



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

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

Case Officer Report**Site Location Plan**

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Consultations:

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

Representations:

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

Summary of Issues

This application is being presented to Committee as it has attracted four letters of objection. All four objections have been received from the same party.

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

- o Validity;

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

- o Unacceptable in principle;

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

- o Amenity;

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

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

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

- o Impact on rural character;

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

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

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

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

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

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

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

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

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

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

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

o Boundaries, hedgerows/march hedges;

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

o Deficiencies/inaccuracies;

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

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

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

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

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

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

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

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

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

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

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

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

Characteristics of the Site and Area

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

Description of Proposal

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

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

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030 - Draft Strategy

Strategic Planning Policy Statement (SPPS)

Addendum to PPS 7 - Residential extensions and alterations

PPS 21 - Sustainable development in the countryside

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

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

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

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

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

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

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

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

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

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

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

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

Policy CTY 13 Integration and Design of Buildings in the Countryside

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

- o It is a prominent feature in the landscape

The proposed garage is not considered to be prominent

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

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

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

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

- o Ancillary works do not integrate with their surroundings

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

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

The design is appropriate in this location.

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

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

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

The application is not for a dwelling.

Policy CTY 14 Rural Character

States that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area.

However a new building will be unacceptable where:

o It is unduly prominent in the landscape;

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

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

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

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

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

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

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

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

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

Recommendation

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

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

Summary of Recommendation:

Approve is recommended

Approve subject to the conditions listed below:

Approval Conditions

Condition 1

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

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

Condition 2

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

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

Case Officer: Malachy McCrystal

Date: 21 September 2022

ANNEX	
Date Valid	27 July 2020
Date First Advertised	1 February 2022
Date Last Advertised	11 August 2020
Details of Neighbour Notification (all addresses) The Owner / Occupier 21 Culbane Road, Portglenone, BT44 8NZ The Owner / Occupier 23 Culbane Road, Portglenone, BT44 8NZ The Owner / Occupier 23A Culbane Road, Portglenone, BT44 8NZ The Owner / Occupier 25 Culbane Road, Portglenone, BT44 8NZ The Owner / Occupier 25A Culbane Road, Portglenone, BT44 8NZ The Owner / Occupier 21A Culbane Road, Portglenone, BT44 8NZ The Owner / Occupier 33A Culbane Road, Portglenone, BT44 8NZ The Owner / Occupier 23A Culbane Road, Portglenone, BT44 8NZ	
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 Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR DAERA - Coleraine-Substantive: TBCResponseType: FR Environmental Health Mid Ulster Council-Substantive: TBC	

Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR

Drawing Numbers and Title

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

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

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

Case Officer Report

Site Location Plan

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Consultations:

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

Representations:

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

Summary of Issues

There were no representations recieved in relation to the proposal.

Characteristics of the Site and Area

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

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

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

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

Representations

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

Planning History

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Summary of Recommendation:

Refuse is recommended

Refusal is recommended.

Refusal Reasons

Reason 1

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

Reason 2

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

integrated with an existing group of buildings.

Reason 3

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

Reason 4

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

Signature(s): Sarah Duggan

Date: 21 September 2022

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

Notification to Department (if relevant)

Not Applicable

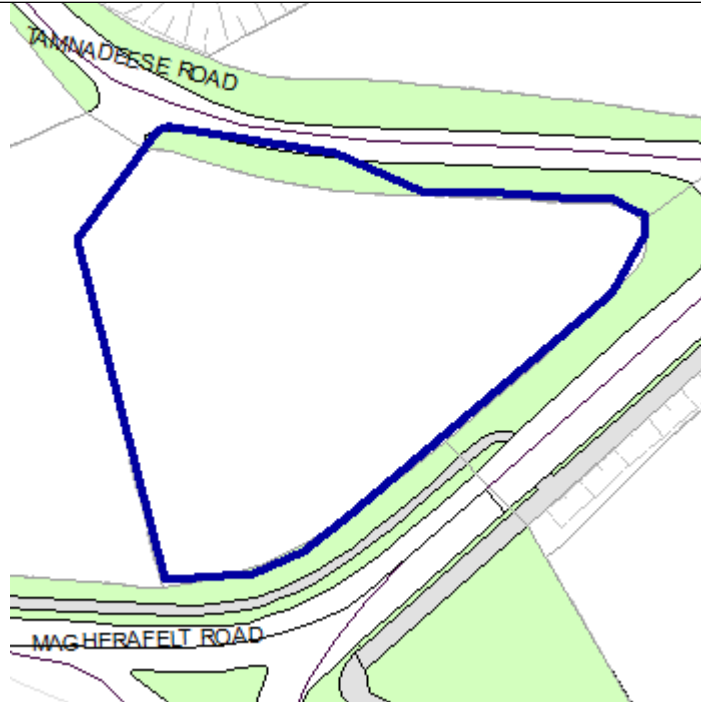


Development Management Officer Report Committee Application

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

Case Officer Report

Site Location Plan



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Consultations:

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

Representations:

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

Summary of Issues

None

Characteristics of the Site and Area

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

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

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Planning Assessment of Policy and Other Material Considerations

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

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

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

Planning Assessment of Policy and Other Material Considerations:

The application is considered against the following:

SPSS

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

Representations

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

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

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

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

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

Policy CTY 13 stipulates that planning permission will be granted for a building in the

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

In terms of Policy CTY14 Planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of the area. Rural character is somewhat lacking in this area due to the mixed use around Castledawson roundabout, I believe that a dwelling here would not significantly impact on the rural character of the area.

PPS 3 Access, Movement and Parking

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

Conclusion

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

Summary of Recommendation:

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

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

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

Reason 2

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

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

Reason 3

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

Signature(s): Siobhan Farrell

Date: 22 September 2022

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

Notification to Department (if relevant)

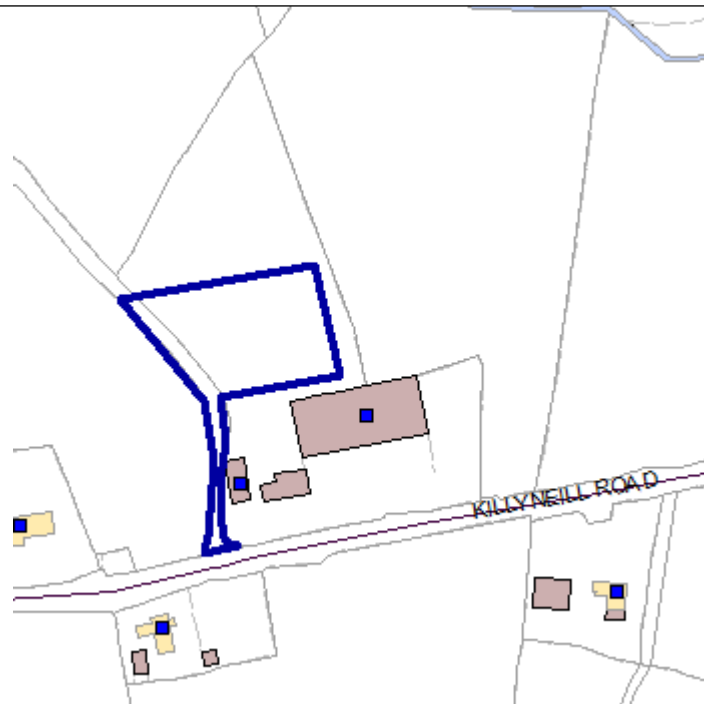
Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

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

Case Officer Report**Site Location Plan**

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Consultations:

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

Representations:

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

Summary of Issues

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

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

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

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

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

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

Characteristics of the Site and Area

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

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

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

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

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

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

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

The main concerns raised included;

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

History on Site

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

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

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

Granted 22.06.2021

Background

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

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

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

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

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

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

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

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

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

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

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

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

Assessment of Planning Issues/Material Considerations

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

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

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

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

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

Mid Ulster Development Plan 2030 – Draft Plan Strategy

The Mid Ulster District Council Local Development Plan 2030 Draft Plan Strategy was launched on 22nd February 2019 and is now a material planning consideration in assessing all planning applications in the District. Re-consultation on the Draft Plan Strategy closed at 5pm on 24th September 2020. The period for Counter Representations closed on 18th December 2020. On the 28th May 2021 the Council

submitted the draft Plan Strategy to DfI for them to cause an Independent Examination, In light of this, the draft Plan Strategy does not yet carry determining weight.

Consultees

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

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

Key Policy Considerations/Assessment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PPS 3 - Access, movement and parking.

Policy AMP2 of PPS3 states that 'Planning permission will only be granted for a development proposal involving direct access, or the intensification of the use of an existing access, onto a public road where: a) such access will not prejudice road safety or significantly inconvenience the flow of traffic;'.

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

Recommendation Refusal

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

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

Reason 2

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

Case Officer: Peter Hughes
Date: 11 September 2022

ANNEX	
Date Valid	8 December 2021
Date First Advertised	6 January 2022
Date Last Advertised	4 January 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier Unit 3, 30B Clarkes Yard, Killyneill Road, Dungannon, Tyrone, BT71 6LL The Owner / Occupier Unit 4, 30B Clarkes Yard, Killyneill Road, Dungannon, Tyrone, BT71 6LL The Owner / Occupier Unit 2, 30B Clarkes Yard, Killyneill Road, Dungannon, Tyrone, BT71 6LL The Owner / Occupier Unit 1, 30B Clarkes Yard, Killyneill Road, Dungannon, Tyrone, BT71 6LL The Owner / Occupier Unit 5, 30B Clarkes Yard, Killyneill Road, Dungannon, Tyrone, BT71 6LL The Owner / Occupier Unit 6 30A Clarkes Yard Killyneill Road Dungannon Tyrone BT71 6LL	
Date of Last Neighbour Notification	13 January 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 Environmental Health Mid Ulster Council-Substantive: TBC	

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



Development Management Officer Report Committee Application

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

Case Officer Report**Site Location Plan**

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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	DAERA - Omagh	Substantive: TBCResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBC
	NIEA	Substantive: YResponseType: FR
Statutory Consultee	DFI Roads - Enniskillen Office	LA09-2021-1799-O - 128 Old Ballygawley Road Dungannon - Response.docxLA09-2021-1799-O - 128 Old Ballygawley Road, Dungannon - RS1 Form.doc

Representations:

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

Glassmullagh, Dungannon - PERMISSION GRANTED 11.10.2005

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

NE of 128 Ballygawley Road, Dungannon PERMISSION GRANTED 10.02.2012

LA09/2021/0158/PAD - Proposed development of 1 no dwelling house - 128 Old

Ballygawley Road, Dungannon PAD DECLINED

Representations

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

Dungannon and South Tyrone Area Plan 2010

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

Mid Ulster District Council Draft Plan Strategy 2030

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

SPPS – Strategic Planning Policy Statement for Northern Ireland

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

PPS 3 – Access, Movement and Parking

Policy AMP 2 of PPS 3 permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal involves a new laneway running parallel with the existing laneway. DFI Roads have been consulted and have no objections subject to a plan at 1:500 scale to be submitted as part of the reserved matters application, showing sightlines of 2.4m x 120m as per the RS1 form.

Planning Policy Statement 21 - Sustainable Development in the Countryside

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

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

accordance with Policy CTY 7;

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

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

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

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

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

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

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

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

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

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

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

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

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

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

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

Condition 2

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

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

Condition 3

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

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

Condition 4

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

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

Condition 5

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

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

Condition 6

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

Reason: In the interests of residential amenity.

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

Case Officer: Deirdre Lavery

Date: 20 September 2022

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

Notification to Department (if relevant)

Not Applicable

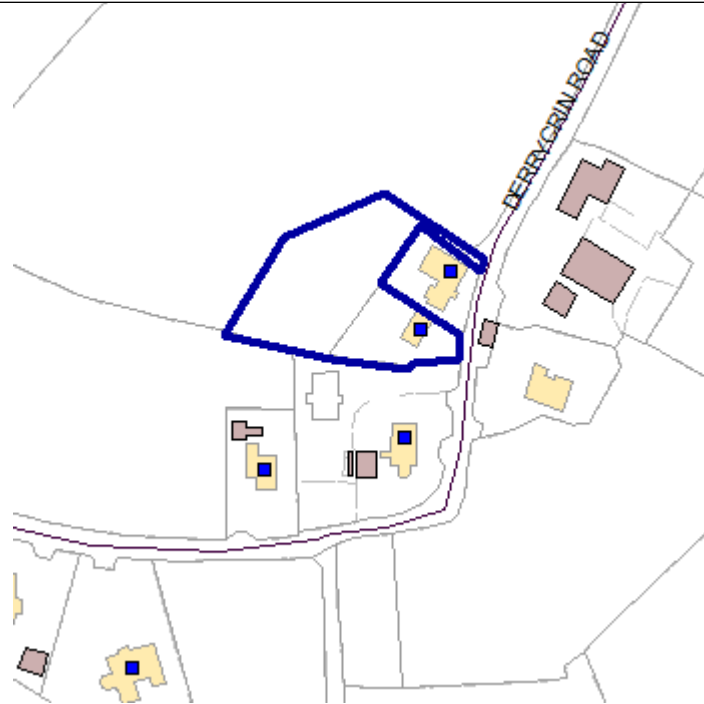


Development Management Officer Report Committee Application

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

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	

Representations:

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

Summary of Issues

Characteristics of the Site and Area

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

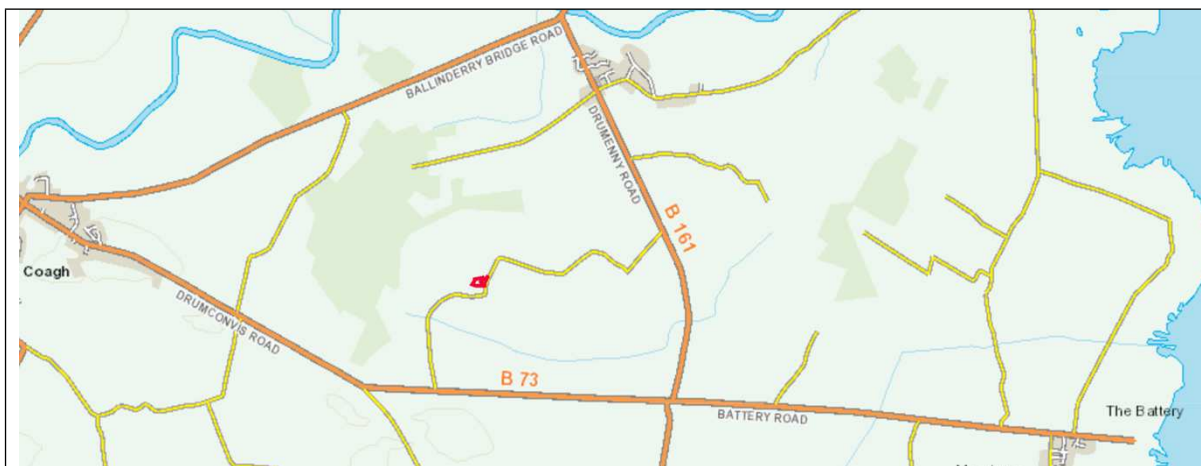


Fig 1: Site outlined red



Fig 2: Site outlined red



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

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

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

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

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

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

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

Regional Development Strategy 2030
Strategic Planning Policy Statement for Northern Ireland
Cookstown Area Plan 2010
Planning Policy Statement 3: Access, Movement and Parking
Planning Policy Statement 21: Sustainable Development in the Countryside
Building on Tradition - A Sustainable Design Guide for Northern Ireland Countryside

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

Representations

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

Consultations

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

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

Planning History

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

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

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

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

Key Policy Considerations

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

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

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

Policy CTY3 – Replacement Dwellings states planning permission will be granted for a replacement dwelling where the building to be replaced exhibits all the essential characteristics of a dwelling and as a minimum all external structural walls are substantially intact. For the purposes of this policy all references to 'dwellings' will include buildings previously used as dwellings.

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

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

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



Fig 4: Photo taken June 1995

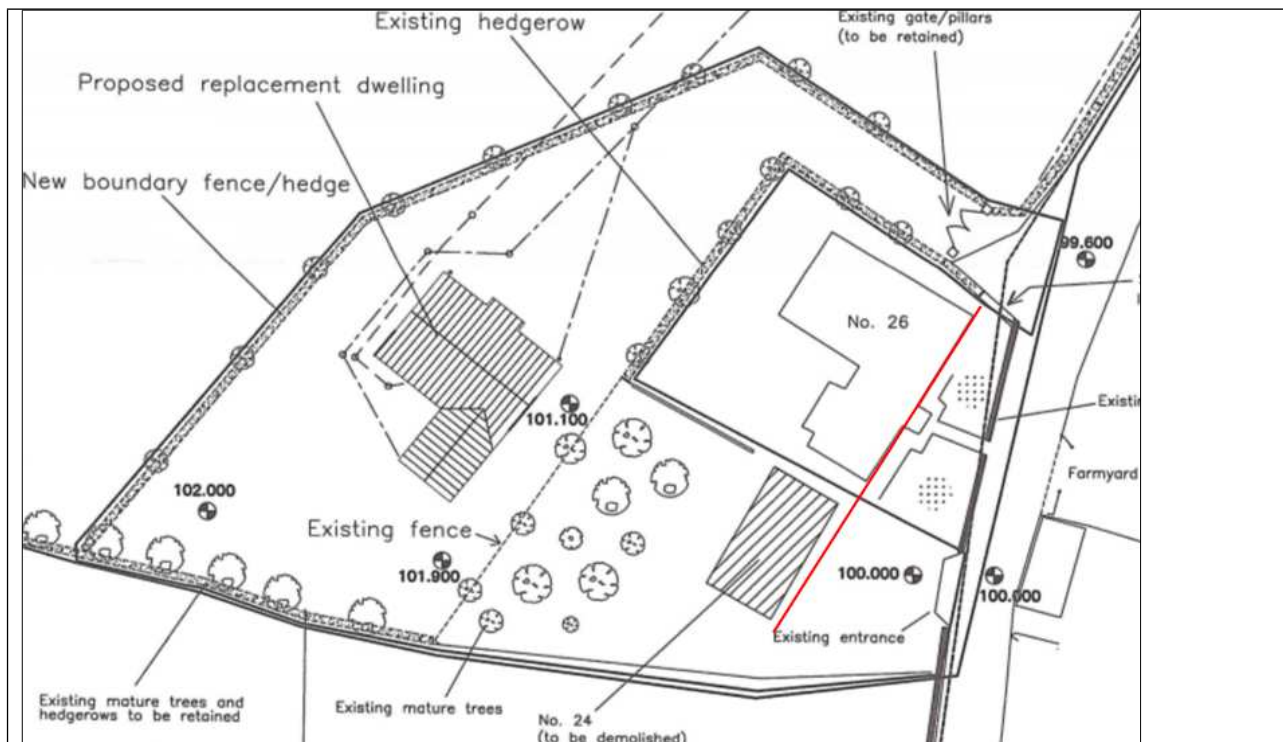


Fig 5: Block plan showing no. 26 applicant's home and no. 24 building to be replaced.

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

Other Policy and Material Considerations

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

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

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

Recommendation

Refuse

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Policies CTY1 and CTY3 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the building on site does not exhibit the essential characteristics of a dwelling.

Reason 2

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

Signature(s): Emma Richardson

Date: 21 September 2022

ANNEX	
Date Valid	19 January 2022
Date First Advertised	1 February 2022
Date Last Advertised	1 February 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 22 Derrycrin Road Cookstown Tyrone BT80 0HJ The Owner / Occupier 25 Derrycrin Road, Cookstown, Tyrone, BT80 0HJ The Owner / Occupier 26 Derrycrin Road Cookstown Tyrone BT80 0HJ The Owner / Occupier 20 Derrycrin Road, Cookstown, Tyrone, BT80 0HJ	
Date of Last Neighbour Notification	5 May 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses	
DFI Roads - Enniskillen Office-	
Drawing Numbers and Title	
Proposed Elevations Plan Ref: 04 Proposed Floor Plans Plan Ref: 03 Site Layout or Block Plan Plan Ref: 02 Site Location Plan Plan Ref: 01	

Notification to Department (if relevant)

Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 October 2022	Item Number: 5.7
Application ID: LA09/2022/0089/O	Target Date: 21 March 2022
Proposal: Proposed replacement dwelling and retention of existing building to be used as an outbuilding	Location: 375M S.E. Of 103 Moneymore Road Cookstown
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Harold Kane 103 Moneymore Road Cookstown	Agent Name and Address: Les Ross Planning 14 King Street Magherafelt BT45 6AR
Executive Summary:	

Case Officer Report**Site Location Plan**

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Consultations:

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

Representations:

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

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

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

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

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

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

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

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

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

application:

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Planning Policy Statement 21: Sustainable Development in the Countryside

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

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

Representations

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

Consultations

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

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

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

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

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

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

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

Planning History

No relevant history

Key Policy Considerations

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

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

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

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

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

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

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

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

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

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

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

Other Policy and Material Considerations

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

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

Recommendation

Approve

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

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

Condition 2

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

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

Condition 3

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

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

Condition 4

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

Reason: In the interest of visual amenity.

Condition 5

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

Reason: In the interest of visual amenity.

Condition 6

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

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

Condition 7

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

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

Case Officer: Emma Richardson

Date: 21 September 2022

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

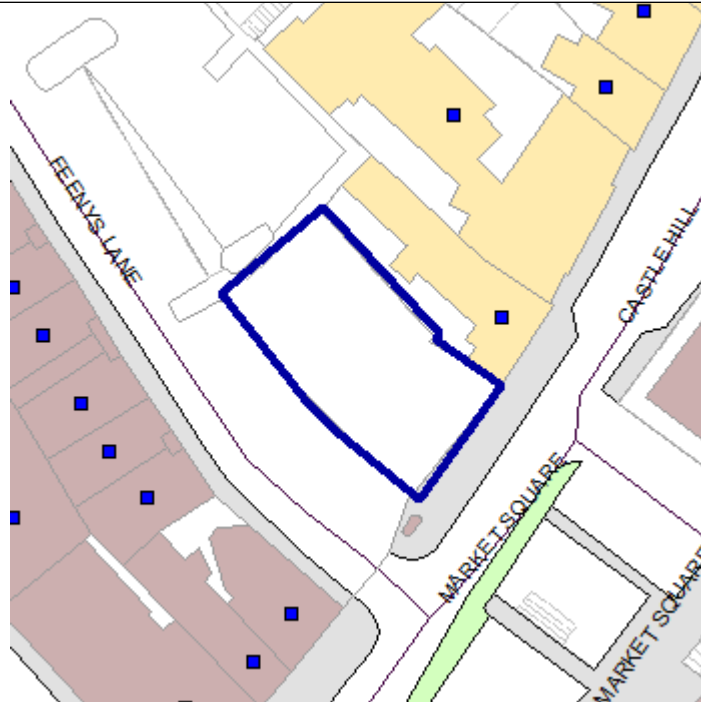


Development Management Officer Report Committee Application

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

Case Officer Report

Site Location Plan



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Consultations:

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

Representations:

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

Summary of Issues

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

Characteristics of the Site and Area

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

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: Flats 1-6 27 Market Square, 27 and 33 Market Square and Units 1-3 Feenys Lane. At the time of writing, no third party representations have been received.

Planning History

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

Planning Assessment of Policy and Other Material Considerations

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

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

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

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

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

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

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

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

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

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

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

Summary of Recommendation:

Approve is recommended

Approval is recommended.

Approval Conditions

Condition 1

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

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

Signature(s): Sarah Duggan

Date: 21 September 2022

Summary of Consultee Responses

Historic Environment Division (HED)-Substantive: TBC

Drawing Numbers and Title

Proposed Plans Plan Ref: 02

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

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

Case Officer Report**Site Location Plan**

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Consultations:

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

Representations:

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

Summary of Issues

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

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

Characteristics of the Site and Area

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

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

Policy CTY 1 within PPS 21 highlights that all proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings and to meet other planning and environmental considerations including those for drainage, access and road safety. CTY 1 also highlights that access arrangements must be in accordance with the Departments published guidance.

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

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

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

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

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

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

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

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

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

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

As the proposal intends to culvert the watercourse at the northern end policy FLD 4 is applicable. It states, "The planning authority will only permit the artificial modification of a watercourse, including culverting or canalisation operations, in either of the following exceptional circumstances:

Where the culverting of short length of a watercourse is necessary to provide access to a development site or part thereof;

Where it can be demonstrated that a specific length of watercourse needs to be culverted for engineering reasons and that there are no reasonable or practicable alternative courses of action."

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

Other Material Consideration

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

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

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

The proposal is contrary to Planning Policy Statement 3, Access, Movement and Parking, Policy AMP 3, in that it would, if permitted, result in the creation of a new vehicular access onto a (Main Traffic Route/Protected Route), thereby prejudicing the free flow of traffic and conditions of general safety.

Reason 2

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

Reason 3

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

Case Officer: Ciaran Devlin

Date: 16 September 2022

ANNEX

Date Valid	23 March 2022
Date First Advertised	5 April 2022
Date Last Advertised	5 April 2022

Details of Neighbour Notification (all addresses)

The Owner / Occupier

Unit 3B4 21 Hillhead Road Toomebridge Toome Londonderry BT41 3SF

The Owner / Occupier

Unit 3B1 21 Hillhead Road Toomebridge Toome Londonderry BT41 3SF

The Owner / Occupier

Unit 1A Toome Business Park 21 Hillhead Road Toomebridge Toome Londonderry
BT41 3SF

The Owner / Occupier

Unit 4A1 Toome Business Park 21 Hillhead Road Toomebridge Toome Londonderry
BT41 3SF

The Owner / Occupier

Unit 1C Toome Business Park 21 Hillhead Road Toomebridge Toome Londonderry
BT41 3SF

The Owner / Occupier

Unit 1D Toome Business Park 21 Hillhead Road Toomebridge Toome Londonderry
BT41 3SF

The Owner / Occupier

Unit 1e Toome Business Park 21 Hillhead Road Toomebridge Toome Londonderry
BT41 3SF

The Owner / Occupier

Unit F Unit L-M 21 Hillhead Road Toomebridge Toome Londonderry
BT41 3SF

The Owner / Occupier

Unit E Unit L-M 21 Hillhead Road Toomebridge Toome Londonderry
BT41 3SF

The Owner / Occupier

Unit 4AB Toome Business Park 21 Hillhead Road Toomebridge Toome Londonderry
BT41 3SF

The Owner / Occupier

Unit 2A Toome Business Park 21 Hillhead Road Toomebridge Toome Londonderry
BT41 3SF

The Owner / Occupier

Unit 5B Toome Business Park 21 Hillhead Road Toomebridge Toome Londonderry
BT41 3SF

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

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

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

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

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

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

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

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

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

Summary of Consultee Responses

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

Rivers Agency-

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Proposed Plans Plan Ref: 02

Notification to Department (if relevant)

Not Applicable

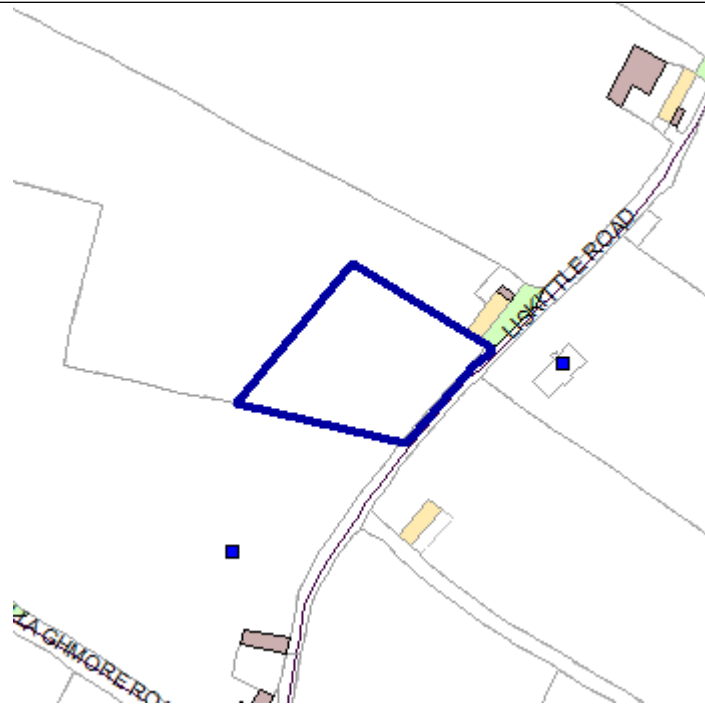


Development Management Officer Report Committee Application

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

Case Officer Report

Site Location Plan



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Consultations:

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

Representations:

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

Summary of Issues

Characteristics of the Site and Area

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

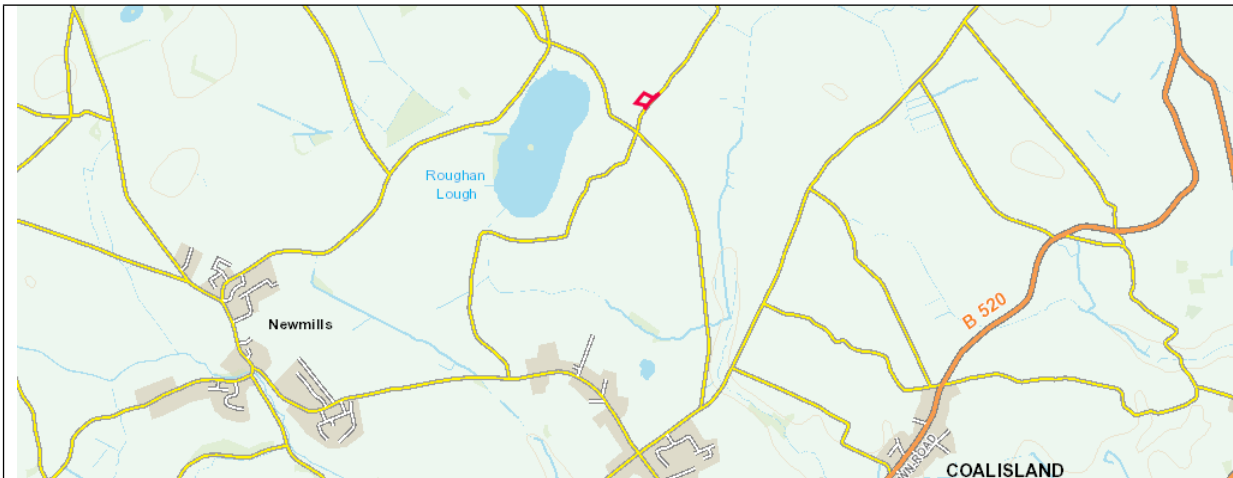


Fig 1: Site outlined red

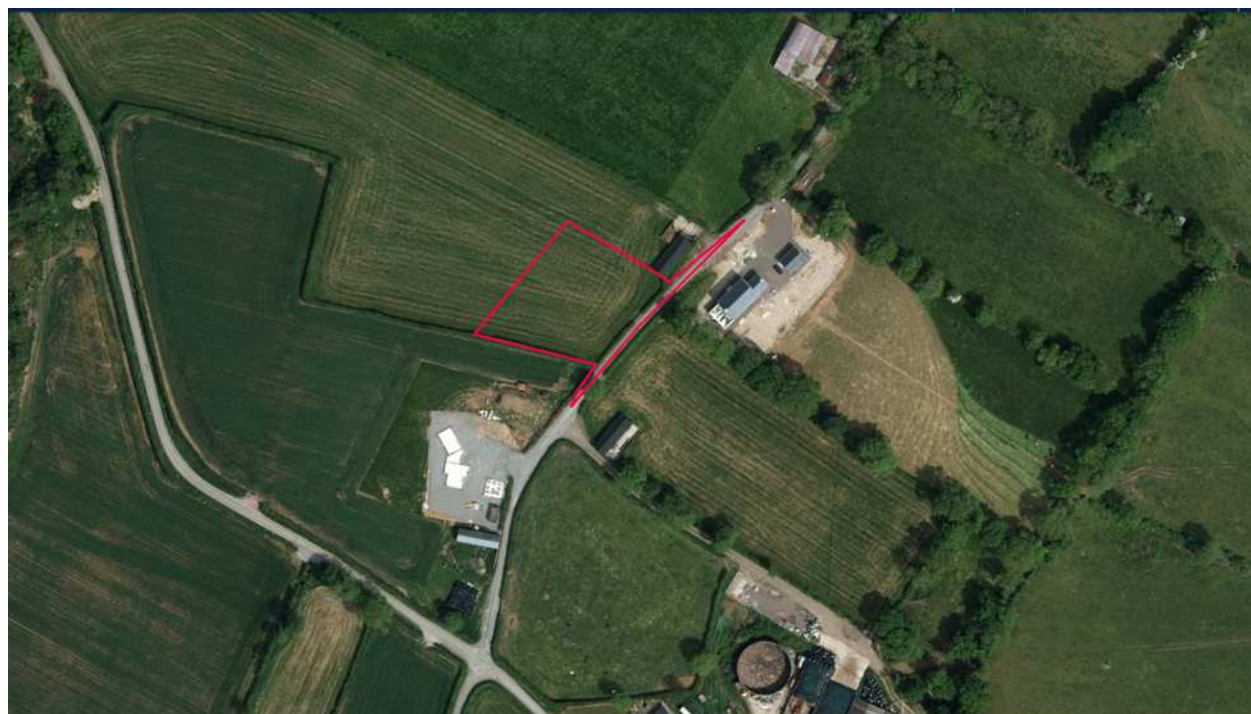


Fig 2: Site outlined red

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

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

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

The site occupies a relatively elevated position in the surrounding landscape with the land within it and along the Liskittle Rd falling downwards from north to south.

The east (roadside) and south boundaries of the site are defined by a mature hedgerow, ranging from approx. 1 ½ m in height, bounding the host field. The remaining boundaries of the site are open onto the host field and agricultural shed within and the landform in the immediate area falls in a north to south direction along Liskittle.

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

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

Description of Proposal

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

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

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

Regional Development Strategy 2030

Strategic Planning Policy Statement for Northern Ireland

Cookstown Area Plan 2010

Planning Policy Statement 3: Access, Movement and Parking

Development Control Advice Note 15: Vehicular Standards

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

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

Representations

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

Planning History

On site

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

Adjacent site

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

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

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

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

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

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

Consultees

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

Consideration

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

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

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

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

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

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

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

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



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



Fig 4: Elevations of proposed dwelling

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

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

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

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

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

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

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

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

Additional considerations

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

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

Flood Maps NI show no flooding on site.

Recommendation: Refuse

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

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

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

Signature(s): Emma Richardson

Date: 21 September 2022

ANNEX	
Date Valid	29 March 2022
Date First Advertised	12 April 2022
Date Last Advertised	12 April 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 37 Liskittle Road, Stewartstown, Tyrone, BT71 5PT The Owner / Occupier 34 Liskittle Road, Stewartstown, Tyrone, BT71 5PT	
Date of Last Neighbour Notification	27 April 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR	
Drawing Numbers and Title Garage Plans Plan Ref: 04 Proposed Plans Plan Ref: 03 Site Layout or Block Plan Plan Ref: 02 Site Location Plan Plan Ref: 01	
Notification to Department (if relevant) Not Applicable	

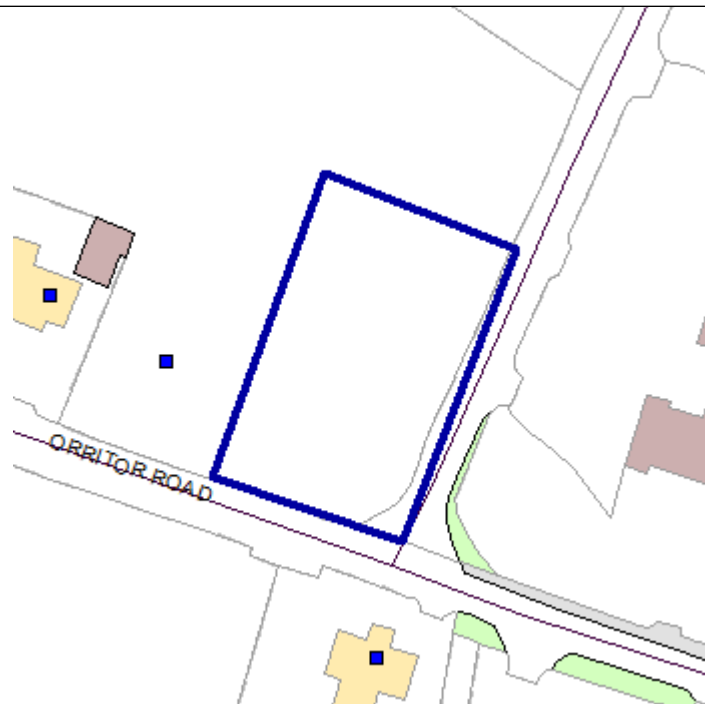


Development Management Officer Report Committee Application

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

Case Officer Report

Site Location Plan



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Consultations:

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

Representations:

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

Summary of Issues

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

warrant justification for withholding planning approval for the proposed development.

Characteristics of the Site and Area

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

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

Consultations

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

Site History

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

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

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

**Mid Ulster Local Development Plan 2030 – Draft Plan Strategy
Strategic Planning Policy Statement (SPPS)
Cookstown Area Plan 2010**

**PPS 21: Sustainable Development in the Countryside
PPS 3: Access, Movement and Parking**

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

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

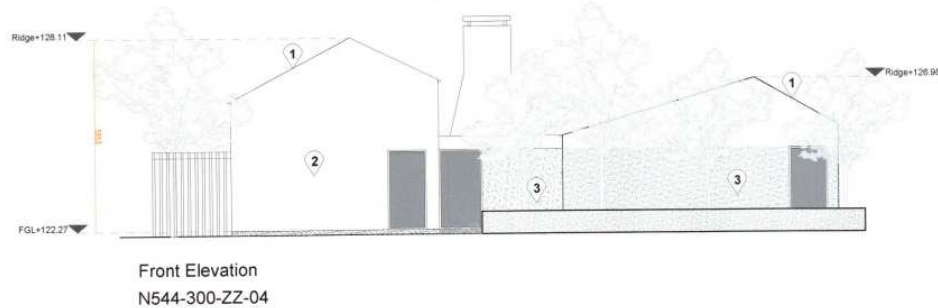
The site is located within the open countryside, outside any defined settlement limits as defined by the Cookstown Area Plan 2010 and in an area where Planning Policy Statement 21 (PPS 21): Sustainable Development in the Countryside applies. No other constraints have been identified.

I note that the principle of development has already been established on the site through the approval reference LA09/2019/0511/O, in which I am content that the application complies under CTY 1. Upon review of the submitted plans I am content that all conditions attached to the outline approval have been met. As such, the application must still comply under CTY 13 and 14 of PPS 21.

Policy CTY 13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. As noted, I am content that all relevant conditions have been complied with including the 6m ridge height, choice of roofing materials and existing / proposed screenings. The application site sits along the main Orritor Road and given its roadside location, there are views of the site in either direction along the public road. There is a single storey dwelling to the west and Orritor Presbyterian Church to the east. Due to the size and dominance of the church building in the backdrop, I am content that the proposed dwelling will be able to successfully integrate into the landscape and will not appear as a prominent feature.

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

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



Proposed front elevation



Surrounding development (No. 259)

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

PPS 3 – Access, Movement and Parking;

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

I have no ecological, flooding or residential amenity concerns.

Other Material Considerations

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

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

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

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

Condition 2

The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 100-ZZ-03 dated 16/08/2022 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Signature(s): Zoe Douglas

Date: 20 September 2022

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

Decision Date:

Ref: I/2000/0570/F

Proposals: New Mobile classroom

Decision: PG

Decision Date: 05-OCT-00

Ref: I/2003/1016/F

Proposals: Proposed dwelling and garage

Decision:

Decision Date:

Ref: I/2002/0717/O

Proposals: Proposed dwelling and garage

Decision:

Decision Date:

Ref: I/2010/0278/F

Proposals: Domestic storage shed

Decision: PG

Decision Date: 02-SEP-10

Ref: I/1995/0160

Proposals: Site for Dwelling and Garage

Decision: PG

Decision Date:

Ref: I/1995/0160B

Proposals: Dwelling and Garage

Decision: PG

Decision Date:

Ref: I/2001/0367/F

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

Decision: PG

Decision Date: 03-JUL-01

Ref: I/1988/0531

Proposals: Proposed Store

Decision: PG

Decision Date:

Ref: I/1977/0257

Proposals: ALTERATIONS TO CHURCH

Decision: PG

Decision Date:

Ref: I/1987/0296

Proposals: CHURCH HALL COMPLEX

Decision: PG

Decision Date:

Ref: I/2007/0919/F

Proposals: Proposed extension to church hall

Decision: PG

Decision Date: 18-JUN-08

Ref: I/1982/0372

Proposals: ERECTION OF MANSE

Decision: PG

Decision Date:

Ref: I/2002/0716/O

Proposals: Proposed dwelling and garage

Decision:

Decision Date:

Ref: I/2001/0198/Q

Proposals: Development of Land

Decision: ELA

Decision Date:

Ref: I/2002/0814/F

Proposals: Residential development (with a mix of dwelling types within a structured landscape setting)

Decision: PG

Decision Date: 03-SEP-03

Ref: I/2013/0108/PREAPP

Proposals: Proposed pair of semi-detached dwellings

Decision: PREA

Decision Date: 01-APR-14

Ref: I/2004/1376/F

Proposals: Non compliance with Condition 10 (Visibility Splays) of Planning Permission I/2002/0814/F for residential development (with a mix of dwelling types within a structured landscape setting)

Decision: PG

Decision Date: 14-JUN-06

Ref: I/2013/0167/F

Proposals: Proposal for 2 no. detached residential units with in-curtilage parking and

associated amenity space.

Decision: PG

Decision Date: 15-OCT-13

Ref: I/2006/0432/F

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

Decision:

Decision Date:

Ref: I/2000/0185/O

Proposals: Dwelling and garage

Decision: PG

Decision Date: 17-MAY-00

Ref: I/1997/0155

Proposals: Erection of dwelling and garage

Decision: PG

Decision Date:

Ref: I/2002/0840/O

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

Decision: PG

Decision Date: 12-FEB-03

Ref: I/2011/0094/F

Proposals: Two storey replacement dwelling and garage

Decision: PG

Decision Date: 10-NOV-11

Ref: I/1974/0306

Proposals: IMPROVEMENTS TO TOILETS.

Decision: PG

Decision Date:

Ref: I/1991/6067

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

Decision: PRER

Decision Date: 09-JAN-92

Ref: I/1992/0104

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

Decision: PG

Decision Date:

Ref: I/2011/0093/F

Proposals: Two storey replacement dwelling with garage

Decision:

Decision Date:

Ref: LA09/2022/0442/RM

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

Decision:

Decision Date:

Ref: LA09/2019/0511/O

Proposals: Proposed gap site for dwelling and garage.

Decision: PG

Decision Date: 08-JAN-20

Ref: LA09/2020/0584/O

Proposals: Proposed gap site for dwelling and garage

Decision: PG

Decision Date: 03-SEP-20

Ref: I/2006/1222/LDE

Proposals: conversion of integral garage to a study room

Decision: PG

Decision Date: 23-JUL-07

Ref: I/2002/0103/F

Proposals: Extension to Dwelling and Detached New Garage

Decision: PG

Decision Date: 22-APR-02

Ref: I/2003/0702/O

Proposals: Proposed dwelling and garage

Decision: PG

Decision Date: 21-OCT-03

Ref: LA09/2022/0682/F

Proposals: Proposed garage/store with extension to site curtilage

Decision:

Decision Date:

Ref: I/2003/0227/O

Proposals: Proposed dwelling and garage

Decision:

Decision Date:

Ref: I/2006/0974/RM

Proposals: Proposed Dwelling and Garage

Decision: PG

Decision Date: 17-APR-07

Ref: I/2009/0034/F

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

Decision: PG

Decision Date: 01-APR-09

Ref: LA09/2016/0217/F

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

Decision: PG

Decision Date: 07-JUL-16

Ref: I/2007/0744/O

Proposals: Proposed replacement dwelling and garage

Decision: PG

Decision Date: 01-OCT-10

Ref: I/2007/0730/O

Proposals: Proposed replacement dwelling and garage

Decision: PG

Decision Date: 01-OCT-10

Ref: LA09/2022/0359/F

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

Decision:

Decision Date:

Ref: LA09/2016/0216/O

Proposals: Proposed off-site replacement dwelling with garage

Decision: PG

Decision Date: 19-JUL-16

Ref: I/1995/0417

Proposals: Re-Location of Mobile Classroom

Decision: PG

Decision Date:

Summary of Consultee Responses

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

Drawing Numbers and Title

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

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

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

Case Officer Report

Site Location Plan



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Consultations:

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

Representations:

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

Summary of Issues

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

Characteristics of the Site and Area

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

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

Representations

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

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

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

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

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

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

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

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

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

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

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

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

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

In terms of policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I am content that a dwelling in this location would respect the pattern of development in the area and is unlikely to cause detrimental change to the character of the area, complying under CTY 14.

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

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

PPS 3 - Access, Movement and Parking;

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

I have no ecological or residential amenity concerns.

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

Summary of Recommendation:

Refuse is recommended

Refusal

Refusal Reasons

Reason 1

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

Reason 2

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

Signature(s): Peter Henry

Date: 20 September 2022

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



Development Management Officer Report Committee Application

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

Case Officer Report

Site Location Plan



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Consultations:

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

Representations:

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

Summary of Issues

To Committee – Approval – Exception to policy.

Characteristics of the Site and Area

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

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

Relevant planning history

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

Representations

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

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030 – Draft Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

PPS 3 - Access, Movement and Parking;

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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. I note that this application has been applied for under CTY 2a. As such CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;
- The cluster appears as a visual entity in the local landscape;
- The cluster is associated with a focal point such as a social/community building/facility, or is

located at a cross-roads,

- The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;
- Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and
- Development would not adversely impact on residential amenity.

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

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

In terms of policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I am content that an appropriately designed dwelling will not have a detrimental impact on the character of the area and would be able to comply under CTY 14.

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

PPS 3 - Access, Movement and Parking;

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

I have no flooding, ecological or residential amenity concerns.

Summary of Recommendation:

Approve is recommended

To Committee – Approval – Exception to policy.

Approval Conditions**Condition 1**

As required by Section 62 of the Planning Act (Northern Ireland) 2011, application for approval of the reserved matters shall be made to the Council within 3 years of the date on which this permission is granted and the development, hereby permitted shall be begun by whichever is later of the following dates:-

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

Reason. Time Limit

Condition 2

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

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

Condition 3

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

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

Condition 4

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

Reason: In the interest of visual amenity.

Condition 5

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

approved by the Council.

Reason: To ensure the dwelling integrates into the landform.

Condition 6

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

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

Condition 7

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

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

Condition 8

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

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

Condition 9

C01 - A scale plan at 1:500 shall be submitted as part of the reserved matters application showing the access to be constructed in accordance with the attached form RS1.

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

Signature(s): Peter Henry

Date: 15 September 2022

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

Ref: H/2014/0164/O

Type: O

Status: PG

Ref: LA09/2016/1419/F

Type: F

Status: PG

Ref: LA09/2019/1348/F

Type: F

Status: PG

Ref: H/2004/1603/O

Type: O

Status: PG

Ref: H/1994/0002

Type: F

Status: PCO

Ref: H/2006/0181/O

Type: O

Status: PG

Ref: H/2006/0182/O

Type: O

Status: PR

Ref: LA09/2022/0573/O

Type: O

Status: PCO

Ref: H/2002/1111/F

Type: F

Status: PG

Ref: H/1999/0513

Type: F

Status: PCO

Ref: H/2006/0944/RM

Type: RM

Status: PG

Ref: H/2008/0310/RM

Type: RM

Status: PG

Ref: H/1988/0529

Type: F

Status: PCO

Ref: H/1978/0380

Type: H13

Status: PG

Ref: H/1997/0001

Type: F

Status: PCO

Ref: H/2002/0759/RM

Type: RM

Status: PG

Ref: H/2002/0007/O

Type: O

Status: PG

Ref: H/2007/0704/F

Type: F

Status: PG

Ref: H/2015/0058/F

Type: F

Status: PG

Ref: H/2000/0258/F

Type: F

Status: PG

Ref: H/1999/0720/O

Type: O

Status: PG

Ref: H/1995/0600

Type: O

Status: PCO

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Outline resp.docx

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

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

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

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

Case Officer Report

Site Location Plan



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Consultations:

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

Representations:

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

Summary of Issues

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

Characteristics of the Site and Area

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

Representations

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

Relevant Planning History

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

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

Magherafelt Area Plan 2015

PPS 1 – General Principles

PPS 3 – Access, Movement and Parking

PPS 21 – Sustainable Development in the Countryside

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

CTY 1 – Development in the Countryside

CTY 10 – Dwellings on the Farm

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

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

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

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

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

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

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

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

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

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

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

In terms of policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I am content that a dwelling in this location would respect the pattern of development in the area and is unlikely to cause detrimental change to the character of the area, complying under CTY 14.

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

PPS 3 - Access, Movement and Parking;

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

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

I have no ecological or residential amenity concerns.

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

Summary of Recommendation:

Refuse is recommended

Refusal

Refusal Reasons

Reason 1

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

Reason 2

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

the application)

Signature(s): Peter Henry

Date: 20 September 2022

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

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



Development Management Officer Report Committee Application

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

Case Officer Report

Site Location Plan



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Consultations:

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

Representations:

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

Summary of Issues

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

Characteristics of the Site and Area

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

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015

Strategic Planning Policy Statement for Northern Ireland (SPPS)

PPS 21: Sustainable Development in the Countryside

PPS3: Access, Movement and Parking

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

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

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

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

farm where all of the following criteria can be met:

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

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

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

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

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

comply with CTY 13.

Policy CTY 14 states, planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As this is an outline application, no design details were submitted. However, given the screening available at this site and the landform surrounding the site I am content an appropriately designed dwelling would not be unduly prominent in the landscape. I do not believe a dwelling here would result in a suburban style build up or development nor create or add to a ribbon of development.

Other Material Considerations

PPS 3 - Access, Movement and Parking;

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

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

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

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

Reason 2

The proposal is contrary to Policy CTY 10 & CTY 13 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposed dwelling is not visually linked or sited to cluster with an established group of buildings on the farm.

Signature(s): Ciaran Devlin

Date: 20 September 2022

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

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

Status: PG

Ref: H/2001/0193/RM

Type: RM

Status: PG

Ref: H/1999/0772/O

Type: O

Status: PG

Ref: LA09/2020/0038/O

Type: O

Status: PG

Ref: H/2001/0272/Q

Type: PREAPP

Status: 300

Ref: H/2006/0147/F

Type: F

Status: PG

Ref: LA09/2022/0618/O

Type: O

Status: PCO

Ref: H/2004/0116/F

Type: F

Status: PG

Ref: LA09/2019/0064/O

Type: O

Status: APPRET

Ref: H/1999/0319

Type: O

Status: PCO

Ref: H/2000/0223/O

Type: O

Status: PG

Ref: H/2009/0727/F

Type: F

Status: PG

Ref: H/2006/0243/O

Type: O

Status: PR

Ref: LA09/2017/1291/O

Type: O

Status: PG

Ref: LA09/2021/0121/O

Type: O

Status: PDE

Ref: H/1985/0091

Type: H13

Status: PG

Ref: LA09/2019/1164/F

Type: F

Status: PG

Ref: H/2008/0136/F

Type: F

Status: PG

Ref: H/1976/0156

Type: H13

Status: PG

Ref: H/1985/0276

Type: F

Status: PG

Ref: H/2001/0502/O

Type: O

Status: PG

Ref: H/2000/0461/F

Type: F

Status: PG

Ref: H/2000/0211/F

Type: F

Status: PG

Ref: H/1998/0638

Type: F

Status: PCO

Ref: LA09/2022/0619/O

Type: O

Status: PCO

Ref: H/1979/0610

Type: H13

Status: PG

Ref: H/1989/0363

Type: O

Status: PCO

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Outline resp.docxOutline resp.docx

DAERA - Coleraine-Consultee Response - LA09-2022-0618-O.DOCX

NI Water - Single Units West-LA09-2022-0618-O.pdf

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

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

Case Officer Report

Site Location Plan



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Consultations:

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

Representations:

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

Summary of Issues

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

Characteristics of the Site and Area

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

Representations

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

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

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

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

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

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

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

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

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

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

In terms of policy CTY 14 planning permission will only be granted for a building in the

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

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

PPS 3 - Access, Movement and Parking;

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

I have no ecological or residential amenity concerns.

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

Summary of Recommendation:

Refuse is recommended

Refusal

Refusal Reasons

Reason 1

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

Reason 2

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

Reason 3

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

Reason 4

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

Signature(s): Peter Henry

Date: 21 September 2022

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

Status: PCO

Ref: H/2004/0793/RM

Type: RM

Status: PG

Ref: H/2003/0981/O

Type: O

Status: PG

Ref: H/2012/0118/F

Type: F

Status: PG

Ref: H/2014/0011/F

Type: F

Status: PG

Ref: LA09/2017/1159/LDE

Type: LDE

Status: PG

Ref: LA09/2019/1571/F

Type: F

Status: PG

Ref: LA09/2019/0065/O

Type: O

Status: PG

Ref: LA09/2019/1641/RM

Type: RM

Status: PG

Ref: H/2006/0444/F

Type: F

Status: PG

Ref: H/2001/0193/RM

Type: RM

Status: PG

Ref: H/1999/0772/O

Type: O

Status: PG

Ref: LA09/2017/1291/O

Type: O

Status: PG

Ref: LA09/2020/0038/O

Type: O

Status: PG

Ref: LA09/2022/0618/O

Type: O

Status: PCO

Ref: LA09/2019/0064/O

Type: O

Status: APPRET

Ref: H/2009/0727/F

Type: F

Status: PG

Ref: H/1984/0257

Type: H13

Status: PR

Ref: H/1986/0216

Type: H13

Status: PG

Ref: H/2006/0243/O

Type: O

Status: PR

Ref: H/1998/0702

Type: F

Status: PCO

Ref: H/1998/0380

Type: O

Status: PCO

Ref: H/1979/0610

Type: H13

Status: PG

Ref: H/2003/0705/O

Type: O

Status: PR

Ref: H/2001/0871/O

Type: O

Status: PR

Ref: LA09/2021/0216/F

Type: F

Status: PG

Ref: H/1989/0363

Type: O

Status: PCO

Ref: H/2002/0638/O

Type: O

Status: APPRET

Ref: H/1993/0100

Type: F

Status: PCO

Ref: H/1990/0013

Type: O

Status: PCO

Summary of Consultee Responses

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

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 October 2022	Item Number: 5.17
Application ID: LA09/2022/0645/O	Target Date: 1 September 2022
Proposal: Dwelling and domestic garage(CTY 2A)	Location: 70M North Of 135A Five Mile Straight Maghera
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Patrick McKenna 137 Fivemile Straight Fallagloon Maghera BT46 5JP	Agent Name and Address: Architectural Services 5 Drumderg Road Draperstown BT45 7EU
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

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

Representations:

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

Summary of Issues

No third party objections

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

Characteristics of the Site and Area

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

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

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PPS 3- Access, Movement and Parking:

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

Other Material Considerations

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

Summary of Recommendation:

Refuse is recommended

Refusal Reasons

Reason 1

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

Reason 2

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

at a cross-roads.

Signature(s): Ciaran Devlin

Date: 20 September 2022

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

Decision Date:

Ref: H/2002/0381/F

Proposals: Replacement Dwelling.

Decision: PG

Decision Date: 15-JUN-02

Ref: H/2001/1024/O

Proposals: Replacement Dwelling

Decision: PG

Decision Date: 13-APR-02

Ref: H/2001/0131/O

Proposals: Site of Dwelling

Decision: PG

Decision Date: 16-MAR-01

Ref: H/2003/1442/F

Proposals: Proposed replacement dwelling for private residential use.

Decision: PG

Decision Date: 17-AUG-04

Ref: H/1996/0656

Proposals: SITE OF REPLACEMENT DWELLING

Decision: PG

Decision Date:

Ref: H/1988/0359

Proposals: ALTERATIONS AND ADDITIONS TO BUNGALOW AND ATTACHED GARAGE

Decision: PG

Decision Date:

Ref: H/2002/0369/F

Proposals: Site for Dwelling.

Decision: PG

Decision Date: 26-JUL-02

Ref: H/2005/0419/O

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

Decision: PR

Decision Date: 22-AUG-06

Ref: H/2002/0445/F

Proposals: Dwelling & Garage.

Decision: PG

Decision Date: 19-AUG-02

Ref: H/2003/1324/F

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

Decision: PG

Decision Date: 08-MAR-04

Ref: H/2004/0410/O

Proposals: Site of Dwelling and Garage.

Decision:

Decision Date:

Ref: H/2005/1050/RM

Proposals: Single Storey Dwelling

Decision: PG

Decision Date: 10-MAY-06

Ref: H/2002/0023/O

Proposals: Site of Dwelling & Garage

Decision:

Decision Date:

Ref: H/2005/0333/F

Proposals: Bungalow and Garage

Decision: PG

Decision Date: 13-FEB-06

Ref: H/1992/6105

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

Decision: QL

Decision Date:

Ref: LA09/2022/0645/O

Proposals: Dwelling and domestic garage(CTY 2A)

Decision:

Decision Date:

Ref: H/2013/0475/F

Proposals: Proposed farmhouse dwelling and garage

Decision: PG

Decision Date: 30-APR-14

Summary of Consultee Responses

DFI Roads - Enniskillen Office-Outline resp.docx

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

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

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

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	

Representations:

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

Summary of Issues

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

Characteristics of the Site and Area

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

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

Relevant planning history

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

Representations

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

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Cookstown Area Plan 2010

Mid Ulster Local Development Plan 2030 – Draft Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

PPS 3 - Access, Movement and Parking;

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

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. I note that this application has been applied for under CTY 2a. As such CTY 2a states that planning permission will be granted for a dwelling at an existing cluster of development provided all the following criteria are met:

- The cluster of development lies outside of a farm and consists of four or more buildings (excluding ancillary buildings such as garages, outbuildings and open sided structures) of which at least three are dwellings;
- The cluster appears as a visual entity in the local landscape;
- The cluster is associated with a focal point such as a social/community building/facility, or is located at a cross-roads,

- The identified site provides a suitable degree of enclosure and is bounded on at least two sides with other development in the cluster;
- Development of the site can be absorbed into the existing cluster through rounding off and consolidation and will not significantly alter its existing character, or visually intrude into the open countryside; and
- Development would not adversely impact on residential amenity.

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

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

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

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

In terms of policy CTY 14 planning permission will only be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I am content that an appropriately designed dwelling will not have a detrimental impact on the character of the area and would be able to comply under CTY 14.

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

PPS 3 - Access, Movement and Parking;

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

I have no flooding, ecological or residential amenity concerns.

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

Summary of Recommendation:

Refuse is recommended

Refusal

Refusal Reasons

Reason 1

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

Reason 2

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

Signature(s): Peter Henry

Date: 20 September 2022

ANNEX	
Date Valid	27 May 2022
Date First Advertised	28 June 2022
Date Last Advertised	28 June 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 68 Drumconvis Road Coagh Tyrone BT80 0HF	
Date of Last Neighbour Notification	27 June 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses	
DFI Roads - Enniskillen Office-	
Drawing Numbers and Title	
Site Location Plan Plan Ref: 01 Site Layout or Block Plan Plan Ref: 02	
Notification to Department (if relevant)	
Not Applicable	



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 4 October 2022	Item Number: 5.19
Application ID: LA09/2022/0719/RM	Target Date: 19 September 2022
Proposal: Proposed single storey dwelling and garage.	Location: Site At 80M NE Of 130 Creagh Road Castledawson BT45 8EY
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Paddy Henry 48 Brough Village Castledawson BT45 8FD	Agent Name and Address: Newline Architects 48 Main Street Castledawson BT45 8AB
Executive Summary:	

Case Officer Report

Site Location Plan

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Consultations:

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

Representations:

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

Summary of Issues

None

Characteristics of the Site and Area

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

Description of Proposal

The proposal seeks reserved matters permission for a dwelling and detached garage.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

considerations indicate otherwise.

Relevant Histories

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

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

Dungannon and South Tyrone Area Plan 2010

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

Mid Ulster District Council Draft Plan Strategy 2030

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

SPPS – Strategic Planning Policy Statement for Northern Ireland

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

Planning Policy Statement 3 – Access, Movement and Parking

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

Planning Policy Statement 21 - Sustainable Development in the Countryside

As the principle of development has already been established, the matters reserved under the OPP must now be considered.

CTY 13 of PPS21 – Integration and Design of Buildings states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. The proposed dwelling a traditional bungalow rural style with a ridge height of 6m in height and a detached garage to the rear of the site. The dwelling is to be finished in a cream render with some natural stone cladding features. The dwelling is sited facing the Creagh Road. The

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

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

CTY 14 of PPS21 - Rural Character states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. A dwelling on this site will not be unduly prominent in the landscape as it is sited broadly in line with the existing development in the surrounding area. The proposal respects the settlement pattern of the area and has been accepted at outline planning permission stage. The ancillary works will not damage rural character and there is no issue with build-up, therefore the proposal complies with CTY 14.

Other Considerations

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

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

ii. The expiration of a period of 2 years from the date hereof.

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

Condition 2

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

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

Condition 3

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

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

Signature(s): Peter Hughes

Date: 20 September 2022

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

Ref: LA09/2020/1266/O

Type: O

Status: PG

Ref: LA09/2018/0331/O

Type: O

Status: PG

Ref: LA09/2017/1287/O

Type: O

Status: PG

Ref: LA09/2022/0719/RM

Type: RM

Status: PCO

Ref: H/1982/0008

Type: H13

Status: WITHDR

Ref: H/2004/1525/O

Type: O

Status: PR

Ref: H/2003/1305/F

Type: F

Status: PG

Ref: H/2000/0404/O

Type: O

Status: PG

Ref: H/1994/0549

Type: O

Status: PCO

Ref: H/1983/0380

Type: H13

Status: PG

Ref: H/1993/0550

Type: F

Status: PCO

Ref: H/1997/0367

Type: F

Status: PCO

Ref: H/2004/1482/O

Type: O

Status: PR

Ref: H/1990/0478

Type: RM

Status: PCO

Ref: H/1990/0129

Type: O

Status: PCO

Ref: H/2009/0576/O

Type: O

Status: PG

Ref: H/2013/0133/RM

Type: RM

Status: PG

Ref: H/2013/0132/RM

Type: RM

Status: PG

Ref: H/2005/0373/F

Type: F

Status: PG

Ref: H/1983/0195

Type: H13

Status: PR

Ref: H/1987/0321

Type: F

Status: PCO

Ref: H/1980/0353

Type: H13

Status: PG

Ref: H/1978/0522

Type: H13

Status: PR

Ref: H/1998/0062

Type: F

Status: PCO

Ref: H/1988/0320

Type: F

Status: PCO

Ref: H/1994/0120

Type: O

Status: PCO

Ref: LA09/2021/1405/O

Type: O

Status: PCO

Ref: H/2006/0288/O

Type: O

Status: PR

Ref: H/1993/6111

Type: PREAPP

Status: PCO

Ref: H/2002/0347/O

Type: O

Status: PR

Ref: LA09/2021/1284/F

Type: F

Status: PCO

Ref: H/2000/0491/F

Type: F

Status: PG

Ref: H/1999/0201

Type: O

Status: PCO

Ref: LA09/2019/0916/F

Type: F

Status: PG

Ref: H/1992/0139

Type: F

Status: PCO

Ref: H/1990/0507

Type: F

Status: PCO

Ref: H/2010/0041/F

Type: F

Status: PG

Ref: H/1995/6046

Type: PREAPP

Status: PCO

Ref: H/1995/0418

Type: F

Status: PCO

Summary of Consultee Responses

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

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Proposed Plans Plan Ref: 02

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

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

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response

Representations:

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

Summary of Issues

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

Characteristics of the Site and Area

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

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

Neighbour Notification

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

Description of Proposal

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

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

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

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

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

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

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

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

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

Summary of Recommendation:

Approve is recommended

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

Approval Conditions

Condition 1

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

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

Signature(s): Peter Henry

Date: 15 September 2022

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

Notification to Department (if relevant)

Not Applicable