the application has submitted confirmation regarding this matter he did not accept that the agent's letter is factually correct. Mr Moran questioned whether planning can confirm receipt of any revised drawings illustrating that the visibility splay is achievable as they have stated without the involvement of third party lands. Mr Moran asked that DfI review their recommendation and that a detailed site survey be carried out to establish the proposed visibility splays on site and only once this is done should they make their decision on this matter. Mr Moran referred to the case officer report and that access will be conditioned and the onus will be on the applicant to ensure they have relevant ownership to develop the access. Mr Moran asked if the applicant cannot comply to this condition and access cannot be developed did this mean that Council has granted an application without a legally approved access to the public road and does this contravene with planning policies. Mr Moran stated that the application will not help to maintain the rural character of the area and pointed out that at no point along this stretch of road is there a minimum of four dwellings plus a fifth approved but that the case officer has referred to housing at Noonevale which is a line of ten plus houses. Mr Moran advised that Noonevale is 1.9 miles away from the proposed site and 0.25 miles from the settlement boundary of Maghera therefore he could not see the relevance of that area to this case. Mr Moran stated he had no objection to any lawful planning decision which may be granted as long as the proposal does not have any impact on his property or jeopardise his privacy and would ask that this is taken into consideration

The Service Director Planning asked where Mr Moran lived.

Mr Moran advised he lived at 55 Ranaghan Road.

The SD: PI asked if Mr Moran had his visibility splays in place.

Mr Moran stated that the house had been there since 1979 and that visibility splays were in place.

Councillor S McPeake asked if there was any more detail in relation to the visibility splay and referred to the objectors comments that he was confident that he had Land Registry maps which could confirm that a visibility splay cannot be achieved. Councillor S McPeake stated that Land Registry was one thing but that there can be confusion in that a person may think their entitlements reach to the edge of the road but that this may not be the case as Roads Service maintain the verge. The Councillor stated that such issues can be thrashed out at civil proceedings.

The Sd: PI stated that Land Registry can show one thing but that when a boundary is put up, such as a wall, Courts have tended to take the view that a person has given up the land between the boundary and the road. If a fence was then put up which blocked the visibility splay then a person could be liable to enforcement as the

visibility to an access has been disrupted. The SD: PI stated that the objector has indicated that he has adequate visibility therefore it would be reasonable to assume that someone coming out from the junctions of the proposal would have adequate visibility. The SD: PI stated he did not know what the land entitlement is in this case and that planning does not adjudicate over such things. The SD: PI stated that the way around the issue is to put a condition on a permission that development should not commence until access and visibility has been done in accordance with the plans. The SD: PI referred to the concerns raised regarding privacy and asked if there were any windows on the side gable facing the objector and if these windows would result in an impact.

Ms McKinless advised that there was a bedroom window on the upper floor and on the ground floor there were two windows in a sun room along with a kitchen window and living room window.

The Sd: PI asked if there is a defined boundary.

Ms McKinless advised that there is a proposed hedgerow and wire and post fence.

The SD: PI stated that the committee could defer the application to seek that the windows in the gable be removed or that the windows on the upper floor of that side of the house have obscure glass fitted.

The SD: PI referred to the proposal being within an AONB and stated that the design of the house is modest. The SD: PI advised there is a dispersed pattern with gaps along the road and that the Committee have previously accepted gaps of that nature.

Councillor Cuthbertson asked where the third house road frontage was.

Ms McKinless stated that it is three buildings and that the garage to the side of one the dwellings provides the third building.

Councillor Cuthbertson felt it would be difficult to say that building had road frontage.

The SD: PI advised that is the way applications have been determined to date based on a planning appeal decision.

Councillor McFlynn asked if there was a hedge at the front of the site.

The SD: PI advised a hedge was in place.

Councillor McFlynn asked if there was a laneway between the objector and the applicant site.

Ms McKinless advised there is an informal laneway for agricultural use.

Councillor McFlynn asked what ridge height is proposed for the two dwellings.

Ms McKinless advised that a ridge height of 6.4m is proposed.

Councillor McFlynn asked if the proposal could be sited differently so that the windows would not overlook the objectors property.

The SD: PI advised that the houses are sited to keep the properties broadly in line with neighbouring properties. The SD: PI stated he felt the use of obscure glass on upper floor side windows would be adequate.

Councillor McFlynn asked if visibility splays could be remedied if the hedge is stepped back.

The SD: PI stated that in a lot of cases the hedge is requested to be removed and replanted behind visibility splays.

Councillor McFlynn proposed to approve the application.

Councillor S McPeake seconded Councillor McFlynn's proposal.

Resolved That planning application LA09/2022/0280/F be approved subject to conditions as per the officer's report and that upper floor windows on the proposed dwelling neighbouring no.55 should have obscure glass.

LA09/2022/0285/O Dwelling on a farm adjacent and W of 81 Drumflugh Rd, Benburb, Dungannon for Stephen McKenna

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2022/0331/F Change of house type (application H/2009/0446/F) at 7C Ballymoghlan Lane, Magherafelt for Camilla Brown

Members considered previously circulated report on planning application LA09/2022/0331/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Corry and

Resolved That planning application LA09/2022/0331/F be approved subject to conditions as per the officer's report.

LA09/2022/0370/RM Replacement dwelling and detached domestic garage at 120m SE of 47 Annaghmakeown Road, Dungannon for Mr Simon Duggan

Members considered previously circulated report on planning application LA09/2022/0370/RM which had a recommendation for approval.

Proposed by Councillor Glasgow
Seconded by Councillor Clarke and

Resolved That planning application LA09/2022/0370/RM be approved subject to conditions as per the officer's report.

LA09/2022/0450/F Change of use to the first and second floors from storage space to one 3bedroom duplex apartment unit at 47 Market Square, Dungannon for Seamus Quinn

Members considered previously circulated report on planning application LA09/2022/0450/F which had a recommendation for approval.

Proposed by Councillor McFlynn
Seconded by Councillor Corry and

Resolved That planning application LA09/2022/0450/F be approved subject to conditions as per the officer's report.

LA09/2022/0541/F Farm shed at 210m E of 91 Ballynakilly Road, Coalisland for Mr Gavin Quinn

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2022/0563/O Two storey dwelling and detached double garage at 60m SE of 148C Washingbay Road, Clonoe, Coalisland for Philip Brady

Mr Marrion (SPO) presented a report on planning application LA09/2022/0563/O advising that it was recommended for refusal.

Proposed by Councillor Cuthbertson
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2022/0563/O be refused on grounds stated in the officer's report.

LA09/2022/0592/F Domestic store for the storage and maintenance of fishing boats with extension to curtilage at rear of 77 Back Lower Road, Killycolpy, Dungannon for Oliver Teague

Members considered previously circulated report on planning application LA09/2022/0592/F which had a recommendation for approval.

Proposed by Councillor D McPeake
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2022/0592/F be approved subject to conditions as per the officer's report.

LA09/2022/0641/F Boundary wall/fence at 29 Glengomna Road, Draperstown for Barry O'Kane

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2022/0651/F Change of house type and garage with all associated landscaping and site works (substitution approved M/2013/0341/F & subsequently LA09/2015/0595/F) at lands approx. 70m SW of 6 Goland Road, Ballygawley for Darragh McAnenly & Caoimhe Glass

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2022/0686/O Dwelling at lands immediately W and adjacent to 115 Clonavaddy Road, Galbally, Dungannon for Blaine Nugent

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2022/0727/F Change of use from a dwelling to nail bar and beauty parlour with alterations to the front windows and retention of parking to the basement and rear at 45B Coagh Street, Cookstown for Mr Colin Thompson

Members considered previously circulated report on planning application LA09/2022/0727/F which had a recommendation for approval.

Proposed by Councillor Glasgow
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2022/0727/F be approved subject to conditions as per the officer's report.

LA09/2022/1226/O Site for dwelling and domestic garage at 100m S of 25a, Cloane Road, Draperstown, at the Junction of Cloane Road and Cloane Lane for Mr Mark Quinn

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2022/1230/O Site for dwelling and domestic garage at 155M S of 25a Cloane Road, Draperstown for Mr Mark Quinn

Agreed that application be deferred for an office meeting earlier in meeting.

LA09/2022/1369/A 2 No Outdoor LED Video Wall at The Burnavon Arts and Culture Centre Burn Rd, Cookstown for Mid Ulster District Council

Councillors Brown, Clarke, Colvin, Corry, Cuthbertson, Glasgow, Mallaghan, Martin, McFlynn, McKinney, D McPeake, S McPeake, Quinn, Robinson declared an interest in the application.

Members considered previously circulated report on planning application LA09/2022/1369/A which had a recommendation for approval.

Proposed by Councillor Brown
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2022/1369/A be approved subject to conditions as per the officer's report.

LA09/2018/0566/F 6 dwellings and associated access road at approx. 90m E of 96 Davagh Road, Omagh for M Conway

Ms Doyle (HLP) presented a report on planning application LA09/2018/0566/F advising that it was recommended for approval.

The Chair, Councillor Mallaghan asked if the focal point has to be that which is identified within the plan or can it be any focal point within the dispersed rural community (DRC).

The SD: PI advised that what the plan says has to be chronologically looked at along with other policies. In this case, the Cookstown Area Plan was adopted in 2004 but PPS21 came out in 2010 and as this was brought in by the Department was given the greatest weight. Magherafelt Area Plan was adopted after 2010. The SD: PI advised that a focal point could be identified if there is a crossroads or facility. The SD: PI advised that the point of a DRC is that the settlement itself is dispersed.

Councillor Colvin stated he felt it would be useful for Members to have some more guidance on focal points in the future. Councillor Colvin stated he would not vote on this application as a member of the Historic Monuments Council. The Councillor asked if there needs to be focal point in relation to the application.

The SD: PI advised that there does need to be a focal point particularly in relation to this DRC. The SD: PI advised that a dispersed rural community sets aside build up but tests of integration still need to be met.

Councillor Clarke stated he would have difficulty with this application and that he is part of the group who campaigned for a DRC. Councillor Clarke stated the DRC was campaigned for because the area is within an AONB and area of significant archaeology and there was no way that farmers sons/daughters could have obtained planning permission for a dwelling in that area and that the DRC was seen as a way of getting planning permission somewhere within the area. Councillor Clarke stated the campaign was successful and has not been used up until now. Councillor Clarke referred to page 181 of the Cookstown Area Plan in which it states that St Marys Church and the post office form a locally significant focal point on Broughderg Road. The Councillor stated at that time, as now, Our Lady of the Wayside Church was there along with the building across the road. Councillor Clarke stated that the site is very prominent at over 700ft and very exposed. Councillor Clarke referred to page 71 of Cookstown Area Plan which states that particular attention will be paid to applications which can be viewed from Beaghmore Stone Circles and other critical viewpoints. The Councillor stated that the application site looks across towards Beaghmore Stone Circles and that there are numerous other critical viewpoints within the area. Councillor Clarke also highlighted that the area is of archaeological significance, some which were not known about when the application was submitted and one which may even be of more significance than Beaghmore Stone Circles. Councillor Clarke stated that this area was too sensitive for such development and that this area was also within the Dark Skies. Councillor Clarke stated that the application will change the whole appearance of the area, that it is not known what

the application is for as there is no demand for more dwellings in the area and indeed there are another three sites within half a mile which have been started but not completed. Councillor Clarke did not feel the application was for tourism purposes as the site is not within a tourism opportunity zone. Councillor Clarke referred to page 22 of Cookstown Area Plan which stated that a Dispersed Rural Community is designated at this location to accommodate the need for limited local housing in recognition of its existing community facilities. Councillor Clarke stated that the application has been in the system for four years and that local people thought it would never get through.

The SD: PI stated that the problem is that the PPS takes the weight above the area plan and it is difficult to say that the focal point identified is not a focal point even if it is not the right focal point. The SD: PI stated that a development needs to integrate and not harm rural character and agreed that the proposed site is exposed however he felt that to refuse the application based on focal point would be a struggle and that there could be a better argument in terms of integration.

Councillor McKinney stated that if the number of houses proposed are built there is an entitlement to street lighting. The Councillor stated that the site is in close proximity to Davagh and the Dark Skies and felt such development in this area would be out of character.

The SD: PI stated that if a view is taken that the application would be harmful to the area it would be a reasonable argument. The SD: PI stated that this DRC is past its sell by date and if the community feel that development should be restricted to the focal point which is where the former St Marys Church and post office are then the most sensible approach going forward for the next plan would be to put a settlement limit around it.

Councillor Glasgow stated he felt the application would tip the balance of the characteristic of the area. The Councillor referred to the consultees on the application and given the close proximity of the Dark Skies and Davagh he asked should Council not have also been consulted. The Councillor recalled previous occasion where a member of Council staff from within the tourism department spoke against a light on top of a wind turbine due to its proximity to the Dark Skies.

The SD: PI stated there was some guidance in relation to Dark Skies but that this only really covered the area within the Dark Skies Park and did not extend to this location. The SD: PI stated he felt it would be difficult to refuse the application on the grounds of Dark Skies but that he believed there was a justified reason that it doesn't meet the requirements of the DRC because the site is open and exposed and would harm the rural area if Members chose to go that way.

Councillor McFlynn stated that she had attended the site meeting and that on driving to the location she found there were no houses on the left hand side of this stretch of road and that houses on the right were few. The Councillor stated that if this was an application for one or two houses it could maybe be found acceptable but not for six houses the size of which are not known nor what the purpose of the dwellings are. Councillor McFlynn stated she felt that application would take away from the character of the area and also take away from the Dark Skies area.

Councillor S McPeake stated he would support what has been said in relation to the inappropriateness of the application but that policy had to be dealt with and that he felt that policy is not met because the site does not integrate. Councillor S McPeake proposed that the application is refused on the basis that it does not integrate.

Councillor Corry seconded Councillor S McPeake's proposal, the Councillor stated that the area is very exposed and needs to be protected and that six houses would not integrate and would be out of character.

The SD: PI stated that the application was being refused because of its impact on the rural character and lack of integration. The SD: PI requested that Members allow him to consider and finalise the wording for the refusal.

Agreed.

Resolved That planning application LA09/2018/0566/F be refused – wording for refusal to be finalised by Service Director of Planning.

LA09/2020/0343/F 2 detached dwellings & 2 semi-detached dwellings at 62 Glen Road, Maghera for Danny McMaster

Members considered previously circulated report on planning application LA09/2020/0343/F which had a recommendation for approval.

Proposed by Councillor McKinney
Seconded by Councillor Corry and

Resolved That planning application LA09/2020/0343/F be approved subject to conditions as per the officer's report.

LA09/2020/1046/F Retention of and relocation of partially constructed farm shed and amendments to the design of approved LA09/2017/0977/F at 40m NE of 28A Toomog, Galbally, Dungannon for Noel McElduff

The Service Director of Planning advised that additional information had been submitted and requested that the application be deferred to allow time for officers to consider this information.

Proposed by Councillor S McPeake
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2020/1046/F be deferred for one month to allow time to consider additional information submitted.

LA09/2021/0288/O Site for dwelling & garage at 30m S of 174A Ardboe Road, Cookstown for James Devlin

Application withdrawn.

LA09/2021/0739/F Dwelling & Garage/Store at 150m NE of 230 Coalisland Road, Gortin, Dungannon for Mr Cathal Keogh

Ms Doyle (HLP) presented a report on planning application LA09/2021/0739/F advising that it was recommended for refusal.

Councillor S McPeake stated he felt there is a strong boundary and referred to the laneway. The Councillor stated he did not believe there would be any further development on the laneway as it is shared and given the difficulty of obtaining a mortgage. Councillor S McPeake stated he did not feel the application would make much difference in the area and there would be little harm in extending curtilage of site and referred to the huge cost to the applicant in moving power lines.

Councillor McFlynn asked if there was an application already passed at the site.

The HLP advised that outline planning permission has been obtained for a site within the field and there was no descent from the applicant in relation to the site approved at that stage.

Councillor Colvin stated he was at the site meeting and that there is position within the limit and that it was his understanding that if the application was within the limit it would be ok but that the applicant now wants to take the application outside the limit. The Councillor felt the officer recommendation was reasonable and proposed that the application be refused.

Councillor S McPeake suggested that if the view of the meeting is to refuse an alternative would be to give the applicant the opportunity to revise their plans and move the proposal to the original location rather than to refuse the application. Councillor S McPeake proposed that the application be deferred for one month to allow for submission of amended drawings.

Councillor McFlynn asked if another drawing was required.

The SD: PI stated that the original application was for outline permission which allowed for siting. It was advised that a full application had now been submitted. The SD: PI stated that the proposal to give a month for amended drawings to be submitted was reasonable.

Councillor Colvin stated that the proposal to defer the application for one month to allow the applicant to move the proposal within the settlement boundary is reasonable and would second Councillor S McPeake's proposal.

Councillor McKinney stated that it is not usual for a deferral to be deferred further and that this should be highlighted.

Resolved That planning application LA09/2021/0739/F be deferred for submission of amended drawings.

LA09/2021/1208/O Dwelling & domestic garage on a farm at land approx. 55m S of 60 Annaghilla Road, Augher for Jeff & Laura Fitzsimmons

Members considered previously circulated report on planning application LA09/2021/1208/O which had a recommendation for approval.

Proposed by Councillor Cuthbertson
Seconded by Councillor Brown and

Resolved That planning application LA09/2021/1208/O be approved subject to conditions as per the officer's report.

LA09/2021/1283/O Off-site replacement dwelling and garage at 50m NW of 26 Annaginney Road, Dungannon for George McIvor

Members considered previously circulated report on planning application LA09/2021/1283/O which had a recommendation for approval.

Proposed by Councillor Cuthbertson
Seconded by Councillor Glasgow and

Resolved That planning application LA09/2021/1283/O be approved subject to conditions as per the officer's report.

LA09/2021/1598/O Dwelling, garage & associated site works at 80m SW of 129 Benburb Road, Dungannon for Mr Norman McKenzie

Members considered previously circulated report on planning application LA09/2021/1598/O which had a recommendation for approval.

Proposed by Councillor Cuthbertson
Seconded by Councillor Brown and

Resolved That planning application LA09/2021/1598/O be approved subject to conditions as per the officer's report.

LA09/2021/1641/F Conversion of existing store to dwelling at approx. 30m N of 6 Ruskey Road, Coagh for Mr Jim McIntyre

Members considered previously circulated report on planning application LA09/2021/1641/F which had a recommendation for approval.

Proposed by Councillor Brown
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2021/1641/F be approved subject to conditions as per the officer's report.

**LA09/2021/1678/F Two storey dwelling and attached garage at S of 179
Coash Road, Killyman, Dungannon for Stephen McAliskey**

Mr Marrion (SPO) presented a report on planning application LA09/2021/1678/F advising that it was recommended for refusal.

The Chair advised the committee that requests to speak on the application had been received and invited Ms Gourley to address the committee in the first instance.

Ms Gourley advised that there have been several revisions to this proposal since it was first submitted in December 2021. It was advised that the dwelling originally stood at 8.9 metres which everyone acknowledged was out of keeping with neighbouring bungalows and in June 2022 she was asked to assist to bring this application to a favourable conclusion. Ms Gourley stated she advised the applicants to reconsider the height following which plans were submitted with a 7.5m ridge height followed later in July 2022 with plans to reduce the height to 7m with a ground floor level dropped by 0.4m. Ms Gourley stated that an office meeting was held in August but that regrettably the latest 7m ridge height drawings were not available for discussion. It was agreed that an officer would look again at the site and come back and in September it was advised that only a single storey dwelling would be acceptable and as a result the applicants asked that the application be brought to Committee for decision. Ms Gourley stated that the deferred report still refers to a ridge height of 7.5m with no reference to the drawings submitted in July proposing a 7m ridge height. Ms Gourley referred to drawings previously circulated to Members and referred to policy CTY8 which allows for the development of a gap site providing it respects the existing settlement pattern, she stated the policy does not state that the proposal has to duplicate the adjacent properties but rather compliment them. Ms Gourley asked Members if a dwelling with a ridge height of 7m would respect and compliment the properties on either side of the site. Ms Gourley stated that the test was not to replicate but rather respect and felt that a stronger policy test is being implied in this instance than needed and that there was no reason why the proposal should be reduced to a single storey as suggested. Ms Gourley agreed that the original plans were out of keeping with the adjacent bungalows but that the applicants have come a long way in meeting officers concerns. Ms Gourley stated that whilst the latest plans with a 7m ridge height will not replicate the single storey houses which are adjacent it is felt that the application complies with policy.

The SD: PI asked if the dwelling is to be built of retaining structures.

Ms Gourley stated that to the best of her knowledge it would not be.

The SD: PI stated that the drawings show the dwelling dug into the landscape and would therefore require a lot of retaining structure.

The Chair, Councillor Mallaghan invited Councillor Molloy to speak on the application.

Councillor Molloy stated he would support the application and had been involved in previous office meeting and that the applicant has done significant work to amend their plans from what was originally proposed. The Councillor stated he was aware

of other developments in neighbouring areas where a two storey dwelling has replaced a bungalow and is between two bungalows. Councillor Molloy stated that the applicant is a professional who is returning to the area to settle back into the community and that he felt the proposal will blend into the area.

The Chair, Councillor Mallaghan stated that the principle of development has been met and that the difficulty was in relation to ridge height of the dwelling.

The SD: PI stated that Members can see from the drawing where the land level is and that the proposal is sitting at least 2m below the land level.

Ms Gourley stated she had sought clarity on this from the architect and that he had confirmed the land level would drop 0.4m.

The SD: PI stated he did not accept the drawing was accurate and based on the information provided the application is invalid as the drawing provided is not the house that will be built. The SD: PI suggested Members give the agent the opportunity to sort out the issues raised.

Councillor Clarke proposed that the application be deferred for one month to allow for submission of amended drawings.

Councillor Quinn stated that he knew the area and that the houses on either side are slightly elevated. The Councillor stated that the application passes policy for infill and that from the drawings it does not look like the proposal will come above the neighbouring properties. Councillor Quinn stated he was also aware of bungalows being replaced by two storey dwellings in neighbouring areas and asked if there was a case in which this proposal could be set further back in order to develop it into the area more. Councillor Quinn stated he would be inclined to approve the application but that he would second Councillor Clarke's proposal to defer to allow for amended drawings.

The Chair, Councillor Mallaghan stated he felt this would also be a good opportunity for a site visit.

Councillor Glasgow stated he would second a proposal for a site visit.

Ms Gourley stated that figure 1 within the report shows the levels.

The SD: PI stated that the architect has shown a finished floor level on the bungalows in relation to the land level and then has put the proposal about 1.5m below the land level. The architect has advised the agent that the land level would drop by 0.4m but the SD: PI felt that the facts being presented do not add up. The SD: PI advised that the Committee are allowing for the application to be deferred in order for amended drawings to be submitted and that it is important for Members to have before them what the clear position is.

Resolved That planning application LA09/2021/1678/F be deferred for one month for submission of amended drawings. Site visit to also be arranged.

LA09/2022/0186/O Dwelling & garage at 25m SW of 12A Gortnahurk Road, Draperstown for Marie Scullin

The Chair, Councillor Mallaghan advised that this application would be taken in confidential business due to medical details being referenced.

LA09/2022/0272/F Dwelling at lands approx. 100m E of 10 Tralee Road, Coagh for Mr Brian Devlin

Members considered previously circulated report on planning application LA09/2022/0272/F which had a recommendation for approval.

Proposed by Councillor S McPeake
Seconded by Councillor McFlynn and

Resolved That planning application LA09/2022/0272/F be approved subject to conditions as per the officer's report.

LA09/2022/0442/RM Single storey dwelling with garage between 255 & 259 Orritor Road, Orritor, Cookstown (entering off Church Road) for Mr Serghei & Mrs Tanya Hamchecici

Members considered previously circulated report on planning application LA09/2022/0442/RM which had a recommendation for approval.

Proposed by Councillor Clarke
Seconded by Councillor Mallaghan and

Resolved That planning application LA09/2022/0442/RM be approved subject to conditions as per the officer's report.

Matters for Information

P138/22 Minutes of Planning Committee held on 4 October 2022

Members noted minutes of Planning Committee held on 4 October 2022.

Live broadcast ended at 8.47 pm.

Councillor Cuthbertson left the meeting at 8.47 pm.

Local Government (NI) Act 2014 – Confidential Business

Proposed by Councillor Brown
Seconded by Councillor Clarke 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 item P137/22 (part of) and items P139/22 to P142/22.

Matters for Decision

P137/22 Planning Applications for Determination
P139/22 Local Development Plan Update

Matters for Information

P140/22 Confidential Minutes of Planning Committee held on 4
 October 2022
P141/22 Enforcement Cases Opened
P142/22 Enforcement Cases Closed

P143/22 Duration of Meeting

The meeting was called for 7 pm and concluded at 9.27 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: 1 November 2022

Additional information has been received on the following items since the agenda was issued.

Chairs Business –

- Letter from PAC - Re Public Enquiry into A5 Road Scheme
- Appeal Decision - Tirlugan Clay Pigeon Facility
- Correspondence from DAERA Marine Plan for Northern Ireland - Revised Statement of Public Participation - October 2022
- Monaghan County Council Consultation on Windfarm
- Letter from Cork City Council

ITEM	INFORMATION RECEIVED	ACTION REQUIRED
5.1	Letter of objection	Members to note
5.16	Structural Report	Members to note
6.1	Archaeological conditions from Historic Environment Division	Members to note
6.3	Additional information submitted for consideration	Members to agree to defer
6.4	Letter to withdraw application	Note withdrawn

