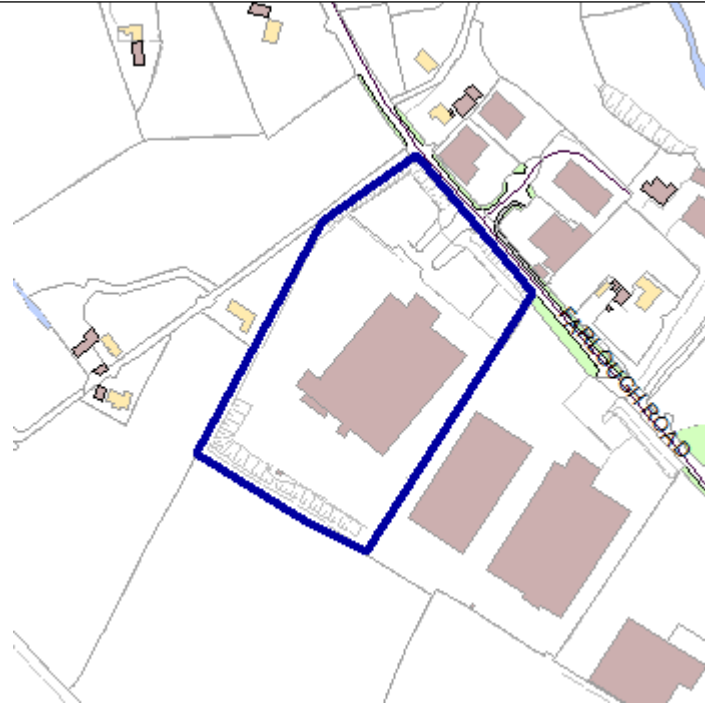




Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.01
Application ID: LA09/2019/0643/F	Target Date: 9 July 2019
Proposal: Proposed erection of new assembly building	Location: Terex Farlough Road Plant 32 Farlough Road Dungannon
Referral Route: Approve is recommended This is a Major planning application and objections have been received.	
Recommendation: Approve	
Applicant Name and Address: Terex Farlough Road Plant 32 Farlough Road Dungannon	Agent Name and Address: Clarman And Co Unit 1 33 Dungannon Road Coalisland BT71 4HP
Executive Summary:	

Case Officer Report**Site Location Plan**

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Consultations:

Consultation Type	Consultee	Response
	Environmental Health Mid Ulster Council	Substantive: TBC Response Type: FR
	Environmental Health Mid Ulster Council	Substantive: TBC
	DFI Roads - Enniskillen Office	Substantive: TBC
	Rivers Agency	Substantive: TBC
	Environmental Health Mid Ulster Council	Substantive: TBC
	Environmental Health Mid Ulster Council	Substantive: TBC
	DFI Roads - Enniskillen Office	Substantive: Y Response Type: FR
	DFI Roads - Enniskillen Office	Substantive: Y Response Type: FR
	Environmental Health Mid Ulster Council	Substantive: TBC
	Environmental Health Mid Ulster Council	Substantive: TBC

	Environmental Health Mid Ulster Council	Substantive: TBC
	Environmental Health Mid Ulster Council	Substantive: TBC
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	NI Water - Strategic Applications	Substantive: TBCResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	Rivers Agency	Substantive: TBCResponseType: FR
	Health & Safety Executive For NI	Substantive: TBCResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	Rivers Agency	Substantive: TBCResponseType: FR
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09-19-0643 F Terex 171022.doc

Representations:

Letters of Support	0
Letters of Objection	4
Letters Non Committal	0
Number of Support Petitions and signatures	
Number of Petitions of Objection and signatures	

Summary of Issues

Three letters of objection were received to this planning application which raised the following issues:

- The noise level within the current factories is unacceptable;
- There are periodic issues of noise due to the testing of machinery
- An increase in the size of the factory will have a negative impact on the surrounding countryside;
- An increase in noise pollution;
- Concerns at the increase in traffic from the additional buildings;
- The Pre-Application Community Consultation exercise was inadequate;
- If approved there should be a limit placed on operating hours;
- There is a need for additional landscaping along the boundary of the application;
- There is a concern at the cause of environmental light pollution.

Following the most recent noise report three additional letters of objection have been received to the application. The letters raise the following issues:

- Loading outside of agreed working hours regularly takes place;

- Traditional beep alarms are still being used on company owned vehicles;
- Questions on the calculation basis of the noise report for sound reduction;
- Noise levels were taken at a time when trees are in full cover at the objector's dwelling and new levels should be taken in the winter months;
- The objector questions the assumption to allow higher background noise levels as being inappropriate;
- Impact of additional production at Terex;
- Route of machinery from existing building to the proposed building and the impact this will have on noise concerns at the nearby dwellings;
- Contravention of previous planning permissions;
- Management concerns of closed door policy

The issues of concern will be addressed in the report which follows.

Characteristics of the Site and Area

The application site currently consists of industrial buildings for the applicant's current operations. The site is relatively flat. This site is located to the very west of the town of Coalisland and just within its settlement limit and is on land zoned as existing industry and business in the Dungannon and South Tyrone Area Plan 2010. To the west of the site is open countryside with individual dwellings, the remaining boundaries of the site are bounded by zoned industrial land and other industrial businesses. There are also residential developments close by within the limits of the settlement.

Description of Proposal

This application is for a proposed new assembly building

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Regional Development Strategy
 Strategic Planning Policy Statement
 Dungannon and South Tyrone Area Plan 2010
 MUDC Local Development Plan 2030 - Draft Plan Strategy
 Planning Policy Statement 3 - Access, Movement and Parking
 Planning Policy Statement 4 - Economic Development
 Planning Policy Statement 15 - Planning and Flood Risk

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

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

The site is on land zoned as existing industry and business in the Area Plan within defined settlement limit of Coalisland. The application is for an extension to the existing Terex facility which is located on the Farlough Road, Dungannon. The existing buildings extend to approximately 8,000 sq with the proposed extension extending the floorspace by approximately an additional 1,700 sq m.

Planning Policy Statement 4 - Planning and Economic Development, Policy PED 1 "Economic Development in Settlements" states that a development proposal for a Class B2 light industrial use or Class B3 general industrial use will be permitted in an area specifically allocated for such purposes in a development plan or in an existing industrial/employment area provided it is of a scale, nature and form appropriate to the location.

Policy PED 9 "General Criteria for Economic Development" states that a proposal for economic development use, in addition to other policy provisions of PPS 4, will be required to meet all of the 13 criteria listed under PED 9.

(a) It is compatible with surrounding uses, (b) it does not harm the amenities of nearby residents and (e) it does not create a noise nuisance

This application on existing zoned industrial land will be used to build machines within the proposed assembly building, as opposed to building them externally in the yard. No additional staff will be employed for the proposed building. We have received a number of objections to the proposed application based primarily on noise concerns. There are currently noise concerns from the neighbouring dwellings based on the current operations at the Terex factory. EHO did have concerns with the proposal and an amended noise report has been submitted and considered by EHO.

In their response, EHO have stated the submitted noise assessment considers noise from two scenarios. The first scenario is the existing set up at Terex with what is described as typical site traffic with the doors open. The second scenario considers the noise from the existing building plus the proposed assembly building with traffic and the doors are closed. The assessment by EHO shows that if strict site conditions are adhered to this proposal can result in overall noise reduction at nearby receptors, and therefore betterment in respect of noise. The proposal will be no more than +5dB above background which indicates an adverse impact. However, this has reduced from +11dB as previously modelled which indicates a significant adverse impact.

The proposal includes the replacement of four existing roller doors on the southern elevation being replaced by four rapid closing doors to improve the current noise levels.

The new building only has doors, other than for the purpose of fire safety pedestrian doors, on the northern elevation away from the nearby residential properties. These doors are also to be rapid closing doors. The doors closest to the neighbouring residential properties are shown to be always closed.

To ensure the noise reduction it will be the responsibility of the applicant to ensure the noise mitigation measures for the existing site are installed and maintained, otherwise noise from this facility is likely to impact nearby residential amenity. To ensure this occurs EHO have suggested a number of conditions.

(c) it does not adversely affect features of the natural and built heritage
Having completed a biodiversity checklist I am content the proposal will not affect any features of the natural heritage. There are no known built heritage features which will be affected by the proposal.

(d) it is not located in an area at flood risk and will not cause or exacerbate flooding
Rivers Agency have confirmed in their consultation response that the site is unaffected by any watercourse known to them. The proposed site does not lie within the 1 in 100 year fluvial flood plain. Due to the size of the site a Drainage Assessment has been submitted and Rivers Agency accept its conclusions and have no reason to disagree with its logic.

(f) it is capable of dealing satisfactorily with any emission or effluent
There is no issue of concern raised on this matter.

(g) the existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified; (h) adequate access arrangements, parking and manoeuvring areas are provided; (i) a movement pattern is provided that, in so far as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport

In their most recent consultation response, DfI Roads notes a letter date stamped 8 April 2020 which states that no additional trips to the site will result as a consequence of this proposal. DfI Roads notes that the Drawing No 2 Rev 1 date stamped 25 June 2019 depicts a car park layout to accommodate 196 cars and 13 HGV Lorries. This provision is very slightly below the requirement however DfI Roads would be content to accept the proposed car layout depicted on this drawing. If approved DfI Roads have referred to conditions which should be applied.

(j) the site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity

The proposed site layout is considered acceptable on these zoned existing industrial lands. The existing factory building measures 16.6m tall at the highest point to 10.7m at the lowest point. The design of the new assembly building is larger and will be c.20m in

height. Given the context of the zoned land I consider this building, though taller than what is currently on the ground, to be acceptable.

(k) appropriate boundary treatment and means of enclosure are provided and any views of outside storage proposed area are adequately screened from public view
Retaining walls are required and shown on the proposed site plan together with buffer planting along the southern and western boundaries. There are no areas of external storage shown on the proposed site plan.

(l) is designed to deter crime and promote personal safety:
Access to the site is restricted by means of a security house and security gate to the existing factory and this remains unaltered. There are no concerns on this matter.

(m) in the case of proposal in the countryside, there are satisfactory measures to assist integration into the landscape
This sits on the edge of, but within the settlement limits of Coalisland as identified in the Area Plan

Following a consideration of all the criteria in PED 9 which I consider have been met, I recommend an approval of this application.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Condition 2

The only activities permitted within the new assembly shed, as annotated on drawing number 02/2, date stamped 15 December 2020, shall be limited to loading/unloading (including the use of overhead cranes and forklifts), assembly/disassembly and testing by electric/hydrostatic means. No fabrication or testing of equipment by combustion engine(s) shall take place anywhere within the new assembly shed.

Reason: To protect nearby residential amenity.

Condition 3

The new assembly shed as annotated on drawing number 02/2, date stamped 15 December 2020 shall only be used and operational between
08:00am and 18:00 hours Monday to Friday
08:00am and 13:00 hours Saturday
No working on Sundays or Bank Holidays.

Reason: To protect nearby residential amenity.

Condition 5

All roller doors annotated on drawing no 03, date stamped 9 May 2019 and drawing no 11, date stamped 15 December 2020 are to be fitted with automated open and close functions prior to the commencement of any operations within the new assembly shed as annotated on drawing no 02/2, date stamped 15 December 2020. All new doors are to remain closed except for ingress and egress of goods or materials.

Reason: To protect nearby residential amenity.

Condition 6

Within 4 weeks of a written request by the Council following a reasonable noise complaint from the occupant of a dwelling which lawfully exists, the operator shall, at his/her expense, employ a suitable qualified and competent person, to assess compliance with predicted noise levels stated within Table 12 of the submitted noise impact assessment, date stamped 29 November 2021. Details of noise monitoring survey shall be submitted to Council for written approval prior to any monitoring commencing. The Council shall be notified not less than 2 weeks in advance of the date of commencement of the noise monitoring. The Council shall then be provided with a suitable report detailing any necessary remedial measure. These remedial measure shall be carried out to the satisfaction of Council within 4 weeks from the date of approval of the remedial report and shall be permanently retained and maintained to an acceptable level thereafter, unless otherwise agreed in writing with the Council.

Reason: To protect nearby residential amenity.

Condition 7

No retailing or other operation in or from any building hereby permitted shall commence until hard surfaced areas have been constructed in accordance with the approved drawing no 02/2, date stamped 15 December 2020 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking, servicing and

traffic circulation within the site.

Condition 8

The parking facilities detailed in Condition 07 above shall be open for using during all hours of business.

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

Case Officer: Karen Doyle

Date: 19 October 2022

ANNEX	
Date Valid	14 May 2019
Date First Advertised	30 May 2019
Date Last Advertised	29 May 2019
Details of Neighbour Notification (all addresses) The Owner / Occupier A1 Power System, Unit 4 Derryvale Industrial Estate, Farlough Road, Dungannon, BT71 4DU The Owner / Occupier Hydraulics (Ireland) Ltd, Unit 1 Derryvale Industrial Estate, Farlough Road, Dungannon, BT71 4DU The Owner / Occupier 43 Farlough Road, Dungannon, Tyrone, BT71 4DU The Owner / Occupier 30 Farlough Road, Dungannon, Tyrone, BT71 4DU The Owner / Occupier 35 Farlough Road, Dungannon, Tyrone, BT71 4DU The Owner / Occupier 41 Farlough Road, Dungannon, Tyrone, BT71 4DU The Owner / Occupier 42 Farlough Road, Dungannon, Tyrone, BT71 4DU	
Date of Last Neighbour Notification	11 July 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> 	

Summary of Consultee Responses

Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR

Environmental Health Mid Ulster Council-Substantive: TBC

DFI Roads - Enniskillen Office-Substantive: TBC

Rivers Agency-Substantive: TBC

Environmental Health Mid Ulster Council-Substantive: TBC

Environmental Health Mid Ulster Council-Substantive: TBC

DFI Roads - Enniskillen Office-Substantive: YResponseType: FR

DFI Roads - Enniskillen Office-Substantive: YResponseType: FR

Environmental Health Mid Ulster Council-Substantive: TBC

Environmental Health Mid Ulster Council-Substantive: TBC

Environmental Health Mid Ulster Council-Substantive: TBC

Environmental Health Mid Ulster Council-Substantive: TBC

DFI Roads - Enniskillen Office-Substantive: YResponseType: FR

NI Water - Strategic Applications-Substantive: TBCResponseType: FR

Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR

Rivers Agency-Substantive: TBCResponseType: FR

Health & Safety Executive For NI-Substantive: TBCResponseType: FR

DFI Roads - Enniskillen Office-Substantive: YResponseType: FR

Rivers Agency-Substantive: TBCResponseType: FR

Environmental Health Mid Ulster Council-LA09-19-0643 F Terex 171022.doc

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Levels and Cross Sections Plan Ref: 09

Cross Sections Plan Ref: 08

Existing Site Survey Plan Ref: 07

Site Layout or Block Plan Plan Ref: 06

Proposed Plans Plan Ref: 05

Proposed Plans Plan Ref: 04

Proposed Plans Plan Ref: 03

Site Layout or Block Plan Plan Ref: 02

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: 1 November 2022	Item Number: 5.02
Application ID: LA09/2020/1021/O	Target Date: 20 October 2020
Proposal: Site for small business park to include light & general industrial use/assembly/storage/business (20,000sq ft total), with parking, turning, loading, new access, boundary treatments & site works including landscaped buffer. Enterprise to be contained within 4 no. buildings approximately 5000 sq ft each. (Revised description)	Location: Adjacent To Eurosprings 127 Ballynakilly Road Coalisland
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Eurosprings Ltd 127 Ballynakilly Road Coalisland	Agent Name and Address: O'Callaghan Planning Unit 1 10 Monaghan Court Monaghan Street Newry BT35 6BH
Executive Summary:	

Case Officer Report		
Site Location Plan		
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Consultations:		
Consultation Type	Consultee	Response
	NIEA	Substantive: YResponseType: FR
	Shared Environmental Services	Substantive: TBCResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	NI Water - Strategic Applications	Substantive: TBCResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	DETI - Geological Survey (NI)	Substantive: TBCResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBC
	Shared Environmental Services	Substantive: TBC
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	Rivers Agency	Substantive: TBCResponseType: FR
	Shared Environmental Services	Substantive: TBCResponseType: FR
	NIEA	Substantive: YResponseType: FR
	Rivers Agency	Substantive: TBCResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
Amendments Received	DFI Roads - Enniskillen Office	29-07-2022.docx
Non Statutory Consultee	DFI Roads - Enniskillen Office	
Statutory Consultee	DFI Roads - Enniskillen Office	05-10-2022.docx

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	
<p>Characteristics of the Site and Area</p> <p>This site is located adjacent and south west to Eurosprings, with access from the Ballynakilly Road. The roadside boundary is abuts Ballynakilly Road and is defined by a concrete post and wire fence. Along the NW boundary which is shared with Eurosprings is a modest single plant width hedgerow not more than 2m in height. There is no boundary defining the SW which is open to a larger field and the site rises gently to the SW. To the SE is a dense mature tree lined hedgerow over 5 m in height.</p> <p>Ballynakilly Road provides a link between Coalisland and the M1, and the site is located approx. midway between both, with the village of Ballynakilly located approx. 500m to the NW. Between the site and the village is a lake. Opposite the site are 2 dwellings and a mechanic business. To the south is a derelict dwelling set back from the public road. Due to existing vegetation and setback this dwelling is not visible from public aspects.</p> <p>This area is defined by dispersed single dwellings, agricultural land and sporadic roadside industrial developments peppered along Ballynakilly road.</p> <p>The adjacent factory (Eurosprings) produces, designs and delivers a wide variety of compression, tension and torsion springs for the quarry industry and a wide variety of other manufacturing industries.</p>	
Description of Proposal	
<p>This is an outline planning application for small business park to include light & general industrial use/assembly/storage/business (20,000sq ft total), with parking, turning, loading, new access, boundary treatments & site works including landscaped buffer. Enterprise to be contained within 4 no. buildings approximately 5000 squ ft each.</p> <p>Due to the size of the site and the proposed floorspace, the proposal is called as a local application, and does not fall within the major category for development as defined in the Schedule to the The Planning (Development Management) Regulations (Northern Ireland) 2015.</p> <p>A concept plan has been submitted with the application for information purposes which</p>	

shows notional access to the site, along with 4 detached industrial units.

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.

Area Plan

Dungannon and South Tyrone Area Plan 2010: the site is located in the open countryside, not far from the village of Ballynakilly. Site has no relevant zonings and is located in the open countryside. Existing regional policies for development in the countryside apply including Strategic Planning Policy Statement (SPPS), PPS21 Sustainable development in the countryside (PPS21) and PPS4 apply.

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.

Key Planning Policy

SPPS Strategic Planning Policy Statement
PPS21 Sustainable Development in the Countryside
PPS4 Planning and Economic Development
PPS3 Access, Movement and parking
PPS2 Natural Heritage

Planning History

There is no relevant planning history to consider.

3rd party representations

No 3rd party objections or representation have been received. I am satisfied that appropriate neighbour notification and advertisement has been carried out in line with Council's statutory duties.

Consideration

The SPPS states that growing a sustainable economy and investing in the future is a key strategic priority for the Northern Ireland Executive, to create more employment and competitiveness and to improve the wealth and living standards of everyone.

The planning system has a key role in achieving a vibrant economy. In this regard, the aim of the SPPS is to facilitate the economic needs of Northern Ireland in ways consistent with the protection of the environment and the principles of sustainable development.

The SPPS goes on to say that in the interests of rural amenity and wider sustainability objectives, the level of new building for economic development purposes outside settlement limits must be restricted. Exceptions to this general principle may be justified for a small new build economic development proposal outside a village or small settlement where there is no suitable site within the settlement. An edge of settlement location will be favoured over a location elsewhere in the rural area, subject to normal planning considerations.

PS21 allows for a range of suitable development in the countryside, including industrial and business uses in the countryside that are in accord with the policy provision contained within PPS4- Planning and Economic Development.

Policy PED 2 of PPS4- Economic Development in the Countryside sets out the policy framework where proposals for economic development use/business use in the countryside are considered to be acceptable.

Policy PED6 Small Rural Projects allows for a firm proposal to develop a small rural industrial enterprise on land outside villages or smaller rural settlements where it is demonstrated that (a) there is no suitable site within the settlement; (b) the proposal would benefit the local economy or contribute to community regeneration; and (c) the development is clearly associated with the settlement, but will not dominate it, adversely affect landscape setting or otherwise contribute to urban sprawl.

PED 6 then sets out site selection preference which is as follows;

(1) land adjacent to the existing settlement limit, subject to amenity and environmental considerations; (2) a site close to the settlement limit which currently contains buildings or where the site is already in a degraded or derelict state and there is an opportunity to improve the environment; and (3) an undeveloped site in close proximity to the settlement where the development could be visually integrated into the landscape.

Firm Proposal

In the justification and amplification of PED6 it states that all applications made under this policy will be expected to be accompanied with the following information:

- o sufficient evidence to indicate how realistic the particular proposal is and what sources of finance are available (including any grant aid) to sustain the project.
- o an assessment of the likely contribution the enterprise will make to the local economy and information on the level of community support.

- o detailed information of an exhaustive search to illustrate that there is no reasonable prospect of securing a suitable site within the limits of the particular settlement.
- o justification for the particular site chosen and illustrative details of the proposed design and site layout.

The agent has provided 2 supporting reports with this application, stating that the anchor and developer for this proposal will be Eurosprings. This local manufacturer is an established and successful local business that has been on the adjoining site for well over 10 years. During this time this business has grown significantly, and expansion of this business has been granted permission. Eurosprings is also supported by Invest NI and is a significant employer in this locality.

The reports also say that the units will likely be occupied by subsidiary or complimentary companies that are associated with the operations of Eurosprings, at this this will help with efficiency savings and supply chain issues with the current operations. Supporting statements from other local manufacturing firms have also been provided stating that they would be keen to rent out these units should they become available.

Benefits to the local economy were set out with construction costs set at 1.3m, the creation of 30-40 jobs at operational phase, with salaries in region of at least £1m per annum. Benefits to the existing enterprise were also set out in that a return on the investment of 6% per annum would also help secure existing jobs and growth at the existing site.

I am of the view that this proposal has a realistic potential of being realised, that there are funds available to implement the project, that the units will be utilised by local businesses, that they will contribute to the local economy and will be supported by the local community.

The agent has also carried out a detailed analysis of sites within the settlement of Ballynakilly. 4 sites to the southern half of the settlement have been granted for housing. 1 of the remaining sites to the southern half of the settlement is somewhat constrained, and will access from a minor country road. Large HGVs will also have to travel through Ballynakilly the the junction where Coash Road meets Ballynakilly Road is tight. There is a also a row of terraced dwellings with on street parking close to this junction and in my view the intimate village quality would be detrimentally impacted by this development.

The remaining site to the south is beside a residential development and in my view would result in amenity impacts to existing residents.

In assessing the available sites to the north of the settlement the agent again lists access constraints and detrimental impacts on existing and proposed residential amenity. I am somewhat sympathetic to this case, as the road through the village is very close to residential property, is narrow, and the access from Ballynakilly Road into the village is tight for HGV vehicles. Plus, this type of traffic through the village is not ideal for perceived safety and village life.

The agent has concluded that this site as selected meets with preference 3 in PED 6, an undeveloped site in close proximity to the settlement where the development could be visually integrated into the landscape. I am in agreement with the agent that this site would represent number 3 in the sequential test. There are no other suitable sites adjacent to the village of Ballynakilly in terms of access and integration. In terms of

access and association with the village of Ballynakilly, the site that is selected is suitable. Sites adjacent to the village are somewhat constrained by their size and topography, and there is a lake between the proposed site and the village. The selected site will benefit from a mature hedgerow to the SE, a backdrop of rising land to the SW and will be screened by existing buildings when travelling from the village towards the site. While there are existing dwellings adjacent to the site, these numbers are minimal when compared to residential development within Ballynakilly. The agent has provided a preliminary Noise Impact report and Environmental Health have raised no objections to this proposal at this location subject to conditions.

There is one industrial site located within Ballynakilly, close to the junction of Ballynakilly Road. Permission was recently granted for this the expansion of this unit into the countryside, along with a new access road. The new access provided an alternative access point for the facility, so instead of large HGVs driving into the village for access to the site they can now access off the Ballynakilly Road. The junction where the village meets the Ballynakilly Road is tight, as is the road through the village, and it is not ideal for the movement of large HGVs through this small village in terms of perceived safety and impacts on residential amenity and normal day to day village life.

The agent, in the most recent supporting statement also explores policy PED 4. If PED 4 were to be applied, it would be a different policy test applied, as the proposal would represent a major expansion, and limited weight can be attached to this policy. While the proposal does not represent an expansion to an existing business, the proposed site does share the existing access with Eurosprings, and on the face of it appears to be an extension to an existing industrial unit. The agent has also indicated that the proposed units may have some benefit to the existing enterprise, in that they will compliment existing operations and will secure any future concerns in supply chains, will provide an additional source of revenue for the existing firm and in turn will secure existing jobs into the future and will create additional employment opportunities. However limited weight can be attached to PED 4.

In terms of design of the proposal, the agent has supplied a concept plan to show 4 detached units, each of 5000 sq ft. I find this layout to be acceptable for the site and this rural area, and will be of a size and scale that will not result in significant detriment to residential amenity, and Environmental health share this view. As this is an outline proposal, design can be fully assessed at Reserved Matters stage.

In the wider area, there are numerous examples of this type of industrial development along Ballynakilly Road. Given the context and size and scale of the proposal, adjacent to an existing established business, its proximity and relationship to the village of Ballynakilly, the fact that it will share the same access with Eurosprings, will not have a detrimental impact on the visual amenity or rural character, or on residential amenity, and given the economic benefits of the proposal, I find that this proposal will not look out of place in this area, and meets policy PED 6 of PPS4.

Policy PED9 sets general criteria for all Economic Development that has to be met.

A drainage report has been provided and DfI Rivers raise no objection to the proposal in terms of policies FLD1 through FLD5 of PPS15 Planning and Flood Risk. The drainage assessment is found to be acceptable, and the site is not located in a flood plain and will not increase the risk of flooding at the site or elsewhere.

The site is not located in an environmentally sensitive area, and will not have a detrimental impact on any known archaeological sites or on built heritage. A Biodiversity Assessment was provided and NIEA and SES do not object to the proposal.

Access to the site is good, and DfI Roads do not object, subject to conditions. There is ample space for parking and manoeuvring of vehicles and visibility onto the existing road network is good. The site can be accessible by pedestrians and cyclists. While there are no footway links to the nearby village there is a roadside verge, and DfI Roads do not raise any concerns in this respect about the proposal.

Boundary details can be assessed at reserved matters stage, and a suitable boundary to deter crime and landscaping can be agreed at that stage.

It has been demonstrated that proposal is compatible to its surroundings as Environmental Health do not object to the proposal, and that the proposal will integrate into the landscape. Building design can be assessed at reserved matters stage.

In my view policy PED 9 is met and subsequently does not offend policies contained within PPS2 Natural Heritage, PPS3 Access, Movement & Parking, PPS6 Planning, Archaeology and the Built Heritage and PPS15 Planning and Flood Risk.

Other material considerations

There has been no land contamination issues identified on this site and no 3rd party objections have been received on this proposal.

Summary of Recommendation:

Approve is recommended

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 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: 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 Mid Ulster Council, in writing, before any development is commenced.

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

Condition 3

The premises hereby approved shall only be used for Class B2 - Light Industrial or Class B3 - General Industrial as defined in the Schedule to the Planning (Use Classes) Order (NI) 2015,

Reason: To control the nature of development on this site.

Condition 4

The proposed development hereby permitted shall not operate outside 08:00 -18:00hrs Monday to Friday, 08:00 - 13:00hrs on Saturday, and there shall be no operation on a Sunday, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect nearby residential amenity from noise.

Condition 5

There shall be no deliveries of goods outside 08:00 -18:00hrs Monday to Friday, 08:00 - 13:00hrs on Saturday, and no delivery of goods on a Sunday, unless otherwise agreed in writing with Mid Ulster District Council.

Reason: To protect nearby residential amenity from noise.

Condition 6

All external doors to the proposed development shall remain closed at all times, except when necessary for access and egress.

Reason: To protect residential amenity from noise.

Condition 7

All operations associated with the proposed development shall only take place within the buildings approved at Reserved Matters stage.

Reason: To protect residential amenity from noise.

Condition 8

Within 4 weeks of a written request by Council, following a reasonable noise complaint, the site operator shall (at his/her expense) employ a suitably qualified and competent person, to assess the level of noise immissions from the site at the complainant's property following the procedures described in: BS 4142:2014 Methods for rating and assessing industrial and commercial sound. Details of the noise monitoring survey shall

be submitted to the Planning Department for written approval prior to any monitoring commencing.

Reason: To protect residential amenity from noise.

Condition 9

All existing natural screenings for the site, along the south eastern boundary, and indicated in yellow on drawing No 01 date received 17/08/2020, shall be permanently retained unless necessary to be removed for the provision of visibility splays, or otherwise agreed by Mid Ulster Council in writing.

Reason: To ensure the development integrates into the countryside.

Condition 10

Prior to and throughout the construction phase, the applicant owned storm drain adjacent to the site shall be protected from contaminated run-off.

Reason: To ensure the project will not have an adverse effect on the integrity of Lough Neagh & Lough Beg SPA/Ramsar site or any other European site.

Condition 11

At Reserved Matters stage, a final detailed site drainage plan shall be submitted to the Council, for agreement with DAERA's Water Management Unit, and shall include all appropriate measures as detailed in the Drainage Assessment by IE Consulting date stamp received 26/07/2021 and presented in Drawing Number IE2180-001-C. The drainage plan as agreed, shall be implemented and permanently retained and maintained to an acceptable standard as agreed with Council.

Reason: To ensure the project will not have an adverse effect on the integrity of Lough Neagh & Lough Beg SPA/Ramsar site or any other European site.

Condition 12

At Reserved Matters stage, the method of foul wastewater management shall be agreed with Council, such as an agreement in writing with Northern Ireland Water (NIW), or an alternative treatment with an associated Consent to Discharge provided as per The Water (NI) Order 1999.

Reason: To ensure the project will not have an adverse effect on the integrity of Lough Neagh & Lough Beg SPA/Ramsar site or any other European site.

Condition 13

At reserved matters stage a full Construction Environmental Management Plan (CEMP) shall be submitted to Council, for agreement with DAERA's Water management Unit. The CEMP shall include all information as laid out in NIEA's comments dated 06 September 2021. All avoidance and mitigation measures indicated in the agreed CEMP shall be carried out in accordance with that CEMP and shall be permanently retained

and maintained thereafter to an acceptable standard.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment prior to works beginning on site.

Condition14

A landscaping plan shall be submitted and approved as part of the Reserved Matters application and shall identify the location and height of existing trees and hedges to be retained and planted. During the first available planting season after the commencement of development on site, all proposed trees and hedges indicated in the approved landscaping plan at Reserved Matters stage, shall be planted as shown and permanently retained thereafter, unless otherwise agreed by Mid Ulster Council in writing.

Reason: In the interest of visual amenity and to assist with integration.

Condition15

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

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

Condition16

A scale plan and accurate site survey at 1:500 (minimum) shall be submitted as part of the reserved matters application showing the access to be constructed and other requirements in accordance with the attached form RS1, including Visibility Splays of 4.5m by 140m in both directions and a forward sight distance of 140m.

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

Informative 1

The concept shown in drawing No. 03 rev2 date stamp received 14/06/2022 is broadly acceptable, however may not be the only acceptable layout. The final layout can be agreed at Reserved Matters stage.

Case Officer: Paul McClean

Date: 18 October 2022

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ANNEX	
Date Valid	25 August 2020
Date First Advertised	
Date Last Advertised	8 September 2020
Details of Neighbour Notification (all addresses) The Owner / Occupier 126 Ballynakilly Road Coalisland Tyrone BT71 6HE The Owner / Occupier 129 Ballynakilly Road Coalisland Tyrone BT71 6HE The Owner / Occupier 127 Ballynakilly Road Coalisland Tyrone BT71 6HE The Owner / Occupier 126A Ballynakilly Road Coalisland Tyrone BT71 6HE	
Date of Last Neighbour Notification	28 June 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses NIEA-Substantive: YResponseType: FR Shared Environmental Services-Substantive: TBCResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR NI Water - Strategic Applications-Substantive: TBCResponseType: FR Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR DETI - Geological Survey (NI)-Substantive: TBCResponseType: FR Environmental Health Mid Ulster Council-Substantive: TBC Shared Environmental Services-Substantive: TBC DFI Roads - Enniskillen Office-Substantive: YResponseType: FR Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR Rivers Agency-Substantive: TBCResponseType: FR Shared Environmental Services-Substantive: TBCResponseType: FR NIEA-Substantive: YResponseType: FR	

Rivers Agency-Substantive: TBCResponseType: FR
DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR
Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR
DFI Roads - Enniskillen Office-29-07-2022.docx
DFI Roads - Enniskillen Office-
DFI Roads - Enniskillen Office-05-10-2022.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01
Proposed Plans Plan Ref: 03
Proposed Plans Plan Ref: 02
Site Layout or Block Plan Plan Ref: 06 REV 1
Site Layout or Block Plan Plan Ref: 03 Rev 2
Site Layout or Block Plan Plan Ref: 06

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: 1 November 2022	Item Number: 5.03
Application ID: LA09/2021/1083/F	Target Date: 17 September 2021
Proposal: Proposed two storey with lower ground floor replacement dwelling and associated courtyard domestic garages and outbuildings	Location: 9 Mackenny Road Cookstown
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mrs Wilma Brownlee 9 Mackenny Road Cookstown BT80 9RR	Agent Name and Address: Studiofortyfour - Town And Country Planning 44A New Street Enniskillen BT74 6AH
Executive Summary:	

Case Officer Report**Site Location Plan**

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Consultations:

Consultation Type	Consultee	Response
	Shared Environmental Services	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: YResponseType: FR
	Historic Environment Division (HED)	Substantive: YResponseType: FR
	NIEA	Substantive: YResponseType: FR
	NIEA	Substantive: TBC
	NIEA	Substantive: TBCResponseType: PR

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 There were no representations recieved. The proposal is considered to be contrary to some of the policies contained within PPS 21 which will be discussed in detail later in the report.	
Characteristics of the Site and Area The red line of the site includes a roadside portion of lands which includes No.9 Mackenny Road. Within the red line is the dwellign to be replaced, a number of existing outbuildings. To the south of the site is lands outlined in blue indicating ownership. The dwelling sits at a level similar to the roadside, however it sits at higher ground when travelling along the Mackenny Road in a easterly direction. Ballinderry river runs to the west of the site. The lands are well landscaped, with a number of existing trees and mature vegetation throughout the site. The surrounding area is rural in nature, scattered with single dwellings and their associated outbuildings.	
Description of Proposal Full planning permission is sought for a proposed two storey with lower ground floor replacement dwelling and associated courtyard domestic garages and outbuildings.	
Planning Assessment of Policy and Other Material Considerations <u>Policy Consideration</u> Representations Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 26, 29, 30 and 31 Mackenny Road. At the time of writing, no third party representations have been received. Planning History There is no planning history in relation to the dwelling to be replaced however the following applications were approved under the dwelling on a farm policy. LA09/2015/0292/O - Proposed Farm Dwelling and Garage - 20M SW Of 9 Mackenny Road Cookstown - PERMISSION GRANTED LA09/2019/0522/F - Proposed dwelling and garage block - 20M South West Of 9 Mackenny Road Cookstown - PERMISSION GRANTED Planning Assessment of Policy and Other Material Considerations o Cookstown Area Plan 2010	

- o Strategic Planning Policy Statement (SPPS)
- o PPS 21: Sustainable Development in the Countryside
- o PPS 3: Access, Movement and Parking
- o Building on Tradition Design Guide
- o The Mid Ulster District Council Local Development Plan 2030 - Draft Plan Strategy

Cookstown Area Plan 2010 - unzoned land located within the countryside. Policy provisions of SPPS and PPS21 apply.

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

Policy CTY 1 states that there are a range of types of development which in principle are considered to be acceptable in the countryside, one of these being a replacement dwelling in accordance with Policy CTY 3. Policy CTY 3 of PPS 21 states that planning permission will be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling and as a minimum all external walls are substantially intact. The dwelling to be replaced exhibits the essential characteristics of a dwelling, in that a chimney, a fireplace, windows and door openings are all visible and all the walls are fully intact, in fact the dwelling appears habitable. I am content that this is a genuine replacement opportunity.

The concern surrounding this application is with the proposed design. Amended plans were received and although we recognise that it is an improvement from the original proposal, we are still not convinced that the proposed design is acceptable at this site. The size and scale of the proposal is contrary to CTY 3 in that the dwelling would appear to have a visual impact greater than the existing dwelling on site. The dwelling proposed is not considered to be simple rural form and as such is recommended for refusal.

CTY 3 notes that all replacement dwellings will only be permitted where a number of criteria are met. The proposal is within the existing curtilage and I have no concerns relating to the access arrangement nor is there any concern that necessary services would be available at the site. However, the 2nd and 3rd criterion relate to the design and overall size of the replacement dwelling. It notes that the dwelling should not have a visual impact greater than the existing dwelling which is considered to be the case in this instance. CTY 13 and 14 are also applicable to the proposal. In my opinion the dwelling fails on some of the criterion within these policies in that the design is not appropriate for this rural location and would appear prominent.

The agent has submitted a supporting statement which goes through each of the policy requirements of CTY 3. They recognise within their report that the proposal is larger than existing but refer to the landscaping and the minimal critical views of the site. I accept

that there is good landscaping around the site, however this doesn't negate that the proposal remains excessive in terms of its size and scale and the design is not simple rural form. CTY 3 Views of the site will still be possible along Mackenny Road, given the roadside location. I spoke with the agent on 12/10/22 where I made him aware of our concerns, he said that he would be asking for a meeting with the Planning Manager. I advised that the Planning Manager would not normally grant a meeting for individual cases until after the application has been through Committee.

HED were consulted on the proposal and have noted they are content the proposal is satisfactory to SPPS and PPS 6 requirements. NIEA have been consulted on the application and have noted that WMU are content subject to any discharge consent conditions agreed and that the applicant refers to and adheres to standing advice. NED notes they would require further information to determine whether the proposal is likely to have a significant impact on a protected site. Given that the design is considered the main concern here and therefore the principle is not acceptable, the impact that an amended design/site layout may have on their responses - no further information was sought at this time. If an amended scheme is received at a later date, SES, NIEA and HED may need reconsulted.

The P1 form notes the applicant wishes to use an existing access, therefore it was not considered necessary to consult with DfI Roads on this proposal.

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 overall size of the proposed replacement dwelling would have a visual impact significantly greater than the existing building and the design of the replacement dwelling is not of a high quality appropriate to its rural setting and does not have regard to local distinctiveness.

Reason 2

The proposal is contrary to Policy CTY13 of Planning Policy Statement 21, Sustainable Development in the Countryside, in that the design of the proposed building is inappropriate for the site and its locality and therefore would not visually integrate into the surrounding landscape.

Case Officer: Sarah Duggan

Date: 17 October 2022

ANNEX	
Date Valid	23 July 2021
Date First Advertised	3 August 2021
Date Last Advertised	3 August 2021
Details of Neighbour Notification (all addresses) The Owner / Occupier 30 Mackenny Road, Cookstown, BT80 9NF The Owner / Occupier 29 Mackenny Road, Cookstown, BT80 9NF The Owner / Occupier 31 Mackenny Road, Cookstown, BT80 9NF The Owner / Occupier 26 Mackenny Road, Cookstown, BT80 9NF	
Date of Last Neighbour Notification	3 March 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses Shared Environmental Services-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: YResponseType: FR Historic Environment Division (HED)-Substantive: YResponseType: FR NIEA-Substantive: YResponseType: FR NIEA-Substantive: TBC NIEA-Substantive: TBCResponseType: PR	

Drawing Numbers and Title

Proposed Elevations Plan Ref: 05
Proposed Elevations Plan Ref: 04
Proposed Floor Plans Plan Ref: 03
Proposed Floor Plans Plan Ref: 02
Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable

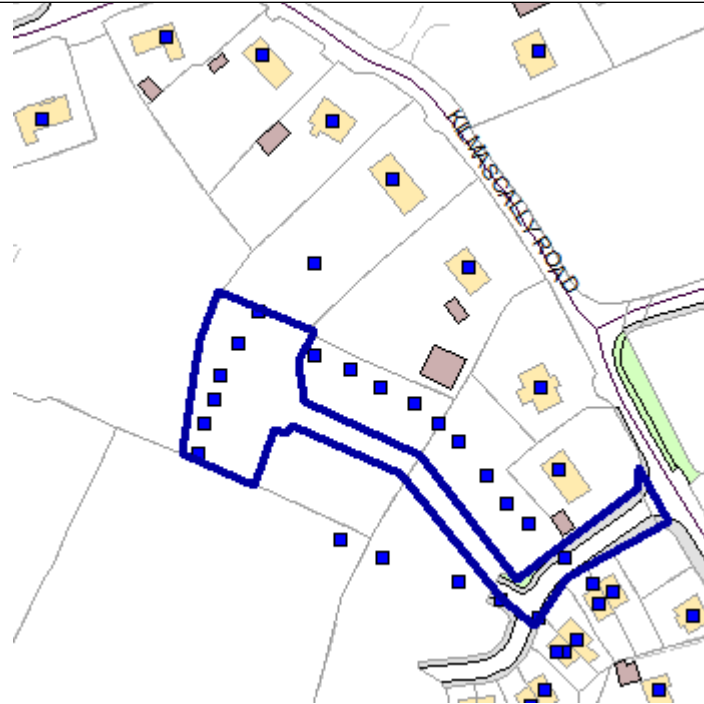


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.04
Application ID: LA09/2021/1521/F	Target Date: 13 December 2021
Proposal: Erection of 6 no dwellings (change of house type) from 2 blocks of 3 townhouses to 2 semi-detached & 2 detached house (plot no's 22, 23, 24, 25, 26 & 27)	Location: Lands 72M NW Of 21 Lurgyroo Glen Kilmascally Road Dungannon
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Roxborough Plant & Construction Ltd 31F Killyman Street Moy BT71 7SJ	Agent Name and Address: No Agent
Executive Summary: A letter of objection has been received.	

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

Summary of Issues

Characteristics of the Site and Area

This application site is a rectangular shaped site located in Ardboe, on land approximately 72 metres North West of 21 Lurgroe Glen. It is accessed off the Kilmascully Road and is sited within the development limits in the south eastern edge of the village.

The site is whiteland in the Cookstown Area Plan and at the time of the site inspection the site was being cleared. The southern, western and northern boundaries are defined by vegetation with the eastern boundary undefined on the ground. The land surrounding the immediate site is

residential in use with agricultural land to the west which lies outside of the development limits of Ardboe. The abandoned airfield sits a short distance from the site to the north east. The Kilmasally Road which sits to the east of this site is characterised by a mixture of detached dwellings along the roadside of both bungalow and 2 storey design. The southern portion of the wider development of Lurgroe Glen to the south of the site has been completed and is now occupied.

Planning History

I/2005/1098/O - Housing development - Lands to the rear of No 87A Killmasally Road, Ardboe - 19.12.2006 - Approval

I/2007/0967/F - Proposed housing development consisting of 38 no. 2 storey dwellings (3. no detached, 26 no semi-detached and 9 no town houses) - Lands to the rear of No 87A Killmasally Road, Ardboe - 10.09.2009 - Approval

Description of Proposal

This application seeks full planning permission for the erection of 6 no dwellings (change of house type) from 2 blocks of 3 townhouses to 2 semi-detached & 2 detached house (plot no's 22, 23, 24, 25, 26 & 27) on lands 72 metres North West of No 21 Lurgroe Glen, Kilmasally Road, Dungannon.

This application proposes a change of house type for the dwellings located at the rear of the development approved under I/2007/0967/F in September 2009.

In this approved application the site includes 2 blocks of 3 townhouses which are not flush at the front or rear. Each of these dwellings are 6 metres wide and 9.9 metres deep with a ridge height of 8.9 metres FGL. Each dwelling has a footprint of 59.4 metres square with garden areas to the rear and 2 in-curtilage parking spaces to the front.

This application proposes the same quantity of properties but configured as 2 detached dwellings and a pair of semi-detached dwellings. Each of these dwellings measures 6.2 metres wide and 10.2 metres deep with a ridge height of 9.3 metres FGL. The ridge height has increased slightly as well as the footprint proposing an additional space of under 4 metres squared. The front elevations will have a small natural stone pitched porch feature with the chimneys sitting mid roof.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

Council submitted the Draft Plan Strategy to the Department for Infrastructure (DfI) on 28th May 2021 for them to carry out an Independent Examination. In light of this, the Draft Plan Strategy currently does not yet carry any determining weight.

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

The site is within the settlement limit of Ardboe as defined in the Cookstown Area Plan and therefore SETT 1 is relevant. I am content if the proposal complies with the policy provisions of PPS 7- Quality Residential Environments, that it will also comply with SETT 1. Policy QD1 - Quality in New Residential Development in PPS7 states all proposals for residential development will be expected to conform to a list of criteria which are addressed below.

The village of Ardboe has experienced increased demand for residential properties in recent years with much housing developments constructed. The principle of residential development has already been established on this site and I am of the opinion that this proposed layout of detached and semi-detached dwellings would be a more favourable design, particularly given the proximity of this proposal which borders the rural countryside. There are a mixture of semi and detached dwellings in the vicinity so this proposed development will respect the surrounding area. The site has been recently cleared and is flat so the appearance will not differ much from the impact the approved dwelling type would have. The scale, proportions, massing and appearance of the proposed dwellings are acceptable and are typical of dwellings located throughout the Ardboe. The curtilages are not dominated by hard surfacing with each dwelling availing of a front and rear garden area.

There are no features of archaeological or built heritage or landscaped features which are to be protected on this site and incorporated into the design.

This Change of House Type has resulted in a reorganisation of the layout. As there are now 4 separate building blocks replacing the approved 2 larger blocks, there is more space needed to provide a separation between each of the house types. There were concerns regarding the provision of amenity space, in particular to the rear of the dwellings and those of the semi-detached dwellings. The building line of these dwellings is staggered with the dwellings to the south closest to the internal road and those at the northern part furthest and positioned at a slight angle.

When these rear amenity issues were highlighted to the agent, the agent submitted amended drawings. These appeared to include land outside of the application site's red line, including a portion of land to the west of the site.

The agent disputed this and stated the block plan as was approved under I/2007/0967/F did not continue fully to the red line as was denoted on the site location plan and this was due to an error with the topographical survey. This enabled the agent to include this previously excluded land within the site layout of this change of house type application.

This issue was discussed and when compared with the Ordinance Survey maps, it was found to be accurate and thus the agent was therefore able to provide the desired rear amenity space as is recommended in Creating Places. The small areas of open space to the front of the dwellings also serves to soften the development. There is no public open space supplied in this proposal as it is provided in the wider scheme which was approved.

Condition No2 of the original application stated,

"Prior to the commencement of any other site works all existing trees to be retained, as identified on drawing No 19 Revision 1 received 01 April 2009, shall be fenced off. This must be at a distance of the crown spread (the outer drip-line of the tree) or half the tree height, whichever is the greater. Fencing shall be at least 1.2m high cleft chestnut pale or chain link, well braced to resist impacts or similar to be agreed in writing with the Department. These works shall be undertaken before any equipment, machinery or materials are brought on to the site for the purposes of the development and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within these areas shall not be altered, nor shall any excavation be made or any other works carried out, or fires lit without the prior written consent of the Department."

It appears this condition was not implemented and thus may have impacted the northern boundary of this application site. In order to improve the boundary treatment here, a condition can be attached to this application that if permission were granted, the applicant/developer would be required to supplement this boundary with new hedgerow inside the proposed fence along this northern boundary. This would also compliment the new hedgerow which is to be planted along the continuation of this boundary in the wider approved site. It would also augment what vegetation is currently present and was to be permanently retained as part of the condition of the original planning approval.

The scale of this proposal does not require local neighbourhood facilities to be provided. A movement pattern which supports walking and cycling and provides adequate and convenient access to public transport has been incorporated into the wider development scheme. Each dwelling has 2 car parking spaces provided in-curtilage which is sufficient for this proposal. The finishes of concrete roof tiles, black uPvc windows, doors and rainwater goods, dash walls and natural stone where applicable are consider suitable.

There are no occupied dwellings which are in the immediate area surrounding this site. The rear wall of the nearest occupied property at No 85 Kilmascally Road is some 60 metres from the boundary of the site. Given this separation distance there would be no overlooking or overshadowing issues. A letter of objection has been submitted from the owner of the dwelling under construction to the rear of the No 85 and the application site. This is addressed below and I do not think there will be any adverse effects on this dwelling in terms of noise or any other disturbance. I am satisfied that the development is considered designed to deter crime and promote personal safety. In-curtilage parking is provided and the boundary of the site is secure with boundary treatment.

Policy LC 1 - Protecting Local Character, Environmental Quality and Residential Amenity of the Addendum to PPS 7 - Safeguarding the Character of Established Residential Areas states planning permission will only be granted for the redevelopment of existing buildings, or the infilling of vacant sites (including extended garden areas) to accommodate new housing where all the criteria set out in QD 1 of PPS 7, and the additional criteria are met. I am satisfied this change of house type application respects the density of the wider permission and therefore it will not appear incongruent with the surrounding area. The layout and design of this proposed development offers some variation and does not conflict with the character of the existing residential area. The size of this dwelling exceeds the minimum size recommended standards.

Policy AMP 2 of PPS 3 - Access, Movement and Parking permits direct access onto a public road where it does not prejudice road safety or inconvenience the flow of traffic. This proposal will be served via the access and internal road layout which avails of planning permission granted in September 2009 under application I/2007/0967/F, therefore it was not necessary to

consult DfI Roads. The proposal provides 2 in-curtilage parking spaces for each individual dwelling and I am satisfied this is in line with Parking Standards and thus complies with PPS 3.

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

Consultations and Representations

As this application is a change of house type, it was not necessary to consult anyone as the purpose of this report is to assess the suitability of the revised house design type. This application has been advertised in Local Press in line with statutory consultation duties as part of the General Development Procedure Order (GDPO) 2015. A total of 9 neighbouring properties have been notified of the application and one letter of objection has been received.

The objection was submitted from a couple who are currently building a house to the rear of No 85 Kilmascully Road to the north east of this application site. They mentioned disappointment that they were not neighbour notified about this proposed development, however at the time of site inspection the objector's property was still under construction and not airtight. Their property is sited in the rear garden of No 85 Kilmascully Road which is occupied by family members of the objectors who were notified of the proposal.

They have highlighted concerns regarding privacy, in particular the gable window at first floor level on the dwelling at No 27 overlooking the rooms to the rear of their property. Overshadowing was also identified as a problem due to the proximity of No 27 which would impact the objector's visual amenity, loss of light and thus affecting their solar panels. They highlighted concerns regarding the removal of a landscape buffer between the 2 developments which was to be retained as a part of the granted planning permission I-2007-0967-F.

In response to the objector's claims, the agent has addressed their arguments. They measured the separation distances from the proposed first floor window at No 27 and found them to range from 13.4 - 18.8 metres and not the 10 metres claimed by the objector. The agent has also agreed to fit the window at No 27 in question with obscured glazing and I am satisfied this would reduce any potential overlooking issues when internally passing by this landing window.

The agent was also able to illustrate with a diagram by plotting the Winter and Summer Solstice sun positions that there will be no loss of light or overshadowing occurring. The agent has also said the landscape buffer has not been removed in its entirety as claimed by the objector, that dead scrub was removed to provide a fence. This double boarded fence along the northern boundary of the site will increase security and provide more privacy for occupants on both sides.

Summary of Recommendation:

Approve is recommended

Haven taken the objectors concerns into account and subject to the imposition of conditions, I am satisfied this change of house type application is of a suitable design and in compliance with the policy provisions of PPS 7 and SPPS, therefore approval is recommended.

Approval Conditions

Condition 1

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

Reason: Time Limit

Condition 2

The northern boundary of the site as indicated in yellow on Drawing No 2 REV2 shall be planted with a native species hedgerow both sides of the proposed fence.

Reason: To ensure the development integrates into the surroundings and to provide screening to the site.

Condition 3

The existing landscape buffer along the southern boundary as detailed on Drawing No 2 REV2 bearing the date stamp 4th May 2022, shall be retained. No trees or vegetation shall be lopped, topped or removed without the prior consent in writing of Mid Ulster District Council, unless necessary to prevent danger to the public in which case a full explanation shall be given to the Council in writing at the earliest possible moment.

Reason: In the interests of visual amenity.

Condition 4

Prior to the occupation of each individual dwelling hereby approved, the boundary treatments defining each curtilage shall be constructed as detailed on Drawing No 2 REV2 bearing the date stamp 4th May 2022.

Reason: To ensure that boundary treatments are provided in a timely manner to assist in the provision of a quality residential environment.

Signature(s): Cathy Hughes

Date: 18 October 2022

ANNEX	
Date Valid	18 October 2021
Date First Advertised	2 November 2021
Date Last Advertised	2 November 2021
Details of Neighbour Notification (all addresses) The Owner / Occupier Email Address The Owner / Occupier 1 Lurgyroe Glen Dungannon Tyrone BT71 5FE The Owner / Occupier 5 Lurgyroe Glen Dungannon Tyrone BT71 5FE The Owner / Occupier 9 Lurgyroe Glen Dungannon Tyrone BT71 5FE The Owner / Occupier 11 Lurgyroe Glen Dungannon Tyrone BT71 5FE The Owner / Occupier 7 Lurgyroe Glen Dungannon Tyrone BT71 5FE The Owner / Occupier 87B Kilmascally Road Dungannon Tyrone BT71 5BJ The Owner / Occupier 87A Kilmascally Road Dungannon Tyrone BT71 5BJ The Owner / Occupier 87 Kilmascally Road Dungannon Tyrone BT71 5BJ The Owner / Occupier 91A Kilmascally Road Dungannon Tyrone BT71 5BJ	
Date of Last Neighbour Notification	23 September 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses -	

Drawing Numbers and Title	
Existing Plans	Plan Ref: 05
Proposed Floor Plans	Plan Ref: 04
Proposed Floor Plans	Plan Ref: 03REV1
Site Layout or Block Plan	Plan Ref: 02
Site Location Plan	Plan Ref: 01
Site Layout or Block Plan	Plan Ref: 02 Rev 2
Notification to Department (if relevant)	
Not Applicable	Not Applicable

Drawing Numbers and Title	
Existing Plans	Plan Ref: 05
Proposed Floor Plans	Plan Ref: 04
Proposed Floor Plans	Plan Ref: 03REV1
Site Layout or Block Plan	Plan Ref: 02
Site Location Plan	Plan Ref: 01
Site Layout or Block Plan	Plan Ref: 02 Rev 2
Notification to Department (if relevant)	
Not Applicable	Not Applicable

Drawing Numbers and Title	
Existing Plans	Plan Ref: 05
Proposed Floor Plans	Plan Ref: 04
Proposed Floor Plans	Plan Ref: 03REV1
Site Layout or Block Plan	Plan Ref: 02
Site Location Plan	Plan Ref: 01
Site Layout or Block Plan	Plan Ref: 02 Rev 2
Notification to Department (if relevant)	
Not Applicable	Not Applicable

Drawing Numbers and Title	
Existing Plans	Plan Ref: 05
Proposed Floor Plans	Plan Ref: 04
Proposed Floor Plans	Plan Ref: 03REV1
Site Layout or Block Plan	Plan Ref: 02
Site Location Plan	Plan Ref: 01
Site Layout or Block Plan	Plan Ref: 02 Rev 2
Notification to Department (if relevant)	
Not Applicable	Not Applicable

Drawing Numbers and Title	
Existing Plans	Plan Ref: 05
Proposed Floor Plans	Plan Ref: 04
Proposed Floor Plans	Plan Ref: 03REV1
Site Layout or Block Plan	Plan Ref: 02
Site Location Plan	Plan Ref: 01
Site Layout or Block Plan	Plan Ref: 02 Rev 2
Notification to Department (if relevant)	
Not Applicable	Not Applicable

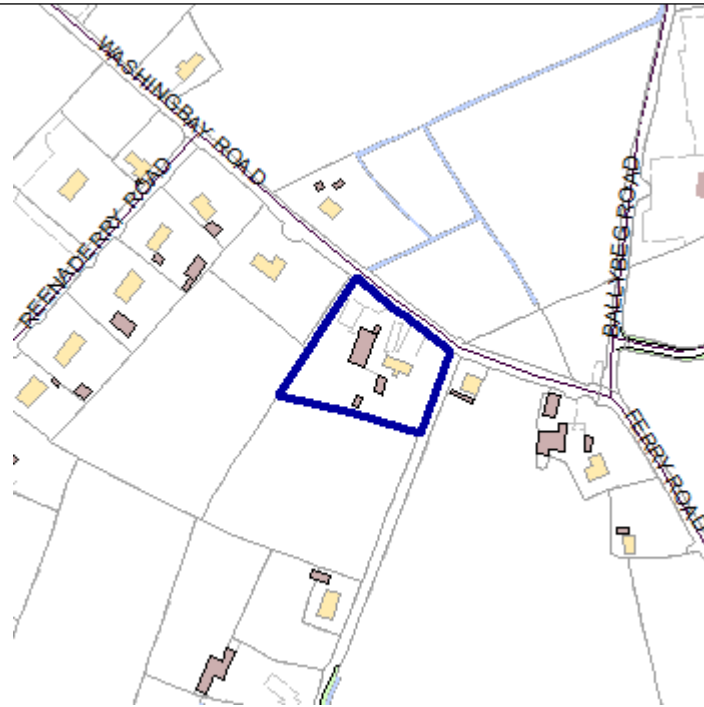
Drawing Numbers and Title	
Existing Plans	Plan Ref: 05
Proposed Floor Plans	Plan Ref: 04
Proposed Floor Plans	Plan Ref: 03REV1
Site Layout or Block Plan	Plan Ref: 02
Site Location Plan	Plan Ref: 01
Site Layout or Block Plan	Plan Ref: 02 Rev 2
Notification to Department (if relevant)	
Not Applicable	Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.05
Application ID: LA09/2021/1615/F	Target Date: 3 January 2022
Proposal: Replacement storage shed	Location: Rear Of 245 Washingbay Road Aughamullan Coalisland
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Colin MC Cluskey 245 Washingbay Road Aughamullan Coalisland	Agent Name and Address: Cmi Planners Ltd 38B Airfield Road Toomebridge BT41 3SG
Executive Summary:	

Case Officer Report**Site Location Plan**

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Consultations:

Consultation Type	Consultee	Response
	DETI - Geological Survey (NI)	Substantive: TBCResponseType: FR
	Historic Environment Division (HED)	Substantive: YResponseType: FR
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR

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 outside as depicted under the Dungannon and South Tyrone Area Plan 2010, approx. 3.5km east of Clonoe and 0.4km west of Lough Neagh.

The site is a relatively squared shaped roadside plot containing no. 245 Washingbay Rd, a low ridge bungalow and its curtilage. The dwelling, which has a simple rectangular shaped floor plan and pitch roof construction with a chimney expressed along the ridge, has a dropped pitch front porch and rear return. It has white render walls, dark roof tiles and white window frames and door. A small derelict outbuilding sits almost immediately to the rear of the dwelling. A large garden exists to the front, east and rear of the dwelling; and a large hard-cored yard to the west of the dwelling.

The yard contains a large shed of agricultural / commercial appearance; a number of lorry containers; and a substantial number of stacks of bagged 'Evergreen Irish Multi-Purpose Compost' in green wrapping. The shed is divided into 3 compartments. The middle compartment, which is open to the front / east, houses a number of heavy-duty bulk bags of loose compost / peat.

A mix of low d-rail fencing, walls and hedging define the roadside frontage of the site; low hedging also defines the remaining boundaries of the site.

Views of the site are from the Washingbay Rd over a distance of approx. 130m and 80m on both the northwest and east approach respectively and passing along its roadside frontage. Open views of the site also exist from the Ballybeg Rd located to the northeast of the site.

The immediate area surrounding the site, which comprises relatively flat open topography typical of the Loughshore Area, has come under development pressure in recent years with a no. of dwellings and ancillary buildings lining stretches of the surrounding road network. A hipped roof two storey dwelling and its curtilage bounds the site to the east; an agricultural field approved for a dwelling bounds the site to the west (see 'Planning History' further below) and agricultural lands bound the site to the south. The Washing Bay Centre and Derrylaughan GAC grounds exist along the Ballybeg Rd just located to the northeast of the site.

Description of Proposal

This is a full planning application for a replacement storage shed to be located on lands to the rear of an existing dwelling, no. 245 Washingbay Rd Aughamullan Coalisland.

The existing shed, which is to be demolished, sits on a hard cored yard to the west side of no. 245 Washingbay Rd. It has a rectangular floor plan and pitch roof construction and measures approx. 13.5m in gable depth x 24m in length x 5.8m in height above finished floor level. Finishes include rusted green cladding panels to the roof and concrete to the walls.

The proposed shed, which is to site further south of the existing shed on a garden to the rear of no. 245 Washingbay Rd, has a rectangular floor plan and pitch roof construction and measures approx. 18m in gable depth x 29m in length x 5.8m in height above finished floor level. Finishes include green cladding panels to the roof and upper half of the walls, grey fair facing block to the lower half of the walls and green cladding panel sliding doors.

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.

Key Policy Context

Regional Development Strategy

Dungannon and South Tyrone Area Plan 2010

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21: Sustainable Development in the Countryside

Planning Policy Statement 4: Planning and Economic Development

Planning Policy Statement 2: Natural Heritage

Planning Policy Statement 6: Planning, Archaeology and the Built Heritage

Planning Policy Statement 15 (Revised): Planning and Flood Risk

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

LA09/2020/1304/O - Dwelling and garage - Adjacent to 243 Washingbay Road

Aughamullan Coalisland - Granted 9th February 2021

There is no relevant planning history on site and the above application relates to lands

immediately west of the site approved for a dwelling with a 6m ridge height above existing ground level.

Consultees

1. Historic Environment Division (HED) were consulted as the site is located within buffer zone of archaeological site and monument (TYR047:030 a findspot of ring & possible enclosure). HED assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

2. 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.

3. DETI Geological Survey (NI) were consulted as the site is located within an area of constraint on abandoned mines. DETI responded, having assessed the planning proposal in view of stability issues relating to abandoned mine workings, that a search of the Geological Survey of Northern Ireland "Shafts and Adits Database" indicates that the proposed site is not in an area of abandoned mines

Dungannon and South Tyrone Area Plan 2010 - The site is located in the rural countryside outside any settlement limit identified within the Plan.

Strategic Planning Policy Statement for Northern Ireland - sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance. I am content the SPPS has introduced no changes to the retained Planning Policy Statements most relevant to this proposal.

Planning Policy Statement 21 Sustainable Development in the Countryside - Policy CTY1 of Planning Policy Statement (PPS) 21 outlines a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement, or it is otherwise allocated for development in a development plan. 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. Access arrangements must be in accordance with the Department's published guidance.

Two types of development outlined under Policy CTY1, which in principle are considered acceptable in the countryside and that will contribute to the aims of sustainable development are:

* Agricultural development in accordance with Policy CTY 12 of PPS 21; and

* Industry and business uses in accordance with PPS 4.

Policy CTY 12 of PPS 21 outlines planning permission will be granted for development on an active and established agricultural holding subject to a number of criteria.

PPS 4, Policy PED 2 'Economic Development in the Countryside' states proposals for economic development uses in the countryside will be permitted in accordance with the provisions of the following policies:

- * The Expansion of an Established Economic Development Use - Policy PED 3
- * The Redevelopment of an Established Economic Development Use - Policy PED 4
- * Major Industrial Development - Policy PED 5
- * Small Rural Projects - Policy PED 6

Economic development associated with farm diversification schemes and proposals involving the re-use of rural buildings will be assessed under the provisions of Planning Policy Statement 21 'Sustainable Development in the Countryside'. All other proposals for economic development in the countryside will only be permitted in exceptional circumstances.

Whilst I have outlined the above policies that allow for two separate types of development in the countryside which in principle may be considered acceptable insufficient information has been submitted to fully consider this proposal under either or any alternative policy that may be relevant. I have outlined Policy CTY 12 of PPS 21 solely based on the application being submitted with an agricultural fee and PPS 4, Policy PED 2 solely based on a site inspection whereby shed to be replaced appearance contained a number of heavy-duty bulk bags of loose compost / peat and the yard it sat within contained a number of lorry containers and a substantial number of stacks of bagged 'Evergreen Irish Multi-Purpose Compost' in green wrapping.

In order to fully assess this proposal against the provisions of Policy CTY 12 of PPS21 or PPS 4, Policy PED 2 or any alternative policy that may be relevant the agent was contacted on the 1st March 2022 via email and asked to provide the following information within 21 days:

- * Details of the existing store on site including what it is used for;
- * Details of what the replacement store is to be used for; and
- * Details of all proposed ground surfaces within the site (i.e. areas to be retained in grass / areas to be hard standing) clearly annotated on a revised block plan.

As the information requested above was not received the agent was reminded via an email on the 24th May 2022 that it was still required and given a further 21 days to submit it. Then as the information was still not submitted the agent was given a final reminder via an email on the 8th July 2022 if the information requested was not received the next 21 days the application may proceed to the next available committee meeting with a recommendation based on the information on file. The agent in this final reminder was also advised that during a site inspection it appeared the existing shed was being used to house / re-bag peat. He was asked to confirm if this is the activity taking place, if it is the nature for the proposed shed and to provide evidence as to where the peat is being sourced.

The information requested from the agent has not been received within the specified timeframe therefore I consider there to be insufficient information on file to determine this application and recommend refusal on these grounds.

Additional 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 and whilst there are no built heritage assets of interest on site, NED's map viewer shows the site to be within Lough Neagh and Lough Beg Ramsar Site and an area known to breeding waders. Whilst I am content the site is located on improved grassland that would have limited value to breeding waders due to insufficient information on file I can not determine if this proposal would have any detrimental impact on the Ramsar Site.

Flood Maps NI indicate no flooding on site.

The proposal is under the 15.2m height thresholds in the area requiring consultation to Defence Estates relating to Met Office - Radar. Additionally, whilst the site is located within an area of constraint on wind turbines, this proposal is for a replacement storage shed.

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 insufficient information has been submitted to demonstrate that there are overriding reasons why this development is essential in this rural location and could not be located within a settlement.

Case Officer: Emma Richardson

Date: 18 October 2022

ANNEX	
Date Valid	8 November 2021
Date First Advertised	23 November 2021
Date Last Advertised	23 November 2021
Details of Neighbour Notification (all addresses) The Owner / Occupier 248 Washingbay Road, Coalisland, Tyrone, BT71 5DS The Owner / Occupier 243 Washingbay Road, Coalisland, Tyrone, BT71 5DS The Owner / Occupier 249 Washingbay Road, Coalisland, Tyrone, BT71 5DS The Owner / Occupier 246 Washingbay Road, Coalisland, Tyrone, BT71 5DS	
Date of Last Neighbour Notification	16 December 2021
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DETI - Geological Survey (NI)-Substantive: TBCResponseType: FR Historic Environment Division (HED)-Substantive: YResponseType: FR DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR	

Drawing Numbers and Title

Proposed Floor Plans Plan Ref: 06
Cross Sections Plan Ref: 05
Proposed Floor Plans Plan Ref: 04
Proposed Elevations Plan Ref: 03
Site Layout or Block Plan Plan Ref: 02

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

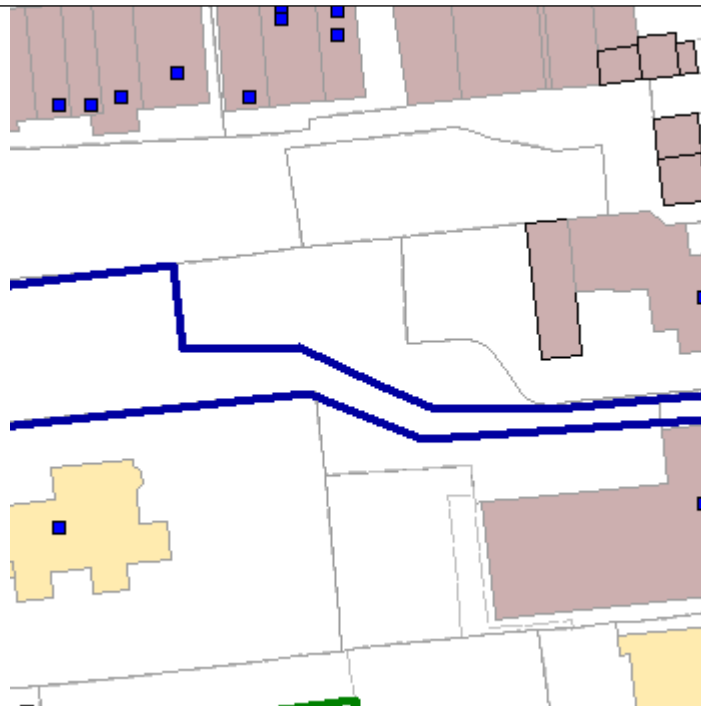
Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.06
Application ID: LA09/2021/1694/O	Target Date: 24 January 2022
Proposal: Proposed Curates two storey dwelling with domestic garage and within curtilage vehicular parking	Location: Land Adjoining 13 Loy Street Cookstown
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr William Stewart Church Of Ireland Derryloran Parish The Rectory 13 Loy Street Cookstown	Agent Name and Address: Mr B Gallagher Cottage Studios Gortrush Great Northern Road Omagh BT78 5EJ
Executive Summary:	

Case Officer Report**Site Location Plan**

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Consultations:

Consultation Type	Consultee	Response
	Historic Environment Division (HED)	Substantive: YResponseType: FR
Statutory Consultee	NI Water - Single Units West	LA09-2021-1694-O.pdf
	NI Water - Single Units West	LA09-2021-1694-O.pdf

Representations:

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

Summary of Issues

One objection received. The contents of this objection will be discussed later in the report.

Characteristics of the Site and Area

The red line of the site includes an existing access to lands to the rear of Derryloran Parish Hall and Rectory. The site is within the development limits of Cookstown and is within the Town Centre boundary as defined in the Cookstown Area Plan 2010. The lands surrounding the site, including the existing parish hall and existing rectory are outlined in blue, indicating ownership. This town centre area is characterised by a mix of uses ranging from offices, shops, educational buildings, governments buildings, community buildings and residential properties. This area is designated as an Area of Townscape Character in the Cookstown Area Plan.

Description of Proposal

Outline planning permission is sought for proposed Curates two storey dwelling with domestic garage and within curtilage vehicular parking.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Planning Assessment of Policy and Other Material Considerations

Representations

Neighbour notification and press advertisement has been carried out in line with the Council's statutory duty. Neighbours notified include: 11 and Loy St and 14a, 16, 28, 30a, 30b, 30d, 30f, 32 Fairhill Road. At the time of writing, one objection received in relation to the proposal. The main concerns relates to neighbour notification, appropriate separation distances, car parking, a separate PAD application they have submitted

I am content that the dwelling proposed could be designed in such a way to avoid any privacy or overlooking concerns relating to the objectors property which is located approx. 25m from the red line of the site at the closest points, taking account of the access arrangement rather than the siting of the dwelling proposed which is located further away again. The agent has provided a concept plan which shows the desired siting of the dwelling. Amenity space will be considered as part of RM or Full application stage which will ensure that adequate amenity space is provided.

The objection notes that the existing church hall car parking will be severely impact by the proposed development. I am content that there is adequate parking available within the surrounding area, with on street parking available throughout Cookstown and a car park located opposite the site on the other side of the road. The final point raised within the objection relates to a PAD application which the objector had submitted prior to this current application being submitted. They have stated that it is their view that any decision for this application should be delayed until other applications including their PAD have been concluded. All applications are processed, taking account of existing and historical applications however a PAD is not considered to be an application as

there is no fee paid and discussions for their PAD will take place in due course and may vary in timeframes given each individual case officers current caseloads etc.

The PAD he is referring to is LA09/2021/1378/PAD - it's still under Emma McCullagh's name? Not sure who is dealing with it at the minute.

Planning History

LA09/2020/0424/F - Derryloran Parish Church Hall, 13 Loy Street, Cookstown - Single storey rear extension to hall incorporating new entrance reception, toilets and part refurbishment of existing building & accommodate new stairlift together with external ramp/steps and improvements / repairs to lower hall roof / windows - PERMISSION GRANTED

Planning Assessment of Policy and Other Material Considerations

- o Cookstown Area Plan 2010
- o Strategic Planning Policy Statement (SPPS)
- o PPS 7: Quality Residential Environments
- o Addendum to PPS 7 - Safeguarding the Character of Established Residential Areas
- o PPS 3: Access, Movement and Parking
- o PPS 6: Planning, Archaeology and the Built Heritage
- o Local Development Plan 2030 - Draft Plan Strategy
- o DCAN 8 - Housing in Existing Urban Areas

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 Cookstown Area Plan 2010 is the statutory local development plan for the application site. The site is located within the settlement limits of Cookstown and has no other zonings or designations within the Plan. SETT1 indicates that development may be acceptable if it meets identified criteria, these are broadly similar those in PPS7 and so I consider if the proposal meets with PPS7, it will also accord with the Plan. There is no conflict or change in policy direction between the provisions of the SPPS and those of PPS 7 in respect of the proposal. The policy provisions within PPS 7 Policy QD 1 remain

applicable in terms of assessing the acceptability of the proposed dwelling.

This proposal seeks full planning permission for a two storey curates dwelling and garage. Planning Policy Statement 7: Quality Residential Environments (PPS 7) is a retained policy document under the SPPS and provides the appropriate policy context. Policy QD 1 of PPS 7 sets out the policy framework under which applications of this nature should be assessed. The proposal has been considered against all criteria outlined under Policy QD1. In addition to the policy contained within the addendum to PPS 7 "Safeguarding the Character of Established Residential Areas" (APPS 7) will also be a material consideration. The APPS 7 was introduced in August 2010 and provides additional planning policy on the protection of local character, environmental quality, and residential amenity within established residential areas, villages and smaller settlements.

The proposal is for a two storey dwelling and garage. Details surrounding the design of the dwelling have not been submitted as this application relates to outline planning consent only, however I find no reason why a dwelling could not be designed to respect the surrounding context and character of this area whilst remaining respectful in terms of layout, size and scale. In considering the surrounding context, there is a mix of dwelling types in the wider area however the closest dwellings and buildings to the site include a range of sizes, including detached two and single storey dwellings. Given this and noting the urban setting, I don't feel that a ridge height restriction is necessary for this application and I am content that that a two storey dwelling could be positioned and sited without having a negative impact on the neighbouring sites on any forthcoming applications.

There are no protected archaeological or built heritage features identified within the site or its surrounding setting and thus it is not considered that the proposal would have a significant impact on any local landscape features of built/archaeological interests. The proposal has some existing mature boundaries along the southern and western boundaries which will be conditioned to be retained where possible and a landscaping scheme to be submitted with the RM application. Adequate private open space should be provided as part of the RM application. As the proposal is for a single dwelling and garage, it is considered that it would be unnecessary and inappropriate to ask the developer to provide additional neighbourhood facilities. The proposal would not significantly intensify or place unnecessary demands on the existing neighbourhood provisions and amenities within the area.

The proposal seeks to utilise the existing access onto Loy Street and thus DfI Roads were not consulted. The location of this site within the Settlement of Cookstown allows for sustainable methods of travel for pedestrians and public transport users, with existing footpaths throughout the town and bus routes. Any potential issues surrounding parking and design will be identified at Reserved Matters stage subsequent to any planning approval. There is a mix of land uses in this area, with the adjacent land to the west being used for residential purposes, therefore it is not considered that there would be a conflict of land uses.

In terms of overlooking, loss of light and overshadowing, I consider that a dwelling could be designed at a proportionate size, scale and height to avoid causing any significant detrimental impact on neighbouring amenity. Adequate separation distances and boundaries are shown on the concept plan submitted between the application site and neighbouring sites which will help mitigate any overlooking or privacy concerns. The proposal is within the settlement limits of Cookstown and I have no reason to believe there would be any reasons why crime or personal safety would be an issue at this site.

HED were consulted for their comments on the application given it is located within close proximity to Derryloran Parish Hall which is a Grade B1 Listed Building. HED have responded noting they are content with the proposal, subject to a number of conditions, mainly in relation to the design and materials used in any forthcoming dwelling.

NI Water have responded noting that they recommend refusal on the proposal. They add that there is available capacity at the Waste Water Treatment Works however the receiving foul sewerage network has reached capacity. A negative condition will be attached to this proposal to ensure that the applicant has an agreement in place with NI Water before commencing any works at this site.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

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

Condition 2

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

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

Condition 3

A detailed scheme of structured landscaping for the site including along all site

boundaries, shall be submitted at Reserved Matters stage at the same time as the dwelling to include details of species, numbers, sizes, siting and spacing of trees and hedge plants. The planting as approved shall be implemented in full during first available planting season after the occupation of the dwelling which is hereby approved. 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 and residential amenity.

Condition 4

The design of the proposed buildings and materials used shall reflect the setting of the site.

Reason: To ensure that the detailed design and use of appropriate materials respects the character and setting of the listed building and in order to safeguard the special architectural and historic interest of the building in compliance with policy BH8 of PPS6.

Condition 5

The proposed buildings shall be modest in scale and character with low ridge heights and the roof shall be of traditional pitched form.

Reason: To ensure that the detailed design and use of appropriate materials respects the character and setting of the listed building and in order to safeguard the special architectural and historic interest of the building in compliance with policy BH8 of PPS6.

Condition 6

The works proposed shall make use of traditional or sympathetic building materials and techniques.

Reason: To ensure that the detailed design and use of appropriate materials respects the character and setting of the listed building and in order to safeguard the special architectural and historic interest of the building in compliance with policy BH8 of PPS6

Condition 7

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

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

Case Officer: Sarah Duggan

Date: 19 October 2022

ANNEX	
Date Valid	29 November 2021
Date First Advertised	14 December 2021
Date Last Advertised	14 December 2021
Details of Neighbour Notification (all addresses) The Owner / Occupier 30D Fairhill Road Cookstown Tyrone BT80 8AG The Owner / Occupier 30B Fairhill Road, Cookstown The Owner / Occupier 16 Fairhill Road, Cookstown The Owner / Occupier 30F Fairhill Road Cookstown Tyrone BT80 8AG The Owner / Occupier 11 Loy Street Cookstown Tyrone BT80 8PZ The Owner / Occupier Rectory 13 Loy Street Cookstown Tyrone BT80 8PZ The Owner / Occupier 28 Fairhill Road Cookstown Tyrone BT80 8AG The Owner / Occupier Hall 32 Fairhill Road Cookstown Tyrone BT80 8AG The Owner / Occupier 30A Fairhill Road Cookstown Tyrone BT80 8AG The Owner / Occupier 14A Fairhill Road, Cookstown, Tyrone, BT80 8AG	
Date of Last Neighbour Notification	16 December 2021
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	

Summary of Consultee Responses

Historic Environment Division (HED)-Substantive: YResponseType: FR
NI Water - Single Units West-LA09-2021-1694-O.pdf
NI Water - Single Units West-LA09-2021-1694-O.pdf

Drawing Numbers and Title

Detailed Drawing Plans Plan Ref: DCHD.21-2
Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

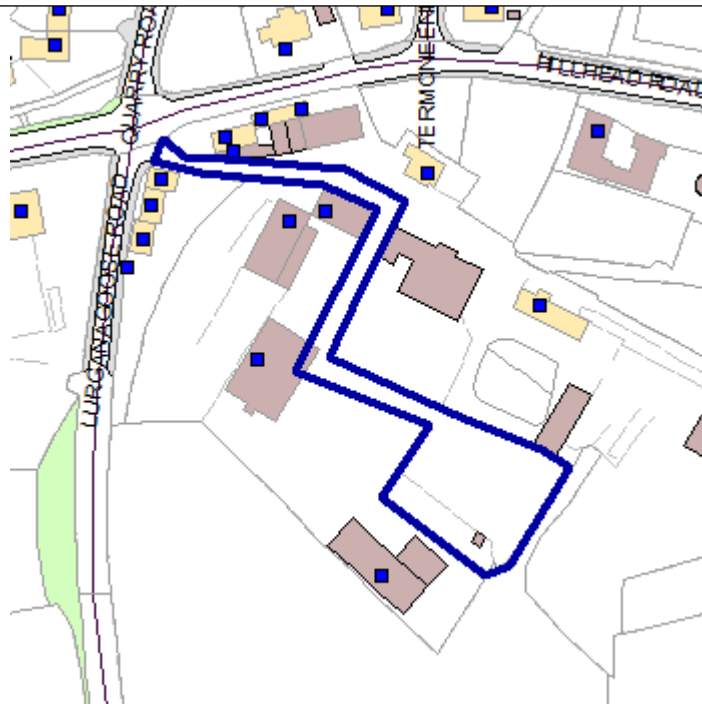
Not Applicable



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.07
Application ID: LA09/2021/1763/F	Target Date: 3 February 2022
Proposal: Garage/workshop/stores with portal frame structure	Location: 100M South Of 8 Lurganagoose Road Knockloghrim
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: McLean Transport 8 Lurganagoose Road Knockloughrim Magherafelt BT45 8QT	Agent Name and Address: Russell Finlay 350 Hillhead Road Knockcloghrim Magherafelt BT45 8QT
Executive Summary:	

Case Officer Report**Site Location Plan**

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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: TBCResponseType: PR
	Environmental Health Mid Ulster Council	Substantive: TBCResponseType: FR
	Historic Environment Division (HED)	Substantive: TBCResponseType: PR
	Environmental Health Mid Ulster Council	EH response uploaded this morning
Non Statutory Consultee	Environmental Health Mid Ulster Council	LA09 2021 1763 F.doc

Representations:

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

Summary of Issues

Small portion of the application site outside settlement limits therefore considered as an exception to policy. Proposal considered against relevant prevailing planning policy below. No letters of representation received.

Characteristics of the Site and Area

The application site is located predominantly within the defined settlement limits of Knockcloghrim, with a small portion of the site to the south in the rural countryside as defined in the extant Magherafelt Area Plan 2015 (MAP). The majority of the site is brownfield land with an area currently concreted which appears to be used for storage. The immediate context is established commercial and industrial uses with an agricultural farmyard to the northeast. The proposal is accessed via an existing access onto Lurganagoose Road however given the topography of the site and existing built form there is limited views of the site from the public road. The land rises to the northwest beyond the red line towards the public road.

Description of Proposal

This is a full planning application for a garage/workshop/stores with portal frame structure located 100m South of 8 Lurganagoose Road, Knockcloghrim.

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:

- o Regional Development Strategy 2030
- o Strategic Planning Policy Statement for Northern Ireland
- o Magherafelt Area Plan 2015
- o Planning Policy Statement 3: Access, Movement and Parking
- o Planning Policy Statement 4: Planning and Economic Development
- o PPS 21 - Sustainable Development in the Countryside

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

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

Representations

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

History on Site

LA09/2021/1801/O - Proposed dwelling and garage on a farm - 140M Southwest of 8 Lurganagoose Road, Knockloughrim - Permission Granted 25/07/22

LA09/2021/1762/F - Replacement of existing garage / workshop / stores with new portal frame structure - 30m South of 6 Lurganagoose Road, Knockcloghrim - Under consideration

H/2007/0698/F - Replacement of existing garage / workshop / stores with new portal frame - 30m South of 6 Lurganagoose Road, Knockcloghrim - Permission Granted 27/03/08

Key Policy Considerations/Assessment

Magherafelt Area Plan 2015 - The site is located partially within the development limits of Magherafelt on urban Whiteland zoned industrial land, however the red line extends partially outside the defined settlement limits in the open countryside. The surrounding context represents existing commercial and industrial uses including the area within the countryside therefore I am content that this proposal will not adversely affect the intrinsic environmental value and character.

The Strategic Planning Policy Statement for Northern Ireland encourages a positive approach to appropriate economic development proposals, and proactively support and enable growth generating activities. 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. SPPS does not introduce any new policy considerations which would impact on the assessment of this proposal, as such existing policy will be applied.

PPS4 - Planning and Economic Development is a retained policy document under SPPS and provides the appropriate policy context. The proposal involves the development of an industrial unit within an established industrial/commercial yard. It is noted the existing established units are both located in the countryside and in the settlement limits. As the proposed unit is located partially outside the settlement limits, Policy CTY1 of Planning Policy Statement 21: Sustainable Development in the Countryside (PPS21) applies. Policy CTY1 sets out the types of development considered acceptable in the countryside. One of these is Industry and Business uses in the countryside that are in accordance with policies contained within PPS4- Planning and Economic Development. Policy PED 3 of PPS 4 states the expansion of an established economic development

use in the countryside will be permitted where the scale and nature of the proposal does not harm the rural character or appearance of the local area and there is no major increase in the site area of the enterprise. The proposal does not fall neatly within Policy PED 3 as the established economic development is not located in the countryside, a small portion of the site to be developed outside settlement limits. From a review of the historical ortho maps, it could be argued the portion of the site outside settlement limits has been a long established part of the existing industrial use on the wider site. It is also noted that Magherafelt Area Plan 2015 is now six years since its expiry date. Therefore, there has not been a review of the settlement limit of Knockloghrim for a number of years and work is still progressing on the new Local Development Plan which could take years to be adopted. Having discussed this at an internal group meeting, the group consensus was that the proposal should be treated as an exception to policy given it does not meet the circumstances set out in Policy PED2 for development in the countryside however is considered acceptable given the small portion extending into the countryside and the surrounding context and wider use of the site.

All proposals for economic development are required to meet the policy provisions of Policy PED 9 - General Criteria for Economic Development within PPS4. It is considered the principle of development of an industrial unit is established at this location and the proposal will therefore be considered against PED 9 below.

PPS4 - Policy PED 9 - General Criteria for Economic Development - The proposal is for an industrial unit associated within a wider site which has an established industrial/commercial use. Policy PED9 is the relevant policy test for this type of development and sets out the following criteria which must be complied with:

It is compatible with surrounding land uses.

The proposal is for a new shed to be used for storage, maintenance and repair of lorries and trailers. There are existing units operating this use in close proximity and it is considered the proposal is compatible with the surrounding land uses.

It does not harm the amenities of nearby residents.

It is noted there is a residential dwelling less approximately 60metres from the site, however it should be noted the proposed use is in existing on the wider site therefore the principle of this type of development has been established. Mid Ulster Environmental Health Department were consulted and requested a noise impact assessment. Following the submission of the noise report, EHD have responded with no objections subject to conditions. It is considered that these conditions are appropriate and will be attached to any forthcoming approval. Given EHD have raised no concerns regarding impact on residential amenity by way of unacceptable noise, nuisances or odours, I do not consider the proposal will result in harm to residential amenity.

It does not adversely affect features of natural or built heritage.

This site is located in proximity to the setting of listed building HB08/08/005 Knock House. DfC Historic Environment Division have been consulted and have raised no

concerns advising the proposal is sufficiently removed in context from the listed building as to have no impact. There does not appear to be features of natural heritage on the site or any hydrological links from the site to any designated sites (i.e.) Lough Neagh.

It is not located in an area of flood risk and will not cause or exacerbate flooding

The site is not in area of recognised flood risk therefore it is not considered the proposal will exacerbate flooding.

It does not create a noise nuisance

An acoustic report has been submitted and Mid Ulster Environmental Health Department have reviewed this report and recommended conditions to ensure no detriment to neighbouring properties. The recommended conditions will be attached to any forthcoming approval and given Environmental Health have not raised any concerns, it is not considered the proposal will create a noise nuisance to warrant refusal.

It is capable of dealing satisfactorily with any emission or effluent

The P1 form advises that a specialist contractor will be utilised to remove waste on site and foul sewage will be disposed via a septic tank and surface water via a stream. Environmental Health have raised no concerns with respect to emissions or effluent.

The existing road network can safely handle any extra traffic.

The proposal will use existing access arrangements with no alterations required. DFI Roads have no objections to the proposal from a road safety perspective therefore it is considered the proposal complies with PPS3 policy requirements. The site layout plan includes space for 7 no. car parking spaces and 3 no. spaces for lorries/trailers and it is considered that space remains in the wider context for vehicle movement and circulation.

A movement pattern is provided that supports walking and cycling and meets the needs of people whose mobility is impaired.

The site is located within development limits of the village of Knockcloghrim. Given the nature of the proposal it is envisaged that it will be primarily vehicles using the site, however the site is in walking distance to the village bus stop and there is ample space for parking and manoeuvring of vehicles for those with impaired mobility.

The site layout, building design, associated infrastructure and landscaping arrangements are of a high quality and assist the promotion of sustainability and biodiversity.

The design of the proposed unit is considered typical to the type of use proposed and is compatible with the surrounding built form. The proposed floor space area of the unit is approx. 240m² with a height of 5m. The site layout, building design, associated infrastructure and landscape arrangements are acceptable for this site and locality given

the wider use of the site. The proposal site is set back from the public road therefore views will be limited/isolated.

Appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view

Given the siting, the existing boundary treatment which defines the boundaries of the wider site is considered acceptable boundary treatment and means of enclosure in this instance.

CTY 15 - The Setting of Settlements - As the siting of the proposal is located partially outside the defined settlement limit of Knockloghrim, the proposal must also be considered against CTY 15. It is accepted that development at this location will to some degree mar the distinction between Knockloghrim settlement limit and the remaining countryside. However, there are limited public views of the proposed development from the Lurganagoose Road or Hillhead Road given the siting, topography and screening from existing buildings within the wider site. It is accepted from a review of ortho maps that the area outside settlement limits had some association with the wider commercial/industrial yard. I do not consider the proposed shed will have an unacceptable impact on the character of Knockloghrim. The proposal is acceptable in this instance and will consolidate existing development within the industrial park and I consider should be treated as an exception to policy.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Case Officer: Grace Heron

Date: 17 October 2022

ANNEX	
Date Valid	9 December 2021
Date First Advertised	28 December 2021
Date Last Advertised	28 December 2021
Details of Neighbour Notification (all addresses) The Owner / Occupier 10B Lurganagoose Road, Knockcloghrim, Magherafelt, Londonderry, BT45 8QS The Owner / Occupier 348 Hillhead Road, Knockcloghrim, Londonderry, BT45 8QT The Owner / Occupier 115 Carricknakielt Road, Knockcloghrim, BT45 8QP The Owner / Occupier 2 Lurganagoose Road, Knockcloghrim, Magherafelt, Londonderry, BT45 8QS The Owner / Occupier 345 Hillhead Road, Knockcloghrim, Londonderry, BT45 8QT The Owner / Occupier 8B Lurganagoose Road, Knockcloghrim, Magherafelt, Londonderry, BT45 8QS The Owner / Occupier 4 Lurganagoose Road, Knockcloghrim, Magherafelt, Londonderry, BT45 8QS The Owner / Occupier 350B Hillhead Road, Knockcloghrim, Londonderry, BT45 8QT The Owner / Occupier 10C Lurganagoose Road, Knockcloghrim, Magherafelt, Londonderry, BT45 8QS The Owner / Occupier 1 Cabragh Heights Magherafelt Londonderry BT45 8GY The Owner / Occupier 10D Lurganagoose Road, Knockcloghrim, Magherafelt, Londonderry, BT45 8QS The Owner / Occupier 6 Lurganagoose Road Knockcloghrim Magherafelt Londonderry BT45 8QS The Owner / Occupier 350 Hillhead Road Knockcloghrim Londonderry BT45 8QT The Owner / Occupier 3 Cabragh Heights Magherafelt Londonderry BT45 8GY The Owner / Occupier 2 Cabragh Heights Magherafelt Londonderry BT45 8GY The Owner / Occupier 1A Cabragh Heights Knockcloghrim Magherafelt Londonderry BT45 8GY	
Date of Last Neighbour Notification	21 January 2022

Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
<p>Summary of Consultee Responses</p> <p>DFI Roads - Enniskillen Office-Substantive: TBCResponseType: PR Environmental Health Mid Ulster Council-Substantive: TBCResponseType: FR Historic Environment Division (HED)-Substantive: TBCResponseType: PR Environmental Health Mid Ulster Council-EH response uploaded this morning Environmental Health Mid Ulster Council-LA09 2021 1763 F.doc</p>	
Drawing Numbers and Title	
<p>Proposed Plans Plan Ref: 03 Site Layout or Block Plan Plan Ref: 02 Site Location Plan Plan Ref: 01</p>	
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: 1 November 2022	Item Number: 5.08
Application ID: LA09/2022/0280/F	Target Date: 28 April 2022
Proposal: Proposed 2 no infill dwellings & garages	Location: Between 53B & 55 Ranaghan Road Maghera
Referral Route: Approve is recommended To Committee - Approval - One objection received.	
Recommendation: Approve	
Applicant Name and Address: Mr Paddy Corbett 25 Tonaght Road Draperstown BT45 7JD	Agent Name and Address: Cmi Planners Ltd 38B Airfield Road Toomebridge BT41 3SG
Executive Summary: Approve	

Case Officer Report**Site Location Plan**

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Consultations:

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

To Committee - Approval - One objection received.

Characteristics of the Site and Area

The site is located approximately 3.5km north west of the development limits of Maghera

as such the site is located within the open countryside and also the AONB of the Sperrins as identified by the Magherafelt Area Plan 2015. The site is identified as between 53B & 55 Ranaghan Road, Maghera wherein the Ranaghan Road is a minor road and is characterised by agricultural land, farm buildings and dwellings are both single and two storey and are sited on both roadside plots and set back from the road. I note that the red line covers the southern portion of a much larger agricultural field that sits along the road frontage, the site itself is relatively flat with the land rising to from the northern boundary of the site. The immediate and surrounding area is predominately agricultural land uses with a scattering of dwellings.

Representations

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

Summary of objection is as below;

- Impact on residential amenity development on adjacent to objectors home.
- Impact on residential amenity development over the objectors property.
- Impact on residential amenity development within this locality/local area.
- Impact on residential amenity development against Road safety
- Additional development opportunity.

Description of Proposal

This is a full application for a proposed 2 no infill dwellings & garages; the site is located Between 53B & 55 Ranaghan Road, Maghera.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015

Mid Ulster Local Development Plan 2030 - Draft Plan Strategy

Strategic Planning Policy Statement (SPPS)

PPS 21: Sustainable Development in the Countryside

CTY 1- Development in the Countryside

CTY 8 - Ribbon Development

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

CTY14 - Rural Character

PPS 3 - Access, Movement and Parking;

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

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

CTY 8 states that planning permission will be refused for a building which creates or adds to a ribbon of development. However an exception will be permitted for the development of a small gap site sufficient only to accommodate up to a maximum of two houses within an otherwise substantial and continuously built up frontage and provided this respects the existing development pattern along the frontage in terms of size, scale, siting and plot size and meets other planning and environmental requirements. I note that site lies between two dwellings with associated garages respectively, I note that the garage at No.53b Ranaghan Road does not appear to have a frontage to the road wherein the shed at No.55 does, so I am content that the two dwellings and associated shed is able to constitute as a line of continuous and built up frontage. With this in mind I hold the view that the gap between 55 and 53b could only accommodate a maximum of two modest dwellings which has been applied for in this application. Give such I am content that this application complies under CTY 8 respectively.

Policy CTY 13 states that Planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I note that both dwellings are of similar design, but also reflect similar dwellings along the Ranaghan Road. With this in mind I am content that the proposed dwellings are acceptable in terms of the design and will not appear as a prominent feature in the landscape. Overall I am content that this application complies under CTY 13.

CTY 14 states that planning permission will only be granted for a building in the countryside where it does not cause detrimental change to, or further erode the rural character of an area. I am content that the proposed dwelling are unlikely to appear as unduly prominent and it is able to respect the development pattern in the area. As such I am content that this application complies under CTY 14.

As the site is located within the AONB of the Sperrins therefore NH 6 of PPS 2 applies. Upon review of this policy and I note that the site is located at the outer edge of the AONB, that I am content that the siting and scale of the proposal is sympathetic to the special character of the Area of Outstanding Natural Beauty in general and of the locality. In addition I am of the view that there are no features of local importance in the immediate vicinity so there is no conflict with the conservation and respect of such features. Finally, I am content that the proposal reflects similar developments in the area

in terms design, materials etc. As a whole I am content that the application complies under NH 6.

Other policy and material considerations

PPS 3 - Access, Movement and Parking;

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

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

In response of the comments made by the objector;

With regards to the comments on the impact on neighbouring amenity, I hold the view that there is sufficient separation distances between the 'site 01' and the objectors property with intervening vegetation to mitigate any concerns over any impacts on amenity.

In response to the need of third party lands to construct the splays etc. the agent has confirmed in writing that these can be done without the need of third party lands. However the access will be conditioned and the onus will be on the applicant to ensure that they have relevant ownership/easements to develop the access.

Furthermore, with regard to the comments over the policy concerns I note that this has been addressed in this report as above and shown to be in compliance with the relevant policies. In terms of there possibly being a line of 5 dwellings if this is approved, which is not reflective of other development along the Ranaghan Road, upon review of the road I hold the view there is more than one occasion of this for example the development at 'Noones Vale' which has a line of 10+ houses.

With regards to concerns over the additional traffic would put road users at risk, I note that DFI Roads were consulted as the statutory body. They confirmed that the access arrangements are acceptable subject to conditions, as such I hold the view that the access arrangements are in compliance with policy.

In terms of the comments that whilst the Planning Department can approve applications if they adhere to all policies but that they cannot approve any applications where it would lead to additional development. In response to this, Planning cannot refuse any development with presumption of potential future development as this land may never be

developed. As such I hold the view that this development will not lead to any additional development opportunities beyond that which may already exist.

Summary of Recommendation:

Approve is recommended

Approve

Approval Conditions

Condition 1

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

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

Condition 2

All landscaping comprised in the approved details of landscaping on the stamped approved Drawing No. 02 date stamped 03 Mar 2022 shall be carried out in the first planting season following the commencement of the construction of the development hereby approved.

Reason: To ensure the development integrates into the countryside

Condition 3

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

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

Condition 4

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

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

Condition 5

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

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

Condition 6

The vehicular access including visibility splays 2.4 x 70 metres and a 70 metre forward sight distance, shall be provided in accordance with Drawing No 02 bearing the date stamp 03 Mar 2022 prior to the commencement of any other development hereby permitted.

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

Condition 7

The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway before the development hereby permitted is commenced and such splays shall be retained and kept clear thereafter.

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

Case Officer: Peter Henry

Date: 15 September 2022

ANNEX	
Date Valid	3 March 2022
Date First Advertised	15 March 2022
Date Last Advertised	15 March 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 55 Ranaghan Road Maghera Londonderry BT46 5JX The Owner / Occupier 53B Ranaghan Road Maghera Londonderry BT46 5JX	
Date of Last Neighbour Notification	21 March 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-Substantive: YResponseType: FR	
Drawing Numbers and Title Site Location Plan Plan Ref: 01 Garage Plans Plan Ref: 06 Garage Plans Plan Ref: 05 Proposed Plans Plan Ref: 04 Proposed Plans Plan Ref: 03 Site Layout or Block Plan Plan Ref: 02	

Notification to Department (if relevant)
Not Applicable

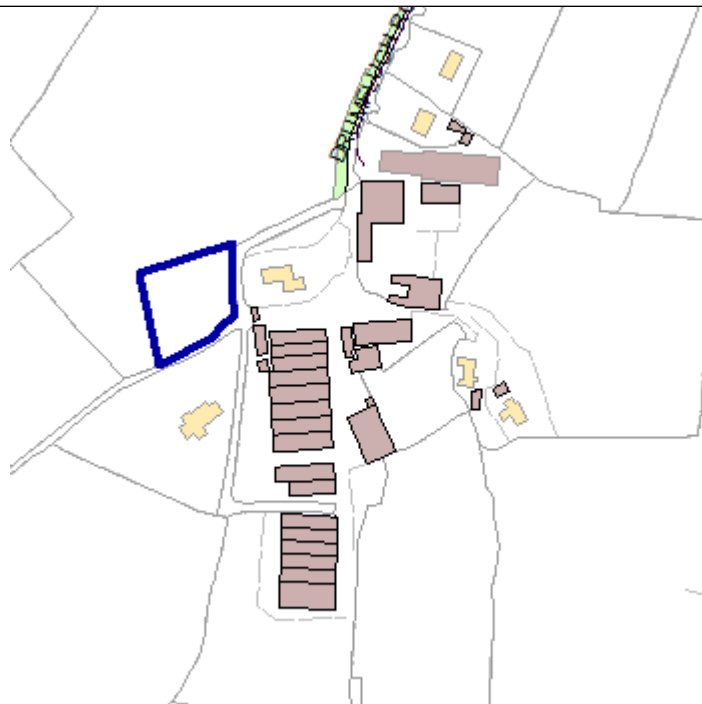


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.09
Application ID: LA09/2022/0285/O	Target Date: 28 April 2022
Proposal: Proposed Dwelling on a Farm	Location: Adjacent And West Of 81 Drumflugh Rd Benburb Dungannon
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Stephen McKenna 81A Drumflugh Rd Benburb Dungannon BT71 7QF	Agent Name and Address: J Aidan Kelly Ltd 50 Tullycullion Rd Dungannon BT70 3LY
Executive Summary: No. 81 was within the blue line of the farm holding and the applicant's father lives here until he passed away this year. The applicant's father was the owner of the farm and the farm has now been transferred to Stephen McKenna in January 2022. No. 81 was inherited by the applicant's sisters who subsequently sold the property to a third party in August 2022. I consider this is a sell-off from the farm holding within the past 10 years so the proposal does not meet all the criteria in CTY 10 in PPS 21.	

Case Officer Report

Site Location Plan



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Consultations:

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

Representations:

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

Summary of Issues

Characteristics of the Site and Area

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

character and is predominantly agricultural fields, single dwellings on large plots and groups of agricultural buildings. The site is accessed off a laneway where there are other single storey dwellings and farm buildings. To the west of the application site is a single storey dwelling at No. 81 and another dwelling to the south at No. 81. The site itself is a corner portion of a larger agricultural field where the topography rises up from the roadside.

Description of Proposal

This is an outline application for proposed dwelling on a farm at land adjacent and west of 81 Drumflugh Rd, Benburb, Dungannon.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Representations

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

Planning History

There are no planning histories at the application site.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010

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

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that The SPPS provides a regional framework of planning policy that will be taken into account of in the preparation of Mid Ulster's Local Development Plan (LDP). At present, the LDP

has not been adopted therefore transitional arrangements require the Council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Section 6.73 of the SPPS relates to development that is acceptable in the countryside, which includes farm dwelling opportunities. Section 6.77 states that 'proposals for development in the countryside must be sited and designed to integrate sympathetically with their surroundings must not have an adverse impact on the rural character of the area, and meet other planning and environmental considerations including those for drainage, sewerage, access and road safety'.

Planning Policy Statement 21

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

DAERA confirmed the farm business ID as stated on the P1C form has been in existence for over 6 years and the farm is a Category 1 farm business. DAERA also confirmed the farm business has claimed farm subsidies for the past 6 years. I am content there is an active and established farm for the past six years.

The applicant supplied their 2022 farm boundary maps and I checked the histories of these fields. In an email dated 12th September 2022 the agent states the applicant lives at No.81A and has done so far for the past years. The applicant's father lived at No. 81 which is within the blue line of land owned within the farm holding. The applicant's father passed away this year and the applicant's sisters inherited No. 81A. It was confirmed this was sold to a third party in August 2022. I completed a land reg check and it shows on the 8th August 2002 No. 81 was transferred to Shane Murtagh and Teresa Murtagh who are now the full owners. In initial site location plans submitted the applicant showed No. 81 as within their blue land and they then submitted an amended site plan which showed No, 81 outside the blue land. I consider as No. 81 has been sold off from the farm holding to a third party within the past 10 years this is a sell-off and fails to meet this criteria in CTY10.

The applicant lives at No. 81A Drumflugh Road which is a dwelling immediately to the south of the site. The applicant Stephen McKenna has stated on the P1 and P1C form that he lives at this address and it is within the blue line. Mr McKenna has also submitted a number of invoices to show farming at the site. Although some of them do not demonstrate active farming they all have the address of the applicant as 81 Drumflugh Road. I am content there is an established group of buildings on the farm and the site is accessed via an existing laneway.

As there has been a sell-off from the farm holding I consider the proposal does not meet the case for a dwelling on a farm.

CTY 13 – Integration and Design of Buildings in the Countryside

The application site is situated along an existing laneway where there are a number of other dwellings and agricultural buildings. There is a slightly sloping topography from the roadside to the back of the site. The site is a portion of a larger agricultural land within the only boundaries along the southern and east boundaries and the rest is undefined. I feel it is appropriate to have a ridge height condition of 5.5m as the main house type along the lane is single storey dwellings. I am content the proposal will visually link with No. 81A. I consider a suitably designed dwelling

would integrate into the landscape.

CTY 14 – Rural Character

As the site is along an existing laneway, I am content another dwelling will not be detrimental to the rural character of the area. The ground at the site is elevated and as there is a single storey dwelling immediately to the south, I would recommend a single storey dwelling to protect the amenity of neighbouring dwellings.

PPS 3 – Access, Movement and Parking

AMP 2 – Access to Public Roads

As the site is along an existing laneway and is an intensification of the laneway DFI Roads were consulted. They responded with no concerns subject to visibility splays of 2.4m x 65m in both directions.

Other Considerations

Having checked the various websites I have not been made aware of any other NED, HED or flooding issues at the site.

Summary of Recommendation:

Refuse is recommended

Contrary to CTY 10 – Dwelling on a Farm in PPS 21 in that there has been a sell-off at No. 81 from the established farm holding within the past 10 years.

Refusal Reasons

Reason 1

Contrary to CTY 10 in PPS 21 in that a dwelling has been sold off from the farm holding within the past 10 years.

Signature(s): Gillian Beattie

Date: 13 October 2022

ANNEX	
Date Valid	3 March 2022
Date First Advertised	17 March 2022
Date Last Advertised	15 March 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 79 Drumflugh Road Benburb Tyrone BT71 7QF The Owner / Occupier 77 Drumflugh Road Benburb Tyrone BT71 7QF The Owner / Occupier 73 Drumflugh Road Benburb Tyrone BT71 7QF The Owner / Occupier 67 Drumflugh Road Benburb Tyrone BT71 7QF The Owner / Occupier 69A Drumflugh Road Benburb Tyrone BT71 7QF The Owner / Occupier 83 Drumflugh Road Benburb Tyrone BT71 7QF The Owner / Occupier 79A Drumflugh Road Benburb Tyrone BT71 7QF The Owner / Occupier 81 Drumflugh Rd, Dungannon, BT71 7QF The Owner / Occupier 85 Drumflugh Road Benburb Tyrone BT71 7QF The Owner / Occupier 69 Drumflugh Road Benburb Tyrone BT71 7QF The Owner / Occupier 80 Drumflugh Road, Benburb, Tyrone, BT71 7QF The Owner / Occupier 70 Drumflugh Road Benburb Tyrone BT71 7QF The Owner / Occupier 83A Drumflugh Road, Benburb, Tyrone, BT71 7QF The Owner / Occupier 81B Drumflugh Road, Benburb, Tyrone, BT71 7QF The Owner / Occupier 71 Drumflugh Road, Benburb, Tyrone, BT71 7QF The Owner / Occupier 81A Drumflugh Road, Benburb, Tyrone, BT71 7QF	
Date of Last Neighbour Notification	29 March 2022



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.10
Application ID: LA09/2022/0331/F	Target Date: 6 May 2022
Proposal: Proposed change of house type to dwelling under previous application H/2009/0446/F	Location: 7C Ballymoghgan Lane Magherafelt BT45 6HW
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Camilla Brown 5 Woodlands Hollywood Belfast BT180PE	Agent Name and Address: FMK Architecture Ltd Unit 5 Ahoghill Business Centre Ahoghill Ballymena BT42 1LA
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response

Representations:

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

Summary of Issues

One letter of objection has been received. The objector has stated they are not objecting to the fact the proposal is to reduce the size of the previously approved dwelling. Their concerns relates to the Porta-Cabin on site stating that in a previous permission the portacabin was to be removed upon occupation of a new dwelling and that this is not being proposed as part of the new application. An amended plan has been received and the portacabin and container are to be removed.

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. It is located down a laneway, south west from the Ballymoughan Lane. The site has an existing portacabin and containers on it, located at the northern boundary of the site, with trees and shrubs located throughout the rest of the site. The site is relatively flat in nature with public view points taken from the laneway and the site is not visible from the public road. The surrounding area is mainly agricultural land uses with dwellings located sporadically throughout the wider context of the countryside.

Description of Proposal

This is a full planning application for a proposed change of house type to dwelling under previous application H/2009/0446/F.

Site History

H/2009/0446/F- Proposed new dwelling and detached garage/domestic store. 160M East Of 7 Ballymoughan Lane, Magherafelt. Permission Granted 22.12.2009.

H/2011/0491/F- Proposed amended access to new dwelling approximately 160m West of 7 Ballymoughan Lane, Magherafelt from that approved under H/2009/0446/F. 160M W Of No. 7 Ballymoughan Lane Magherafelt. Permission Granted 12.03.2012

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
Local Development Plan 2030 - Draft Plan Strategy

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

The Strategic Planning Policy Statement outlines the aim to providing sustainable development and with respect to that should have regard to the development plan and any other material considerations. It notes the importance of sustainable development in the countryside, which promotes high standards in the design, siting and landscaping.

The principle of development was agreed under the previous application H/2009/0446/F. This application seeks to change the house design of that approved in the reserved matters application. The first step in the assessment is to determine if a lawful start was made of the previous approval. The agent provided a letter from building control to

confirm works commenced on site on 24th June 2011- this is before the date of expiry which was 21st August 2011. I am content that ortho images show foundations in place for the garage and that within the processing of planning application H/2011/0491/F to amend the access for the proposed dwelling it was concluded within this report that the development had commenced for the dwelling. I am content the visibility splays approved are in place onto the Ballymoughan Lane.

Policy CTY13 states that planning permission will be granted for a building in the countryside where it can be visually integrated into the surrounding landscape and it is of an appropriate design. I am content the proposal complies with CTY 13 in that it will visually integrate and is on an appropriate design. The proposed changes are to reduced the size of the dwelling from what was previously approved. Therefore, I am content the proposal complies with CTY 13.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. I am content the proposed change of design will not cause a detrimental change to, or further erode the rural character of the area. It is considered that the proposal would not create or add to a ribbon of development.

Other Material Considerations

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

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

Reason: As required by Section 105 of the Planning Act (Northern Ireland) 2011

Condition 2

This permission is granted solely as a substitute for the permission for a dwelling and garage on the site under I/2008/0116/F on 22nd December 2009 and only one dwelling shall be constructed on the site.

Reason: To ensure that only one dwelling is constructed on site.

Condition 3

The existing portacabin and containers shown dashed in red on drawing No P03 A, is to be demolished within 6 weeks of the occupation of the new dwelling and all rubble and foundations removed from the site.

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

Condition 4

All landscaping comprised in the approved details of landscaping on the drawing No. P03 A shall be carried out in the first planting season following the commencement of any further development or other works hereby approved.

Reason: To ensure the development integrates into the countryside.

Condition 5

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

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

Condition 6

The existing trees and vegetation identified in drawing No. P03 A shall be retained except where it is required to provide sight lines.

Reason: To ensure the maintenance of screening to the site.

Condition 7

If any retained tree or hedgerow is removed, uprooted or destroyed or dies within 3 years from the date of occupation of the building for its permitted use another tree or trees shall be planted at the same place and that/those tree(s) shall be of such size and species and shall be planted at such time as may be specified by the Council.

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

Signature(s): Ciaran Devlin

Date: 18 October 2022

ANNEX	
Date Valid	11 March 2022
Date First Advertised	22 March 2022
Date Last Advertised	22 March 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 7 Ballymoghane Lane, Magherafelt, Londonderry, BT45 6HW The Owner / Occupier 9 Ballymoghane Lane, Magherafelt, Londonderry, BT45 6HW The Owner / Occupier 7A , Ballymoghane Lane, Magherafelt, Londonderry, BT45 6HW	
Date of Last Neighbour Notification	31 March 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: H/2005/0770/F Proposals: Dwelling & Garage Decision: PG Decision Date: 15-JUN-06 Ref: H/2004/0549/F Proposals: Dwelling and garage Decision: PG Decision Date: 08-SEP-05 Ref: H/2005/0585 Proposals: Site of dwelling and garage with variation of time condition 01 from outline H/2000/0585) Decision: Decision Date: Ref: H/2005/1273 Proposals: Site of Dwelling and Domestic Garage Decision: 461	

Decision Date: 02-FEB-06

Ref: H/2003/0006

Proposals: Site of 4 no. dwellings and garages.

Decision: 461

Decision Date:

Ref: H/1997/0198

Proposals: BUNGALOW & GARAGE

Decision: PG

Decision Date:

Ref: H/2003/1246/O

Proposals: Site of dwelling and garage.

Decision:

Decision Date:

Ref: H/1994/0456

Proposals: SITE OF BUNGALOW

Decision: PG

Decision Date:

Ref: LA09/2019/1528/O

Proposals: Outline application of an Off Grid sustainable house with passive heating and a potential tesla solar roof, with a small garage and garden, with real focus on sustainable build and recycled materials, using sustainable methods.

Decision: PG

Decision Date: 05-FEB-20

Ref: H/2011/0491/F

Proposals: Proposed amended access to new dwelling approximately 160m West of 7 Ballymoughan Lane, Magherafelt from that approved under H/2009/0446/F.

Decision: PG

Decision Date: 12-MAR-12

Ref: LA09/2022/0331/F

Proposals: Proposed change of house type to dwelling under previous application H/2009/0446/F

Decision:

Decision Date:

Ref: H/2009/0446/F

Proposals: Proposed new dwelling and detached garage/domestic store

Decision: PG

Decision Date: 29-DEC-09

Ref: LA09/2016/1271/O

Proposals: Proposed site for new dwelling on farm

Decision: PG

Decision Date: 08-FEB-17

Ref: LA09/2019/1365/RM

Proposals: Reserved Matters app for dwelling on a farm, previous outline:LA09/2016/1271/O.

Decision: PG

Decision Date: 20-DEC-19

Ref: LA09/2022/0676/F

Proposals: 2 storey dwelling and double garage

Decision:

Decision Date:

Ref: H/2008/0599/F

Proposals: Restrospective application for retention of existing Race Track for Off Road Buggies on land approximately 250m West of 7a Ballymoughan Lane, Magherafelt

Decision: PG

Decision Date: 20-JUN-11

Ref: LA09/2018/1464/F

Proposals: Retrospective planning application for retention of general office/shelter, stor building and control tower

Decision: PG

Decision Date: 07-FEB-19

Ref: H/2005/0164/O

Proposals: Site of dwelling and garage

Decision: PG

Decision Date: 05-JUL-05

Ref: H/2010/0206/F

Proposals: Dwelling and Garage

Decision: PG

Decision Date: 17-SEP-10

Ref: LA09/2015/0579/F

Proposals: Dwelling and Garage

Decision: PR

Decision Date: 27-JAN-16

Ref: H/2006/0017/O

Proposals: Site of dwelling & garage

Decision: PG

Decision Date: 22-AUG-06

Summary of Consultee Responses

-

Drawing Numbers and Title

Proposed Plans Plan Ref: 04
Road Access Plan 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: 1 November 2022	Item Number: 5.11
Application ID: LA09/2022/0370/RM	Target Date: 16 May 2022
Proposal: Proposed replacement dwelling and detached domestic garage	Location: 120M South East Of 47 Annaghmakeown Road Dungannon
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Simon Duggan 47 Annaghmakeown Road Dungannon	Agent Name and Address: Donnelly Design Services 8 Devesky Road Carrickmore Omagh BT79 9BU
Executive Summary:	

Case Officer Report

Site Location Plan

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Consultations:

Consultation Type	Consultee	Response

Representations:

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

Summary of Issues

Characteristics of the Site and Area

Description of Proposal

The proposal seeks reserved matters permission for a replacement dwelling.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

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

Regional Development Strategy 2030
 Strategic Planning Policy Statement for Northern Ireland
 Dungannon and South Tyrone Area Plan 2010
 Planning Policy Statement 3: Access, Movement and Parking
 Development Control Advice Note 15: Vehicular Access Standards

Planning Policy Statement 21: Sustainable Development in the Countryside

CTY1 - Development in the Countryside

CTY3 - Replacement Dwellings

CTY 13 - Integration and Design of Buildings in the Countryside

CTY 14 - Rural Character

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

Mid Ulster Development Plan 2030 Draft Plan Strategy was launched on the 22nd Feb 2019. The initial consultation period has recently ended giving rise to a number of objections to Policies contained in the Plan. Re-consultation on the Draft Plan Strategy commenced at 10am on the 25th March for 8 weeks. The re-consultation was due to close at 5pm on 21st May 2020.

In light of this the draft plan cannot currently be given any determining weight.

Representations

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

History on Site

LA09/2020/0656/O – Outline approval for an offsite replacement dwelling. GRANTED

Key Policy Considerations

Dungannon and South Tyrone 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 instance are listed in CTY1 of PPS21. The current proposal has applied under one of these instance - 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. The principal of the dwelling has already been established at outline stage.

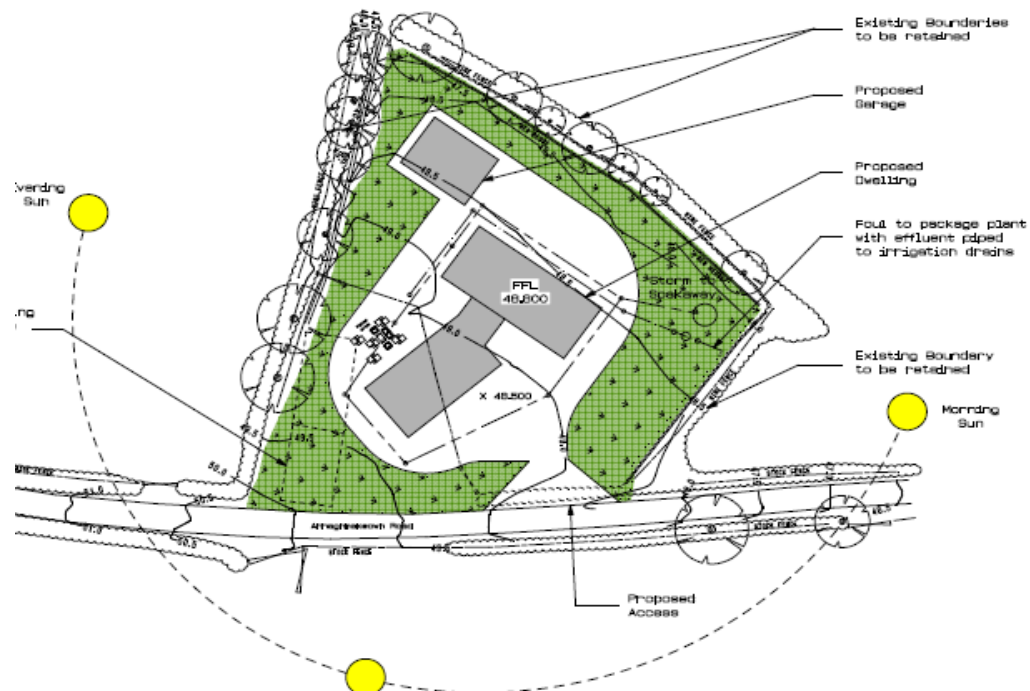
Policy CTY3 states that the retention and sympathetic refurbishment of non-listed vernacular dwellings in the countryside should be encouraged in preference to their replacement. That said it makes allowances for the dwelling to be replaced, as I believe is the case here, where it does not make an important contribution to the heritage, appearance, or character of the locality.

I believe as there limited and short fleeting views of the dwelling on site from the Annaghmakeown Rd and only long-distance glimpse through vegetation from the road network to its south it does not make an important contribution and am content that it be demolished or retained on the existing farmyard as storage.

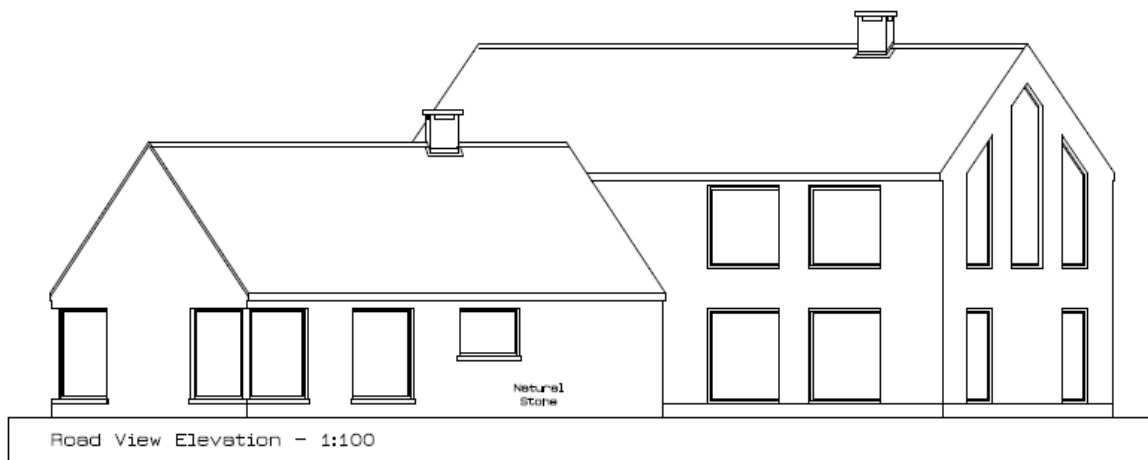


Policy CTY 3 sets out a number of criteria all replacement cases must meet to be permitted and I am content this proposal complies with all of them in that:

- Whilst the new dwelling is of a larger foot print it is to be located over the existing footprint and therefore within the established curtilage of the existing dwelling.



-The proposed dwelling was not restricted through conditions regarding ridge height or floor space etc and it is my opinion that this amended scheme will integrate onto this site and into the surrounding landscape without having a majorly greater visual impact than the existing dwelling it is to replace due to the nature of the screening surrounding the site. The dwelling proposed is a mix of two bodies, the portion to the south west and closest to the road is single storey and the portion to the rear is two story. The two parts are linked via an entrance hall. The proposal will take advantage of the vegetation cover both on site and within the wider vicinity which will both provide it with a sense of enclosure and backdrop to critical views from the Annaghmakeown Rd. Vegetation in the wider vicinity screen view from road networks further to the south.



-The quality of its design is appropriate to the site and its rural setting would be considered acceptable for this area. The finishes consist of a sand cement rendered walls painted cream and a blue black slate roof.

-All necessary services are available.

-Access to the site and new dwelling is to be via an existing unaltered access onto the Annaghmakeown Road.

I believe the proposed dwelling is now of an appropriate size, scale and design and would integrate on to this site in accordance with Policy CTY13 and with minimal disruption to the rural character of the area in accordance with CTY14. I have no concerns regarding the proposed dwelling impacting the amenity of neighbouring properties to any unreasonable degree in terms of overlooking or overshadowing as substantial separation distances will be retained between the new dwelling and existing properties.

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

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Condition 2

The vehicular access including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 01B bearing the date stamp 17/10/2022 prior to the commencement of any other development hereby permitted. The area within the visibility splays shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

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

Condition 3

All existing native trees and shrubbery within the site are to be permanently retained.

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

Condition 4

All landscaping comprised in the approved details of landscaping on stamped drawing No.01B date stamped 17th OCT 2022 shall be carried out in the first planting season following the occupation of the dwelling hereby approved.

Reason: To ensure the development integrates into the countryside.

Signature(s): Peter Hughes

Date: 17 October 2022

ANNEX	
Date Valid	21 March 2022
Date First Advertised	7 April 2022
Date Last Advertised	5 April 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier No Neighbours	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses	
-	
Drawing Numbers and Title Site Location Plan Plan Ref: 01 Proposed Plans Plan Ref: 02	
Notification to Department (if relevant) Not Applicable	

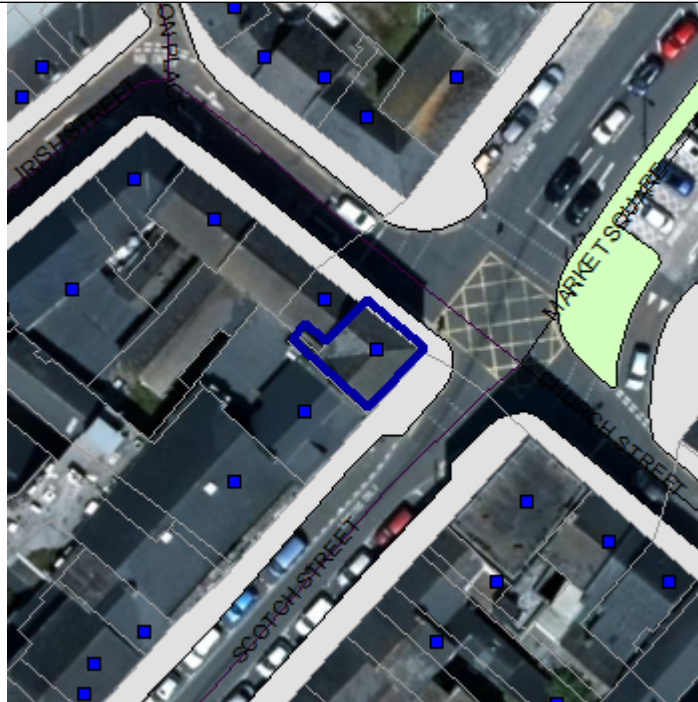


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.12
Application ID: LA09/2022/0450/F	Target Date: 31 May 2022
Proposal: Change of use to the first and second floors from storage space to one 3bedroom duplex apartment unit	Location: 47 Market Square Dungannon
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Seamus Quinn 21 Brookend Road Ardboe	Agent Name and Address: Eamonn Moore Architect Ltd 10 Knockmoyle Cookstown BT80 8XS
Executive Summary: Objection from NI Water about capacity in Dungannon WWTW.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	NI Water - Multiple Units West	

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 representation recieved. Presented to committee on basis that there was objection from NI Water about capacity in Dungannon WWTW.

Characteristics of the Site and Area

The site is located at 47 Market Square, Dungannon. The building sits on the corner of Market Street and Scotch Street and is 3 stories. It has a red brick finish to the upper floors and the ground floor is largely glazing, typical of a retail shopfront. The building

has had a mix of uses over the years, formally a travel agents, however at the time of the site visit it was vacant on the ground floor and the upper floors are noted to be storage space on the P1 form. There is a mix of uses surrounding the site, largely retail given its town centre location, however other uses such as residential and recreational can be found nearby.

Description of Proposal

Full planning permission is sought for the change of use to the first and second floors from storage space to one 3bedroom duplex apartment unit.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Representations

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

Planning History

No planning history at the application site.

Planning Assessment of Policy and Other Material Considerations

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

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 Dungannon and South Tyrone Area Plan 2010 identify the site as being located within Dungannon Settlement and is within an Area of Townscape Character, Area of Archaeological Potential and is within the Primary Retail Core. There are no other specific designations or zonings within the Plan. Plan Policy Hous 2 within the plan also notes that “planning permission will normally be granted for residential uses above existing shops and commercial premises”.

The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Mid Ulster Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. Para 6.267 states that town centres 'provide a wide variety of retailing and related facilities, including employment, leisure and cultural uses'.

The SPPS encourages development at an appropriate scale in order to enhance the attractiveness of town centres. It seeks to secure a town centre first approach for location of future retailing and other main town centre uses, which are defined as 'cultural and community facilities, retail, leisure, entertainment and business'. Furthermore, it aims to protect and enhance diversity in the range of town centres uses. It is my opinion that this proposed development complies with the policies of the SPPS in relation to town centres.

The proposal is solely for the change of use from retail storage to a 3 bed apartment. The agent submitted a supporting statement which details how they feel the proposal meets with a number of policy documents. Each of the criterion within Policy QD1 of PPS 7 were considered and I am content with the findings within this report. There are no physical changes to the exterior of the building therefore the overall impact on neighbouring properties etc will be limited. The report recognises that the physical makeup of the building does not allow for in curtilage private amenity space but note that there are a number of areas within close proximity to the site, including the Hill of the O'Neill and Ranfurly which provides open space which is readily available to future occupants.

PPS 3 sets out planning policies for vehicular and pedestrian access, transport assessment, the protection of transport routes and parking. No parking facilities have been specifically designated for this proposal, however the site is located within Dungannon town centre and therefore is accessible to car parking at the front of the premises as well as on-street parking. This is typical of apartments within the town centre. The supporting statement submitted with the application notes where the closest parking is available and the pedestrian links to this. It is considered that due to the proximity of this development to existing shops and services and modes of public transport, it is likely that not all residents will not rely on a private car and therefore a parking space may not be required. The proposal does not involve the creation of a new access onto the Protected Route. I am therefore of the opinion that there are adequate parking spaces in close proximity to this proposal and that the proposal will not lead to a significant deterioration in road safety under the provisions of PPS 3 Access, Movement and Parking.

Policy LC1 does not apply to this proposed change of use to apartments as the application site is within Dungannon Town Centre as designated in the Dungannon and South Tyrone Area Plan 2010. Policy LC2 - The Conversion or change of use of existing buildings to flats or apartments. As the proposal meets all the relevant criteria in QD1 in PPS 7 I am content it meets the relevant criteria in LC2. I do not believe that by allowing this development that it will result in unacceptable damage to the local character,

environmental quality or residential amenity of this area. This proposal is sensitive in design terms to people living in this area and is in harmony with local character. The proposal also offers a variety to the different types of accommodation found within the town centre in Dungannon.

NI Water were consulted on the proposal and have recommended refusal, stating that Waste Water Treatment Capacity is not available at present for the proposed development. This application could be refused on the grounds of the NI Water concerns, however, the applicants can avail of 'Permitted Development' rights as bestowed by Part 4, Class E of the Schedule to the Planning (General Permitted Development) Order (NI) 2015. In light of this I do not consider it would be reasonable to refuse planning permission for this development and recommend it is approved.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

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

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

Condition 2

The apartment hereby approved shall not be used otherwise than as a dwelling (whether or not as a sole or main residence)—

- (i) by a single person or by people living together as a family; or
- (ii) by not more than six residents living together as a single household (where care is provided for residents).

Reason: To prevent pollution due to the capacity of Dungannon Waste Water Treatment works.

Signature(s): Sarah Duggan

Date: 5 October 2022

ANNEX	
Date Valid	5 April 2022
Date First Advertised	28 April 2022
Date Last Advertised	26 April 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 48 Market Square, Dungannon, Tyrone, BT70 1JH The Owner / Occupier 46A , Market Square, Dungannon, Tyrone, BT70 1AB The Owner / Occupier 1-3 , Scotch Street, Dungannon, Tyrone, BT70 1AR The Owner / Occupier 46 Market Square, Dungannon, Tyrone, BT70 1JH	
Date of Last Neighbour Notification	27 April 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses NI Water - Multiple Units West-	

Drawing Numbers and Title

Existing Plans 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

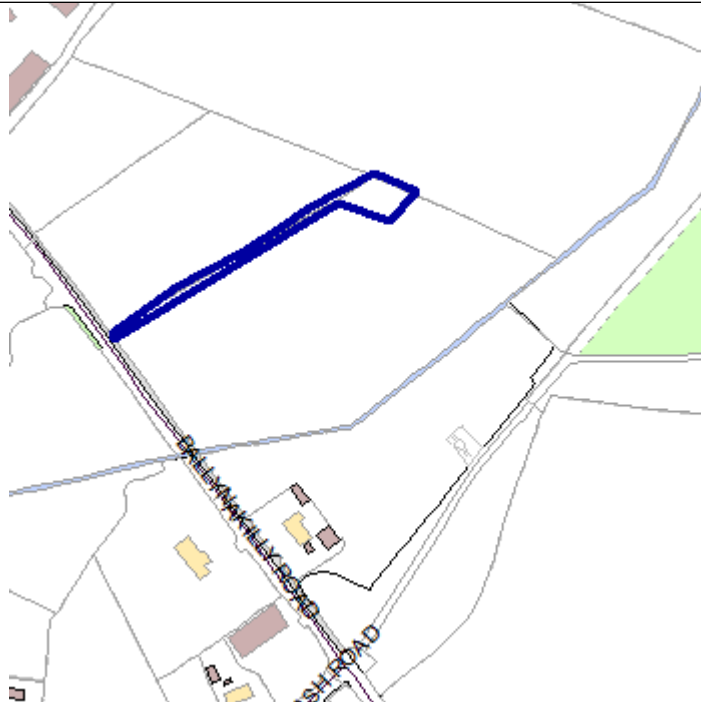


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.13
Application ID: LA09/2022/0541/F	Target Date: 20 June 2022
Proposal: Proposed farm shed for the storage of hay.	Location: 210M East Of 91 Ballynakilly Road Coalisland
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Gavin Quinn 9 Woodhouse Road Killycolpy Stewartstown	Agent Name and Address: Cmi Planners 38 Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary: No evidence has been submitted that there is active farm at the site and that the proposed shed is necessary for the efficient use of the farm holding.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
	DAERA - Omagh	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

Characteristics of the Site and Area

The application site is located 210m East of 91 Ballynakilly Road, Coalisland within the townland of Creenagh. The site is outside the settlement limits of Coalisland as defined in the Dungannon and South Tyrone Area Plan 2010 and north-west of the settlement limit for Ballynakilly.

The topography of the land is relatively flat. The common land use around the wider site area includes agricultural, industrial/commercial with some dispersed dwellings and farm holdings. The site is in close proximity to The McAvoy Group Ltd., that is to the West of the site outlined in red.

The site comprises an access lane off the Ballynakilly Road which is a highly trafficked road between Tamnamore Roundabout and Coalisland. At the site there is an agricultural shed which is finished in blockwork on the ground floor and metal sheeting on the upper level. Surrounding the shed is a gravelled yard.

Description of Proposal

This is a full application for proposed farm shed for the storage of hay at 210m East Of 91 Ballynakilly Road, Coalisland.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Representations

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

Planning History

LA09/2017/0489/F - Proposed farm shed for the housing of animals and storage of farm machinery - 210M East Of 91 Ballynakilly Road, Coalisland – Permission Granted 8th June 2021

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010

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

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

PPS21 - Planning Policy Statement 21 (PPS21) Sustainable Development in the Countryside;

Policy CTY 1 Development in the Countryside

Policy CTY 12 Agricultural and Forestry Development.

Policy CTY 13 Integration and Design of Buildings in the Countryside

Policy CTY 14 Rural Character

Policy CTY 1 within PPS 21 highlights that there are a number of developments which may be acceptable in the countryside. One of these is agricultural and forestry developments in accordance with Policy CTY 12.

CTY 12 -

Policy CTY 12 stipulates that planning permission will be granted for development on an active and established agricultural or forestry holding and within the amplification text, it clarifies that for the purposes of this policy the determining criteria for an active and established business will be that set out under Policy CTY 10. Policy CTY 10 stipulates that the farm business should be both active and established for a period of at least 6 years.

The P1C form states that the business Id for this holding has only been created since 3rd November 2015 and DAERA confirmed this. I am content there is an established farm at the site for the past 6 years. DAERA stated the farm is a category 3 business and no farm subsidies have been claimed for the past 6 years. As the farm business is a Category 3 it is not entitled to claim farm payments from DAERA. I emailed the agent on the 29th June 2022 and 24th August 2022 requesting information to demonstrate the farm business is currently active and a supporting statement to show why the shed is necessary for the farm holding. At the time of writing no information has been received. I consider the agricultural holding is established but no evidence has been submitted to show it is currently active.

CTY 12 includes five further criteria (a-e):

(a) it is necessary for the efficient use of the agricultural holding or forestry enterprise; Currently on site there is a shed which was granted approval under LA09/2017/0489/F. The applicant has submitted no evidence why a second shed is required on the farm for the efficient use of the agricultural holding.

(b) in terms of character and scale it is appropriate to its location;

The proposal presents an agricultural building which is not considered uncommon within

the context of this rural landscape. The materials used are similar to other types of agricultural development within this area. The existing pattern and type of buildings in the area are that of industrial sheds and large buildings therefore the level of impact associated with the proposal will be minimal and on that basis, I consider that the proposal will not have a significant detrimental impact on the rural character of the area.

(c) it visually integrates into the local landscape and additional landscaping is provided as necessary;

The proposed agricultural shed would benefit from the existence of natural vegetation and screening especially to the rear which surround the site area. As documented above, the location of other large buildings to the Northwest, help the proposal to fit into the wider. The proposal would not present a prominent feature in the context of this rural landscape setting, and I consider it to be successfully integrated. Additional trees and hedging was conditioned along the boundary and along the access lane as part of planning approval LA09/2017/0489/F but this had not been done at the time of my site visit.

(d) it will not have an adverse impact on the natural or built heritage;
There are no sensitive natural heritage features of note within the site or the surrounding area. Therefore, I consider that the proposal will not have a negative impact on any natural/historic features or monuments.

(e) it will not result in detrimental impact on the amenity of residential dwellings outside the holding or enterprise including potential problems arising from noise, smell and pollution.

It is noted that the proposal is sited some 160m away from the closest unconnected residential dwelling at No. 96 Ballynakilly Road. The agent has stated the proposed shed is for the storage of hay and there will be no animals housed within the building so I am content there will be no issues with smells to neighbouring dwellings.

CTY 12 - Additional Requirements

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

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

The applicant has provided no information why an additional shed is required, and the existing shed cannot be used to meet the needs of the farm holding. The proposed shed is the same footprint and height as the existing shed and the same external materials. I am content the design and materials are typical of an agricultural shed in the countryside. The proposed shed is sited adjacent to a farm shed already approved.

Overall, I do not consider the proposal meets all the criteria in CTY 12.

CTY 13 – Integration and Design of Buildings in the Countryside

As the proposed shed is the same scale, massing and design as the existing shed I am content the proposal will not be a prominent feature in the landscape. The new shed will sit adjacent to the shed in critical views so I am content the shed will integrate into the landscape.

CTY 14 – Rural Character

I am content the proposed shed will not have an unacceptable impact on rural character. As shown below in figure 1 the existing shed is set back from the road and in long-distance views the proposed shed will sit beside the existing shed.



Figure 1 – Roadside view of the site

PPS 3 – Access, Movement and Parking

A new access has been created as part of planning approval LA09/2017/0489/F and at the time of the site visit this access is in place, so it was not necessary to consult DFI Roads.

Other Considerations

I checked the statutory map viewers, and I am content there are no other ecological, built heritage or flooding issues at the site. There is an area of surface water flooding to the southeast of the site, but I consider this will not impact on the proposal due to separation distance.

Summary of Recommendation:

Refuse is recommended

The proposal is recommended for refusal as it does not meet the criteria in CTY 12 in PPS 21.

Refusal Reasons

Reason 1

Contrary to CTY 12 - Agricultural and Forestry Development in PPS 21 in that no evidence has been submitted that there is an active farm holding and the building is necessary for the efficient use of the agricultural holding.

Signature(s): Gillian Beattie

Date: 17 October 2022

ANNEX	
Date Valid	25 April 2022
Date First Advertised	8 September 2022
Date Last Advertised	10 May 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 96 Ballynakilly Road, Ballynakilly, Coalisland, Tyrone, BT71 6HD The Owner / Occupier 81 Ballynakilly Road, Creenagh, Coalisland, Tyrone, BT71 6HD The Owner / Occupier 91 Ballynakilly Road, Creenagh, Coalisland, Tyrone, BT71 6HD The Owner / Occupier 89 Ballynakilly Road, Creenagh, Coalisland, Tyrone, BT71 6HD	
Date of Last Neighbour Notification	6 July 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DAERA - Omagh-Substantive: TBC	

Drawing Numbers and Title

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

Notification to Department (if relevant)

Not Applicable

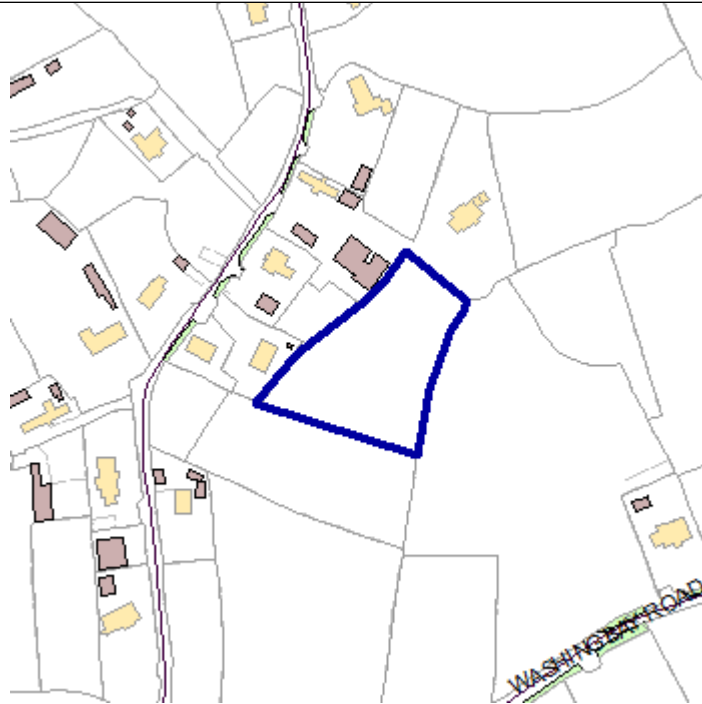


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.14
Application ID: LA09/2022/0563/O	Target Date: 24 June 2022
Proposal: Proposed two storey dwelling + detached double garage	Location: 60M Se Of 148C Washingbay Road Clonoe Coalisland
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Philip Brady 27 Ballynakilly Rd Coalisland BT71 6JJ	Agent Name and Address: Dan McNulty 4 Derrymoney Court Omagh BT78 1HA
Executive Summary: The proposal does not meet any policies in PPS 21.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
	DFI Roads - Enniskillen Office	Substantive: TBC
	Historic Environment Division (HED)	Substantive: TBC
	DETI - Geological Survey (NI)	Substantive: TBC

Representations:

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

Summary of Issues

Characteristics of the Site and Area

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

character with predominantly groups of farm buildings and dwellings on single plots. There is development pressure in the immediate area from the construction of single dwellings as there are at least eight dwellings in the immediate vicinity of the site.

The application site is a large agricultural field with a relatively flat topography and to the north are several dwellings and agricultural buildings. Along all boundaries at the site are established trees and vegetation.

Description of Proposal

This is an outline application for proposed two storey dwelling + detached double garage at 60M Se Of 148C Washingbay Road, Clonoe, Coalisland.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Representations

Press advertisement and neighbour notification have been carried out in line with the Council's statutory duty. At the time of writing, 1 third party objection has been received.

A objection was received by email on the 1st June 20022 from Mr Eamon Brady. Mr Brady states in the email that the access arrangement for the site are through his land and property. Also, there is no access to the site or land through the proposed site through his property.

In rebuttal, the applicant Phillip Brady has signed certificate A on the application form to show he owns all the land. The agent was asked to address the access issue and submit a P2 form if the applicant did not own all the land to obtain the access. At the time of writing no revised certificate has been received. Whether the applicant can gain neighbouring land to obtain an access is a third-party matter.

Planning History

There are no planning histories at the application site.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

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

Dungannon and South Tyrone Area Plan 2010

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

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

Planning Policy Statement 21

Development in the countryside is controlled under the provisions of PPS 21 Sustainable Development in the countryside. Policy CTY 1 provides clarification on which types of development are acceptable in the countryside. In addition, other types of development will only be permitted where overriding reasons are submitted why the development is essential and could not be located within a settlement. As this proposal is for a dwelling in a cluster CTY 2a is the relevant policy in the assessment.

Policy CTY 2a – New Dwellings in Existing Clusters

I am content the proposal sits in a cluster which consists of four or more buildings which at least three are dwellings. There are dwellings to the north of the site at No. 148, 148A, 148C, 152, 154, 152A.

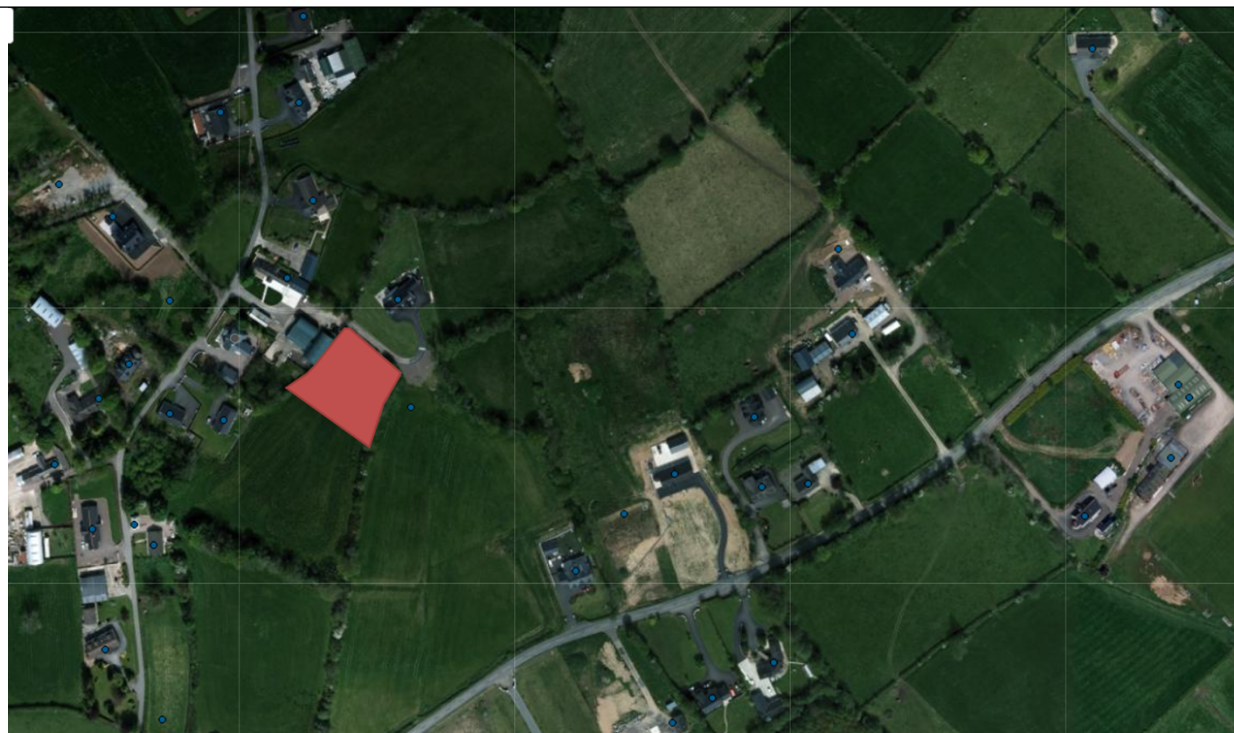


Figure 1 – snapshot from Spatial NI with the application site in red

As shown in figure 1 above I consider the cluster appears as a visual entity in the landscape as there are several dwellings along the roadside on both sides of the road.

The site is not located at a crossroads and the agent had pinpointed the Hurling Club on the Washingbay Road as a focal point. This is on figure 1 in the southeast corner. In discussions about the application, the agent had mentioned the case below adjacent to the site which was approved at planning committee as a cluster dwelling.

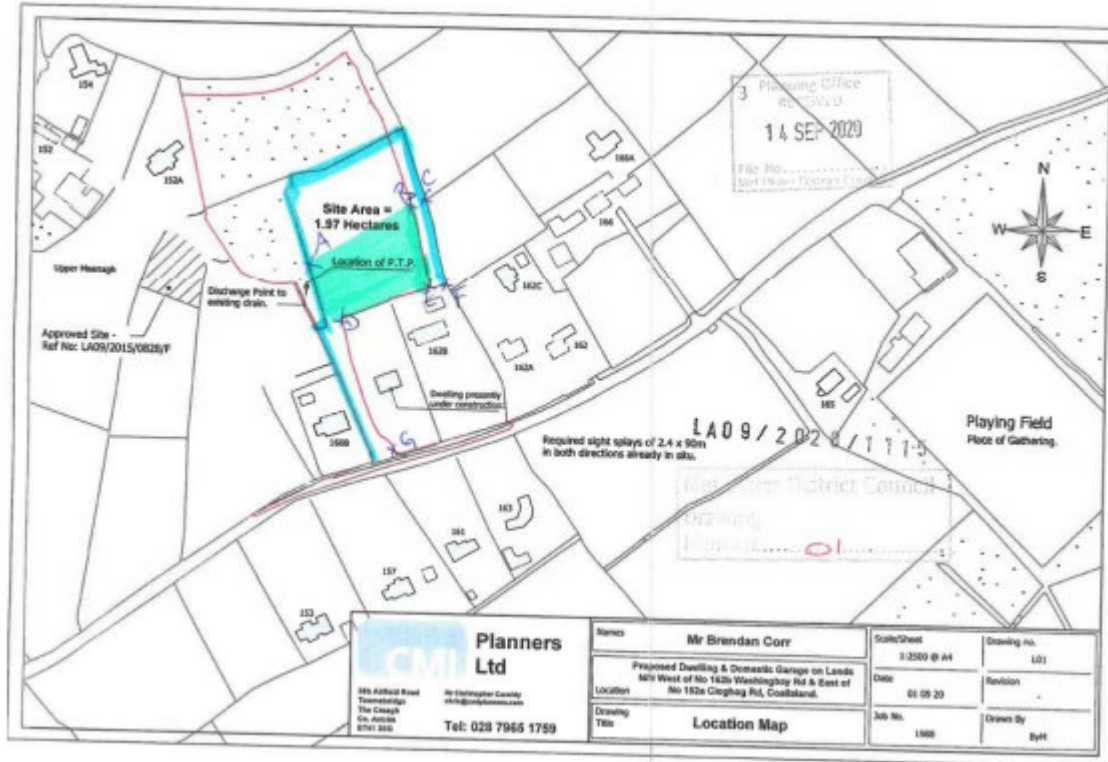


Figure 2 – Snapshot of planning approval LA09/2020/1115

In rebuttal, the site in figure 2 was accessed from the Washingbay Road and was nearer to the focal point i.e. The Hurling Club. The site was associated with the dwellings on the Washingbay Road which were part of the cluster. I do not consider the site which is the subject of this application is associated with the Hurling Club.

I am content there is a suitable degree of enclosure at the site as there is development on two sides. There is a dwelling to the northeast at No. 152A and dwellings/sheds to the northwest at No. 148C and No.152.

I consider if the application site was developed it would round off the existing cluster of dwellings. There are minimal critical views of the site from the Washingbay Road and it would sit behind other dwellings and agricultural sheds.

Overall, I consider the proposal does not meet all the criteria in CTY 2a.

In terms of other policy in PPS 21 there is no dwelling to be replaced that would meet CTY 3 and the proposal would not meet the criteria in CTY 8 for an infill dwelling. The agent stated the applicant did not have a DAERA number and did not think they have a farming case to meet CTY 10.

CTY 13 – Integration and Design of Buildings in the Countryside

The application is an agricultural field to the south of several dwellings along the Washingbay Road. Figure 3 below shows the corner of the site nearest the access lane and the applicant has submitted an indicative layout to demonstrate the dwelling will be

located behind these sheds. I am of the opinion a dwelling in this location would not be a prominent feature in the landscape. But the layout submitted shows the whole field being used for the curtilage and I consider this would create a large plot which is not reflective of surrounding plots and would be out of character for the area. Siting and design could be considered at a reserved matters stage.



Figure 3 – Photo from the site visit showing the corner of the site nearest the access lane.

There is established vegetation along all boundaries of the site which would create a sense of enclosure and the buildings to the northwest would assist integration.

I am content a dwelling would integrate at the site subject to a siting condition. I have indicated in red on figure 1 where I think the dwelling should be located instead of the whole field which the applicant wants to use.

CTY 14 – Rural Character

As stated earlier in the assessment I am content a dwelling in this location would not be a prominent feature in the landscape. There are already several other dwellings in the immediate area so I am of the opinion another dwelling would not exacerbate a suburban style build-up of development. I consider a dwelling in this location would not have an unacceptable impact on rural character.

PPS 3 – Access, Movement and Parking

AMP 2 – Access to Public Roads

The site does not access onto a protected route so I have no concerns in this regard. DFI Roads were consulted as this proposal is the intensification of an existing access. Roads responded stating visibility splays of 2.4m x 45m in both directions would be acceptable.

Other Considerations

I have completed checks on the statutory map viewers and I am content there are no ecological, built heritage or flooding issues at the site.

Geological Survey confirmed there are no mines or boreholes at the site.

Summary of Recommendation:

Refuse is recommended

The proposal is recommended for refusal as it does not meet any policies in PPS 21.

Refusal Reasons

Reason 1

Contrary to CTY 2a - New Dwellings in Existing Clusters in PPS 21 in that the application site is not at a crossroads or associated with a focal point.

Reason 2

Contrary to CTY 1 in PPS 21 in that there is no overriding reason why the development cannot be located within the settlement limit.

Signature(s): Gillian Beattie

Date: 13 October 2022

ANNEX	
Date Valid	29 April 2022
Date First Advertised	10 May 2022
Date Last Advertised	10 May 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 154 , Washingbay Road, Coalisland, Tyrone, BT71 4QE The Owner / Occupier 150 , Washingbay Road, Coalisland, Tyrone, BT71 4QE The Owner / Occupier 160A , Washingbay Road, Coalisland, Tyrone, BT71 4QE The Owner / Occupier 152 , Washingbay Road, Coalisland, Tyrone, BT71 4QE The Owner / Occupier 148 Washingbay Road Coalisland Tyrone BT71 4QE The Owner / Occupier 148C Washingbay Road, Coalisland, BT71 4QE The Owner / Occupier 148A Washingbay Road Coalisland Tyrone BT71 4QE The Owner / Occupier 152A , Washingbay Road, Coalisland, Tyrone, BT71 4QE The Owner / Occupier 150C , Washingbay Road, Coalisland, Tyrone, BT71 4QE	
Date of Last Neighbour Notification	11 May 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Substantive: TBC Historic Environment Division (HED)-Substantive: TBC DETI - Geological Survey (NI)-Substantive: TBC	

Drawing Numbers and Title
Site Layout or Block Plan Plan Ref: 02
Site Location Plan Plan Ref: 01
Notification to Department (if relevant)
Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.15
Application ID: LA09/2022/0592/F	Target Date: 30 June 2022
Proposal: Proposed domestic store for the storage and maintenance of fishing boats with extension to curtilage	Location: The Rear Of 77 Back Lower Road Killycolpy, Dungannon
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Oliver Teague 77 Back Lower Road Killycolpy Dungannon	Agent Name and Address: Martin Quinn 190 Ballymaguire Road Stewartstown BT71 5NN
Executive Summary:	

Case Officer Report

Site Location Plan

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Consultations:

Consultation Type	Consultee	Response

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site lies outside any settlement defined under the Cookstown Area Plan 2010. It is located in the rural countryside approx. 6.7km east of Stewartstown and approx.0.7km west of Lough Neagh.



Fig 1: Site outlined red

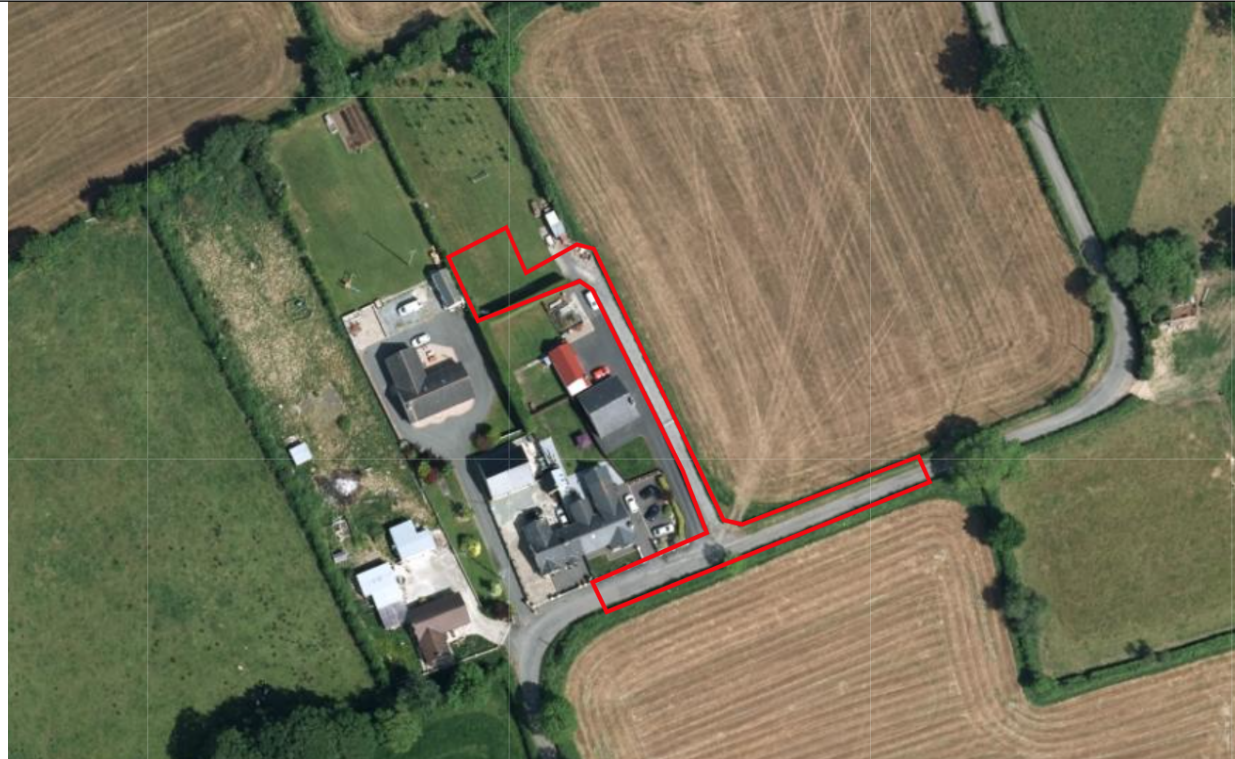


Fig 2: Site outlined red

The site is a small and flat square shaped plot of primarily agricultural land cut from the southwest corner of a much larger agricultural field located to the north of no. 77 Back Lower Rd a bungalow and its curtilage including an outbuilding situated approx. 50m back from and accessed off Back Lower Rd via a short driveway.

The site is to be accessed off Back Lower Rd via an existing lane running along the east and north sides of no. 77 Back Lower Rd. This access, which provides access to no. 81a Back Lower Road a relatively new bungalow located immediately west of no. 77, also runs along the southern boundary of and through the site.

The main body of the site is bound to the south by a hedge approx. 4/5m high bounding the curtilage of no. 77 Back Lower Rd and to the west by mature hedging bounding the host field whilst the remaining boundaries are undefined. The access lane serving the site is bound to the west by low close boarded fencing approx. 1.2m high enclosing the curtilage of no. 77 Back Lower Rd and to the east by a mature hedge of similar height.

Whilst the surrounding area is predominantly flat agricultural land located on the shores of Lough Neagh, interspersed with single dwellings and farm groups a cluster of residential development exists to the south / front of the site and no. 77 Back Lower Rd to the outside of a right-angled bend in the Back Lower Rd. This cluster of development includes 1 detached and 2 semi-detached single storey dwellings fronting onto the Back Lower Rd with ancillary outbuildings and no. 81a Back Lower Rd the aforementioned bungalow located immediately west of no. 77 Back Lower Rd.



Fig 3: Red box identifies approx. location of proposed store to the rear of no. 77 Back Lower Rd. View from section of the Back Lower Rd located due east of site.

Views of the site are from the Back Lower Rd on the east / southeast approach to the site. From these views the existing vegetation bounding the site and host field would aid the integration of the store by providing it with a sense of enclosure and backdrop. Views of the site on the south / southwest approach along Back Lower Rd are screened by the cluster of development it sits to the rear of.

Description of Proposal

This is a full planning application seeking to extend the domestic curtilage of an existing dwelling located at no. 77 Back Lower Rd Killycolpy Dungannon; and to erect an ancillary domestic store for the storage and maintenance of fishing boats within the extended curtilage.

The application proposes to extend the curtilage of the no. 77 Back Lower Rd into lands to the rear / north.

The store, which has a rectangular floor plan and pitched roof construction, measures approx. 9.1m in width (gable depth) by 14.6m in length by 5m in height above FFL; and is to be located on the extended lands to the rear / north of 77 Back Lower Rd. The store is to have a metal clad finish to its roof and walls with a roller shutter door and a pedestrian door in its south gable.

Access to the lands and store is proposed via an existing lane running along the east and north side of no. 77 Back Lower Rd serving no. 81a Back Lower Rd.

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.

Key Policy Context

Regional Development Strategy

Cookstown Area Plan 2010

Strategic Planning Policy Statement for Northern Ireland

Planning Policy Statement 21: Sustainable Development in the Countryside

Addendum to Planning Policy Statement 7: Residential Extensions and Alterations

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

Planning History

I/1977/0181 - Bungalow - Back Lower Stewartstown - Granted 8th September 1977

I/2014/0368/F - Retention of access - 77 Back Lower Rd Mountjoy - Granted 19th March 2015

LA09/2021/0348/F - Retention of use of existing approved access to provide alternative access to no 81a Back Lower Road - 81a Back Lower Rd Killycolpy Dungannon - Granted 17th December 2021

Cookstown Area Plan 2010 – The site is located in the rural countryside outside any settlement limit identified within the Plan.

Strategic Planning Policy Statement for Northern Ireland - sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

Planning Policy Statement 21 Sustainable Development in the Countryside – Policy CTY1 of Planning Policy Statement 21 allows for extensions in the countryside where they meet with Policy EXT1 of the Addendum to Planning Policy Statement 7: Residential Extensions and Alterations.

Planning Policy Statement 7 Residential Extensions and Alterations - This proposal meets the criteria as set out in Policy EXT 1 of this policy in that:

The proposed extension to the curtilage of no. 77 Back Lower Rd in my opinion will cause minimal disruption to the existing rural character of the area given it nestles to the rear of no. 77 and is reasonably well enclosed by mature vegetation bounding it to the west and south. The aforementioned mature vegetation bounding the site alongside mature vegetation bounding the host field will help provide the proposed store with a sense of enclosure and backdrop to critical views as detailed further above in the

‘Characteristics of the Site and Area’.

Whilst I had initial concerns that the size, scale and massing of the proposed store were excessive and alongside the design and external materials not typical of a domestic store given information in support of the proposal from the agent regarding its requirement and its relatively enclosed location in this exceptional instance I am content it is acceptable.

The additional information submitted outlined that the applicant Mr Oliver Teague is in his 70s and has now retired. That his family have been fishing Lough Neagh for generations and he intends to restore the fishing boats as a hobby. The boats are traditionally 27 – 30ft in length and of timber construction and his existing garage/outbuildings are not big enough to accommodate any of the boats.

Having carried out a site inspection I am content the applicant’s existing garage / outbuilding could not readily accommodate a 27-30ft boat and would note a wooden boat approx. 27ft in length was sitting on a trailer on site in the approx. location of the proposed store, which supports the information provided. Whilst the store is a substantial size, scale and massing it will have a ridge height similar to no. 77 Back lower Rd and dwellings in vicinity and it will be set back from the public road on a reasonably well-enclosed site. Although the design and material finish of the store is not in keeping with the dwelling on site, I am content they are generally consistent with agricultural buildings typical of the countryside and acceptable in this instance owing to the location and enclosed nature of the site. Accordingly, I am reasonable content the store will generally be sympathetic to the built form and appearance of the existing property and should not detract from the appearance and character of the property or the area.

The store should not have any significant detrimental impact on the privacy or amenity of neighbouring residents in terms of overlooking or overshadowing due to its location, design, separation distances that will be retained between it and neighbouring properties; and the existing mature vegetation bounding the site.

The proposed works are to be situated on improved grassland as such will not cause any loss of, or damage to, trees or other landscape features contributing significantly to local environmental quality.

Sufficient space will be retained within the curtilage of the dwelling for recreational and domestic purposes including the parking and manoeuvring of vehicles.

Representations

Press advertisement and Neighbour Notification have been carried out in line with the Council’s statutory duty. At the time of writing, two objections had been received in relation to the proposal from Mr Campbell, the owner / occupier of no. 81 Back Lower Rd a semi-detached property located to the south of the site adjacent the public road.

Mr Campbell outlined this application is made following earlier permission LA09/2021/0348/F (see ‘Planning History’, further above) for the retention of an access lane to serve no. 81a Back Lower Rd, a dwelling located immediately west of the current site. That he raised concerns under the previous permission that the residential premises

to be served were used for commercial businesses; and increased traffic concerns he raised have proven correct. He highlighted the following segments from the previous permission's case officer report:

'In terms of pollution and noise issues, there is no intensification proposed under this application and therefore I do not feel there would be any additional noise issues or pollution as a result of this application. We have no evidence to suggest that the application is being used for commercial purposes and therefore the application is taken at face value'..... 'The agent has noted on the plans that the existing access is to be gated and predominantly closed. We are content with the findings of Roads and would advise that the applicant takes consideration to their advice'.

And stated as a result of LA09/2021/0348/F there has been a significant increase in the traffic around no. 81a that continues to grow and cause difficulties. In the absence of a turning circle the original access was never gated and the additional access granted created a through road for the businesses operating from no. 81a to receive frequent deliveries and staff and customers making collections. He advised he had available video evidence to show the frequency of the commercial vehicles using the through road. He stated as the current proposal is for a domestic store questions 21-25 of the accompanying P1 Form relating to non-residential development did not have to be completed. That as the lane is being used for commercial purposes it should not be taken at face value the proposed store will solely be for storage and maintenance of fishing boats. This application is clearly for the benefit of other members of the applicant's family and businesses they run from no. 81a. His concerns are compounded by the fact he has never know the applicant to own a boat in recent years; would be surprised if more than one family member holds a fishing licence and owns a 27-30ft timber framed fishing boat; and the applicant's advancing years. That use of the store by the businesses is likely to result in noise disturbance, hazardous material and smells.

Having taken into consideration Mr Campbells objection above my opinion remains to approve. That this planning application seeks to extend the domestic curtilage of an existing dwelling located at no. 77 Back Lower Rd; and to erect an ancillary domestic store for the storage and maintenance of fishing boats within the extended curtilage of the applicant Mr Teague. That for the reasons outlined in the main body of this report the proposal meets the requirements of Policy EXT1 of the Addendum to PPS 7: Residential Extensions and Alterations. This proposal is not for, and any subsequent permission would not give permission for, any commercial business to be carried out on site or within the proposed store and a condition to that effect can be attached. Under planning application I/2014/0368/F (see 'Planning History' further above) the residents of no. 77 Back Lower Rd already have use of the access and lane proposed to serve the store and as the store is for domestic purposes ancillary to and for the enjoyment of Mr Teague the occupier of 77 Back Lower Rd there should be no intensification of use of the access and lane as result of this proposal. Given the scale and domestic nature of the proposal I don't foresee any significant detrimental impacts on the amenity of neighbouring properties by reason of noise disturbance, hazardous material and smells. The issues raised around the access approved under LA09/2021/0348/F and premises at 81a Back Lower Rd being used for commercial purposes does not form part of this application, which has been made by the owner / occupier of no. 77 Back Lower Rd.

Additional Considerations

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

Flood Maps NI indicated no flooding on the lands to be developed.

The proposal is under the 15.2m height thresholds in the area requiring consultation to Defence Estates relating to Met Office – Radar. Additionally, whilst the site is located within an area of constraint on wind turbines, this proposal is for a domestic store.

Case Officer recommendation: Approve

Summary of Recommendation:

Approve is recommended

Approval Conditions**Condition 1**

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

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

Condition 2

The store hereby approved shall be used only for private domestic purposes ancillary to and for the enjoyment of the occupiers of 77 Back Lower Road.

Reason: To protect residential amenity.

Condition 3

The existing natural screenings of this site as indicated in green on Drawing no. 01(Rev.01) bearing the date stamp received 28 SEP 2022 shall be retained unless necessary to prevent danger to the public in which case a full explanation shall be submitted to Mid Ulster District Council Planning Department in writing, and agreed, prior to the commencement of any works.

Reason: In the interests of visual and residential amenity.

Signature(s): Emma Richardson

Date: 18 October 2022

ANNEX	
Date Valid	5 May 2022
Date First Advertised	24 May 2022
Date Last Advertised	24 May 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 81A Back Lower Road Mountjoy Tyrone BT71 5ER The Owner / Occupier 79 Back Lower Road Mountjoy Tyrone BT71 5ER The Owner / Occupier 81 Back Lower Road Mountjoy Tyrone BT71 5ER The Owner / Occupier 77 Back Lower Road Dungannon Tyrone BT71 5ER	
Date of Last Neighbour Notification	30 September 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: I/2010/0477/F Type: F Status: PG Ref: LA09/2021/0348/F Type: F Status: PG Ref: LA09/2020/1648/LDP Type: LDP Status: PG Ref: I/1999/4021 Type: P Status: PCO Ref: I/1997/0043	

Type: F
Status: PCO

Ref: I/1999/0348
Type: F
Status: PCO

Ref: I/1996/0045
Type: O
Status: PCO

Ref: I/1994/0328
Type: F
Status: PCO

Ref: I/1977/0003
Type: H13
Status: PG

Ref: LA09/2022/0592/F
Type: F
Status: PCO

Ref: I/1977/0181
Type: H13
Status: PG

Ref: I/2014/0368/F
Type: F
Status: PG

Ref: I/1974/0326
Type: H13
Status: PG

Ref: I/1974/0208
Type: H13
Status: WITHDR

Ref: LA09/2021/1156/RM
Type: RM
Status: PG

Ref: LA09/2019/1004/O
Type: O
Status: PG

Ref: I/1974/0138

Type: H13

Status: PG

Ref: LA09/2020/0783/F

Type: F

Status: APPRET

Ref: I/1995/0377

Type: F

Status: PCO

Ref: I/2001/0826/F

Type: F

Status: PG

Ref: I/1976/0392

Type: H13

Status: PG

Summary of Consultee Responses

-

Drawing Numbers and Title

Proposed Plans Plan Ref: 01

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.16
Application ID: LA09/2022/0641/F	Target Date: 30 August 2022
Proposal: Proposed boundary wall/fence	Location: 29 Glengomna Road Draperstown BT45 7JQ
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Barry O'Kane 28 Glengomna Road Draperstown BT45 7JQ	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

Representations:

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

Summary of Issues

Objections received. Applicants sister in law works for Mid Ulster District Council Planning Department.

There have been 3 letters of objection from one neighbour. The first objection letter raised concerns over a family member of the applicant working for the council which was not declared on the original application form. This has since been corrected by the agent. Secondly, the objector raised concerns over the accuracy of the map submitted and the type of map. I am content that following updates the maps clearly show what is

on the site and adjoining the site and the maps are accurate. The objector also raised queries as to why they weren't neighbour notified. The principle planner spoke with the objector and advised on this. Further objections were received relating works being proposed on lands which are not within the applicants control.

Characteristics of the Site and Area

The site is located within the open countryside, outside any defined settlement limits and within an area of outstanding natural beauty as per the Magherafelt Area Plan 2015. The site itself includes an existing two storey dwelling with a mature hedge running along the south western boundary. The roadside boundary is undefined with a shared laneway running along the north eastern boundary of the site with an old stone wall and outbuilding located here also. The north western boundary is undefined and third party farm buildings are located beyond this. The surrounding area is mainly agricultural lands with single dwellings located sporadically throughout.

Description of Proposal

This is a full planning application for a proposed boundary wall/fence.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

Magherafelt Area Plan 2015
Strategic Planning Policy Statement (SPPS)
Addendum to PPS 7- Residential Extensions and Alterations

The SPPS provides a regional framework of planning policy that will be taken into account of in 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. Paragraph 6.137 of the SPPS advises that residential extensions should be well designed.

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
- (b) The proposal does not unduly affect the privacy or amenity of neighbouring residents;
- (c) The proposal will not cause the unacceptable loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality; and

(d) Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles.

Original plans proposed a wall 1.5m high with a close board fence taking the total height to 3m, running along the north western boundary and then along the corner along the shared laneway until it meets an existing outbuilding. However, amendments were received where the proposed wall has been reduced to a total height of 2.7m high and is now only proposed along the north western boundary to separate the site between the dwelling and the third party farm buildings behind this. Planting has also been proposed within the curtilage of the site to aid the integration. I am content the proposal will not detract from the appearance and character of the surrounding area.

I have no concerns about residential privacy or amenity given the location of the proposed wall and the lack of residential properties at this side. The proposed wall/fence is to provide privacy to the applicants home.

The proposal will not cause the loss of, or damage to, trees or other landscape features which contribute significantly to local environmental quality. The proposal includes additional planting which will aid the local environmental quality on the site.

Sufficient space remains within the curtilage of the property for recreational and domestic purposes including the parking and manoeuvring of vehicles. From such, I am content the proposal fully complies with Policy EXT 1 of addendum to PPS 7.

Other Material Considerations

With regards the objectors points over land ownership although this is a civil matter, I am content that the correct application form has been submitted and the correct certificate has been completed by the applicant. Two pieces of land were questioned, the first directly to the rear of the applicants property stating the red line was within an area outside their ownership. However, having measured the red line of the site location against a land registry folio and another map supplied by the objector I am content the red line is accurate and appears to be within the applicants ownership. There was another issue of land ownership raised by the objector relating to a piece of land along the shared laneway adjacent the site where initial plans proposed a wall to be built however, following a discussion with the principle planner the red line was slightly amended and removed the outbuilding and piece of land adjacent the laneway and the proposal of a wall/fence at this location was also removed from the plans. Therefore, I am content the Planning Department has received the correct application form and the correct ownership certificates have been completed as part of this application and it is a valid application. Any permission granted does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development, any issues over land ownership are a civil matter.

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

Reason: As required by Section 105 of the Planning Act (Northern Ireland) 2011

Condition 2

All proposed planting shown on stamped drawing No. 02 Rev A shall be carried out in the first planting season following the commencement of the construction of the development hereby approved.

Reason: To ensure the development integrates into the countryside.

Signature(s): Ciaran Devlin

Date: 17 October 2022

ANNEX	
Date Valid	17 May 2022
Date First Advertised	28 June 2022
Date Last Advertised	28 June 2022
Details of Neighbour Notification (all addresses) <p>The Owner / Occupier 27 Glengomna Road Draperstown Londonderry BT45 7JQ</p>	
Date of Last Neighbour Notification	30 September 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> <p>Ref: H/2000/0452/F Proposals: Replacement dwelling Decision: PG Decision Date: 19-SEP-00</p> <p>Ref: H/2014/0288/F Proposals: Proposed change of access to recently approved farm dwelling and garage H/2014/0126/O Decision: PG Decision Date: 23-MAR-15</p> <p>Ref: LA09/2015/0098/RM Proposals: Proposed dwelling and garage Decision: PG Decision Date: 24-JUL-15</p> <p>Ref: H/2014/0126/O Proposals: Proposed farm dwelling and garage Decision: PG Decision Date: 19-JUN-14</p>	

Ref: LA09/2022/0641/F

Proposals: Proposed boundary wall/fence

Decision:

Decision Date:

Ref: LA09/2017/1121/F

Proposals: Proposed two storey replacement dwelling and garage

Decision: PG

Decision Date: 23-NOV-17

Ref: H/2002/0430/Q

Proposals: Site for Dwelling.

Decision: 300

Decision Date: 24-MAY-02

Ref: H/2009/0359/O

Proposals: Site of proposed dwelling and garage

Decision: PR

Decision Date: 17-NOV-10

Ref: H/2011/0296/F

Proposals: Proposed farm dwelling and garage

Decision: PG

Decision Date: 28-NOV-12

Ref: H/2003/0912/F

Proposals: Dwelling and garage.

Decision: PR

Decision Date: 30-OCT-05

Ref: H/2011/0224/F

Proposals:

Proposed dwelling and garage on a farm

Decision: PG

Decision Date: 26-JUL-11

Ref: H/1978/0178

Proposals: RETIREMENT BUNGALOW WITH GARAGE

Decision: PG

Decision Date:

Summary of Consultee Responses

-

Drawing Numbers and Title

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

Notification to Department (if relevant)

Not Applicable

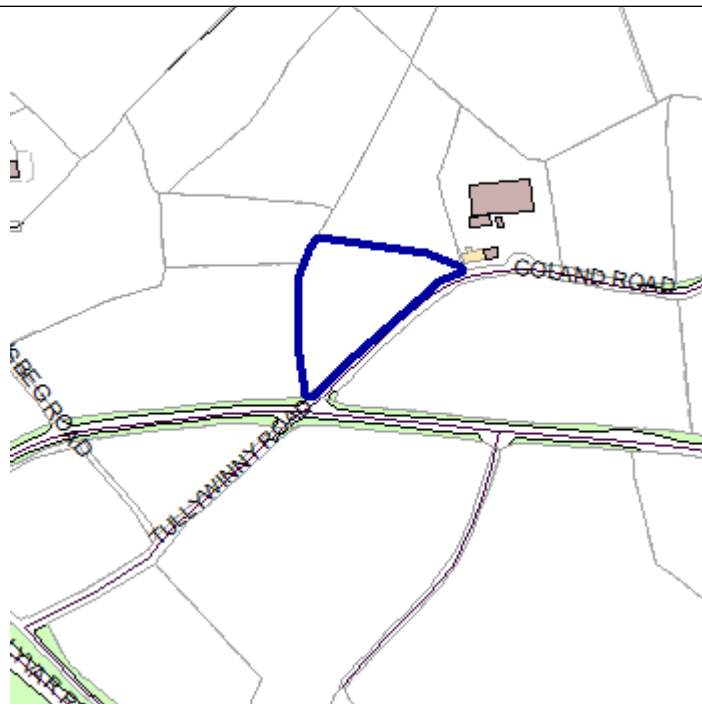


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.17
Application ID: LA09/2022/0651/F	Target Date: 1 September 2022
Proposal: Change of house type and garage with all associated landscaping and site works in substitution for that previously approved under application reference M/2013/0341/F & Subsequently LA09/2015/0595/F	Location: Lands Approx. 70M South West Of 6 Goland Road Ballygawley BT70 2NQ
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Darragh McAnenly & Caoimhe Glass 11 Richmond Lane Ballygawley Dungannon BT70 2AN	Agent Name and Address: Mark Hackett 21 Church Street Ballygawley Dungannon BT70 2HA
Executive Summary: No foundations in place at the application site. The access has not fully been put in place according to pre-commencement conditions.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	LA09-2022-0651-F - 6 Goland Road Ballygawley - Response.docx

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site is outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is predominantly rural in character with agricultural fields, dispersed single dwellings and farm complexes. There is minimal

development pressure for single dwellings along this stretch of public road. The predominant land use in the area is agricultural grazing land. The land mass in the immediate area of the application site does not afford long distance views, given the winding nature of the road.

In terms of the application, the northern boundary of the site is undefined on the ground. The eastern boundary of the site is bounded by distribution (safety clothing/equipment) business. The southern roadside boundary of the site is defined by 1m grass verge and mature native species hedge row approx. 2m high. The western boundary of the site is defined by mature native species hedge row. There is no defined characteristic design of dwelling in the area.

Description of Proposal

This is a full application for a change of house type and garage with all associated landscaping and site works in substitution for that previously approved under application reference M/2013/0341/F & Subsequently LA09/2015/0595/F at Lands Approx. 70M South West Of 6 Goland Road Ballygawley.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Representations

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

Planning History

M/2011/0046/F - Dwelling on a farm - 45 Metres East Of 6 Goland Road Aughnacloy – Permission Granted 13th March 2012

M/2013/0341/F - Amendment of Planning Approval M/2011/0046/F in relation to siting - Adjacent To 6 Goland Road, Aughnacloy - Permission Granted 26th March 2014

LA09/2015/0595/F - Amendment of access as approved under M/2013/0341/F - Adjacent To 6 Goland Road, Aughnacloy - Permission Granted 23rd November 2015

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. All valid representations received have been subject to a Counter Representation period. In light of this, the draft plan does not carry the determining weight associated with the adopted plan.

Dungannon and South Tyrone Area Plan 2010

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

SPPS – Strategic Planning Policy Statement for Northern Ireland: sets out that Planning Authorities should be guided by the principle that sustainable development should be permitted, having regard to the local development plan and other material considerations unless the proposed development will cause demonstrable harm to interests of acknowledged importance.

PPS 21 Sustainable Development in the Countryside

Policy CTY 1 of PPS 21 sets out the range of types of development which, in principle, are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development.

The principal of this development has already been established through planning approvals M/2011/0046/F and M/2013/0341/F. The full approval was granted on 13th March 2012 for a dwelling on a farm, therefore, works at this site would need to have commenced before 13th March 2017. There was an access pre-commencement condition on M/2011/0046/F.

Condition 4 stated

“The vehicular access, including visibility splays and any forward sight line, shall be provided in accordance with the approved plans, prior to the commencement of any works or other development hereby permitted and shall be retained and kept clear thereafter”

M/2013/0341/F granted approval for an amended siting and there was also a pre-commencement access condition. M/2013/0341/F was granted approval on the 26th March 2014 so the applicant had three years to commence from this date.

When I visited the site, I saw no evidence of foundations in place for either the dwelling or garage. The agent confirmed no foundations are in place at the site and only a small amount of soil has been moved. Condition 1 of M/2013/0341/F granted another 3 years from this date to commence work at the site. The development is the dwelling and garage so to have commenced some works for either need to have been started within the 3-year period from 26th March 2014.

Section 63 2(a)

For the purposes of sections 61 and 62, development shall be taken to be begun on the earliest date on which any of the following operations comprised in the development begins to be carried out—

where the development consists of or includes the erection of a building, any work of construction in the course of the erection of the building

I do not consider this development has commenced and there is no legitimate fall-back position as no works have commenced in the erection of the building.

In terms of the access pre-commencement condition, LA09/2015/0595/F granted approval for an amendment to an access approved under M/2013/0341/F. Figures 1 and 2 show what access has been put in place. In discussions with the Planning Manager it was agreed that the access is not in place. Works have created an opening and visibility splays but no concrete/gravel has been laid for the access lane.



Figure 1 – Google image from July 2021 of the access



Figure 2 – Google image from July 2021 of the access

CTY 13 – Integration in the Countryside

M/2013/0341/F granted approval for the dwelling as shown below in figure 3 and figure 4 shows the proposed dwelling in this application.



Figure 3 – Snapshot from planning approval M/2013/0341/F



Figure 4 – Snapshot of proposed dwelling in this application

In terms of the design, I consider the new design is more acceptable as a dwelling in the countryside. When viewed from the roadside the front elevation will be a simple form of a traditional dwelling with windows with a vertical emphasis and a small porch. The form will be an L shaped and a long section extending from the rear wall. There are minimal long-distance views in all directions so I am content the proposal will not be a prominent feature in the landscape. The dwelling has been pushed further back on the site and more into the slope than previously approved. The topography at the site rises up at the southwest corner at 116m to a slope of 124m. The proposed dwelling will cut into the slope as the dwelling is at 124m and the curtilage of the dwelling extended. I consider the amended siting will not have an unacceptable impact on neighbouring amenity or integration into the landscape.

There are established trees along the rear boundary and a post and wire fence along the northeast boundary. There is hedging along the roadside boundary but some of these needs removed for the visibility splays and the west boundary is undefined. The applicant has shown additional trees and hedging along the undefined boundaries which will assist in the integration into the landscape.

In addition, to the northeast of the site there are light industrial sheds for PJD Safety Supplies which has external materials of light grey metal sheeting. In the context of the buildings in the surrounding area I am content the dwelling and garage will integrate into the landscape.

CTY 14 – Rural Character

I am content the proposal will not be unduly prominent in the landscape as the principle of development as already been established at this site through previous approvals. I consider a dwelling in this location will not be detrimental to rural character as I have no concerns about the scale, massing and design of the dwelling and garage.

Other Considerations

I checked the statutory map viewers and I am content there are no ecological, built heritage or flooding issues at the site.

Summary of Recommendation:

Refuse is recommended

The proposal is recommended for refusal as it has not commenced within the required time period.

Refusal Reasons**Reason 1**

Contrary to CTY 1 of PPS 21 in that it has not been demonstrated there is a legitimate fall-back position in that no evidence has been provided to show the dwelling approved has begun in accordance with the requirements of Section 63 (2) of the Planning Act (NI) 2011.

Signature(s): Gillian Beattie

Date: 19 October 2022

ANNEX	
Date Valid	19 May 2022
Date First Advertised	30 June 2022
Date Last Advertised	30 June 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 6 Goland Road Ballygawley Tyrone BT70 2NQ The Owner / Occupier PJD Safety Supplies, Goland Road, Aughnacloy, BT70 2NQ.	
Date of Last Neighbour Notification	25 August 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: M/2011/0046/F Type: F Status: PG Ref: M/2011/0438/F Type: F Status: PG Ref: M/2013/0385/PREAPP Type: PREAPP Status: EOLI Ref: LA09/2022/0464/F Type: F Status: PCO Ref: M/2013/0341/F Type: F Status: PG Ref: LA09/2022/0651/F Type: F	

Status: PCO

Ref: LA09/2015/0595/F

Type: F

Status: PG

Ref: LA09/2017/1157/F

Type: F

Status: PG

Ref: LA09/2015/0650/F

Type: F

Status: PG

Ref: M/2012/0090/F

Type: F

Status: PG

Ref: M/2014/0180/F

Type: F

Status: PG

Ref: LA09/2020/0998/F

Type: F

Status: PG

Ref: M/2015/0169/F

Type: F

Status: PG

Ref: LA09/2022/0431/F

Type: F

Status: PG

Summary of Consultee Responses

DFI Roads - Enniskillen Office-LA09-2022-0651-F - 6 Goland Road Ballygawley - Response.docx

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Site Layout or Block Plan Plan Ref: 02 Rev 1

Proposed Plans Plan Ref: 03

Proposed Elevations Plan Ref: 04

Garage Plans Plan Ref: 05

Notification to Department (if relevant)

Not Applicable

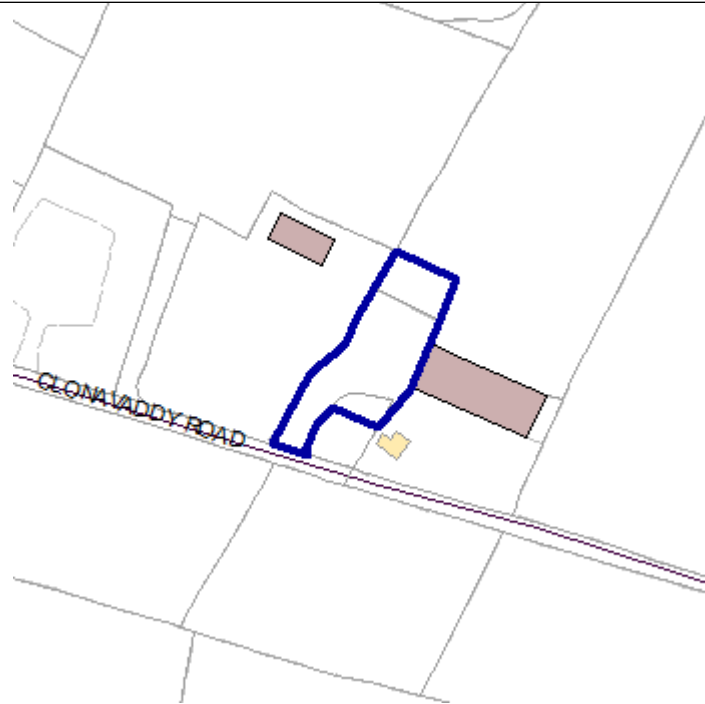


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.18
Application ID: LA09/2022/0686/O	Target Date: 9 September 2022
Proposal: Proposed Dwelling	Location: Lands Immediately West And Adjacent To 115 Clonavaddy Road Galbally Dungannon
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Blaine Nugent 115 Clonavaddy Road Galbally Dungannon	Agent Name and Address: McKeown & Shields Associates Ltd 1 Annagher Road Coalisland
Executive Summary: Development opportunity sold off from the farm on the 15th September 2021 which is within the past 10 years.	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	DFI Roads - Enniskillen Office	LA09-2022-0686-O - 115 Clonavaddy Road - Response.docx LA09-2022-0686-O - 115 Clonavaddy Road - RS1 Form.doc
Non Statutory Consultee	DAERA - Omagh	LA09-2022-0686-O.DOCX See 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

Characteristics of the Site and Area

The site is in the countryside and outside any settlement limits as defined in the Dungannon and South Tyrone Area Plan 2010. The surrounding area is rural in character and is predominantly dwellings on single plots, groups of farm buildings and agricultural fields. There is minimal development pressure in the area from the construction of single dwellings. Adjacent to and west of the application site is the associated farm holding where there is a two-storey dwelling and agricultural sheds.

The roadside portion of the site is an area of derelict land with established hedging along the roadside boundary. The northern part of the site is a cut-out of a larger agricultural field. The boundary treatment along the rear portion of the site is a post and wire fence.

Description of Proposal

This is an outline application for a dwelling at lands Immediately West And Adjacent To 115 Clonavaddy Road, Galbally, Dungannon.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

Representations

Press advertisement has 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 are no planning histories at the application site.

Mid Ulster Development Plan 2030 – Draft Plan Strategy

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

Dungannon and South Tyrone Area Plan 2010

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

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

Planning Policy Statement 21

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

CTY 10 – Dwelling on a Farm

DAERA confirmed the farm business ID as stated on the P1C form has been in existence for over 6 years and the farm has claimed farm subsidies for the past 6 years. Overall, I am content the farm business has been active for the past 6 years and is currently an active and established business.

The applicant provided 2021 DAERA farm boundary maps and I completed checks for any approvals on the farm holding. The current owners of M/2208/0734/RM are Blaine and Ryan Nugent and this was transferred from Ignatius and Siobhan Nugent on the 16th January 2012. As this transfer is outside the 10 year period from the date of this application on the 26th May 2022 I have no concerns.

LA09/2021/0566/F granted approval for a change of house type of M/2012/0433/F on the 8th July 2021. The principle of a live approval was confirmed in this 2012 permission. A land registry check showed this site was transferred to Francesa Glynn and Conal McGarrity on the 15th September 2021 and the previous landowner was Blaine Nugent. The applicant on LA09/2021/0566/F was Conal McGarrity. As this site is shown within the existing farm holding and has now been transferred to a third party, I consider this is a sell-off from the farm holding within the past 10 years and fails this criteria of CTY 10.

To the east of the site is the associated farm holding at No. 115 Clonavaddy Road. The farm has a roadside frontage onto Clonvaddy Road with no boundary treatment along the road. The farm holding comprises an existing two-storey dwelling and gravelled yard facing onto the road. To the rear of the dwelling are several agricultural sheds. The

applicant has indicated on the site location plan they wish to site the dwelling in the northern portion in the cut-out of the larger field. I am content siting the dwelling in this location will still cluster with the farm holding. The site will be accessed via an existing lane off the Clonvaddy Road, and I consider accessing the site through No. 115 would not be acceptable on health and safety grounds as this is through a busy farm yard.

Overall, I consider the proposal fails to meet all the criteria in CTY 10 for a dwelling on a farm.

CTY 13 – Integration and Design of Buildings in the Countryside

The application site is a portion of land to the west of the farm holding at No. 115. I consider it is appropriate to condition the siting and curtilage of the dwelling to the northern portion of the site. I am content a dwelling in this location will cluster with adjoining farm buildings and not have the potential to be a prominent feature in the landscape. I would recommend additional planting around the undefined boundaries to assist in integration. The design of the dwelling will be considered at the reserved matters stage.

On balance I consider this dwelling will integrate into the landscape and meets all the criteria for CTY 13.

CTY 14 – Rural Character

I am content the dwelling will not be a prominent feature as discussed earlier in the assessment. I consider the proposal will not result in a suburban style build-up of development as it is for a single dwelling beside an existing farm grouping and there is minimal development pressure in the surrounding area. Overall, the proposal will not have a detrimental impact on rural character.

PPS 3 Access, Movement and Parking

AMP 2 – Access to Public Roads

Their consultation response had no concerns subject to conditions about visibility splays of 2.4m x 60m in both directions.

Other Considerations

I have completed a check on the statutory map viewers, and I have no ecological, built heritage, flooding or residential amenity concerns.

Summary of Recommendation:

Refuse is recommended

The proposal is recommended for refusal as it fails to meet all the criteria in CTY 10 – Dwelling on a Farm in PP2S 21.

Refusal Reasons

Reason 1

Contrary to CTY 10 - Dwelling on a Farm in PPS 21 in that a development opportunity has been sold off to a third party within the past 10 years.

Signature(s): Gillian Beattie

Date: 13 October 2022

ANNEX	
Date Valid	27 May 2022
Date First Advertised	30 June 2022
Date Last Advertised	30 June 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier No Neighbours	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: M/1991/0349 Type: F Status: PCO Ref: M/2005/1128/O Type: O Status: PG Ref: M/2008/0734/RM Type: RM Status: PG Ref: M/2005/0490/O Type: O Status: APPRET Ref: LA09/2022/0686/O Type: O Status: PCO Ref: M/2006/0767/O Type: O	

Status: PR

Ref: M/1980/0386

Type: H13

Status: PG

Ref: LA09/2020/0992/O

Type: O

Status: PDE

Ref: M/2004/0775/O

Type: O

Status: APPRET

Summary of Consultee Responses

DFI Roads - Enniskillen Office-LA09-2022-0686-O - 115 Clonavaddy Road -
Response.docxLA09-2022-0686-O - 115 Clonavaddy Road - RS1 Form.doc
DAERA - Omagh-LA09-2022-0686-O.DOCXSee uploaded document

Drawing Numbers and Title

Site Location Plan Plan Ref: 01

Notification to Department (if relevant)

Not Applicable

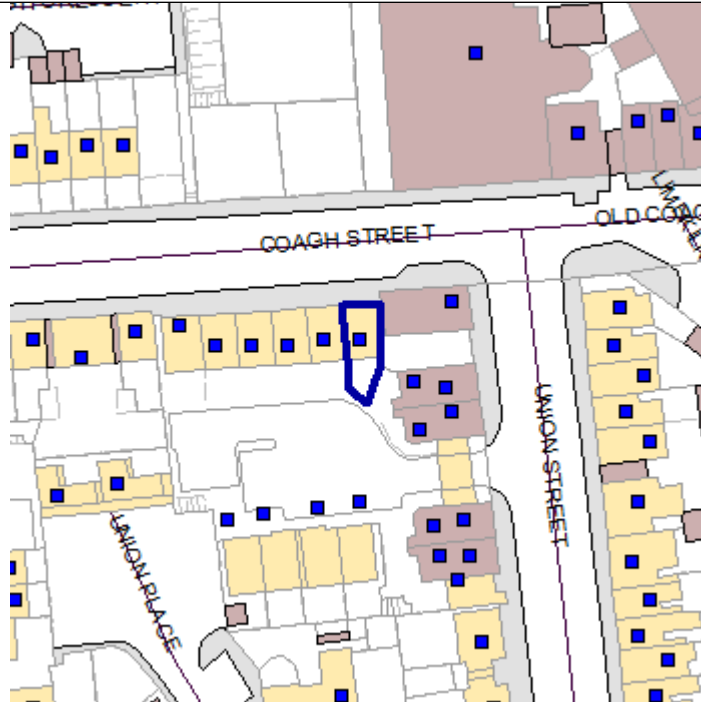


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.19
Application ID: LA09/2022/0727/F	Target Date: 21 September 2022
Proposal: Proposed change of use from a dwelling to nail bar and beauty parlour with alterations to the front windows and retention of parking to the basement and rear	Location: 45B Coagh Street Cookstown BT80 8NG
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mr Colin Thompson 1 Drumnamalta Road Cookstown Tyrone BT80 9LF	Agent Name and Address: PDC Chartered Surveyors 52 Tullyreavy Road Cookstown BT70 3JJ
Executive Summary: The application is presented to committee as the agent works for MUDC - Mr Patrick Conlon.	

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

No issues. No representations.

Characteristics of the Site and Area

The site is located at 45B Coagh Street, Cookstown and it is an end of terrace two storey building. The building has a render finish and there appears to be car parking available to the rear of the property as well as on street parking available to the front. The current use of the site is residential and there is a mix of uses found within close proximity to the

site. Opposite the site is the 'Royal Hotel' and there appears to be residential properties at either side of the building. The site is located close to the town centre and thus a mix of uses are found nearby.

Description of Proposal

Full planning permission is sought for a proposed change of use from a dwelling to nail bar and beauty parlour with alterations to the front windows and retention of parking to the basement and rear. The application is presented to the Committee on the basis that the agent works within MUDC - Patrick Conlon.

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: 1, 2 Union Street and 45a and 47 Coagh Street. 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

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

The Cookstown Area Plan 2010 identify the site as being located within the development limits of Cookstown Town Centre which gives favourable consideration to proposals subject to criteria outlined within the plan policy. The application site is indicated as an opportunity site within the plan which has since been developed. There are no other specific designations or zonings within the Plan.

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

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.

This proposal will have minimal impact on the external appearance of the building, with the only noticeable change being to the ground floor windows on the front elevation. There will be one large single window which would be the new shop front for the beauty/nail salon, rather than the two smaller windows which currently exist. The agent/applicant has shown “future sign” on the front elevation, however this will have to be applied for under a separate application. Informatives will be attached to any forthcoming approval for this change of use application noting that advertisements must be applied for separately. The proposed works to the inside of the building are related more so with the use change. I do not consider there would be any negative impact on the amenity of surrounding residential dwellings as a result of this application due to the nature of the use change, noting that odour or noise issues is not something which would typically be associated with a nail/beauty salon, hence Environmental Health were not deemed necessary to be consulted.

DfI Roads were not consulted as there is considered to be adequate car parking available around the site, including on street car parking which will cater for the proposed use change.

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

The development hereby permitted shall be begun before the expiration of 5 years from

the date of this permission.

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

Informative 1

This approval does not apply to any signs or advertising material which the developer or occupier may wish to erect at the premises.

Informative 2

Signs may require separate approval under the Planning (Control of Advertisements) Regulations (NI) 1992. Their size, construction, content and siting should be approved by the Council BEFORE any such signs are erected. **Signature(s):** Sarah Duggan

Date: 17 October 2022

ANNEX	
Date Valid	8 June 2022
Date First Advertised	28 June 2022
Date Last Advertised	28 June 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier 47 Coagh Street Cookstown Tyrone BT80 8NG The Owner / Occupier 45a Coagh Street Cookstown Tyrone BT80 8NG The Owner / Occupier 1 Union Court Cookstown Tyrone BT80 8XT The Owner / Occupier 2 Union Court Cookstown Tyrone BT80 8XT	
Date of Last Neighbour Notification	27 June 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u>	
Summary of Consultee Responses	
-	
Drawing Numbers and Title Site Location Plan Plan Ref: 01 Elevations and Floor Plans Plan Ref: 02 Existing Plans Plan Ref: 03 Photograph Plan Ref: 04	

Notification to Department (if relevant)

Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.20
Application ID: LA09/2022/1226/O	Target Date: 17 November 2022
Proposal: Proposed Site for Dwelling and Domestic Garage	Location: 100M South Of No. 25A Cloane Road Draperstown BT45 7EJ At The Junction Of Cloane Road And Cloane Lane
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Mark Quinn 1 The Brambles Station Road Magherafelt BT45 5RY	Agent Name and Address: CMI Planners Ltd 38B Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	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

The proposal is contrary to policy.

Characteristics of the Site and Area

The site is located approximately 2km North of the development limits of Draperstown and is located within the open countryside outside any other designations as per the Magherafelt Area Plan 2015. The red line of the site is the northern corner of an existing

larger agricultural field which is relatively flat in nature with shrubs and grass within the field. The eastern boundary is defined by mature trees, with a mature hedge row defining the roadside boundary. The northern boundary is defined by a post and wire fence. The site is located adjacent to the crossroads of Cloane Lane to the north and Cloane Road to the west. The surrounding area is mainly agricultural in nature with single dwellings located throughout.

Representations

No third party representations have been received.

Relevant Site History

LA09/2022/1230/O- Proposed Site for Dwelling and Domestic Garage. 155m South of No.25A Cloane Road, Draperstown. Pending Consideration

LA09/2020/0970/O- Dwelling and garage. Approx. 250M South Of 25 Cloane Road, Draperstown. Permission Granted 5th May 2021

LA09/2021/1532/RM- Dwelling and domestic garage. 250M South Of 25 Cloane Road, Draperstown. Permission Granted 25th January 2022.

Description of Proposal

This is outline planning application for a proposed site for a dwelling and domestic garage.

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 do not believe there is a cluster of development which lies outside of a farm. The agent has shown on the site location plan they believe there are three plots to the north of the site which are shown as No.25 and an associated outbuilding, No.25a and an associated outbuilding and then plot 3 which appears to be an agricultural field and farm buildings to the north of this. However, having viewed these on the ground and reviewed ortho images it is clear the buildings in plot 3 are farm buildings with another farm building to the north of these at the rear of No.25. From this, there is no cluster as there are only three buildings identified as the outbuildings and garages have to be excluded.

- *The cluster appears as a visual entity in the local landscape*
- *The cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads.*

With regards the above policy criteria, there is no existing cluster as per the policy definition so it fails to meet the above policy. It is noted that the site is located adjacent to 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.*

The site is not bounded by development on any sides. The agent has identified plot three directly adjacent to the north (separated by the Cloane Lane) but this plot adjacent the site is an agricultural field.

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

As mentioned, the site is not bounded on at least two sides and there is not an existing cluster.

- *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. However, I am content a well-designed dwelling at this location would not be a prominent feature in the landscape and would visually integrate into the surrounding landscape given the mature tree boundaries which would provide a backdrop.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As the proposal cannot meet the policy criteria set out in Policy CTY2a, I believe any dwelling approved here would result in the erosion of the rural character of the area.

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 there is not an existing cluster of development at this location; the site lacks a suitable degree of enclosure and is not bounded on at least two sides with other development and the development cannot be absorbed into an existing cluster.

Reason 3

The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would erode the rural character of the area.

Signature(s): Ciaran Devlin

Date: 17 October 2022

ANNEX	
Date Valid	4 August 2022
Date First Advertised	16 August 2022
Date Last Advertised	16 August 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier No Neighbours	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: LA09/2020/0970/O Proposals: Dwelling and garage Decision: PG Decision Date: 05-MAY-21 Ref: H/2003/1190/O Proposals: Site of one and a half storey dwelling and garage. Decision: PG Decision Date: 07-DEC-04 Ref: LA09/2022/1230/O Proposals: Proposed Site for Dwelling and Domestic Garage. Decision: Decision Date: Ref: LA09/2022/1226/O Proposals: Proposed Site for Dwelling and Domestic Garage Decision: Decision Date:	

Summary of Consultee Responses
DFI Roads - Enniskillen Office-Outline resp.docx
Drawing Numbers and Title
Site Location Plan Plan Ref: L01
Notification to Department (if relevant)
Not Applicable



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.21
Application ID: LA09/2022/1230/O	Target Date: 17 November 2022
Proposal: Proposed Site for Dwelling and Domestic Garage.	Location: 155M South Of No.25a Cloane Road Draperstown BT45 7EJ
Referral Route: Refuse is recommended	
Recommendation: Refuse	
Applicant Name and Address: Mr Mark Quinn 1 The Brambles Station Road Magherafelt BT45 5RY	Agent Name and Address: CMI Planners Ltd 38B Airfield Road The Creagh Toomebridge BT41 3SQ
Executive Summary:	

Case Officer Report

Site Location Plan



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Consultations:

Consultation Type	Consultee	Response
Statutory Consultee	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

The proposal is contrary to policy.

Characteristics of the Site and Area

The site is located approximately 2km North of the development limits of Draperstown and is located within the open countryside outside any other designations as per the Magherafelt Area Plan 2015. The red line of the site is the southern corner of an existing

larger agricultural field which is relatively flat in nature with shrubs and grass within the field. The eastern boundary is defined by mature trees, with a mature hedge row defining the roadside boundary. The northern boundary is currently undefined with a laneway running adjacent to the southern boundary separating the application site from a dwelling under construction to the south. The surrounding area is mainly agricultural in nature with single dwellings located throughout.

Representations

No third party representations have been received.

Relevant Site History

LA09/2022/1226/O- Proposed Site for Dwelling and Domestic Garage. 100m South of No.25A Cloane Road, Draperstown. Pending Consideration

LA09/2020/0970/O- Dwelling and garage. Approx. 250M South Of 25 Cloane Road, Draperstown. Permission Granted 5th May 2021

LA09/2021/1532/RM- Dwelling and domestic garage. 250M South Of 25 Cloane Road, Draperstown. Permission Granted 25th January 2022.

Description of Proposal

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

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 do not believe there is a cluster of development which lies outside of a farm. The agent has shown on the site location plan they believe there are three plots to the north of the site which are shown as No.25 and an associated outbuilding, No.25a and an associated outbuilding and then plot 3 which appears to be an agricultural field and farm buildings to the north of this. However, having viewed these on the ground and reviewed ortho images it is clear the buildings in plot 3 are farm buildings with another farm building to the north of these at the rear of No.25 as seen in the image below. From this, there is no cluster as there are only three buildings identified as the outbuildings and garages have to be excluded.

- *The cluster appears as a visual entity in the local landscape*
- *The cluster is associated with a focal point such as a social / community building/facility, or is located at a cross-roads.*

With regards the above two points, there is no existing cluster as per the policy so it fails to meet the above policy. It is noted that the site is located south of 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.*

The site is bounded on the southern side by a dwelling currently under construction approved under applications LA09/2020/0970/O & LA09/2021/1532/RM. The site is not bounded on any other sides by development.

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

As mentioned, the site is not bounded on at least two sides and there is not an existing cluster.

- *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. However, I am content a well-designed dwelling at this location would not be a prominent feature in the landscape and would visually integrate into the surrounding landscape given the mature tree boundaries which would provide a backdrop.

Policy CTY 14 states that planning permission will be granted for a building in the countryside where it does not cause a detrimental change to, or further erode the rural character of an area. As the proposal cannot meet the policy criteria set out in Policy CTY2a, I believe any dwelling approved here would result in the erosion of the rural character of the area.

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 there is not an existing cluster of development at this location; the site lacks a suitable degree of enclosure and is not bounded on at least two sides with other development and the development cannot be absorbed into an existing cluster.

Reason 3

The proposal is contrary to Policy CTY 14 of Planning Policy Statement 21, Sustainable Development in the Countryside in that the proposal would erode the rural character of the area.

Signature(s): Ciaran Devlin

Date: 18 October 2022

ANNEX	
Date Valid	4 August 2022
Date First Advertised	16 August 2022
Date Last Advertised	16 August 2022
Details of Neighbour Notification (all addresses) The Owner / Occupier No Neighbours	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: LA09/2022/1230/O Proposals: Proposed Site for Dwelling and Domestic Garage. Decision: Decision Date: Ref: LA09/2020/0970/O Proposals: Dwelling and garage Decision: PG Decision Date: 05-MAY-21 Ref: LA09/2022/1226/O Proposals: Proposed Site for Dwelling and Domestic Garage Decision: Decision Date:	
Summary of Consultee Responses DFI Roads - Enniskillen Office-Outline resp.docx	

Drawing Numbers and Title

Site Location Plan Plan Ref: L01

Notification to Department (if relevant)

Not Applicable

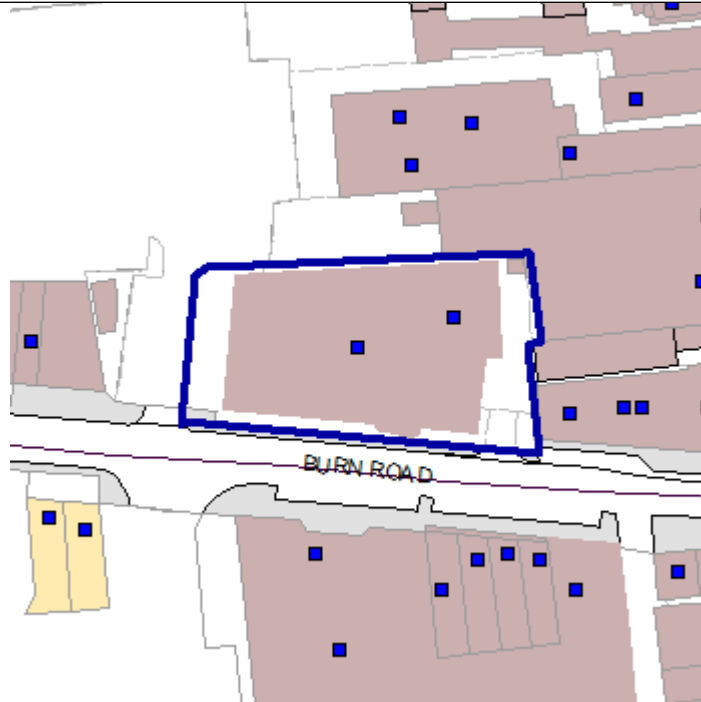


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 1 November 2022	Item Number: 5.22
Application ID: LA09/2022/1369/A	Target Date: 23 December 2022
Proposal: 2 No Outdoor LED Video Wall	Location: The Burnavon Arts And Culture Centre Burn Rd, Cookstown
Referral Route: Approve is recommended	
Recommendation: Approve	
Applicant Name and Address: Mid Ulster District Council 50 Ballyronan Road Magherafelt BT45 6EN	Agent Name and Address: The Burnavon Arts And Culture Centre Burn Rd, Cookstown BT80 8DN
Executive Summary: The proposal is for the installation of 2 no. LED video walls to the front and car park side of The Burnavon Arts and Culture Centre which is operated by Mid Ulster District Council.	

Case Officer Report

Site Location Plan



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Consultations:

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

Representations:

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

Summary of Issues

Characteristics of the Site and Area

The site is located within the development limits of Cookstown, as defined in the Cookstown Area Plan 2010. The site is identified as The Burnavon Arts and Culture Centre, Burn Road, Cookstown, BT80 8DN.

Representations

No third-party representations have been received in relation to this application.

Description of Proposal

The application seeks consent for 2 No. outdoor LED video walls.

Planning Assessment of Policy and Other Material Considerations

Policy Consideration

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

1. Strategic Planning Policy Statement (SPPS);
2. Cookstown Area Plan 2010: This site is located within the development limits of Cookstown.
3. Planning Policy Statement (PPS) 17 – Control of Outdoor Advertisements;
4. Mid Ulster Development Plan 2030 – Draft Plan Strategy

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. The SPPS states that the regional strategic objectives for the control of advertisements are to:

- Ensure that outdoor advertisements respect the amenity and do not prejudice public safety, including road safety; and
- Help everyone involved in the display of outdoor advertisements contribute positively to the appearance of a well-cared for and attractive environment in our cities, towns, villages and countryside.

PPS 17 lays out the planning policy and guidance for the control of outdoor advertisements. Policy AD 1 Amenity and Public Safety states that consent will be given for the display of an advertisement where;

- i. It respects amenity, when assessed in the context of the general characteristics of the locality; and
- ii. It does not prejudice public safety.

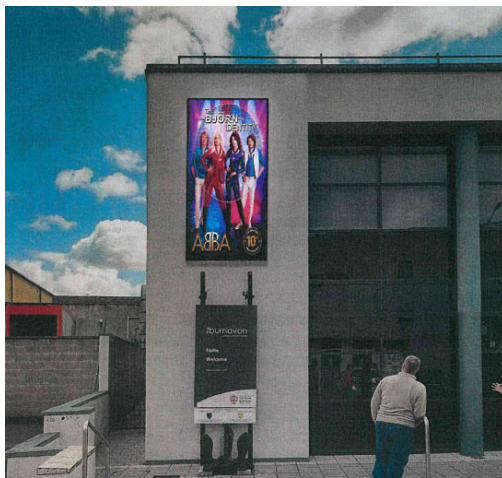
The guidance set out in Annex A for different categories of outdoor advertisement will be considered in the assessment of this proposal.

In terms of PPS 17, Policy AD 1 states consent will be given where the proposed signage respects the amenity, when assessed in the context of the general characteristics of the locality and it does not prejudice public safety.

Amenity

The application site is located within the development limits of Cookstown, in an area of mixed use. I consider the size and scale of the proposed LED video walls to be appropriate for the location. There are a number of other businesses in the vicinity of the application site and this end of Burn Road in particular features a lot of outdoor advertising, therefore I am content that the current proposal is not detrimental to the character of the surrounding area.

Overall, the size and scale of the proposal is considered appropriate for the location and the design is considered acceptable in relation to the guidelines set out in PPS 17.



Proposed locations for LED video walls

Public Safety

DfI Roads have been consulted in relation to this application and have responded with no objections therefore public safety is not considered an issue.

Mid Ulster Local Development Plan 2030 – Draft Plan Strategy

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

Summary of Recommendation:

Approve is recommended

Approval Conditions

Condition 1

The signs shall be erected in the position shown on the approved Drawing No. L01 uploaded to the portal on 06/09/2022.

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

Signature(s): Zoe Douglas

Date: 18 October 2022

ANNEX	
Date Valid	9 September 2022
Date First Advertised	
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner / Occupier 9B Burn Road Cookstown Tyrone BT80 8DJ The Owner / Occupier 9 Burn Road Cookstown Tyrone BT80 8DJ The Owner / Occupier 39 William Street Cookstown Tyrone BT80 8BD The Owner / Occupier 5B Burn Road Cookstown Tyrone BT80 8DN The Owner / Occupier 4 Burn Road Cookstown Tyrone BT80 8DN The Owner / Occupier 4A Burn Road Cookstown Tyrone BT80 8DN The Owner / Occupier 4B Burn Road Cookstown Tyrone BT80 8DN The Owner / Occupier 4C Burn Road Cookstown Tyrone BT80 8DN	
Date of Last Neighbour Notification	22 September 2022
Date of EIA Determination	
ES Requested	<events screen>
<u>Planning History</u> Ref: I/1997/0453 Proposals: Demolition of Town Hall and erection of new Arts Centre and Theatre, to include Tourist Information Office, Cafe and Exhibition Space etc. Decision: PG Decision Date: Ref: LA09/2020/0988/F Proposals: Proposed change of use from retail to restaurant and take away Decision: PG Decision Date: 29-MAR-21	

Ref: I/2005/1423/F

Proposals: Amendments to the original scheme, a new door opening in retail unit 5a providing access to the unit in the event of power failure to the roller shutter door system

Decision: PG

Decision Date: 20-JAN-06

Ref: I/2004/0950/F

Proposals: Redevelopment of existing retail outlet to provide 3 No. retail units and installation of a new shop front.

Decision: PG

Decision Date: 17-NOV-04

Ref: I/2005/1428/A

Proposals: Shop Sign

Decision: CG

Decision Date: 21-JAN-06

Ref: I/1976/0092

Proposals: CONVERSION TO ELECTRICITY SHOWROOM

Decision: PG

Decision Date:

Ref: I/1984/0312

Proposals: ALTERATIONS TO NIES SHOWROOM

Decision: PG

Decision Date:

Ref: I/1994/0167

Proposals: Erection of Satellite Dish

Decision: PG

Decision Date:

Ref: I/1985/0226

Proposals: EXTENSION TO EXISTING SHOP PREMISES

Decision: PG

Decision Date:

Ref: I/1988/0009

Proposals: ALTERATIONS TO EXISTING SHOP FRONT

Decision: PG

Decision Date:

Ref: LA09/2021/0870/F

Proposals: To change the use of the permission without complying with condition 2 (seeking variation of opening hours from 9.00am to 3.00am

Decision: PG
Decision Date: 12-OCT-21

Ref: I/2010/0021/F
Proposals: Replacing the existing recessed shop front on the ground floor with a new frameless glass shop front flush with the front elevation

Decision: PG
Decision Date: 23-FEB-10

Ref: I/1990/0149
Proposals: Extension to Shop Premises
Decision: PG
Decision Date:

Ref: I/1975/0051
Proposals: ERECTION OF SHOPS AND STORES
Decision: PG
Decision Date:

Ref: I/1980/0379
Proposals: REBUILDING SHOP FRONT AND NEW CANOPY
Decision: PG
Decision Date:

Ref: I/1990/0396
Proposals: Change of use of rear part of first floor of shop to restaurant
Decision: PG
Decision Date:

Ref: I/1986/0104
Proposals: ERECTION OF STORE AND ALTERATION TO EXISTING BOOKMAKERS
Decision: PG
Decision Date:

Ref: I/1985/0033
Proposals: BOOKMAKER'S OFFICE - SHOP AND FLATS ABOVE
Decision: PG
Decision Date:

Ref: I/2011/0183/F
Proposals: Proposed First Floor Extension To Existing Arts+Cultural Centre To Include Additional Performance Space Offices Conference Facilities And Toilets 1 No Retail Unit And Alterations To Existing Service Yard .
Decision: PG
Decision Date: 28-FEB-12

Ref: I/1996/6022

Proposals: Proposed Re-development of Town Hall Burn Road, Cookstown

Decision: QL

Decision Date:

Ref: I/1974/0300

Proposals: RENOVATIONS TO TOWN HALL

Decision: PG

Decision Date:

Ref: I/2003/0593/O

Proposals: Proposed Retail Outlet

Decision: PG

Decision Date: 20-OCT-03

Ref: I/1995/0406

Proposals: Demolition of rear extension and erection of new store for shop

Decision: PG

Decision Date:

Ref: LA09/2021/0132/F

Proposals: Proposed alterations to existing shop units.

Decision: PG

Decision Date: 04-NOV-21

Ref: I/1989/0080

Proposals: Extension to Shop and New Shop Front

Decision: PG

Decision Date:

Ref: LA09/2018/1312/F

Proposals: Proposed part demolition of existing outbuildings to allow for 3 storey apartment scheme consisting of 1 No. one bed & 9 No. two bed apartments with 5 No. insitu parking and amenity spaces.

Decision: PG

Decision Date: 01-OCT-19

Ref: I/2008/0723/F

Proposals: Improvements to footpath paving and road surface, feature lighting columns, replacement brackets/lanterns to existing

Decision: PG

Decision Date: 13-FEB-09

Ref: I/2007/0540/F

Proposals: Proposed part demolition of existing outbuildings to allow for 3 storey apartment scheme consisting of 1No. one bed and 9No. two bed apartments with 5No. insitu parking and amenity spaces.

Decision: PG

Decision Date: 14-MAY-09

Ref: LA09/2022/1369/A

Proposals: 2 No Outdoor LED Video Wall

Decision:

Decision Date:

Ref: I/2001/0879/A41

Proposals: Tourist Information Points

Decision: 205

Decision Date: 13-FEB-02

Summary of Consultee Responses

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

Drawing Numbers and Title

Site Location Plan Plan Ref: PL-01

Proposed Elevations Plan Ref: L01

Proposed Elevations Plan Ref: L02

Notification to Department (if relevant)

Not Applicable